

# STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CONSTRUCTION OF A  
LAND LEASE COMMUNITY

38 SPRING FLAT ROAD, MUDGEE



STIMSON  
URBAN & REGIONAL PLANNING

# STATEMENT OF ENVIRONMENTAL EFFECTS

## Prepared by

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## Client and Land Details

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Client: Lincoln Place  
Subject Site: Lot 3 DP1130059, Lot 1 DP1159038, Lot B 162225  
38 Spring Flat Road, Mudgee  
Proposal: Proposed Construction of a Land Lease Community



**Warwick Stimson RPIA**  
Director



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Version	Date	Comment
1.0	7/6/21	Initial Draft for client review
2.0	18/6/21	Final for DA lodgement
3.0	20/7/21	RFI Response

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# 1 INTRODUCTION

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## 1.1 PROJECT OVERVIEW

Stimson Urban & Regional Planning has been engaged by Lincoln Place to prepare a Statement of Environmental Effects in relation to the construction of a Land Lease Community (LLC) Estate, also known as a Manufactured Housing Estate (MHE), on the property known as 38 Spring Flat Road, Mudgee.

The proposed development includes the site works to accommodate 206 dwelling sites and construction of communal facilities comprising a community centre, lawn bowling green, swimming pool and tennis court. Associated car parking, landscaping and on-site detention works are also proposed.

The site is zoned *RU4 Primary Production Small Lot* under *Mid-Western Regional Local Environmental Plan 2012*.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained.

Elements of the proposal are also located within 40m of the watercourse and therefore trigger the integrated development provisions. This will require a referral to the NRAR for their General Terms of Approval prior to any determination.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives, and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

## 1.2 PLANNING FRAMEWORK FOR MANUFACTURED HOUSING ESTATES

LLC's are described by the NSW Government as a contemporary form of medium density development where residents own a residential dwelling that is situated on a dwelling site leased from the owner of the estate. The homes may be constructed in a factory, transported to site and then installed within the estate which is connected to services, or alternatively, the dwelling may be constructed on-site in a manner that on completion the dwelling is capable of removal in whole or in parts.

The layout, design, density, and leasehold/occupancy arrangements of LLC's are similar to a caravan park. The key difference is that LLC's are attracting those persons aged 55 years and over (i.e. 'seniors') away from traditional seniors living, such as golf course subdivisions or seniors living retreats.

The typical arrangement for an LLC is for a resident to pay a weekly rent to occupy the land on which their home is located. The weekly rent typically ranges between \$150 and \$220 and may be subsidised by Federal Government support if a resident is eligible for an aged or disability pension. This arrangement allows both downsizers and retirees, who are asset rich, but cash poor to sell their existing home and purchase a home in a Land Lease Community

Estate (excluding land) thereby creating a substantial saving from a comparable new home and land package or traditional retirement village arrangement. This arrangement provides residents with access to their existing home equity and the discretion to spend, invest or share the realised proceeds as they see fit.

The resident's weekly site rental covers the running cost of the Land Lease Community Estate including the provision and running of the estate's private community facilities, such as clubhouse, bowling green, swimming pool, gardens, roads, and services. These facilities address the needs and desires of the modern active retiree and downsizer and assist in fostering a strong sense of community.

An LLC is not a caravan park however is considered for planning purposes under the same categorisation. The traditional stigma of isolated caravan parks (with a high percentage of permanent residents) and compacting negative social outcomes has meant that most councils have prohibited caravan parks, and in turn LLC's, in most locations. This has resulted in limited supply in preferable locations, being those that have access to infrastructure (e.g. sewer) and shops.

### **1.2.1 Environmental Planning and Assessment Act 1979**

The EP&A Act provides the framework for Environmental Planning Instruments (EPI's), such as State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's).

The EP&A Act defines a building as

including part of a building, and also includes any structure or part of structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.

### **1.2.2 Standard Instrument – Local Environmental Plan**

The *Standard Instrument – Local Environmental Plan* has the statutory weight of a SEPP. It states the format and minimum consents of all LEP's. This Standard Instrument does not define a 'manufactured home' or a 'manufactured home estate' and in turn, it does not list these development types as mandatory definitions in any of the land-use zones.

### **1.2.3 State Environmental Planning Policy No 36 – Manufactured Home Estates**

*State Environmental Planning Policy No 36 – Manufactured Home Estates* (SEPP 36) seeks to facilitate the establishment of LLCs as a form of medium density housing.

The SEPP states that an LLC is permissible with development consent on land for which a caravan park is listed as permissible with consent.

The SEPP requires Council to consider a range of social, economic, and environmental matters in deciding whether to grant consent.

**1.2.4 Local Government Act 1993**

The *Local Government Act 1993* sets out the approvals required to operate and to install a manufactured home. Council also has the authority to review and issue “an approval to operate” on a regular basis ensuring the initial approval standard and conditions continue to be met. Section 68 of this Act requires Council approval to install any manufactured home, moveable dwelling, or associated structure on land.

Sections 75-113 of this Act states what other approvals are required from Council, such as Section 82 – *Objections to application of regulations and local policies*. The most common objection applied for by applicants of LLC’s relates to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (c41)), requiring manufactured homes to be constructed off-site. As approval to construct on site often generates increased local employment, minimises heavy duty road traffic and is more flexible in the ultimate dwelling design.

It is now relatively common practice for contemporary greenfield LLC’s to obtain concurrence and approval to construct the homes onsite. Accordingly, Lincoln Place will eventually be seeking Council approval and Department of Planning, Environment and Heritage concurrence to construct the homes onsite. This approval will be sought by way of an objection pursuant to Section 82(1)(b) of the *Local Government Act 1993*, objecting to Clause 41 of the Regulations. Such an application does not alter compliance with all other requirements of the Regulations.

**1.2.5 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* sets out the design, operation and maintenance requirements for caravans and manufactured homes, which includes prescriptive requirements for detailed elements of a proposal.

**1.2.6 Permissibility of Land Lease Communities**

Depending on the zoning of the relevant site, an LLC may be approved on land as:

1. *Multi dwelling housing or seniors housing* where these uses, or the group term *residential accommodation* are permissible uses under the relevant LEP;
2. A manufactured home estate where a *caravan park* is a permissible use, and SEPP 36 permits the proposed development; or
3. Senior’s housing pursuant to *State Environmental Planning Policy (Housing for Seniors or People with a Disability (2004))*.

Generally speaking, all land within a local government area is zoned as a particular land use under a LEP. The ‘Zoning Table’ in the LEP will set out what development or uses are permissible without consent, with consent or prohibited in the zone. Some LEP’s may provide that all development is prohibited if it is not specifically included as development permitted

without or with consent. Where this is not the case, an LLC may be permissible as an innominate use.

### **1.3 REPORT STRUCTURE**

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

### **1.4 INTRODUCTION TO CLIENT**

Lincoln Place is a real estate fund manager, specialising in the creation, development, management, operation and long-term investment in active Over 55's communities, predominately in New South Wales and Victoria. Their focus is on 'Creating Communities' and improving the environment in which they participate. Lincoln Place seeks to ensure all projects incorporate contemporary infrastructure, facilities and services that enhance the livelihood of those who choose to live or visit one of their communities.

Lincoln Place controls and manages over 500 existing residences, a further 1,200 lots under development and over 1,000 additional lots in various stages of planning approval including at 38 Spring Flat Road, Mudgee. As a member of the NSW Land Lease Living Industry Association, Lincoln Place is committed to delivering industry benchmark communities that allow residents of regional cities to downsize or retire within the community in which they have formed lifelong friendships.

### **1.5 PURPOSE OF THE APPLICATION**

Lincoln Place has recently acquired 38 Spring Flat Road, which has an existing Development Approval for a seniors living development of 206 Independent Living Units (in duplex formation). In this process, Lincoln Place has identified a shortage of over-55/age-appropriate housing within Mudgee and its surrounds. The traditional retirement village financial model



that requires residents to either forgo capital gains or pay over 30% of the initial purchase price to the operator or a combination of both has meant many retirees or people wishing to downsize have just stayed in their existing accommodation. Whilst Mudgee has a new Retirement Village (Oak Tree just west of Mudgee) there is a clear ‘gap’ in the Mudgee residential market that offers the best features of a modern retirement village without the financial burden that this structure imposes. Accordingly, this application provides accommodation that is modern and age appropriate for Mudgee’s over-55 community within an affordable financial framework.

This model of tenure is not contemplated within the existing framework under which DA0370/2009 was approved therefore this new Development Application has been submitted for Council’s review. The resultant development will still be for seniors, and the development will remain the same scale. However, the development will deliver an alternate high-quality age-appropriate and downsizing housing option to the Mudgee community.

## 1.6 HISTORY OF APPROVALS ON THE SUBJECT SITE

Development Application Number	Relevant Dates	Comments
<b>DA0370/2009</b>	Approved by Council 21 April 2010	Housing development for seniors development – 206 dwellings and associated facilities.
<b>MA0001/2018</b>		Modification to Seniors Living Development to reflect current status of subject and burdened lands and various administrative changes to the consent format.
<b>This application</b>	June 2021	Seeks approval for a land lease community of the same scale to that approved under DA0370/2009.

## 1.7 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
<b>Architectural Drawings</b>	MAP Architects
<b>Hydraulic Report/Stormwater Plans</b>	Triaxial
<b>Landscape Plan</b>	A Total Concept
<b>Traffic Impact Assessment</b>	Stanbury Traffic

## 1.8 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy No 36 – Manufactured Home Estates*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy No 64 – Advertising and Signage*

- *State Environmental Planning Policy (Infrastructure) 2007*
- *Mid-Western Regional Local Environmental Plan 2012*
- *Mid-Western Regional Development Control Plan 2013*

## **1.9 CONSENT AUTHORITY**

Given the requirement to traverse the Council-owned road reserve adjoining the site with services and a secondary access road, the application would be regarded as *regionally significant development* and the Western Regional Planning Panel would be the consent authority.

## 2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

<b>Site Address</b>	38 Spring Flat Road, Mudgee
<b>Lot/DP</b>	Lot 3 DP1130059, Lot B 162225, Lot 4 DP1164833, Lot 1 DP1159038
<b>Site Area</b>	22.53ha approx..
<b>Local Government Area</b>	Mid-Western Regional Council
<b>Zoning</b>	RU4 Primary Production Small Lot
<b>Current Land Use</b>	Vacant land, approved for seniors development
<b>Proposed Land Use</b>	Land lease community for over-55's/seniors
<b>Surrounding Land Uses</b>	Mixed industrial to the north, residential to the west, rural to the east. A Catholic School (K-Yr12) is currently under construction to the south.
<b>Topography</b>	Generally flat
<b>Terrestrial Biodiversity</b>	Not mapped in the LEP
<b>Vegetation</b>	None of any significance. Not mapped in LEP.
<b>Heritage</b>	Not mapped in the LEP
<b>Flooding/Overland Flow</b>	Not mapped in the LEP
<b>Bushfire</b>	Not mapped



Figure 1 Subject Site - Aerial



Figure 2 Subject Site - Cadastre

## 2.1 SURROUNDING CONTEXT

The subject site is situated in a location that is clearly evolving. Identified in Council's strategic planning documents as being future urban land, the site benefits from an activated Development Application for seniors housing. To the north of the site, we are advised Council is currently considering a rezoning application for a rezoning, presumably a B5 zone. To the south of the site a Catholic school (K-Yr12) is currently under construction. More dense residential development is anticipated further to the north and south-west in areas zoned R2. Consequently, the land to the west of Spring Flat Road could reasonably be considered as urban land now, with 'rural fringe' land now being considered east of Spring Flat Road.

## 2.2 INFRASTRUCTURE CHARACTERISTICS

Spring Flat Road to the east has been constructed to the minimum rural road standard for Mid-Western Regional Council, with a 7m wide pavement and sealed road (bitumen seal) with table drains either side.

A 70m wide drainage easement runs through the site from the south-western corner towards the Northern end of the site. This drainage easement was obtained to convey flows from the Sawpit Gully catchment area, which extends to the south-west another 6km approximately.

A large diameter water main runs along the northern side of Lions Drive. It is anticipated that the water connection for the site will be from this water main.

A large diameter sewer main runs through the site within the drainage easement. The sewer main is a 225mm diameter sewer line with capacity to convey sewer from the development as well as from future planned development upstream.

### 3 PROJECT DESCRIPTION

#### 3.1 OVERVIEW

This application seeks approval for the development of a manufactured housing estate, comprising some 206 dwelling sites, community facilities and associated infrastructure.

#### 3.2 MANUFACTURED HOUSING ESTATE

It is proposed to construct an LLC comprising some 206 dwelling sites as well as communal recreation/community facilities.

##### 3.2.1 Layout, Dwelling Yield, Staging and Lot Configuration

The proposed layout is shown in the Figure below.



Figure 3 Development Layout

The layout is proposed in a type of grid pattern, providing circular vehicular movements around the site. Community facilities are located centrally within the site.

Some 206 dwelling sites are proposed, ranging in area from 258sqm through to 326sqm. The majority of the dwelling sites are approximately 260sqm. Lots proposed are generally 13m, in width – such widths accommodating the range of dwellings that can be chosen for installation in the development.

The LLC is proposed to be developed in 16 stages: The community facilities will be constructed in the first stage.

**3.2.2 Built Form**

Whilst manufactured homes within an LLC development will be the subject of future approvals under the *Local Government Act* and *Regulation*, eight indicative housing layouts are proposed at this time and included in the plans accompanying the submission.

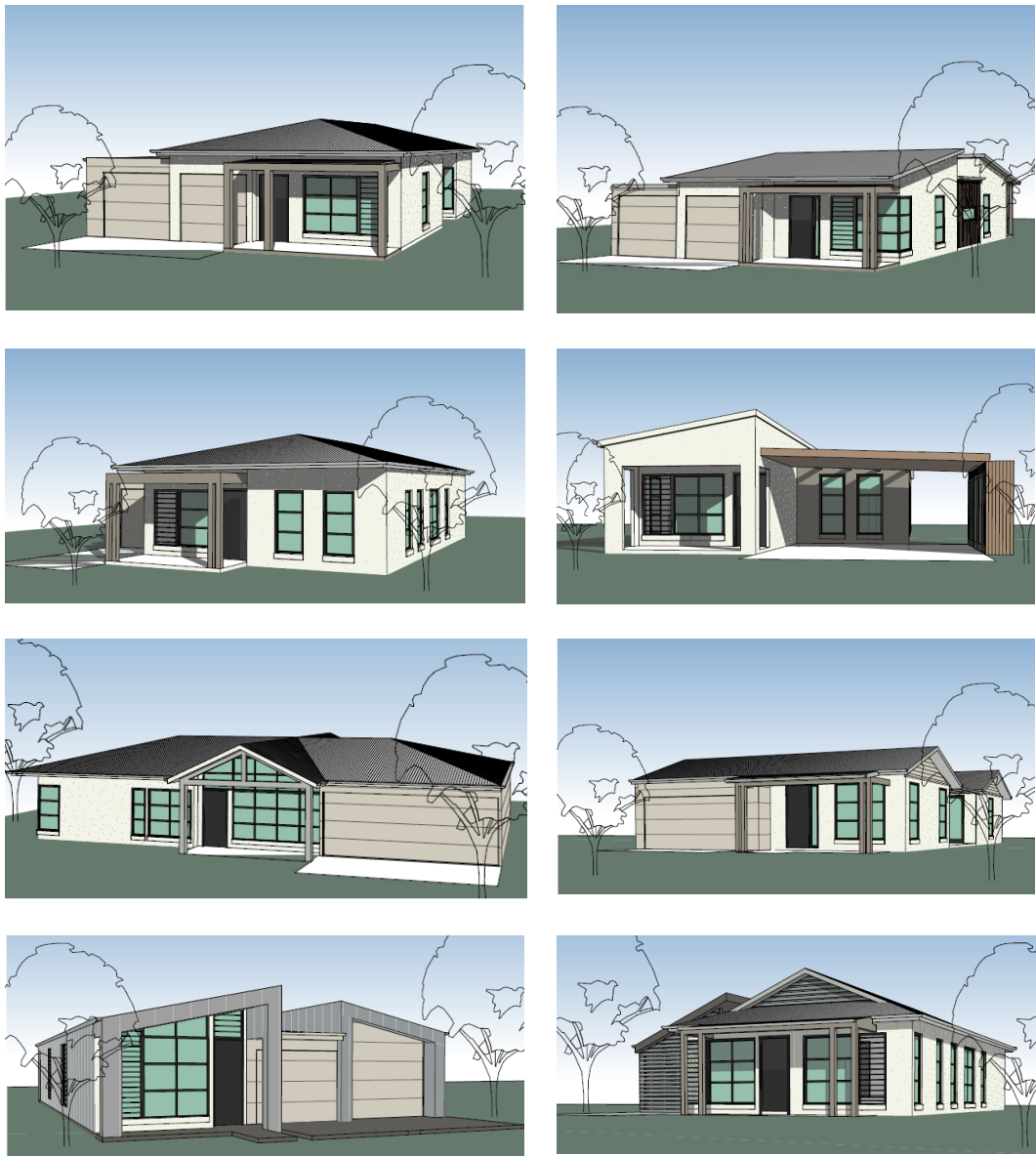


Figure 4 Indicative Dwelling Types

The types of manufactured homes proposed have been chosen to create a contemporary and ‘clean’ architectural outcome that will provide varied streetscape presentation within the development. Diverse internal streetscapes are likely to result based on the varying lot widths within the development. Moreover, finishes and materials proposed will be durable and high quality, consistent with the following colour schedule.

### 3.2.3 Vehicular Elements

Primary access to the development will be provided from Spring Flat Road. Pedestrian access will also be provided in this location. Road widths have been designed as per the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* which will be discussed later in this report.

We note a secondary vehicular access point to Lions Drive is also proposed, as it was approved in DA0370/2009, which is owned by Council. This lot will remain in Council's ownership and owners consent has been obtained from Council to lodge this DA in respect of that land and that letter accompanies this application.

Each dwelling will include at least one covered vehicle space. Visitor spaces are proposed throughout the development, and a dedicated caravan and RV parking area is also proposed towards the north-western corner of the development site.

The development will also include a 12-seat bus, dedicated to transporting residents to and from the estate as required.

### 3.2.4 Community Centre, Recreation Facilities and Open Space

The development includes a community centre and recreation facilities for residents as shown in the Figure below.

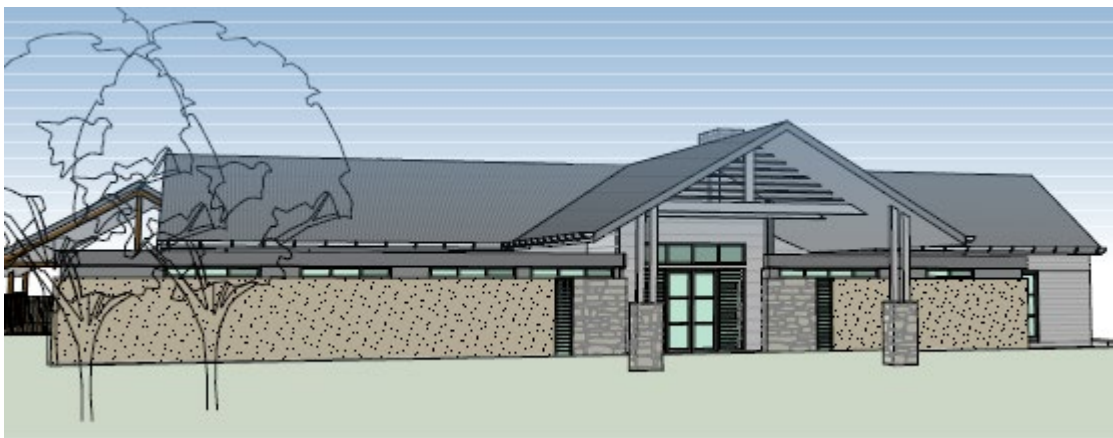


Figure 5 Community Centre

The proposed facilities will include:

- Multipurpose hall
- Bar/kitchen areas
- Games, craft and theatre rooms
- Outdoor seating
- Gym, bowls green and swimming pool
- Amenities

A drop off area is proposed, along with servicing and maintenance access roads and spaces.

Passive recreation is available to residents with a walking track proposed through the site.

Additionally, areas dedicated to function as on-site detention will, when not required for the purpose, present as green open space adding to the visual amenity enjoyed by residents.

**3.2.5 Management**

Ideally, it would be preferred to employ an on-site manager who would be available 24 hours a day. However, in the initial stages of commencing operations, a local Mudgee resident may be employed to perform management duties. These duties would include the ongoing maintenance of the site, arrangements concerning resident transport, functions and use of the community facilities.

**3.2.6 Signage**

Some entry-statement and wayfinding signage will be required within the development. Concepts of entry statements are included in the accompanying plans.

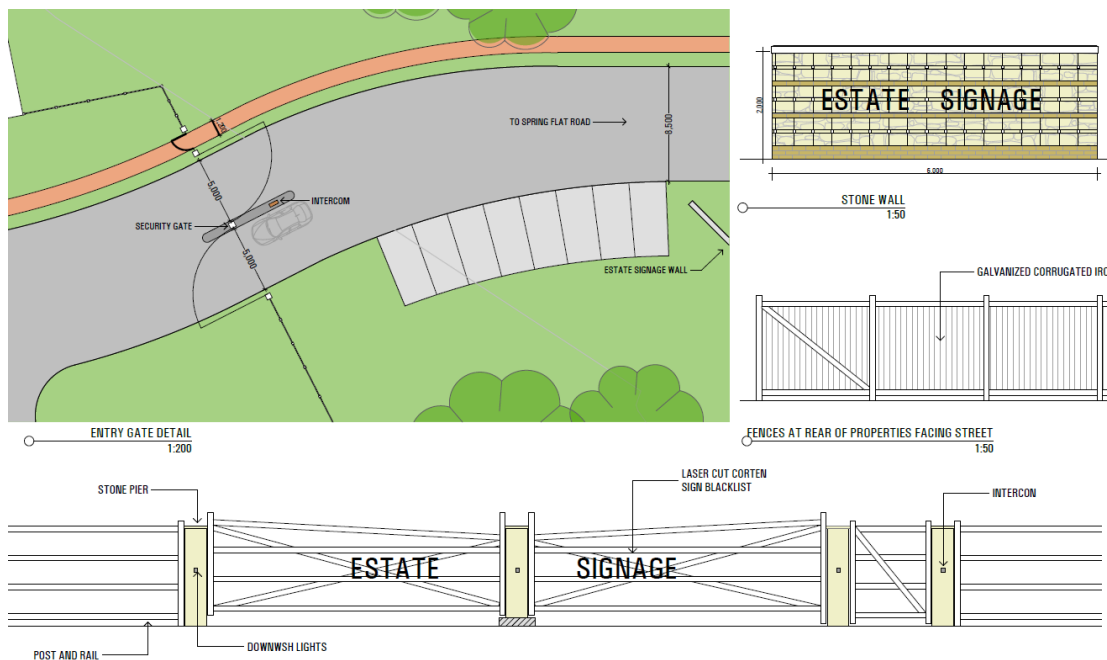


Figure 6 Entry Statement

**3.2.7 Stormwater Drainage**

It is proposed to direct stormwater from all buildings & hardstand areas to detention basins located throughout the LLC, and then towards the northern boundary of the site for disposal. The accompanying Stormwater Management Plan summarises the proposal as follows:

In summary, the proposed site detention and floodwater diversion measures will ensure that the shallow overland flow currently experienced in events up to the 1% AEP flood event will be diverted around the site, ensuring that the proposed development will not be inundated during large storm events.

DRAINS and MUSIC models have been developed in accordance with Mid-Western Regional Council requirements to allow preliminary sizing of the proposed detention basins. Calculations indicate that the proposed basin sites will have sufficient room to be constructed and as such will ensure site flows are reduced to lower than pre-developed rates for storms up to and including the 1% AEP event.



The proposed stormwater and overland flow solution should satisfy Council's consideration of this issue.

**3.2.8 Utilities**

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

**3.2.9 Waste Management Strategy**

Internal roads have been designed to satisfy the Regulations relating to LLC's and are expected to provide access for waste contractors to provide collection services. Each household will have their own bins, and ensure bins are placed in the correct locations for collection.

It is also envisaged that residents may maintain a 'community garden' or the like to promote composting in order to minimise waste generated from the site.

**3.2.10 National Construction Code Compliance**

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal, and it is expected that Council will require matters relating to NCC compliance.

## 4 STATUTORY CONSIDERATIONS

The applicable statutory planning instruments and relevant guidelines have been considered below.

### 4.1 BIODIVERSITY CONSERVATION ACT 2016

The Biodiversity Offsets Scheme (BOS) applies to local developments assessed under Part 4 of the EPA Act that trigger the BOS threshold or is likely to have a significant effect on threatened species based on the 'test of significance' at s7.3 of the *Biodiversity Conservation Act 2016* (Biodiversity Conservation Act). The Biodiversity Conservation Regulation 2017 sets out the threshold levels for when the BOS is triggered. The threshold has two elements:

- Whether the amount of native vegetation being cleared exceeds a threshold area, and
- Whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment

If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies. However, should the extent of clearing be less than the threshold, the Offset Scheme will not apply.

Firstly, whilst the subject site is mapped on the NSW Biodiversity Values Map, that mapping applies only to the watercourse adjoining the western Boundary. No development extends into this area.

Secondly, the site benefits from an existing operational consent comprising a footprint similar to that which is proposed under this application. No additional clearing of any vegetation is required.

Therefore, the proposed development does not trigger the requirement of the Biodiversity Conservation Act, and no further consideration of this Act is necessary.

### 4.2 STATE ENVIRONMENTAL PLANNING POLICY NO 36 – MANUFACTURED HOUSING ESTATES

SEPP 36 is the primary planning instrument applying to the proposed development. The provisions of the SEPP have been considered in detail below.

Provision	Comment
<b>Clause 3</b>	
<b>3 Land to which this Policy applies</b>	
(1) <i>This Policy applies to land that is within the City of Gosford or the Shire of Wyong and to all other areas in the State that are outside the Sydney region.</i>	Satisfied
(2) <i>This Policy does not apply to:</i>	
(a) <i>land described in Schedule 1, being land subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy and made under section 117 of the Act, or</i>	The land is not described in Schedule 1. Therefore, not applicable.

Provision	Comment
(b) <i>land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.</i>	N/A
<b>Clause 4</b>	
<b>4 Relationship to other environmental planning instruments</b>	
(1) <i>In the event of an inconsistency between this Policy and any other environmental planning instrument whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.</i>	Noted
(2) <i>Nothing in State Environmental Planning Policy No 21—Caravan Parks prevents development consent from being granted pursuant to this Policy for the use of land for the purposes of a manufactured home estate.</i>	Noted
<b>Clause 6</b>	
<b>6 Where development for the purposes of a manufactured home estate may be carried out</b>	
<i>Development for the purposes of a manufactured home estate may be carried out pursuant to this Policy on any land on which development for the purposes of a caravan park may be carried out, except:</i>	Caravan parks are a permissible land use in the RU4 zone pursuant to the Mid-Western Local Environmental Plan 2012
(a) <i>land within one or more of the categories described in Schedule 2, or</i>	The subject land is not described in Schedule 2.
(b) <i>land dedicated or reserved under the National Parks and Wildlife Act 1974, or</i>	
(c) <i>land within a Crown reserve.</i>	
<b>Clause 7</b>	
<b>7 Development consent required for manufactured home estates</b>	
(1) <i>Development for the purposes of a manufactured home estate permitted to be carried out by this Policy may be carried out only with the development consent of the council.</i>	Development consent is sought through this application.
(2) <i>A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the Local Government Act 1993.</i>	Noted
(3) <i>Nothing in this Policy requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.</i>	Noted
<b>Clause 8</b>	
<b>8 Subdivision of manufactured home estates</b>	
(1) <i>Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Policy) may be subdivided:</i>	Noted
(a) <i>under section 289K of the Local Government Act 1919 for lease purposes, or</i>	
(b) <i>under the Community Land Development Act 1989,</i>	
<i>only with the development consent of the council.</i>	
(2) <i>A council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.</i>	Noted
(3) <i>Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Policy) does not apply to such a subdivision.</i>	Noted

Provision	Comment
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(4) *This Policy does not allow the subdivision of land within a Crown reserve.* N/A

**Clause 9**

**9 Matters to be considered by councils**

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

- (a) *that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and* Each Dwelling site will be connected to services as required.
- (b) *that the manufactured home estate is or will be provided with adequate transport services, and* A minibus is provided by Lincoln Place for the exclusive use of residents for transport as required.
- (c) *that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and* The development includes a range of community facilities to satisfy this clause
- (d) *that the development will not have an adverse effect on any:*
  - *conservation area* There are no matters relating to conservation or heritage applicable to this proposal.
  - *heritage item* The development is also clear of Sandpit Gully adjacent to the western boundary
  - *waterway or land having special landscape, scenic or ecological qualities,*

*which is identified in an environmental planning instrument applicable to the land concerned.*

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

- (a) *the cumulative impact of the proposed development and other manufactured home estates in the locality,* There are no specific land lease communities of a scale similar to that proposed that we are aware of in Mudgee.
- (b) *any relevant guidelines issued by the Director,* N/A
- (c) *the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.* These have been considered later in this report.

**Schedule 2 Categories of excluded land**

1	<i>Land which the council, after taking into account the principles set out in the Coastline Management Manual published by the New South Wales Government in September 1990, considers is unsuitable for residential development because of coastal erosion, tidal inundation, slip, dunal movement or any other risk of a similar nature.</i>	N/A
2	<i>Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.</i>	N/A
3	<i>Land which is within a water catchment area identified by a water supply authority.</i>	N/A
4	<i>Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.</i>	N/A
5	<i>Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following:</i> <ul style="list-style-type: none"> <li>• <i>extractive resources,</i> N/A</li> <li>• <i>services corridors,</i> N/A</li> </ul>	

	• <i>airport/industry buffer area,</i>	N/A
	• <i>habitat corridor,</i>	N/A
	• <i>containing significant remnant vegetation,</i>	N/A
	• <i>littoral rainforest,</i>	N/A
	• <i>water catchment,</i>	N/A
	• <i>wetlands.</i>	N/A
6	<i>Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description:</i>	
	• <i>open space, other than open space (private recreation)</i>	N/A
	• <i>environmental protection</i>	N/A
	• <i>scenic protection</i>	N/A
	• <i>rural (where the land is not adjacent to or adjoining land zoned for urban use).</i>	N/A
7	<i>Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director:</i>	N/A
	<i>Ballina Lake Macquarie</i>	
	<i>Bega Valley Maclean</i>	
	<i>Bellingen Nambucca</i>	
	<i>Byron Newcastle</i>	
	<i>Coffs Harbour Port Stephens</i>	
	<i>Eurobodalla Richmond River</i>	
	<i>Great Lakes Shellharbour</i>	
	<i>Greater Taree Shoalhaven</i>	
	<i>Hastings Tweed Kempsey</i>	
	<i>Ulmarra Kiama</i>	
	<i>Wollongong</i>	
8	<i>Land that is within any of the following local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under any urban development strategy for the ACT and sub-region approved for the time being by the Director:</i>	N/A
	<i>Cooma-Monaro Yarrowlumla</i>	
	<i>Gunning Yass</i>	
	<i>Queanbeyan</i>	
9	<i>Flood liable land as defined in Murray Regional Environmental Plan No 2—Riverine Land.</i>	N/A
10	<i>Land comprising the Williams River catchment upstream of the Seaham Weir.</i>	N/A
	<i>In this item, Williams River catchment means the land shown on the map marked "Williams River Catchment Regional Environmental Plan 1997" (kept in the Newcastle office of the Department of Urban Affairs and Planning, and copies of which are kept in the offices of Dungog Shire Council and Port Stephens Council) being the land from which surface water run-off resulting from rainfall flows directly or indirectly into the Williams River.</i>	

The proposed development is therefore considered acceptable in the context of SEPP 36.

### 4.3 LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

The operation of an LLC requires consideration against the Regulation, usually at the stage of obtaining an operator's approval (Section 68 approval under the *Local Government Act*). However, to demonstrate the development can comply with the Regulation, the following assessment has been undertaken.

<b>Part 2 Manufactured home estates and manufactured homes</b>	
<b>Provision</b>	<b>Comment</b>
<b>Division 1 Application of Part</b>	
<p><b>5 Application of Part</b></p> <p><i>This Part applies to the operation of manufactured home estates, and to the installation of manufactured homes in manufactured home estates but does not apply to the installation of manufactured homes elsewhere than in manufactured home estates.</i></p> <p><i>Note. The installation of manufactured homes elsewhere than in manufactured home estates is governed by Part 3. That Part deals with relocatable homes, which includes a manufactured home.</i></p>	Noted
<b>Division 2 Approvals and exemptions</b>	
<b>Subdivision 1 Operation of manufactured home estates</b>	
<p><i>Note. Section 68 of the Act prohibits a person from operating a manufactured home estate without the prior approval of the council. Part 1 of Chapter 7 of the Act deals generally with the granting, amendment, extension, renewal, revocation and modification of approvals. Approvals may be granted subject to conditions, including conditions prescribed by the regulations. Breach of any such condition constitutes an offence under section 627 of the Act.</i></p>	Noted. Consent is sought from Mid-Western Regional Council in this Development Application to operate an LLC on the subject site.
<b>6 Factors for consideration before approval is granted</b>	
<p><i>(1) The council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.</i></p>	Noted. Can comply.
<p><i>(2) In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.</i></p>	Matters relating to flooding have been considered in the accompanying Stormwater Management Plan. Council can support the development of the LLC on the subject site.
<b>7 Matters to be specified in approval</b>	
<p><i>In addition to any other matters it must contain, an approval to operate a manufactured home estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.</i></p>	Noted. These details are outlined in the Statement of Environmental Effects.
<b>8 Conditions of approval</b>	
<p><i>An approval to operate a manufactured home estate is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with the requirements of Division 3.</i></p> <p><i>Note. The council may also impose conditions on the grant of an approval under section 94 of the Act.</i></p>	Noted.
<b>Subdivision 2 Installation of manufactured homes and associated structures in manufactured home estates</b>	
<b>9 Conditional exemption</b>	
<p><i>(1) The prior approval of the council is not required for:</i></p>	

<p>(a) <i>the installation of a manufactured home on land within a manufactured home estate, so long as:</i></p> <p style="margin-left: 20px;"><i>(i) it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</i></p> <p style="margin-left: 20px;"><i>(ii) it is not occupied by any person until a certificate of completion has been issued for it, or</i></p>	<p>Noted. Can comply.</p>
<p>(b) <i>the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</i></p>	<p>Noted. Can comply.</p>
<p>(2) <i>An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</i></p>	<p>Noted.</p>
<p>(3) <i>An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</i></p>	<p>Noted.</p>
<p>(4) <i>An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</i></p>	<p>Noted.</p>
<p><b>10 Installation on flood-liable land</b></p>	
<p>(1) <i>In deciding whether to approve the installation of a manufactured home or associated structure in a manufactured home estate on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.</i></p>	<p>Matters relating to flooding have been considered in the accompanying Stormwater Management Plan. Council can support the development of the LLC on the subject site.</p>
<p>(2) <i>It is a condition of an approval to install a manufactured home or an associated structure on flood liable land that the manufactured home is designed, constructed and installed in a manufactured home estate in accordance with Division 4.</i></p>	<p>Noted. Can comply.</p>
<p><b>11 Installation of manufactured home or associated structure of more than one storey</b></p>	
<p><i>In deciding whether to approve the installation in a manufactured home estate of a manufactured home or associated structure having more than one storey, the council must have regard to the likely impact on the amenity of any occupiers of any adjoining manufactured home and the amenity of any occupiers of land adjoining that manufactured home estate.</i></p>	<p>Noted. This would be considered as part of the Section 68 application.</p>
<p><b>Division 3 Manufactured home estates</b></p>	
<p><b>Subdivision 1 Land and dwelling site requirements</b></p>	
<p><b>12 Minimum size of estate</b></p>	
<p><i>A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.</i></p>	<p>Complies.</p>
<p><b>13 Community amenities</b></p>	
<p>(1) <i>Of the total land area of a manufactured home estate:</i></p> <p style="margin-left: 20px;"><i>(a) at least 10 per cent, or</i></p> <p style="margin-left: 20px;"><i>(b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow,</i></p> <p><i>must be reserved for recreation or other communal activities.</i></p>	<p>Complies. Greater than 10% of the site area is provided as recreation or communal activity area.</p>
<p>(2) <i>In deciding whether to allow a lesser proportion, the council must have regard to the type and range of amenities to be provided and to such other matters as it considers relevant.</i></p>	<p>N/A</p>
<p><b>14 Size of dwelling sites</b></p>	
<p><i>A dwelling site must have an area of at least 130 square metres.</i></p>	<p>Complies.</p>
<p><b>15 Site identification</b></p>	
<p>(1) <i>A dwelling site must be numbered or identified and its site boundaries clearly delineated.</i></p>	<p>As detailed in the accompanying plans.</p>

<i>(2) The site identification must be conspicuous.</i>	As detailed in the accompanying plans.
<b>Subdivision 2 Setbacks</b>	
<b>16 Dwelling sites to have road frontage</b>	
<i>A dwelling site must have vehicular access to an access road.</i>	As detailed in the accompanying plans.
<b>17 Setbacks of community buildings</b>	
<i>(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows.</i>	Complies.
<i>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</i>	The adjoining drainage channel, and the proposed internal OSD areas, provide appropriate setbacks.
<i>(3) A community building must not in any case be located closer than 2 metres to the boundary of a manufactured home estate or to the boundary of a dwelling site.</i>	Complies.
<b>18 Setbacks of dwelling sites from road frontages</b>	
<i>(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows.</i>	Complies.
<i>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.</i>	Complies.
<b>19 Use of buffer zones</b>	
<i>Nothing in this Part prevents land within a buffer zone arising from the setbacks required by this Subdivision from being used:</i>	
<i>(a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or</i>	Noted.
<i>(b) for any similar purpose allowed by the approval for the manufactured home estate.</i>	Noted.
<b>Subdivision 3 Roads</b>	
<b>20 Entrance and exit roads</b>	
<i>(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</i>	Can comply.
<i>(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</i>	Noted.
<i>(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.</i>	Can comply.
<b>21 Width of roads</b>	
<i>(1) The width of the road reserve must be:</i>	Can comply.
<i>(a) at least 8.5 metres for a major access road, and</i>	
<i>(b) at least 6 metres for a minor access road.</i>	
<i>(2) The width of the sealed portion of an access road must be:</i>	N/A
<i>(a) at least 6 metres for a major access road, and</i>	
<i>(b) at least 4 metres for a minor access road.</i>	
<i>(3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.</i>	Can comply.
<i>(4) Passing bays must be provided at intervals of not more than 100 metres.</i>	Can comply.
<i>(5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be:</i>	Can comply.
<i>(a) at least 8.5 metres for a major access road, and</i>	
<i>(b) at least 6 metres for a minor access road.</i>	



<b>22 Speed restrictions as part of road design</b>	
Access roads must be so designed as to limit the speed at which vehicles may travel on them to:	Noted. Can comply.
(a) 30 kilometres per hour for major access roads, and	
(b) 15 kilometres per hour for minor access roads.	
<b>23 Visitor parking</b>	
(1) A manufactured home estate must contain no fewer visitor parking spaces than the following:	Complies.
(a) 8 spaces for a manufactured home estate containing not more than 35 sites,	
(b) 12 spaces for a manufactured home estate containing more than 35 sites but not more than 70 sites,	
(c) 16 spaces for a manufactured home estate containing more than 70 sites but not more than 105 sites,	
(d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.	
(2) Each parking space is to have, at minimum, dimensions of:	Can comply.
(a) 5.4 metres by 2.5 metres, in the case of angle parking, and	
(b) 6.1 metres by 2.5 metres, in any other case.	
(3) Visitor parking spaces must be clearly identified as such.	Complies.
<b>24 Visitor parking for people with disabilities</b>	
(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities.	Can comply.
(2) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.	Can comply.
(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, Parking facilities—Off street parking.	Can comply.
(4) Visitor parking spaces for people with disabilities must be clearly identified as such.	Can comply.
(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 23.	Can comply.
<b>25 Road surfaces</b>	
All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.	Complies.
<b>26 Lighting</b>	
All access roads must be adequately lit between sunset and sunrise.	Can comply.
<b>Subdivision 4 Utility services</b>	
<b>27 Water supply</b>	
(1) A manufactured home estate:	Complies.
(a) must be connected to a mains water supply, or	
(b) must be provided with an alternative water supply service as specified in the approval for the manufactured home estate.	
(2) A dwelling site:	Complies.
(a) must be connected to the water supply service for the manufactured home estate, and	
(b) must be provided with a separate water meter and a separate water service isolating valve.	
(3) The water supply service must comply with:	Can comply.
(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and	
(b) the requirements of any relevant statutory body.	

<i>(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council.</i>	Noted.
<b>28 Sewerage</b>	
<i>(1) A manufactured home estate:</i>	Can comply.
<i>(a) must be connected to a main sewer, or</i>	
<i>(b) must be provided with an alternative sewage disposal system as specified in the approval for the manufactured home estate.</i>	
<i>(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</i>	Can comply.
<i>(3) The sewage disposal system must comply with:</i>	Can comply.
<i>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</i>	
<i>(b) the requirements of any relevant statutory body.</i>	
<b>29 Drainage</b>	
<i>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval for the manufactured home estate.</i>	Can comply.
<i>(2) A dwelling site:</i>	Can comply.
<i>(a) must be connected with the stormwater drainage system for the manufactured home estate, or</i>	
<i>(b) must be provided with an on-site stormwater drainage system.</i>	
<i>(3) A stormwater drainage system must comply with:</i>	Can comply.
<i>(a) the Plumbing Code of Australia, and</i>	
<i>(b) the requirements of any relevant statutory body.</i>	
<b>30 Electricity supply</b>	
<i>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.</i>	Can comply.
<i>(2) Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, Electrical Installations (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.</i>	Can comply.
<i>(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.</i>	Can comply.
<b>31 Telephone lines</b>	
<i>Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the manufactured home estate.</i>	Can comply.
<b>32 Common trenches</b>	
<i>A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.</i>	Can comply.
<b>Subdivision 5 General</b>	
<b>33 Garbage removal</b>	
<i>Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.</i>	Can comply.

<b>34 Fire hydrants</b>	
(1) No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.	Can comply. To demonstrate prior to the issue of any Construction Certificate.
(2) Any fire hydrant located within a manufactured home estate must:	Can comply. To demonstrate prior to the issue of any Construction Certificate.
(a) be a double-headed pillar-type fire hydrant, and	
(b) be maintained to the standard specified in the approval for the manufactured home estate.	
<b>35 Buildings</b>	
(1) A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.	Complies.
(2) The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home estate:	Complies.
(a) community buildings,	
(b) brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes.	
(3) The approval for a manufactured home estate is to allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home only:	Noted.
(a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the Community Land Development Act 1989, and	
(b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.	
<b>36 Use of manufactured home estates</b>	
(1) A manufactured home estate must not be used:	Noted.
(a) for any commercial purpose other than a manufactured home estate or an associated purpose, or	
(b) for the manufacture, construction or reconstruction of moveable dwellings.	
(2) Nothing in this clause prevents a manufactured home from being used for exhibition purposes.	Noted.
(3) This clause does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).	Noted.
<b>37 Community map</b>	
The person who holds the approval to operate a manufactured home estate must provide the council with a copy of the current community map:	Can comply.
(a) as soon as practicable after any amendment is made to the map, and	
(b) at such other times as the council may reasonably require.	
<b>38 Access to approval and community map</b>	
The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate:	Can comply.
(a) the approval for the manufactured home estate,	
(b) the current community map,	
(c) this Regulation.	

<b>Division 4 Manufactured homes and associated structures</b>	
<b>Subdivision 1 General</b>	
<b>39 Specifications for design, construction, installation, modification and extension of manufactured homes and associated structures</b>	
(1) The Minister may, by order published in the Gazette, establish specifications (not inconsistent with this Division) for the design, construction, installation, modification and extension of manufactured homes and associated structures.	Noted.
(2) The specifications may adopt, with or without modification, the provisions of any rule, standard or code of practice.	Noted.
(3) Subject to this Division, a manufactured home or associated structure must be designed, constructed, installed, modified and extended in accordance with any specifications in force under this clause.	Noted.
<b>40 Installation allowed only on dwelling sites</b>	
(1) A manufactured home must not be installed in a manufactured home estate otherwise than on a dwelling site.	Noted.
(2) This clause does not apply to a manufactured home that is used solely for the purposes of a community amenity or as a manager's or caretaker's office or residence.	Noted.
<b>41 Manufactured homes to be constructed and assembled off-site</b>	
(1) A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.	Noted.
(2) However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.	Noted.
<b>42 Installation allowed only if dwelling site is properly serviced</b>	
A manufactured home must not be installed on a dwelling site unless the requirements of Division 3 have been complied with in relation to the site.	Noted.
<b>43 Density</b>	
No more than one manufactured home may be installed on a single dwelling site.	Complies.
<b>44 Setbacks for manufactured homes</b>	
A manufactured home must not be located:	Complies.
(a) closer than one metre to a road reserve, or	
(b) closer than 2 metres to the boundary of the manufactured home estate.	
<b>45 Site coverage</b>	
(1) A manufactured home and associated structure must not be installed on a single dwelling site if the floor plan area of the manufactured home (together with that of any associated structure or other building or structure on the site) is more than two-thirds of the area of the site.	Complies.
(2) For the purposes of this clause:	
(a) the floor plan area of a manufactured home is the area occupied by the home, excluding the area of any associated structure forming part of the home that is not roofed, and	Noted.
(b) the floor plan area of any associated structure not forming part of the manufactured home is the area occupied by the structure, excluding any area that is not roofed, and	Noted.
(c) if there is no carport or garage on the dwelling site, an area of 18 square metres must be added to the floor plan area of the manufactured home to account for the car parking space that is required by subclause (3) to be provided on the site.	Noted.

(3) If there is no carport or garage on the dwelling site, an area with minimum dimensions of 6 metres by 3 metres, accessible from an access road and useable for car parking, must be provided on the site.	Noted.
<b>46 Minimum open space requirements for dwelling sites</b>	
(1) There must be at least 30 square metres of open space (that is, space on which there is no building, structure or car parking space) within each dwelling site.	Complies.
(2) The open space of each dwelling site must include at least one area having a minimum width and minimum depth of 3 metres.	Complies.
(3) For the purpose of calculating the area of open space within a dwelling site, any space having a width or length of less than 2 metres must be disregarded.	Noted.
<b>47 Site boundary arrangements</b>	
(1) A manufactured home must not be installed closer than one metre to the boundary of any adjoining dwelling site.	Complies.
(2) Subclause (1) does not prohibit the installation of a manufactured home closer than one metre to the boundary of an adjoining dwelling site if:	Noted.
(a) the installation of a manufactured home on the adjoining site is not practicable on such part of that site as is within 2 metres of the location of the proposed manufactured home, and	
(b) access at least one metre wide is available to the occupier of the manufactured home along each external wall of the home.	
(3) This clause does not prohibit the installation of semi-detached manufactured homes on adjoining dwelling sites so long as they are separated by construction conforming with the fire safety and sound insulation provisions relating to class 1 buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the Building Code of Australia.	Noted.
<b>48 Garages</b>	
(1) A garage may abut a site boundary; a shared double carport or shared double garage may extend over a site boundary and adjacent garages may abut each other along a shared site boundary.	Complies.
(2) If a manufactured home and garage are situated on the same dwelling site such that the garage is situated closer than 900 millimetres to the manufactured home and closer than 900 millimetres to the site boundary of an adjoining dwelling site:	Noted.
(a) the external walls of the manufactured home that face the garage must comply with the provisions relating to class 1 buildings contained in Section 3 of Volume Two of the Building Code of Australia, or	
(b) the external walls of the garage that face the manufactured home must comply with the provisions relating to class 10 buildings contained in Section 3 of Volume Two of the Building Code of Australia.	
<b>49 Carports</b>	
(1) The roof covering and any ceiling lining, wall cladding, or gable of a carport must be noncombustible.	Noted.
(2) A carport must have at least 2 sides open and at least one-third of its perimeter open. For the purposes of this subclause, a side is considered to be open if the roof covering of the carport is at least 500 millimetres from a manufactured home, associated structure or site boundary.	Noted.
(3) A carport must not provide direct vertical support to any part of a manufactured home.	Noted.
(4) If a carport has a common roof structure with a manufactured home and the carport does not have a ceiling, the opening between the top of the wall of the manufactured home and the underside of the roof covering of the carport must be infilled with:	Noted.
(a) a non-combustible material, or	
(b) construction clad with non-combustible material on the carport side.	

<b>50 Associated structures not to contain habitable rooms</b>	
An associated structure must not be designed or modified so as to be useable as a habitable room.	Noted.
<b>Subdivision 2 Design</b>	
<b>51 Structural soundness</b>	
(1) A manufactured home or associated structure must be of a design certified by a practicing structural engineer to be structurally sound.	Noted.
(2) A certificate issued under this clause:	Noted.
(a) must indicate that the manufactured home or associated structure complies with any standards, codes and specifications with which it is, by this Part or by Ministerial specifications, required to comply, and	
(b) must include specifications as to the manner in which the manufactured home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.	
(3) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed.	Noted.
(4) This clause does not apply to fences or privacy screens.	
<b>52 Design gust wind speed</b>	
A manufactured home or associated structure must be designed to resist loads as determined in accordance with the following design codes, as appropriate:	Noted.
(a) AS/NZS 1170.1:2002, Structural design actions Part 1: Permanent, imposed and other actions, as in force on 1 September 2005,	
(b) AS/NZS 1170.2:2002, Structural design actions Part 2: Wind actions, as in force on 1 September 2005, or AS 4055—1992 Wind loads for housing, as in force on 1 September 2005 (except that the design gust wind speed for the area where the manufactured home or associated structure is located is not to be taken to be less than 41 metres per second),	
(c) AS 1170.3—1990, Minimum design loads on structures Part 3: Snow loads, as in force on 1 September 2005,	
(d) AS 1170.4—1993, Minimum design loads on structures Part 4: Earthquake loads, as in force on 1 September 2005.	
<b>53 Floor area of manufactured home</b>	
The enclosed floor area of a manufactured home must be at least 35 square metres.	Complies.
<b>54 Floor areas of certain rooms</b>	
(1) The floor area of a bathroom in a manufactured home must be at least 2.2 square metres, plus an additional:	Can comply.
(a) 0.6 square metre if the bathroom has a separate shower and bath, and	
(b) 0.7 square metre if the bathroom has a toilet, and	
(c) 1.6 square metres if the manufactured home does not include a separate laundry.	
(2) The floor area of a shower room must be at least 1.1 square metres.	Can comply.
(3) If a toilet is installed in a separate room, the room in which it is installed must have an area of at least 1.1 square metres and a width of at least 0.8 metre.	Can comply.
(4) The floor area of a laundry must be at least 1.6 square metres.	Can comply.
<b>55 Ceiling height</b>	
(1) The ceiling height of each habitable room (other than a kitchen) in a manufactured home must be at least 2.4 metres.	Can comply.
(2) The ceiling height of a kitchen, laundry, hallway or other similar part of a manufactured home must be at least 2.1 metres.	Can comply.

<b>56 Separation of kitchen areas</b>	
<i>A toilet must not be located in any room in a manufactured home that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.</i>	Can comply.
<b>57 Lighting and ventilation</b>	
(1) <i>A manufactured home must have adequate provision for light and ventilation.</i>	Can comply.
(2) <i>A habitable room must have natural lighting and natural ventilation provided by one or more windows to the outside air, or by one or more openings into an adjoining room, being windows or openings having:</i>	Can comply.
(a) <i>a total area of at least 10 per cent of the floor area of the room, and</i>	
(b) <i>an area (being at least 5 per cent of the floor area of the room) that is capable of being opened.</i>	
(3) <i>If any part of the natural lighting or natural ventilation for a habitable room is provided by one or more openings into an adjoining room, the adjoining room must have natural lighting and ventilation provided by one or more windows that comply with subclause (2) in relation to the combined area of both rooms.</i>	Can comply.
<b>Subdivision 3 Construction</b>	
<b>58 Termite shields</b>	
<i>Shields, barriers or the like must be provided in accordance with AS 3660.1-2000 Termite management—new building work and structures, as in force on 1 September 2005, to protect any structural members that are susceptible to attack by termites.</i>	Can comply.
<b>59 Glazing</b>	
<i>Glazing materials must be selected and installed in accordance with the relevant provisions of AS 1288—1994, Glass in buildings—Selection and installation and, to the extent to which those provisions require the use of safety glass, in accordance with the relevant provisions of AS/NZS 2208:1996, Safety glazing materials in buildings (each as in force on 1 September 2005).</i>	Can comply.
<b>60 External waterproofing</b>	
<i>The roof, external walls, door frames and window frames of a manufactured home must be constructed so as to prevent rain or dampness penetrating to the inner parts of the home.</i>	Can comply.
<b>61 Internal waterproofing</b>	
(1) <i>The floor of a bathroom, shower room or room containing a toilet or washing machine in a manufactured home must consist of, or be covered by, material that is impervious to water.</i>	Can comply.
(2) <i>The wall surface of a shower enclosure (or, in the case of a shower that is not enclosed, any wall surface within 1.5 metres of the shower fitting) must be impervious to water to a height of at least 1.8 metres above the floor.</i>	Can comply.
(3) <i>Any wall surface within 75 millimetres of a bath, basin or other similar bathroom appliance must be impervious to water to a height of at least 150 millimetres above the appliance.</i>	Can comply.
<b>62 Plumbing and drainage</b>	
(1) <i>All pipes and fittings in a manufactured home that relate to water supply or sewerage must be installed in accordance with:</i>	Can comply.
(a) <i>the Plumbing and Drainage Act 2011 and any regulations under that Act, and</i>	
(b) <i>the requirements of any relevant statutory body.</i>	
(2) <i>All pipes and fittings in a manufactured home that relate to stormwater drainage must be installed in accordance with:</i>	Can comply.
(a) <i>the Plumbing Code of Australia, and</i>	
(b) <i>the requirements of any relevant statutory body.</i>	

<b>63 Electrical wiring</b>	
<i>The electrical wiring in a manufactured home must comply with the requirements of AS/NZS 3000:2000, Electrical installations (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005.</i>	Can comply.
<b>64 Fire and smoke alarms</b>	
(1) <i>A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the requirements of Part 3.7.2 of Volume Two of the Building Code of Australia in relation to class 1 (a) buildings within the meaning of that Code.</i>	Can comply.
(2) <i>This clause does not apply to a manufactured home that was constructed before 1 January 1996, whether installed before, on or after that date.</i>	Can comply.
(3) <i>(Repealed)</i>	
<b>Subdivision 4 Installation</b>	
<b>65 Footings</b>	
(1) <i>A manufactured home or associated structure must be installed on footings if the engineer's certificate for the home or structure so requires.</i>	Can comply.
(2) <i>The footings and tie-down system for the manufactured home or associated structure must be constructed in accordance with the engineer's certificate for the home or structure.</i>	Can comply.
(3) <i>In the case of a manufactured home or associated structure that is placed on footings, the clearance beneath the home or structure must be:</i>  <i>(a) at least 400 millimetres, where termite shields are required to be installed, or</i> <i>(b) at least 200 millimetres, where termite shields are not required to be installed, or</i> <i>(c) such lesser clearance as the approval for the manufactured home estate may allow,</i>  <i>with adequate provision for underfloor crossflow ventilation.</i>	Can comply.
<b>66 Installation to comply with specifications</b>	
<i>A manufactured home must not be installed on a dwelling site otherwise than in accordance with:</i>  <i>(a) the specifications contained in the engineer's certificate issued in respect of the manufactured home, or</i> <i>(b) such other specifications as are specified in the approval for the manufactured home estate.</i>	Can comply.
<b>67 Compliance plate</b>	
(1) <i>A compliance plate must be attached to an accessible part of each of the following structures:</i>  <i>(a) a manufactured home,</i> <i>(b) an associated structure that forms part of a manufactured home,</i> <i>(c) an associated structure comprising a free-standing garage.</i>	Can comply.
(2) <i>A compliance plate must specify the following:</i>  <i>(a) the name of the manufacturer of the manufactured home or associated structure,</i> <i>(b) the unique identification number for each major section of the manufactured home,</i> <i>(c) the month and year during which the manufactured home or associated structure was constructed,</i> <i>(d) the design gust wind speed for the manufactured home or associated structure,</i> <i>(e) a statement that the manufactured home or associated structure complies with the requirements of this Division,</i> <i>(f) the name of the practicing structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home.</i>	Can comply.



<i>(3) A unique identification number must be permanently marked on each major section of the manufactured home.</i>	Can comply.
<i>(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates for the purposes of this clause.</i>	Can comply.
<i>(5) A compliance plate must be designed, constructed, issued and registered in accordance with any specifications in force under this clause.</i>	Can comply.
<b>68 Notice of completion of installation</b>	
<i>(1) The holder of an approval to operate a manufactured home estate must give the council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.</i>	Can comply.
<i>(2) The notice:</i>	Can comply.
<i>(a) must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and</i>	
<i>(b) must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.</i>	
<i>(3) The notice must be accompanied by:</i>	Can comply.
<i>(a) a copy of the engineer's certificate for the manufactured home or associated structure, and</i>	
<i>(b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with.</i>	
<b>Division 5 Miscellaneous</b>	
<b>69 Certificates of completion</b>	
<i>(1) Within 5 business days after receiving written notice of the completion of installation of a manufactured home or associated structure, the council must issue to the owner of the home or structure:</i>	Can comply.
<i>(a) a certificate of completion for the home or structure, or</i>	
<i>(b) a written notice that states why such a certificate is not being issued.</i>	
<i>(2) In determining whether or not to issue a certificate of completion, the council must have regard to the following matters:</i>	Can comply.
<i>(a) whether the engineer's certificate with respect to the manufactured home or associated structure is available,</i>	
<i>(b) whether the installation of the manufactured home or associated structure complies with the specifications contained in the engineer's certificate,</i>	
<i>(c) whether the setback, density, open space and site delineation requirements of this Part have been complied with,</i>	
<i>(d) whether a compliance plate has been duly affixed to the manufactured home or associated structure.</i>	

The proposal can comply with the relevant Regulation and is satisfactory in this regard.

#### **4.4 STATE ENVIRONMENTAL PLANNING POLICY No 55 – REMEDIATION OF LAND**

Matters relating to SEPP 55, and more generally potential contamination, would have been considered at the time of assessing DA0370/2009 and we have been advised that consent has been substantially commenced.

The subject site has not been used for any sensitive purposes since the time of that consent and so it is reasonably concluded that the site continues to be acceptable in terms of accommodating the proposed development. No further consideration of the SEPP is necessary.

## 4.5 STATE ENVIRONMENTAL PLANNING POLICY No 64 – ADVERTISING AND SIGNAGE

This SEPP applies to signage that can be displayed with or without development consent and is visible from any public place or public reserve, except as provided for by the SEPP. In this instance, Council has requested the entry statement and estate naming, as identified in the submitted plans, be considered as signage against the SEPP.

Part 1 Preliminary	
Provision	Comments
<b>3 Aims, objectives etc</b>	
(1) <i>This Policy aims:</i>	
(a) <i>to ensure that signage (including advertising):</i>	
(a) <i>is compatible with the desired amenity and visual character of an area, and</i>	The proposed entry statements are consistent with the rural character of the locality.
(ii) <i>provides effective communication in suitable locations, and</i>	The signage effectively communicates the entry to the estate.
(iii) <i>is of high quality design and finish, and</i>	Proposed materials and finishes are high quality.
(b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i>	Noted.
(c) <i>to provide time-limited consents for the display of certain advertisements, and</i>	Not applicable.
(d) <i>to regulate the display of advertisements in transport corridors, and</i>	Not applicable.
(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i>	Not applicable.
(2) <i>This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</i>	Not applicable.
<b>6 Signage to which this Policy applies</b>	
(1) <i>This Policy applies to all signage that:</i>	
(a) <i>can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i>	Noted.
(b) <i>is visible from any public place or public reserve, except as provided by this Policy.</i>	Noted.
Part 2 Signage generally	
Provision	Comments
<b>8 Granting of consent to signage</b>	
<i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i>	
(a) <i>that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</i>	Addressed above.
(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</i>	Addressed below.

**Part 3 Advertisements**

**Division 1 General**

**9 Advertisements to which this Part applies**

- |   |                                     |
|---|-------------------------------------|
| <p>(1) <i>This Part applies to all signage to which this Policy applies, other than the following:</i></p> <p>(a) <i>business identification signs,</i></p> <p>(b) <i>building identification signs,</i></p> <p>(c) <i>signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></p> <p>(d) <i>signage on vehicles.</i></p> | <p>This Part is not applicable.</p> |
|---|-------------------------------------|

**Schedule 1 Assessment criteria**

**1 Character of the area**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></li> <li>• <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></li> </ul> | <p>The proposed signage is not inconsistent with the rural character of the locality.</p> <p>Not applicable. There is no theme for signage in the locality.</p> |
|--|---|

**2 Special areas**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i></li> </ul> | <p>The signage is proposed to be made of high-quality materials. It will not result in being a negative visual element in the locality.</p> |
|--|---|

**3 Views and vistas**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <i>Does the proposal obscure or compromise important views?</i></li> <li>• <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></li> <li>• <i>Does the proposal respect the viewing rights of other advertisers?</i></li> </ul> | <p>No views will be obscured or compromised.</p> <p>The proposed signage will not be a dominating visual element.</p> <p>Not applicable.</p> |
|---|--|

**4 Streetscape, setting or landscape**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></li> <li>• <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></li> <li>• <i>Does the proposal screen unsightliness?</i></li> <li>• <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></li> <li>• <i>Does the proposal require ongoing vegetation management?</i></li> </ul> | <p>Signage is proposed on the entry statement of the estate.</p> <p>Yes. The entry statement is designed as an attractive visual feature of the estate.</p> <p>Not applicable.</p> <p>No.</p> <p>Not applicable.</p> <p>The signage will be maintained by the estate owners.</p> |
|---|--|

**5 Site and building**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i></li> <li>• <i>Does the proposal respect important features of the site or building, or both?</i></li> <li>• <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i></li> </ul> | <p>Yes. Signage is located on the entry statements for the estate.</p> <p>Not applicable. No features of the site are negatively impacted on as a result of the signage.</p> <p>Not applicable. The signage is functional in purpose and design.</p> |
|---|--|

<b>6 Associated devices and logos with advertisements and advertising structures</b>	
· Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Soft illumination is proposed.
<b>7 Illumination</b>	
· Would illumination result in unacceptable glare?	No. Soft illumination proposed only.
· Would illumination affect safety for pedestrians, vehicles or aircraft?	No. Soft illumination proposed only.
· Would illumination detract from the amenity of any residence or other form of accommodation?	No. Location of illumination will not result in any amenity impacts.
· Can the intensity of the illumination be adjusted, if necessary?	Yes.
· Is the illumination subject to a curfew?	No.
<b>8 Safety</b>	
· Would the proposal reduce the safety for any public road?	No. Signage is functional in purpose and design.
· Would the proposal reduce the safety for pedestrians or bicyclists?	No.
· Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

The proposed development is not inconsistent with the provisions of the SEPP.

#### **4.6 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

SEPP (Infrastructure) may require the Council to refer the application to utility providers. We welcome the opportunity to provide any additional information if that is required.

#### **4.7 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012**

The Mid-Western LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,
- (b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—
  - (i) land of significance to agricultural production, and
  - (ii) soil, water, minerals and other natural resources, and
  - (iii) native plants and animals, and
  - (iv) places and buildings of heritage significance, and
  - (v) scenic values,
- (c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,

- (d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,
- (e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—
  - (i) managing the urban and rural interface, and
  - (ii) preserving land that has been identified for future long- term urban development, and
  - (iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and
  - (iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,
- (f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,
- (g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.

It is submitted that the proposed development is not inconsistent with these objectives.

**Land Use and Permissibility**

The subject site is zoned *RU4 Primary Production* with the following zone objectives applying to that zone.

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that land is available for intensive plant agriculture.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.

The objectives of the zone were considered at the time of the Site Compatibility Certificate and subsequent seniors Development Application. We submit the proposed development is consistent with those two applications in that development aimed at the seniors market is proposed on the subject site.

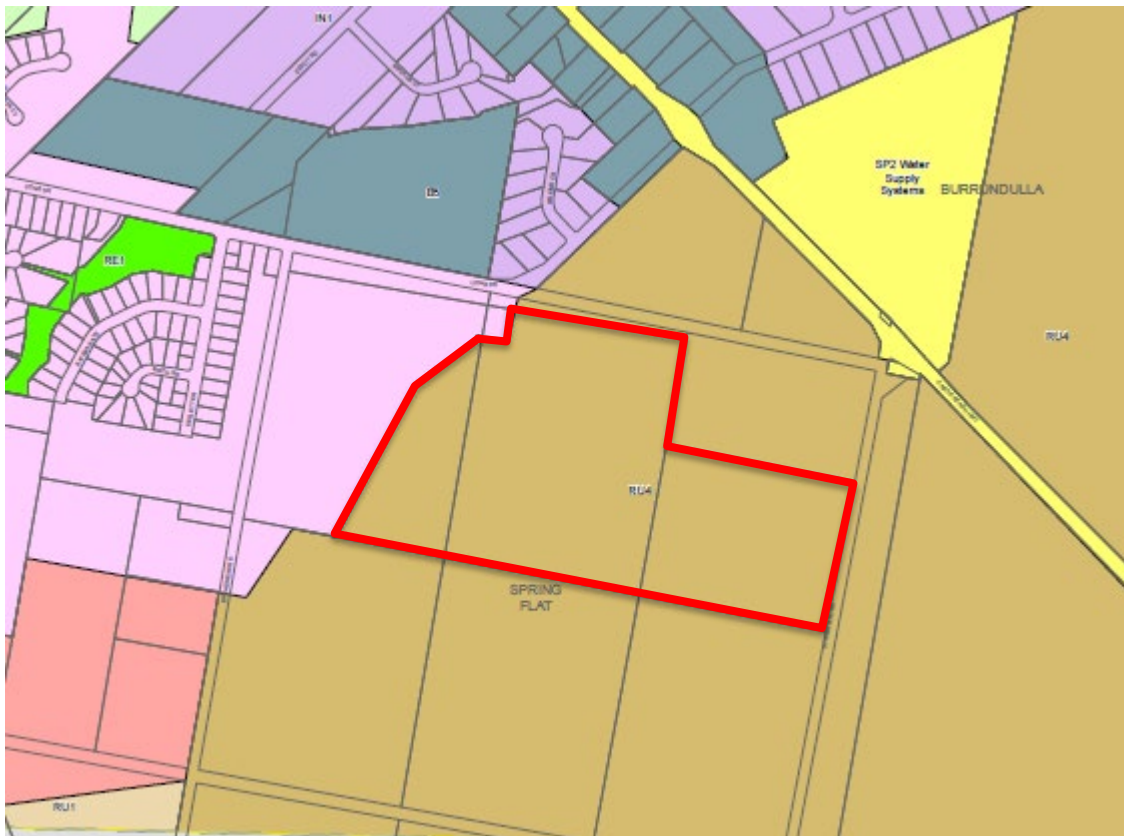


Figure 7 Land use zoning map

Land use permissibility has been considered earlier in this report and is enabled through the application of SEPP 36.

The following clauses of the LEP have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:				
Standard		Permitted	Proposed	Comment
4.1	Minimum subdivision lot size:	N/A	N/A	
4.1AA	Minimum subdivision lot size for community title schemes	N/A	N/A	Proposal is for a manufactured housing estate, not a community title scheme.
4.1A	Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings	N/A	N/A	
4.1B	Exceptions to minimum lot sizes for certain residential development	N/A	N/A	
4.1C	Exception to minimum subdivision lot sizes around Zone B4	N/A	N/A	
4.1D	Minimum lot sizes for certain split zones	N/A	N/A	

4.1E	Subdivision of land in Zone RU1 for non-agricultural land uses	N/A	N/A
4.1F	Minimum lot sizes for certain land with split minimum lot sizes	N/A	N/A
4.2	Rural Subdivision:	N/A	N/A
4.3	Height of Buildings:	N/A	N/A
4.4	Floor Space Ratio	N/A	N/A

#### Part 5 Miscellaneous Provisions

Provision	Comment	
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	N/A
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18	Intensive livestock agriculture	N/A

5.19	Pond-based, tank-based and oyster aquaculture	N/A
5.20	Standards that cannot be used to refuse consent—playing and performing music	N/A

Part 6 Additional Local Provisions		
Provision		Comment
6.1	Salinity	No significant excavation is proposed on the site. No unacceptable salinity impacts are expected.
6.2	Flood planning	N/A
6.3	Earthworks	No significant earthworks are proposed as part of this application.
6.4	Groundwater vulnerability	N/A
6.5	Terrestrial biodiversity	All development on the site is situated away from the water course that is located adjacent to the western boundary. No impacts are expected to arise from the development proposed.
6.6	Location of sex services premises	N/A
6.7	Active street frontages	N/A
6.8	Airspace operations—Mudgee Airport	N/A
6.9	Essential services	The site can be serviced to accommodate the proposed development.
6.10	Visually sensitive land near Mudgee	N/A
6.11	Temporary workers' accommodation	N/A
6.12	Development in a designated buffer area	N/A
6.13	Commercial premises on land in Zone B4 and known as Caerleon	N/A
6.14	Minimum subdivision lot size for community title schemes on certain land in Zone R5	N/A

The proposed development is considered satisfactory in the context of the LEP.

#### 4.8 MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

There are no specific development controls within the DCP relating to LLC's. General development controls within the DCP pertaining to flooding, stormwater and traffic have been responded to in the accompanying consultant reports.

There are no site-specific provisions in the DCP that are relevant to the proposed development or subject site.



## 5 KEY PLANNING ISSUES

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The following impacts have been considered in the preparation of this development proposal.

### 5.1 BUILT OUTCOMES

This application seeks consent for the use of the proposed site as an LLC. Specific manufactured houses will require an approval under the *Local Government Act 1993* separate to this process.

Notwithstanding, to provide a level of comfort to Council at this stage, a suite of indicative dwelling designs has been provided in the plans showing the built form outcomes expected on the site.

We also note that the proposed density of dwellings is not as high as could be otherwise facilitated under the *LG Regulation*. The proponent prefers the density proposed to ensure there is a high level of amenity provided within the development.

The community facilities are also designed with a high level of architectural details, further contributing to the premium feel of the finished product.

Importantly, we note the density of this proposal is not inconsistent with that of the existing approved development on the site. The differences between the two will not be significant.

### 5.2 STORMWATER AND FLOODING

A Stormwater Management Plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting.

The Plan summarises the proposal as follows:

In summary, the proposed site detention and floodwater diversion measures will ensure that the shallow overland flow currently experienced in events up to the 1% AEP flood event will be diverted around the site, ensuring that the proposed development will not be inundated during large storm events.

DRAINS and MUSIC models have been developed in accordance with Mid-Western Regional Council requirements to allow preliminary sizing of the proposed detention basins. Calculations indicate that the proposed basin sites will have sufficient room to be constructed and as such will ensure site flows are reduced to lower than pre-developed rates for storms up to and including the 1% AEP event.

The proposed stormwater and overland flow solution should satisfy Council's consideration of this issue.

### 5.3 TRAFFIC GENERATION AND PARKING

The accompanying Traffic and Parking Impact Assessment has considered the proposal and its potential impacts. The report acknowledges the similarities between the approved development and the current proposal, and summarises it as follows.

- The housing estate is to be developed in stages to accommodate a total of 206 dwelling sites to be occupied by seniors, in conjunction with a community centre and recreation facilities;

- It is expected that the previously approved upgrading measures within Spring Flat Road (comprising a widening of the existing road pavement to 8m and the provision of a footpath along the site frontage and extending to the north towards Castlereagh Highway), will continue to apply to the subject application;
- The estate is proposed to be serviced by an internal road network, connecting with Spring Flat Road via a single access driveway, approximately 300m to the south of the junction of Spring Flat Road and Castlereagh Highway;
- The proposed site access arrangements are considerably consistent with that approved and projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;
- The proposed visitor parking provision is considered to be satisfactory with respect to the relevant requirements of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005*;
- The dwelling sites are capable of accommodating adequate resident parking provision in accordance with the relevant requirements of DCP 2013;
- The internal vehicle circulation arrangements are capable of providing for safe and efficient internal manoeuvring;
- The surrounding road network operates with a good level of service during peak periods;
- The subject development has been assessed to generate up to 83 additional peak hour vehicle trips to and from the subject site, being consistent with that previously approved for the subject site; and
- It is considered that the adjoining road network is capable of accommodating the traffic projected to be generated by the subject development.

Council is able to support the development on traffic and parking grounds.

## 5.4 SOCIAL AND ECONOMIC

The economic and social impacts arising from this proposal are considered positive, with the introduction of much needed age appropriate housing offered in a financially attractive structure, in a city where there is significant demand from residents wishing to remain in their existing community as they downsize or retire.

## 5.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *“Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979”* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

### ***Surveillance***

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all dwelling frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas in the centre of the development are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points throughout the development.
- CCTV to be incorporated into the entry area.

### ***Access Control***

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the development can be effectively managed through electronic passes. Common areas at all locations and levels should have access control measure in place.

Overall access through the development will be managed by the on-site manager.

### ***Territorial Reinforcement***

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

***Space Management***

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area. Cleanliness of the development will be overseen by the on-site manager and maintenance team.

In summary, the proposed development and its design is not inconsistent with the CPTED Principles.

## **6 SECTION 4.15 ASSESSMENT**

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An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

### **6.1 SECTION 4.15(1)(A)(I) – ANY ENVIRONMENTAL PLANNING INSTRUMENTS**

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy No 36 – Manufactured Home Estates*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy No 64 – Advertising and Signage*
- *Mid-Western Regional Local Environmental Plan 2012*
- *Mid-Western Regional Development Control Plan 2013*

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.

### **6.2 SECTION 4.15(1)(A)(II) – ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION**

The exhibited Draft Environment SEPP, and Draft Remediation of Land SEPP have been considered in the context of the existing relevant instruments. In this regard there are no specific matters relating to the proposed development arising from these Draft SEPP's.

### **6.3 SECTION 4.15(1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN**

Compliance against the relevant DCP has been considered earlier in this report.

### **6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT ENTERED INTO UNDER SECTION 7.4**

There are no known planning agreements that apply to the site or development.

### **6.5 SECTION 4.15(1)(A)(IV) – THE REGULATIONS**

There are no sections of the regulations that are relevant to the proposal at this stage.

**6.6 SECTION 4.15(1)(A)(V) – ANY COASTAL ZONE MANAGEMENT PLAN**

Not relevant to the proposed development.

**6.7 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT**

**6.7.1 Natural Environment Impacts**

There will be no unacceptable natural environmental impacts. The site has an existing active development approval for seniors housing on the site, and this proposal is broadly consistent with the footprint of that approval.

No vegetation will be impacted on to any unacceptable extent. There will also be very little impact on other residential development further to the west and south-west.

**6.7.2 Social and Economic Impacts**

The economic and social impacts arising from this proposal are considered positive, with the introduction of much needed age appropriate housing offered in a financially attractive structure, in a city where there is significant demand from residents wishing to remain in their existing community as they downsize or retire.

**6.7.3 Built Environmental Impacts**

The proposed development is broadly consistent with the development footprint of the existing approved development. This proposal will also provide accommodation for over 55's/ seniors, and so the potential impacts would not be dissimilar to those that were considered relevant for the original approved development.

**6.8 SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed development would not result in any unacceptable impact on any adjoining landowners or buildings.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the RU4 zone.
- The proposal represents an appropriate land use and built-form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses as noted in the previous approvals issued on the site and the similarities with this current proposal.

- The proposal represents an increase in accommodation in Mudgee aimed at over-55s/seniors with land tenure arrangements that are not currently offered at any significant scale.

## **6.9 SECTION 4.15(1)(D) – ANY SUBMISSION MADE**

Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to any submissions received.

## **6.10 SECTION 4.15(1)(E) – THE PUBLIC INTEREST**

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

## **7 CONCLUSION AND RECOMMENDATION**

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The proposed development has been assessed against the requirements of the Mid-Western Regional LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed manufactured housing estate would not result in any unacceptable impact on the locality beyond what has already been approved.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.