

Notice of ExtraOrdinary Meeting

**to be held at the Council Chambers
2 Pulteney Street, Taree**

2 November 2017 at 6.00pm

The order of the business will be as detailed below (subject to variation by Council)

1. Acknowledgement of Country
2. Declaration of Pecuniary or Conflicts of Interest (nature of interest to be disclosed)
3. Apologies
4. Consideration of officers' reports
5. Close of meeting

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Glenn Handford
General Manager

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TABLE OF CONTENTS

CONSIDERATION OF OFFICERS' REPORTS: 1
DIRECTOR PLANNING & NATURAL SYSTEMS 1
1 DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS 1

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CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

1 DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS

Report Author Bruce Moore, Manager Development Assessment

File No. / ECM Index 407/2017/DA

Date of Meeting 2 November 2017

DETAILS

Date Received: 13 April 2017

Applicant: Coastplan Group Pty Ltd

Owners: Brichris P/L; John Earning P/L; and Island Point Plantations P/L

Land: Lot 3 DP 242332 No. 303 Blackhead Road Hallidays Point

Zoning: R1 Residential and RE1 Public Recreation, GTLEP 2010

SUMMARY OF REPORT

- The application proposes to develop a Manufactured Home Estate comprising 202 sites on land at Tallwoods.
- The development is proposed to be carried out in 4 stages and will provide for the dedication of land to Council for the purpose of public recreation.
- The application was notified and advertised and 50 submissions were received.
- Council considered a report in relation to the application at its meeting of 27 September 2017 and resolved to defer determination of the application.
- Further community consultation has been carried out.
- It is recommended that the proposal be approved, subject to the imposition of conditions.

SUMMARY OF RECOMMENDATION

The proposed development application be approved subject to the conditions at the end of this report.

FINANCIAL/RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

LEGAL IMPLICATIONS

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

ATTACHMENTS

- A: Copy of the planning assessment report presented to Council at its Ordinary meeting of 27 September 2017
- B: Development Plans (Listed as Attachment A on report dated 27 September 2017)
- C: Visual Analysis (Listed as Attachment B on report dated 27 September 2017)

Attachments A, B & C have been circulated in hard copy to the Councillors and Senior Staff, however these Attachments are publicly available on Council's website.

DISCUSSION

Council at its ordinary meeting of 27 September 2017 considered a report in relation to a development application 407/2017/DA seeking consent for a the establishment of a Manufactured Home Estate on land known as Lot 3 DP 242332 (No. 303) Blackhead Road Hallidays Point.

Council resolved to:

'A. Defer the matter for:

- 1. A site inspection by Councillors;*
- 2. A Councillor information session with the public.*

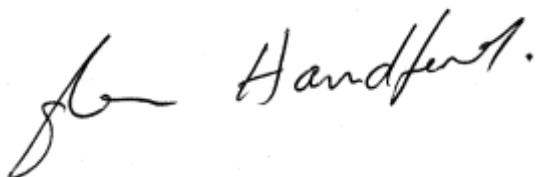
B. That 1. and 2. above be held as soon as practicable.'

In keeping with the resolution, Councillors carried out a site inspection of the land on 17 October 2017. A Councillor information session with the public was held at the Blackhead Surf Life Saving Club on 17 October 2017. Questions and answers from the Councillor information session are included as Annexure B.

As the site inspection and Councillor information session have now been carried out, the application is reported back to Council for determination. A copy of the planning assessment report considered by Council at its ordinary meeting of 27 September 2017 is included as Attachment A.

RECOMMENDATION

It is recommended that Development Application 407/2017/DA for a Manufactured Home Estate on Lot 3 DP 242332- 303 Blackhead Road Tallwoods be approved in accordance with the conditions of consent contained in Annexure A.



Glenn Handford
GENERAL MANAGER

ANNEXURES

A: Conditions of Consent

The subject development is to be carried out in Stages. The Following Conditions apply to All Stages 1-4.

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the following approved development plans, except as modified by any conditions of consent:

Title/Name	Drawing/No.	Revision / Issue	Date	Prepared by
Concept Plan	-	C	20/6/17	Lidbury Summers Whiteman
Staging Plans 1-4	-	B	27/6/17	Lidbury Summers Whiteman
Site Plan	16124-DA-100	-	6/4/17	ddc architects
Ground Floor Plan	16124-DA-200	-	6/4/17	ddc architects
Elevations	16124-DA-300	-	6/4/17	ddc architects
Landscape Plan	17140-LDA(00 05)	D		NBRS Architecture Landscape
Mens Shed	10	A	9/6/17	Alderley Design

2. The following approval bodies has/have given general terms of approval in relation to the development, as referred to in Section 93 of the *Environmental Planning and Assessment Act 1979*:

- a. New South Wales Rural Fire Service

All general terms of approval are to be complied with as conditions of this development consent.

3. The proposed pedestrian pathway and cycleway is to be constructed to a minimum width of 3 metres.
4. This development consent is granted for the development to be undertaken in four (4) stages as follows:
 - a) Stage 1- Lots and Dwellings (1-59); Community Centre; Pool, Bowling green; Men's Shed, Office/Managers Residence, Roadworks, Public Car park; Bulk Earthworks for playing field and future stages; Caravan Storage; and Construction Access.
 - b) Stage 2 - Lots and Dwellings (60-116); Open Space area; Roadworks and car parks; dedicate public road and car park; complete playing field earthworks; and construct 3m wide cycleway.
 - c) Stage 3 - Lots and Dwellings (117- 167); Open space and car parks; dedicate playing fields, water quality infrastructure, open space and 3m wide cycleway.
 - d) Stage 4 - Lots and Dwellings (168-202); Roadworks; car parking and construction and dedication of remaining portion of 3m wide cycleway and open space.

5. No native vegetation clearing shall occur without prior written approval from MidCoast Council.
6. Vegetation cleared from the subject land is not to be disposed of by burning. All usable trees and shrubs that are cleared from the land are to be salvaged by the applicant for re-use either in log form, or as woodchip mulch for erosion control and / or site rehabilitation.
7. Suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and maintained for the duration of construction works on the site.
8. Plans for the civil works, prepared in accordance with Council's Auspec Design Manual and the relevant Bush Fire Safety Authority are to be submitted to and approved by MidCoast Council. Plans are to be accompanied by the current appropriate fees, together with a civil works construction certificate application and long service levy.
9. A Soil & Water Management Plan must be prepared by a suitably qualified and practicing engineer, detailing temporary and permanent measures proposed to be installed, and submitted with the engineering drawings.
10. A pre-clearing survey is to be undertaken by a qualified ecologist to ensure the trees to be removed are not being utilised by any native fauna prior to clearing. The ecologist is to inspect all tree hollows and if any threatened fauna are detected, Council is to be notified and the felling of the tree postponed until the animal has been safely removed by the ecologist and relocated into an adjacent natural area. If a koala is detected in any of the trees to be removed, all works must cease within 100m of the tree and the koala permitted to vacate the area of its own accord.

The ecologist is to provide a report to Council within one-week of the tree clearing operation outlining the results of any fauna recovery operation and details of the number and hollows removed. Tree hollows must be salvaged and re-erected by the ecologist within the wildlife corridor.

Any injured fauna should be forwarded to a qualified Wildlife Carer such as FAWNA (Ph: 6581 4141) or Koalas in Care (Ph: 6552 2183).

11. The manufactured home estate must not be used for any commercial purpose (other than a manufactured home estate or an associated purpose), or for the manufacture, construction or reconstruction of moveable dwellings.
12. The site shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council.
13. The person who holds the approval to operate a manufactured home estate must provide the Council with a copy of the current community map as soon as practicable after any amendment is made to the map, and at such other times as the council may reasonably require.
14. 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:
 - (a) the approval for the manufactured home estate,
 - (b) the current community map,
 - (c) this Regulation.

15. The use and activities within or associated with the operation of the Community Building shall not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an 'offensive noise' as defined under the provisions of the Protection of the Environmental Operations Act 1997. No noisy activities audible at any adjacent residential premises shall occur between the hours 10.00pm to 7.00am.
16. The holder of the approval to operate the manufactured home estate must ensure that copies of the following documents must be readily available for inspection (without cost) by any person:
 - a) the approval for the manufactured home estate,
 - b) the current community map,
 - c) *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

Prior to the Issue of the Construction Certificate

The following conditions of consent must be complied with prior to the issue of the Construction Certificate.

17. The manufactured home estate shall be designed in accordance with the requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, or any approved objection pursuant to Section 82 of the *Local Government Act 1993*.
18. Submission to Council for approval of intersection design drawings for the intersection of Coastal View Drive and the access road to the Manufactured Home Estate (MHE) that includes traffic calming devices as required.
19. The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
20. A Vegetation Management Plan (VMP) is to be submitted and approved by Council prior to the issue of the Construction Certificate and address the following:
 - a) the establishment of a wildlife corridor as depicted in Figure 5 of the Flora and Fauna Assessment (Travers bushfire & ecology, April 2017);
 - b) the provision of compensatory planting at a ratio of 2:1 to offset the loss of native vegetation from the development site;
 - c) the implementation of any habitat enhancement measures required such as weed control;
 - d) the salvage and relocation of hollows from trees removed from the development site to the wildlife corridor; and
 - e) details of the type of fencing proposed to exclude fauna from the development and facilitate fauna movement through the corridor.

The VMP is to include the number and species of trees to be removed together with details of the compensatory planting to be undertaken including proposed location, numbers, species, the timing of works and maintenance schedules. Seedlings are to be of local provenance and comprise of local koala food trees and winter flowering eucalypts.

21. Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$50,000 and a non-refundable administration fee of \$330.00 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) Once all works, including landscaping, driveway construction, turfing, etc. have been completed, and/or
- b) Following the issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

22. An Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with "*Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition*". All controls shall be sized in accordance with the 80th percentile storm depth.

The plan shall include a signed and dated Statement of Compliance stating (in full):

i)	This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
ii)	The plan complies with the requirements for the area of disturbance in accordance with " <i>Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition</i> ";
iii)	The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of total suspended solids (TSS); and
iv)	All erosion and sediment control measures are in accordance with " <i>Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition</i> ".

The ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

23. Plans for the civil works, prepared in accordance with Council's Auspec Design Manual and the relevant Bush Fire Safety Authority are to be submitted to and approved by MidCoast Council. Plans are to be accompanied by the current appropriate fees, together with a civil works construction certificate application and long service levy.
24. A Stormwater Drainage Report prepared by a suitably qualified and practicing engineer must be submitted to Council for approval.

The report must determine the extent of the 1% ARI storm event affecting the subject land, including the effects of the total development of the catchment, the effects on the downstream properties and the possible need for a water detention facility. Additionally, the report must analyse the impact of the upstream catchment developed to its full potential as well as the fully developed subject land on the downstream drainage system.

25. Submit final engineering plans and specifications for the stormwater management system, for approval by MidCoast Council. Engineering plans are to be designed in accordance with the concept plan prepared by Lidbury, Summers & Whiteman dated 20/6/17 and the approved Water Sensitive Design Strategy for Proposed Lifestyle Village, Lot 3 DP242332 Coastal View Drive, Tallwoods Village by Lidbury, Summers & Whiteman dated February 2017 and the Concept Plan for Development of Lot 3, DP242332 Coastal View Drive - Tallwoods Layout Plan by Lidbury, Summers & Whiteman dated 20/6/17 and include:
- i) Northern Bioretention Basin 1 with a minimum filter area of 393m²
 - ii) Northern Bioretention Basin 2 with a minimum filter area of 184m²
 - iii) Southern Bioretention Basin 1 with a minimum filter area of 248m²
 - iv) Southern Bioretention Basin 2 with a minimum filter area of 220m²
 - v) Southern Bioretention Basin 3 with a minimum filter area of 373m²

Design the bioretention basins to meet the Water Sensitive Design Strategy and the following criteria:

- i) In accordance with Water by Design (2006), 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership, including calculations for the underdrain pipe hydraulic capacity.
 - ii) Contain at least four species of plants selected from Great Lakes Councils Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design, dated 10 August 2016, planted at densities indicated in the fact sheet.
 - iii) Contain 0.4m filter media of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009). Filter media must be tested by a NATA registered laboratory to confirm orthophosphate is a maximum 35 mg/kg.
 - iv) Have a maximum surface storage depth of 0.4m and minimum surface storage depth of 0.3m, with a maximum batter/side slope of 1:4 (v:h), unless otherwise retained by a structural wall and landscaping.
 - v) Have suitable access arrangements for operation and maintenance
 - vi) Landscape batter slopes to provide separation from surrounding areas.
 - vii) Configure stormwater drainage to avoid damage to the bioretention systems (particularly the filter media) during construction.
26. Suitable detailed design drawings and specifications demonstrating the design and construction of the food premise will comply with Standard 3.2.3 of the Food Standards Code and Australian Standard 4674-2004 "Design, Construction and Fit Out of Food Premises" are to be provided for the consideration and approval of Council's Environmental Health Officer. Such design drawings and specifications are to be prepared by a suitably qualified drafts person.

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

27. A Construction Certificate is to be issued by an Accredited Certifier prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

28. That five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
- a) The date when demolition will commence;
 - b) Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - c) The licence number of the demolisher, and relevant WorkCover licenses, and;
 - d) Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition License" AND a current WorkCover" Class 2 (Restricted) Asbestos Licence".

Demolition works are restricted as follows:

- a) Monday to Friday inclusive: 7:00am - 5:00pm
 - b) Saturdays: 8.00am-12noon
 - c) Sundays and Public Holidays: No work
29. Erosion and sedimentation controls shall be installed in accordance with Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP).
30. A single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the construction site, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
31. All site fill material shall be classified as virgin Excavated natural Material (VENM), Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines - Part 1: Classifying Waste or comply with the Recovered Aggregate Exemption 2010. Site fill material shall be certified by a practising Geotechnical Engineer prior to haulage to the site. Certification documentation shall be provided to the Principal Certifying Authority prior to the commencement of works.
32. A Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Maritime Services (RMS) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan.
33. The extent of tree removal is to be clearly marked with flagging tape prior to clearing and contractors undertaking approved site works, including tree removal, must be instructed directly of all Council's conditions prior to works commencing. Tree removal is to be conducted by selective directional felling away from areas of vegetation to be retained.

During Construction Works

The following conditions of consent must be complied with during the construction stage of the development.

34. Engage a suitably qualified stormwater engineer to inspect each bioretention during construction. Verify compliance with the approved plans using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010 including:

- a) Earthworks and functional (hydraulic) structures and under drainage prior to covering in.
- b) Filter media including NATA test results and verification through field tests of bioretention basin infiltration rates within 10% of the rates of the design parameters.
- c) Finished levels (works as executed)
- d) Landscape installation and establishment

Submit signed inspection forms to Council including photographs and NATA test results confirming that the assets have been constructed to comply with development consent conditions. Signed inspection forms and photographs will be used as part of asset handover determination for Eastern Bioretention Basin 1.

- 35. The construction and fit-out of the premise or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Standard 3.2.3 of the Food Standards Code and Australian Standard 4674-2004 "Design, Construction and Fit Out of Food Premises."
- 36. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
- 37. The swimming pool is to be fenced in accordance with the Swimming Pools Act 1992, and prior to the pool being filled with water a satisfactory inspection being carried out by the principal certifying authority.
- 38. All building materials must be reused, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.
- 39. During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

- 40. Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.
- 41. Work during construction which may result in noise nuisance being created, shall be restricted to hours of operation between 7 a.m. to 5 p.m. Monday to Friday, and 8 a.m. to 12 noon Saturdays. No work is permitted on Sundays and Public Holidays.
- 42. All excavated fill material that is to be removed from the site shall only be distributed to:
 - a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or

- b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

- 43. All existing sewer connections are to be capped and sealed prior to completion of the demolition operation. The sewer is to be excavated at the shaft, capped and adequately sealed at the sewer junction by a licensed plumber/ drainer. The sealing of the sewer junction is to be inspected by MidCoast Water's Plumbing Inspector prior to the excavation being backfilled.
- 44. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the Occupational Health and Safety Regulation 2001.
 - a) The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - b) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal.
- 45. All demolition work is to be carried out in accordance with the requirements of AS 2601-2001 - The Demolition of Structures.
- 46. Erosion and sedimentation controls shall be maintained in accordance with Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP).

Prior to Issue of the Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- 47. A warning notice is to be erected in a prominent position in the immediate vicinity of the swimming pool. The notice must be erected and contain the necessary information in accordance with Clause 10 of the Swimming Pools Regulation 2008.
- 48. Safety barriers and gates are to be installed in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2008 and AS 1926.1-2012 Swimming Pool safety Part 1: Safety barriers for swimming pools".
- 49. Certification prepared by a suitably qualified person must be submitted to the Principal Certifying Authority stating that the swimming pool water recirculation system has been installed in accordance with Part 3.9.4 of the Building Code of Australia and AS 1926.3 – 2010, Water Recirculation Systems.

50. The owner must ensure that the pool is entered on the NSW State Government register. The registration of the pool can be done online at www.swimmingpoolregister.nsw.gov.au.
51. The parking areas, access lanes, vehicle movement areas and passing bays are to be designed, drained and constructed in accordance with the "Local Government (Manufactured Homes Estate, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
52. Speed limits on the internal access roads of the estate shall be limited to 30 kilometres per hour for major access roads (Roads 1 and 2) and 15 kilometres per hour for minor access roads (Roads 3 to 13). Appropriate signage and/or road markings that are clearly identifiable shall be installed.
53. Visitor parking space dimensions shall comply with Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Visitor parking spaces must be clearly identified on site.
54. All access roads and parking areas must have an all-weather sealed surface.
55. All access roads must be adequately lit between sunset and sunrise. Any outdoor lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic.
56. The water supply service must comply with the *Plumbing and Drainage Act 2011* and any regulations under that Act.
57. Each dwelling site must be connected to the sewage disposal system for the manufactured home estate. The sewage disposal system must comply with the *Plumbing and Drainage Act 2011* and any regulations under that Act.
58. Each dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter. 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.
59. Documentary evidence is to be provided to Council indicating underground electrical power to the development, including adequate street lighting for the estate, has been installed.
60. A Notice of Arrangement shall be submitted to Council demonstrating that telephone services, including connection to, or internal infrastructure installed ready for connection, to the NBN network, will be provided in such a manner that a connection is available to each dwelling site within the manufactured home estate. Documentary evidence is to be provided to MidCoast Council.
61. No part of a dwelling site or community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the manufactured home estate must be a double-headed pillar-type fire hydrant, and be maintained in accordance with industry standards.
62. All areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.

63. Any damage caused to Council owned infrastructure, including the verge area, in connection with the construction works are required to be rectified in accordance with Councils current standards at no cost to Council.
64. All future dwellings to be located within the manufactured home estate shall comply with the provisions of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Ongoing Operations

The following conditions of consent shall be complied with throughout the operational life of the development.

65. Each dwelling is to have a minimum 1,000L rainwater tank installed to collect 100% of the roof area for reuse in toilets and laundry.
66. No additional advertising signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior separate consent of Council.
67. The park must have a minimum of 3 disabled parking spaces.
68. Maintenance of all buildings, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.
69. All Landscaping works associated with this Consent are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works i.e., the Date of Practical Completion (DPC).

It is the Applicants responsibility to arrange a site inspection, upon initial completion of the Landscaping works, to determine and agree upon, an appropriate DPC.

The following conditions apply to Stage 1 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate for Stage 1.

70. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
71. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (59 Sites)

Local facilities	\$304284.83 (to be discounted by 40% at payment)
Greater Taree facilities	\$134241.52
Total	\$438526.35

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the Environmental Planning and Assessment Regulation 2000.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “Greater Taree Section 94 Contributions Plan 2016” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

72. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 2 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate for Stage 2.

73. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
74. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council Road No. 1 including the 17 space carpark and surrounding land.

The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (57 sites)

Local facilities	\$293970.09 (to be discounted by 40% at payment)
Greater Taree facilities	\$129690.96
Total	\$423661.05

Contribution Plans may be inspected on Council’s website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “Greater Taree Section 94 Contributions Plan 2016” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

75. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 3 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate Stage 3.

76. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
77. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council Playing Fields, 3m wide Bicycleway and Pedestrian pathway and water quality infrastructure within this land as Public Reserve.
78. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (51 sites)

Local facilities	\$263025.87(to be discounted by 40% at payment)
Greater Taree facilities	\$116039.28
Total	\$379065.15

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “Greater Taree Section 94 Contributions Plan 2016” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

79. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 4 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate Stage 4.

80. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
81. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council a 3m wide Bicycleway and Pedestrian pathway as Public Reserve.
82. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (35 sites)

Local facilities	\$180507.95(to be discounted by 40% at payment)
Greater Taree facilities	\$79634.80
Total	\$260142.75

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “*Greater Taree Section 94 Contributions Plan 2016*” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

83. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. The proposed manufactured homes estate is to comply with the following specified plans:
 - The site plan prepared by Travers Bushfire and Ecology, titled "Schedule 1 - Bushfire Protection Measures" and dated 5/4/17 (this plan is relevant to the required APZs), and
 - The site plan prepared by Lidbury, Summers & Whiteman, titled "Concept Plan for Development of Lot 3 DP 242332 Coastal View Drive -Tallwoods Layout Plan" identified as Issue B and dated 7/4/7 (this plan is relevant to the final layout of the development).

It is noted that some variation exists between these two plans, with regard to layout. The APZ information identified in the plan titled: "Schedule 1 - Bushfire Protection Measures" can be transferred to the referenced plan titled: "Tallwoods Layout Plan" as this plan is identified as the final layout plan applicable to the development.

Asset Protection Zones The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Fences, that are proposed to be constructed as part of the development, are recommended to be constructed in accordance with the NSW RFS Fast Fact 2/06, titled "Dividing Fences" version 5, and dated February 2012. The following points are made;
 - The RFS does not recommend the use of softwood or treated pine fencing in bushfire prone areas.
 - Where BAL-12.5 or BAL-19 construction is required for the manufactured home, hardwood fencing is considered suitable; subject to it being disconnected from the dwelling by at least 1m of non-combustible fencing material, otherwise the fence should be constructed from non-combustible materials.
 - Where BAL-29 construction is required for the manufactured home, fencing materials should be non-combustible.
 - Landscaping in the vicinity of timber fences should be selected, located and maintained to reduce possible fire activity due to; ember, radiant heat or direct flame contact, that may further impact timber fencing.

Asset Protection Zones The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

4. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed on the area of land, located in the western part of the development site that is proposed (in the future) to become playing fields, public road, water quality ponds and car parking. This identified section of land is proposed to be dedicated to Council in stage 2 of the sites development. Management shall be in perpetuity as an inner protection area (IPA), as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

5. Water, electricity and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Public roads shall comply with section 4.1.3 Access (1) Public roads, of 'Planning for Bush Fire Protection 2006'. The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

7. Internal roads shall comply with section 4.1.3 Access (1) of 'Planning for Bush Fire Protection 2006', except that mountable kerbs and verges are able to be used when considering the width of roads. The width of roads at bends, that have <40m radiuses (inside edge), or at intersections with other roads, will need to achieve the minimum requirements as specified in Table 4.1 Planning for Bushfire Protection 2006.

Evacuation and Emergency Management The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. Construction of the proposed; managers residence and the community centre building, shall comply with Sections 3 and 5 (BAL. 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire protection'.
10. Future installation of manufactured homes, onto approved sites within the development site, shall be limited to siting that achieves the separations and construction standards provided by the plan prepared by Travers Bushfire and Ecology, titled Schedule 1 - Bushfire Protection Measures and dated 5/4/17.

Some sites are noted to permit various compliant levels of construction depending upon the separations available. No manufactured homes shall be located to require BAL-40 construction.

B: Question and answers from the Councillor information session with the public held on 17 October 2017



Questions & Answers

Tallwoods Manufactured Home Estate Discussion

Date	Tuesday 17 October 2017	Time	2 – 4pm
Venue	Blackhead Surf Life Saving club		
Version	2	Updated	24 October 2017

Please find below the questions raised at the discussion forum, with answers provided.

Local Environmental Plan (LEP)

Q1: In terms of the Greater Taree LEP, what is the model standard instrument principle and how does it relate to the Taree LEP?

The Standard Instrument - Principal Local Environmental Plan provides a framework for the way land can be used. The Standard Instrument came into force on 31 March 2006 and local Councils have been required to update their LEP's to be consistent with the Standard Instrument. The Greater Taree Local Environmental Plan 2010 is based on the Standard Instrument.

Q2: I have heard the term contemporary development. Need to explain how the development can get approved through a convoluted process. The LEP 2010 is the SI.

In the Greater Taree Local Environmental Plan 2010, which is modelled on the Standard Instrument, Manufactured Home Estates are permissible with consent.

Manufactured Home Estates have been referred to as a contemporary form of medium density residential development. Medium density residential development (multi dwelling housing) is also permissible with consent.

State Environmental Planning Policy (SEPP) 36 / permissibility

Q3: In relation to SEPP 36, for Councils that adopted the SI, how does Council see this particular application apply under the framework?

The Standard Instrument provides general requirements and objectives for each land use zone, and specifies certain land uses that must be included as either "Permitted *without* consent" or "Permitted *with* consent" for each zone.

The Greater Taree Local Environmental Plan 2010 is in keeping with the standard instrument.

State Environmental Planning Policy No 36 - Manufactured Home Estates aims 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. It does this in two ways:

- It can facilitate development of a manufactured home estate on land where it may otherwise be a prohibited form of development under the LEP
- It does not prohibit manufactured home estates where they are permissible under the LEP.

The land on which the Manufactured Home Estate is proposed is zoned R1 - General Residential under the Greater Taree Local Environmental Plan 2010. The LEP lists development which:

- Can be carried out *without* development consent;
- Can be carried out *with* consent; and
- Is *prohibited*

If a development is not listed under 'permitted without consent' or 'prohibited', it is permissible, subject to consent. Manufactured Home Estates fall into this latter category.

Q4: Wider audience raised that whether development is actually permissible?

The Manufactured Home Estate is 'permitted with consent' under the Greater Taree Local Environmental Plan 2010.

Q5: In 2015 a discussion paper was issued by DPE and OLG on SEPP 36 and caravan parks: the discussion paper states under pg. 7 that manufactured homes are permissible where caravan parks are. Manufactured homes are not listed as a use in the land use table. Council is cherry picking the parts it wants and ignoring what it doesn't. Either SEPP 36 is to be applied in its entirety or not. Referring to LEP 2010, clause 1.9 a SEPP takes precedent. Argues that by definition that manufactured home estates are a prohibited use in R1 zone. The Council is ill prepared for manufactured home estates.

SEPP 36 allows for the establishment of Manufactured Home Estates where they may otherwise be prohibited by a LEP.

As outlined above, the Greater Taree Local Environmental Plan does not prohibit Manufactured Home Estates within the R1 - General Residential zone.

Additionally the LEP lists Multi-Dwelling housing (medium density development) as 'permitted with consent' in the R1 - General Residential Zone, and the SEPP recognises that Manufactured Home Estates are a contemporary form of medium density residential development.

Council's Strategic Planning Manager will consult with the Department of Planning and Environment in relation to proposed legislation changes concerning Manufactured Home Estates.

Q6: Which of the SEPP and LEP takes precedent over the other?

The SEPP prevails over the LEP in the event of any inconsistency and SEPP 36 aims to facilitate the development of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements.

In the Greater Taree LEP 2010 Manufactured Home Estates are not listed as development 'permitted without consent' or 'prohibited' within the R1 - General Residential zone and are therefore 'permitted with consent'.

Q7: If Council can legally endorse SEPP 36, can Council staff advise why they would endorse such a proposal?

The proposed development is permissible under the Greater Taree Local Environmental Plan 2010. Council does not endorse the development but has assessed the application in accordance with the heads of consideration prescribed by the Environmental Planning and Assessment Act 1979.

Q8: What Clause of SEPP 36, and what Land & Environment Court decisions, did Council's legal representative reply upon to support the application?

Manufactured Home Estates are permitted with consent in the R1 – General Residential zone and the application seeks consent under the LEP (not SEPP 36).

In *Optima Pty Ltd v Wyong Shire Council* [2005] NSWLEC 649 www.caselaw.nsw.gov.au/decision/549f86c03004262463ac76d1 the Court held that SEPP 36 did not make a Manufactured Home Estate prohibited on land where that use was otherwise permitted by the local planning instrument.

48 It is entirely consistent with the overall aim and strategies of SEPP 36 to broaden the areas upon which MHEs may be developed. Once it is accepted that a development application for consent to a MHE may be made under either an applicable LEP or SEPP 36 then it follows that permissibility is determined under the provisions of the environmental planning instrument under which the application is made. ...

The *Optima* case has been followed in the case of *Wygiren Pty Ltd v Kiama Municipal Council* [2008] NSWLEC 56 www.caselaw.nsw.gov.au/decision/549f8be43004262463adb0c8 in which Jagot J found as follows:

"... The applicant accepted that the development is not permissible pursuant to SEPP 36. SEPP 36 thus does not facilitate the development, but also does not prohibit it. ... [35.] SEPP 36 does not contain any provision restricting the permissibility of manufactured home estates on land where such development is permissible by reason of another instrument. Clause 8(1) makes this clear. It contemplates in terms that land may be developed for a manufactured home estate in accordance with an instrument other than SEPP 36."

Nevertheless, while SEPP 36 is not relevant to the permissibility of the proposed development, the Report to Council has assessed the DA against the criteria in clause 9 of SEPP 36.

Rates / Property Values

Q9: What rates is the developer paying per year?

General rates are levied on each parcel of land without taking into account the extent of development that may occur on that parcel. The application does not propose subdivision of the land and therefore the development will be rated as a single parcel of land.

The rating structure is determined by the NSW State Government. NSW Councils and the Local Government Association have made requests for the structure to be changed to recognise the extent of development that may be carried out on any one parcel of land.

Q10: Why accept less rates?

Council does not determine the rates that are payable for parcels of land.

Q11: As a result of Council approving a lesser standard of development in Tallwoods, there has been less rates for Council to collect over the last 14 years. If property values fall at Tallwoods, Council will then miss out on rates for years to come? Real estate agents are saying that the property values will drop.

Council's rate revenue is determined by the State Government with each property owner paying a portion of the rate revenue. The greater a property's worth in relation to other properties in the local government area, the greater that property owner's contribution to the total rate revenue.

Variance in property values does not impact Council's total rate revenue but it may impact on rates payable by an individual property owner.

Q12: In relation to the DA consideration, why wasn't the rate income considered?

Section 79c of the Environmental Planning and Assessment Act 1979 sets out the criteria that must be considered in the assessment of a development application. Rate income is not a determinative planning consideration.

In this regard it would not be appropriate for a Council to make a planning decision on the basis of rates income that may derived from approving a development.

Q13: Why is there a recommendation in the Council minutes stating that there is 'no planning consideration' rather than stating 'no adverse impact' on the property values?

The planning report makes comment in relation to a submission received, whereby no evidence had been provided with it to demonstrate that approval of the manufactured home estate would have an adverse impact on property values.

Notwithstanding, property values are not a determinative planning consideration and it is agreed that it may have been more appropriate for the comment in the planning report to have been 'not a determinative planning consideration'.

Q14: Town planners are not real estate agents, and they aren't professionals in this area. What expertise does the planners have in real estate?

Council's Town Planners are not experts in real estate or property valuation. Comments in Council's planning report in relation to property valuation are related to the fact that a submission received did not provide substantive evidence that the proposed development would have an impact on surrounding property values. Notwithstanding, property values are not a determinative planning consideration.

Traffic

Q15: Why can't this development if it must go ahead not access off Blackhead Road, why not put up no parking sign in the proposed Coastal Drive access, what about not having an alternate access for fires, what is this Council going to do about Blackhead Rd given it will have an additional 200 vehicles movements?

For safety and to reduce the impact on users of Blackhead Road direct access to Blackhead Road is discouraged, particularly since the access is located in close proximity to a major intersection and alternative access arrangements are available.

A traffic report was submitted with the application which concluded that the existing road network could accommodate the increase in traffic attributable to the Manufactured Home Estate. The traffic report was based on each dwelling within the Manufactured Home Estate creating 2.1 traffic movements per day.

As 2.1 vehicle movements per day is below what can be expected in a typical multi dwelling development, the applicant was required to submit a revised traffic report based on each dwelling generating approximately 7 vehicle movements per day, which is more aligned with a typical multi dwelling development. A revised report has been submitted and assessed against Council's development standards and Roads and Maritime Service criteria and it has been found that the existing road network is capable of accommodating traffic from the development based on the higher traffic generating figures.

While the existing road network is capable of accommodating the increase in traffic resulting from the proposed development, it is agreed that the condition of Blackhead Road can be improved. Council has previously upgraded sections of Blackhead Road and will continue to do so. The development will be subject to development contributions, a portion of which will go towards the upgrade of Blackhead Road.

In relation to access (or egress) from Tallwoods Village in the event of a bushfire, there are two means of egress, The Boulevard and Tallwood Drive. The subject application was referred to the NSW Rural Fire Service who has granted approval for the development subject to conditions.

Q16: To the mayor, when will we get cycle ways and an upgraded road?

Under the Greater Taree Section 94 Contributions Plan 2016 monies are collected for the upgrading of Blackhead Road as well as the construction of a shared footpath linking Tallwoods Village to Blackhead.

A 600m section of Blackhead Road adjacent to the Federation Drive intersection will be upgraded in the first 6 months of 2018.

Q17: What about the impact on students waiting at the roundabout? Will it impact them?

The impacts of the development on the existing traffic network have been assessed against Council's standards. It is considered that the existing traffic network can adequately cater for the additional traffic generated by the development without compromising the safety of other motorists or pedestrians.

Q18: Would Gateway be prepared to have Tallwoods Drive sealed as a proper road? This would then give residents more than one way to get out of Tallwoods Village.

The proposed development does not generate a requirement for the upgrading of Tallwood Drive. Council is not able to answer whether the developer would be prepared to upgrade Tallwood Drive.

Q19: So why is it that the MCC and Councillors are so keen to facilitate the Manufactured Home Estate becoming PART of the Tallwoods Golfing Estate GE by granting this independent development exclusive access to its private estate through Tallwoods Golfing Estate infrastructure?

Access to the Manufactured Home Estate is proposed via the Boulevard and Coastal View Drive which are public roads.

Q20: It is understood that redevelopment of the golf club and golf course would start immediately upon new ownership. How would the road network cope with construction traffic from this development and the concurrent redevelopment of the Tallwoods golfing estate?

Access for construction vehicles into the Manufactured Home Estate will be provided from Blackhead Road to minimise the impact of construction activities on the local road network.

Traffic impacts associated with the redevelopment of the Tallwoods Golfing Estate would be assessed if and when any development application is lodged.

Parking

Q21: How did the figure of 3 disabled car parks come about?

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 provides the relevant standards for development of a Manufactured Home Estate. The number of disabled car parks proposed is in accordance with the Regulations.

Q22: Given that the Old Bar demographics have been used, the demographic data used should also take into account their car parking i.e. more car parks will be provided in some instances. Ultimately concern over the overflow of car parking out of the development.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 provides the relevant standards for development of a Manufactured Home Estate.

The proposed visitor car parking allocation exceeds the requirements and will cater for trade / service / delivery vehicles as well as guest of residents.

The regulation also stipulates that each dwelling site is required to have at least one car parking space. The developer advised that all dwelling sites (manufactured homes) will have at least one car parking space, with some having two.

Q23: Will council consider additional provisioning in line with SEPP 36 for car parking to allow enforcement? Is there opportunity for additional conditions of consent to be added in accordance with SEPP 36?

SEPP 36 does not provide criteria for car parking, which is regulated by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

There is opportunity for Council to consider car parking requirements above that required by this regulation.

Q24: If parking is part of the criteria for planning of developments why is there minimal on street parking for residents in Lilly Pilly Court - residents are already parking on vacant blocks

Car parking for the proposed development has been assessed in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The proposal provides for car parking in accordance with the requirements of the Regulation.

Q25: Does the development provide for residents which may have more than one vehicle and / or a caravan?

Each dwelling site will provide a single carport or garage as a minimum, though the developer has indicated that some sites will be developed with two parking spaces. The development separately provides for 13 caravan / RV parking spaces for the use of residents.

Public Interest

Q26: The legal representative made it clear that the project needs to be in the public interest. So how did Council determine whether it was in the public interest?

'Public interest' is one of the considerations councils must take into account in determining development applications under section 79C of the Environmental Planning and Assessment Act 1979, however there is no specified criteria as to what defines the 'public interest'.

One way to define 'public interest' is as a conclusion of all considerations in assessing an application. For example: Is the proposal in keeping with adopted legislation, what do planning instruments and policies identify as the future character of an area, what are the impacts on the natural and built environments, what was identified in submissions from the public etc.

Q27: Why is Council so determined to get an approval through with the community against the development?

Council has a legislative responsibility to review and determine development applications within specific timeframes. Council will consider the interests of the community in any decision that is made.

Q28: With a development of 202 homes, how will the increase in numbers of people impact the community?

The land that is the subject of the application has been zoned for residential development and the application is for a residential development.

In assessing the application, community impacts of the development of 202 dwellings were considered as not discernible, particularly with regard to the identified future character of the locality based on the current zoning of land.

Q29: This is an emotive issue, the new Councillors have just been in office for just over a month. I wish the Councillors well in their new role and in making this decision because what you decide sets a precedent for future such developments across this large "regional government" area. I hope today shows the level of community interest.

Noted

Land and Environment Court

Q30: I believe that the Council has a fear of going to LE Court, and therefore are in favour of the DA going through. The likely cost to defend in Court would be 300-400K. Has Council sought any advice on the legal cost to defend in Court and have Councillors been informed of the cost? If the cost was inflated, Councillors wouldn't be in a position to make an informed decision?

No. Council has not sought any formal advice on the costs of defending an appeal through the Land and Environment Court.

Q31: If Council refuses the application, and the applicant appeals the decision will they seek community support?

If the application was refused and the decision appealed in the court, community members may be asked to provide comment to the court, however they would not be included as defendants in the appeal.

Q32: If Council refuses the application, I imagine it would go to LEC and incur costs. If they do approve the development, there will be legal action from the community against Council. If Council approves it, will it open the flood gates? If so, what will Council do to stop this?

Any decision that Council makes will be based on the merits of the application. The potential for legal action is not a determinative planning consideration in this instance.

If the application was to be approved, it does not set precedent for similar developments. Each application will be considered on merit.

Assessment

Q33: Did Council assist the developer in preparing the DA? If so, what was the nature of it?

A pre lodgement meeting was held with Council to advise of the requirements for lodging an application.

Q34: Did any of the staff have a conflict of interest? If so, have they excused themselves from any discussion?

No staff have a conflict of interest that would preclude them from being involved in the discussion and assessment of the application. Please note that what constitutes a conflict of interest is detailed in Council's Code of Conduct policy.

Q35: During the meeting it was explained how the developer had applied under the relevant legislation and had met most if not all of the requirements to obtain an approval to the development. Can you advise if there is anything in the relevant legislation that does not comply or is adverse to the development where Council would be within their rights to refuse the application.

The report before Council includes a full assessment of the development in terms of all relevant legislation. The development was found to fully comply with legislative requirements. A copy of the report can be viewed on Council's website.

Q36: Can you explain the consideration about water, sewer, garbage and electricity?

Existing water, sewer and electricity infrastructure can cater for the demand of the proposed development. Garbage will be collected internally within the development.

Q37: What is the BASIX levels for the development?

There are no BASIX requirements. Dwellings within a Manufactured Home Estate are required to comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and BASIX is not called up by the regulation.

Strategic Matters

Q38: Given that there is no published policy, why not halt the development until there is one agreed by all level of government?

Development applications are considered on the basis of legislation current at the time the application is made (including any draft legislation that may be applicable).

It would not be appropriate for Council to defer consideration of an application to allow for development of a policy relative to the land use proposed by the application.

Q39: Have been in the situation before, and put forward two motions that Council deliver a policy on manufactured home estates for consideration by the community, and that no DAs for this development and similar developments be considered.

What is the position with the land on the western side of the boulevard Tallwoods. Mr. Busby of Council, indicated at a public meeting on 20/9/2017 that an application for rezoning to residential had been made and that council could not preclude the possibility the possibility that a similar DA application for a manufactured home estate on the land being made. Can a DA be put on hold or deferred?

As an addendum I am informed that a property title search shows that the title to the eastern land (subject of the present discussion) and the western land have the same company registered as to 50 % ownership. The council is on notice and may have had preliminary discussions with the western land owners that Prima face a larger than 202 homes is proposed for the western land. Therefor the council is on constructive notice of a site nearby. Therefor and for other reasons the senior town planners report dated 27/9/2017 supporting the DA application is fundamentally flawed and cannot be relied upon. What does the council intend to do about this concern?

As above, development applications are considered on the basis of legislation current at the time the application is made and it would not be appropriate for Council to defer consideration of an application to allow for development of new or revised policies.

Council has had no discussions or received any advice from the landowners that a Manufactured Home Estate may be proposed for the western land, should it be rezoned.

Questions for the Developer

Q40: Will it comply with the 400m walking distance to shops under the Seniors Living SEPP as the development is being marketed as over 50s?

No. While the developer has advised that the development is to be marketed to people aged over 50, the development is not a Seniors Living Development and is not required to comply with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Q41: If in fact that the development is marketed to the over 50s market, why not make it transparent in the DA that you are doing that? Why isn't it mentioned in the documentation, why hasn't it been made obvious?

The application does not refer to the fact that the development is to be marketed to the over 50's market, however the developer has advised Council of this intent during assessment of the application.

The developer has advised that they would accept a condition of consent restricting occupation to persons aged 50 or older.

Q42: Is MCC going to allow the Manufactured Home Estate to ultimately brand and market this development as Tallwoods Gateway or, Gateway Tallwoods?

The naming of the development is not a matter for Council and is at the developer's discretion.

Q43: How many people in this room would build here, if Gateway was here first?

This is not a question that can be answered by Council, however it is acknowledged that during the community consultation meeting held on 17 October 2017, a number of people indicated that they would not have built their homes within the Tallwoods estate if the proposed development were in existence.

Q44: What will be the projected price per unit?

The price of each dwelling will be determined by the developer and is not known by Council.

Q45: Is this development ONLY for people 50 or older? Can Gateway legally stop a person, who is under 50, from buying a Manufactured home at Tallwoods and if so how will they stop the purchase?

The developer has advised Council of their intent to market the development to persons aged 50 or older. Restricting the age of occupancy is a commercial decision for Gateway.

Q46: Last week I drove down the Pacific Highway past a Belmont Gateway Village, in which it doesn't have a good look and it just looks like a caravan park. Are we going to look like Belmont?

The developer has stated that the Belmont development is approved as a caravan park and redeveloped by Gateway. The proposed Manufactured Home Estate is not a caravan park and will be different to that of the Belmont development.

Q47: This is an emotive issue, the new Councillors have just been in for a month. I wish the Councillors well in their new role, and hope that this today shows the community interest. How many sites does gateway have in their sights in the area for purchasing?

Council is not aware of Gateway's future plans for purchasing further sites.