



# Statement of Environmental Effects

to accompany a Development Application to

**Inverell Shire Council**

for

**Subdivision and a Manufactured Home Estate**

at

**31 Brownleigh Vale Drive,  
Inverell**

Lot 1 DP 1152567

June 2022

# Statement of Environmental Effects

prepared by

**Zone Planning NSW Pty Ltd**

for

**Coastal Alliance Pty Ltd**

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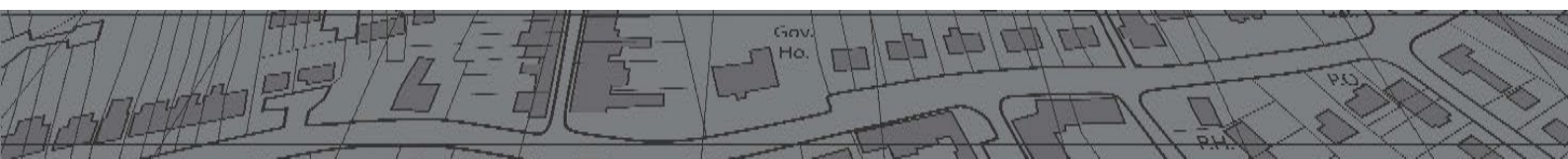
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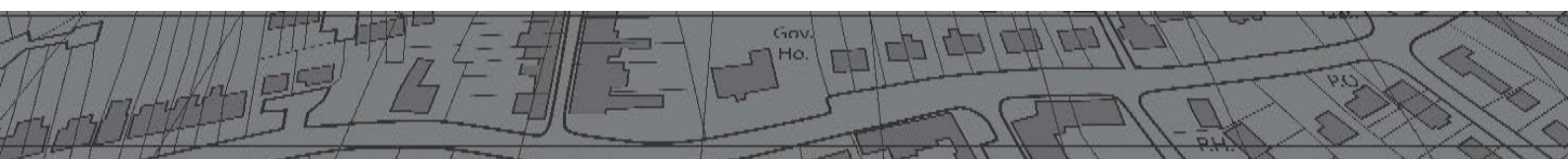
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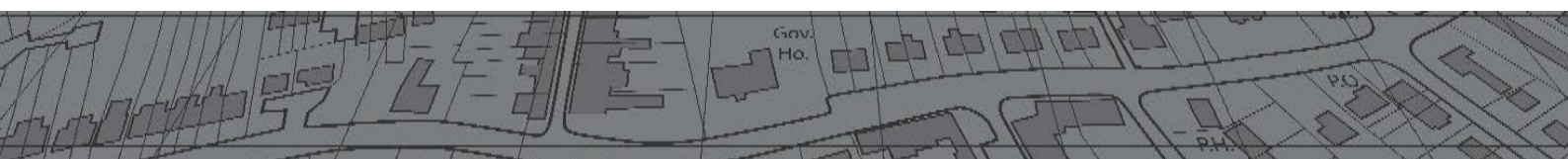




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# 1. INTRODUCTION

## 1.1 Purpose of this Document

This Statement of Environmental Effects has been prepared by **Zone Planning NSW Pty Ltd** ('the applicant') for **Coastal Alliance Pty Ltd** ('the proponent').

It accompanies a revised Development Application (DA-125/2021), initially lodged with **Inverell Shire Council** (being the consent authority) on 17 August 2021, seeking consent for the **subdivision** of one existing lot into two lots and the development of a **manufactured home estate** on one of the new lots created by the subdivision ('the proposal') at **31 Brownleigh Vale Drive, Inverell (Lot 1 DP 1152567)** ('the subject site').

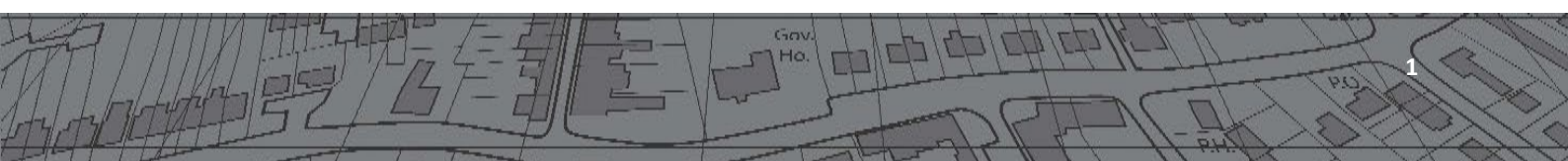
This revised Statement of Environment Effects ('the Statement') provides a thorough description of the subject site and its immediate surrounds, a detailed description of the revised proposal, identification of all statutory and non-statutory planning instruments and controls applying to the subject site and/or the proposal, and an evaluation of the revised proposal against the relevant aims, objectives, standards and guidelines contained within the applicable planning instruments and controls, with particular regard to Part 4 of the *Environment Planning and Assessment Act 1979* ('the EP&A Act' or 'the Act').

## 1.2 Structure of this Document

Other than this introductory chapter, this Statement of Environmental Effects consists of seven (7) further sections, as outlined in Table 1, below.

**Table 1 Document Structure**

Ch.	Title	Purpose
2	Site Analysis	Provides a detailed description of the subject site – including its precise location, its physical attributes, its current use and development, its access to infrastructure and services, and its immediate surrounds.
3	The Proposal	Comprehensively describes the revised proposal – subdivision of one existing lot into two lots and the development of a 76-dwelling manufactured home estate with associated communal facilities for residents and their guests.
4	Consultation	Outlines consultation undertaken prior to notification of the Development Application, including pre-application meetings/discussions with/advice provided by Council and a request for additional information made by Council following its initial review of the development application submitted.
5	Planning Controls	Identifies all legislation, regulations, environmental planning instruments (state and local) and non-statutory planning controls (including development control plans) considered to be applicable to the subject site and/or the proposal.
6	Planning Evaluation	Provides an assessment of the proposal against the relevant matters for consideration set out at Section 4.15 of the EP&A Act, including the aims, objectives, standards and controls contained within the environmental planning instruments, regulations, codes and non-statutory planning controls applicable to the subject site and/or the proposal.
7	Conclusion	Summarises the findings of the previous chapters and the justification for approval of the proposal.
	Appendices	Provides supporting documents, including EPI, DCP, Code and Regulations assessments, and, in some instances, pertinent land information, plans and consultant reports.





### 1.3 Accompanying Documentation

This revised Statement of Environmental Effects is to be read in conjunction with a suite of other supporting documentation submitted with the Development Application, some of which have also been revised to reflect the revision of the proposal. The supporting documentation submitted with the DA is identified in the Table 2, below.

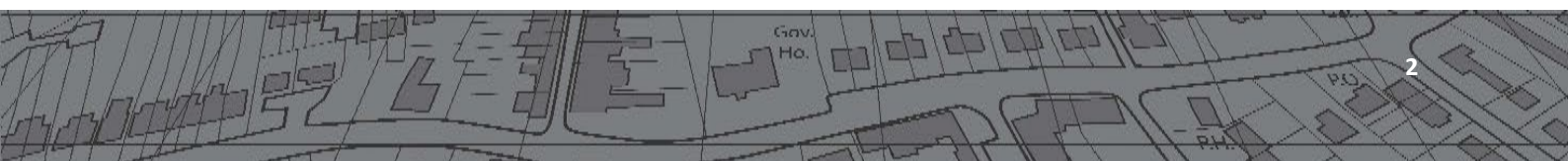
**Table 2 Accompanying Documentation**

Title	Prepared by/Author	Number/Ref.	Dated
<b>Architectural Drawings</b> including Existing Site Plan and Part Survey, Subdivision Plan, Site Plan, Community Precinct Plan, Elevations, Sections, Manufactured Home Type Concept Plans	Miskell Concepts & Design	A1-CA-1; A1-CA-2; A1-CA-3; A1-CA-4; A1-CA-4A; A1-CA-5; A1-CA-6; A1-CA-7; A1-CA-8; A1-2B-SK1; A1-1B-SK1; A1-3B-SK1; A1-1B-SK1	June 2022
<b>AHIMS Web Services (AWS) Search Result</b>	NSW Office of Environment and Heritage (OEH)	584563	20 April 2021
<b>Civil Engineering Plans</b> including Site Layout, Existing Features and Demolition Plan; Site Grading and Stormwater Drainage Plans; Water and Sewer Service Plan; Site Sections; Catchment Plan; Sediment and Erosion Control Plan	DNBS Consulting Engineers	2021131-DA-001; 2021131-DA-002; 2021131-DA-003; 2021131-DA-004; 2021131-DA-005; 2021131-DA-006; 2021131-DA-007; 2021131-DA-008; 2021131-DA-009; 2021131-DA-010; 2021131-DA-011; 2021131-DA-012 (all Revision A)	13.01.2022
<b>Flood Effects Report</b> including Addendum	David C. Jones Consulting Civil and Structural Engineers	2021094366	27 September 2021 & 14 May 2021
<b>Plan of Detail Survey</b>	Brown & Krippner Pty Ltd	2315C01-A	26/10/2020
<b>Services Plans</b>	Essential Energy	Job No. 21633747 Sequence No. 109786500	17/05/2021
<b>Statement of Landscape Intent</b> including Site Context, Landscape Design, Lot Details, Design Details	Zone Landscape Architecture	L20145, Revision C	June 2022
<b>Title Search</b>	NSW Land Registry Services	Z20403	20/4/2021
<b>Traffic and Transport Assessment</b>	Geleon	50523-RP01-C	10 May 2022
<b>Waste Management Plan</b> Version 2	Zone Planning Group NSW Pty Ltd	-	May 2022

### 1.4 Acknowledgements

In the preparation of the Development Application (DA) to which this Statement of Environmental Effects relates, and subsequent revision of the DA, various discussions have been undertaken with officers of Inverell Shire Council, who have also provided written advice. Details of those discussions and the written advice provided is provided at Part 4.1 of this Statement (on Page 13).

The issues raised and comments made by those involved in the afore-mentioned discussions and written advice have been taken into account and are gratefully acknowledged by Zone Planning NSW Pty Ltd and the proponent.





## 1.5 Document History

This Statement has undergone a number of revisions as a result of changes to the proposal since submission and/or lodgement of the Development Application to which it relates. Details relating to the various versions of this Statement, including date of issue, authors and reviewers are set out in Table 3, below.

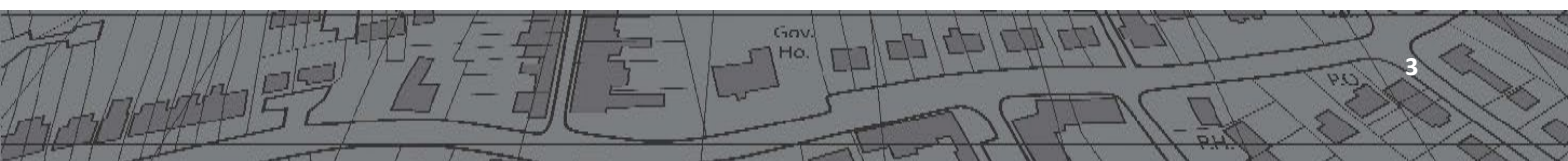
**Table 3 Document History**

Issue	Date	Prepared by	Checked by
Revision A	27/04/2021	HJ	DGI
Revision B	17/05/2021	HJ	HJ/EM
Revision C	06/11/2021	HJ	DGI/EM
Revision D	24/05/2022	MM	MM/DGI
Revision E	16/06/2022	DGI	DGI

## 1.6 Disclaimer

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## 2. SITE ANALYSIS

This section provides a detailed description of the subject site – including its precise location, its dimensions, area and other physical attributes, its current use and development, its access to infrastructure and services, and its immediate surrounds.

### 2.1 Location

The subject site is located in the town of **Inverell**, within the local government area of **Inverell Shire**.

It is situated approximately 750m south-west (direct line) of the Inverell Central Business District (CBD), at 29°46'41"S 151°06'06"E.

The exact location of the subject site within Inverell is shown on the map at **Figure 1**, on the next page.

### 2.2 Physical Attributes

The subject site consists of one (1) parcel, described as **Lot 1 DP115 2567**, and with the street address **31 Brownleigh Vale Drive**.

Irregular in shape, the site is **43,230m<sup>2</sup>** (4.323 hectares) in area.

The majority of the subject site has no direct **street frontage**. Its street frontage is limited to its single vehicular access point at the north-eastern terminus of Brownleigh Vale Drive, which is bitumen sealed and is maintained by Council. The south-eastern boundary of the site abuts Council-owned informal public open space along Spring Creek, a tributary of the Macintyre River.

The site has a north-west to south-east (side-to-side), slightly diagonal **slope**, falling more than 11m from RL598.70 near its north-western (front) corner to RL 587.37 at its southern-eastern (rear) corner. Over approximately 285m, that 11.33m fall equates to an average slope across the site of just under 4%, or 1-in-25. A survey of existing site conditions has been submitted in support of the development application.

Other than a few scattered trees, the subject site largely clear of **vegetation**, and there is no vegetation of any significance on the site. This is evident in the aerial photograph of the subject site at **Figure 2**, on the next page.

### 2.3 Infrastructure, Services and Easements

All urban services (reticulated water and sewerage, electricity and stormwater drainage) are available for connection to/from the subject site. Refer to the survey plan and the services plan issued by Essential Energy accompanying the DA.

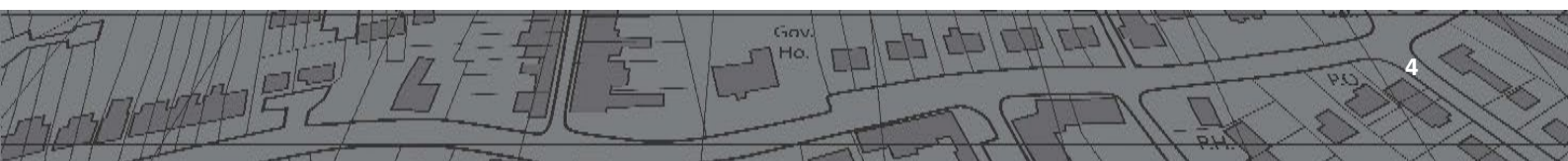
There are a number of existing sewer and stormwater easements traversing the site. Those easements are shown on the survey plan accompanying the DA.

### 2.4 Existing Uses and Development

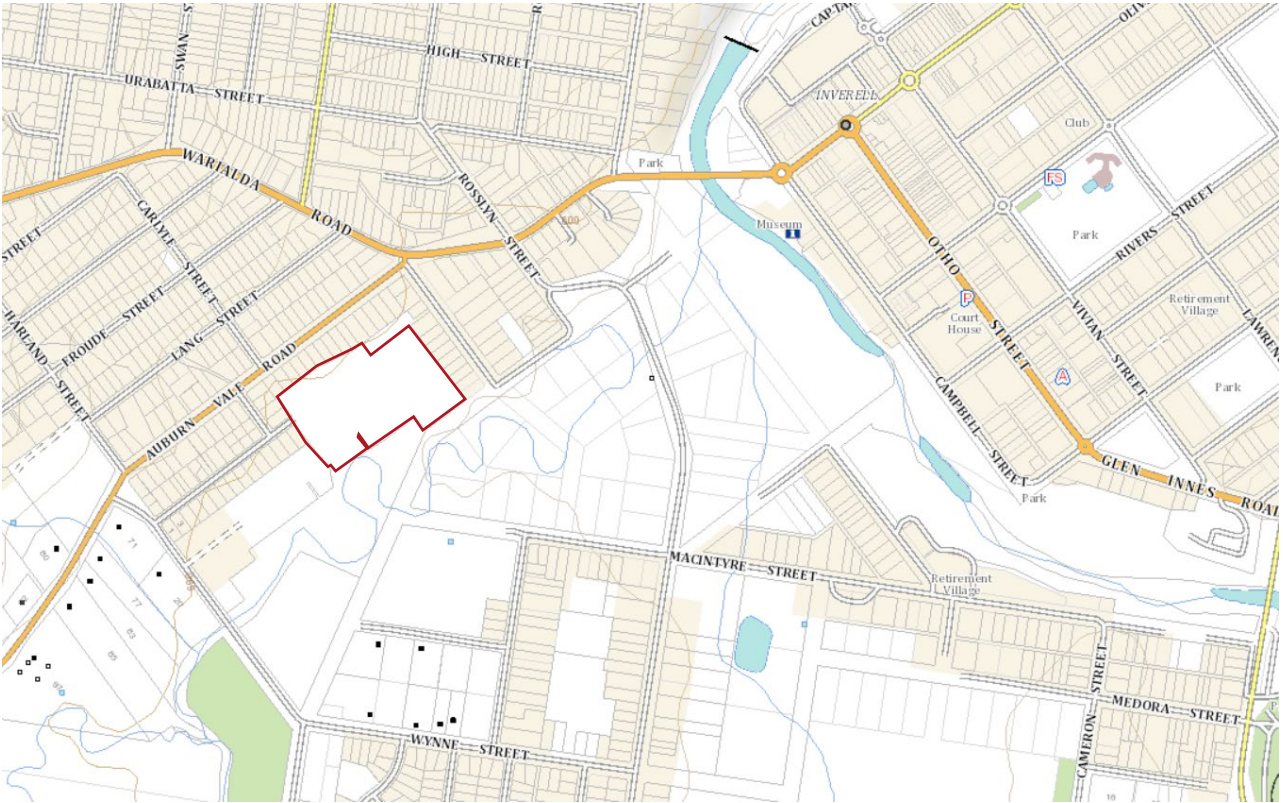
The subject site is currently vacant and has never been developed. It would best be described as a 'green field' site. Refer to the aerial photograph of the subject site at **Figure 2**, on the next page, and the photographs of the subject site at **Figures 3-5** (on Pages 6 and 7).

### 2.5 Previous Approvals

One (1) development consent has been issued in relation to the subject site since 2004. That consent, **67/2011**, was for subdivision of the subject site from one (1) to 40 lots. That development consent has lapsed.



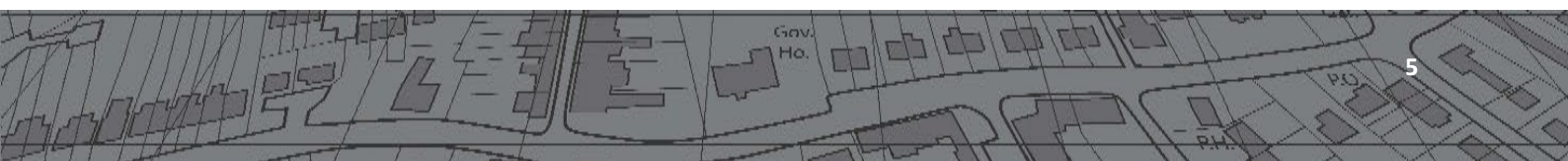




**Figure 1 Site Context**  
The subject site, within Inverell, is edged red.  
Source: SIX Maps



**Figure 2 Aerial Photograph of the subject site**  
The subject site is edged yellow.  
Source: SIX Maps



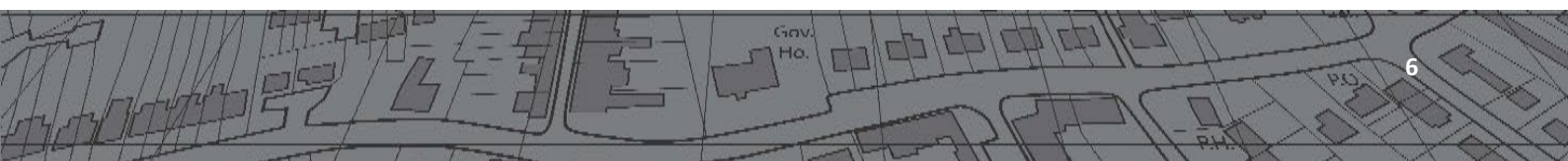




**Figure 3**      **Photograph of the subject site**  
Looking in a north-easterly direction across the site from the end of Brownleigh Vale Drive  
Source: Google Maps



**Figure 4**      **Photograph of the subject site**  
Looking to the east across the site from the end of Brownleigh Vale Drive  
Source: Google Maps







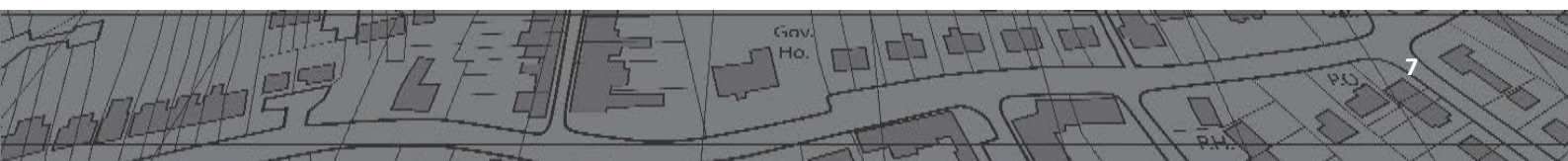
**Figure 5**      **Photograph of the subject site**  
Looking to the west across the site from the intersection of Hindmarsh and Borthwick Streets  
Source: Google Maps

## 2.6      **Adjacent and Nearby Sites**

The subject site forms part of the larger historic Brownleigh Vale residential subdivision, which is characterised by residential development that is low density in nature.

Development to the immediately to the north, east and west, fronting Auburn Vale Drive, Brownleigh Vale Drive, Wesley Street and Hindmarsh Street respectively, is generally characterised by single storey detached dwelling houses on relatively large lots. There is also some dual occupancy and smaller-lot multi-unit housing development in the area. Development further to the north, east and west is similar in nature. This is evident in the aerial photograph at Figure 2 (on Page 5).

Adjoining the site to the south-east, south and south-west is a corridor of informal open space which follows Spring Creek which flows in a westerly direction towards the Macintyre River, which is approximately 600m (direct line) to the west of the subject site.





### 3 THE PROPOSAL

The Development Application (DA) to which this Statement of Environmental Effects relates seeks, pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* ('the Act'), consent from Inverell Shire Council ('the Consent Authority') for the **subdivision** of the subject site and the development of a **manufactured home estate** on one of the lots created by that subdivision. This section details both elements of the proposal, as well as other matters associated with development, including demolition, waste management, easements, servicing, landscaping and fencing.

#### 3.1 Summary

The proposal, as revised, entails the following:

- **subdivision** of the subject site from **one (1) lot into two (2) lots**;
- dedication of a small portion of the site as a public road reserve; and,
- development of a **manufactured home estate** comprising a total of 76 dwellings and communal facilities on one of the two lots created by the proposed subdivision.

#### 3.2 Subdivision

It is proposed the 43,230m<sup>2</sup> (4.323 hectare) site be subdivided from one(1) lot into two (2) lots, with a small portion of the site's access point at the north-eastern end of Brownleigh Vale Drive to be dedicated to Council as a road reserve to provide access to the two lots formed. Refer to the extract of the plan of subdivision at Figure 6 (below).

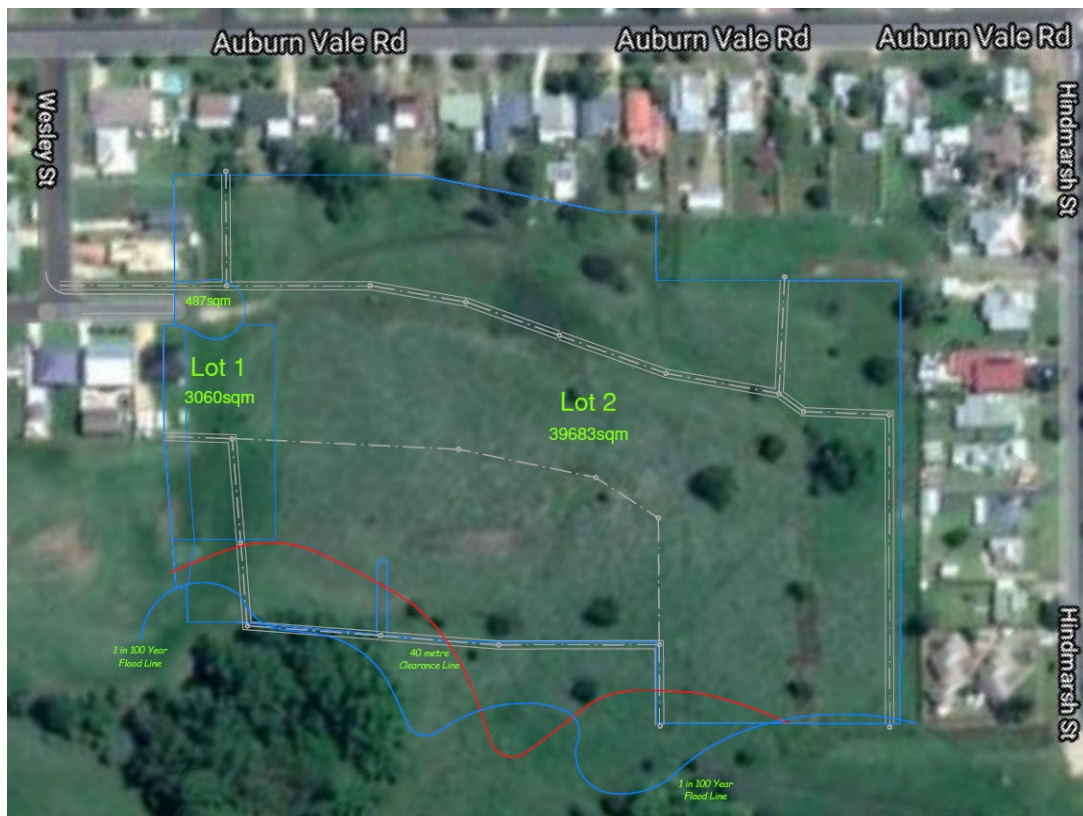


Figure 6 Proposed Subdivision

An extract from the plan showing the subdivision of the site and dedication of a small portion as road reserve  
Source: Miskell Concepts and Design





As illustrated in the plan extract at Figure 6, **Proposed Lot 1** would be a **3,060m<sup>2</sup>** parcel created adjacent to the south-western boundary of the subject site. It would have a frontage of approximately 30m to the south-eastern side of a cul-de-sac to be created at the north-eastern end of Brownleigh Vale Drive. Part of its south-western (side) boundary would be shared with the side boundary of 29 Brownleigh Vale Drive (Lot 16 DP 837364), while the remainder of its south-western (side) boundary would be shared with the rear boundary of 21 Harland Street (Lot 2 DP 1152567). The lot's north-eastern (side) and south-eastern (rear) boundaries would be shared with Proposed Lot 2.

Proposed Lot 1 would include the existing 8m-wide (631m<sup>2</sup>) easement for stormwater drainage along the south-western boundary of the subject site. It would therefore have an unencumbered area of 2,429m<sup>2</sup>.

The bulk of the site would form **Proposed Lot 2**, which would have an area of **39,683m<sup>2</sup>**.

The remainder of the site, a **487m<sup>2</sup>** portion at the access point to the site at the north-eastern end of Brownleigh Vale Drive, would be **dedicated to Council as a road reserve**.

The dedicated road reserve would allow for the provision of a turning circle (18m diameter) at the north-eastern end of Brownleigh Vale Drive.

Site regrading and preparatory earthworks are proposed to facilitate the development of the lots, including for roads and infrastructure (refer to Civil Drawings by DNBS Consulting Engineers accompanying this Statement of Environmental Effects).

### 3.3 Manufactured Home Estate

Proposed Lot 2 would be developed for the purposes of a *manufactured home estate*, as defined at Schedule 7 of the *State Environmental Planning Policy (Housing) 2021*. The development is intended to cater primarily to an over 55's market.

The proposed estate would comprise a total of **76 dwelling sites**, occupying a total area of 19,330m<sup>2</sup>, as well as a range of **communal facilities**. Refer to the extract of the site layout plan at Figure 7 (below).



**Figure 7** Proposed Manufactured Home Estate

An extract from the plan showing the layout of the proposed manufactured home estate, including the site sizes  
Source: Miskell Concepts and Design



### Dwelling Sites

Each of the 76 proposed dwelling sites would have connection to mains water supply, reticulated sewerage, stormwater drainage and electricity. 62 of the 76 dwelling sites (82%) would have an area of 250m<sup>2</sup> lots and would be occupied by two-bedroom or three-bedroom homes. The remaining 14 dwelling sites (18%) would be 220m<sup>2</sup> in area and would be occupied by one-bedroom dwellings.

In accordance with Section 41 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, would not be constructed on site. The major sections of each home would be constructed and assembled off the subject site and then appropriately transported to the subject site for installation, with only minor works carried out as part of the installation process, including the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves, and the grouting of tiles, and the like.

### Dwellings

Residents of the proposed estate would rent a dwelling site and pay for a manufactured home to be installed upon it. In having a manufactured home installed on a dwelling site, residents of the estate would be able to choose from four (4) different single-storey home types. The home types are as follows:

- 'Tamworth' – a three-bedroom home with attached open carport and 51m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites;
- 'Stanthorpe' – a two-bedroom home with single-car garage and 66m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites;
- 'Armidale' – a two-bedroom home with attached open carport and 57m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites; and
- 'Tenterfield' – a one-bedroom home with attached open carport and 46m<sup>2</sup> of private open space, which could be installed on the smaller 220m<sup>2</sup> dwelling sites.

Plans and elevations for each of the proposed dwelling types have been submitted with the DA.

### Communal Facilities

The proposed estate would include 4,710m<sup>2</sup> of communal area, with the main community facilities located adjacent to the estate entry.

The communal area would comprise a **main communal building** and a range of **outdoor facilities** adjacent to it.

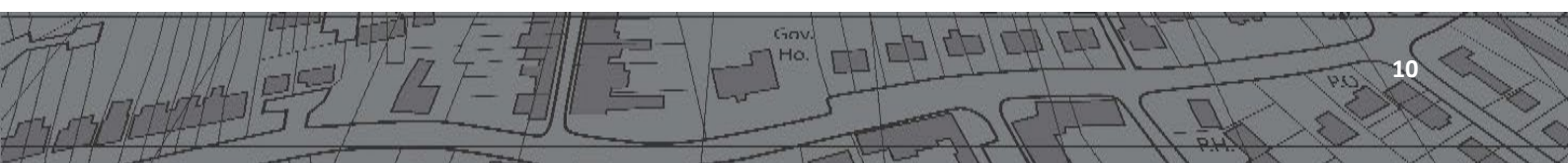
The main, single-storey communal building would have an area of 354m<sup>2</sup>, and would include:

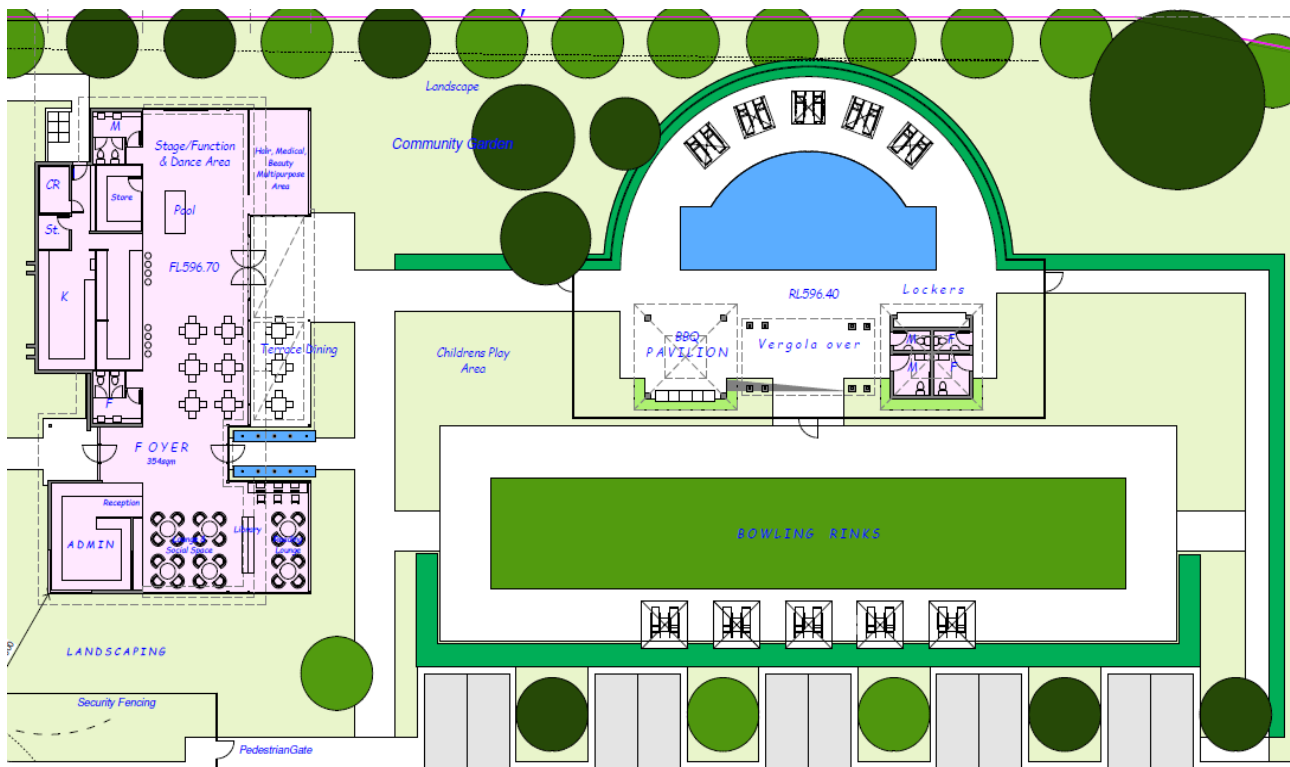
- a foyer with a reception area and adjacent administration room;
- a lounge and social space;
- a library with separate reading lounge;
- an indoor event/recreation area, with stage, function space/dance floor and pool table;
- a multi-purpose room, providing space for medical, hair and beauty, and similar services;
- a full kitchen (including cool room and store room), with adjacent dining area (with outdoor dining terrace);
- male and female toilets; and,
- a store room.

Proposed **outdoor facilities** would include:

- a community garden;
- a swimming pool;
- a lawn bowling green;
- a childrens play area;
- a 24m<sup>2</sup> barbecue pavilion; and,
- a 24m<sup>2</sup> amenities block, with male and female toilets, male and female change facilities, and lockers.

Refer to the extract of the plan for the main communal area at Figure 8a.

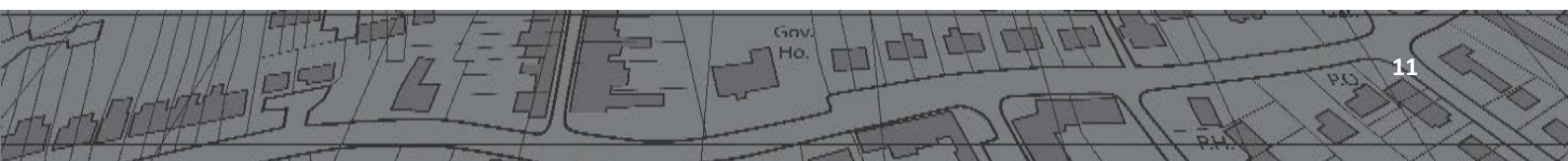


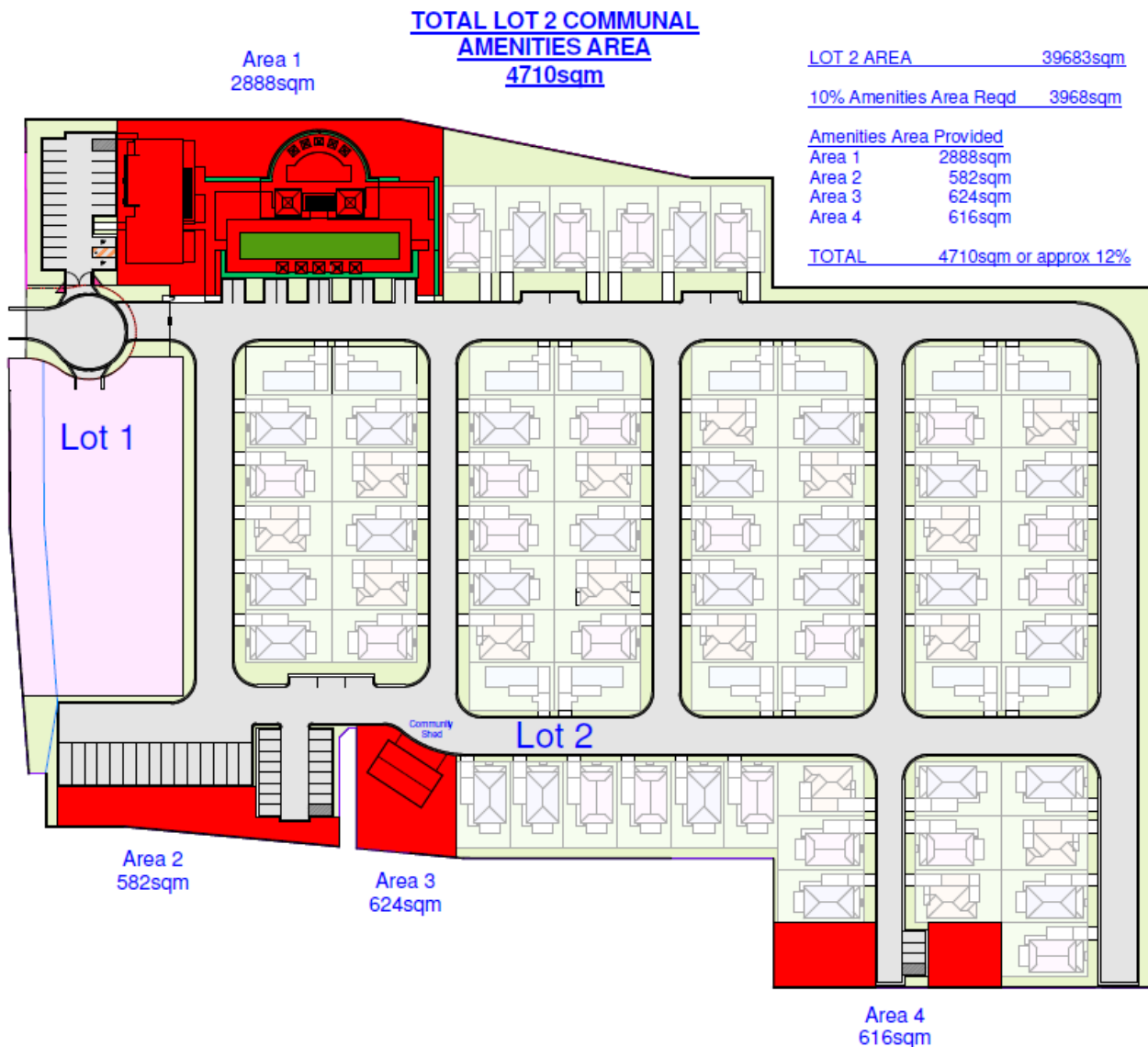


**Figure 8a Proposed Main Communal Facilities Area**  
An extract from the plan showing the facilities within the proposed main communal area  
Source: Miskell Concepts and Design

Additional communal facilities would be provided at the lower (southern) corner of site, including a 135m<sup>2</sup> community shed and 15 storage bays. Each storage bay would have an area of 30m<sup>2</sup> (with dimensions of 10m x 3m) and have direct vehicular access. Various passive recreation areas are also located adjacent to the south-eastern boundary.

Figure 8b illustrates all areas allocated to and designed for use as communal areas.





**Figure 8b Communal Areas**  
An extract from the plan showing all areas allocated to Communal Area  
Source: Miskell Concepts and design

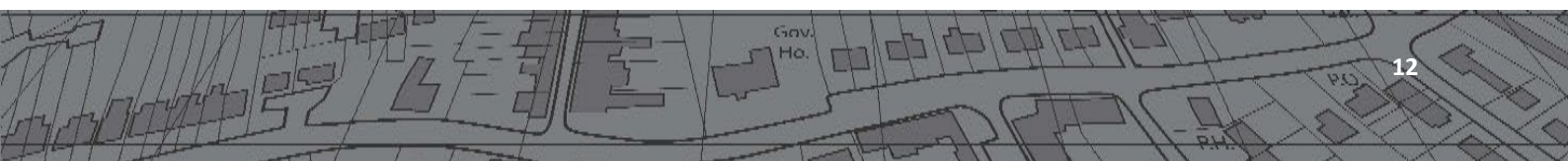
The proposed community facilities areas would be for the use of **residents and their guests only** and would operate between the following hours:

- main communal facilities building (7:00am – 9:00pm Mon-Sun)
- main communal outdoor facilities (7:00am – 8:00pm Mon-Sun)
- communal shed (7:00am – 6:00pm Mon-Sun)

### Access & Transport

Manufactured Homes are expected to be transported to the site from the north, entering the Inverell Shire via the Gwydir Highway and thereafter, following the existing public road network, including Tingha Road, MacIntyre Street, Old Bundarra Road, Wynne Street and Brownleigh Vale Drive, as illustrated in Figure 9 (below). Specific details of the transportation proposal include:

- Full scoping of the route would be undertaken prior to first delivery and all necessary permits and approvals would be obtained from the relevant roads and safety authorities, including Council.
- Maximum dimensions for truck and load would be 24.9m long and 4.49m wide.
- Maximum height for truck and load would be 4.9m.







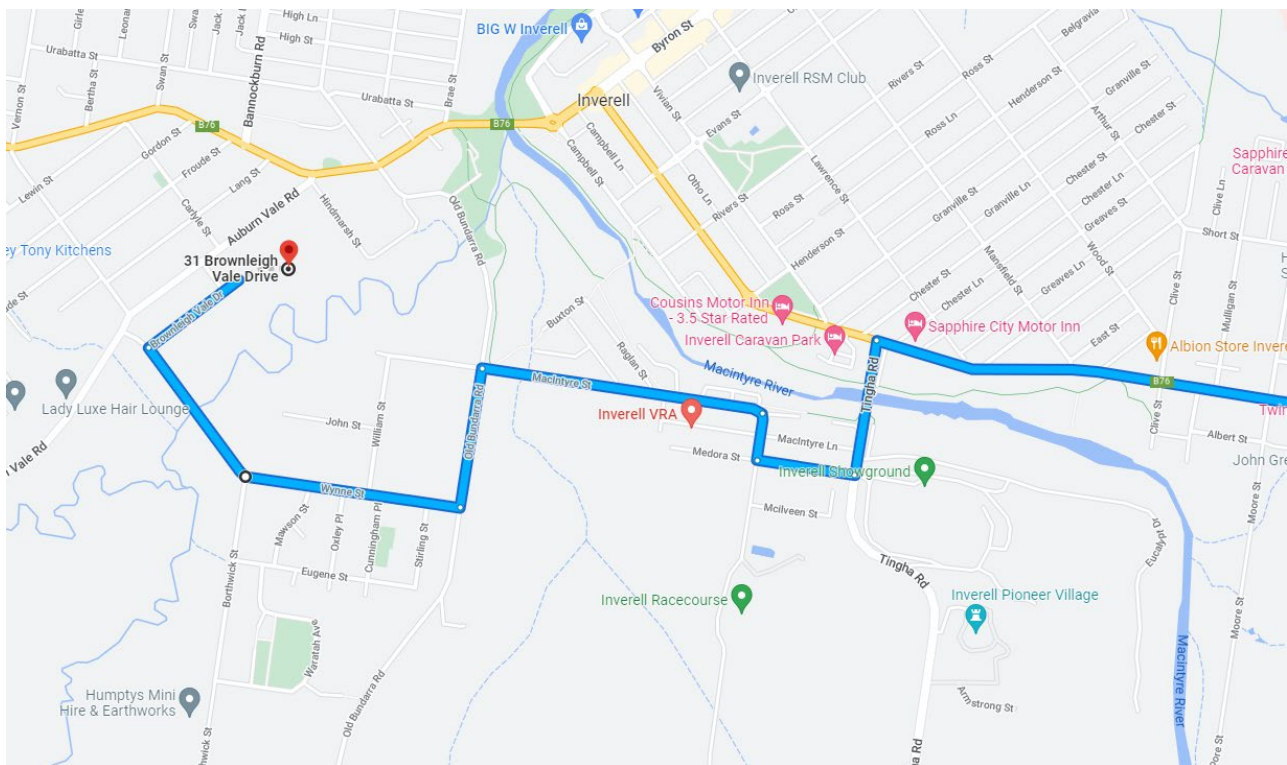
- Any load more than 3.5m wide would be escorted by a pilot.
- Trucks would only travel during daylight hours and any curfews considered necessary by the authorities would be obeyed and enforced.
- Trucks would not travel in convoy with at least 15 mins between trucks to ensure any traffic delays are minimised.

Dwellings will be transported upon purchase. With sales expected to take place over a period of 18-24 months, transportation of manufactured homes would average just three (3) to four (4) per month, with an expected peak of (six) per month.

Ongoing operational access for residents and visitors to and from the proposed estate would be via Brownleigh Vale Drive. Vehicular access would be restricted by boom gates, while pedestrian access would be secured by an adjacent gate.

Vehicular access within the estate would be via a network of 8.5m-wide roads.

For further details regarding access arrangements, refer to Part 4.1 of the Traffic and Transport Assessment, prepared by Geleon, which accompanies the DA to which this Statement relates.



**Figure 9 Proposed Transportation Route**

An extract from the plan showing the proposed transport route for Manufactured Homes  
Source: Google Maps, Modular Homes

### Car Parking

A total of **131 car parking spaces** would be provided within the proposed estate.

**One (1) resident parking space** would be provided for each of **76** dwelling sites proposed. Each resident space would be accessed from an internal roadway and would have minimum dimensions of 5,400mm x 2,400mm.

A total of **55 visitor parking spaces** would be provided across the estate as follows:

- 20 spaces (including two disabled parking spaces) within a gated parking area adjacent to the main communal building – all would be 90° angle parking spaces with minimum dimensions of 5,400mm x 2,500mm;





- 10 spaces adjacent to the communal outdoor facilities – all would be 90° angle parking spaces, accessed from internal roadway, with minimum dimensions of 5,400mm x 2,500mm;
- 15 spaces within a parking area adjacent to the community shed at the southern (lower) end of the site – all would be 90° angle parking spaces with minimum dimensions of 5,400mm x 2,500mm; and,
- 10 spaces along the internal access roads at different locations around the estate – seven (7) being parallel spaces with dimensions of 6,500mm x 2,400mm, and three (3) spaces being 90° angle parking spaces with minimum dimensions of 5,400mm x 2,500mm.

### Services

**Essential services** (water, sewer, stormwater and electricity) will be connected to each of the 76 proposed dwelling sites, as well as the communal buildings and facilities.

The **service easements** currently traversing the subject site will, mostly, be relocated to facilitate its development.

The engineering plans accompanying the DA to which this Statement relates, prepared by DNBS Consulting Engineers, provide complete detail regarding existing and proposed service easements.

### Waste

The management of the limited **demolition** and **construction** waste associated with the proposal is detailed at Parts 2 and 3 of the Waste Management Plan, prepared by Zone Planning Group, which accompanies the DA to which this Statement relates.

The management of **operational** waste (waste produced by each proposed dwelling as well as the communal facility), including collection arrangements, is outlined at Parts 4 and 5 of the Waste Management Plan, prepared by Zone Planning Group.

Further details regarding **waste collection** are also provided at Part 4.3 of the Traffic and Transport Assessment, prepared by Geleon, which accompanies the DA to which this Statement relates.

### Landscaping

The proposed estate would be extensively landscaped with a range of climate-appropriate native and exotic trees, shrubs, and ground covers.

Proposed landscaping elements include landscape buffers along site boundaries to provide screening between the subject site and adjacent residential properties, and well as 'streetscape planting' along internal roadways and within the front setbacks of the internal dwelling lots.

For further detail regarding the landscaping of the proposed estate, refer to the Statement of Landscape Intent submitted with the DA to which this Statement relates, prepared by Zone Landscape Architecture.

### Boundary and Internal Fencing and Walls

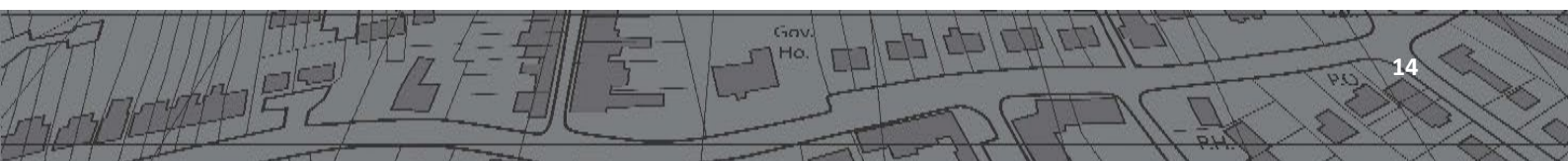
The proposal includes the retention and installation of a variety of fencing across the site, as well as the construction of retaining walls at the top (western) corner of the site.

Where possible, existing fencing along the boundaries of the subject site will be retained. That existing fencing is generally along those northern-western, north-eastern, and south-western boundaries which are shared with adjacent residential development. Along the southern-eastern boundary abutting the adjacent open space, open-style security fencing would be installed up to 2.0 metres in height. Along the northern (north-east and north west) and western boundaries, where new fencing is required, Conventional closed timber paling fencing is proposed.

Within the proposed estate, solid fencing will be used along the side and rear boundaries of each dwelling lot. For dwellings on the corner of internal roads, or with side boundaries to internal roads, fencing with 50% transparency will be used.

The required pool fencing will be installed around the communal swimming pool.

For complete detail regarding boundary and internal fences and walls, refer to Landscape Design Plan No. 2.4 (Fences & Edges) at Page 9 of the Statement of Landscape Intent accompanying the DA.





## 4. CONSULTATION

This section identifies and discusses any pre-application consultation undertaken in relation to the proposal, including consultation with **Council**, consultation with other **government agencies and entities** and consultation with the **community**, including adjacent land owners.

### 4.1 Consultation with Council

On **17 May 2021**, a Development Application for the proposal was **submitted via the NSW Planning Portal** (Ref. No. PAN-100585) ('the DA'). Council subsequently undertook a '**high-level review**' of the documentation submitted with the DA to determine whether the information provided was sufficient to enable the DA to be formally lodged so that a merit-based assessment could be commenced.

In a letter dated **27 May 2021**, Council advised that, based on its high-level assessment of the submission, a number of matters needed to be addressed before the DA could be formally lodged. Those matters related to:

- The proposed assembly of the manufactured homes on site – contrary to the definition for a *manufactured home estate* in the applicable SEPP;
- the potential for some of the communal facilities (namely, the bar, servery, coffee lounge and dining area) to be operated as an independent commercial operation, falling within the LEP's definition for restaurant or café, which is prohibited in the R1 General Residential zone;
- the proposal being '*integrated development*' and, therefore, requiring a Controlled Activity Approval;
- insufficient frontage of the subject site to, and insufficient access to the site from, Brownleigh Vale Drive;
- insufficient consideration of the potential impacts of the proposal, or of the proposed measures to mitigate any likely impacts; and,
- insufficient DCP assessment.

On **2 August 2021**, a **revised DA** for the proposal was submitted to Council.

Council undertook a **preliminary assessment** of the revised DA on **12 August 2021**.

The DA (DA 125/2021) was **lodged** on **17 August 2021**.

Following lodgement of the DA, Council issued a **request for further information**, dated **25 August 2021**. The further information requested included:

- a flood assessment, including establishment of the 1-in-100-year flood level;
- assessment of the potential impacts of the proposal on Spring Creek (given it is '*integrated development*'), or a re-design of the proposal to ensure no works are undertaken within 40m of Spring Creek so that the proposal is not considered to be '*integrated development*';
- assessment of truck movements to and from the site in association with the delivery of the manufactured homes assembled of the site;
- assessment of the likely environmental (natural and built) impacts of the proposal; and,
- revised plans showing allocation of at least 10% of the manufactured home estate to communal facilities, excluding car parking areas.

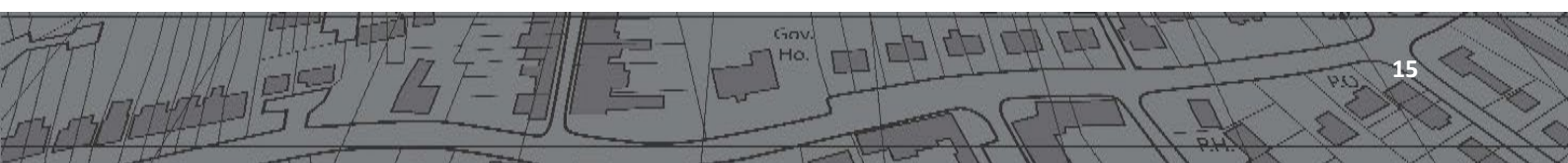
The proposal has been amended to address all matters raised and additional information requested by Council. This Statement relates to the revised DA submitted for the amended proposal.

### 4.2 Consultation with Government Agencies

No consultation with government agencies or entities has been undertaken in the preparation of the proposal.

### 4.3 Community Consultation

No community consultation has been undertaken in the preparation of the proposal. It is acknowledged Council will notify adjacent and nearby land owners of the proposal, in accordance with Part 3 of the Regulation.





## 5. PLANNING CONTROLS

This section identifies all legislation, statutory planning policies (including environmental planning instruments), regulations, non-statutory planning policies and codes (including development control plans), strategic planning documents and other Council documents applicable to the subject site and/or the proposed development.

### 5.1 State Environmental Planning Policies

**Three (3)** State Environmental Planning Policies (SEPPs) apply to the subject site and/or the proposal. Those SEPPs are listed below.

*State Environmental Planning Policy No. 36 – Manufactured Home Estates*

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

*State Environmental Planning Policy No. 55 – Remediation of Land*

#### 5.1.1 State Environmental Planning Policy No. 36 – Manufactured Home Estates

*State Environmental Planning Policy No. 36 – Manufactured Home Estates* ('SEPP 36') came into effect on 16 July 1993. SEPP 36 was one of five SEPPs repealed by the *State Environmental Planning Policy (Housing) 2021* ('the Housing SEPP') on 26 November 2021. However, SEPP 36 still applies to the DA to which this Statement relates as the SEPP was in force at the time the DA was lodged (17 August 2021).

A detailed assessment of the proposal against the relevant provisions of SEPP 36 is included in the SEPP Assessment provided at **Annexure 1**.

#### 5.1.2 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* came into effect on 25 August 2017. It was one of 11 SEPPs repealed by the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('the Biodiversity and Conservation SEPP'), which came into effect on 1 March 2022. *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* still applies to the DA to which this Statement relates, however, as it was in force at the time the DA was lodged (17 August 2021).

Pursuant to Section 5 of the SEPP, those provisions are applicable to the subject site as it is within the R1 General Residential zone under an environmental planning instrument, that instrument being the *Inverell Local Environmental Plan 2012* (see Part 5.2 of this Statement, next page).

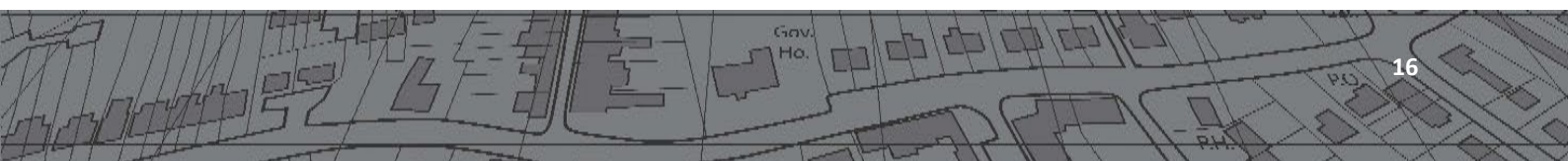
A detailed assessment of the proposal against the relevant provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* is included in the SEPP Assessment provided at **Annexure 1**.

#### 5.1.3 State Environmental Planning Policy No. 55 – Remediation of Land

*State Environmental Planning Policy No 55 – Remediation of Land* ('SEPP 55') came into effect on 28 August 1998. It was one of three (3) SEPPs repealed and replaced by *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP'), which came into effect on 1 March 2022. SEPP 55 still applies to the DA to which this Statement relates, however, as it was in force at the time the DA was lodged (17 August 2021).

The provisions of the SEPP are applicable to the subject site as, pursuant to Section 5 of the SEPP, they apply to the whole of the State.

A detailed assessment of the proposal against the relevant provisions of SEPP 55 is included in the SEPP Assessment provided at **Annexure 1**.





## 5.2 Local Planning Instrument(s)

One (1) local environmental planning instrument (EPI) applies to the subject site. That EPI is the *Inverell Environmental Plan 2012*.

### 5.2.1 Inverell Local Environmental Plan 2012

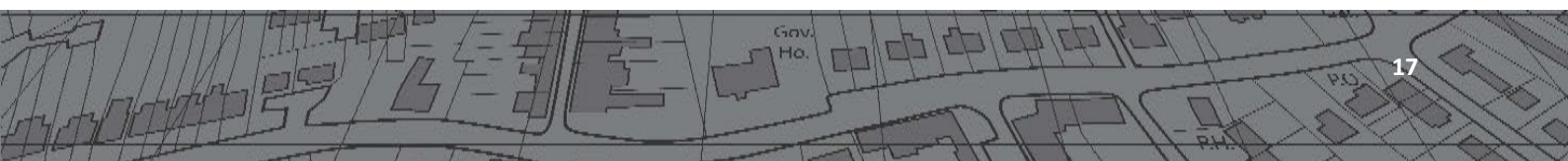
The *Inverell Environmental Plan 2012* ('the LEP') was gazetted on 7 December 2012 and was last amended on 9 March 2022.

The provisions of the LEP applicable to the site and/or the proposal are set out in Table 4, below.

**Table 4 Applicable Clauses of Inverell Local Environmental Plan 2012**

Part 2 Permitted or prohibited development	
2.2	Zoning of land to which Plan applies
2.3	Zone objectives and Land Use Table
2.6	Subdivision – consent requirements
Land Use Table	
Zone R1 General Residential	
Part 4 Principal Development Standards	
4.1	Minimum subdivision lot size
Part 5 Miscellaneous Provisions	
5.21	Flood planning
Part 6 Additional Local Provisions	
6.1	Earthworks
6.6	Essential services
Schedule 1 Additional Permitted Uses	
None	
Schedule 5 Environmental Heritage	
1	No items on the subject site or adjacent sites
2	Subject site not in conservation area

A detailed assessment of the proposal against the applicable LEP provisions, identified in Table 4 above, is provided in the LEP Assessment at **Annexure 2**.





### 5.3 Development Control Plan(s)

One (1) development control plan (DCP) applies to the subject site and/or the proposal. That DCP is the *Inverell Development Control Plan 2013*.

#### 5.3.1 Inverell Development Control Plan 2013

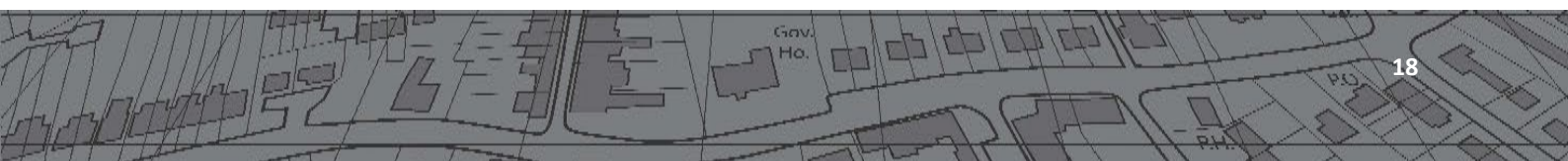
The *Inverell Development Control Plan 2013* ('the DCP') was adopted by Council on 16 July 2013 and commenced on 19 July 2013.

The provisions of the DCP which are applicable to subject site and/or the proposal are identified in Table 5, below.

A detailed assessment of the proposal against the desired outcomes and acceptable solutions identified for the relevant DCP controls is provided in the DCP Assessment at **Annexure 3**.

**Table 5** Applicable chapters and controls of the *Inverell Development Control Plan 2013*

Chapter 1 Introduction	
1.7	Inverell Strategic Land Use Plan
1.8	Contributions
1.12	Advertising of Applications
Chapter 2 Subdivision	
2.2	Intent
2.3	Site Analysis
2.4	Lot Dimensions
2.5	Lot Orientation
2.6	Frontage and Access
2.7	Roads
2.8	Landscape
2.9	Public Open Space
2.10	Stormwater Drainage
2.11	Utility Services
2.12	Land Use Conflict
Chapter 5 Parking and Traffic	
5.2	Intent
5.3	Parking Space Requirements
5.4	Provision of Car Parking
5.5	Design
5.6	Stormwater
5.7	Landscaping







## 5.4 Integrated Development

Section 4.46(1) of the *Environmental Planning and Assessment Act 1979* identifies development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and an approval (a consent, licence, permit, permission or any form of authorisation) under another act.

Those additional approvals are identified in Table 6 (below), which also indicates whether the proposal requires any such additional approvals.

**Table 6 Integrated Development**

Act	Provision	Approval	Applicable?
<b><i>Coal Mine Subsidence Compensation Act 2017</i></b>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	✗
<b><i>Fisheries Management Act 1994</i></b>	s 144	aquaculture permit	✗
	s 201	permit to carry out dredging or reclamation work	✗
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	✗
	s 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	✗
<b><i>Heritage Act 1977</i></b>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	✗
<b><i>Mining Act 1992</i></b>	ss 63, 64	grant of mining lease	✗
<b><i>National Parks and Wildlife Act 1974</i></b>	s 90	grant of Aboriginal heritage impact permit	✗
<b><i>Petroleum (Onshore) Act 1991</i></b>	s 16	grant of production lease	✗
<b><i>Protection of the Environment Operations Act 1997</i></b>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	✗
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	✗
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	✗
<b><i>Roads Act 1993</i></b>	s 138	consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	✗
<b><i>Rural Fires Act 1997</i></b>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	✗
<b><i>Water Management Act 2000</i></b>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	✓

As indicated in Table 6 (above), the proposal requires one (1) of the approvals listed and, therefore, **is integrated development**.



Specifically, the proposal would require a controlled activity approval under **Section 91** the **Water Management Act 2000**. This is because the proposed manufactured home estate involves works **within 40m of Spring Creek**. Accordingly, the proposal will be referred to Natural Resources Access Regulator.

## 5.5 Concurrence

The proposal does not trigger any of the concurrence requirements listed in the *Inverell Local Environmental Plan 2012* or any other applicable Environmental Planning Instrument.

## 5.6 Regulations

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

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* ('the 2021 Regulation') commenced on 1 September 2021. The Regulation was repealed and replaced by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* ('the 2021 Regulation') on 1 September 2021. However, the 2005 Regulation still applies to the DA to which this Statement relates as it was in force at the time the DA was lodged (17 August 2021).

**Part 2** of the 2005 Regulation applies to the operation of manufactured home estates and the installation of manufactured homes in manufactured home estates.

A detailed assessment of the proposal against the relevant provisions of the Regulation is provided in the Regulations Assessment at **Annexure 4**.

### 5.6.2 Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* ('the EP&A Regulation 2000') commenced on 1 January 2001. The EP&A Regulation 2000 was repealed on 1 March 2022 by the *Subordinate Legislation Act 1989* and replaced by the *Environmental Planning and Assessment Regulation 2021*, however the EP&A Regulation 2000 still applies to the DA to which this Statement relates as it was in force at the time the DA was lodged (17 August 2021).

In accordance with Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*, Part 6, Division 8 of the EP&A Regulation 2000 prescribes additional matters to be taken into account by a consent authority (in this instance, Council) in determining a development application.

An assessment of the proposal against the prescribed matters identified is provided at Part 6.5 of this Statement (on Page 22).

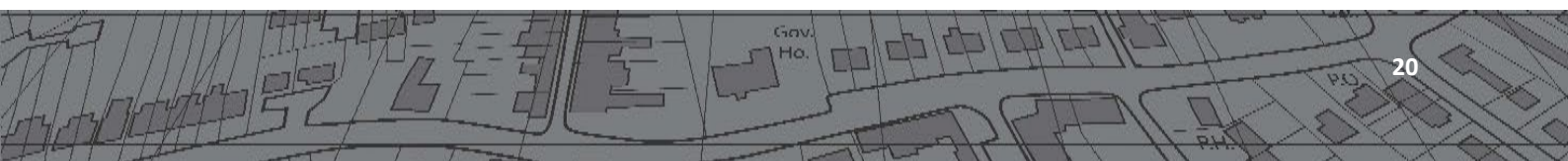
## 5.7 Other Council Policies and Documents

Other Council policies and documents of value in the preparation and assessment of the development application to which this Statement relates are identified and briefly discussed below.

An assessment of the general consistency of the proposal with the aims, objectives, strategies, and the like contained within the documents identified is provided at Part 6.6 of this Statement (on Page 23).

### 5.7.1 Strategic Land Use Plan

Council's *Strategic Land Use Plan* (SLUP) is the strategic planning basis behind the content of the *Inverell Local Environmental Plan 2012*. The SLUP represents the combined outcomes of Council's *Rural Land Strategy*, *Employment Lands Strategy*, *Living Lands Strategy*, *Heritage Study* and a suite of other strategic documents. These strategic documents assess key land use elements in the Shire that will underpin environmental, economic, infrastructure and social decision-making by Council. All development proposals submitted to Council should be generally consistent with the relevant strategies expressed in the SLUP. Strategies relevant to the proposal are contained at Part 2 (Inverell Township and Environment) and Part 3 (General Land Use Strategies) of the SLUP.





### 5.7.2 Inverell Shire Local Strategic Planning Statement 2036

The *Inverell Shire Local Strategic Planning Statement 2036* ('the LSPS') was adopted by Council on 1 July 2020.

The LSPS is Council's strategic land-use planning 'road map' for the future and provides the framework for Shire's land-use needs over the next 15-20 years.

It was prepared in accordance with Clause 3.9 of the *Environmental Planning and Assessment Act 1979* and was informed by state and regional plans, including the *New England North-West Regional Plan 2036* ('the Regional Plan') and the *Inverell Shire Community Strategic Plan 2009-2029* ('the CSP').

The LSPS works in concert with the CSP to set out a long-term vision to achieve the community's aspirations. It identifies short, medium and long-term actions aimed at achieving an array of social, economic and environmental priorities (goals). Such priorities include boosting the variety of housing options across the Shire, expanding tourism and growing the Shire's agricultural and emerging industries.

LSPS **Planning Priority 4** is of direct relevant to the proposal. The Priority is stated as: "deliver diverse housing choice that reinforces our unique character". It reinforces Direction 20 of the Regional Plan – to deliver greater housing diversity to suit changing needs. Further, relevant, explanation of Planning Priority 4 is as follows:

*Approximately 9,700 additional homes will be required in the New England North West Region to support future population growth and provide for changing household types over the next 20 years. Whilst the majority of this housing growth will be in the regional cities of Tamworth and Armidale, Inverell's population is expected to grow from 16,483 (2016) to 19,300 by 2036.*

*Globally, demographics are shifting towards an ageing population. It is expected that there will be growing demand for a range of health and other services along with accessible dwellings. Movement networks and public facilities will also become increasingly important to support active ageing. Our ageing population will increase demand for services to facilitate 'ageing in place' as well as supported accommodation and aged care homes. To increase the new resident population while also accommodating the existing community, it will be important to deliver a mix of housing types and lot sizes.*

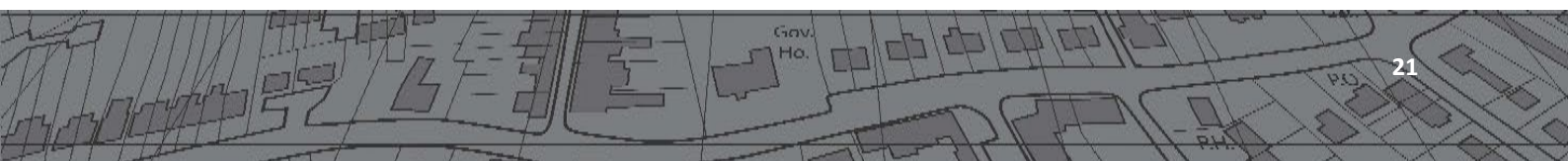
*The Shire features a range of residential environments in both urban and rural areas. Inverell is dominated by single detached dwellings on conventional sized urban lots with larger rural residential lots on the urban fringe. There is an adequate supply of existing zoned residential, rural residential and village land to facilitate our changing housing requirements. The future development of new residential areas will be supported by 'structure plans' prepared by Council to guide infrastructure, road and utility layouts to provide efficient land development.*

*The flexibility of the LEP contributes to the delivery of housing diversity, assists in affordability, helps meet the needs of an ageing population and creates more walkable, and vibrant places.*

**Action 4.1** of the LSPS is of direct relevance to the proposal. The relevant parts of the action state:

*Promote the delivery of appropriate housing stock by...*

- *supporting the availability of an appropriate housing supply by responding to changing housing needs, as well as household and demographic changes;*
- *investigating options to include development controls to make new homes easier to use to a broader cross section of the community including 'adaptable housing', 'affordable housing' 'housing for seniors' and 'liveable housing'.*





## 6. PLANNING EVALUATION

This section provides an evaluation of the proposal, as amended, against the **matters for consideration** of relevance in determining a development application as set out at **Section 4.15** of the *Environmental Planning and Assessment Act 1979* ('the Act').

### 6.1 Environmental Planning Instruments

S4.15(1)(a)(i)

#### 6.1.1 State Environmental Planning Policies

As indicated at Part 5.1 of this Statement (on Page 14), three (3) SEPPs apply to the subject site and/or the proposed development, those EPIs being:

- **State Environmental Planning Policy No. 36 – Manufactured Home Estates** ('SEPP 36');
- **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**; and,
- **State Environmental Planning Policy No. 55 – Remediation of Land** ('SEPP 55').

A detailed assessment of the proposal against the relevant provisions of the three (3) applicable SEPPs is provided in the SEPP Assessment at **Annexure 1**. As demonstrated in that assessment:

- the subject site is suitable for the proposed estate, development consent from Council is required for the proposed estate, and the proposed estate is considered worthy of being granted consent given its consistency with the relevant matters for consideration set out in Section 9 of **SEPP 36**;
- the subject site is largely clear of vegetation and contains no vegetation of significance, and therefore, the proposal would not require the clearing of any vegetation of significance. Consequently, a detailed assessment of the proposal against the relevant provisions of the **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017** is not necessary; and,
- the subject site does not appear to have ever been used for any contaminating activities and Council has advised that it is unaware of any potential contamination of the site and does not require a contamination study to be provided with the DA to which this Statement relates. As such, a detailed assessment of the proposal against the relevant provisions of **SEPP 55** is not necessary.

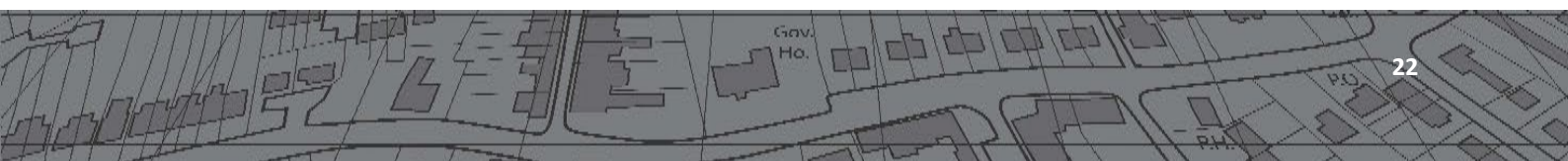
#### 6.1.2 Local Environmental Plan

As indicated at Part 5.2 of this Statement (on Page 15), the one (1) local environmental planning instrument applying to the subject site and/or the proposed development is the **Inverell Local Environmental Plan 2012** ('the LEP').

A detailed assessment of the proposal against the applicable provisions of the LEP, as identified in Table 4 at Part 5.2 of this Statement (on Page 15), is provided in the LEP Assessment at **Annexure 2**.

As demonstrated in that assessment, the proposal is considered to be consistent with the objectives, and compliant with the standards, of all applicable clauses of the LEP. Specifically:

- the proposed subdivision is permissible within the R1 General Residential zone, pursuant to Clause 2.6(2) of the LEP;
- the proposed manufactured home estate is permissible, pursuant to Section 122 of the Housing SEPP and the LEP's Land Use Table;
- the proposal would be consistent with all three objectives for the R1 General Residential zone;
- the two lots proposed would comply with the stipulated minimum lot size for subdivision of 450m<sup>2</sup>;
- the proposal would be acceptable with regard to the objectives and the matters for consideration for development on land that is deemed to be flood liable;
- proposed earthworks would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and,
- the proposed manufactured home estate will be connected to all essential services.







## 6.2 Proposed Instruments

S4.15(1)(a)(ii)

There are **no proposed environmental planning instruments** applicable to the subject site and/or the proposed development which are, or have been, the subject of public consultation under the Act and that have been notified to Council (being the consent authority).

## 6.3 Development Control Plan

S4.15(1)(a)(iii)

As indicated at Part 5.3 of this Statement (on Page 16), one (1) development control plan (DCP) applies to the subject site and/or the proposal, that DCP being the **Inverell Development Control Plan 2013** ('the DCP').

A detailed assessment of the proposal against the desired outcomes and acceptable solutions identified for the relevant controls contained within of Chapters 1, 2, 4 and 5 of the DCP is provided at **Annexure C**.

As demonstrated in that assessment, the proposal complies (or is consistent with) the desired outcomes and acceptable solutions for the relevant matters addressed by Chapters 1, 2, 4 and 5 of the DCP. Specifically:

- the proposed subdivision is consistent with the outcomes and solutions specified for the controls relating to subdivision at **Chapter 2** of the DCP, particularly those relating to the suitability of the site, the dimensions of the proposed lots, their street frontage, integration with the surrounding subdivision pattern and access arrangements, streetscape and landscaping, access and connection to utility services, and stormwater drainage; and,
- the proposal, including the proposed manufactured home estate, is consistent with the outcomes and solutions specified for the controls relating to parking and access at **Chapter 5** of the DCP, particularly those relating to the parking space provision, parking space design, landscaping, and stormwater drainage.

It should be noted that **Chapter 6** of the DCP, which addresses **flood liable land**, is **not applicable** to the subject site or the proposal, despite the fact that part of the subject site is flood liable. This is because the flood mapping within the chapter, and specifically the map for the township of Inverell at Figure 6.1, is primarily limited to flooding of the township associated with the Macintyre River and does not accurately identify the extent of flooding associated with creeks, streams and tributaries, including Spring Creek, adjacent to the subject site. As such, Council has advised that, in assessing a DA for a manufactured home estate, Clause 6 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* requires Council to consider "flood liable land" having regard to the principles contained in the *Floodplain Development Manual*.

In relation to the above, Council further advised that in its preliminary consideration of the proposal, having regard to the *Floodplain Development Manual*, and given both the proximity of Spring Creek to the site and the limited flood data available for Spring Creek, it determined that the subject site is "flood prone land" for the purposes of Clause 6 of the 2005 Regulation (now Section 10 of the 2021 Regulation). Consequently, it advised that a flood assessment would need to be prepared and submitted with the DA, which determines the **1-in-100-year flood level** and addresses its impact on the site.

In accordance with Council's request, a **Flood Impact Assessment** was prepared and accompanies the DA to which this Statement relates. Its preliminary recommendations were taken into account in the final layout of the proposed estate, for which the consent of Council is now sought. For further detail, refer to the LEP Assessment at **Annexure 2**, and in particular, the assessment of Clause 5.21 of the LEP which relates to flood planning.

## 6.4 Planning Agreements

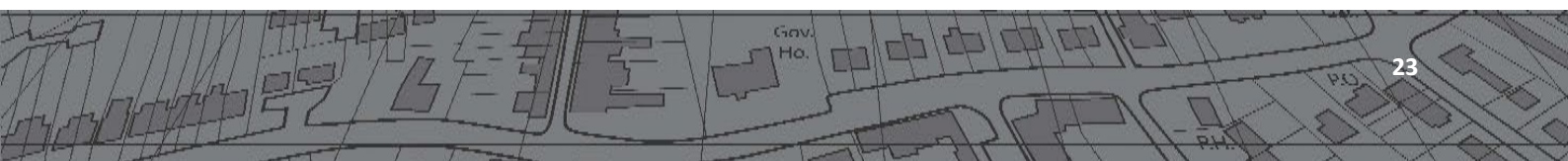
S4.15(1)(a)(iiia)

There are no existing planning agreements entered into under section 7.4 of the Act applying to the subject site. No such agreements have been drafted and none are proposed.

## 6.5 Regulations

S4.15(1)(a)(iv)

The proposal is acceptable in terms of the regulations, to the extent that they prescribe matters for the purposes of this paragraph.







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

A detailed assessment of the proposal against the relevant provisions of this Regulation is provided in the Regulations Assessment at **Annexure 4**.

That assessment has found the proposal to be consistent with the relevant objectives, and compliant with the relevant controls, contained within the Regulation. In particular, the proposal is fully compliant with all relevant provisions for manufactured home estates at **Part 2, Division 3** of the Regulation which, amongst other things, relate to land and dwelling site requirements (including lot sizes); setbacks and buffer zones; access, roads and parking; utility services; fire hydrants and waste collection, and **Part 2, Division 4** of the Regulation which relate to the manufactured homes to be installed within the proposed estate.

### **Environmental Planning and Assessment Regulation 2000**

The *Environmental Planning and Assessment Regulation 2000* ('the EP&A Regulation 2000') commenced on 1 January 2001. The EP&A Regulation 2000 was repealed on 1 March 2022 by the *Subordinate Legislation Act 1989* and replaced by the *Environmental Planning and Assessment Regulation 2021*, however the EP&A Regulation 2000 still applies to the DA to which this Statement relates as it was in force at the time the DA was lodged.

In accordance with Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*, Part 6, Division 8 of the EP&A Regulation 2000 prescribes additional matters to be taken into account by a consent authority (in this instance, Council) in determining a development application. Those additional matters are addressed below.

#### **Section 92(1)(b) Applications for Demolition**

The proposal does not require demolition.

#### **Section 92(1)(c) Application for carrying out subdivision development made under Schedule 7 of the Act**

The proposal does not involve subdivision for the purposes within Schedule 7 of the Act.

#### **Section 92(1)(d) Application for development of land in proximity to Siding Spring Observatory**

Not applicable. The subject site is not land identified for this provision.

#### **Section 92(1)(e) Application for development for the purposes of manor house or multi dwelling housing (terraces)**

The proposal does not involve development for a manor house or multi dwelling housing (terraces).

#### **Section 92A Application for development on certain land in Wagga Wagga**

The subject site is not located in Wagga Wagga.

#### **Section 93 Consideration of Fire Safety**

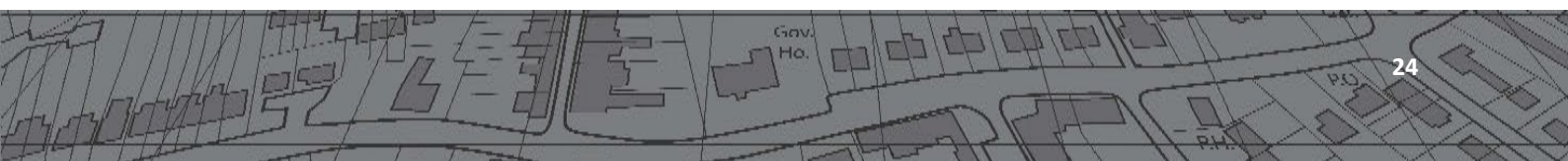
Not applicable. The proposal does not involve the change of use of a building.

#### **Section 94 Consent authority may require upgrade of buildings.**

Not applicable. The proposal does not involve the rebuilding, alternations or additions to, enlargement of, or extensions of, an existing building.

#### **Section 94A Considerations applying to erection of temporary structures**

Not applicable. The proposal does not involve any temporary structures.





## 6.6 Other Council Policies

### *Strategic Land Use Plan (SLUP)*

The proposal is considered to be consistent with the relevant strategies expressed in the SLUP. This consideration has been made as follows:

- the proposed manufactured home estate represents an opportunity to diversify Inverell's housing stock;
- the proposed manufactured home estate would be developed on a large, undeveloped lot within the existing urban footprint of Inverell in close proximity to the CBD and, therefore, represents 'infill development' of a higher density and would result in the more efficient use of land and better use of existing infrastructure and services;
- the subject site is appropriate for the proposed manufactured home estate, which is zoned for residential purposes, is situated adjacent to open space and not located in close proximity to any incompatible uses; and,
- the proposal would not occur on, or affect, any environmentally sensitive lands.

### *Inverell Shire Local Strategic Planning Statement 2036 (LSPS)*

The proposal will assist Council in achieving **Planning Priority 4** of the LSPS. As stated in the LSPS, residential development in the township of Inverell is dominated by single detached dwellings on conventional sized urban lots. The proposal will provide a different, more affordable housing product that better meets sustainability principles and is appropriate for an ageing population. The provision of such housing will, therefore, diversify the township's housing stock, reducing that dominance of the prevailing housing type.

In addition to assisting Council in achieving Planning Priority 4, the proposal would be consistent with **Action 4.1** of the LSPS. Specifically, it would:

- contribute to a broader mix of housing types and lot sizes within the township of Inverell;
- boost the supply of appropriate housing in a well-located site within the township;
- provide housing of a type that responds to certain current and emerging housing needs, as well as household and demographic changes; and,
- provide new homes that are accessible to a broader cross section of the community including seniors and those on a lower income.

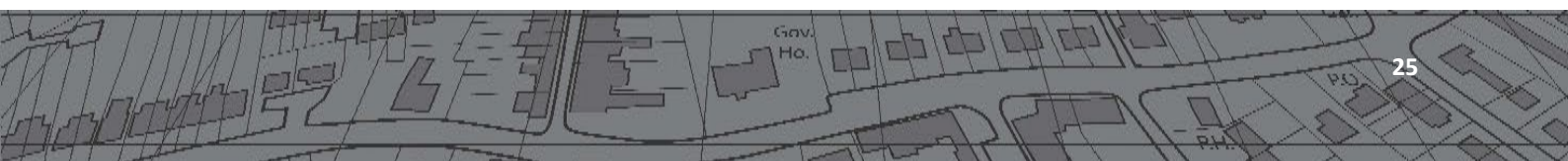
## 6.7 Likely Impacts of the Development

S4.15(1)(b)

### 6.7.1 Impacts on the Natural Environment

The proposal would be unlikely to have any unacceptable detrimental impacts upon the natural environment. This is because:

- the proposal would not affect any vegetation or trees of significance upon the subject site;
- the proposal would result in greatly improved landscaping on the site, through extensive landscaping of the proposed home estate with climate-appropriate (many native) trees, shrubs and groundcovers;
- the landscaping of the site would result in the removal of a range of noxious weed species on the site – especially significant given its location adjacent to a waterway (Spring Creek) which flows into a significant river (Macintyre River) in close proximity to the site;
- with the provision of appropriate erosion and sediment controls during the construction of the proposed manufactured home estate, storm-water run-off from the site would not reduce water quality in adjacent and nearby waterways;
- as a result of the stormwater infrastructure proposed, the volume and speed of storm-water run-off entering adjacent waterways would be acceptable;
- no vulnerable, threatened or endangered species (or communities) of flora or fauna would be affected, as none are known to occur on the site;
- the proposal would comply with all relevant aims, objectives, desired outcomes, provisions, standards, controls and acceptable solutions contained within all relevant environmental planning instruments, regulations, development control plans and strategic plans, and as such, any relating to the protection of the natural environment are complied with;





## 6.7.2 Impacts on the Built Environment

The proposal would be unlikely to have any detrimental impacts upon the built environment. This is because:

- the site is situated within the existing urban footprint of the town of Inverell;
- the proposed subdivision would integrate well with the subdivision pattern prevailing in the surrounding area;
- the proposed subdivision would comply with all relevant aims, objectives, desired outcomes, provisions, standards, controls and acceptable solutions contained within all relevant environmental planning instruments, regulations, development control plans and strategic plans and, consequently, any relating to the protection of the built environment are complied with; and,
- the proposed manufactured housing estate would comply with all relevant aims, objectives, desired outcomes, provisions, standards, controls and acceptable solutions contained within all relevant environmental planning instruments, regulations, development control plans and strategic plans, and, consequently, any relating to the protection of the built environment are complied with.

## 6.7.3 Social and Economic Impacts

It is considered unlikely the proposal would have any detrimental social or economic impacts. On the contrary, it is considered the proposal would have a range of beneficial impacts for the Inverell community. Specifically, the following considerations are relevant:

### Community benefits

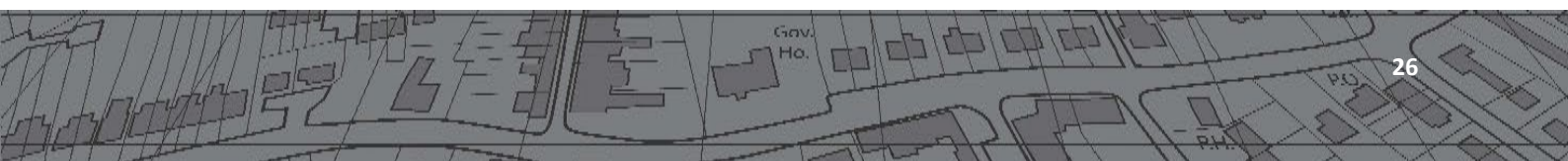
- provide for 76 new detached dwellings on a fully-serviced 'green-field' site within the existing urban area of Inverell, which is within reasonably close proximity to the town's central business district;
- provide the residents of the dwellings with a range of communal facilities on site to meet many of their day-to-day social and recreational needs, and providing a supportive living environment;
- provide a different type of housing to that generally available in Inverell, boosting housing choice for the town's residents;
- provide housing that responds to new and emerging demographic and household trends, including an ageing population and smaller household sizes/single-person households;
- provides a more affordable housing option, especially important for elderly people and people on fixed, limited or low incomes;
- the construction and operation of the proposed estate would boost the local economy by requiring the services of local businesses and suppliers, and providing on-going employment opportunities;

### Construction impacts

Potential impacts arise as a result of noise, air quality, traffic and site safety. These types of impacts are inherent in urban development of land occurs, particularly on a scale such as proposed, however the potential impacts associated with this development would be similar to any conventional residential subdivision of this urban zoned land and will require similar management measures. In fact, the off-site fabrication on major built elements of the Manufactured Homes, will in the case, reduce building construction noise impacts considerably. Amenity impacts associated with transportation of Manufactured Homes via the nominated route (refer Section 3.3 of this Statement of Environmental Effects.) would also be temporary and limited to very short-term impacts associated with the haulage truck(s) passing by properties enroute to the site, on average, three (3) to four (4) times per month over the development period.

Generally, overall construction impacts would be temporary and the key measures to be implemented to appropriately manage anticipated impacts, include:

- construction hours to be limited to the following:
  - : 7:00am – 5:00pm Mon-Fri
  - : 7:00am – 4:00pm Saturday
  - : No work on Sunday and Public Holidays





- Arrange and/or orient the site construction compound, including the positioning of parking areas, noise emitting equipment and the like, away from surrounding residential properties
- All vehicles associated with the construction activity to be parked onsite
- installation of site construction fencing and suitable signage to secure work zones and prevent unauthorised access to the construction site
- installation of site construction access to engineering detail to prevent the tracking of dirt and sediment off site
- utilisation of water trucks to dampen exposed soils, especially site vehicle routes
- ongoing maintenance of site equipment in good working condition to ensure efficient operation according to manufacturers specifications for air quality and sound rating
- off-site fabrication of major building components for the Manufactured Homes
- site stripping to occur in work stages to minimise unnecessary exposure of site soils
- installation of perimeter sediment fencing around all work zones to prevent downstream migration of soil and sediment
- temporary stabilisation of final site levels through grass seeding and/turfing as appropriate to prevent airborne dust and sediment runoff.
- transportation of Manufactured Homes to the site to be limited generally to the nominated route.

Construction management issues will be addressed in detail in a Construction Management Plan (CMP) to be submitted to the Council for approval prior to the commencement of any work on site and the applicant invites Council to impose a suitably worded and reasonable condition, requiring the CMP, as part of any approval.

Operational impacts are assessed in the context of the proposed Manufactured Home Estate given that the proposed 'end use' is proposed. The key potential operational impacts identified include safety and security, lighting, operations of the community facilities and traffic.

As noted in Section 3.3 of this Statement of Environmental Effects, the site perimeter would be fully fenced to a height of at least 1.8m, to clearly define the property boundaries and demarcate the private property from the public domain and to adequately secure the site to satisfy reasonable property and personal safety expectations. The siting of the main community building (including administration) adjacent to the site entry provides a level of active and passive surveillance from early the morning until approximately 9:00pm daily. Individual Manufactured Homes are designed to address the street frontage, with windows and porches providing opportunities for street surveillance throughout the estate.

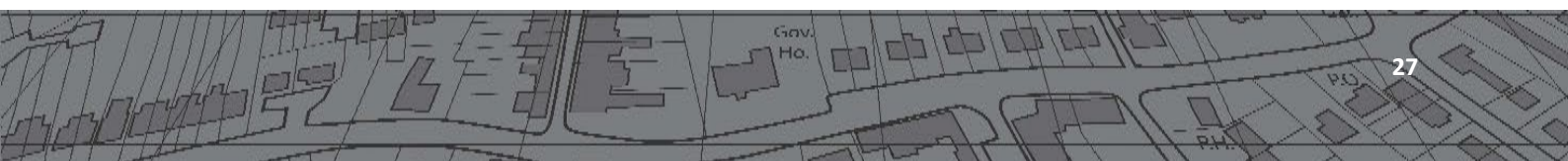
Community facilities areas would be appropriately lit, and street lighting would be provided throughout the estate in accordance with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. In terms of site lighting, potential impacts associated with light spill would be similar to any conventional residential subdivision of the site and in this respect, would not be unreasonable. In this context, the development remains residential in nature and the measures proposed, as outlined, seeks to balance the residential amenity of adjoining properties and the future residents of the estate, as well as their safety and security.

Specific measures proposed to manage lighting impacts to adjoining residential properties include:

- the use of directional lighting to all community facilities areas to be oriented away from neighbouring residential properties
- low lux/warm lighting to be implemented generally throughout the estate
- installation of solid fencing and screen vegetation to all boundaries adjoining existing residential properties

Operations associated with the communal areas; in particular, the main communal facilities area, should be considered in the context of:

- the target and anticipated demographic of the residents (refer Section 3.3 of this Statement of Environmental Effects)





- the opening hours of the main community facilities building and associated outdoor facilities
- the separation distance between the main communal facilities area and the façade of the nearest adjoining residential dwelling (approximately 27m)
- the proposed site levels in the vicinity of the main communal facilities area which sit between 0.5 – 1.0m below the level of adjoining properties to the north / north-west and are screened by intervening fencing and buffer landscaping
- the facilities are for the use of the residents of the estate and their bona-fide guests only (not the public)

An operational management plan (OMP) would be submitted to Council for approval prior to the commencement of operations that would include, among other things:

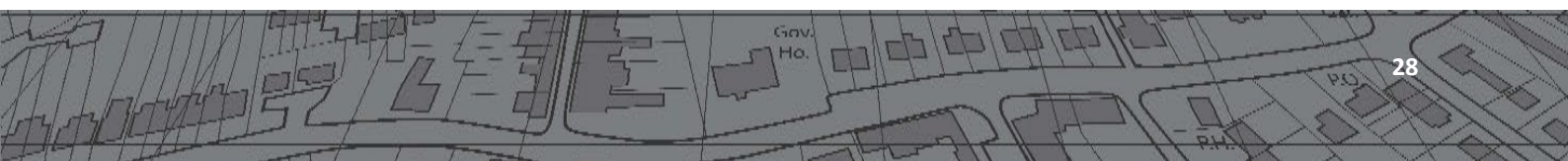
- hours of operation for:
  - : main communal facilities building (7:00am – 9:00pm Mon-Sun)
  - : main communal outdoor facilities (7:00am – 8:00pm Mon-Sun)
  - : communal shed (7:00am – 6:00pm Mon-Sun)
- specified limits on deliveries to the site
- controls and limitations around the use of amplified music
- maximum permitted noise levels
- lighting management

Traffic during the operational phase of the development would primarily relate to vehicle trips generated by residents and their guests. Additional trips would be generated by delivery vehicles providing supplies to the estate from time to time (refer to Traffic and Transport Assessment undertaken by Geleon accompanying this Statement of Environmental Effects). The nature and volumes of traffic associated with the development would be well within the capacity of the surrounding road network.

Having regard to the foregoing, the proposal is considered unlikely to result in adverse or unacceptable operational impacts.

#### Heritage and cultural impacts

- not affect any items of European heritage significance, as there are no such items on the subject site or on adjacent or nearby sites, and the site is not within a Heritage Conservation Area; and,
- not affect any Aboriginal sites or places, as no Aboriginal sites are recorded in or near the site, and no Aboriginal places have been declared in or near the site.







## 6.8 Suitability of the Site

S4.15(1)(c)

The subject site is considered to be suitable for the proposal. This consideration has been made as follows:

### Land Use & Planning

- under the *Inverell Local Environmental Plan 2012* ('the LEP'), subdivision of the site is permissible with development consent;
- under the LEP, the site has been zoned for development such as the manufactured home estate proposed, being within the R1 General Residential zone under the LEP;
- the manufactured home estate proposed for Proposed Lot 2 is a residential use, which would be compatible with the surrounding residential area;
- there are no hazardous land uses in the vicinity of the site;
- the site is situated within the existing urban footprint of the town of Inverell;

### Services and Infrastructure

- the site has existing access to all essential utilities and services, including reticulated water and sewerage, electricity and telecommunications services and stormwater drainage infrastructure;
- the site has appropriate vehicular and pedestrian access – from Brownleigh Vale Drive, a bitumen sealed road maintained by Council;
- the site has access, albeit limited, to a public transport service – that service being bus service 471, a 'hail-and-ride' style service operated by Inverell Bus Services, the route for which includes Harland Street, which is less than 400m east of the subject site;

### Hazards

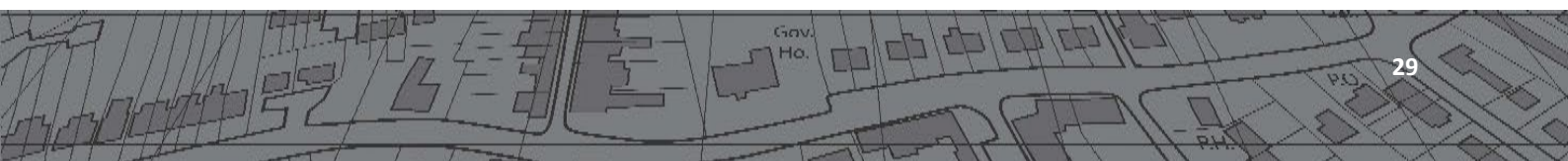
- the proposed manufactured home estate, given it has been designed in accordance with the recommendations the accompanying Flood Effects Report and the relevant development controls relating to flood-labile land, would not face any unacceptable risk from flooding of adjacent Spring Creek;
- given its location, attributes and surrounds, the site does not face any risk from bushfire, tidal inundation, landslip or subsidence;
- the site is not known to be contaminated;
- there are no vulnerable, threatened or endangered species of flora or fauna on the site, or in the immediate vicinity;

### Natural Environment

- with the proposed erosion and sediment controls employed, and the installation and operation of the proposed storm-water drainage infrastructure, the volume, speed and quality of stormwater would be controlled to prevent any detrimental impacts on adjacent and nearby waterways, including Spring Creek and Macintyre River;
- the proposal would not affect any vegetation of significance upon the subject site, including significant trees;
- no vulnerable, threatened or endangered species (or communities) of flora or fauna are known to occur on the site;

### Heritage

- the site does not contain any items of heritage significance identified in any applicable environmental planning instrument, is not within a Heritage Conservation Area, and there are no items of environmental heritage on, or in close proximity to, the subject site; and,
- no Aboriginal sites are recorded in or near the site, and no Aboriginal places have been declared in or near the site





## 6.9 The Public Interest

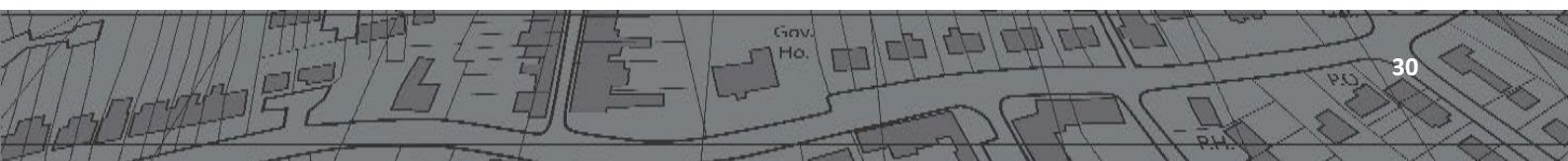
S4.15(1)(e)

The subdivision of the subject site from one lot into two lots, and the development of a manufactured home estate on one of the two lots created by that subdivision ('the proposal'), has been demonstrated to be consistent with the relevant aims and objectives, and acceptable in terms the relevant standards, contained within the environmental planning instruments, regulations and development control plans applicable to the subject site and/or the proposal, including the *State Environmental Planning Policy (Housing) 2021*, the *Inverell Local Environmental Plan 2012*, the *Inverell Development Control Plan 2013* and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

In addition, the proposal is considered to be suitable for the subject site and unlikely to have any detrimental impacts upon the built or natural environments, or any detrimental economic or social impacts.

Further, the proposed development would broaden housing choice in Inverell, through the provision of an additional 76 dwellings of a more affordable and sustainable type not readily available in the town. Those dwellings would be provided on a block of under-utilised, fully serviced 'green field' land within the established part of Inverell, which has convenient access to the Inverell CBD and services and facilities elsewhere in the town. The dwellings and their residents would also benefit from a range of facilities and services to be provided on site to meet their day-to-day recreational and social needs.

Given all of the above, the proposal is considered to be in the public interest.





## 7.0 CONCLUSION

The proposal, being the **subdivision** of the **43,230m<sup>2</sup>** vacant parcel of land known as **Lot 1 DP115 2567, (31 Brownleigh Vale Drive, Inverell)** from one (1) lot into two (2) lots, and the development of a ‘**manufactured home estate**’ on one of the lots (Lot 2) created by the subdivision, has been assessed against the matters for consideration set out at **Section 4.15** of the *Environmental Planning and Assessment Act 1979* (‘the Act’).

The proposed subdivision is permissible with consent on the subject site, pursuant to **Clause 2.6(1)** of the *Inverell Local Environmental Plan 2012* (‘the LEP’), which is zone **R1 General Residential** under the LEP. The proposed ‘manufactured home estate’ is permissible on the subject site pursuant to **Section 6** of the *State Environmental Planning Policy No. 36 – Manufactured Home Estates* (‘SEPP 36’).

The proposal is consistent with the provisions of the three State Environmental Planning Policies (SEPPs) applying to the subject site. Specifically, it is consistent with:

- the provisions of **SEPP 36**;
- the provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, as it does not require the clearing of any vegetation of significance; and,
- the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* as the subject site does not appear to have ever been used for any contaminating activities and Council has advised that it is unaware of any potential contamination of the site.

The proposal is also consistent with the objectives, and compliant with the standards, of all applicable clauses of the LEP. Specifically:

- the proposal would be consistent with all three objectives for the R1 General Residential zone;
- the two lots created by the proposed subdivision would comply with the stipulated **minimum lot size** for subdivision of **450m<sup>2</sup>**,
- the proposal would be acceptable with regard to the objectives and the matters for consideration for development on land **flood liable land**;
- the proposed **earthworks** would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and,
- the proposed manufactured home estate will be connected to all **essential services**.

Further, the proposal is consistent with the desired outcomes and the acceptable solutions identified for the applicable matters identified in Chapters 1, 2 and 5 of the *Inverell Development Control Plan 2013* (‘the DCP’).

Furthermore, the proposal is fully compliant with all relevant provisions for manufactured home estates and manufactured homes at Part 2 (Divisions 1-5) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (‘the 2005 Regulation’), and is acceptable in terms of the prescribed additional matters to be taken into account in the assessment of development set out in the *Environmental Planning and Assessment Regulation 2000* (‘the EP&A Regulation 2000’).

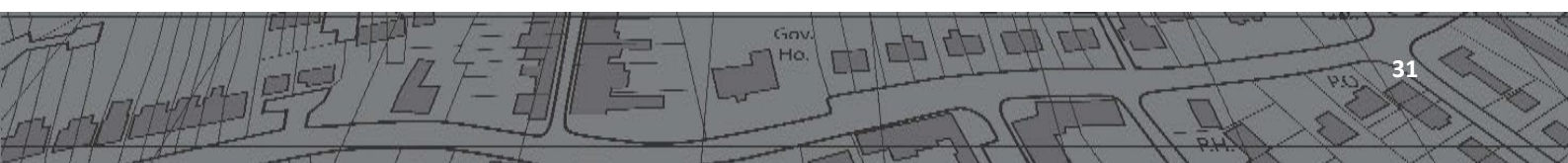
Given its consistency with the LEP, DCP, the Regulations, and given its location, scale and design the proposed manufactured home estate would be unlikely to have any detrimental impacts upon the built and natural environments.

The proposed estate would be unlikely to have any detrimental impacts upon the amenity of the residents of adjoining properties in terms of visual and acoustic privacy, solar access or views, noise, traffic or parking, given its location, scale, design and the landscaping and fencing proposed.

The proposal would have an array of economic and social impacts, particularly through providing additional, affordable dwellings and diversifying the town’s housing stock.

The proposal is considered to be ‘**integrated development**’ and would require a **controlled activity approval** under **Section 91** the *Water Management Act 2000*. This is because the proposed manufactured home estate involves works within 40m of a watercourse – that watercourse being Spring Creek, a tributary of the Macintyre River. Accordingly, the proposal will be referred to Natural Resources Access Regulator.

Given all of the above, the proposed development is considered to be in the public interest and is worthy of Council’s consent.





# **ANNEXURE 1**

## **SEPP ASSESSMENT**

## **State Environmental Planning Policy No. 36 – Manufactured Home Estates (‘SEPP 36’)**

### **3 Land to which this Part applies**

The Housing SEPP applies to the subject site pursuant to **Section 3(1)** as it is “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.” None of the exceptions at **Section 3(2)** are applicable.

### **4 Relationship with other Environmental Planning Instruments**

Noted

### **5 Definitions**

Definitions for this SEPP are provided at the Dictionary for the SEPP.

The definitions at the Dictionary for *installation* (in relation to a manufactured home), *manufactured home*, and *manufactured home estate* are of relevance to the proposal. The proposal, its development and operation, are all consistent with those definitions.

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

**Section 6** of SEPP 36 states that “development for the purposes of a *manufactured home estate* may be carried out pursuant to this Policy on any land on which development for the purposes of a *caravan park* may be carried out except (on) land within one or more of the categories described in Schedule 2 of the SEPP, land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or land within a Crown reserve”.

A *caravan park* is not specifically identified at Item 2 of the Land Use Table for the R1 General Residential zone in the *Inverell LEP 2012* as development permitted without consent, nor is it identified at Item 4 of the Land Use Table as development that is prohibited. Therefore, it is development that is permitted with consent at Item 3 of the LEP’s Land Use Table as it is “any other development not specified in item 2 or 4”. None of the exceptions identified at Section 6 of the Housing SEPP apply to the subject site

### **7 Development consent required for manufactured home estates**

**Section 7(1)** of the SEPP states that 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. Accordingly, the DA to which this Statement relates has been submitted seeking the consent of Council.

**Section 7(2)** of the SEPP stipulates that 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*. It is anticipated that Council will apply the required condition to any consent granted.

**Section 7(3)** of the SEPP states that a separate development consent to authorise the placing of each manufactured home within a manufactured home estate is not required. This requirement is noted.

### **8 Subdivision of manufactured home estates**

There is currently no future intention to subdivide the proposed manufactured home estate, should consent be granted to it by Council. However, should that change, the requirement for Council consent is noted.

### **9 Matters to be considered by Councils**

The proposal is considered worthy of Council approval when considered against the matters for Council’s consideration set out at Section 9 of the SEPP. That consideration has been made as follows:

- each of the 76 dwelling sites within the proposed manufactured home estate will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity;
- the proposed estate is, or will be, provided with adequate transport services;
- as detailed at Part 3.3 of this Statement, a range of indoor and outdoor communal social and recreational facilities and services will be available on the proposed estate and will be fully accessible to residents of the estate;
- the full range of community facilities and services available within Inverell will be reasonably accessible to the residents of the estate, given its proximity (1.2km by road) to the town’s CBD;



- the proposed estate would not have any adverse effects on any heritage conservation area or heritage item (refer to LEP Assessment at Annexure B);
- the proposed estate would not have any adverse impacts on any land having special landscape, scenic or ecological qualities – there is no such land in close proximity to the subject site;
- the proposed estate would be unlikely to have any adverse impacts upon Spring Creek, or any other waterway, including the nearby Macintyre River – including impacts on storm-water drainage, water quality and riparian zones;
- there are no other manufactured home estates in the locality – as such, there would be no cumulative impacts of such developments within the locality; and,
- the development and operation of the proposed manufactured home estate would be consistent with the applicable Regulation under the *Local Government Act 1993* (see Regulation Assessment at Annexure 4).

### ***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017***

This SEPP is applicable to the subject site as, pursuant to **Section 5**, the SEPP applies to land within the R1 General Residential zone under an environmental planning instrument, that instrument being the *Inverell Local Environmental Plan 2012*.

As indicated at Part 2.2 of this Statement (on Page 4), other than a few scattered trees, the subject site largely clear of **vegetation**, and there is no vegetation of any significance on the site. The proposal would not require the clearing of any vegetation. As such, further assessment against this SEPP is not necessary.

### ***State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55')***

This SEPP is applicable to the subject site as, pursuant to **Section 5**, the Chapter applies to the whole of the State.

The objective of the SEPP, as set out at **Section 2(2)** of the SEPP is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment by specifying when consent is required, and when it is not required, for a remediation work, by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and by requiring that a remediation work meet certain standards and notification requirements

An initial desktop assessment of the site and available land information indicates that the site and its immediate surrounds have not been used for contaminating activities. In addition to the above-mentioned desktop assessment, Council, in preliminary development advice dated 28 August 2020, advised that it was unaware of any potential contamination of the site. Council's advice was as follows:

*Council is unaware of any potential contamination of the site. Lot 1 DP 1152567 forms part of the larger historic Brownleigh Vale residential subdivision and has previously been approved for subdivision under DA-67/2011.*

*At this point in time, Council does not require a contamination study to be provided at the time of lodgement of a Development Application.*

Given the above advice from Council, and the findings of the afore-mentioned desktop assessment of the site, no further assessment of the proposal against the relevant provisions of the SEPP is considered necessary.

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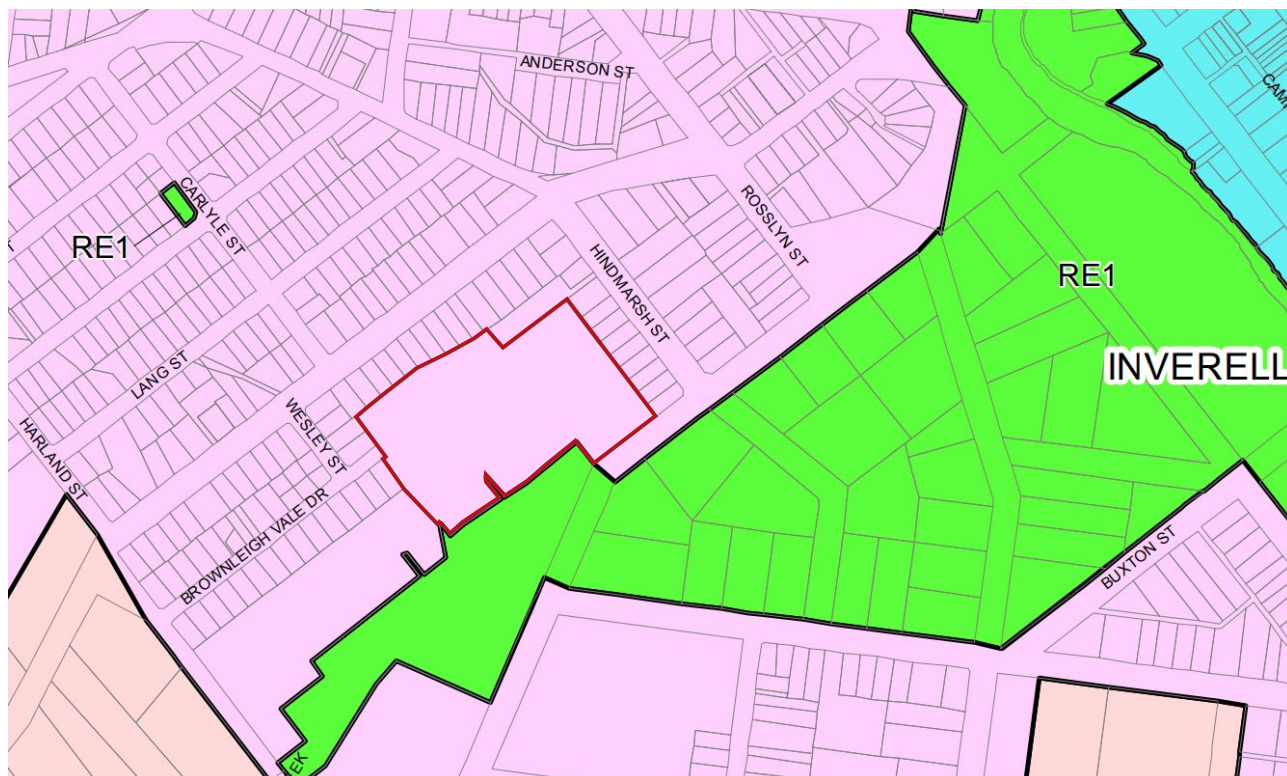
## **ANNEXURE 2**

## **LEP ASSESSMENT**

## Inverell Local Environmental Plan 2012

### Part 2 Permitted or prohibited development and Land Use Table

On the LEP's Land Zoning Map – Sheet LZN\_008A, the subject site is shown as being within the **R1 General Residential zone**. An extract from that map is provided below, with the subject site edged in red. The pink shading indicates R1 zoning.



The proposed *subdivision* of the subject site is permissible, with development consent, pursuant to **Clause 2.6(1)** of the LEP.

The permissibility of the proposed *manufactured home estate* is determined as follows:

- **Section 122** of the *State Environmental Planning Policy (Housing) 2021* ('the **Housing SEPP**') states that "development for the purposes of a *manufactured home estate* may be carried out pursuant (to Part 8 of the SEPP) on any land on which development for the purposes of a *caravan park* may be carried out except (on) land within one or more of the categories described in Schedule 6 of the SEPP, land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or land within a Crown reserve";
- a *caravan park* is not specifically identified at Item 2 of the LEP's Land Use Table as development permitted without consent, nor is it identified at Item 4 of the Land Use Table as development that is prohibited. Therefore, it is development that is permitted with consent at Item 3 of the LEP's Land Use Table as it is "any other development not specified in item 2 or 4"; and,
- none of the exceptions identified at Section 122 of the Housing SEPP apply to the subject site.

The proposal is considered to be consistent with the **objectives** for the R1 zone, which are set out in the LEP's Land Use Table as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This consistency has been considered as follows:

- the proposed subdivision would facilitate the development of a *manufactured home estate* on one of the two lots created by that subdivision – the larger proposed Lot 2;



- the proposed *manufactured home estate* would, when fully occupied, provide 76 additional dwellings for the community of Inverell;
- the manufactured homes installed within the proposed estate would diversify the housing stock of Inverell, which is very much dominated by detached dwelling houses in a low-density setting. It would provide affordable one-bedroom, two-bedroom and three-bedroom dwellings within in higher density setting, reasonably close to the Inverell CBD and within walking distance (~400m) from a public transport service (bus route 471);
- the proposed communal facilities, both indoor and outdoor, would provide for the day-to-day social and recreational needs of the residents of the estate.

#### 4.1 Minimum subdivision lot size

Pursuant to **Clause 4.1(2)** of the LEP, Clause 4.1 applies to a subdivision of any land shown on the **Lot Size Map** that requires development consent and that is carried out after the commencement of this Plan. The Plan commenced on 19 July 2013 and the subject site is shown on the Lot Size Map, therefore, Clause 4.1 is applicable.

**Clause 4.1(3)** of the LEP stipulates that the size of any lot resulting from a subdivision of land to which Clause 4.1 applies (the subject site is such land) is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The LEP's Lot Size Map – Sheet LSZ\_008A shows a minimum lot size of **450m<sup>2</sup>** for the subject site. An extract from that map is provided below, with the subject site edged in red. The green shading and the label 'G' indicate the minimum lot size of building height of 450m<sup>2</sup>.



As indicated on the plan of subdivision submitted with the development application (Drawing No. A1-CA-2), **Proposed Lot 1** would have an area of **3,060m<sup>2</sup>**, while **Proposed Lot 2** would have an area of **39,683m<sup>2</sup>** (3.968 hectares). Both lots, therefore, comply with the LEP's minimum lot size standard.

#### 5.21 Flood Planning

The LEP does not designate a Flood Planning Area by way of a Flood Planning Map. Flood prone land within Inverell and other towns in the Shire is, instead, identified at Part 6 of the Inverell DCP 2013. However, the map for the town of Inverell at Figure 6.1 of the DCP only shows land subject to flooding from the Macintyre River, and not from any of its tributaries within the town, including Spring Creek adjacent to the subject site.

Notwithstanding the above, Clause 10(1) of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* requires a consent authority to consider flood liable land



principles and provisions before approving the installation of a manufactured home or associated structure on flood liable land, which includes the objectives and matters for consideration set out at **Clause 5.21** of the LEP.

A small part of the lower (southern) corner of the site, and a small section along the south-eastern edge of the site is considered to be flood liable land, being within the 1-in-100-year flood level established for Spring Creek. In the absence of any flood study for Spring Creek, that level was established by David C. Jones, Consulting Engineer. The methodology used in determining the level is detailed in the Flood Effects Report, prepared by David C. Jones, which accompanies the DA to which this Statement relates. The level is shown on plans attached to the Flood Effects Report, as well as on some of the architectural plans submitted with the DA.

The layout of the proposed manufactured home estate, and particularly the location of dwelling sites and access arrangements, has taken into account the 1-in-100-year flood level.

The Flood Effects Report also provides an assessment of the proposal against the relevant principles and provisions relating to flood liable land, including the *Floodplain Development Manual*.

Given the small section of the site that is flood liable and the design of the proposed manufactured home estate, it is considered to be acceptable in terms of the relevant principles, objectives and standards relating to flood liable land at Clause 5.21 of the LEP. Specifically, the proposal would:

- be compatible with the minor flood function and behaviour on the land;
- not adversely affect that minor flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties;
- not adversely affect the safety of residents, including their evacuation, or detrimentally affect the capacity of existing evacuation routes for the surrounding area in the event of a flood;
- incorporates appropriate measures, such as appropriate floor heights, to manage risk to life in the event of a flood; and,
- not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

## 6.1 Earthworks

Pursuant to **Clause 6.1(2)** of the LEP, **development consent is required** for the earthworks associated with the proposal as they are not exempt development under the LEP or another applicable environmental planning instrument, and they are not ancillary to development that is permitted without consent under the LEP or to development for which development consent has been given.

**Clause 6.1(3)** of the LEP sets out eight (8) **matters for consideration** in the assessment of earthworks. The earthworks associated with the proposal are considered acceptable in terms of those matters which are of relevance. This consideration has been made as follows:

- all earthworks associated with the proposal would be unlikely to disrupt, or have any detrimental effect on, drainage patterns and soil stability in the locality of the development, given their scale and location;
- the earthworks required would not affect the development, or the likely future use or redevelopment of the subject site and in fact, would support the proposed use of the site;
- all fill used and/or soil to be excavated, would be of good quality, largely sourced from the vacant site, which is not known to be contaminated in any way;
- given the scale, location and design of the proposed earthworks, other than short term construction impacts, they would be unlikely to have any detrimental effects on the existing and likely amenity of adjoining properties;
- the earthworks associated with the proposal would be unlikely to disturb any relics – the AHIMS search accompanying the DA to which this Statement relates confirms that no Aboriginal sites are recorded in or near the above location and that no Aboriginal places have been declared in or near the above location;
- despite the location of the site adjacent to Spring Creek, the earthworks associated with the proposal would be unlikely to have any detrimental impact on that waterway given their scale, design and location;
- the subject site is not within a drinking water catchment, and is not considered to be within an environmentally sensitive area, and,
- appropriate erosion and sediment control measures would be in place during construction to prevent, minimise or mitigate any impacts – refer to the Erosion and Sediment Control Plan (Drawing No. 2021131-DA-012), prepared by DNBS Consulting Engineers, which accompanies the DA to which this Statement relates.

Given the above consideration, it is considered unlikely the proposed earthworks associated with the proposal would have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or

features of the surrounding land. As such, they are considered to be **consistent with the objective** of the Clause, as set out at **Clause 6.1(1)** of the LEP.

## **6.6 Essential Services**

Clause 6.6 of the LEP stipulates that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

As indicated at Part 2.3 of this Statement (on Page 4), all urban services, including reticulated water and sewerage, electricity and stormwater drainage, are available to the subject site. As indicated at Part 3.3 of this Statement (on Page 9, the proposed manufactured home estate will be connected to all such essential services at the appropriate time. The location of existing services and easements, as well as proposed service connections and easements, are shown on various supporting documents submitted with the development application to which this Statement relates, including the survey plan, the civil engineering plans and the architectural drawings.

The subject site has direct and suitable vehicular access from the north-eastern terminus of Brownleigh Vale Drive. That access will be improved with the dedication of a 487m<sup>2</sup> portion of the site at the entrance to Council to allow for the construction of a turning circle.

## **Schedule 1 Additional Permitted Uses**

The subject site is **not identified** in Schedule 1 of the LEP as being particular land upon which uses in addition, or contrary, to those identified in the Land Use Table are permitted with or without development consent.

## **Schedule 5 Environmental Heritage**

The subject site is **not identified** in **Part 1** of Schedule 5 of the LEP as containing a **heritage item**.

Pursuant to Part 2 of Schedule 5 of the LEP, the subject site is **not shown** on the LEP's **Heritage Map** – Sheet HER\_008AA as being within a **Heritage Conservation Area**.

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# **ANNEXURE 3**

## **DCP ASSESSMENT**

## Inverell Development Control Plan 2013

### Chapter 1 Introduction

#### 1.7 Inverell Strategic Land Use Plan

All development proposals submitted to Council should be generally consistent with the strategies expressed in the SLUP.

##### Consistent

As indicated at Part 6.6 of this Statement, the proposal is considered to be consistent with the relevant strategies expressed in the SLUP. This consideration has been made as follows:

- the proposed manufactured home estate represents an opportunity to diversify housing types within Inverell;
- the proposed estate, being on a large undeveloped lot within the existing urban footprint of Inverell in close proximity to the CBD, represents 'infill development' of a higher density that would maximise the use existing infrastructure and services and use land more efficiently;
- the subject site is appropriate for the estate, being zoned for residential purposes, adjacent to open space and not in close proximity to any incompatible uses; and,
- the proposal would not occur on, or affect, any environmentally sensitive lands.

#### 1.8 Contributions

It is recommended that applicants investigate Council's Section 94 Plan and DSP to determine whether contributions will be required as part of a development.

##### Noted

#### 1.9 Structure

The IDCP is structured as chapters. One or more chapters may apply to a development. Each chapter has an overall intent and subsequent provisions are expressed as both an outcome and acceptable solutions.

- **Intent** describes the main aims of each chapter and in some cases specific provisions. Each intent contains broad principles that apply to achieving a good development outcome.
- **Outcomes** cover a range of matters required to satisfy each intent. They guide, but do not prescribe, how development is to be undertaken. All development MUST comply with these outcomes.
- **Acceptable Solutions** are specific measures or requirements that when applied will achieve both the intent of the chapter and the outcomes for the particular development matter. All development proposals SHOULD comply with the acceptable solutions if possible.

##### Noted

#### 1.10 Variation to Acceptable Solutions

Variations to the acceptable solutions in the IDCP may be considered by Council. Requests for variations are to be made in writing and are to be supported by sufficient information to justify the variation. Variations to acceptable solutions will only be permitted where Council is satisfied that the variation will meet the intent and outcomes of the IDCP. Significant variations from the acceptable solutions may require determination at a Committee or Council meeting.

##### Noted



### 1.11 Notification of Applications

Notice of a Development Application will be sent to the persons who own adjoining land and/or neighbouring land when a Development Application has been received, where, in Council's opinion, the enjoyment of the adjoining land or neighbouring land may be affected by the development in relation to:

- the views to and the views from the adjoining land or neighbouring land;
- overshadowing;
- privacy;
- noise;
- the visual quality of the development in relation to the streetscape;
- the location of the proposed development in relation to the neighbouring boundaries;
- the means of disposing of roof drainage water from the building and any potential adverse effect of drainage on adjoining sites;
- whether any fuel burning equipment or mechanical devices are to be installed as part of the development;
- the relationship of the proposed development to existing development on adjoining land or neighbouring land;
- the amount of traffic likely to be generated by the development and the capacity of the site to handle the associated traffic movements; or,
- the effect the development is likely to have on the future amenity of the neighbourhood.

The notification period will be a minimum of fourteen (14) days.

Where in the opinion of Council, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification of a Development Application may not be required.

Noted

### 1.12 Advertising of Applications

In addition to notification requirements, the following types of development also require advertisement within the local newspaper:

- within the R1 General Residential zone: *multi dwelling housing; residential flat building; group homes, boarding houses and hostels; seniors housing; health services facility; health consulting rooms; neighbourhood shops; places of public worship; or, community facilities;*
- *telecommunication facilities* in residential or rural residential settings; *tourist and visitor accommodation; caravan parks and camping grounds; hospital; education establishment; recreation facility; sex services premises; licensed club;* demolition of a building or work that is an item of environmental heritage or located within a Heritage Conservation Area; or, any development Council considers locally or regionally significant

The advertised period will be a minimum of fourteen (14) days from the date of the advertisement within the local newspaper. During the advertising period a sign will also be placed at the site of the proposed development. The EP&A Act and other SEPPs may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis of being in the public interest.

It is acknowledged that, in addition to notification requirements set out at Part 1.11 of the DCP, *caravan parks* also require advertisement within the local newspaper.

It is understood: the advertised period will be a minimum of fourteen (14) days from the date of the advertisement within the local newspaper; during the advertising period a sign will also be placed at the site of the proposed development; the EP&A Act and other SEPPs may specify circumstances where certain applications require advertisement; and, in certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis of being in the public interest.

## Chapter 2 Subdivision

### 2.1 Introduction

This chapter of the *Inverell Development Control Plan 2013* (IDCP) applies to the subdivision of land that requires development consent from Inverell Shire Council.

#### Applicable

As indicated in the LEP Assessment at Annexure 2, pursuant to Clause 2.6(1) of the Inverell Local Environmental Plan 2012 ('the LEP'), the proposed subdivision of the subject site requires development consent.

### 2.2 Intent

- To ensure subdivisions are well integrated into the Shire's established or committed subdivision patterns;
- To ensure the co-ordinated and cost-effective development of "New Residential Areas";
- To encourage variety and choice in housing forms by providing lots for a broad range of dwelling sizes;
- To minimise adverse impacts on the natural and built environments and to ensure lots have appropriate levels of amenity, services and access; and
- To achieve efficient use of land.

#### Complies

- Although best described as a 'greenfield' site, the subject site is located within the existing urban footprint of Inverell, being within the well-established Brownleigh Vale residential estate and less than 1km from the Inverell CBD, and consequently, its proposed subdivision from one lot into two lots would be integrated within the Shire's established/committed subdivision pattern;
- The proposed subdivision of the subject site would facilitate the development of a *manufactured home estate* on one of the lots formed (proposed Lot 2), which would broaden the variety of, and choice in, housing types and dwelling sizes in Inverell;
- As demonstrated at Part 6.7 of this Statement, the proposed subdivision of the subject site would be unlikely to result in any adverse impacts on the natural or built environments;
- As detailed at Parts 2 and 3 of this Statement, and in the LEP Assessment at Annexure 2, the lots that would be created by the proposed subdivision would have appropriate access, connection to all services and good amenity;
- The proposed subdivision of the subject site would facilitate the development of 76 new dwellings on the bulk of the site (proposed Lot 2), which, given the site's location within the existing urban footprint of Inverell, its relatively close proximity to the Inverell CBD and its connection to all essential services, represents the efficient use of residential-zoned land.

### 2.3 Site Analysis

#### Outcome

To ensure applicants undertake appropriate site analysis prior to considering the subdivision design.

#### Acceptable Solution

Subdivision designs must have regard to the following:

- slope and orientation of land;
- hazards such as flooding, bushfire, unstable ground conditions and soil erosion;
- known or likely contamination from past land uses;
- opportunities for solar and daylight access to future development;
- design of roads, access ways and individual site access;

#### Complies

The proposed sub-division is acceptable in terms of the relevant matters for consideration listed. This consideration has been made as follows:

- given the size of the lots to be created by the proposed sub-division, their configuration has not necessarily been influenced by slope or orientation of the subject site. However, the slope and orientation of the site has had considerable influence on the layout of the manufactured home estate proposed for Proposed Lot 2, including the location of dwelling sites, communal facilities, internal roads and car parking areas. It has also influenced the design of the dwellings residents can choose to have installed on the estate's dwelling sites;

- retention of special qualities or features such as trees and views;
- availability of utilities;
- provision of adequate stormwater drainage;
- provision of public open space;
- the existing and future desired subdivision character;
- heritage Items and Heritage Conservation Areas;
- aboriginal Heritage;
- relevant development standards contained in other chapters such as setbacks, car parking, landscaping etc; and
- the relationship of the subdivision layout to adjacent community facilities and land suitable for subdivision.

- while the proposed subdivision of the subject site has not necessarily been influenced by the flood liability of a small portion of the southern (lower) corner of the site adjacent to Spring Creek, the layout of the manufactured home estate proposed for Proposed Lot 2 has been, particularly the location of dwelling sites within the proposed estate, in accordance with the recommendations of the accompanying Flood Effects Report;
- given its location and attributes, the subject site is not considered to be at risk from any hazards other than flooding, including risk from bushfire, landslip or subsidence, and it is not located adjacent to, or in the vicinity of, any hazardous land uses;
- as indicated in the SEPP Assessment at Annexure 1, the site is not known to be contaminated;
- given the location, size, orientation/aspect and slope of the subject site, future development of the two lots that would be created by the proposed subdivision would have ample opportunities for solar and daylight access;
- the dedication of part of the site to Council's road reserve at the north-eastern end of Brownleigh Vale Drive will facilitate appropriate access to the two lots that would be created by the proposed subdivision;
- the internal vehicular road network designed as part of the manufactured home estate proposed for proposed Lot 2 would provide an appropriate level of access to all 76 dwelling sites within the estate, as well as the communal areas and facilities across the estate;
- there are no trees of significance upon the subject site, and as such, no such trees have will be retained as part of the proposed subdivision or the manufactured home estate proposed for proposed Lot 2. Similarly, there are no other special qualities or features on the site, including views to/from the site, which necessitate retention, and as such, no such qualities or features will be retained as part of either the subdivision of the site, or the proposed development of a manufactured home estate on Proposed Lot 2;
- as indicated at Parts 2.3 and 3.3 of this Statement, the site has connection to all essential utility services and each of the proposed dwelling sites within the proposed manufactured home estate that would be facilitated by the subdivision, as well as the communal facilities proposed for the estate, will be connected to all essential utility services;
- the subject site would be provided with adequate infrastructure for the drainage of stormwater – refer to the Civil Engineering Plans, prepared by DNBS Consulting Engineers, which accompany this Statement;
- as demonstrated above in the response to Part 2.2 of the DCP (above), the proposed subdivision of the subject site relates well to the surrounding area.
- the subject site does not contain an item of heritage significance identified in Schedule 5 of the LEP, is not located adjacent or in close proximity to such an item, and is not within a Heritage Conservation Area shown on the LEP's Heritage Map;
- the AHIMS search accompanying the DA to which this Statement relates confirms that no Aboriginal sites are recorded in or near the above location and that no Aboriginal places have been declared in or near the above location; and,
- the proposed subdivision is consistent with the outcomes and acceptable solutions identified for all relevant development standards contained within the DCP;

## 2.4 Lot Dimensions

### Outcome

To provide sufficient area and configuration to enable the construction of dwellings and accessible on-site parking facilities.

To provide sufficient area and configuration to enable the siting and construction of commercial and industrial buildings, the parking of vehicles and the provision of appropriate loading and servicing facilities.

### Acceptable Solution

The minimum lot size (MLS) permissible for subdivision varies across the Shire. These sizes are expressed on the Lot Size Maps in the ILEP. Where no MLS is expressed, Council will consider proposals on their merits based on compliance with the requirements of this chapter.

*Note: The ILEP also contains provisions that allow subdivision of land that is less than the minimum lot size in certain circumstances (eg strata subdivision and primary production lots).*

### Complies

The LEP's Lot Size Map – Sheet LSZ\_008A shows a minimum lot size of 450m<sup>2</sup> for the subject site. Proposed Lot 1 would have an area of 3,060m<sup>2</sup>, while Proposed Lot 2 would have an area of 39,683m<sup>2</sup> (3.968 hectares). Both lots, therefore, comply with the LEP's minimum lot size standard.

## 2.5 Lot Orientation

### Outcome

To maximise the number of lots which have good solar access

To take advantage of any views or vistas available

### Complies

The orientation of the majority of dwelling sites within the proposed manufactured home estate, as well as the design of the four dwelling types available to residents, would provide for good solar access. There are no significant views or vistas from the site.

## 2.6 Frontage and Access

### Outcome

To ensure provision is made for appropriate and safe pedestrian and vehicular access to all lots.

To optimise the efficiency and safety of the road network.

### Acceptable Solution

All lots must have frontage to a public road.

Site frontage should be generally consistent with the surrounding subdivision pattern.

Numerous, small frontages around the head of a cul-de-sac are not supported.

Access to all new lots must be in accordance with Council's engineering requirements.

### Complies

As indicated, a 487m<sup>2</sup> portion of the subject site will be dedicated to Council as a road reserve to allow for the construction of a cul-de-sac/turning circle at the north-eastern end of Brownleigh Vale Drive. This would ensure both lots formed by the proposed subdivision would have frontage to a public road, as well as appropriate and safe vehicular and pedestrian access.

The frontage of both proposed lots would integrate with the surrounding subdivision pattern, with Proposed Lot 1, in particular, matching the frontages of properties along the south-eastern side of Brownleigh Vale Drive (Nos. 1-29).

There would not be numerous or small frontages around the proposed cul-de-sac.

Access to both proposed Lots 1 and 2 have been designed in accordance with Council's engineering requirements.

## 2.7 Roads

### Not applicable

There would be no public roads provided upon either of the lots created by the proposed subdivision.



2.8 Landscape	
<p><b>Outcome</b></p> <p>To maintain and enhance existing streetscape and landscape character and to preserve significant trees and landscape elements.</p> <p><b>Acceptable Solution</b></p> <p>Existing landscape elements such as mature trees, rock formations, vegetation or water courses should, where possible, be preserved.</p> <p>Rear fences of a subdivision fronting public roads are discouraged. Where there is no alternative, landscaping between the rear fence and the public road is required.</p>	<p><b>Consistent/Complies</b></p> <p>The subject site does not include any significant landscape or streetscape elements, including mature trees or rock formations, and there are no watercourses on the site. The manufactured home estate proposed for Lot 2 would be extensively landscaped with a palette of climate-appropriate trees, shrubs, ground covers and grasses, as such the landscape character of the subject site would be substantially improved.</p> <p>No rear fences to be provided on the site would fronting any public road.</p>
2.9 Public Open Space	
Not applicable	
2.10 Stormwater Drainage	
<p><b>Outcome</b></p> <p>To responsibly manage the collection and disposal of stormwater from development.</p> <p>To protect the quality of receiving waters.</p> <p>To ensure stormwater from development does not adversely impact on adjoining lands.</p> <p><b>Acceptable Solution</b></p> <p>Piped (minor) systems are to be provided to control stormwater flows under normal operating conditions with an Average Recurrence Interval (ARI) of up to two years for residential subdivision and an ARI of up to 20 years for commercial and industrial subdivision.</p> <p>Overland (major) systems are to be provided to control stormwater flows under normal operating conditions with an ARI of up to 100 years in all subdivisions.</p> <p>Lot drainage must discharge to the roadway gutter wherever possible.</p> <p>Inter-allotment drainage is to be provided where considered necessary by Council.</p> <p>Stormwater for residential development must be designed to operate under a gravity system. Stormwater should be discharged to a street gutter, table drain or formal easement. Where this is not possible on-site stormwater detention may be required.</p> <p>A stormwater concept plan should be submitted with an application to Council.</p>	<p><b>Complies</b></p> <p>The proposal includes the provision of appropriate stormwater drainage infrastructure across the site, which would provide suitable drainage for all proposed hardstand areas. Refer to the Stormwater Drainage Plans accompanying the DA to which this Statement relates.</p>
2.11 Utility Services	
<p><b>Outcome</b></p> <p>To ensure residential, industrial and commercial areas are adequately serviced in a timely, cost-effective, coordinated and efficient manner.</p> <p><b>Acceptable Solution</b></p> <p>The design and construction of utility services must conform to the specific standards of the relevant servicing authority.</p> <p>For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless otherwise approved by Council.</p>	<p><b>Complies</b></p> <p>As indicated at Part 2.3 of this Statement, the subject site has access to all essential urban services and infrastructure, including reticulated water and sewerage, electricity, telecommunications, and stormwater drainage infrastructure. Both lots to be created by the proposed subdivision would have such access.</p> <p>As indicated at Part 3.3, all 76 dwelling sites as well as the communal areas within the manufactured home estate proposed for proposed Lot 2 would be connected to all essential urban services.</p>

<p>Where reticulated sewerage is proposed, the whole of each new lot in residential, commercial and industrial subdivisions should be serviced by gravity drainage.</p> <p><u>Residential Subdivision – R1 General Residential Zone</u></p> <p>The following services are to be provided to each lot:</p> <ul style="list-style-type: none"> <li>▪ Reticulated water;</li> <li>▪ Reticulated sewer;</li> <li>▪ Electricity; and</li> <li>▪ Telecommunications.</li> </ul> <p>Street lighting is to be provided in new residential estates.</p> <p>An adequate reticulated water supply system is to be provided from Council's mains for fire fighting purposes in all urban subdivisions.</p>	<p>Street lighting would be provided along the internal road network, and pedestrian paths and other communal areas would also be provided with lighting.</p> <p>An existing fire hydrant is located adjacent to the site entrance, which would provide an adequate reticulated water supply from Council's mains for fire fighting purposes. The hydrant system would be extended into the estate to the extent required by the Regulation.</p>
<b>2.12 Land Use Conflict</b>	
<p><b>Outcome</b></p> <p>To ensure that a subdivision's capability for land use and development minimises any potential conflict with existing land use and development within the vicinity.</p>	<p><b>Consistent</b></p> <p>The subject site is surrounded to the north, east and west by residential development, while to the south is public open space. As such, the development of one of the lots created for the purposed of a manufactured home estate, a residential use, would not conflict with land use and development within the vicinity of the site.</p>
<b>2.13 New Residential Areas</b>	
Not applicable	
<b>Chapter 3 Residential Development</b>	
Not applicable	
<b>Chapter 4 Commercial and Industrial Development</b>	
Not applicable	
<b>Chapter 5 Parking and Traffic</b>	
<b>5.1 Introduction</b>	
<p>This chapter of the <i>Inverell Development Control Plan 2013</i> (IDCP) outlines the parking requirements for all development within the Inverell Local Government Area (LGA) and should be read in conjunction with Chapter 2 Subdivision, Chapter 3 Residential Development and Chapter 4 Commercial and Industrial Development.</p>	<p><b>Noted.</b></p>

5.2 Intent	
To ensure that development/s provide adequate and well-designed on-site carparking.	Complies
5.3 Parking Space Requirements	
<p><b>Outcome</b></p> <p>To provide a rate of car parking spaces commensurate with the type of development proposed.</p> <p><b>Acceptable Solution</b></p> <p>The provision of on-site vehicle parking is specified below for specific development types.</p> <p>Where a development type is not included in the acceptable solution, the required parking provision will be determined by Council in consideration of the individual circumstances of a proposal, supporting evidence (e.g., traffic impact study, parking survey, etc.) and other best practice guidelines.</p>	<p><b>Complies</b></p> <p>In preliminary development advice dated 28 August 2020, Council advised that the IDCP 2013 does not specify a rate of car parking for a <i>manufactured home estate</i>, and that, accordingly, required parking provision would be determined by Council in consideration of the individual circumstances. Council recommended that car parking be provided at the rate of one (1) car parking space per manufactured home site and that visitor parking be provided in accordance with Sections 23 and 24 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation</i>.</p> <p>Council further advised that the rates it recommended represented a minimum standard and that consideration should be given to provision of additional parking spaces to take into account modern trends, including higher rates of car ownership and lifestyle (caravans, bots, etc.).</p> <p>Council, furthermore, recommended that all car parking areas and vehicle manoeuvring areas be designed for vehicles to enter and exit in a forward direction, and that roads need to be designed for the maximum size vehicle accessing the site (e.g., garbage trucks and fire engines).</p> <p>Assessment of the car parking to be provided on the proposed estate is provided at Part 5.4 of this assessment, immediately below.</p>
5.4 Provision of Car Parking	
<p><b>Outcome</b></p> <p>To ensure the supply of on-site car parking is consistent with the demand likely to be generated.</p> <p><b>Acceptable Solution</b></p> <p><u>New Development</u></p> <p>The total number of on-site parking spaces provided must be in accordance with Clause 5.3</p>	<p><b>Complies</b></p> <p>As indicated at Part 3.3 of this Statement, a total of 131 car parking spaces will be provided within the proposed estate.</p> <p>76 of the 131 spaces would be for residents – provided at the rate of one space per dwelling site, in accordance with Council’s advice.</p> <p>55 visitor parking spaces would be provided across the estate, including two disabled parking spaces. Section 23(1)(c) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> stipulates that, for a manufactured home estate containing more than 70 dwelling sites, but no more than 105 sites, 16 spaces are required. As such, the proposed provision of 55 spaces exceeds this requirement.</p> <p>Section 24(1)(a) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> stipulates that, for a manufactured home estate containing 100 dwelling sites or less, one disabled parking space is required. Two spaces would be provided on the proposed estate, which would have 76 dwelling sites. Therefore, this requirement is met and exceeded.</p> <p>As also shown on the plans, 15 large parking bays (with dimensions of 10m x 3m) would be provided at the southern corner of the site. This would allow for the parking of larger ‘lifestyle’ items such as boats and caravans, as per Council’s advice.</p>

## 5.5 Design

### Outcome

To ensure parking is safe and user friendly.

To ensure parking areas are designed for vehicles to enter and exit in a forward direction.

To ensure parking areas are designed for the vehicles intended to be using it.

### Acceptable Solution

Parking areas must conform to the relevant Australian Standards and Council requirements.

Parking areas must be maintained in a reasonable manner, in perpetuity.

Parking areas must be designed to allow traffic to enter and exit in a forward direction without interfering with parked vehicles, buildings, landscaping, outdoor storage or work areas.

Parking and manoeuvring must be designed to accommodate the largest vehicle expected to access the site.

For large residential, commercial or industrial developments it may be necessary to provide a Traffic Study with a Development Application.

### Complies

All parking areas and parking spaces, both residents and visitor (including disabled) spaces, provided upon the proposed estate have been designed to conform to Australian Standards, any standards stipulated in the Regulation, and Council's requirements.

Turning areas are provided in each car park to allow traffic to enter and exit in a forward direction.

The car parks have also been designed to safely accommodate the largest vehicles expected to enter the site. For further details, refer to the accompanying Traffic and Parking Report, as well as the Regulation Assessment at Annexure 4.

## 5.6 Stormwater

### Outcome

To ensure that hardstand areas are suitably drained, and that polluted stormwater is not discharged into Council's stormwater system.

### Acceptable Solution

A stormwater concept plan, including pollution control devices and on-site stormwater detention may be required to be submitted with any Development Application.

### Complies

The proposal includes the provision of appropriate stormwater drainage infrastructure across the site, which would provide suitable drainage for all proposed hardstand areas. Refer to the Stormwater Drainage Plans accompanying the DA to which this Statement relates.

## 5.7 Landscaping

### Outcome

To maintain and enhance the streetscape through strategic landscaping.

### Acceptable Solution

Parking areas are to be suitably landscaped to reduce the visual impact of expansive hard stand areas.

Where landscaping is required, a concept landscape plan should be provided with a Development Application.

### Complies

As shown on the plans within the Statement of Landscape Intent submitted with the DA, the estate will be extensive landscaped, include the various car parking areas across the estate.

## 5.8 Access and Frontage to Laneways

Not applicable



## Chapter 6 Flood Prone Land

### Not applicable

The overall purpose of this chapter of the DCP is to guide and control development on flood prone land identified in the Shire townships, including of Inverell. It also provides requirements for development on likely flood prone land that adjoins rivers and creeks. However, in its preliminary review of the proposal and its request for further information, dated 25 August 2021, Council advised that the flood mapping within this Chapter of the DCP, and specifically Figure 6.1, is primarily limited to flooding of the Inverell township associated with the Macintyre River and does not accurately identify the extent of flooding associated with creeks, streams and tributaries. As such, Council advised that, in assessing a DA for a manufactured home estate, Clause 6 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (now repealed by the 2021 Regulation referred to at Part 5.6 of this Statement) requires Council to consider “flood liable land” having regard to the principles contained in the *Floodplain Development Manual*.

Council further advised that in its preliminary consideration of the proposal having regard to the *Floodplain Development Manual*, and given both the proximity of Spring Creek to the site and the limited flood data available for Spring Creek, it determined that the subject site is “flood prone land” for the purposes of Clause 6 of the 2005 Regulation (now Section 10 of the 2021 Regulation). Consequently, it advised that a flood assessment would need to be prepared and submitted with the DA, which determines the 1-in-100-year flood level and addresses its impact on the site.

In accordance with Council’s request, a Flood Impact Assessment was prepared and accompanies the DA to which this Statement relates. Its preliminary recommendations were taken into account in the final layout of the proposed estate. See the LEP Assessment at Annexure 2, and in particular, the assessment of Clause 5.21 of the LEP which relates to flood planning.

## Chapter 7 Heritage

### Not applicable

## Chapter 8 Parking and Traffic

### Not applicable

## Chapter 9 Danthonia Integrated Community

### Not applicable

## Chapter 10 Inverell Aerodrome

### Not applicable



## **ANNEXURE 4**

# **REGULATIONS ASSESSMENT**

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

### **Part 2      Manufactured home estates and manufactured homes**

#### **Division 1   Application of Part**

##### **Section 5      Application of Part**

This Part applies to—  
(a) the operation of manufactured home estates, and  
(b) the installation of manufactured homes in manufactured home estates.

**Note—**  
he installation of manufactured homes elsewhere than in manufactured home estates is governed by Part 3. That Part deals with relocatable homes, which includes a manufactured home.

**Noted**

#### **Division 2   Approvals and exemptions**

##### **Subdivision 1      Operation of manufactured home estates**

##### **Section 6      Factors for consideration before approval is granted**

- (1) The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3.
- (2) Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.

**Noted**

Part of the site is deemed flood liable land. As such, the principles of the Floodplain Development Manual have been considered in the design of the estate and Flood Effects Report has been submitted with the DA.

##### **Section 7      Matters to be specified in approval**

In addition to any other matters it must contain, an approval to operate a manufactured home estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.

**Noted**

76 dwellings sites are proposed – 62 x 250m<sup>2</sup> sites to accommodate 2-bedroom and 3-bedroom dwellings, and 14 x 220m<sup>2</sup> sites to accommodate 1-bedroom dwellings. The locations of the dwelling sites are shown on the Site Plan accompanying the DA (Drawing No. A1-CA-4).

##### **Section 8      Conditions of approval**

An approval to operate a manufactured home estate is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with the requirements of Division 3.

**Note—**

The council may also impose conditions on the grant of an approval under the Act, section 94.

**Noted**

Subdivision 2 Installation of manufactured homes and associated structures in manufactured home estates	
Section 9 Conditional exemption	
<p>(1) A person may, without an approval—</p> <p>(a) install a manufactured home on land within a manufactured home estate if the home is—</p> <p>(i) designed, constructed and installed in accordance with Division 4, and</p> <p>(ii) not occupied by a person until a certificate of completion has been issued, or</p> <p>(b) install an associated structure on land within a manufactured home estate if the structure is designed, constructed and installed in accordance with Division 4.</p> <p>(2) The installation must be carried out by, or with the consent of, the holder of the approval.</p> <p>(3) This section does not apply—</p> <p>(a) if the council has given the holder of the approval written notice that the land is flood liable land—to the installation of a manufactured home on flood liable land, or</p> <p>(b) to the installation of a manufactured home or associated structure exceeding 1 storey.</p>	<p><b>Noted</b></p>
Section 10 Installation on flood liable land	
<p>(1) Before approving the installation of a manufactured home or associated structure on flood liable land, the council must consider the principles in the <i>Floodplain Development Manual</i>.</p> <p>(2) It is a condition of an approval to install a manufactured home or an associated structure on flood liable land that the manufactured home is designed, constructed and installed in accordance with Division 4.</p>	<p><b>Noted</b></p> <p>Part of the subject site is deemed 'flood liable' and the proposed manufactured home estate has been designed to appropriately address the flood-liability of that part of the site.</p>
Section 11 Installation of manufactured home or associated structure of more than 1 storey	
<p>Before approving the installation of a manufactured home or associated structure exceeding 1 storey, the council must consider the likely impact on the amenity of—</p> <p>(a) occupiers of adjoining manufactured homes, and</p> <p>(b) occupiers of land adjoining the manufactured home estate.</p>	<p><b>Not applicable</b></p> <p>The proposal does not include any development that is greater than one storey in height.</p>
Division 3 Manufactured Home Estates	
Subdivision 1 Land and dwelling site requirements	
Section 12 Minimum size of estate	
<p>A manufactured home estate must not have an area of less than—</p> <p>(a) 1 hectare, or</p>	<p><b>Complies</b></p> <p>Proposed Lot 2, upon which the proposed manufactured home estate would be developed, has an area of 39,683m<sup>2</sup> (<b>3.968 hectares</b>).</p>



(b) if a lesser area is permitted on the land by an environmental planning instrument, the lesser area.	
<b>Section 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.	<b>Complies</b> The proposed communal areas would have a total area of 4,710m <sup>2</sup> , which equates to 11.87% of the subject site, which has a total area of 39,683m <sup>2</sup> .
<b>Section 14 Size of dwelling sites</b>	
A dwelling site must have an area of at least 130 square metres.	<b>Complies</b> 62 of the 76 proposed dwelling sites would have an area of <b>250m<sup>2</sup></b> , while the remaining 14 dwelling sites would have an area of <b>220m<sup>2</sup></b> .
<b>Section 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.	<b>Noted</b>
<b>Subdivision 2 Setbacks</b>	
<b>Section 16 Dwelling sites to have road frontage</b>	
A dwelling site must have vehicular access to an access road.	<b>Complies</b> All 76 dwelling sites proposed are provided with direct vehicular access from an internal road.
<b>Section 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.	<b>Acceptable</b> The proposed communal building would have a setback, at its closest point, of 5.15m from the site boundary. This is considered acceptable given the site would be fully fenced, the site has a lower elevation than adjacent properties, the building would be single storey and the provision of a landscape buffer along the boundary, featuring large trees for screening.
<b>Section 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>Complies/Consistent</b> None of the 76 proposed dwelling sites would be located within 10m of a public road.

<p>(b) 3 metres to another boundary of the manufactured home estate.</p> <p>(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.</p>	<p>A small proportion of the dwelling sites (10 out of 76) would have a setback of &lt;3m from a site boundary. The majority located adjacent to Spring Creek and therefore of little potential amenity impact. Two (2) sites in the north-western corner of the site adjoin existing residential development and observe a setback of 2.0m. However, the adjoining dwellings are sited at least 25 metres from the boundary of the manufactured homes sites and given the low set nature of the manufactured homes, the intervening fencing and the boundary buffer plantings proposed, a suitable amenity would be maintained between adjoining dwellings and those setbacks are considered to be acceptable.</p>
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## Section 19 Use of buffer zones

<p>Nothing in this Part prevents land within a required setback from being used for—</p> <p>(a) community amenities, access roads, car parking spaces, footpaths or landscaping, or</p> <p>(b) a similar purpose allowed by the council.</p>	<p><b>Noted</b></p>
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## Subdivision 3 Roads

### Section 20 Entrance and exit roads

<p>(1) A road forming an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</p> <p>(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.</p> <p>(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.</p>	<p><b>Complies</b></p> <p>The road forming the entrance to and exit from the proposed manufactured home estate would be <b>8.5m</b> wide.</p>
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### Section 21 Width of roads

<p>(1) The width of the road reserve must be at least—</p> <p>(a) 8.5 metres for a major access road, and</p> <p>(b) 6 metres for a minor access road.</p> <p>(2) The width of the sealed portion of an access road must be at least—</p> <p>(a) 6 metres for a major access road, and</p> <p>(b) 4 metres for a minor access road.</p> <p>(3) If a minor access road exceeds 80 metres in length, a passing bay must be provided within the road reserve.</p> <p>(4) Passing bays must be provided at intervals of no more than 100 metres.</p> <p>(5) The width of the sealed portion of an access road at a passing or parking bay must be at least—</p> <p>(a) 8.5 metres for a major access road, and</p> <p>(b) 6 metres for a minor access road.</p>	<p><b>Complies</b></p> <p>All major access roads within the proposed estate would have a width of 8.5m. The width of minor access roads would be at least 6.0m.</p> <p>All access roads within the estate would be sealed.</p> <p>No minor access roads would exceed 80m in length.</p> <p>For additional details in relation to the internal road layout, refer to the Traffic and Parking Assessment accompanying the DA.</p>
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Section 22 Speed restrictions as part of road design	
<p>Access roads must be designed to limit the speed at which vehicles may travel on the roads to—</p> <ul style="list-style-type: none"> <li>(a) 30 kilometres per hour for major access roads, and</li> <li>(b) 15 kilometres per hour for minor access roads.</li> </ul>	Noted
Section 23 Visitor parking	
<ul style="list-style-type: none"> <li>(1) A manufactured home estate must contain at least the following number of visitor parking spaces— <ul style="list-style-type: none"> <li>(a) for a manufactured home estate containing no more than 35 sites—8 spaces,</li> <li>(b) for a manufactured home estate containing more than 35 sites, but no more than 70 sites—12 spaces,</li> <li>(c) for a manufactured home estate containing more than 70 sites, but no more than 105 sites—16 spaces,</li> <li>(d) for a manufactured home estate containing more than 105 sites—20 spaces plus 1 additional space for every 7 sites above 140 sites.</li> </ul> </li> <li>(2) Each parking space must have minimum dimensions of— <ul style="list-style-type: none"> <li>(a) for angle parking—5.4 metres by 2.5 metres, or</li> <li>(b) otherwise—6.1 metres by 2.5 metres.</li> </ul> </li> <li>(3) Visitor parking spaces must be clearly identified.</li> </ul>	<p><b>Complies</b></p> <p>As indicated at Part 3.3 of this Statement, <b>55</b> visitor parking spaces would be provided across the proposed estate. Given the proposed estate would contain 76 dwelling sites, 16 spaces are required. As such, the proposed provision of 55 spaces greatly exceeds this requirement.</p> <p>Each of the parking spaces, whether an 90° angle space or a parallel space, would have the minimum dimensions stipulated at Sections (2)(a) and (2)(b).</p> <p>The visitor parking spaces will be clearly identified.</p>
Section 24 Visitor parking for people with disabilities	
<ul style="list-style-type: none"> <li>(1) A manufactured home estate must contain— <ul style="list-style-type: none"> <li>(a) at least 1 visitor parking space for people with a disability (a <b>disabled parking space</b>), or</li> <li>(b) if the manufactured home estate contains 100 sites or more—at least 1 additional disabled parking space for— <ul style="list-style-type: none"> <li>(i) the first 100 sites, and</li> <li>(ii) every further 100 sites, and</li> <li>(iii) a remaining part, if any, of 100 sites.</li> </ul> </li> </ul> <p><b>Example—</b></p> <p>A manufactured home estate containing 235 sites must contain at least 3 disabled parking spaces.</p> </li> <li>(2) A disabled parking space must be— <ul style="list-style-type: none"> <li>(a) provided in accordance with AS/NZS 2890.1:2004, <i>Parking facilities, Part 1: Off street car parking</i>, and</li> <li>(b) clearly identified as a disabled parking space.</li> </ul> </li> <li>(3) A disabled parking space may be counted as a visitor parking space.</li> </ul>	<p><b>Complies</b></p> <p>As indicated at Part 3.3 of this Statement of the 55 visitor parking spaces to be provided, <b>two</b> would be disabled spaces.</p> <p>For a manufactured home estate containing 100 dwelling sites or less, one disabled parking space is required. Two spaces would be provided on the proposed estate, which would have 76 dwelling sites. Therefore, this requirement is met and exceeded.</p> <p>Each of the parking spaces would have the minimum dimensions stipulated at Section (2)(a).</p> <p>The disabled visitor parking spaces will be clearly identified.</p>

Section 25 Road surfaces	
<p>All access roads, including all passing and parking bays, must—</p> <p>(a) have an all-weather sealed or other surface finish specified in the approval, and</p> <p>(b) be adapted to the land to enable adequate drainage and remove excessive grades.</p>	<p><b>Complies</b></p> <p>All road surfaces within the estate, including parking bays, would be sealed, would be provided with adequate stormwater drainage and would not have excessive grades.</p>
Section 26 Lighting	
<p>All access roads must be adequately lit between sunset and sunrise.</p>	<p><b>Noted</b></p> <p>All internal roads would be adequately lit during non-daylight hours.</p>
Subdivision 4 Utility services	
Section 27 Water supply	
<p>(1) A manufactured home estate must be—</p> <p>(a) connected to a mains water supply, or</p> <p>(b) provided with an alternative water supply service as specified in the approval.</p> <p>(2) A dwelling site must be—</p> <p>(a) connected to the water supply service for the manufactured home estate, and</p> <p>(b) provided with—</p> <p>(i) a separate water meter, and</p> <p>(ii) a separate water service isolating valve.</p> <p>(3) The water supply service must comply with—</p> <p>(a) the <i>Plumbing and Drainage Act 2011</i> and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p> <p>(4) The water supplied for human consumption or domestic purposes must comply with the <i>Australian Drinking Water Guidelines 6</i> published in October 2011 by the National Health and Medical Research Council.</p>	<p><b>Complies / Noted</b></p> <p>The proposed estate, and all 76 dwelling sites upon it, would be connected to mains water supply.</p> <p>The requirements of sub-sections (2), (3) and (4) are noted, and would be complied with.</p>
Section 28 Sewerage	
<p>(1) A manufactured home estate must be—</p> <p>(a) connected to a main sewer, or</p> <p>(b) provided with an alternative sewage disposal system as specified in the approval.</p> <p>(2) A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</p> <p>(3) The sewage disposal system must comply with—</p> <p>(a) the <i>Plumbing and Drainage Act 2011</i> and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p>	<p><b>Complies / Noted</b></p> <p>The proposed estate, and all 76 dwelling sites upon it, would be connected to a main sewer.</p> <p>The requirements of sub-section (3) are noted and would be complied with.</p>



<b>Section 29     Drainage</b>	
<p>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval.</p> <p>(2) A dwelling site must be—</p> <p style="padding-left: 20px;">(a) connected with the stormwater drainage system for the manufactured home estate, or</p> <p style="padding-left: 20px;">(b) provided with an on-site stormwater drainage system.</p> <p>(3) A stormwater drainage system must comply with—</p> <p style="padding-left: 20px;">(a) the Plumbing Code of Australia, and</p> <p style="padding-left: 20px;">(b) the requirements of a relevant statutory body.</p>	<p><b>Complies / Noted</b></p> <p>As shown on the civil engineering plans accompanying the DA to which this Statement relates, the proposed estate, and all 76 dwelling sites upon it, would be connected to the existing/an appropriate stormwater drainage system.</p> <p>The requirements of sub-section (3) are noted and would be complied with.</p>
<b>Section 30     Electricity supply</b>	
<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by an electrical circuit connected to a separate electricity meter.</p> <p>(2) The electrical circuit must be installed in accordance with the Australian/New Zealand Wiring Rules.</p> <p>(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.</p> <p>(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.</p>	<p><b>Complies / Noted</b></p> <p>All 76 dwelling sites upon the proposed estate would be connected to a reticulated electricity service.</p> <p>The requirements of sub-section (2), (3) and (4) are noted, and would be complied with.</p>
<b>Section 31     Telephone lines</b>	
<p>Telephone services, if available, must be provided by a telephone connection that is available to each dwelling site within the manufactured home estate.</p>	<p><b>Complies</b></p> <p>All 76 dwelling sites upon the proposed estate would be provided with connection to telecommunications services.</p>
<b>Section 32     Common trenches</b>	
<p>A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.</p>	<p><b>Noted</b></p>
<b>Subdivision 5     General</b>	
<b>Section 33     Garbage removal</b>	
<p>Arrangements specified in an approval must be implemented and maintained—</p> <p style="padding-left: 20px;">(a) for the removal of garbage, and</p> <p style="padding-left: 20px;">(b) to keep garbage receptacles in a clean and sanitary condition.</p>	<p><b>Noted</b></p>

Section 34 Fire hydrants	
<p>(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.</p> <p>(2) A fire hydrant located within a manufactured home estate must be—</p> <ol style="list-style-type: none"> <li>a double-headed pillar-type fire hydrant, and</li> <li>maintained to the standard specified in the approval.</li> </ol>	<p><b>Noted</b></p> <p>A fire hydrant network would be established across the estate in accordance. It is anticipated Council will require such a network as a condition of consent and require detailed plans of such a network to be approved, prior to commencement of work.</p>
Section 35 Buildings	
<p>(1) A building must not be erected on a manufactured home estate unless the approval allows the erection of the building.</p> <p>(2) An approval may allow only the following kinds of buildings to be erected on the manufactured home estate—</p> <ol style="list-style-type: none"> <li>community buildings,</li> <li>brick or masonry walls to erect— <ol style="list-style-type: none"> <li>separating walls between adjoining manufactured homes, or</li> <li>external facades to manufactured homes.</li> </ol> </li> </ol> <p>(3) The approval may allow the erection of a brick or masonry wall to erect an external facade to a manufactured home only if—</p> <ol style="list-style-type: none"> <li>the dwelling site on which the manufactured home is located is a neighbourhood lot, and</li> <li>the owner of the manufactured home is the owner of the neighbourhood lot.</li> </ol> <p><b>Note—</b> The erection of a building, including a community building or brick or masonry wall, may require development consent under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>(4) In this section— <b>neighbourhood lot</b> has the same meaning as in the <i>Community Land Development Act 1989</i>.</p>	<p><b>Noted</b></p>
Section 36 Use of manufactured home estates	
<p>(1) A manufactured home estate must not be used—</p> <ol style="list-style-type: none"> <li>for a commercial purpose other than a manufactured home estate or an associated purpose, or</li> <li>for the manufacture, construction or reconstruction of moveable dwellings.</li> </ol> <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><b>Example—</b> Renovation, maintenance and repairs may include painting and the replacement of wall cladding or roof sheeting.</p>	<p><b>Noted</b></p>

<b>Section 37 Community map</b>	
<p>The holder of an approval must provide the council with a copy of the community map for the manufactured home estate—</p> <ul style="list-style-type: none"> <li>(a) as soon as practicable after an amendment is made to the map, and</li> <li>(b) at other times reasonably required by the council.</li> </ul>	<b>Noted</b>
<b>Section 38 Access to approval and community map</b>	
<p>The holder of an approval must ensure that copies of the following documents are available for inspection, free of charge, by an occupant of the manufactured home estate—</p> <ul style="list-style-type: none"> <li>(a) the approval for the manufactured home estate,</li> <li>(b) the current community map,</li> <li>(c) this Regulation.</li> </ul>	<b>Noted</b>
<b>Division 4 Manufactured homes and associated structures</b>	
<b>Subdivision 1 General</b>	
<b>Section 39 Specifications for design, construction, installation, modification and extension of manufactured homes and associated structures</b>	
<ul style="list-style-type: none"> <li>(1) The Minister may, by order published in the Gazette, establish specifications for the design, construction, installation, modification and extension of manufactured homes and associated structures.</li> <li>(2) The specifications may adopt, with or without modification, the provisions of a rule, standard or code of practice.</li> <li>(3) A manufactured home or associated structure must be designed, constructed, installed, modified and extended in accordance with the specifications.</li> </ul>	<b>Noted</b>
<b>Section 40 Installation allowed only on dwelling sites</b>	
<ul style="list-style-type: none"> <li>(1) A manufactured home must only be installed in a manufactured home estate on a dwelling site.</li> <li>(2) This section does not apply to a manufactured home that is used only— <ul style="list-style-type: none"> <li>(a) for a community amenity, or</li> <li>(b) as a manager's or caretaker's office or residence.</li> </ul> </li> </ul>	<b>Noted</b>
<b>Section 41 Manufactured homes to be constructed and assembled off-site</b>	
<ul style="list-style-type: none"> <li>(1) A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.</li> </ul>	<b>Noted</b> As indicated, all dwellings would be constructed off site, with only minor installation works occurring on site.

(2) However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.	
<b>Section 42 Installation allowed only if dwelling site is properly serviced</b>	
A manufactured home must not be installed on a dwelling site unless the dwelling site complies with Division 3.	<b>Noted / Complies</b> As demonstrated above, all 76 dwelling sites that would be provided across the proposed manufactured home estate would comply with Division 3.
<b>Section 43 Density</b>	
No more than 1 manufactured home may be installed on 1 dwelling site.	<b>Complies</b> Only one manufactured home would be installed upon each of the 76 dwelling sites that would be provided across the proposed manufactured home estate.
<b>Section 44 Setbacks for manufactured homes</b>	
A manufactured home must not be located— (a) within 1 metre of a road reserve, or (b) within 2 metres of the boundary of the manufactured home estate.	<b>Complies</b> The setbacks of homes installed on each dwelling site would have a setback of more than 1m from any road reserve. The setbacks of homes installed on each dwelling site would have a setback of at least 2m from any boundary of the estate.
<b>Section 45 Site coverage</b>	
(1) A manufactured home must not be installed on a dwelling site if the manufactured home floor area is more than 65% of the site area. (2) If there is no carport or garage on the dwelling site, the site must contain an area— (a) with minimum dimensions of 6 metres by 3 metres, and (b) accessible from an access road, and (c) used for car parking. (3) In this section— <b>manufactured home floor area</b> means— (a) the area occupied by— (i) the manufactured home, and (ii) associated structures or other buildings, excluding areas without a roof, and (b) if there is no carport or garage on the dwelling site—an area of 18 square metres.	<b>Complies</b> As indicated, residents of the proposed manufactured home estate will be able to choose from four different home types to install on their dwelling site – the ‘Tenterfield’ (for 1-bedroom sites), the ‘Armidale’ (2 bedrooms), the ‘Stanthorpe’ (2 bedrooms) and the ‘Tamworth’ (3 bedrooms). The one-bedroom ‘Armidale’ would have a floor area of 106m <sup>2</sup> , which would cover <b>48%</b> of the 220m <sup>2</sup> one-bedroom dwelling sites, which complies with sub-section (1). Both the two-bedroom ‘Armidale’ and the two-bedroom ‘Stanthorpe’ would have floor areas of 143m <sup>2</sup> , which would cover <b>57%</b> of the 250m <sup>2</sup> two/three-bedroom dwelling sites, which complies with sub-section (1). The three-bedroom ‘Tamworth’ would have a floor area of 146m <sup>2</sup> , which would cover <b>58%</b> of the 250m <sup>2</sup> two/three-bedroom dwelling sites, which complies with sub-section (1).
<b>Section 46 Minimum open space requirements for dwelling sites</b>	
(1) A dwelling site must contain at least 30 square metres of open space.	<b>Complies</b>



<p>(2) An open space must include at least 1 area with minimum dimensions of 3 metres.</p> <p>(3) In calculating the area of open space in a dwelling site, a space with a width or length of less than 2 metres must not be included.</p> <p>(4) In this section—  <b>open space</b> means space on which there is no building, structure or car parking space.</p>	<p>The designs for the four proposed dwelling types would allow for 3m-wide private open space areas with the following areas:</p> <p>‘Tenterfield’ (1 bed.): <b>46m<sup>2</sup></b>;</p> <p>‘Armidale’ (2 bed.): <b>57m<sup>2</sup></b>;</p> <p>‘Stanthorpe’ (2 bed.): <b>66m<sup>2</sup></b>; and,</p> <p>‘Tamworth’ (3 bed.): <b>51m<sup>2</sup></b>.</p> <p>All areas, therefore, comply with the minimum requirement.</p>
<b>Section 47 Site boundary arrangements</b>	
<p>(1) A manufactured home (the <b>proposed manufactured home</b>) must not be installed within 1 metre of the boundary of an adjoining dwelling site unless—</p> <p>(a) it is not practical to install a manufactured home on the part of the adjoining site that is within 2 metres of the proposed manufactured home, and</p> <p>(b) a minimum 1-metre-wide access will be provided along each external wall of the proposed manufactured home.</p> <p>(2) This section does not apply to the installation of semi-detached manufactured homes on adjoining dwelling sites if they are separated by construction that complies with the fire safety and sound insulation provisions relating to class 1 buildings in the <i>Building Code of Australia</i>, Volume Two, section 3.7.1 and 3.8.6.</p>	
<b>Section 48 Garages</b>	
<p>(1) A garage may adjoin a site boundary.</p> <p>(2) A shared double carport or shared double garage may extend over a site boundary.</p> <p>(3) Adjacent garages may adjoin along a shared site boundary.</p> <p>(4) If a garage on a dwelling site is located within 900 millimetres of both the manufactured home and the site boundary of an adjoining dwelling site—</p> <p>(a) the external walls of the manufactured home that face the garage must comply with the <i>Building Code of Australia</i>, Volume Two, section 3 for class 1 buildings, or</p> <p>(b) the external walls of the garage that face the manufactured home must comply with the <i>Building Code of Australia</i>, Volume Two, section 3 for class 10 buildings.</p>	<p><b>Complies / Noted</b></p>
<b>Section 49 Carports</b>	
<p>(1) The following parts of a carport must be non-combustible—</p> <p>(a) the roof covering,</p> <p>(b) the ceiling lining,</p> <p>(c) the wall cladding,</p> <p>(d) the gable.</p>	<p><b>Complies / Noted</b></p>

<p>(2) A carport must have—</p> <ul style="list-style-type: none"> <li>(a) at least 2 open sides, and</li> <li>(b) a roof covering at least 500 millimetres from the manufactured home, associated structure or site boundary, and</li> <li>(c) at least one-third of its perimeter open.</li> </ul> <p>(3) A carport must not provide direct vertical support to the manufactured home.</p> <p>(4) If a carport shares a roof with a manufactured home and the carport does not have a ceiling, the opening between the top of the wall of the manufactured home and the underside of the roof covering of the carport must be infilled with—</p> <ul style="list-style-type: none"> <li>(a) a non-combustible material, or</li> <li>(b) construction clad with non-combustible material on the carport side.</li> </ul>	
<b>Section 50 Associated structures not to contain habitable rooms</b>	
<p>An associated structure must not be designed or modified to be capable of being used as a habitable room.</p>	<b>Noted</b>
<b>Subdivision 2 Design</b>	
<b>Section 51 Structural soundness</b>	
<p>(1) A manufactured home and associated structure must be of a design certified by a practising structural engineer to be structurally sound.</p> <p>(2) The engineer's certificate must—</p> <ul style="list-style-type: none"> <li>(a) certify that the manufactured home or associated structure complies with all relevant standards, codes and specifications, and</li> <li>(b) include specifications for— <ul style="list-style-type: none"> <li>(i) the way in which the manufactured home or associated structure must be transported and installed, and</li> <li>(ii) the footings, if any, on which the manufactured home or associated structure must be installed.</li> </ul> </li> </ul> <p>(3) Specifications for footings or tie-down systems must consider—</p> <ul style="list-style-type: none"> <li>(a) the design gust wind speed, and</li> <li>(b) the soil type, and</li> <li>(c) other design considerations relevant to the location in which the manufactured home or structure will be installed.</li> </ul> <p>(4) This section does not apply to fences or privacy screens.</p>	<b>Noted</b>

Section 52 Design gust wind speed	
<p>A manufactured home or associated structure must be designed to resist loads as determined in accordance with the following design codes, as appropriate—</p> <ul style="list-style-type: none"> <li>(a) AS/NZS 1170.1:2002, <i>Structural design actions Part 1: Permanent, imposed and other actions</i>, as in force on 1 September 2005,</li> <li>(b) AS/NZS 1170.2:2002, <i>Structural design actions Part 2: Wind actions</i>, as in force on 1 September 2005, or AS 4055—1992 <i>Wind loads for housing</i>, as in force on 1 September 2005 (except that the design gust wind speed for the area where the manufactured home or associated structure is located is not to be taken to be less than 41 metres per second),</li> <li>(c) AS 1170.3—1990, <i>Minimum design loads on structures Part 3: Snow loads</i>, as in force on 1 September 2005,</li> <li>(d) AS 1170.4—1993, <i>Minimum design loads on structures Part 4: Earthquake loads</i>, as in force on 1 September 2005.</li> </ul>	Noted
Section 53 Floor area of manufactured home	
The enclosed floor area of a manufactured home must be at least 35 square metres.	Complies
Section 54 Floor areas of certain rooms	
<ul style="list-style-type: none"> <li>(1) The floor area of a bathroom in a manufactured home must be at least 2.2 square metres plus an additional— <ul style="list-style-type: none"> <li>(a) 0.6 square metre if the bathroom has a separate shower and bath, and</li> <li>(b) 0.7 square metre if the bathroom has a toilet, and</li> <li>(c) 1.6 square metres if the manufactured home does not include a separate laundry.</li> </ul> </li> <li>(2) The floor area of a shower room in a manufactured home must be at least 1.1 square metres.</li> <li>(3) If a toilet is installed in a separate room in a manufactured home, the room must have— <ul style="list-style-type: none"> <li>(a) an area of at least 1.1 square metres, and</li> <li>(b) a width of at least 0.8 metre.</li> </ul> </li> <li>(4) The floor area of a laundry in a manufactured home must be at least 1.6 square metres.</li> </ul>	
Section 55 Ceiling height	
<ul style="list-style-type: none"> <li>(1) The ceiling height of each habitable room (other than a kitchen) in a manufactured home must be at least 2.4 metres.</li> <li>(2) The ceiling height of a kitchen, laundry, hallway or other similar part of a manufactured home must be at least 2.1 metres.</li> </ul>	Noted
Section 56 Separation of kitchen areas	
A toilet must not be located in a room in a manufactured home that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.	Noted

Section 57    Lighting and ventilation	
<p>(1) A manufactured home must have adequate provision for light and ventilation.</p> <p>(2) A habitable room in a manufactured home must have at least—</p> <ul style="list-style-type: none"> <li>(a) 1 window, or</li> <li>(b) 1 opening into an adjoining room that has at least 1 window.</li> </ul> <p>(3) The window or opening, or a combination of both, in a habitable room must—</p> <ul style="list-style-type: none"> <li>(a) have a total area of at least 10 per cent of the floor area of the room, and</li> <li>(b) include an area of at least 5 per cent of the floor area of the room that is capable of being opened.</li> </ul> <p>(4) If the habitable room has no windows, the window in the adjoining room must—</p> <ul style="list-style-type: none"> <li>(a) have a total area of at least 10 per cent of the floor area of both the habitable room and the adjoining room, and</li> <li>(b) include an area of at least 5 per cent of the floor area of both the habitable room and the adjoining room that is capable of being opened.</li> </ul>	Noted
Subdivision 3    Construction	
Section 58    Termite shields	
Shields or barriers must be provided in accordance with AS 3660.1—2014, <i>Termite management, Part 1: New building work</i> to protect structural members, if any, that are susceptible to attack by termites.	Noted
Section 59    Glazing	
<p>Glazing materials must be selected and installed in accordance with—</p> <ul style="list-style-type: none"> <li>(a) AS 1288—2021, <i>Glass in buildings—Selection and installation</i>, and</li> <li>(b) if safety glass is required—AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i>.</li> </ul>	Noted
Section 60    External waterproofing	
<p>The following parts of a manufactured home must be constructed to prevent rain or damp penetrating to the inner parts of the home—</p> <ul style="list-style-type: none"> <li>(a) the roof,</li> <li>(b) the external walls,</li> <li>(c) the door and window frames.</li> </ul>	Noted
Section 61    Internal waterproofing	
<p>(1) The following must consist of, or be covered by, material that is impervious to water—</p> <ul style="list-style-type: none"> <li>(a) the floor of a bathroom or shower room, and</li> </ul>	Noted

<p>(b) the floor of a room containing a toilet or washing machine.</p> <p>(2) The following must be impervious to water to a height of at least 1.8 metres above the floor—</p> <p>(a) the wall surface of a shower enclosure, or</p> <p>(b) for a shower that is not enclosed—a wall surface within 1.5 metres of the shower fitting.</p> <p>(3) A wall surface within 75 millimetres of a bath, basin or other similar bathroom fixture must be impervious to water to a height of at least 150 millimetres above the fixture.</p>	
<b>Section 62 Plumbing and drainage</b>	
<p>(1) All pipes and fittings in a manufactured home relating to water supply or sewerage must be installed in accordance with—</p> <p>(a) the <i>Plumbing and Drainage Act 2011</i> and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p> <p>(2) All pipes and fittings in a manufactured home relating to stormwater drainage must be installed in accordance with—</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of a relevant statutory body.</p>	<b>Noted</b>
<b>Section 63 Electrical wiring</b>	
The electrical wiring in a manufactured home must comply with the Australian/New Zealand Wiring Rules.	<b>Noted</b>
<b>Section 64 Fire and smoke alarms</b>	
<p>(1) A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the <i>Building Code of Australia</i>, Volume Two, Part 3.7.2 for class 1(a) buildings.</p> <p>(2) This section does not apply to a manufactured home constructed before 1 January 1996.</p>	<b>Noted</b>
<b>Subdivision 4 Installation</b>	
<b>Section 65 Footings</b>	
<p>(1) A manufactured home or associated structure must be installed on footings if required by the engineer's certificate for the home or structure.</p> <p>(2) The footings and tie-down system for the manufactured home or associated structure must be constructed in accordance with the engineer's certificate.</p> <p>(3) The clearance beneath the home or structure must—</p> <p>(a) provide adequate underfloor cross-flow ventilation, and</p> <p>(b) be—</p>	<b>Noted</b>



<ul style="list-style-type: none"> <li>(i) if termite shields are required to be installed—at least 400 millimetres, or</li> <li>(ii) otherwise—at least 200 millimetres, or</li> <li>(iii) a lesser clearance specified in the approval.</li> </ul>	
<b>Section 66 Installation to comply with specifications</b>	
<p>A manufactured home must be installed on a dwelling site in accordance with—</p> <ul style="list-style-type: none"> <li>(a) the specifications set out in the engineer’s certificate for the manufactured home, or</li> <li>(b) other specifications specified in the approval.</li> </ul>	<b>Noted</b>
<b>Section 67 Compliance plate</b>	
<ul style="list-style-type: none"> <li>(1) A compliance plate must be attached to an accessible part of the following structures— <ul style="list-style-type: none"> <li>(a) a manufactured home,</li> <li>(b) an associated structure forming part of a manufactured home,</li> <li>(c) an associated structure comprising a freestanding garage.</li> </ul> </li> <li>(2) A compliance plate must specify the following— <ul style="list-style-type: none"> <li>(a) the name of the manufacturer of the manufactured home or associated structure,</li> <li>(b) the unique identification number for each major section of the manufactured home,</li> <li>(c) the month and year during which the manufactured home or associated structure was constructed,</li> <li>(d) the design gust wind speed for the manufactured home or associated structure,</li> <li>(e) a statement that the manufactured home or associated structure complies with this Division,</li> <li>(f) the name of the practising structural engineer who issued the engineer’s certificate for the manufactured home.</li> </ul> </li> <li>(3) A unique identification number must be permanently marked on each major section of the manufactured home.</li> <li>(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates.</li> <li>(5) A compliance plate must be designed, constructed, issued and registered in accordance with the specifications.</li> </ul>	<b>Noted</b>
<b>Section 68 Notice of completion of installation</b>	
<ul style="list-style-type: none"> <li>(1) The holder of an approval must give the council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.</li> <li>(2) The notice must— <ul style="list-style-type: none"> <li>(a) indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and</li> </ul> </li> </ul>	<b>Noted</b>

- (b) include the particulars specified on each compliance plate relating to the manufactured home or associated structure.
- (3) The notice must be accompanied by—
  - (a) a copy of the engineer's certificate for the manufactured home or associated structure, and
  - (b) a diagram of the dwelling site for the manufactured home or associated structure indicating whether the setback, density, open space and site identification requirements of this Part have been complied with.

## Division 5 Miscellaneous

### Section 69 Certificates of completion

- (1) Within 5 business days after receiving written notice of the completion of the installation of a manufactured home or associated structure, the Council must give the owner of the home or structure—
  - (a) a certificate of completion for the home or structure, or
  - (b) a written notice that states why a certificate of completion is not being issued.
- (2) In determining whether or not to issue a certificate of completion, the council must consider the following matters—
  - (a) whether an engineer's certificate for the manufactured home or associated structure is available,
  - (b) whether the installation of the manufactured home or associated structure complies with the specifications set out in the engineer's certificate, if any,
  - (c) whether the setback, density, open space and site identification requirements of this Part have been complied with,
  - (d) whether a compliance plate is attached to the manufactured home or associated structure.

**Noted**