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## Statement of Environmental Effects

Proposed Manufactured Home Estate  
206 Affordable Home Sites  
Community facilities  
Open Space

1064 New England Highway, Lochinvar

Prepared for: Boycecorp Pty Ltd  
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## Abbreviations

AHD	Australian Height Datum
AS	Australian Standard
ASS	acid sulfate soils
BC Act	<i>Biodiversity Conservation Act 2016</i>
CC	construction certificate
Council	Maitland City Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DPHI	NSW Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	environmental planning instrument
ESCP	erosion and sedimentation control plan
FSR	floor space ratio
HCCPP	Hunter and Central Coast Planning Panel
LEP	local environmental plan
LGA	local government area
LPP	Local Planning Panel
RFS	NSW Rural Fire Service
RF Act	<i>Rural Fires Act 1997</i>
RL	reduced level
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
TfNSW	Transport for NSW
WM Act	<i>Water Management Act 2000</i>

# 1 Introduction

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## 1.1 Commission

DFP has been commissioned by Boycecorp Pty Ltd to prepare a Statement of Environmental Effects (SEE) for a proposed manufactured housing estate development at 1064 New England Highway, Lochinvar (the site).

This report is to accompany a development application (DA) to Maitland City Council (Council) for a manufactured housing estate development comprising:

- 206 manufactured home sites;
- Construction of a gate house and exhibition display home;
- Construction of a community facility which includes:
  - a community building;
  - communal 25 metre swimming pool;
  - four (4) pickleball courts;
  - playground; and
  - open space.
- Provision of a central open space area "The Green" with associated car parking area;
- Provision of a second open space area to the east of the community facility;
- Demolition of the existing dwelling house and sheds;
- Removal of trees;
- Earthworks for two on-site detention basins, the community facilities, roads and utilities;
- Vehicular access via New England Highway including line marking on the New England Highway to create a right hand turning bay; and
- Landscaping along the boundaries, street tree planting, planting around and within the community facilities and open space areas.

The proposed development is permissible on the site by virtue of the Part 8 – Manufactured Housing Estates of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing). Part 8 allows Manufactured Housing Estates with development consent on land where caravan parks are permissible with development consent. The site is zoned RU2 Rural Landscape Zone (the RU2 Zone) pursuant to *Maitland Local Environmental Plan 2011* (the LEP) and caravan parks are permissible with development consent in the RU2 Zone.

Development consent is not required to install a manufactured home on the manufactured homes estate sites pursuant to the EP&A Act, although manufactured homes do require an activity approval under Section 68 of the *Local Government Act 1993* (LG Act). Once development consent is obtained for the manufactured home estate sites, a separate s68 application to install prefabricated homes on each site will be made pursuant to the LG Act. It is intended that all the manufactured homes will be constructed off site.

## 1.2 Purpose of this Statement

The purpose of this report is to provide Maitland Council and relevant NSW State Government Agencies with all relevant information necessary to assess the subject development proposal and to determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

This application is an Integrated Development application pursuant to clause 4.46 of the EP&A Act due to the need to obtain the following approvals, permits or licences:

# 1 Introduction

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- An authorisation under s100B of the *Rural Fires Act 1997*: as Manufactured Housing Estates are listed as a Special Fire Protection Purpose under the Rural Fires Regulation.
- A controlled activity approval under the *Water Management Act 2000*: as works are being undertaken with 40m of a mapped watercourse.
- An approval under the *Roads Act 1993*: as a road connection will be made to the New England Highway which is controlled by Transport for NSW . Furthermore, it is intended to change the road markings on the New England Highway to provide a right hand turning bay into the site.

## 1.3 Material Relied Upon

This SEE has been prepared by DFP based on the information listed below and a site inspection undertaken on 21 December 2023. The following reports form part of the development application and are submitted with this DA.

- Survey (*prepared by Survey Plus*);
- Architectural Plans (*prepared by ATJ Architects*);
- Landscape Plans (*prepared by Conzept Landscape Architects*);
- Traffic Impact Assessment (*prepared by McLaren Traffic Engineering*);
- Stormwater Management Plans (*prepared by Eclipse Consulting Engineers*);
- Bulk earthworks plan (*prepared by Eclipse Consulting Engineers*);
- Sediment and erosion control plan (*prepared by Eclipse Consulting Engineers*);
- Preliminary Site Investigation (*prepared by Environmental investigations Pty Ltd*);
- Bushfire Assessment (*prepared by Bushfire Hazard Solutions Pty Ltd*);
- Flora and Fauna Report (*prepared by Abel Ecology*);
- Waste Management Plan (*prepared by Boycecorp Pty Ltd*);
- Plan of Management (*prepared by Boycecorp Pty Ltd*);
- Crime Prevention Through Environmental Design Assessment (*prepared by DFP Planning*).

## 2 Site Context

### 2.1 Location

The site is located on the north western side of the New England Highway on the western fringe of the Lochinvar township (see **Figure 1**), approximately 720 metres to the southwest of the Lochinvar Public School.

The site immediately adjoins a lot zoned R1 General Residential and is located directly opposite land zoned R1 General Residential on the southern side of the New England Highway.

The site is within 90 metres of a bus stop which is located on the north eastern side of the intersection of Windermere Road and the New England Highway, which provides a service to Maitland.

The westbound service from Maitland has a bus stop on the western side of the intersection of Saint Helena Close and the New England Highway which is approximately 215 metres from the site.

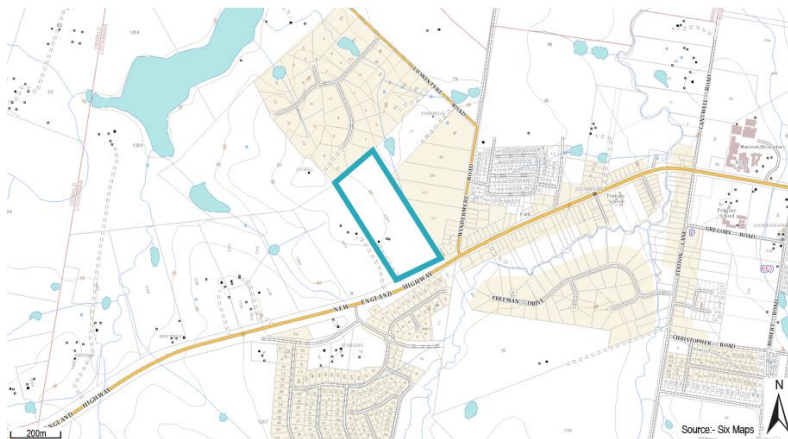


Figure 1 Site Location

### 2.2 Site Description

The site is known as 1064 New England Highway, Lochinvar and is legally described as Lot 2 in Deposited Plan (DP) 261947 (see **Figure 2**).

The site has the following dimensions:

- Southeastern frontage to the New England Highway 202.3 metres
- Northeastern side boundary 515 metres
- Northwestern rear boundary 199 metres
- Southwestern side boundary 465 metres

The total site area is 9.78 hectares.

The front boundary of the site is set back between 23 metres and 34 metres from the edge of the paved road of the New England Highway. The land between the boundary and the paved surface will facilitate the future widening of The New England Highway.



## 2 Site Context

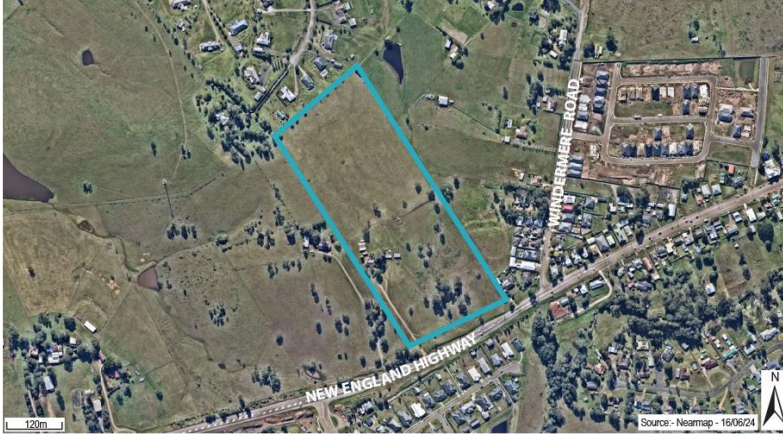


Figure 2 Site Context

### Topography

The site is undulating with the front 33% of the site falling to the New England Highway, whilst the rear 66% of the site falls to the northeast to an unnamed creek on the north eastern boundary of the site. The highest part of the site is RL 55.88 located at the north western corner. The lowest part of the site is located towards the south eastern corner of the site with an RL of 43.41. A survey has been prepared by Survey Plus which is submitted with this development application.

### Existing Structures

The site currently contains a single storey brick dwelling house which is accessed via the New England Highway via a gravel driveway (see **Figure 3**). The house is located approximately 167 metres from the front boundary and approximately 10 metres from the southwestern side boundary (see **Figure 4**). There are two metal sheds and a variety of fencing including post and wire and post and rail boundary fencing, timber paling fence around the dwelling house and post and wire fencing across the site for livestock control.

## 2 Site Context

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Figure 3 Driveway to the site.



Figure 4 Existing Dwelling House.

### Existing Vegetation

There is a large expanse of grassland across the rear half of the site whilst across the front half of the site, there are three stands of trees with scattered trees located within grassland. A Preliminary Flora and Fauna Assessment has been undertaken by Abel Ecology which is

## 2 Site Context

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submitted with this application. The flora and fauna assessment identified that the site contains three stands of Lower Hunter Lowland Ironbark - Paperbark Forest and a small stand of Lower Hunter Spotted Gum-Iron Bark Forest. The vegetation around the dwelling house contains native vegetation that has been planted by the landowner. The location of the trees is shown on the survey plan prepared by Survey Plus submitted with this development application.

### 2.3 Surrounding Development

The site adjoins a low density residential development to the east which is the edge of the Lochinvar town centre. Adjoining the site to the north east is a red brick dwelling house that addresses the New England Highway and is known as 1044 New England Highway Lochinvar. The house contains a large shed to the rear which is located within 1 metre of the common boundary (see **Figure 5**).



*Figure 5 Adjoining dwelling house to the East, 1044 New England Highway*

Directly opposite the site on the southern side of the New England highway is a new low density residential area which is accessed from The New England Highway by Terriere Drive (see **Figure 6**).

## 2 Site Context



Figure 6 New dwellings to the south.

Adjoining the site to the west is 1072 New England Highway which is a 10 hectare property rural property containing a single storey dwelling house located approximately 21 metres from the common boundary with the site (see **Figure 7**).



Figure 7 Adjoining rural property to the west at 1072 New England Highway

Commented [KM1]: Again - do we have a better quality photo?

## 2 Site Context

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To the rear (north) of the site is a rural residential development off Lochill Close where the lot sizes are approximately 6,500m<sup>2</sup> (see **Figure 8**).



Figure 8 Dwellings in rural residential development to the north.

## 3 Proposed Development

### 3.1 Summary of Proposed Development

The proposed development comprises:

- 206 manufactured home sites;
- Demolition of the existing dwelling house and sheds;
- Construction of the proposed internal road network;
- New road connection to the New England Highway including line marking on the New England Highway to create a right hand turning bay;
- Construction of a gate house and exhibition display home;
- Construction of community building with an area of 496.28m<sup>2</sup> containing two (2) meeting spaces, a gym, kitchen, toilets and storage area and two BBQs;
- Four (4) pickleball courts;
- A 25-metre swimming pool with compliant glass fencing;
- A playground;
- Two open spaces;
- 55 visitor car parking spaces;
- Earthworks to construct/install two drainage detention basins, internal roads, the community facilities and utilities; and
- Site landscaping.

The key development statistics of the development are detailed in **Table 1**.

Table 1 Development Statistics	
Site Area	9.78ha
Manufactured home sites	206
Community building	496.28 m <sup>2</sup>
Gatehouse and display suite	139.73m <sup>2</sup>
Car Parking	55 Visitor Parking spaces including 3 accessible spaces

The following subsections provide a more detailed description of the proposed development.

### 3.2 Development Ethos

Development consent is sought for a manufactured home estate providing 206 home sites. The target market is young families who are seeking to enter the residential home market but have been unable to secure the necessary funds for a deposit for a house. The manufactured home will be purchased however, there is no land cost involved which significantly reduces the cost of home ownership. The operator proposes to charge a ground lease fee on a monthly basis which will cover the cost of maintenance and upkeep of the communal facilities including, site infrastructure, the communal clubhouse, 25-metre swimming pool, 4 pickleball courts, playground and communal open space.

Should the owner wish to sell their manufactured home they are free to do so on the open market. Ideally, the owner could use the sale price of the manufactured home along with other savings to use as a deposit on a home. Ownership of the manufactured home can form a stepping stone for families to enter the residential housing market and not be caught in a

## 3 Proposed Development

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rental trap. There will be no maximum tenure agreement and whilst a person over 55 years of age could choose to buy one of the manufactured homes and live on the site, this application is not proposed as housing for aged or disabled persons as per the definition under SEPP Housing.

### 3.3 Demolition and Site Preparation

It is proposed to demolish the existing single storey brick dwelling house, two sheds and remove all fencing from the site. It will be necessary to remove all trees on the site. Submitted with this DA is a letter from Boyce Build that indicates that the dwelling does not contain asbestos.

In order to allow the future home sites to drain into the two detention basins, it is necessary to undertake bulk earthworks. In addition, it is proposed to fill up to 3 metres at the rear, north eastern corner of the site with this fill having a 1 in 3 batter from the boundary ensuring that the natural ground level at the boundary is retained and there is no retaining wall structures required. From the adjoining boundary the fill will look like an embankment. The embankment is within the landscaped buffer and accordingly will be heavily vegetated.

It is also necessary to fill up to 2 metres at the south western corner to allow water to drain to the proposed storm water detention basin on the south eastern corner of the site. A similar approach is taken as discussed above, where the land is battered up from the boundary ensuring natural ground level is retained at the boundary.

In order to provide a flat area for the community facility area, up to 4 metres of cut is necessary. The cut will be graded ensuring that the retaining wall near the community facility building will be approximately 1.5m high. This area is located in the centre of the site and does not affect levels at the site boundaries.

A cut and fill diagram is provided in the civil plans prepared by Eclipse Engineering which forms part of this application. It indicated that the bulk earthworks will require 1365.69m<sup>3</sup> of imported fill. A condition of consent should be imposed requiring that the fill is VENM.

### 3.4 Manufactured Home Sites

Development consent is sought for 206 Manufactured home sites each having an area between 236.48m<sup>2</sup> to 250.02m<sup>2</sup>.

The dimensions of a typical site are 10.68m x 23.4m.

The site areas and development layout is shown on the architectural plans prepared by ATJ Architects that is submitted with this development application.

A subsequent Section 68 application will be made to locate each of the manufactured homes on the approved sites. To assist with understanding the future development pattern a site plan had been prepared by ATJ Architects which shows a future manufactured home on a typical site.

The future manufactured homes will be constructed off-site and delivered on a semi-trailer. The manufactured homes typically contain two modules with one module fitting on a standard semi-trailer. The manufactured home will be attached to two foundation rails which minimises site excavation to site each home. Each dwelling will have 3 bedrooms with 2 parking spaces in a stacked configuration, private open space and area for outside clothes drying.

### 3.5 Community Facilities

The residents and their visitors will have access to the community facilities on the site. These include

- the 496m<sup>2</sup> community building which contains a large room, BBQ's and toilets.

## 3 Proposed Development

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- 25 metre inground swimming pool
- 4 pickle ball courts
- 2 open space areas known as “the Basin and “The Green”

### 3.6 Gatehouse and Display Suite

A gatehouse is located at the front of the site which contains a boom gate to regulate vehicle entry into the site. Incorporated into the gatehouse is a display suite. There are ten parking spaces adjacent to the display suite.

### 3.7 Landscaping

A landscape plan has been prepared by Conzept Landscaped and is submitted with the development application. It is proposed to provide extensive landscaping along the boundaries to provide a landscape buffer to the New England Highway and adjoining properties. Internally, it is proposed to create treelined roads and significant landscaping around the community facilities and parks.

The street trees will consist of Tuckeroos, Blue berry Ash and watergums. Boundary planting will consist of a range of trees, shrubs and grass covers. The boundary planting has been designed to be consistent with the APZ requirements recommended in the Bushfire Safety report submitted with this development application. Notwithstanding the boundary landscaping contains plants that are low bushfire risk varieties. Trees proposed include Spotted Gums, Lilly Pillys, Kurrajongs, and Wattles. Shrubs include, Grey Myrtles, Bottle Brushes, low Lilly Pillys, and Wattles.

It is proposed to maintain a 4-metre wide turfed bushfire defensible space from the boundary landscaping to the rear of the home sites.

Each site will be landscaped with shrubs to ensure that the future manufactured homes are located in an attractive landscaped setting.

### 3.8 Stormwater

A stormwater drainage concept plan has been prepared by Eclipse Engineering which is submitted with this development application. Approximately the front third of the site drains towards the New England Highway and accordingly the stormwater concept plan shows how the road pattern and future dwellings will be connected to a piped system that drains to the stormwater basin located at the southeastern corner of the site. The storm water basin will then discharge into the existing drainage system in the New England Highway. The rear two thirds of the site naturally drains to the northeast to an unnamed watercourse. The rear northeastern corner drains over land to the water course. It is proposed to construct a second storm water detention basin along the northeastern boundary that will then drain into the unnamed water course. In order for the rear northeastern corner of the site to drain back into the detention basin it is necessary to fill this rear corner up to 3 metres.

The drainage concept has been designed to ensure that the future manufactured homes can drain to the internal street network and then via the street drainage system into one of the two stormwater detention basins. Each dwelling will be provided with a rain water tank.

### 3.9 Road Pattern and Car Parking

It is proposed to construct a new roadway into the site from the New England Highway. Submitted with this application is a traffic report prepared by McLaren Traffic Engineering which shows the recommended line marking to be changed on the New England Highway to provide a right-hand turning bay into the site.



## 3 Proposed Development

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Vehicular entry into the site is via a boom gate which is located approximately 20 metres from the front property boundary. The width of the driveway at the front boundary is 11 metres, the two way internal roads have a width of 6 metres whilst the one way roads have a width of 4 metres. The internal road pattern consists of a central, two- way boulevard that is punctuated by open space described on the development plans as "The Green". Minor one-way roads create blocks of generally ten allotments throughout the site. The internal road layout has been designed by McLaren Traffic Engineering to accommodate a medium rigid vehicle, ensuring that both garbage trucks and removalist trucks can service each of the individual manufactured home lots.

There are three visitor car parking zones consisting of:

- 10 car parking spaces including one accessible space adjacent to the display suite at the front of the site;
- 20 car parking spaces on either side of "The Green" open space; and
- 25 car parking spaces including two accessible spaces adjacent to the community facility.

### 3.10 Waste Management

There will be minimal waste generated in the proposed application.

All trees removed will be mulched and either used on site or sold to a landscape supply business.

The proposal will not result in the removal of any excavated material from the site. The proposal is a net importer of soil applicant to Only VENM will be imported to the site.

The demolition waste from the house will be taken to a building recycling facility.

During the construction of the community facilities and the display suite and entry gate house any recyclable material will be placed in a recycling skip bin and taken to a building material recycler. Any waste such as packaging or used consumables will be placed in a separate skip bin for disposal at a licenced waste facility.

The proposal has been designed to enable an 8.8 metre medium rigid vehicle to access all parts of the site. This will enable all lots to be serviced by a kerbside waste and recycling truck.

It is likely that each lot will be provided with a 120 litre garbage bin, a 240 litre recycling bin and a 240 litre garden organics bin. The general waste will be collected weekly whilst the garden organics and recycling bins will be collected fortnightly. This is consistent with all households in the Maitland City LGA. The community facility will be provided with 4 x 240 litre garbage bins and 2 x 240 litre recycling bins. These matters are provided in the Waste Management Plan submitted with this application.

Where possible, turfed areas will be mown with a mulching mower to minimise grass clipping waste and any pruning of street trees will be mulched and reused on site.

## 4 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

### 4.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

#### 4.1.1 Environmental Planning and Assessment Regulation 2021

##### Section 25 - Concurrences and/or Approvals

In accordance with Section 25 of the Regulation the Proposal will require the following concurrences and/or approvals:

- **Roads** (Integrated Approval) - The proposed development is Integrated Development pursuant to Part 4 Division 4.8 of the EP&A Act as it requires approval from TfNSW under s138 of the *Roads Act 1993* (the Road Act) for the roadway intersection and necessary lane realignment on the New England Highway.
- **Bushfire** (Integrated Approval) - The proposed development is Integrated Development pursuant to Part 4 Division 4.8 of the EP&A Act and Section 4.14 of the EP&A Act as it requires an authorisation under Section 100B of the RF Act and a 'bushfire safety authority' from the NSW Rural Fire Service for development of bushfire prone land for a 'special fire protection purpose', being the manufactured home estate.
- **Watercourse** (Integrated Approval) The proposed development is Integrated development as Part 4 Division 4.8 of the EP&A Act as the development requires a controlled activity approval for work within 40 metres of the unnamed watercourse on the eastern boundary of the site.

##### Section 28 – Biodiversity Conservation Act

The Flora and Fauna Assessment undertaken by Abel Ecology concluded that the proposed clearing in the site does not exceed the threshold and entry into the BC Act offset scheme.

##### Section 61 - Australian Standard AS2601 – Demolition of Structures

In accordance with Section 4.15(i)(a)(iv) and Section 61 of the Regulation, the proposal must be assessed against the provisions of AS2601 as it involves demolition of buildings.

Boyce Build has provided a letter that is submitted with this Development Application advising that after inspecting the site there was no evidence of asbestos in the house or the sheds.

#### 4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH)

SEPP RH relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

A preliminary site investigation (PSI) has been undertaken by Environmental Investigations Australia and is submitted with this application. It recommends that a Detailed Site Investigation be prepared.

#### 4.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI)

##### Section 2.48 - Development likely to affect an electricity transmission or distribution network

Section 2.48 of SEPP TI requires that, before determining the subject DA, the consent authority must give written notice to the electricity supply authority for the area in which a

## 4 Environmental Planning Assessment

development involving any of the following is to be carried out and take into consideration any response that is received within 21 days after the notice is given.

The proposal does not have any impact on electricity transmission or the distribution network.

### Section 2.121 – Traffic Generating Development

Section 2.121 and Schedule 3 of SEPP T1 relate to traffic generating development and certain proposals trigger a requirement for referral to the TfNSW.

The proposed development entails a manufactured home state which contains more than 75 dwellings and accordingly, is required to be referred to TfNSW.

The Traffic and Parking Report prepared by McLaren Traffic Engineering submitted with this development application assesses the potential traffic network impacts, site access arrangements and car parking and loading arrangements and concludes that the proposal is satisfactory in all of these respects.

#### 4.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

*State Environmental Planning Policy (Biodiversity and Conservation) 2021* (SEPP BC) does not apply as the site is located in the Maitland Local Government Area and is within the RU2 Zone.

#### 4.1.5 Maitland Local Environmental Plan 2011

**Table 2** provides a summary assessment of the proposed development against the relevant provisions of the LEP.

Table 2 Assessment against Relevant Provisions of the LEP		
Provision	Assessment	Consistent
<b>2.2 – Zoning</b> - RU2 Rural Landscape (see <b>Figure 9</b> )	Manufactured Home Estates are prohibited in the RU2 Zone. Caravan Parks are permissible with development consent and pursuant to SEPP Housing manufactured home estates are permissible in zones where caravan parks are permissible.	Yes, by virtue of SEPP Housing
<b>RU2 Zone Objectives</b>	The proposal is consistent with the zone objective requiring maintenance of the rural landscape character as the proposed manufactured home estate is provided with extensive boundary landscaping that will screen the estate from adjoining properties including the New England Highway.  It is considered given that site adjoins land zoned R1 General Residential that the proposal is compatible with both the adjoining residential land and rural land. The significant landscaped buffers along the boundary of the site will assist in reducing potential land use conflict with the proposal and agricultural uses on the adjoining site	Yes with relevant zone objectives
<b>4.1 Minimum Lot Size</b> 40ha	No subdivision is proposed	NA
<b>4.3 Height of buildings</b> No height standard	Max height 7m (community facility)	NA
<b>4.4 FSR</b> No FSR standard	0.007:1	NA
<b>5.10 Heritage</b>	The site is not listed as an item of environmental heritage, is not located in a heritage conservation area and is not in the vicinity of a heritage item	Yes

## 4 Environmental Planning Assessment

Table 2 Assessment against Relevant Provisions of the LEP		
Provision	Assessment	Consistent
5.21 Flood Planning	The site is not listed as flood affected on the MLEP 2011 flood map	Yes
7.1 Acid Sulfate Soils	Class 5	Capable of Complying



Figure 9 Land Zoning Map.

### 4.1.6 State Environmental Planning Policy (Housing) 2021

A manufactured home estate on the site is permissible under Chapter 3 Part 8 of SEPP Housing which contains the following provisions:

#### 118 Aims and Strategies

- (1) The aims of this Part are—
  - (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 Part, 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.
- (2) The strategies by which those aims are to be achieved are—
  - (a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Part (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features), and

## 4 Environmental Planning Assessment

- (b) *by applying this Part to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates, and*
- (c) *by allowing manufactured home estates to be subdivided with development consent either by way of leases for terms of up to 20 years or under the [Community Land Development Act 1989](#), and*
- (d) *by enabling the Minister for Planning to exclude from this Part any land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Part under section 117 of the Act.*

### Comment

- The flora and fauna assessment undertaken by Abel Ecology submitted with this application indicates that the removal of the vegetation does not trigger a Biodiversity Development Assessment Report (BDAR).
- The site is located in a Rural Landscape Zone, the landscape plan prepared by Concept Landscape will ensure that the proposal is located in landscaped setting that will screen the manufactured housing estate from the New England Highway.
- The site is located opposite an Urban Release Area in Lochinvar and adjoins a lot fronting the New England Highway zoned R1 General Residential. The residents will have the same access to services and facilities as other residents who live in low density residential properties in close proximity to the site. It is also proposed to provide on-site services for the residents such as the community building including a gym and recreation facilities including pickle ball courts, swimming pool, playground and open space. The site is in walking distance of the Lochinvar town centre which has access to bus stops, public primary school, private high school, post office and other shops and services.
- The Anambar to Branxton to Branxton Regionally Significant Growth Area identified in the Hunter Regional Plan 2041 indicates that the locality will accommodate up to 100,000 people. Affordable housing plays an important part in accommodating the new population especially for young people saving to enter the traditional housing market.
- The site is not identified as having resources that warrant preventing development.

### **Clause 119 Land to which this Part applies**

- (1) *This Part applies to land that is within the City of Gosford or the Shire of Wyong and to all other areas in the State that are outside the Sydney region.*

### Comment

The SEPP applies to Maitland LGA.

- (2) *This Part does not apply to—*

- (a) *land described in Schedule 5, being land subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Part and made under section 117 of the Act, or*

### Comment

There are no sites listed in Schedule 5. There are no Section 117 Directions that prevent MHEs on the site.

- (b) *land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).*

### Comment

Not relevant to this site.

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### Clause 120 Relationship to other environmental planning instruments

- (1) *In the event of an inconsistency between this Part and any other environmental planning instrument whether made before or after this Part, this Part prevails to the extent of the inconsistency.*

#### Comment

Noted.

- (1) *Nothing in Chapter 3, Part 9 prevents development consent from being granted pursuant to this Part for the use of land for the purposes of a manufactured home estate.*

#### Comment

Noted.

### 122 Where development for the purposes of a manufactured home estate may be carried out

*Development for the purposes of a manufactured home estate may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out, except—*

- (a) *land within one or more of the categories described in Schedule 6, or*
- (b) *land dedicated or reserved under the [National Parks and Wildlife Act 1974](#), or*
- (c) *land within a Crown reserve.*

#### Comment

The site is not reserved under the *National Parks and Wildlife Act 1974* nor is it within a Crown reserve. Caravan Parks are permissible on the site. An assessment against Schedule 6 is provided below.

#### **Schedule 5 Land to which Chapter 3, Part 8 does not apply**

section 119

#### **Note—**

*It is intended that descriptions of land will be entered in this Schedule if special provision is made for that land by a local environmental plan made in accordance with principles set out in a Direction under section 117 of the Act given in conjunction with Chapter 3, Part 8.*

#### **Schedule 6 Categories of excluded land**

section 122

1. *Land which the council, after taking into account the principles set out in the [Coastline Management Manual](#) published by the New South Wales Government in September 1990, considers is unsuitable for residential development because of coastal erosion, tidal inundation, slip, dunal movement or any other risk of a similar nature.*

#### Comment

The site is not located in a coastal management area.

2. *Land which the council, after taking into account the principles set out in the [Floodplain Development Manual](#) published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.*
3. *Land which is within a water catchment area identified by a water supply authority.*

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### Comment

The site is not in a water catchment area and the site is not located in a flood zone on the Maitland LEP flood maps.

4. *Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.*

### Comment

There are no offensive industries in the vicinity of the site.

5. *Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following—*
  - *extractive resources,*
  - *services corridors,*
  - *airport/industry buffer area,*
  - *habitat corridor,*
  - *containing significant remnant vegetation,*
  - *littoral rainforest,*
  - *water catchment,*
  - *wetlands.*

### Comment

None of the above descriptions apply to the site

6. *Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description—*
  - *open space, other than open space (private recreation)*
  - *environmental protection*
  - *scenic protection*
  - *rural (where the land is not adjacent to or adjoining land zoned for urban use).*

### Comment

The land is not zoned for open space purposes or identifies as requiring environmental protection. The site is zoned rural however it adjoins land zoned R2 residential which is an urban use.

7. *Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director—*

<i>Ballina</i>	<i>Lake Macquarie</i>
<i>Bega Valley</i>	<i>Macleay</i>
<i>Bellingen</i>	<i>Nambucca</i>
<i>Byron</i>	<i>Newcastle</i>
<i>Coffs Harbour</i>	<i>Port Stephens</i>
<i>Eurobodalla</i>	<i>Richmond River</i>
<i>Great Lakes</i>	<i>Shellharbour</i>
<i>Greater Taree</i>	<i>Shoalhaven</i>

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Hastings	Tweed
Kempsey	Ulmarra
Kiama	Wollongong

### Comment

Maitland LGA is not listed above

8. Land that is within any of the following local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under any urban development strategy for the ACT and sub-region approved for the time being by the Director—

Cooma-Monaro	Yarrowlumla
Gunning	Yass
Queanbeyan	

### Comment

The site is not listed above

9. Flood liable land as defined in [Murray Regional Environmental Plan No 2—Riverine Land](#).
10. Land comprising the Williams River catchment upstream of the Seaham Weir.

In this item, **Williams River catchment** means the land shown on the map marked "Williams River Catchment Regional Environmental Plan 1997" (kept in the Newcastle office of the Department of Urban Affairs and Planning, and copies of which are kept in the offices of Dungog Shire Council and Port Stephens Council) being the land from which surface water run-off resulting from rainfall flows directly or indirectly into the Williams River.

### Comment

The site is not located in either of the abovementioned catchments.

### 123 Development consent required for manufactured home estates

- (1) Development for the purposes of a manufactured home estate permitted to be carried out by this Part may be carried out only with the development consent of the council.
- (2) A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the [Local Government Act 1993](#).
- (3) Nothing in this Part requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.

### Comment

Development Consent is being sought under this DA for the manufactured home estate. Should this development application be approved, it must be subject to a condition of consent requiring an approval pursuant to Section 68 of the *Local Government Act 1993* to locate a manufactured home on each of these sites approved in this development application.

The dwellings will be constructed off site and delivered to the site on a truck.

### Clause 124 Subdivision of manufactured home estates



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- (1) *Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Part) may be subdivided—*
  - (a) *under section 289K of the Local Government Act 1919 for lease purposes, or*
  - (b) *under the Community Land Development Act 1989, only with the development consent of the council.*
- (2) *A council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.*
- (3) *Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Part) does not apply to such a subdivision.*
- (4) *This Part does not allow the subdivision of land within a Crown reserve.*

### Comment

Whilst this clause allows Community Title subdivision this is not pursued in this application.

### Clause 125 Matters to be considered by Councils

- (1) *A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only if it is satisfied—*
  - (a) *that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and*

### Comment

The site is connected to the Ausgrid electricity system. The site is connected to the Hunter Water Reticulated water system. Although the site is not connected to the Hunter Water sewerage system, properties directly opposite the site and the land immediately to the east are connected to Hunter Water's Sewerage system. It is proposed to connect to the Hunter Water sewer system.

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

### Comment

The site is conveniently located to bus stops as shown in **Figure 10** and as discussed in the McLaren Traffic Engineering report submitted with this application. Regular bus services are available to Maitland which is an approximate 15 minute journey from the site.

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Figure 10 Location of Bus stops

- (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

The site is approximately 780 metres to the Lochinvar Primary School which is located at the eastern side of the township and Lochinvar contains a post office, private high school, convenience shops and a hotel.

- (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

The assessment against the provisions of the LEP above and the information in the Planning Certificate indicates that the site will not have any adverse effect on landscape, scenic or ecological qualities.

- (2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—
- (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 are no other manufactured home estates in Lochinvar.

An assessment of the proposal against the Manufactured Home Estates Regulation is provided below.

Commented [KM2]: [Elena Doman](#) can you please prepare a figure showing the bus stops to replace this screenshot?

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

The relevant provisions are discussed below.

<b>Provision</b>	<b>Assessment</b>	<b>Consistent</b>
<b>12 Minimum size of estate</b> A manufactured home estate must not have an area of less than— (a) 1 hectare, or (b) if a lesser area is permitted on the land by an environmental planning instrument, the lesser area.	The site is approx. 9.78ha	yes
<b>13 Community amenities</b> (1) A minimum of 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities. (2) The council may allow a lower percentage, not less than 6% of the total land area of the manufactured home estate, to be reserved for recreation or other communal activities. (3) Before allowing a lower percentage, the council must consider— (a) the type and range of amenities to be provided, and (b) other matters the council considers relevant.	The community facilities building, swimming pool, playground and pickle ball courts have an area of approximately 9,560m <sup>2</sup> .  The green has an area of approximately 1,860m <sup>2</sup> .  The total area of community amenities is 11,420m <sup>2</sup> which is 11% of the site.	yes
<b>14 Size of dwelling sites</b> A dwelling site must have an area of at least 130 square metres.	The housing sites range in area from 236.48m <sup>2</sup> to 250.2m <sup>2</sup> .	yes
<b>15 Site identification</b> (1) A dwelling site must be numbered or identified with its site boundaries clearly outlined. (2) The site identification must be easily recognised.	Each site will be fenced, a condition of consent can be imposed requiring street numbering	yes
<b>Subdivision 2 Setbacks</b> <b>16 Dwelling sites to have road frontage</b> A dwelling site must have vehicular access to an access road.	All home sites have a street frontage	yes
<b>17 Setbacks of community buildings</b> (1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate or dwelling site. (2) The council may allow a lesser distance of at least 2 metres if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated.	The closest dwelling to the Community building is 19m.	yes
<b>18 Setbacks of dwelling sites from road frontages</b> (1) A dwelling site must not be located closer than— (a) 10 metres to a public road, or (b) 3 metres to another boundary of the manufactured home estate. (2) The council may allow a lesser distance if satisfied the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.	A 30m front landscaped area is provided with all housing sites set well behind the landscaped front set back. The 30m front setback is adjacent to the rear of the shed on the boundary of the adjoining residential property to the east, ensuring there is no overlooking from the proposal to the adjoining dwelling house or its rear yard.  The site has between 6m and 10m side and rear landscaped buffers.	yes
<b>19 Use of buffer zones</b> Nothing in this Part prevents land within a required setback from being used for—	Landscaped setbacks are provided along all boundaries.	yes

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**Table 3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings (Regulation 2021))**

Provision	Assessment	Consistent
(a) community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) a similar purpose allowed by the council.		
<b>Subdivision 3 Roads</b> <b>20 Entrance and exit roads</b> (1) A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide. (2) For a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres. (3) The council may specify, in an approval, the way in which an entrance or exit road must meet the sealed portion of other access roads. (4) Passing bays must be provided at intervals of no more than 100 metres. (5) The width of the sealed portion of an access road at a passing or parking bay must be at least— (a) 8.5 metres for a major access road, and (b) 6 metres for a minor access road.	The proposal complies with these provisions as confirmed in the McLaren Traffic Engineering report submitted with this application.  The main internal road has an 6m pavement width whilst the one way roads have a pavement width of 4m.	yes
<b>22 Speed restrictions as part of road design</b> Access roads must be designed to limit the speed at which vehicles may travel on the roads to— (a) 30 kilometres per hour for major access roads, and (b) 15 kilometres per hour for minor access roads.	This is contained in the plan of management and should be imposed as a condition of consent	yes
<b>23 Visitor parking</b> (1) A manufactured home estate must contain at least the following number of visitor parking spaces— (a) for a manufactured home estate containing no more than 35 sites—8 spaces, (b) for a manufactured home estate containing more than 35 sites, but no more than 70 sites—12 spaces, (c) for a manufactured home estate containing more than 70 sites, but no more than 105 sites—16 spaces, (d) for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites. (2) Each parking space must have minimum dimensions of— (a) for angle parking—5.4 metres by 2.5 metres, or (b) otherwise—6.1 metres by 2.5 metres. (3) Visitor parking spaces must be clearly identified.	The proposal provides 55 visitor parking spaces which exceeds the minimum required visitor spaces of 29.4 spaces.  In addition to this each housing site will be able to accommodate an additional visitor in a stacked formation in front of the double carport, fully within the house site.	yes
<b>24 Visitor parking for people with disabilities</b> (1) A manufactured home estate must contain— (a) at least 1 visitor parking space for people with a disability (a disabled parking space), or (b) if the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for (i) the first 100 sites, and (ii) every further 100 sites, and (iii) a remaining part, if any, of 100 sites.	2 visitor accessible spaces are required. The proposal provides 3. The Traffic report prepared by McLaren Traffic engineering submitted with this application demonstrates that these spaces will comply with the AS 2890.1	yes

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**Table 3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings (Regulation 2021))**

Provision	Assessment	Consistent
<p><b>25 Road surfaces</b> All access roads, including all passing and parking bays, must—</p> <ul style="list-style-type: none"> <li>(a) have an all-weather sealed or other surface finish specified in the approval, and</li> <li>(b) be adapted to the land to enable adequate drainage and remove excessive grades.</li> </ul>	<p>The internal roads will be bitumen sealed.</p> <p>The slope of the site is not excessive and the internal road layout has been supported by McLaren traffic Engineering</p>	yes
<p><b>26 Lighting</b> All access roads must be adequately lit between sunset and sunrise.</p>	All roads will be provided with street lighting	yes
<p><b>Subdivision 4 Utility services</b></p> <p><b>27 Water supply</b></p> <ul style="list-style-type: none"> <li>(1) A manufactured home estate must be— <ul style="list-style-type: none"> <li>(a) connected to a mains water supply, or</li> <li>(b) provided with an alternative water supply service as specified in the approval.</li> </ul> </li> <li>(2) A dwelling site must be— <ul style="list-style-type: none"> <li>(a) connected to the water supply service for the manufactured home estate, and</li> <li>(b) provided with— <ul style="list-style-type: none"> <li>(i) a separate water meter, and</li> <li>(ii) a separate water service isolating valve.</li> </ul> </li> </ul> </li> <li>(3) The water supply service must comply with— <ul style="list-style-type: none"> <li>(a) the <a href="#">Plumbing and Drainage Act 2011</a> and the regulations made under that Act, and</li> <li>(b) the requirements of a relevant statutory body.</li> </ul> </li> <li>(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.</li> </ul>	The Site is connected to Hunter Water's potable water supply. Conditions of consent should be imposed to ensure the requirements of this clause are complied with at the time of water connection to each site.	Capable of complying
<p><b>28 Sewerage</b></p> <ul style="list-style-type: none"> <li>(1) A manufactured home estate must be— <ul style="list-style-type: none"> <li>(a) connected to a main sewer, or</li> <li>(b) provided with an alternative sewage disposal system as specified in the approval.</li> </ul> </li> <li>(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</li> <li>(3) The sewage disposal system must comply with— <ul style="list-style-type: none"> <li>(a) the <a href="#">Plumbing and Drainage Act 2011</a> and the regulations made under that Act, and</li> <li>(b) the requirements of a relevant statutory body.</li> </ul> </li> </ul>	<p>The site will be connected to Hunter Water's sewerage system. Properties to the south and east are connected to the sewer system.</p> <p>A condition of consent should be imposed requiring the sewer design to be prepared prior to the issue of Construction Certificate and the house sites be connected to Hunter Water's sewerage system, prior to any Occupation Certificate.</p>	Capable of complying
<p><b>30 Electricity supply</b></p> <ul style="list-style-type: none"> <li>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.</li> <li>(2) The electrical circuit must be installed in accordance with the Australian/New Zealand Wiring Rules.</li> <li>(3) The maximum capacity of the electrical circuit supplying a dwelling site is not required to be more than 32 amperes if the site is provided with gas, whether by a reticulated gas service or on-site gas containers.</li> </ul>	The site is connected to Ausgrid's electricity system. All dwellings and community facilities will be connected to electricity. A suitable condition of consent should be imposed to ensure compliance with the requirement of this clause.	Capable of complying

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**Table 3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings (Regulation 2021))**

Provision	Assessment	Consistent
(4) If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.		
<b>31 Telephone lines</b> Telephone services, if available, must be provided by a telephone connection that is available to each dwelling site within the manufactured home estate.	The site is connected to Telstra's phone network. Each dwelling will be connected to the telephone system.	Capable of complying
<b>32 Common trenches</b> A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.	Noted	Capable of complying
<b>Subdivision 5 General</b>		
<b>33 Garbage removal</b> Arrangements specified in an approval must be implemented and maintained— (a) for the removal of garbage, and to keep garbage receptacles in a clean and sanitary condition.	It is proposed that the site will be serviced by Maitland City Council rubbish collection service. The road layout has been designed so that it can accommodate a medium rigid vehicle allowing all home sites to have kerbside bin collection.	Capable of complying
<b>34 Fire hydrants</b> (1) No part of a dwelling site or community building within a manufactured home estate may be located more than 90 metres from a fire hydrant. (2) A fire hydrant located within a manufactured home estate must be— (a) a double-headed pillar-type fire hydrant, and (b) maintained to the standard specified in the approval.	It is recommended that conditions of consent be imposed requiring a compliant fire hydrant design to be approved prior to the issue of a CC and that it be implemented prior to any OC.	Capable of complying
<b>35 Buildings</b> (1) A building must not be erected on a manufactured home estate unless the approval allows the erection of the building. (2) An approval may allow only the following kinds of buildings to be erected on the manufactured home estate— (a) community buildings, (b) brick or masonry walls to erect— (i) separating walls between adjoining manufactured homes, or (ii) external facades to manufactured homes. (3) The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if— (a) the dwelling site on which the manufactured home is located is a neighbourhood lot, and (b) the owner of the manufactured home is the owner of the neighbourhood lot. <b>Note—</b> The erection of a building, including a community building or brick or masonry wall, may require development consent under the <a href="#">Environmental Planning and Assessment Act 1979</a> . (4) In this section— <b>neighbourhood lot</b> has the same meaning as in the <a href="#">Community Land Development Act 1989</a> .	This development application seeks consent for the construction of the community facility building, and the gatehouse and display suite.  A section 68 application will be made to obtain the approval to locate the dwellings on the site.	yes
<b>36 Use of manufactured home estates</b>	The proposed manufactured home estate is not used for any commercial	yes

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**Table 3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings (Regulation 2021)**

Provision	Assessment	Consistent
<p>(1) A manufactured home estate must not be used—</p> <p>(a) for a commercial purpose other than a manufactured home estate or an associated purpose, or</p> <p>(b) for the manufacture, construction or reconstruction of moveable dwellings.</p> <p>(2) A manufactured home may be used for exhibition purposes.</p> <p>(3) A manufactured home installed in a manufactured home estate may be renovated, maintained and repaired.</p> <p>Example—</p> <p>Renovation, maintenance and repairs may include painting and the replacement of wall cladding or roof sheeting.</p>	<p>purpose with all the community facilities being free of charge to the residents.</p> <p>Manufactured homes will be constructed also and delivered to the site by truck.</p> <p>Consent is sought for a display suite installation to the gatehouse</p>	
<p><b>37 Community map</b></p> <p>The holder of an approval must provide the council with a copy of the community map for the manufactured home estate—</p> <p>(a) as soon as practicable after an amendment is made to the map, and</p> <p>(b) at other times reasonably required by the council.</p>	<p>Compliance can be achieved by condition of consent.</p>	<p>Capable of complying</p>
<p><b>38 Access to approval and community map</b></p> <p>The holder of an approval must ensure that copies of the following documents are available for inspection, free of charge, by an occupant of the manufactured home estate—</p> <p>(a) the approval for the manufactured home estate,</p> <p>(b) the current community map, this Regulation.</p>	<p>Compliance can be achieved by a condition of consent.</p>	<p>Capable of complying</p>

### 4.1.8 Local Government Manufactured Home Regulation 2021

Clause 9 of the *Local Government Manufactured Home Regulation 2022* allows the installation of manufactured homes without consent if they are constructed in accordance with Division 4. The provisions of Division 4 form part of the Section 68 approval. The matters for consideration are not required to be assessed in detail for this application however, the architectural plans prepared by ATJ Architects submitted with this application show the manufactured home concept which demonstrates that the proposal is capable of complying with Division 4.

In this regard the following statistics are provided;

- the minimum front setback will be 5.9 metres;
- the minimum side setbacks will be 900 millimetres;
- the minimum rear setback will be 3 metres;
- manufactured home will have up to 3 bedrooms;
- The site coverage per site will be approximately 40%;
- manufactured home will have a tandem carport that is set back 5.5 metres to enable a visitor to park on the site allowing a visitors car to be parked on the site in a stacked configuration; and
- each manufactured home will be provided with a rain water tank, outdoor clothes drying area.

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### 4.1.9 Maitland Development Control Plan 2011

The Maitland DCP does not provide any design criteria for Manufactured Home Estates.

### 4.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

#### 4.2.1 Flora and Fauna

The flora and fauna assessment report prepared by Abel Ecology indicates that a biodiversity assessment report (BDAR) is not required. A copy of this report is submitted with this development application.

#### 4.2.2 Water Quantity and Quality

The stormwater plans prepared by Eclipse Consulting submitted with this application has provided two stormwater detention basins that have been designed to ensure that post development water flow is at the same rate as the pre development scenario. The detention basins act as a sediment trap which reduces the amount of sediment laden water leaving the site.

The stormwater plans contain a sediment and erosion control plan, that will minimise sediment leaving the site during rain events in the construction phase.

#### 4.2.3 Air Quality

The proposed manufactured home estate will have no impact upon air quality. Dust suppression measures such as use of a water spray truck during the earthworks will assist with preventing adverse air quality impacts during construction.

#### 4.2.4 Existing and/or Future Character

The proposal is consistent with the character of development immediately to the south east located in the R1 General Residential Zone. The land on the southern side of the New England Highway directly opposite the site is also zoned R1 General Residential Zone.

The proposal provides a substantial amount of perimeter landscaping that will screen the manufactured home estate from the New England Highway and from the adjoining rural land to the west and north east and the R5 Large Lot Residential area to the north.

#### 4.2.5 Heritage

The site is not listed as an item of environmental heritage nor is it located in a heritage conservation zone.

#### 4.2.6 Aboriginal Heritage

An AHIMS search was undertaken which indicated that the site does not contain any known Aboriginal Sites near or within the 50m buffer of the site.

#### 4.2.7 Visual and Acoustic Privacy

The proposal will not cause any visual privacy impacts as all the future manufactured homes will be single storey and set behind a landscaped buffer. The community facility will be located generally in the centre of the site reducing any potential acoustic impacts on adjoining properties. The use of the community facility will be closed by 9:30pm ensuring there is no impact on the sleep disturbance period.

It is not proposed to put floodlights on the pickleball courts or the open space and accordingly, these will not be able to be used after dark. The plan of management will also regulate the time that these facilities can be used.

#### 4.2.8 Solar Access

All the buildings that will be located on this site are single storey in height and accordingly will not cause any solar access issues to neighbours.



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### 4.2.9 Views

There are no significant views across the site.

### 4.2.10 Traffic and Parking

#### Access

Access to the site is via the New England Highway. The traffic report prepared by McLaren Traffic Engineering has demonstrated how it is proposed to amend the line marking of the New England Highway to allow a right turn bay into the site. Within the development it is proposed to use a series of two way and one way roads. The traffic assessment submitted with this application has provided turning templates to demonstrate that all dwellings can be accessed via a medium rigid vehicle allowing garbage trucks and removalist vans to access all the sites within the development. The proposal is in accordance with the *Local Government Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 2021* (the Regulations).

#### Traffic

McLaren Traffic engineering will seek to liaise with Maitland Council and the RMS on the design of the right turn bay into the site which will have an impact on the traffic modelling for the site.

#### Parking

The proposed manufactured home estate provides 55 visitor parking spaces of which (3) three are accessible. Each manufactured home will be provided with tandem parking, set back 5.5 metres from the front boundary allowing a third vehicle to be parked for a visitor. The parking provision complies with the Regulations.

### 4.2.11 Waste Management

There will be minimal waste generated by the proposal. No excavated material will leave the site to facilitate the road and drainage systems. Waste generated by the proposal will be limited to packaging of building materials for the construction of the display suite and the communal facilities and the building material off cuts will be taken to a building waste recycler. Any unrecyclable waste will be disposed of at a licenced landfill. All future dwellings will be provided with general waste, recycling and garden organics bins that will be collected from the kerb. The communal facilities will be provided with recycling and general waste bins that will be presented to the kerb by estate management staff. A Waste Management Plan has been prepared by Boycecorp and is submitted with the DA.

### 4.2.12 Housing Supply

The proposal will have a positive effect on housing supply especially those on a low income. The future manufactured homes will be significantly more affordable than traditional low density housing and will provide additional community facilities available for the future residence including open space, playgrounds pickleball courts a gymnasium and indoor community room.

### 4.2.13 Infrastructure

The site is connected to Ausgrid's electricity supply and Hunter Water's potable water supply. Whilst the site is not currently connected to Hunter Water's sewerage system the Hunter Water sewerage system is available on properties directly to the east and south of the subject site.

### 4.2.14 Economic Impact

The proposal will not have any adverse economic impacts in the locality as it will be providing new housing adjacent to the existing houses located in the R1 General Residential zone and will not result in Council requiring to relocate existing services to facilitate the proposed development.

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### 4.2.15 Social Impact

It is essential for development that is designed for a population that may be in lower income thresholds to ensure that there is adequate access to employment, services and recreation. The location of this manufactured home estate adjoins land zoned R1 General Residential and has access to frequent bus services to and from Maitland within an easy walk from the site.

The proposal is within a walking distance of Lochinvar Public School and the Lochinvar town centre. As development associated with the Anambah to Branxton Corridor commences, demand for services and retail in the Lochinvar town centre will increase providing new services for the residents. A new shopping centre has been approved in Lochinvar to the south of the town centre. The Anambah to Branxton Corridor is proposed to facilitate urban housing for 100,000 people and will ultimately surround the proposed manufactured home estate.

The residents will have access to the community facility building, gymnasium, the recreational areas including parks, playgrounds and pickle ball courts.

As discussed, the owner of the facility is seeking to provide opportunities for young families to live and pay off the manufactured home. Should the owner of the home wish, they can on-sell their manufacture site and use the money from the sale to use as a deposit for more traditional housing. It is considered that as the residents actually own the manufactured home, there will be a higher likelihood that the house will be well-maintained that will build on the sense of pride that Boycecorp will create by ensuring the estate is well maintained.

It is the intention that the estate will be retained in ownership by Boycecorp and they will be responsible for the day to day running and up keep of the estate.

### 4.2.16 Crime and Safety

A Crime Prevention Through Environmental Design (CPTED) report has been prepared by DFP and is submitted with this application. Crime prevention is an important aim for this development and measures include:

- security perimeter fencing made of cyclone mesh;
- a security gate house with a boom gate to control vehicular access;
- CCTV cameras located across the site including the communal facilities and open space areas;
- street lighting and security lighting around the communal areas ;
- the future manufactured homes on these site have a living area and front deck that will provide casual surveillance of the internal road layout; and
- manufactured homes will be provided with side and rear fencing to control access to private open space areas.

## 4.3 Suitability of the Site for Development

The following subsections assess the suitability of the site in accordance with section 4.15(1)(c) of the EP&A Act.

### 4.3.1 Location

The site directly adjoins land zoned R1 General Residential and is within walking distance of bus stops and the Lochinvar town centre. The Lochinvar town centre includes a public primary school, Catholic secondary school, convenience shops, a post office and hotel. The proximity of the site to the Lochinvar town centre will ensure that the residents have access to all urban facilities that are afforded to the existing residential population of Lochinvar.

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### 4.3.2 Contamination

A preliminary site investigation prepared by EI Investigations indicates that a Detailed Site Investigation is required.

### 4.3.3 Acid Sulfate Soils

The site is class 5 acid sulfate soil. The Detailed Site Investigation will consider if any Acid Sulfate soil management is required.

### 4.3.4 Bushfire Risk

Building Code and Bushfire Hazard Solutions Pty Ltd provided initial advice on the required Asset Protection Zones for the site that have been incorporated into the development. A subsequent Bushfire Assessment Report was prepared that supports the proposed development. A copy of this report is submitted with the development application.

## 4.4 Public Interest

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest because:

- The site is located directly adjoining land zoned R1 General Residential zone on the edge of the Lochinvar town centre. Future residents will have access to all the facilities and services available in the Lochinvar town centre. In addition, they will have free use of the communal facilities including open space, playgrounds, pickleball courts, gymnasium and use of the communal building.
- The proposal will provide 206 sites presenting an opportunity for those with a lower income to enter the residential housing market. The ethos of this project is to allow people on a lower income to afford to pay off the manufactured home and should they wish to sell their manufactured home, they can use the savings to purchase another property.
- The site is zoned RU2 Rural Landscape but is on the edge of the Lochinvar village. The site area is approximately 10 hectares and provides the land required to facilitate the manufactured home estate in a location close to retail and services.
- The site will be heavily landscaped ensuring that the proposal is viewed from the New England Highway as being located in a well landscaped setting. Whilst the site will contain cyclone mesh security fencing along the perimeters of the site there will be dense landscaping adjoining this cyclone fence to minimise the visual effect of the manufactured housing estate when viewed from adjoining properties. The cyclone mesh fence will be located behind some of the landscaped area so as to screen the fence from the public domain.
- The site can be adequately drained via the two proposed on-site detention basins ensuring that pre-development stormwater flow is the same as post-development flows. Earthworks near the boundaries required to drain the site will be graded so no retaining walls are necessary. The graded embankment will be located within the landscaped buffer zone.
- It is proposed to provide a right-hand turning bay into the site. The McLaren Traffic report indicates that the proposal has been designed to comply with the Regulations. Accordingly, all home sites can be serviced by Maitland City Council garbage trucks and removalist vans. The proposal provides 55 visitor car parking spaces and each future dwelling will be provided with a double tandem carport which is set back 5.5 metres from the front boundary allowing an additional visitor car park on the site. Accordingly, it is considered that proposal provides satisfactory car parking for the future residents and visitors to the site.
- The proposal does not require a BDAR, the site will not affect any known Aboriginal Deposits and the site is not listed an item of Environmental heritage.

## 5 Conclusion

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The proposed manufactured housing estate has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

The proposal is made permissible by Section 122 of SEPP Housing that allows manufactured housing estates on sites where caravan parks are permitted with consent.

The site is on the edge of the Lochinvar town centre and accordingly residents will be within walking distance to the Lochinvar Public School, Catholic High School, convenience retail, the Lochinvar Post Office and Hotel. Future residents will enjoy these same services as the residents of the new low density residential subdivisions adjoining the site. This site is conveniently located near bus stops that provide services to Maitland. In addition to the existing services the residents will have access to the community facilities on the site.

Should development consent be issued, it must be subject to a condition requiring that a section 68 application be made to locate the manufactured homes on each of the sites. The manufactured homes will be constructed off-site and delivered to the site on a truck where they will be placed on rail foundations. The rails remove the requirement for earthworks to level the site for a concrete building slab.

The site is connected to electricity and Hunter Water's potable water service and the Hunter Water's sewerage system is available on properties directly to the east and south. It is proposed to connect the site to the Hunter Water sewerage system ensuring that all dwellings are connected to the sewerage system.

Extensive landscaping is proposed by Conzept landscapes that will ensure that the proposal is located within a landscape setting. Landscaping will screen the dwellings from the adjoining lands zoned rural, the large lot residential to the north and residential properties to the east. Whilst it will be necessary to remove all existing trees from the site the Flora and Fauna report prepared by Able Ecology that is submitted with this Development Application indicates that a BDAR is not triggered.

Co-ordination between the Bushfire consultant and Landscape Architect has occurred to ensure that the APZ's can be maintained whilst providing extensive landscaping for the proposal.

The internal road layout is supported by McLaren Traffic Engineering and has been designed to provide access to Council's garbage trucks and medium rigid delivery trucks.

The drainage and bulk earthworks plan prepared by Eclipse Engineering ensures that the post-development stormwater flow is equal to the pre-development flows. The bulk earthworks plan indicates that that the site will require fill to be imported to the site and a condition of consent can require that this is ENM or VENM.

The proposal has been designed to minimise the opportunity for crime and to ensure that the residents can feel safe, proud and happy to live in the estate that provides more social and recreation opportunities than traditional low density residential development whilst providing an opportunity to save money for a deposit for traditional housing so they so desire.

Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is worthy of Council approval.