

PROPOSED MASTER PLAN

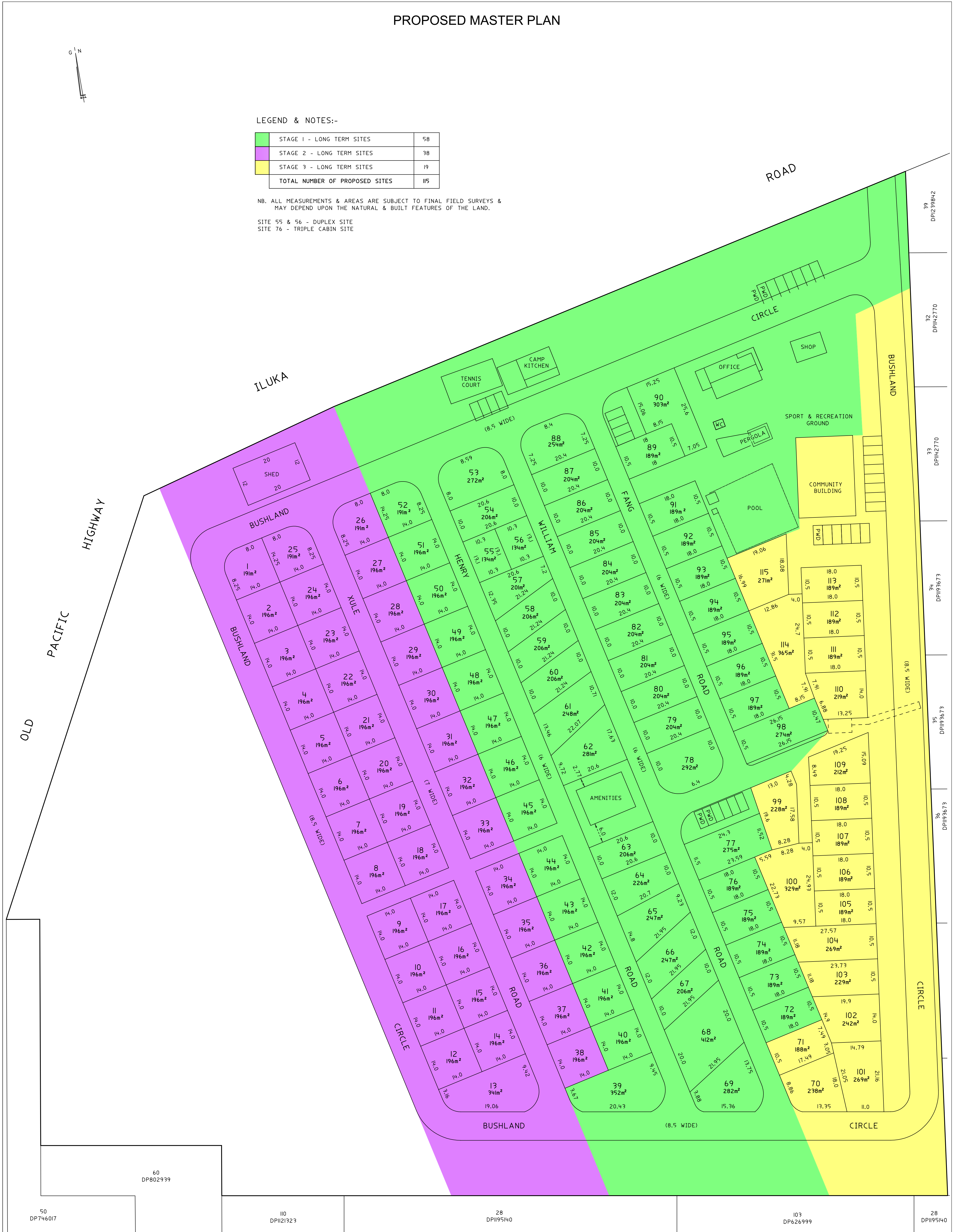


LEGEND & NOTES:-

STAGE 1 - LONG TERM SITES	58
STAGE 2 - LONG TERM SITES	38
STAGE 3 - LONG TERM SITES	19
TOTAL NUMBER OF PROPOSED SITES	115

NB. ALL MEASUREMENTS & AREAS ARE SUBJECT TO FINAL FIELD SURVEYS & MAY DEPEND UPON THE NATURAL & BUILT FEATURES OF THE LAND.

SITE 55 & 56 - DUPLEX SITE
 SITE 76 - TRIPLE CABIN SITE



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PROPOSED MASTER PLAN
LOT 61 IN DP802939
54 ILUKA ROAD, WOOMBAH
'WOOMBAH WOODS CARAVAN PARK'

LOCALITY: WOOMBAH
 LGA: CLARENCE VALLEY
 PARISH: WOOMBAH
 COUNTY: CLARENCE
 DATUM: N/A
 SCALE: 1:500 @ A1
 DRAWING NO: 12740-01
 CLIENT: WILLIAM HU

SHEET 1 OF 5

23	LOTS 57-61 RECONFIGURATION	19/07/2021
22	LOTS 59-61 RECONFIGURATION	07/07/2021
21	LOTS 70,71 & 101-103 RECONFIGURATION	02/07/2021
20	LOTS 58-61, 67-69, 71-76, 100 & 102-104 RECONFIGURATION	29/06/2021
19	ROTATED ORIENTATION	03/06/2021
18	REVISED INTERSECTIONS & CARPARKS	19/03/2021
ISSUE	DETAILS	DATE

SECTION 4.15 EVALUATION FOR DA2021/0184
- Lot 61 DP 802939- 54 Iluka Road WOOMBAH NSW 2469

Proposal: Stage 2 and 3 Manufactured Home Estate

Council is in receipt of Development Application DA2021/0184 which seeks approval for Stages 2 and 3 of the approved Manufactured Homes Estate (MHE) under DA2020/0474. The development proposes 57 additional dwelling sites resulting in a total of 115 dwelling sites and one caretakers residence.

(1) Matters for consideration – General

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

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy No. 36 – Manufactured Homes Estates

The permissibility of the MHE on the site was established as part of the Stage 1 MHE under DA2020/0474. In summary, Clause 6 of the *State Environmental Planning Policy No. 36 – Manufactured Homes Estates* (SEPP 36) permits development for the purposes of manufactured home estates (MHE) on any land where caravan parks are permitted. The subject land is zoned R5 Large Lot Residential which ordinarily prohibits caravan parks and in turn prohibits MHE's. The permissibility of the MHE relied on existing use right provisions set out under the *Environmental Planning and Assessment Regulation 2000*.

Legal advice provided with DA2020/0474 stated that Clause 6 of the SEPP 36 does not require the land to be zoned to permit a caravan park in order for a MFE to be permitted on the land. It requires that the land be land on which development for the purposes of a caravan park may be carried out.

As the site benefits from existing use rights for the purposes of a caravan park, it is land on which development for the purposes of a caravan park may be carried out and, pursuant to Clause 6 of SEPP 36, development for the purposes of a MHE may be carried out. Council staff concur with the interpretation of the existing use right provisions in this instance.

Overall, proposed Stages 2 and 3 of the MHE is considered to be generally consistent with the following aims of the SEPP:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and*
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and*
- (c) to encourage the provision of affordable housing in well designed estates, and*
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and*
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and*
- (f) to protect the environment surrounding manufactured home estates, and*
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.*

In determining an application for a manufactured homes estate under the SEPP, Council must be satisfied to the following matters contained in Clause 9(1) and (2):

- (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*

Comment

The site is already serviced by reticulated water and electricity and an existing onsite waste water system for effluent disposal. The applicant provided a stormwater management plan indicating that onsite detention for Stage 2 of the development (as proposed in the Ingen Consulting Stormwater Management Plan) is to be centralised in the proposed bioretention basin. Stage 3 will provide an additional 4kL rain water tanks to service as additional onsite detention.

Detailed design plans of the proposed stormwater management devices will be required for approval by Council prior to commencement of construction. Subject to compliance with the above, it is considered that stormwater management for the development will improve the existing situation and not have an adverse impact on the surrounding area or adjoining properties. A copy of the stormwater management plan titled Concept WSUD Layout Stages 2 and 3 by Ingen Consulting dated 10 February 2021 is provided in the attachments.

- (b) *that the manufactured home estate is or will be provided with adequate transport services, and*

Comment

Public transport services provided by Busways are available direct from the site to Maclean and Iluka at the following frequencies

- four (4) times/day Monday to Friday during the school term
- two (2) times/day Monday to Friday during school holidays
- two (2) times/day Saturdays and Public holidays

This is considered to be adequate transport for the purposes of the MHE.

- (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*

Comment

As stated in the Statement of Environmental Effects, all existing community facilities will be retained though the amenities block will not be required once all short-term sites have been converted to long-term sites, after which it will be remodelled as a community building subject to future approval. Similarly, the camp kitchen will be converted to a community building at that stage, again subject to future consent.

All existing community facilities will be retained though the amenities block will not be required once all short-term sites have been converted to long-term sites, after which it will be remodelled as a community building subject to future approval. Similarly, the camp kitchen will be converted to a community building at that stage, again subject to future consent. A new community centre will be constructed as part of stages 2/3 with associated recreation space. The single storey building has an area of 340m² and contains a function room, meeting room, library, toilets and kitchen.

- (d) *that the development will not have an adverse effect on any:*

- *conservation area*
- *heritage item*
- *waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned.*

Comment

Woombah is identified as a Koala Habitat Area in Council's Draft Koala Plan of Management. As there is no clearing proposed as part of this application and the development footprint generally occurs within the existing disturbed areas, it is unlikely that there will be any impact to the environment or conservation areas.

The development site is not identified as containing any heritage item.

(2) (a) the cumulative impact of the proposed development and other manufactured home estates in the locality,

(b) any relevant guidelines issued by the Director,

(c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

Comment

There is unlikely to be a cumulative impact of the proposed development as there are no other MHE's in the Woombah/Iluka area. No guidelines have been issued by the Director with respect to MHE's.

The provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* have been considered with respect to the development which is considered to be consistent with the requirements of the Regulations.

Further, if Stages 2 and 3 of the MHE are approved, a condition will be imposed to ensure that MHE is designed, *constructed, maintained and operated in accordance with the requirements of Part 2, Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) regulation 2005.*

State Environmental Planning Policy No. 55 - Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land has been used for caravan park purposes since 1984. Therefore it is considered that the subject land is unlikely to be contaminated and suitable for the use as a manufactured homes estate.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned R5 Large Lot Residential under the provisions of the Clarence Valley Local Environmental Plan 2011. As stated under the SEPP 36 considerations, the MHE relied upon existing use right provisions as caravan parks are ordinarily prohibited within the R5 zone. However, as the existing caravan park was approved under DA83/464 by the former Maclean Shire Council on 13 February 1984, the development has existing use rights under the provisions of Clause 4.65 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Clause 4.3 Height of Buildings

A maximum 9m height limit applies to any future buildings on the site.

Clause 7.1 Acid Sulfate Soils

The subject land is identified as containing Class 5 Acid Sulfate Soils (ASS) on the Acid Sulfate Soils Map and is therefore subject to the provisions of Clause 7.1 of the LEP.

This clause only requires an ASS Management Plan to be prepared for works within 500m of adjacent Class 1, 2, 3 and 4 land that is below 5 metres Australian Height Datum (AHD) and by which the water table is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 and 4 land. An ASS Management is not required for the propose development.

Clause 7.8 Essential Services

The site has access to essential services and meets the provision of Clause 7.8.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

n/a

- (iii) **any development control plan, and**

The proposed development is subject to the provisions of the Residential Zones DCP and in particular Part C General Controls, Part H Sustainable Water Controls, Part I Erosion and Sedimentation Controls and Part J Subdivision and Engineering Controls.

Part C General Development Controls for Residential Zones

The proposed development is generally consistent with the matters set out in Part C of the DCP. Essential services will be provided to service the development in accordance with Clause C24 and any extensions or upgrade to existing infrastructure will be the responsibility of the developer.

Part H Sustainable Water Controls

The principles of water sensitive design have been incorporated into the Stormwater Management Plan prepared by Ingen Consulting and the development meets Council's Sustainable Water controls and current water quality pollution targets in line with Part H of the DCP.

Part I Erosion and Sediment Control

A detailed Erosion and Sedimentation Control Plan for each stage is required to be submitted and approved by Council prior to a Civil Construction Certificate being issued in accordance with the provisions of Part I of the DCP. This plan will be compatible with the Stormwater Management Plan (SWMP) and will include procedures for clean-up and restoration of public and/or private property.

- (iiia) **any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

No planning agreement has been offered or entered into as part of the application.

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

Environmental Planning and Assessment Regulation 2000

The proposed development is not inconsistent with the matters prescribed within the Regulation.

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

The proposal generally complies with the requirements set out in Part 2 Division 3 of the Regulations, however to ensure future compliance the following conditions have been placed upon the approval:

41. The manufactured home estate must be designed, constructed, maintained, and operated in accordance with the requirements of Part 2, Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) regulation 2005*. This must be demonstrated prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Social impacts

The proposed development will provide an additional 57 manufactured homes (resulting in a total of 115 dwelling sites) to the area which is consistent with Council's adopted Affordable Housing Policy. As part of that Policy it is recognised that there is a need to diversify housing stock and tenure options to meet the changing needs of its community, including the aging of the population, decreasing average household size and socio economic profile. It is committed to encouraging the development of smaller, more manageable, well-located dwellings that allow for positive 'aging in place', as well as continuing to provide for the needs of younger people, families and lower income households through its land release strategies. Further, the policy provides a commitment to protect and increase the supply of housing stock that can be affordably rented or purchased by very low, low, and moderate income households, including target groups identified as having particular housing needs in Clarence Valley. Proposed Stage 2 and 3 of the MHE will provide additional long term and permanent housing to an area that this has a demonstrated need to provide additional housing choices to its community.

Economic

Economically, the proposed development will have a positive outcome for the area through increased employment opportunities during construction works and once the development is completed offer an affordable housing type to the market.

Environment

There will be some impact to the built environment through the installation of manufactured homes on the site. All homes are required to be compliant with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* which will ensure that any potential

The area of the MHE is located generally within the same footprint as the existing caravan park. No additional clearing is proposed or permitted as part of this application so it is unlikely that the change of use will have any environmental impacts

(c) the suitability of the site for the development,

The site is suitable for the proposed development as approved subject to suitable conditions to ensure compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(d) any submissions made in accordance with this Act or the regulations,**1. Submissions received during exhibition**

The proposed development was advertised and notified and a total of six (6) submissions were received during the exhibition period.

The issues raised in the submissions are summarised below and a comment is provided.

a. Biodiversity

Concerns raised in the submissions to the application relate to the associated impacts on biodiversity from clearing of native vegetation and impacts on adjoining residential dwellings.

Comment

Clearing for the purposes of Stage 2 and 3 has already been completed under the existing approval DA83/464 in 2019. In response to concerns raised by the community at that time, Council issued an Emergency Order under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to cease clearing as it was not authorised under a development consent. The developer then lodged a Land and Environment Court Appeal which was later withdrawn following determination that the original consent was valid and clearing was lawful clearing under DA83/464.

The Statement of Environmental Effects submitted with the current development application DA2021/0184 states that the only clearing further required to be undertaken on the site is for the purposes of the onsite wastewater disposal area for Stage 3. The area proposed to be occupied under the current development is the same area approved under the original development consent issued under DA83/464. As the onsite wastewater area is within the original approved footprint, clearing is taken to have already been authorised as per the Clause 60O(a)(i) of the *Local Land Services Act 2013*. No further clearing is approved as part of this application than that approved under the original consent and the MHE will be contained wholly within the existing approved area of the caravan park issued under DA83/464. Refer to Figures 1 and 2 below.

Clause 60O(a)(i) of the *Local Land Services Act 2013* confirms if the clearing of native vegetation is authorised by a development consent under the EP&A Act then there is no requirement to obtain approval to clear vegetation under the *State Environmental Planning Policy (Vegetation in non rural areas) 2017*. Therefore, the original development consent issued under DA83/464 authorised the clearing of the site as detailed on the approved site plan.

Provided the clearing of the land for the development is within the "site" as identified on that site plan, it is considered to be native vegetation that is authorised to be cleared under the development consent. As DA83/464 is still a valid consent, clearing under this approval is still authorised. It is considered that the impact of any clearing required for the development will result in substantially the same impact as that originally approved. However, it is considered prudent to impose conditions around site rehabilitation for retained vegetation and disturbed areas outside of asset protection zones to ensure that remaining vegetation is protected in perpetuity. Draft conditions requiring the preparation of a Vegetation Management Plan and site rehabilitation are contained in Schedule 1.

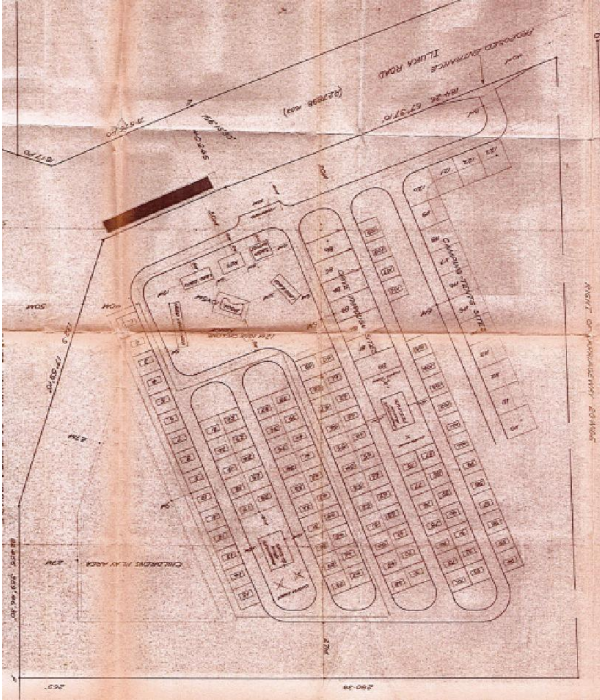


Figure 1 – Approved Caravan Park DA83/464 & DA2021/0184



Figure 2 – Proposed stage MHE (DA2020/0464

b. Loss of privacy and amenity

Concerns were raised by the adjoining land owner regarding loss of privacy and amenity from an expansion of the MHE site.

Comment

Due to clearing being undertaken under the existing caravan park approval, the amenity enjoyed by adjoining land owners has been reduced. It is considered appropriate that the developer reinstate some level of privacy through vegetative screening along the boundary of the development site and Lot 60 DP802939. As such, a draft condition of consent has been included in Schedule 1 requiring a minimum 10m vegetative screening buffer along the boundary of the site and Lot 60 DP802939.

Additionally, a landscape plan must be submitted for approval by Council and works completed prior to issue of the Approval to Operate Stage 2.

c. Intersection upgrades

Concerns regarding the safety of the intersection of the site and Iluka Road were raised in the submissions.

Comment

A Traffic Impact Assessment was provided as part of the application. Comments were also sought from Transport for New South Wales (TfNSW) and their comments have been addressed through draft conditions of consent. Iluka Road is identified as an unclassified (regional) road. In accordance with Section 7 of *the Roads Act 1993* Clarence Valley Council is the Roads Authority.

The proposed development will generate an increase in daily and peak hourly vehicle movements at the Iluka Road and site access road intersection. This intersection currently has no formal treatment for vehicles turning into the site, meaning there is limited width for through traffic to safely pass a turning vehicle.

The Traffic Impact Assessment and Supplementary Traffic Report have identified a post-development traffic forecast which meets the Austroads warrants for shortened channelised right turn (CHR-S) and shortened auxiliary left turn (AUL-S) lanes.

To ensure that the access is adequate to cater for the increase in traffic, the intersection must be upgraded prior to the issue of the Approval to Operate under Section 68 of the LG Act for Stage 2.

Based on the above, the applicant is required to:

1. Upgrade the existing access to provide a shortened channelised right turn (CHR-S) and shortened auxiliary left turn (AUL-S) generally in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
2. Where relevant, provide provision for bus and pedestrian movements in and around the access.
3. Detailed designs to be provided by a suitably qualified engineer and approved under a Public Works Certificate.
4. Intersection upgrade to be provided prior to issue of approval to Operate for Stage 2 of the development.

The applicant sought to have the need to upgrade the intersection deferred until Stage 3 of the development. As part of the engineering considerations for this type of traffic generating development, Council is required to consider traffic impacts based on a design horizon of 10 years. Whilst the construction of Stage 2 does not trigger the need to upgrade the intersection for current traffic volumes, it will by the year 2030. As such, it is required that the intersection upgrade be undertaken prior to the issue of the Approval to Operate for Stage 2 as this traffic loading is forecast to trigger warrants to provide a channelised right turn and shortened auxiliary left turn lane in accordance with Austroads.

d. Stormwater

Concerns were raised within the submissions regarding existing stormwater issues and additional impacts from future development.

Comment

The applicant has provided both MUSIC and DRAINS modelling to demonstrate the development meets the current requirements for stormwater management as specified under the DCP. The MUSIC modelling results demonstrate that the proposed methods of stormwater treatment can meet the pollutant reduction factors set by the CVC MUSIC link.

The provided stormwater management plan indicates that onsite detention for Stage 2 of the development (as proposed in the Ingen Consulting Stormwater Management Plan) is to be centralised in the proposed bioretention basin. Stage 3 will provide an additional 4kL rain water tanks to service as additional onsite detention.

Detailed design plans of the proposed stormwater management devices will be required for approval by Council prior to commencement of construction. Subject to compliance with the above, it is considered that stormwater management for the development will improve the existing situation and not have an adverse impact on the surrounding area or adjoining properties. A copy of the stormwater management plan titled Concept WSUD Layout Stages 2 and 3 by Ingen Consulting dated 10 February 2021 is provided in the attachments.

e. Noise and light spill

One submission raised the issue of potential light spill and additional noise from the development having an adverse impact on the amenity of adjoining residents

Comment

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* states that MHE's must be adequately lit between sunset and sunrise. A condition has been imposed that requires the development to be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code), NSW Police 'Safer By Design' guidelines and Council's Outdoor Lighting Guideline. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to commencement of works.

As stated in Council's Outdoor Lighting Guideline, well-designed outdoor lighting promotes safety and security but avoids light spillage onto nearby properties. Compliance with Council's Outdoor Lighting Guideline will ensure that:

- The location and level of outdoor lighting should provide the minimum adequate illumination for that site. It should not be excessive and should not trespass onto adjacent public or private land.
- Operate lighting only for the minimum period necessary – consider timers and daylight/motion sensors.
- Outdoor lighting be located above the target area and directed down with full shielding – this avoids upward and horizontal light spillage and glare.

In regard to potential noise impacts, it is considered that noise generated from long term permanent residents will be considerably less than short term rental and holiday accommodation that could be undertaken under the caravan park approval.

f. Onsite wastewater impacts (smell and drainage)

One of the submissions raised concerns regarding impacts from the onsite wastewater system including odour management and poor drainage/stormwater.

Comment

A Waste Water Management Plan prepared by Earth Water Consulting was submitted with the application. Council's Environmental Health Officer has assessed the report against Council's Onsite Wastewater Management Strategy and the proposed system complies with the requirements of that plan including the required setbacks boundaries. The existing system will be replaced prior to the Approval to Operate being issued for Stage 2.

All stormwater and seepage from higher levels is to be diverted away from the disposal area and must not be directed towards a boundary or neighbouring property in a concentrated flow. A proposed condition of consent to this effect is provided in Schedule 1. Through compliance with the Waste Water Management Plan and conditions of consent, the new OSM system will not have any impact on adjoining properties

Summary

The proposed expansion of the approved MHE is considered to be consistent with the general aims of *State Environmental Planning Policy No 36 - Manufactured Home Estates* to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements and encouraging the provision of affordable housing in well designed estates and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* which aims to provide opportunities for affordable alternatives in short-term and long-term accommodation.

Through the imposition of draft conditions of consent to ensure privacy of adjoining properties is maintained and suitable site rehabilitation and ongoing vegetation management is undertaken, the proposed development is considered suitable for the site.

(e) the public interest.

The proposed development is considered to be in the public interest by meeting the following objects of the Act:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Officer: Carmen Landers, Acting Development Services Coordinator

Date: 10 November 2021