

This and the following **91** pages comprise the Annexure marked "**A**" referred to in the Affidavit of

Matthew Norman

sworn/affirmed before me on 19/05/2025



Solicitor/Justice of the Peace



SUPPLEMENTARY STATEMENT OF ENVIRONMENTAL EFFECTS

Manufactured Home Estate

34 Wyndella Road,
LOCHINVAR

Prepared for: Commercial 7 Pty Ltd ATF Commercial 7 Investment Trust

REF: M250038

DATE: 19 May 2025



DEVELOPMENT



Supplementary Statement of Environmental Effects

Prepared for: Commercial 7 Pty Ltd ATF Commercial 7 Investment Trust
REF. NO. M250038





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1. Introduction

This Supplementary Statement of Environmental Effects (SSEE) has been prepared to accompany the amended document package including Engineering and Civil Plans, Architectural Plans, and supporting specialist documentation for the amended application submission relating to Proceedings 2024/00187067 [*Commercial 7 Pty Ltd ATF Commercial 7 Investment Trust v Maitland City Council*].

The amended plans and documentation provide a response to the issues raised in the matters in the Statement of Facts and Contentions Filed 26 June 2024. This SSEE is to be read in conjunction with the package of amended documents provided, with the current documents superseding the previous documents to the extent of any inconsistency.

The proposed development at 34 Wyndella Road, Lochinvar, comprising an over 50s lifestyle resort with 182 home sites configured within a master planned Land Lease Community, has been carefully designed and staged to respond to the site's opportunities and constraints, and demonstrates the orderly and sustainable development of the land. The proposal appropriately addresses critical considerations including bushfire management, stormwater control, traffic and access arrangements, and the provision of high-quality communal and private open spaces. The development delivers a contemporary residential community that promotes social interaction, active lifestyles, and high standards of residential amenity. The amended proposal is considered acceptable with respect to all relevant provisions of the Maitland Local Environmental Plan 2011 and demonstrates full compliance with the applicable matters for consideration under section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979.

The Engineering Package, Architectural plans and other documentation included within this proposal have been amended from those originally filed with Development Application No. DA/2024/116 (DA), lodged with Maitland City Council on 20 February 2024 to include:

Amended Engineering Package Plans by Wallace Infrastructure Design Pty Ltd including the following specific changes:

- Detailed Design Updates
- Amended Internal Road Layout
- Wyndella Road Upgrade and Footpath Plans
- Updated Stormwater Management Plan with a new point of discharge
- Updated retaining wall design
- Updated Cut & Fill Plan
- Detailed Construction Management Plan

Amended Landscape Plans by Terras Landscape Architects:

Updated to match Engineering Package Plans

- Updated landscape interface sections and increased vegetations buffers
- Addition of a landscape staging plan
- Updated planting schedule noting that initial buffer planting will include mature landscaping on the southern buffer

Amended Architectural Plans by BDA Architecture including:

- Number of home sites reduced from 209 to 182 home sites
- Increased Western Setback to 54m and Eastern Setback to 60m



- Addition of a new 1,412 sqm internal open space
- Updated community facilities to include a treatment room and remove the bar
- Updated site coverage and communal open space requirements diagram
- Provision for a potential North/South public road corridor through the site
- Removal of obstructions and fencing from the right of carriageway on the eastern boundary of the site
- Early delivery of the community facilities
- Visitor carpark dimension plans
- Updated the external boundary fence to align with the area's rural residential character
- Inclusion of four external colour schemes that are sensitive to the existing rural landscape
- Removal of the construction access through Penparc Drive
- Relocation of the caravan store to provide a larger buffer to Windella Estate

Other Updated / Additional Reports and supporting documents:

- CPTED Report by James Marshall & Co
- Supplementary SEE outlining all changes with updated analysis of planning controls by Planning Ingenuity
- Social Impact Assessment by Vaere Social
- Acoustic Report by Spectrum Acoustics
- External Lighting Design Report by Marline
- Updated Bushfire Assessment Report by Bushfire Code & Bushfire Hazard Solutions Pty Limited
- Updated BDAR by East Coast Ecology
- Updated Plan of Management
- Preliminary Site Investigation & RAP by Qualtest
- Community Catchment Analysis & Project Review by Think Economics
- Site Waste Management Plan by Tandem Solutions
- Operational Waste Management Plan by Tandem Solutions
- Visual Impact Assessment by Terras Landscape Architects
- Traffic Impact Assessment by JMT Consulting
- Cultural Heritage Due Diligence Report by Mc Cardle Cultural Heritage
- Riparian Corridor Assessment by Anderson EP
- Accessibility Report by Accessed
- Survey by De Witt Consulting including the Wyndella Road Reserve

This SSEE has been prepared in light of the Land & Environment Court 'Practice Note – Class 1 Development Appeals' dated 27 March 2017. I recognise that as an expert witness my overriding duty is to assist the Court impartially on matters within my expertise and that my paramount duty is to the Court rather than to any party to the proceedings. I have read the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedures Rules and I agree to be bound by that Code. I have read the Practice Note for Use of Generative Artificial Intelligence. Generative Artificial Intelligence has not been used in the preparation of this document.

In my opinion, the amended package satisfactorily addresses the matters raised in the Statement of Facts and Contentions issued on 26 June 2024. The amended proposal, comprising an over 50s lifestyle resort with 182 home sites within a master planned Land Lease Community at 34 Wyndella Road, Lochinvar, demonstrates compliance with the relevant planning controls and appropriately responds to the site's environmental characteristics, including bushfire risk, site access, capacity and connectivity to essential services, and evacuation and site management arrangements. The proposal is capable of approval, being acceptable with respect to all applicable provisions of the Maitland Local Environmental Plan 2011 and is satisfactory having regard to the matters for consideration under section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979.

2. Amended Proposal

The amended Engineering Package and Architectural Plans were prepared by *Wallace Infrastructure Design* and *BDA Architecture* respectively to respond to issues raised in the Statement of Facts and Contentions Filed 26 June 2024. In addition to this SSEE and updated supporting documents listed in Section 1, the following documents are also relied upon in preparing this Supplementary Statement of Environmental Effects (SSEE):

- General Terms of Approval and conditions prepared by NSW Rural Fire Service dated 8 April 2024
- Preliminary Servicing Advice from Hunter Water
- Wyndella Road Widening Works

Part 3 of this document deals with the Statement of Facts and Contentions Filed 26 June 2024. Specific technical information in response to the Statement of Facts and Contentions is provided in the relevant supporting documents.

The amended proposal, comprising an over 50s Manufactured Home Estate (MHE) with 182 home sites and extensive facilities at 34 Wyndella Road, Lochinvar, includes significant adjustments to the site layout, landscape buffers and communal facilities. Despite these changes, the detailed assessment of the development against the relevant planning controls in the original Statement of Environmental Effects (SEE) prepared by *Catalyze Property Consulting Pty Ltd* remains largely applicable. As such, the original SEE should be read in conjunction with this Supplementary Statement of Environmental Effects (SSEE).

Where the amended proposal alters the assessment provided in the original SEE, these issues are assessed under Part 3 of this Supplementary SEE where they relate to contentions in relation to Proceedings 2024/00187067 [*Commercial 7 Pty Ltd ATF Commercial 7 Investment Trust V Maitland City Council*] or below where the amendments do not relate to contentions detailed in the aforementioned document.

2.1 Proposed Development

The proposal seeks consent for construction and operation of an over 50s Manufactured Home Estate, more commonly known as an over 50s Lifestyle Resort or a Land Lease Community, comprising 182 home sites, to be developed in five (5) stages. The proposal includes high-quality shared facilities, designed by award-winning architects with a proven track record in delivering similar land lease residential projects across Australia. The project aims to establish a new benchmark for land lease living within a region that currently has limited options for downsizers. The master plan shows a connected, walkable neighbourhood that encourages its residents to live active and social lifestyles within a resort style setting with high quality homes and facilities. The dwelling sites are designed to allow residents to live a low maintenance lifestyle with landscaped streetscapes that are maintained by the operator, large and functional private open spaces within the home sites and ample room for a 1 or 2 car garage. The indicative home layouts, colour schemes and fencing plans, included in the architectural package, provide certainty around the design intent of the architecturally designed homes. The proposal includes the following key elements:

- 182 dwelling sites for manufactured homes
- A community building containing a function area, lounge, library, cinema, gym, games room, multi-purpose spaces, outreach treatment rooms for visiting health professionals
- A swimming pool, spa, and sauna
- Pickleball courts
- A bowling green
- A workshop
- A perimeter walking trail

- 47 visitor car parking spaces
- 17 spaces for caravan storage

Table 1 Proposal Details

Element	Details
Proposed Use	MHE (Over 50s Lifestyle Resort with community facilities)
Site Area	10.75Ha
Site Servicing	<p>The site is adjacent to the Lochinvar Urban Release Area (LURA) and is bordered to the west by land zoned R1 General Residential, which is currently the subject of a Development Application (DA) for a 258-lot Torrens Title residential subdivision in 10 stages. To the east, the site adjoins land zoned R5 Large Lot Residential. Reticulated water and sewer services are available to the site and can be extended to service the proposed development, as demonstrated in the Servicing Strategy Report and Preliminary Servicing Advice from Hunter Water filed with the original Development Application No. DA/2024/116 (DA), lodged with Maitland City Council on 20 February 2024.</p> <p>The DA proposes that all dwelling sites will be provided with reticulated water, reticulated sewerage system, drainage and electricity.</p> <p>Vehicle access is direct from Wyndella Road and road upgrades are proposed.</p>

2.1.1 Site Layout

The urban design principles for the Manufactured Housing Estate (MHE) layout, as detailed in the original Statement of Environmental Effects (SEE) prepared by *Catalyze Property Consulting Pty Ltd*, remain relevant and appropriate.

The amended proposal incorporates a refined site layout and a reduction in density from 209 homes to 182 homes, improving internal circulation, reducing demand on local services, increasing landscaped space and open space areas and significantly diminishing visual bulk. The design amendments consider the surrounding Lochinvar Urban Release Area (URA) urban design reports, ensuring that the proposal is consistent with, and complementary to, the broader planning, urban design, and character objectives established for the locality. The site layout is detailed in the Architectural Plans by *BDA Architecture*.

4.1 Indicative Master Plan

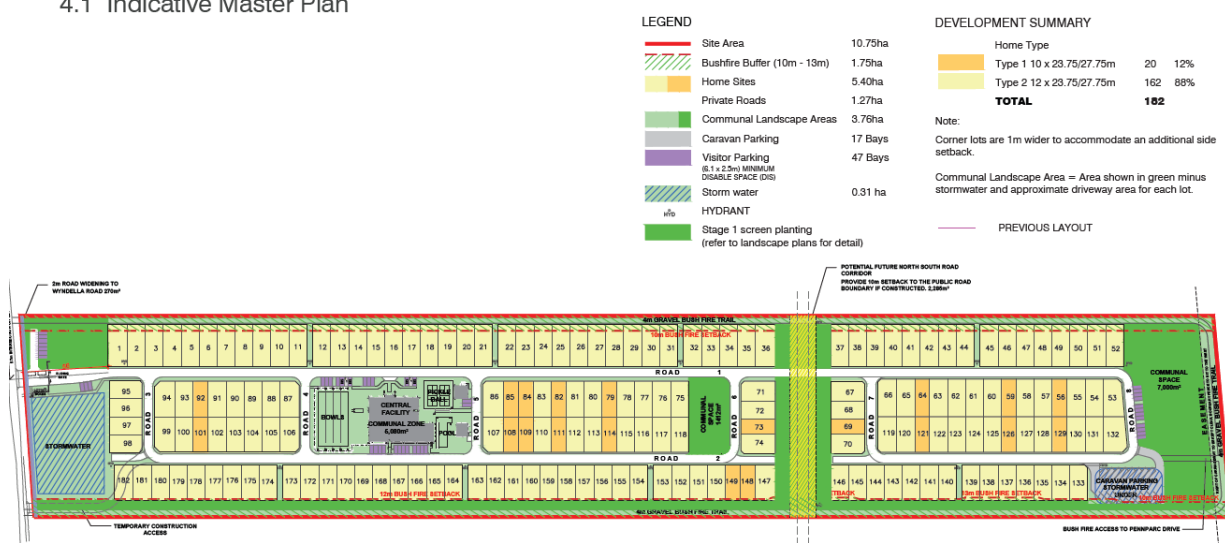


Figure 1 Indicative Master Plan (BDA Architecture)

2.1.2 Landscape

The updated Landscape Plans, prepared by *Terras Landscape Architects*, accompany this SSEE. The plans have been updated to reflect the latest development layout and incorporate the following key improvements:

- Enhanced landscape buffers along all sensitive site interfaces;
- The addition of a new landscaped corridor, along the potential north/south road through the site;
- A significant increase in tree planting, with the amended proposal providing 828 trees compared to 388 trees in the original Development Application - a 213% increase;
- Addition of a new 1,412 sqm internal park
- Specific buffer enhancements, as follows:
 - North: Addition of trees at the rear of lots to further soften the northern boundary, noting that the existing site slope already provides substantial visual screening.
 - East (Windella Estate): Increased planting density and a substantial widening of the landscape buffer from 10 metres to 60 metres.
 - South: Increased planting density along the southern boundary.
 - West (Wyndella Road): Increased planting density and a widening of the landscape buffer from 17 metres to 54 metres.

In addition, all landscape buffers are proposed to be planted during Stage 1 of the development to allow for early establishment and effective screening. Specifically, the first 420 metres of the southern buffer will be planted with advanced trees in 75-litre pot sizes (approximately 1.5 metres in height) to provide immediate screening for the first 50% of the site. These early planting measures are detailed in Drawings L014 and L015 of the Landscape Plans.

The amended proposal includes a revised external boundary treatment, replacing the originally proposed 1.8-metre high solid fence with a 1.4-metre high post-and-rail fence. This fencing style is consistent with the surrounding rural residential character and typical of neighbouring estates within the Lochinvar area. The post-and-rail design enhances the visual integration of the development with its context, while also improving passive surveillance by allowing greater visual permeability along the site's perimeter. This change responds positively to concerns regarding streetscape impact and site security, balancing aesthetic considerations with functional outcomes.

The architectural design of the dwellings has been refined to include four external colour schemes specifically selected to complement the site's rural residential setting. The selected palettes utilise muted, natural tones that minimise visual contrast with the surrounding landscape and reinforce a cohesive streetscape character. Full details of the colour schemes are provided at Sections 7.0a and 7.0b of the architectural package. This design response ensures that the built form is visually recessive, sensitive to the site's environmental setting, and compatible with the broader Lochinvar locality.

2.1.3 Visual Impact

A Visual Impact Assessment (VIA) has been prepared and updated for this submission by *Terras Landscape Architects* to evaluate the potential visual impacts of the proposed development on the surrounding locality, with particular regard to existing rural residential receptors. The VIA identifies key view corridors and assesses visual sensitivity and magnitude of change, applying accepted professional methodology.

Informed by the findings of the VIA, the Landscape Plans have been amended and refined through iterative design processes to strengthen landscape mitigation measures. Notably, the updated plans provide for:

- A 60 metre landscaped buffer to the Windella residential interface;
- A 54 metre landscaped buffer to the Wyndella Road interface;

- The planting of 828 canopy trees to establish long-term visual screening and integration;
- Contouring and landscape treatment responsive to site topography, minimising prominence from public and private viewpoints;
- Use of low-reflectivity materials and rural vernacular colours and finishes to further reduce visual contrast; and
- The change from a 1.8m high solid fence to a 1.4m high post and rail fence that matches the areas rural residential character.

These amendments are targeted to appropriately mitigate identified impacts, ensure compatibility with the character of the surrounding area, and promote a visually recessive built form in the broader landscape context.

The development is not within a mapped scenic protection area under the *Maitland LEP 2011*, nor are there designated view corridors within the DCP or regional plans that apply to the site. Accordingly, the visual impact of the proposal has been comprehensively assessed and appropriately managed, consistent with Section 125(1)(d) of the *Housing SEPP 2021*.

Further assessment of the Visual Impact is addressed under Contention 4 in section 3 of this document.

2.1.4 Community Facilities

The proposal includes the early delivery of communal facilities to help reduce external service pressures and ensure that residents have access to essential amenities from the outset of the development. This proactive approach will enhance the overall livability of the community, providing residents with the infrastructure they need for a comfortable and active lifestyle.



In addition to the early delivery of communal facilities, the development provides a substantial increase in the provision of open space. The proposal includes an additional 1,412 square metres of communal open space for residents' enjoyment, incorporating a new community garden that fosters a social and active environment. Furthermore, a treatment room will be included within the community building to be made available for free use by medical practitioners, physiotherapists, hairdressers, and other service providers. This will allow residents to access essential health and wellness services directly within their community.

Following consultation with both the community and Council, concerns were raised regarding the inclusion of a licensed bar in the development. In response, the applicant has removed the bar from the proposal.

The site benefits from its proximity to two public bus stops located on either side of the New England Highway, which service the 179 and 180 bus routes. These routes provide connections to key locations such as Rutherford, Maitland, and Green Hills Shopping Centre. Prior to the occupation of the first home, a 1.5-metre-wide footpath will be provided from the northern boundary of the site to the existing bus stops, ensuring safe and convenient pedestrian access to public transport. These bus services also offer connections to rail services at Maitland Railway Station, providing residents with direct access to major retail, commercial, and health services in the region, as well as connections to Newcastle, Central Coast, and Sydney. A Social Impact Assessment by *Vaere* and Traffic Impact Assessment by *JMT Consulting* is provided to support these provisions.

In addition to public bus services, the applicant will provide a Resort Shuttle Bus for residents to book for day trips and other excursions. This bus will be wheelchair accessible and will have a minimum capacity of 10 people. At a minimum, the applicant will ensure that there are two weekly shopping centre trips operated by a designated driver (resident, Resort Staff, or contractor). If a resident driver is not available for either or both of the two weekly shopping centre trips, the Owner will arrange for a Resort Staff member or contractor to drive the Resort Shuttle Bus. Destinations and times will be determined by the Residents' Association based on resident demand, with trips anticipated to alternate between:

1. Rutherford Shopping Centre (adjacent to Rutherford Marketplace) which includes: Woolworths, Coles and ALDI supermarkets and multiple other food outlets (e.g. Bakers Delight); banking services (Greater Bank; Mutual Bank); Rutherford Post Office and various personal services outlets including Anytime Fitness (gym) and several hairdressers, barbers and nail salons. There are also 4 medical centres, 2 pharmacies, 3 pathology collection centres, optometrist, podiatrist and physiotherapist.

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2. Future Lochinvar Shopping Village which is anchored by Woolworths and is anticipated to include a medical centre, pharmacy, tavern and other specialty retailers. Construction is scheduled to commence in mid-2025. It is expected that most residents will continue to use their private vehicles for convenience, particularly for shopping trips. To accommodate this, the development will include one to two garage spaces per dwelling, as well as ample visitor parking spaces.

The updated documents include a Plan of Management which outlines the values, use, management practices and objectives for the ongoing operation of the Manufactured Home Estate (MHE) at 34 Wyndella Road, Lochinvar, NSW.

2.1.5 Community Management

Upon the occupation of the first home, a dedicated Community Manager will be appointed to oversee the daily operations of the Lifestyle Resort. The roles and responsibilities of the Community Manager are outlined in the Plan of Management and include, but are not limited to, the following tasks:

- Responding to queries from the Residents Association.
- Addressing security breaches and liaising with relevant authorities such as police, ambulance, and emergency services.
- Coordinating evacuation procedures in the event of fire or other emergencies.
- Inducting and supervising all personnel, including staff rostering and ensuring adequate training and education.
- Maintaining incident and accident registers and ensuring timely repairs and maintenance works.
- Overseeing hygiene and cleanliness within the resort, as well as the enforcement of the resort's rules and regulations.
- Communicating directly with residents to maintain a positive relationship with both them and neighbouring properties.
- Managing the Resort Shuttle Bus and any other third-party-operated facilities.
- Ensuring compliance with Equal Employment Opportunity (EEO) regulations, NSW Health, and WorkCover NSW standards.

Residents Association (Community Liaison): The Community Manager will assist in the establishment of a Residents Association or, until such a committee is formed, appoint a temporary community liaison to facilitate communication between the residents and the management team. This process is further detailed in the Plan of Management.

Mental Health, Isolation, and Wellbeing: Land Lease communities provide significant benefits, including improved mental and physical health, social interaction, sense of belonging and place and active lifestyles. These communities offer walkable streets and pathways, generous landscaping, and resort style facilities that reduce the strain on Council infrastructure. The Community Catchment Analysis by Think Economics dated 27 November 2024 rates the proposed development as an exceptionally high standard in comparison to established similar residential developments in the region.

Activities to be available to residents include group and informal use of the pool, clubhouse, art and craft room, games room, cinema, gym, workshop, library, and park areas and regular off-site outings. It is expected that many residents will be single and will benefit greatly from the sense of community, which helps reduce isolation and loneliness that can be experienced in a detached housing 'age in place' setting as mentioned in the Social Impact Assessment by Vaere.

Community Support Groups: Twice a year, the community manager and staff will run workshops on topics such as telehealth services, seniors' concessions, and health. Outside practitioners may also be invited. The community manager will assist residents with using the community app and setting up services, including telehealth. A welcome pack will be provided to all residents on arrival, listing local services such as GPs, shopping centres, and delivery options.

2.1.6 Road and Pedestrian Network

Prior to the issue of the first Occupation Certificate, a pedestrian footpath link to the New England Highway will be constructed. The footpath will enhance pedestrian safety for future residents and visitors of the development as well as for adjoining

properties, providing improved access to existing public transport services and contributing to broader walkability within the area.

The proposal also includes upgrades to Wyndella Road with road widening from the northern boundary of the site through to the New England Highway to achieve two x 3.5-metre-wide sealed travel lanes, widened sealed shoulders, and a concrete footpath and a right turn lane. These works will deliver improved infrastructure and enhance pedestrian and vehicular safety for residents, the adjoining future school community, and neighbouring properties.

Additionally, the development makes provision for a potential future public north–south road connection through the site. This future connection has been provided in response to Council’s request and is intended to facilitate long-term connectivity within the Lochinvar Investigation Area, consistent with strategic planning objectives for the locality. The layout includes a future road reserve sufficient for footpaths and a landscaped verge and sufficient setbacks for future buildings.

The Engineering Package Plans by *Wallace Infrastructure Design Pty Ltd* and Traffic Impact Assessment by *JMT Consulting* detail the road and pedestrian network plans.

2.1.7 Plan of Management and Operational Governance

An updated Plan of Management (PoM) has been prepared to guide the operation and management of the proposed resort development at 34 Wyndella Road, Lochinvar. The PoM appropriately addresses relevant matters under section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, including the likely impacts of the development, the suitability of the site for the proposed use, and the public interest.

The PoM provides a comprehensive governance framework to ensure the resort is operated effectively, efficiently, and in a manner that maintains the amenity, security and wellbeing of residents and neighbouring properties. It includes detailed provisions relating to the roles and responsibilities of the park owner and community manager, hours of operation, record keeping protocols, and communication processes between management and residents.

Further, the Plan deals with health and wellbeing matters such as pest control, resident information packs, and community rules, as well as site security, access management, visitor management, and procedures for addressing unauthorised activities. Emergency management procedures are clearly outlined, alongside operational matters such as waste collection, storage protocols, operation of the Resort Shuttle Bus, management of communal facilities, landscaping maintenance, and the management of noise complaints.

The PoM also mandates the regular review of management practices to ensure continual improvement and adaptation to community needs. The breadth and depth of the Plan of Management demonstrates that the resort will be responsibly and sustainably operated, ensuring that any potential impacts on surrounding land uses are appropriately managed and mitigated. This will contribute positively to the orderly and proper development of the land and is consistent with the public interest.

2.1.8 Construction Access & Management

Construction access arrangements have been refined to minimise and manage impacts on surrounding residents and the public road network. Access for construction vehicles via Penparc Drive through the Windella Estate has been removed. All construction access will be via Wyndella Road, which will be upgraded as part of the development works. A temporary construction vehicle crossing will be provided onto Wyndella Road to minimise disruption to existing residents. Temporary parking for construction workers will be accommodated on-site, with no construction-related vehicles permitted to park on Wyndella Road, ensuring that neighbouring properties and capacity of Wyndella Road are not adversely impacted. These measures are explained in detail in the updated Traffic Impact Assessment (TIA) by *JMT Consulting* accompanying the amended application.

A Construction Management Plan (CMP) will be included in the amended design package, which sets out the overarching requirements and processes for each construction phase. Before the commencement of each stage of development, a stage-specific Construction Management Plan will be prepared and will address, but not be limited to, the following matters:

- Hours of operation
- Site establishment and site security
- Locating and protecting existing services
- Public safety, amenity, and pedestrian management
- Construction traffic management
- Sediment, erosion, dust and odour control
- Noise and vibration management, including acoustic monitoring
- Earthworks haulage and designated haul routes
- Vegetation protection
- Unexpected finds protocols
- Construction waste management
- Workplace risk management planning

To further minimise impacts on neighbouring properties, construction hours will be restricted to 7:00am to 4:00pm, Monday to Friday only. No construction activities will be permitted on weekends. Dust and acoustic monitoring will be undertaken both on-site and off-site during construction, with appropriate control measures implemented where necessary to ensure compliance with relevant environmental standards.

A Community Construction Liaison Officer will also be appointed to serve as a dedicated point of contact for residents and the wider community. This officer will be responsible for notifying affected neighbours prior to construction activities, addressing community concerns, and ensuring that construction activities are undertaken in a manner that minimises disruption. These commitments are documented in the updated Plan of Management.

The construction access arrangements and management controls proposed are appropriate, reasonable and consistent with best practice, and will ensure that construction impacts are effectively mitigated having regard to the matters under section 4.15 of the Environmental Planning and Assessment Act 1979.

2.1.9 Crime Prevention Through Environmental Design (CPTED)

The Crime Prevention Through Environmental Design (CPTED) has been updated by *James Marshall & Co.* and the measures have been incorporated into the amended design and Plan of Management, responding to feedback received from the community and Council. These measures are intended to enhance the safety, security, and functionality of the development. The CPTED updates include, but are not limited to:

- Provision of detailed entry, directional, and wayfinding signage throughout the site to improve navigation, visibility, and promote passive surveillance.
- Installation of closed-circuit television (CCTV) systems at key locations, including site entry points, the caravan parking area, and community facilities.
- Refinement of landscaping guidelines and building design controls to ensure that natural surveillance is maintained across the site, and that landscaping and structures do not create opportunities for concealment or entrapment.

The incorporation of these measures ensures that the development is consistent with CPTED principles and provides a safe, secure, and well-designed living environment. The CPTED Assessment has informed and reinforced the estate design at both the strategic and detailed levels. It demonstrates that the proposed development:

- Incorporates effective crime prevention strategies,
- Aligns with the principles and recommendations of NSW Police CPTED guidelines, and
- Supports the safety, amenity and long-term functionality of the estate.



Accordingly, the proposal satisfies relevant planning considerations under s.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979 (NSW)* and the objectives of section 125(1)(e) of the *Housing SEPP 2021*, as well as **Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

Further assessment of the CPTED is addressed under in section 3.2 of this document.

2.1.10 Acoustic Assessment

An updated *Noise Impact Assessment* has been prepared by *Spectrum Acoustics Pty Ltd* to address the acoustic impacts associated with the proposed Manufactured Home Estate (MHE) at 34 Wyndella Road, Lochinvar. This assessment builds upon the previous 2024 findings and incorporates responses to Council's formal request for information (RFI).

The report notes that the proposal includes 182 home sites, internal roadways, and a centrally located community facility featuring a function room, gymnasium, and external recreational areas such as a pool, pickleball courts, and a bowling green.

The acoustic assessment adopts conservative assumptions, including a minimum background level of 30 dB(A) in line with the *NSW Noise Policy for Industry (NPfI)* and applicable *Liquor Act* noise criteria for licensed premises (note that the community building will not be a licensed premises). The Acoustic assessment specifically evaluates potential noise emissions from amplified music within the function room, social gatherings using outdoor recreation areas, vehicular movements, mechanical plant, and waste collection.

The central facility is strategically located more than 350 metres from the nearest residential receiver (Receiver R1) and will be buffered by internal home sites that will act as acoustic screening. Calculated noise levels from modelled music and patron activity were found to be well below applicable thresholds and evaluated as imperceptible above background noise. For example, propagated sound pressure levels from music events within the central facility are predicted to be below audible thresholds at the nearest sensitive receiver across all octave frequency bands, as detailed in Table 4 of the acoustic assessment.

Noise emissions from external recreational areas (pool, pickleball, and bowling) are predicted to be less than 10 dB(A) at Receiver R1, which is significantly below the GNSW criterion of 35 dB(A). Moreover, all other off-site receivers are located at greater distances and would experience even lower noise levels. The hours of use of outdoor recreational spaces will be limited in the Plan of Management to times that are compatible with the amenity of residents within the site (who will reside closer than the nearest residential neighbour).

On this basis, *Spectrum Acoustics* has concluded that the proposed development will not result in unacceptable acoustic impacts. The assessment confirms that the development fully complies with the relevant noise criteria and will not result in adverse amenity impacts to neighbouring properties.

Further assessment of the Acoustic Assessment is addressed in section 3 of this document.

2.1.11 External Lighting Design

An External Lighting Design Report has been completed by *Marline Building Services Engineers* to evaluate and manage potential light spill and amenity impacts resulting from the proposed development, with particular regard to the surrounding rural residential context and nearby sensitive receivers.

The lighting strategy has been prepared in accordance with *AS/NZS 4282 – Control of the obtrusive effects of outdoor lighting*, *AS/NZS 1158.3.1 – Lighting for roads and public spaces*, the *National Airports Safeguarding Framework Guideline E*, and *Civil Aviation Regulation 1988 – Regulation 94*. The assessment identifies the key lighting zones of the site, including internal private roadways and the community centre, and provides a concept lighting design which is intended to inform the detailed design phase.

The report concludes that:



- Lighting will be designed and installed to prevent obtrusive light spill to surrounding properties, consistent with the site's classification as a "low district brightness" area under AS/NZS 4282;
- Pole-mounted LED luminaires will be installed with highly controlled optics and minimal uplight components, and positioned away from site boundaries to reduce potential impact on nearby residences;
- Shielding via built form and landscape buffers will further mitigate lighting impacts, particularly to the southern and eastern boundaries;
- Luminaires will comply with CASA and NASF lighting safety requirements due to the proximity of the Maitland Aerodrome;
- Lighting design supports *Crime Prevention Through Environmental Design (CPTED)* principles to enhance site safety without compromising residential amenity or night sky visibility.

The report recommends that the detailed lighting design be certified for compliance with the above standards prior to the issue of the first Construction Certificate.

On this basis, it is submitted that the proposal is capable of complying with all relevant planning controls and performance requirements and standards in relation to lighting impacts, and that it will not adversely affect the amenity of adjoining residential areas.

2.1.12 Accessibility & Casual Social Interaction

An Accessibility Report has been completed and updated by *Accessed*, and as a result, the design has been amended to ensure full compliance with relevant accessibility standards. The streets within the Land Lease Community have been designed to create a pedestrian and vehicle-friendly environment, as detailed in sections 4.5 (Movement Network) and 4.10 (Communal Open Space & Walkability Plan) of the architectural package. These sections illustrate that all streets have easily walkable gradients, ensuring accessibility for all residents. Additionally, the proposal includes a 4m-wide bushfire track around the perimeter of the site, which can also be used as a walking track for residents, providing a dedicated space for exercise and group walking activities.

Further assessment of the Accessibility Assessment is addressed under in section 3.2 of this document.

2.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("EP&A ACT").

The Environmental Planning and Assessment Act 1979 (the EP&A Act) is the primary legislation governing development within New South Wales. This section provides an analysis of the proposed development in relation to the relevant provisions of the EP&A Act.

2.2.1 Consent Authority

Under section 4.5 of the EP&A Act, the proposed development constitutes "development" requiring consent. The proposal is integrated development. The consent authority is Maitland Council.

2.2.2 Designated Development

In accordance with section 4.10 of the EP&A Act, the proposed development is not designated development as defined by any applicable environmental planning instrument or the EP&A Regulations 2021.

2.2.3 Complying Development

As outlined in section 4.25 of the EP&A Act, the proposed development is not complying development.



2.2.4 Integrated Development

Pursuant to section 4.46 of the EP&A Act, the proposed development requires additional approvals under other legislation, thereby classifying it as integrated development.

Concurrence is required from NSW Rural Fire Service.

Biodiversity offsets

Table 2 Section 4.46 Matters for Consideration				
EP & A Act, 1979.	Provision	OK	See Comments	N/A
Coal Mine Subsidence Compensation Act 2017	s.22	✓	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	✓
Fisheries Management Act 1994	s. 144 s. 201 s. 205 s. 219	✓	Aquaculture permit. Permit to carry out dredging or reclamation work. 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. 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	✓
Heritage Act 1977	s. 58	✓	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s.57 (1)	✓
Mining Act 1992	Ss 63, 64	✓	Grant of mining lease	✓
National Parks and Wildlife Act 1974	s. 90	✓	Grant of Aboriginal heritage impact permit	✓
Petroleum (Onshore) Act 1991	s. 16	✓	Grant of production lease	✓
Protection of the Environment Operations Act 1997	ss43(a), 47 and 55 ss43 (b), 48 and 55 ss43 (d), 55 and 122	✓	Environment protection licence to authorise carrying out of scheduled development work at any premises. 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”). Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	✓
Roads Act 1993	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	✓
Rural Fires Act 1997	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.	
Refer to Section 2.2.5				



Table 2 Section 4.46 Matters for Consideration

Water Management Act 2000	Ss 89, 90, 91	✓	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3
Refer to Section 2.2.6			
Biodiversity Conservation Act 2016	s.5.2, 5.3, 6.1, 6.4	✓	In accordance with section 7.7 of the <i>Biodiversity Conservation Act 2016</i> (BC Act), a Biodiversity Development Assessment Report (BDAR) has been prepared by East Coast Ecology (May 2025) to support the proposed development. The BDAR responds to the triggering of the <i>Biodiversity Offset Scheme</i> under s.7.2(1)(b) of the BC Act, due to the proposed clearing exceeding 1 hectare in the Maitland LGA.
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	S. 18 and 18A	✓	<p>The following matters are addressed in the BDAR and are relevant for consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act):</p> <p>a) Biodiversity Impact – PCT 3328: The BDAR identifies vegetation consistent with Plant Community Type (PCT) 3328 – <i>Rough-barked Apple grassy woodland on alluvial flats of the Hunter, Central and Lower North Coast</i>. The impacted area comprises low-condition vegetation with a vegetation integrity score below the threshold requiring ecosystem credits.</p> <p>b) Threatened Species and Habitat: Targeted surveys confirmed the absence of any threatened flora or fauna species listed under the <i>BC Act</i> or <i>EPBC Act</i>. The assessment determined that the proposed works will not have a serious or irreversible impact on any listed threatened entities, and no species credits are required.</p> <p>c) Avoidance and Minimisation: The proposal has been designed to minimise ecological impacts through strategic siting of development away from higher-quality vegetation. Where practical, retention of vegetation is prioritised along key site boundaries and drainage lines, and construction will be staged to minimise clearing and surface disturbance.</p> <p>d) Mitigation Measures: A suite of mitigation measures is proposed to manage potential direct and indirect impacts on biodiversity, including sediment and erosion controls, weed management, staged clearing, and monitoring protocols during construction. The proposal also incorporates landscape buffers and water-sensitive urban design.</p> <p>e) EPBC Act Compliance: The BDAR includes a review of relevant Matters of National Environmental Significance (MNES). It concludes that the development is unlikely to result in a significant impact on any species or communities listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), and therefore does not require referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water.</p> <p>f) BC Act Compliance and Offset Requirements: The BDAR confirms that the proposal complies with the <i>Biodiversity Conservation Act 2016</i> and associated BAM. The proposal is therefore not subject to a biodiversity stewardship obligation under the BC Act.</p> <p>g) Approval Pathway: The BDAR confirms that the development can proceed under Part 4 of the <i>EP&A Act</i>, subject to standard conditions. No approval is required</p>

Table 2 Section 4.46 Matters for Consideration

from the Native Vegetation Panel or the Commonwealth, and there are no prescribed biodiversity constraints that preclude the granting of development consent.

Refer to Section 2.3.1

2.2.5 Requirements Under Rural Fires Act

As the site is identified on Council's Bushfire Prone Land Map with Category 3 vegetation, bushfire risk considerations have been addressed in the amended package of DA documents. The recommendations of the Bushfire Assessment Report by *Building Code and Bushfire Hazard Solutions Pty Limited* dated 6 May 2025 incorporate necessary bushfire mitigation measures to comply with the relevant standards, including the Australian Standard for Construction of Buildings in Bushfire-Prone Areas (AS 3959) and Planning for Bushfire Protection (2019 NSWRFPS). The amended proposal includes the appropriate creation of asset protection zones, perimeter roads, dwelling design and materials and emergency infrastructure and water supply required to mitigate bushfire risks, in line with the applicable bushfire management requirements.

In preparing the original DA, formal pre-DA consultation was undertaken with the RFS to obtain feedback and advice, which informed the design of the development. The original DA was submitted with a Bushfire Assessment Report that addressed the requirements of *Planning for Bush Fire Protection 2019* (PBP) for Special Fire Protection Purpose (SFPP) development. That report concluded that, subject to appropriate conditions and the implementation of recommended bushfire protection measures, the development would achieve a satisfactory level of protection against bushfire risk. General Terms of Approval issued by NSW RFS dated 08 April 2024.

The proposal constitutes a *Special Fire Protection Purpose (SFPP)* development under section 100B of the *Rural Fires Act 1997* and section 47 of the *Rural Fires Regulation 2022*, and therefore a Bush Fire Safety Authority (BFSA) from the NSW Rural Fire Service (RFS) is required prior to determination. A BFSA has been issued by NSW RFS, subject to conditions dated 8 April 2024.

The *Bushfire Assessment Report* (Supplementary Report, Ref. 230960, dated 6 May 2025) has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd. The assessment was completed by a BPAD Level 3 Accredited Practitioner in accordance with *Planning for Bush Fire Protection 2019* (PBP), and matches the updated, amended design.

Key outcomes of the assessment include:

- The development has been redesigned to reduce dwelling yield from 209 to 182 home sites, increasing side setbacks (56 m to the west and 60 m to the east) and enhancing the internal layout with an additional 1,412 m² of open space. These modifications materially improve bushfire protection outcomes.
- All home sites will achieve a minimum bushfire protection level of BAL-29 or lower, with sufficient Asset Protection Zones (APZs) provided in all directions. Conditions of consent will require construction standards in accordance with AS3959–2018 or the NASH standard as appropriate.
- Landscape treatments proposed in the updated Landscape Plans (*Terras Landscape Architects, 5 May 2025*) meet the requirements of Inner Protection Areas (IPAs) in accordance with Appendix 4 of PBP.
- Vehicle access for firefighting and emergency evacuation are confirmed as acceptable by NSW RFS through pre-DA advice. The 4 m-wide fire trail along the eastern boundary is accepted in lieu of a full perimeter road, due to the low-risk vegetation class and multiple formal access points from Wyndella Road and Penparc Drive.
- A compliant water supply and fire hydrant system will be designed in accordance with *AS2419.1–2021*, ensuring coverage to all dwellings within the manufactured home estate.
- The development will be supported by a Bushfire Emergency Management Plan (BEMP) to be finalised in the detailed design phase, in accordance with PBP Section 6.8.

The Bushfire Assessment concludes that the development, as amended, satisfies all relevant objectives and performance criteria under *Planning for Bush Fire Protection 2019* and the *Rural Fires Act 1997*. The proposal responds effectively to site-specific risk factors, and subject to compliance with the RFS conditions, is considered suitable for approval from a bushfire safety planning perspective.

2.2.6 Requirements Under Water Management Act 2000

The works will require dewatering of two earth dams within the site although the volume of water extracted will not require a de-watering management plan or permit under the Water Management Act, 2000. Although there are watercourses through the site, they are First Order watercourses lacking definition of a bank and therefore a Controlled Activity Approval for works within 40m of a watercourse is not required in accordance with Section 90 of the *Water Management Act, 2000*.

2.3 STATUTORY ASSESSMENT CONSIDERATIONS

Pursuant to Part 4 of the EP&A Act, section 4.15(1) identifies the matters that the Consent Authority must consider when determining a development application.

"4.15 Evaluation (cf previous s 79C)

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

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

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

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

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

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The Environmental Planning instruments that apply to the amended proposal are summarised below:

**Table 3** Section 4.15 Matters for Consideration

EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S4.15(1)(a)(i)	State Environmental Planning Policy (Resilience and Hazards) 2021	✓	Ch 4 – Remediation of Land See original SEE prepared by Catalyze Property Consulting Pty Ltd	
"	State Environmental Planning Policy (Biodiversity and Conservation) 2021	✓	Ch.3 - Koala Habitat protection A Biodiversity Development Assessment report accompanies the application. This chapter applies to land within the Maitland Local Government Area (LGA) that is zoned RU2 Rural Landscape, with an area greater than 1 hectare, and does not have an approved Koala Plan of Management in place for the land. See section 2.3.1	
"	State Environmental Planning Policy (Planning Systems) 2021	✓	Not regionally significant development	✓
"	State Environmental Planning Policy (Transport and Infrastructure) 2021	✓	Chapter 2 Infrastructure applies See Section 2.3.3	
"	State Environmental Planning Policy (Industry and Employment) 2021	✓	Not Applicable	✓
"	State Environmental Planning Policy (Housing) 2021	✓	Chapter 3, Part 8 Manufactured Home Estates applies	
"	Maitland Local Environmental Plan 2011	✓	See Section 2.3.7	
S4.15(1)(a)(ii)	Draft Maitland Local Environmental Plan 2011 (Amendment No.38)		See Section 2.3.7	
S4.15(1)(a)(iii)	Maitland Development Control Plan 2011	✓	See Section 2.3.8	

2.3.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

This This policy has been appropriately addressed through the Biodiversity Development Assessment Report (BDAR) prepared by East Coast Ecology, in accordance with the *Biodiversity Conservation Act 2016* and the *Biodiversity Assessment Method 2020* (BAM). The requirement for a BDAR was triggered under section 7.2(1)(b) of the Act because the proposed development involves the clearing of native vegetation exceeding the threshold of **3 hectares**, which applies to land in the RU2 Rural Landscape zone with a minimum lot size of **40 hectares** (as per Section 7.2 of the Act and Schedule 1 of the *Biodiversity Conservation Regulation 2017*). The BDAR confirms that the proposal will impact two native vegetation communities: PCT 3328 and PCT 4044, resulting in the requirement to retire six ecosystem credits. In addition, species credits are required for six threatened species based on habitat assessment and predictive modelling, even though no target species were detected during field surveys. These offset requirements will be fulfilled through the Biodiversity Offsets Scheme, ensuring compliance with Part 7 of the Act and the Biodiversity and Conservation SEPP.

Koala SEPP 2021 – Assessment of Koala Habitat

City of Maitland is listed in Schedule 2 of the SEPP (Biodiversity and Conservation) 2021, and therefore the provisions of the Koala Habitat Protection Chapter (Koala SEPP 2021) apply. As there is no adopted Comprehensive or Individual Koala Plan of





Management (CKPoM or IKPoM) for the Maitland LGA, the proposal is subject to assessment under Clauses 7–10 of the Koala SEPP 2021.

A detailed habitat assessment was undertaken as part of the BDAR and confirms the following:

- No koalas or signs of koala use (e.g., scats, scratches, or sightings) were observed during survey efforts.
- No records of koalas have been documented within 5km of the site in over 18 years.
- The site does not contain any koala use tree species as listed in Schedule 1 of the SEPP.
- The habitat is considered highly disturbed, previously cleared, and extensively modified through agricultural use.

As such, the land does not meet the definition of core koala habitat or potential koala habitat under the SEPP. Therefore, no Koala Assessment Report (KAR) is required and further assessment under the Koala SEPP 2021 is not triggered.

The BDAR demonstrates that the proposed development satisfies the requirements of the *Biodiversity and Conservation SEPP 2021*. There are no serious or irreversible impacts identified. Offsets will be secured in accordance with the BAM and Biodiversity Offset Scheme. Koala habitat assessment confirms the absence of core or potential habitat, and no additional requirements under the Koala SEPP 2021 are necessary. Accordingly, the proposal complies with the biodiversity provisions of the relevant SEPP and can be assessed on this basis.

2.3.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of SEPP (Transport and Infrastructure) 2021 applies to the DA.

Chapter 2 Infrastructure

Section 2.118 of SEPP (Transport and Infrastructure) 2021 does not apply to the proposed development. This section is specifically limited to works that are directly carried out on a classified road. In this case, the proposed road upgrade works are confined to Wyndella Road, which is a local public road, and do not involve any works on the New England Highway, a classified road under the Roads Act 1993.

The New England Highway remains unaffected by direct construction activity. There is no direct vehicular access proposed from the development to the classified road. Instead, site access is provided exclusively via Wyndella Road, which is to be upgraded as part of the development. The updated Traffic Impact Assessment (*JMT Consulting*, May 2025) confirms that the proposed traffic generation will not adversely affect the function, capacity, or safety of the classified road. All works have been designed in accordance with Austroads guidelines, Council's engineering requirements, and road safety standards, and do not trigger the provisions of Section 2.118.

Section 2.119 applies where development is proposed on land that has a frontage to a classified road. Although the subject site does not directly front a classified road, Wyndella Road, which is proposed to be upgraded under the development, adjoins the New England Highway, a classified road under the *Roads Act 1993*. As such, Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021* has been addressed in full below to demonstrate consistency with the objectives of this provision.

(a) Vehicular Access from a Road Other than the Classified Road

Vehicular access to the site is provided solely via Wyndella Road, a local public road. There is no direct access to the New England Highway, either existing or proposed, and the road upgrade works do not intersect with the classified road reserve. This design aligns with Section 2.119(2)(a) by ensuring that access is provided by a road other than the classified road, and is both practicable and safe as confirmed by the Traffic Impact Assessment (*JMT Consulting*, May 2025).

(b) Safety, Efficiency and Ongoing Operation of the Classified Road

The proposal will not adversely affect the function or safety of the New England Highway, as:



(i) The site entry (off Wyndella Road) is approximately 400m away from the New England Highway intersection. Upgrades to Wyndella Road include two 3.5m travel lanes, shoulders, a kerb on the eastern side of the road and a pedestrian footpath—all compliant with Council and Austroads standards.

(ii) The development does not include any process or activity likely to generate smoke or dust emissions that would impact the classified road. Construction-phase impacts will be mitigated by standard conditions and dust control measures.

(iii) The traffic volume generated by the development is modest due to its target demographic (over-50s), with daily trips estimated to be less than a comparable residential subdivision. Traffic modelling confirms that use of the New England Highway via the signalised Wyndella Road intersection will not impair its capacity, safety, or operational efficiency.

These findings are substantiated in the Traffic Impact Assessment and supported by the absence of objection from Transport for NSW regarding the development's impact on the state road network.

(c) Sensitivity to Traffic Noise or Emissions

The proposed development is not sensitive to traffic noise or vehicle emissions from the New England Highway, for the following reasons:

- All dwellings are significantly setback from the highway and separated by existing topography and intervening infrastructure (including Wyndella Road and vegetation buffers).
- A Noise Assessment by Spectrum Acoustics (April 2025) confirms that internal noise levels will be well within acceptable thresholds, and no additional mitigation measures are required.
- The proposal is aimed at residents aged 50 and above, who are expected to use private vehicles less intensively than general residential populations, further limiting traffic-related impacts within and beyond the site.

While the development site does not directly front a classified road, the proximity of the Wyndella Road upgrade to the New England Highway has prompted a conservative and detailed assessment against Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021*. The proposal clearly demonstrates compliance with all subsections, and therefore satisfies the intent and technical requirements of this provision. It ensures safe, efficient access, avoids adverse traffic or environmental impacts, and maintains the operational integrity of the classified road network.

The proposed development is not a traffic-generating development for the purposes of Section 2.120 of *SEPP (Transport and Infrastructure) 2021* and Schedule 3 of the *Traffic Impact Assessment Guidelines*, as:

- The peak hour vehicle generation is estimated at 109 vehicles per hour at full occupation.
- This is well below the 200 vehicles per hour threshold applicable to residential developments under Schedule 3, which applies to general developments (including manufactured home estates) with a peak generation of 200 vehicles per hour or more.

Accordingly, Section 2.120 does not apply, and referral to Transport for NSW under this provision is not required.

Nevertheless, a detailed Traffic Impact Assessment (TIA) prepared by *JMT Consulting* (May 2025) has been submitted in support of the application.

Key findings of the TIA include:

- The Wyndella Road / New England Highway intersection will continue to operate at acceptable levels of service, even when considering cumulative growth associated with the Lochinvar Urban Release Area.

- The proposed intersection upgrades and road widening works to Wyndella Road, delivered by the applicant, will enhance traffic safety, performance, and pedestrian access.
- The development does not involve any direct access to the New England Highway, and all vehicular movements will be managed via Wyndella Road.

While the development does not trigger the application of Section 2.120, its traffic impacts have been thoroughly considered and assessed. The development complies with all relevant traffic safety and capacity requirements, and no further referral or mitigation measures are required under this section.

The updated TIA improves upon the previously submitted Traffic Impact Assessment (TIA) by further addressing the scope of the amended development, confirming the adequacy of the proposed infrastructure improvements, and supporting the development's contribution in terms of road safety and network efficiency.

2.3.3 State Environmental Planning Policy (Housing) 2021

The proposed development is subject to the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), specifically Chapter 3, Part 8, which governs development for the purposes of Manufactured Home Estates (MHEs).

Chapter 3 Part 8 Manufactured Home Estates

Section 118 of Part 8 of the Housing SEPP outlines the aims, which is to facilitate the establishment of MHEs as a contemporary form of medium-density housing that provides an alternative to traditional housing arrangements in NSW and encourages the provision of affordable housing in well-designed estates.

This Part also aims to ensure that MHEs are situated in suitable locations, and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and that they are adequately serviced and have access to essential community facilities and services. The proposal is consistent with these aims, being located within close proximity to Lochinvar and Rutherford centres, on land that is suitable for development and that can be easily serviced. The proposal also includes significant community facilities and landscaped open areas that its residents, and their visitors, can enjoy while also delivering key road and pedestrian infrastructure that will also benefit adjoining landowners and the wider community.

Section 119 confirms that Part 8 applies where development for MHEs is permissible with consent.

DA/2024/116 was lodged 20 February 2024. At the lodgement date, caravan parks were permitted with consent in Zone RU2 Rural Landscape. Section 122 of the Housing SEPP effective at the date of lodgement stated MHEs can be carried out under the SEPP on any land on which caravan parks may be carried out (with exceptions that did not apply to the site). Therefore at the date of lodgement MHEs were permitted with consent.

Between 5 June and 18 July 2024, Maitland Local Environmental Plan 2011 (Amendment 38) was publicly exhibited. Amongst the exhibited LEP amendments was a proposal to prohibit caravan parks from Zone RU2.

However, Section 1.8A of the Maitland LEP 2011 (Amendment No 38) includes a Savings Provision that ensures the amendments to the LEP do not apply to development applications that were made but not finally determined before the commencement of the amendments. Specifically, Section 1.8A(2) states:

"The amendments made to this plan by Maitland Local Environmental Plan 2011 (Amendment No 38) do not apply to development applications made but not finally determined before the commencement of those amendments."

Amendment 38 was made and commenced 28 March 2025. At the date of writing this SSEE, applications for new MHEs where the savings provision does not apply, would be prohibited in Zone RU2.

Section 123 of the Housing SEPP requires a Council must not consent to a MHE unless it imposes a condition requiring an approval to operate a MHE on the land issued under Part 1 of Chapter 7 of the [Local Government Act 1993](#). An approval to operate must



demonstrate compliance with the *Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (see Section 2.3.5).

In accordance with Section 124(2), the development does not seek subdivision of the land. Each manufactured home will be installed on an individual home site managed in accordance with the Residential (Land Lease) Communities Act 2013

Section 125(1)(a) of State Environmental Planning Policy (Housing) 2021 requires the consent authority to be satisfied that each site on which a manufactured home is or will be installed is adequately provided with reticulated water, a reticulated sewerage system, drainage, and electricity.

This requirement is met in full:

- Reticulated water and sewerage services are confirmed as available to the site and capable of accommodating the proposed development, as outlined in the Water and Sewer Servicing Strategy prepared by WDG Group (2 May 2025).
- Electrical servicing will be provided via connections to the existing Ausgrid network as confirmed in the Servicing Strategy by WDG Group (2 May 2025).
- Drainage will be managed through a site-wide stormwater system shown in the engineering and civil plans (*Wallace Infrastructure Design*, May 2025). Surface runoff will be collected and conveyed via internal swales and pipe systems to on-site detention basins, before being lawfully discharged to Wyndella Road, which constitutes a legal point of discharge in accordance with Council's requirements.

Accordingly, the consent authority can be satisfied that all essential services will be appropriately provided, and that Section 125(1)(a) is complied with in full.

The proposed development satisfies the requirement under Section 125(1)(b) of the Housing SEPP 2021, which requires that MHEs be provided with adequate transport services. The Traffic Impact Assessment prepared by *JMT Consulting* confirms that Wyndella Road, as upgraded, will function as a primary distributor road connecting to the New England Highway, a major arterial route. Public bus services currently operate along the New England Highway, with stops located approximately 400 metres from the subject site. A 1.5m wide footpath will be constructed in Wyndella Road prior to the first Occupation Certificate to connect the site to the existing bus stops.

In addition, the development proposes the provision of a dedicated private shuttle bus for resident use for daily outings. The operator will also facilitate two weekly shopping trips as detailed in the Plan of Management, further supporting transport and accessibility.

Internal roads and footpaths have been designed to support walkability and vehicle movement, including access for emergency services and waste servicing vehicles, in accordance with Council requirements and Austroads standards. As shown on Architectural Plan 4.10, internal road grades have been specifically designed to be walkable throughout the site, ensuring accessibility for residents of all mobility levels, consistent with the ageing-in-place model of the proposed land lease community.

The combined provision of upgraded external road infrastructure, proximity to existing public transport services, and dedicated private transport services (including a resident shuttle bus) ensures that the development is appropriately serviced for all transport and access purposes.

Pursuant to Section 125(1)(c) of the Housing SEPP, the consent authority must be satisfied that sufficient community facilities and services are, or will be, available and reasonably accessible to future residents of the manufactured home estate.

The proposal satisfies this requirement by delivering a comprehensive suite of on-site amenities, including a community clubhouse (with gym, cinema, games room, art and craft room and dining areas), outdoor recreational facilities (pickleball courts, bowling greens, swimming pool, yoga lawn, and men's shed/workshop), as well as a community garden and walking paths to promote active ageing and social engagement. The Community Catchment Analysis & Project Review prepared by *Think*





Economics includes a comparison of the facilities provided in the proposal with two best-in-class land lease communities. The analysis concludes that the proposed facilities at the subject site are consistent with and in some cases exceed what is being delivered at these highly regarded projects. As a result, the proposed facility provision and designs are appropriate for a land lease community of this size.

The site has access to an extensive range of community facilities and services is available in Lochinvar, Rutherford, Maitland and East Maitland.

A detailed list of some of the facilities within a 6km radius of the site includes:

Lochinvar

- Lochinvar Medical Centre, Lochinvar Takeaway, Lochinvar Hotel-Motel, Airds of Lochinvar, Ted Coffey Field, Cecily Reserve Park and the DA approved Lochinvar Shopping Village which is anchored by Woolworths and is anticipated to include a medical centre, pharmacy, tavern and other specialty retailers (construction is scheduled to commence in mid-2025).
- Development applications for another 2 medical centres in Lochinvar have also been lodged.

Rutherford Homemaker Centre & surrounding retail and service outlets

- Harvey Norman Maitland, Spotlight, Domayne, Boating Camping Fishing (BCF), Forty Winks, Snooze, Dartagnan's Café, Peachy Greengrocer, Shipley Meats (butchery), Supercheap Auto, Fantastic Furniture, Repco Auto Parts, Barbeques Galore, Oz Design Furniture, Dullboys Social Co. (indoor sports, dining and entertainment), Autobarn, Officeworks, The Bradford Hotel, Hunter Gateway Motel, BP Service Station, Wild Bean Café, McDonalds, BWS, 24/7 Car Wash, Oporto, Ampol Foodary, 7-Eleven, Guzman y Gomez and Rutherford Tennis Club.

Rutherford Shopping Centre & Rutherford Marketplace

- Woolworths, Coles and ALDI supermarkets and multiple other food outlets (e.g. Bakers Delight); banking services (Greater Bank; Mutual Bank); Rutherford Post Office and various personal services outlets including Anytime Fitness (gym) and several hairdressers, barbers and nail salons. There are also 4 medical centres, 2 pharmacies, 3 pathology collection centres, optometrist, podiatrist and physiotherapist.
- Rutherford Library, Rutherford Community Centre and Club Maitland City are also in the immediate surrounds of the combined shopping centres.

In addition to these local and on-site provisions, the Social Impact Assessment (SIA) and this Statement confirms the availability of a wide range of essential services in the surrounding locality. These encompass:

- Medical services: General practices and allied health services located in Lochinvar and Rutherford.
- Retail and commercial services: Supermarkets, banking facilities, post offices, and specialty shops in Rutherford, approximately 6 km from the site.
- Community and cultural services: Libraries, places of worship, senior centres, and civic facilities accessible within the wider Maitland local government area.
- Public transport: Nearby bus stops on the New England Highway provide regular connections to Maitland, Singleton, and Green Hills Shopping Centre, further supporting access to essential services.

Collectively, the on-site amenities and local service environment demonstrate that residents of the proposed development will have reasonable and sufficient access to community facilities and services, satisfying the objectives of Section 125(1)(c).





The proposal also satisfies Section 125(1)(d), as it has been demonstrated through specialist studies that the development will not have an adverse impact on any conservation area, heritage item, waterway, or land identified as having special landscape, scenic or ecological qualities under any relevant environmental planning instrument.

In accordance with Section 125(2), the cumulative impacts of the development and other MHEs in the locality have been considered. A separate MHE was previously proposed at 10 River Road, Windella (DA/2023/1133) by a separate applicant, however this proposal has since been withdrawn. As a result, there are no existing or planned MHEs in the immediate vicinity that would give rise to cumulative impacts.

No relevant guidelines issued by the Director apply to the assessment of this application, satisfying Section 125(2)(b). Further, the transitional regulation referenced in Section 125(2)(c) - the Local Government (Manufactured Home Estates) Transitional Regulation 1993 - is not relevant to the assessment of this application, as it relates to a repealed framework preceding the current Housing SEPP.

Accordingly, the proposal satisfies the requirements of Chapter 3, Part 8 of the Housing SEPP. The development appropriately addresses all matters for consideration under Section 125 and represents a compliant and suitable form of development for the subject land.

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

As mentioned above, Section 123 to the Housing SEPP requires a license to operate as a condition of consent. A license to operate must demonstrate compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and therefore this Regulation applies to the proposed development. This Regulation lists requirements for the planning, design and management of MHEs in New South Wales. The Regulation includes detailed provisions relating to site layout, infrastructure, dwelling standards, community amenities, access, safety and ongoing management.

The original Statement of Environmental Effects (SEE), prepared by *Catalyze Property Consulting Pty Ltd* and submitted with Development Application DA/2024/116, addressed the relevant provisions of the Regulation. This included confirmation that the proposal satisfies requirements for minimum site areas, provision of services (including water, sewerage, electricity and drainage), road widths, setbacks, dwelling construction and installation, and on-site facilities and open space.

A supplementary compliance assessment is included in Annexure A of this SSEE. The compliance table in Annexure A sets out how the amended proposal continues to meet, or exceed, the applicable standards and requirements under the Regulation. This provides additional assurance that the development is designed and will be delivered in accordance with all relevant regulatory provisions governing MHEs and will comply with the condition of consent required by Section 123 of the Housing SEPP.

2.3.5 Maitland Local Environmental Plan 2011 (MLEP 2011)

Section 2.3 Zone Objectives & Land Use Table under the Maitland Local Environmental Plan 2011 (prior to Amendment No 38)

The objectives for development in Zone RU2 at the date of lodgement of DA/2024/0116 (being 9/2/2024) and the current objectives are the same and state as follows:

Zone RU2 Rural Landscape

1. Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*



The land use table for Zone RU2 in the current version of MLEP 2011 as follows:

2. Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3. Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems.

4. Prohibited

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3.

Permitted Uses and Transition Provisions under the Maitland Local Environmental Plan 2011 (Amendment No 38)

At the date of lodgement of Development Application No. DA/2024/116 (DA) on 20 February 2024, the permitted uses under the Maitland Local Environmental Plan (LEP) included "Caravan Parks" as a permissible use within the RU2 Rural Landscape zone. Since the submission of the DA, Maitland Local Environmental Plan 2011 (Amendment No 38) has been published on 28 March 2025, which has resulted in the removal of "Caravan Parks" as a permitted use in Zone RU2, as reflected in the updated Land Use Table above.

However, Section 1.8A of the Maitland LEP 2011 (Amendment No 38) includes a savings provision that ensures the amendments to the LEP do not apply to development applications that were made but not finally determined before the commencement of the amendments. Specifically, Section 1.8A(2) states:

"The amendments made to this plan by Maitland Local Environmental Plan 2011 (Amendment No 38) do not apply to development applications made but not finally determined before the commencement of those amendments."

As a result, despite the amendment to the LEP, Development Application No. DA/2024/116 remains subject to the version of the LEP that was in force at the time the application was lodged, which included "Caravan Parks" as a permitted use within Zone RU2.

Comprehensive Maitland LEP 2011 assessment is provided in the original Statement of Environmental Effects (SEE) prepared by Catalyze Property Consulting Pty Ltd.

2.3.6 Maitland Development Control Plan 2011 (MDCP 2011)

In accordance with section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the consent authority must consider any relevant Development Control Plans (DCPs) when assessing a development application. The Maitland Development Control Plan (DCP) 2011 is applicable to the proposed Manufactured Home Estate (MHE) development.

However, the design and layout of Manufactured Home Estates (MHEs) are primarily governed by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, which prescribes specific design standards and operational requirements. The *Maitland Development Control Plan (DCP) 2011* does not contain specific built form or layout controls for MHEs, with the exception of general provisions relating to advertising, notification, and procedural matters. Notification of the application has been undertaken in accordance with the DCP. Additionally, the DCP



requires the submission of an Access Report for MHEs, and this has been addressed through the Access Compliance Report submitted with the amended application..

Comprehensive Maitland DCP 2011 assessment is provided in the original Statement of Environmental Effects (SEE) prepared by *Catalyze Property Consulting Pty Ltd*.

2.3.7 Maitland – Affordable and Adaptable Housing Plan (AAHAP)

Refer to the original Statement of Environmental Effects (SEE) prepared by *Catalyze Property Consulting Pty Ltd*.

2.3.8 Maitland Rural Land Strategy 2041 (RLS) and Strategic Context

The subject site is zoned RU2 Rural Landscape, and at the time of lodgement of DA/2024/116, 'caravan parks' were a permitted land use within the RU2 zone. This permissibility formed the basis for the application. While Amendment No. 38 to the Maitland Local Environmental Plan 2011 has since removed 'caravan parks' as a permitted use in the RU2 zone, Section 1.8A of the LEP provides that such amendments do not apply to development applications made but not yet finally determined at the time the amendment commenced. Accordingly, the proposed manufactured home estate remains a permissible use of the land.

The Maitland Rural Land Strategy 2041 (RLS), adopted by Maitland City Council on 27 June 2023, outlines strategic directions for rural land use within the Local Government Area. Action 3.3 of the RLS recommends amending the Maitland Local Environmental Plan 2011 to prohibit 'Caravan Parks' within the RU2 zone, aiming to prevent potential land use conflicts and preserve agricultural land. This action is detailed in the Planning Proposal for RLS and LHS Implementation (May 2024), which states:

"Remove 'Caravan parks' from 'Permitted with consent' within RU2 Rural Landscape zone."

The RLS is a strategic planning document and does not constitute an Environmental Planning Instrument (EPI). Therefore, its recommendations do not prevail over the relevant provisions of the Housing SEPP or the applicable Maitland LEP 2011 as set out above.

With that said, the proposal is still consistent with the strategic objectives of Action 3.3 in the RLS which are:

- To protect valuable agricultural land, and
- To prevent land use conflict between rural and urban uses.

The proposed development is consistent with both objectives as the site is not considered valuable agricultural land and it is adjoining the Lochinvar Urban Release Area. The site is also earmarked for future development as it sits within the Lochinvar Fringe Investigation Area (IA-7) in the Maitland Local Housing Strategy 2041 and the Anambah to Branxton Regionally Significant Growth Area in the Hunter Regional Plan 2041. To minimise any potential short term land use conflicts, the proposal provides significant landscape buffers to all boundaries, including a 60m buffer to Windella Estate.

The Lochinvar Structure Plan also recognises this area as a key location for urban expansion, stating:

"Lochinvar has been identified in the Regional Strategy as a key land resource, being one of the largest remaining sites that has relatively few and manageable development constraints."

The proposal also aligns with Planning Principal 2 in the Maitland Local Housing Strategy 2041 (LHS) which aims to provide greater housing choice by encouraging a range of different housing types, sizes and tenures in appropriate locations. The LHS makes the following observations regarding the current demographics and housing mix in Maitland.

"The demographic profile of the city is forecast to change significantly over the next 20 years, reflecting ageing in place and the lifestyle choice of our residents. This means the single detached dwellings with three or four bedroom that traditionally dominate our suburbs may not meet everyone's needs and will create a demand for a greater mix of





smaller dwellings to suit their changing needs. Increasing housing choice means our residents will have access to the right type of dwelling when they need it."

The LHS identifies that there is a significant shortage of smaller housing options for downsizers which is one of the fastest growing demographics in the region. The proposed over 50s land lease community directly addresses this problem by providing a high quality and affordable downsizing solution that is not currently available in the region.

The site benefits from direct access via Wyndella Road, which has been identified for upgrade to a primary distributor road standard. The intersection of Wyndella Road and the New England Highway has capacity to accommodate the development, and a comprehensive Servicing Strategy Report accompanied Development Application DA/2024/116, detailing the site's integration with existing infrastructure. This report is subsequently supported by Preliminary Servicing Advice supplied by Hunter Water (26 February 2024) which confirms that there is sufficient capacity in the local water supply network and wastewater network to service the proposed development. A separate development application (DA/2023/415) for a 258-lot residential subdivision on the western side of Wyndella Road further supports the transition of the locality towards urban residential use.

The Engineering Package by *Wallace Design Group* references the preliminary servicing advice provided and provides a Water and Sewer Servicing Strategy for the proposal.

To support the strategic justification for the proposed MHE, *Think Economics* was commissioned to prepare a Community Catchment Analysis & Project Review which is included with this proposal. The assessment confirms the development is aligned with the needs of the region, particularly in relation to housing for people aged 50 years and over.

The Land Lease Community (LLC) model offers secure and affordable housing by enabling residents to own their home and lease the underlying land. This approach provides affordability advantages including no stamp duty, no exit fees, and access to Commonwealth Rental Assistance. The model attracts retirees and downsizers seeking a lower cost, lower maintenance lifestyle with access to onsite amenities.

The site is located in a region experiencing rapid growth, with the catchment population projected to increase by 34,000 by 2039. Within this, the over-50 population is expected to grow by around 13,000. The assessment also found a significant undersupply of downsizing options, with 62% of over-50s in the area currently living in homes with two or more spare bedrooms. No similar residential land lease developments currently exist within 10km radius of the site.

The proposed MHE directly responds to the identified and emerging housing needs of the community as identified in the SIA, delivering appropriately scaled dwellings with lifestyle amenities, including a clubhouse, recreational facilities and landscaped open space. The development will offer dwellings at prices approximately 30% below the local median house value, significantly increasing housing affordability and choice for the target demographic.

The provision of high-quality community infrastructure and amenity, along with the development's compatibility with the evolving character of the Lochinvar area, ensures that the proposal is not only strategically justified, but will also contribute positively to the social and economic fabric of the Maitland LGA.

2.3.9 Hunter Regional Plan 2041 (HRP)

The *Hunter Regional Plan 2041* (HRP) sets the strategic direction for land use, housing, infrastructure, and environmental management across the Hunter region. The proposed development aligns with the HRP's overarching goals to accommodate population growth, support housing diversity, and enable the delivery of infrastructure and services in a coordinated and sustainable manner.

The subject site is located within the Anambah to Branxton Regionally Significant Growth Area, as identified in the HRP. This designation reflects the site's strategic importance in accommodating future residential development and improving housing supply in areas well-positioned to benefit from planned infrastructure. The site's proximity to the Lochinvar Urban Release Area and associated infrastructure upgrades ensures compatibility with the HRP's emphasis on compact, well-serviced growth.



The proposal directly supports several key objectives of the HRP, including:

- Delivering diverse and affordable housing suited to the changing demographics of the Hunter;
- Locating development near existing and planned infrastructure to reduce pressure on regional networks and promote sustainability;
- Supporting a connected and resilient regional settlement pattern that enables access to jobs, services, and social infrastructure.

The development is underpinned by supporting infrastructure, including road upgrades and footpath connections, and provides a range of on-site community facilities that contribute to regional liveability. Additionally, the proposal demonstrates consistency with the HRP's environmental priorities. A Biodiversity Development Assessment Report (BDAR) has been prepared by *East Coast Ecology*, confirming that ecological impacts are limited and manageable, and that required biodiversity offsets will be secured through the Biodiversity Offset Scheme.

In this context, the proposal achieves a strong alignment with the strategic outcomes and planning principles set out in the *Hunter Regional Plan 2041*, including responsible land use, environmental management, and provision of sustainable housing to meet regional demand.

Furthermore, in response to the applicants request for further and better particulars (29 August 2024), Council indicated that the Anambah to Branxton Regionally Significant Growth Area is undergoing a concept planning exercise to identify future land uses and that the adjoining sites to the south of the proposed site will be identified as either medium density residential or employment precinct. On this basis, the development directly aligns with the strategic objectives of the area.

2.3.10 Greater Newcastle Metropolitan Plan 2036 (GNMP)

The Greater Newcastle Metropolitan Plan 2036 (GNMP) outlines strategies for managing urban growth within the Newcastle metropolitan area and its surrounds. The plan focuses on enhancing the region's liveability, sustainability, and economic opportunities while also ensuring growth occurs in a way that supports infrastructure, housing, and employment needs. The proposal aligns with several key objectives outlined in the GNMP, particularly in relation to housing supply, community services, and environmental management.

The proposed development is located within the Newcastle region and seeks to provide much-needed housing in an area that is already connected to existing infrastructure. The GNMP advocates for development within identified growth corridors and encourages the efficient use of land near major transport routes and services. The site's location near the New England Highway ensures easy access to employment, retail, and community facilities, making it a suitable site for this type of residential development.

Additionally, the GNMP promotes the creation of vibrant communities by supporting developments that provide diverse housing types and community-focused facilities. This development proposal includes generous communal spaces, such as a clubhouse, sports courts, and wellness facilities, which will enhance the social wellbeing of future residents. These amenities align with the GNMP's objective to create sustainable communities where residents can easily access services and enjoy a high quality of life.

In terms of environmental considerations, the GNMP outlines the importance of maintaining ecological corridors and protecting natural resources. The development proposal incorporates strategies to mitigate potential environmental impacts, including the management of vegetation and new landscaping compatible with the bushfire risk and aesthetic values of the site as part of a future urban release area, the offsetting of vegetation loss and the protection of biodiversity through the recommended biodiversity offset measures outlined in the BDAR.



3. Response to Contentions

This section of the Supplementary Statement of Environmental Effects addresses the Contentions in these Proceedings.

3.1 CONTENTION 1 – PERMISSIBILITY

The Proposal is not properly characterised as a Manufactured Housing Estate (MHE) development pursuant to SEPP (Housing) 2021 and accordingly is prohibited.

Particulars

(a) The Proposal relies upon clause 122 of the SEPP (Housing 2021).

*(i) Manufactured home is defined for the purposes of the clause as: **manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—*

(a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and

(b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

(ii) Manufactured home estate is defined for the purposes of the clause as: land on which manufactured homes are, or are to be, erected.

(iii) The proposed use is not for a Manufactured Home Estate as it contemplates the construction or assembly of dwellings entirely on the Site, which homes are therefore not manufactured homes as defined.

(b) Clause 41 of the MHE Reg provides that a manufactured home must not be installed on a dwelling site unless:

- each major section of the manufactured home is constructed and assembled at a place of manufacture outside of the MHE, and;*
- transported to the MHE from the place.*

(c) Even were exemption to Clause 41 of the MHE Reg to be given, such dwellings would not be within the meaning of a manufactured home under the Housing SEPP.

PLANNING COMMENTS

The proposal is correctly characterised as a Manufactured Home Estate (MHE) under the *State Environmental Planning Policy (Housing) 2021* (“Housing SEPP”) and satisfies the definition and intent of Section 122 of the SEPP. The proposed development is therefore permissible.

In response to the specific matters raised:



3.1.1 Section 122 – Definition of Manufactured Home and MHE

The proposal is appropriately classified as a Manufactured Home Estate under the Housing SEPP. Each dwelling within the estate is proposed to be a **manufactured home** as defined under Section 122(1) of the Housing SEPP, which expressly requires that a manufactured home:

- Is a self-contained dwelling (including a kitchen, bathroom, bedroom, living area, toilet and laundry),
- Is comprised of one or more major sections constructed and assembled offsite, and
- Is not capable of being registered under the *Road Transport Act 2013* (formerly *Traffic Act 1909*).

The applicant **does not** seek approval to construct dwellings onsite. The architectural plans submitted with the development application provide indicative layouts and footprints only. These are intended to demonstrate that the proposed home sites can accommodate standard manufactured home models in accordance with relevant development standards, including setbacks and site coverage.

All homes are proposed to be manufactured and assembled off-site, consistent with the definition under Section 122(1) and in accordance with Section 41 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* ("MHE Regulation").

The applicant confirms that the construction and delivery method will comply with the MHE Regulation and is willing to accept a condition of consent to this effect, if required. This would ensure compliance with both Section 122 of the SEPP and Section 41 of the Regulation.

3.1.2 Section 41 – Construction and Transport Requirements

Section 41 of the MHE Regulation provides that a manufactured home must not be installed unless:

- Each major section is constructed and assembled outside the MHE, and
- Transported to the MHE for installation.

As outlined above, the proposal fully complies with this requirement. There is no intention to construct dwellings entirely and only on the subject land. The architectural package illustrates only the standardised home designs and indicative layouts for planning purposes. Final dwellings and dwelling sections will be delivered to site for assembly in accordance with Section 41.

3.1.3 Clarification Regarding Exemptions

No exemption to Section 41 is sought. Accordingly, the argument that an exemption would fall outside the meaning of a manufactured home under the SEPP is not relevant to this proposal.

In conclusion, the proposed development meets the definition of a Manufactured Home Estate under Section 122 of the Housing SEPP. The proposal does not involve on-site construction of dwellings. The application seeks approval for the estate layout and associated engineering works only, with all homes to be installed in compliance with the MHE Regulation. The proposal is therefore permissible, and the contention should be dismissed.

3.2 CONTENTION 2 – DESIRED FUTURE CHARACTER

The DA should be refused as it contravenes a proposed instrument (MLEP) which seeks to prohibit caravan parks in the RU2 – Rural Landscape zone. Section 4.15 (1)(a)(ii) of the EP&A Act requires the consent authority to take into consideration any



proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.

Particulars

(a) On 27 June 2023, Council adopted the *Maitland Rural Land Strategy 2041 (RLS)* and *Local Housing Strategy 2041 (LHS)*. Action 3.3 of the RLS recommends Council prohibit the development of manufactured home estates (MHEs) on rural land by prohibiting caravan parks in the RU2 Rural Landscape zone.

b) Council pursued a Planning Proposal to omit 'caravan parks' use from the list of permitted uses within RU2 zone. The Planning Proposal was reported to Council on 28 November 2023, and gateway determination issued by the Department of Planning, Housing and Infrastructure on 9 May 2024.

c) The Planning Proposal to omit 'caravan parks' use from the list of permitted uses within RU2 zone is currently on public exhibition, ending 17 July 2024.

d) The proposed development is considered contrary to Council's current policy position outlined in the RLS regarding locations of MHEs.

e) The proposed development is considered fundamentally inconsistent with the objectives of the RU2 Rural Landscape zone, and the draft MLEP currently on public exhibition.

f) While the planning proposal is yet certain and imminent, it is expected to be by the hearing of this matter and should accordingly be given significant weight notwithstanding the proposed transitional provisions applicable to it.

PLANNING COMMENT

3.2.1 Council's Adoption of the Maitland Rural Land Strategy and Local Housing Strategy

On 27 June 2023, Council adopted the *Maitland Rural Land Strategy 2041 (RLS)* and *Local Housing Strategy 2041 (LHS)*. Action 3.3 of the RLS recommends prohibiting the development of Manufactured Home Estates (MHEs) on rural land by removing "caravan parks" as a permissible use in the RU2 zone.

The RLS and LHS are strategic policy documents. While they inform future planning decisions, they are not environmental planning instruments (EPis) and do prevail over zoning or land use permissibility under the *Maitland LEP 2011*.

Under Section 2.3 and the Land Use Table of the version of *MLEP 2011* at the date of lodgement of DA2024/116 being 20 February 2024, caravan parks were a permissible use in the RU2 Rural Landscape zone. Pursuant to Section 122 of the *SEPP (Housing) 2021*, MHEs are permissible on land where caravan parks are permitted, provided they comply with other relevant provisions of the SEPP.

Strategic policy intent under the RLS does not alter the current legal permissibility of the proposal. The proposed development remains permissible under the *MLEP 2011* and the *SEPP (Housing) 2021*.

3.2.2 Council's Planning Proposal and Gateway Determination

Council prepared a Planning Proposal to amend the *Maitland Local Environmental Plan 2011* to prohibit caravan parks in the RU2 zone. The Planning Proposal was reported to Council on 28 November 2023 and received a Gateway Determination on 9 May 2024.

At the time of lodgement of Development Application DA/2024/116 on 20 February 2024, "Caravan Parks" were a permitted use in the RU2 Rural Landscape zone under the Land Use Table of the *MLEP 2011*.



Subsequently, Maitland Local Environmental Plan 2011 (Amendment No. 38) was publicly exhibited from 5 June to 18 July, 2024.

MLEP (Amendment No.38) included a Savings Provision Section 1.8A which states as follows:

"The amendments made to this plan by Maitland Local Environmental Plan 2011 (Amendment No 38) do not apply to development applications made but not finally determined before the commencement of those amendments."

MLEP (Amendment No.38) was published and effective from 28 March 2025, removing "Caravan Parks" as a permitted use in the RU2 zone.

As a result, the version of the MLEP 2011 in effect at the time of lodgement applies to DA/2024/116 and, under provisions whereby "Caravan Parks" are a permissible land use in the RU2 zone.

The proposed development remains permissible and must be assessed in accordance with the zoning provisions applicable at the time the DA was lodged. The introduction of Amendment No. 38 does not affect the legal permissibility of the application due to the operation of the savings provision in Section 1.8A.

3.2.3 Public Exhibition and Legal Effect of Savings Provision

Since the time of lodgement of the subject Development Application (DA/2024/116) on 20 February 2024, *Maitland Local Environmental Plan 2011 (Amendment No 38)* has been enacted, removing "caravan parks" as a permissible use in the RU2 Rural Landscape zone. However, Section 1.8A of Amendment No. 38 includes a savings provision that explicitly preserves the assessment of development applications that were lodged prior to the amendment taking effect.

Section 1.8 of the current version of MLEP 2011 states as follows (our underline added):

"1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

NOTE: However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

(2) The amendments made to this plan by Maitland Local Environmental Plan 2011 (Amendment No 38) do not apply to development applications made but not finally determined before the commencement of those amendments.."

Accordingly, the development application must be assessed under the Maitland Local Environmental Plan 2011 (MLEP 2011) as it stood at the time of lodgement on 20 February 2024, in which "Caravan Parks" were a permitted land use in the RU2 Rural Landscape zone pursuant to Section 2.3 and the associated Land Use Table.

While Amendment No. 38 to MLEP 2011 has since been gazetted and removes "Caravan Parks" as a permitted use in the RU2 zone, it is expressly excluded from applying to this application under the savings provision at Section 1.8A of the amendment.

The intent and legal effect of this section are unambiguous: Amendment No. 38 does not apply to DA/2024/116. Consequently, there is no need to treat the amendment as a draft instrument under s.4.15(1)(a)(ii) of the Environmental

Planning and Assessment Act 1979, nor to attribute it weight in the assessment process. The savings provision does not preserve the amendment in draft form but excludes it altogether from applying to undetermined applications lodged prior to its commencement.

This approach is consistent with the Planning Proposal documentation (Version 3.0, May 2024, p.10) which clearly stated the intent to include a savings provision for development applications lodged but not yet determined. Therefore, DA/2024/116 remains legally permissible under the zoning provisions in force at the time of lodgement, and the current LEP amendment has no application to its assessment.

3.2.4 Strategic Consistency with the Rural Land Strategy (RLS)

While Action 3.3 of the RLS recommends the amendment of the *Maitland LEP 2011* to prohibit MHEs by removing “Caravan Parks” from the list of permitted uses in the RU2 zone, the RLS is not an Environmental Planning Instrument (EPI) under the *Environmental Planning and Assessment Act 1979* and therefore cannot override the statutory permissibility of the proposed development at the time of lodgement.

The recommendation made in Action 3.3 has since been implemented through Amendment No 38 to the MLEP 2011, which has removed “Caravan Parks” from the RU2 zone. However, Section 1.8A of the amended MLEP 2011 includes a savings provision that ensures:

“The amendments made to this Plan by Maitland Local Environmental Plan 2011 (Amendment No 38) do not apply to development applications made but not finally determined before the commencement of those amendments.”

This means Development Application DA/2024/116, lodged on 20 February 2024, remains subject to the LEP as it stood at the time of submission, where “Caravan Parks” were expressly permitted in the RU2 zone under Section 2.3 and the Land Use Table.

Importantly, the strategic objectives of Action 3.3 are:

1. To protect valuable agricultural land, and
2. To prevent land use conflict between rural and urban uses.

The proposed development is consistent with these objectives for the following reasons:

- The subject site and adjoining RU2-zoned lands have not been used for meaningful agricultural purposes for many years and do not contain high-value agricultural land.
- The land lies within the Lochinvar Fringe Investigation Area (IA-7) as identified in the *Maitland Local Housing Strategy 2041* (LHS), which contemplates the land’s suitability for future residential development.
- The land lies within the Anambah to Branxton Regional Significant Growth Area in the *Hunter Regional Plan 2041*. Furthermore, Council’s response to the applicant’s Request for Further & Better Particulars (29 August 2024) identified that:

“Following an Enquiry By Design workshop, held 29 - 31 July 2024, the 27 hectare precinct bound by Wyndella Road to the west, the New England Highway to the South, and Wyndella Estate to the east, will be identified either as an employment precinct or medium density residential.”

- The site is adjacent to the Lochinvar Urban Release Area, and is readily capable of being serviced by existing and planned infrastructure networks (see submitted Servicing Strategy and Social Impact Assessment).

- Extensive landscape buffers and generous setbacks—including a 60m setback to Windella Estate on the eastern boundary and a 54m setback to the western boundary—ensure compatibility with adjoining rural residential properties and mitigate any visual or functional land use conflicts.
- All landscape buffers on the site will be planted in Stage 1 to allow the plants to mature. 75L pots are proposed to the first 420m of the southern buffer to provide immediate screening of Stage 1 from the New England Highway. The initial stages of development will not be visible from Windella Estate due to the crest in the site, allowing the eastern buffer to mature.

Although the RLS recommended the prohibition of MHEs in RU2 zones, the development is legally permissible under the version of MLEP 2011 at the date of lodgement and is consistent with the strategic intent of both the RLS and LHS. The site does not compromise significant agricultural land and has been strategically identified for transition to residential uses, supported by landscape buffers and planning controls that mitigate any potential land use conflict.

3.2.5 Zone Objectives of RU2 Rural Landscape Zone

The current objectives for development in Zone RU2 in *MLEP 2011* are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised."*

The proposal is consistent with these objectives for the following reasons:

1. The subject site and immediately adjoining RU2 land have not been used for agriculture for many years and are not identified as regionally significant farmland nor does the site and surrounds have valuable natural resources. Furthermore, the development will not interfere with any ongoing primary production. As a result, the proposal will not result in loss of valuable agricultural land.
2. The rural landscape character is anticipated to change to an urban landscape in the immediate future. The site and surrounds are a 'Strategic transition area' within a regionally significant growth area under the Hunter Regional Plan 2041. The site also sits within the Lochinvar Fringe Investigation Area (IA-7) under the Maitland Local Housing Strategy 2041, as seen in Figure 2 below, which is intended to accommodate greenfield residential growth. The Lochinvar Urban Release Area (R-11) also adjoins the site on its western boundary. The owners of the adjoining undeveloped blocks of land to the Subject Site intend to redevelop their properties in the short to medium term and are generally supportive of the proposal. Further details on the specifics of their development intentions can be found in Section 3.3.1 of this SSEE.

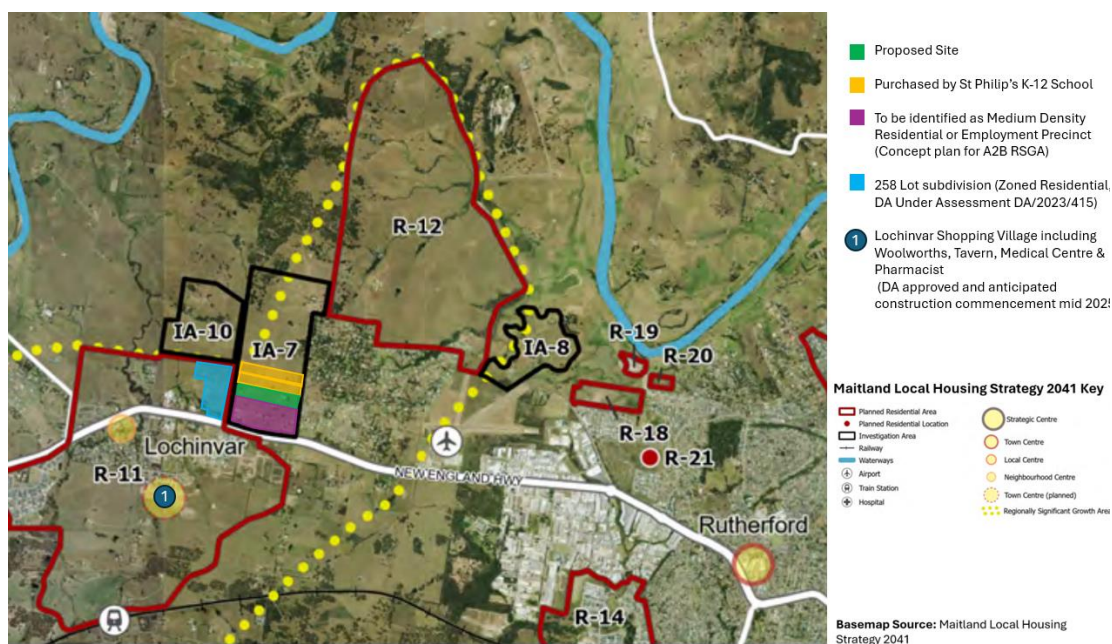


Figure 2 Base image from the Maitland Local Housing Strategy 2041 showing the investigation areas and existing residential Zoned areas

3. The proposal has been designed to minimise land use conflict particularly during the anticipated transition from rural zoning to urban land uses as part of the Lochinvar Urban Release Area and Fringe Investigation Area. The development includes generous setbacks and vegetated buffers, particularly to sensitive boundaries such as Windella (rural residential), which has a 60m buffer, and perimeter fencing and colour schemes that are compatible with the current rural setting. Furthermore, all of the landscape buffers will be planted in Stage 1 and the first 420m of the southern buffer will be planted with 75L trees to provide immediate screening to the initial stages of development. A summary of the buffer widths is included below, further details can be found in the VIA and Landscape Plans by *Terras Landscape Architects*.
 - 60m vegetated buffer to the eastern boundary adjoining Windella
 - 54m vegetated buffer to Wyndella Road on the western boundary
 - 12-13m vegetated buffer to the southern boundary
 - 10m vegetated buffer to the northern boundary
4. The proposal is a form of development compatible with the expected transition to a residential growth area and the site can be serviced as demonstrated in the Water and Sewer Servicing Strategy and the upgrade plans for Wyndella Road.

In summary, the subject land has not been used for any meaningful agricultural activity for an extended period and is not considered to constitute high-value or strategically important resource land. As such, the development will not result in the loss or fragmentation of viable agricultural land, nor will it interfere with any ongoing primary production. The proposal avoids any unreasonable demand on public services or facilities, as it is supported by comprehensive infrastructure upgrades and will be fully serviced with reticulated water, sewerage, drainage and electricity, as demonstrated in the accompanying Servicing Strategy. In terms of land use compatibility, the site directly adjoins the Lochinvar Urban Release Area (URA) and falls within the Lochinvar Fringe Investigation Area (IA-7) identified in Council's Local Housing Strategy 2041 for future residential expansion. The Manufactured Home Estate (MHE) is a low-impact and self-contained residential use, supported by generous landscape buffers, including a 60-metre vegetated setback to the east, ensuring a sensitive interface with existing rural and residential land uses. The visual form, density and

function of the proposal align with the transitioning landscape of Lochinvar, and the development has been designed to respect the rural character of the locality while delivering housing diversity in accordance with the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036. The objectives of the RU2 zone to minimise land use conflict, preserve landscape values, and provide for compatible and well-serviced uses are therefore satisfied.

3.2.6 Weight to be Given to the Draft LEP Amendment

While Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* requires a consent authority to consider a draft planning instrument that has been publicly exhibited, regard to be given is discretionary and must be considered in the context of transition provisions and the planning merit of the proposal.

Importantly:

- MLEP 2011 (Amendment No.38) was not publicly exhibited until after the lodgement of DA/2024/116.
- MLEP 2011 (Amendment No. 38) includes a savings provision under Section 1.8A that preserves assessment under the former LEP for any application lodged but not determined before the amendment's commencement.
- The proposal is consistent with the strategic intent for the site and immediate surrounds, situated within an investigation area identified for growth (Lochinvar IA-7).
- No land use conflict or loss of productive agricultural land is expected, meaning the rationale for the planning proposal does not apply to this site.

For the purposes of section 4.15(1)(a)(ii) of the *EP&A Act*, Amendment No. 38 is a draft instrument in so far as it does not alter the legal framework applicable to this DA in terms of permissibility due to the operation of the Savings provision. It is appropriate for the consent authority to consider the amendment as a matter of policy and strategic intent, but it cannot be given determinative weight in assessing permissibility. The legal effect is preserved under the version of MLEP 2011 effective at the date of lodgement being 20 February 2024 (prior to the public exhibition of Amendment No.38), and accordingly, the proposed development remains a permissible land use within Zone RU2.

The legal effect of Section 1.8A(2) is supported by the decision in *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council* [2003] NSWCA 289, in which Spigelman CJ held that:

"Notwithstanding 'certainty and imminence', a consent authority may of course grant consent to a development application which does not comply with the draft instrument... The different kinds of planning controls would be entitled to different levels of consideration and of weight in this respect." [at [6]]

This principle was later affirmed in *Presrod Pty Ltd v Wollongong City Council* [2010] NSWLEC 1257, where Brown C found that:

"The weight to be attributed to a draft environmental planning instrument will be greater if there is a greater certainty that it will be adopted... However, a draft instrument does not override the legal requirement to assess a DA under the controls in force at the time of lodgement." [at [20]–[21]]

In this context, while the intent of Amendment No. 38 may be relevant under s. 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, it cannot carry determinative weight for this application. Section 1.8A(2) expressly mandates that the DA must be assessed under the pre-amendment version of the LEP. This means that the proposed use remains permissible, and the planning authority must assess the application accordingly.

3.3 CONTENTION 3 – SOCIAL, VISUAL AND CUMULATIVE IMPACT

The DA should be refused because the social and economic impacts of the proposal will be unacceptable and are inadequately addressed by the application.

Particulars

The unacceptable social impacts of the proposal arise from:

- (i) loss of sense of community and identity and negative impacts on the character of the locality,*
- (ii) unsuitable location with respect to access to services and facilities, including public transport, medical, education, retail, community, recreation and open space,*
- (iii) lack of adequate on-site facilities for the resident population,*
- (iv) unreasonable impact on existing services including public transport and social services due to significant increase in population,*
- (v) inadequate physical access to and around the site including footpaths and roads,*
- (vi) unacceptable impacts on the existing community, including visual, scenic, acoustic and traffic,*
- (vii) unsuitable location for a licenced premises, with potential negative social impacts, and*
- (viii) cumulative impact resulting from the proximity of proposed MHE(DA/2023/1133).*

Further Particulars

- a) The Social Impact Assessment prepared by Algis Group dated January 2024 (SIA) has been prepared without adequate community engagement or consultation with the Windella residential community.*
- b) There is uncertainty as to the objectivity of the SIA having regard to the proponent's scoping of same and whether the SIA was done having regard to the final scope of the development.*
- c) Inadequate address in SIA of objections raised by RNAC.*
- d) Inadequate address of the social and economic impacts arising from a proposal in contradiction with applicable land use strategies and policies and plans of the Respondent where these do not support and have not accounted for a medium density housing development at this location and if implemented, will have long term negative economic impacts on service delivery to local residents.*

PLANNING COMMENT

3.3.1 Character, Sense of Community and Identity

The development is consistent with both statutory planning objectives and strategic housing policies adopted at local and regional levels. The State Environmental Planning Policy (Housing) 2021 recognises manufactured home estates as a contemporary housing option that provides an affordable alternative to traditional housing arrangements. The Housing SEPP seeks to encourage the development of well-designed and located MHEs across NSW.

The subject site abuts the Lochinvar Urban Release Area and sits within the Lochinvar Fringe Investigation Area in the Maitland Local Housing Strategy 2041 and the Anambah to Branxton Regionally Significant Growth Area in the Hunter Regional Plan 2041. Despite the fact that the surrounding area will be developed in the future, the proposal incorporates

significant landscape buffers and sensitive external boundary treatments to reduce any short term visual impacts , these include:

- 60m vegetated buffer to the eastern boundary adjoining the existing rural residential subdivision at Windella
- 54m vegetated buffer to Wyndella Road on the western boundary
- 12-13m vegetated buffer to the southern boundary
- 10m vegetated buffer to the northern boundary
- 1.4m high post and rail fence and home colour schemes that reinforce the areas rural residential character
- All landscape buffers will be planted in Stage 1 with the first 420m of the southern buffer utilising 75L plants

3.2 Site Context

Key:

1. Cecily Reserve Park
2. St Joseph's College
3. St Patrick's Primary School
4. St Patrick's Catholic Church
5. Lochinvar Police Station
6. Lochinvar Sporting Complex
7. 1,200 Students St Philips K-12 Private School (in Planning)
8. Proposed 258 Lot Subdivision DA/2023/415
9. Proposed 138 Lot Subdivision DA/2025/138
10. DA Approved Lochinvar Shopping Village DA/2022/13394
11. DA Approved 312 Lot Subdivision DA 2021/1480
12. DA Approved 294 Lot Subdivision DA/2018/456
13. Purchased By Roche Group for Intersection Upgrade
14. Investigation Area IA-7 (Maitland Local Housing Strategy 2041)
15. Investigation Area IA-10 (Maitland Local Housing Strategy 2041)

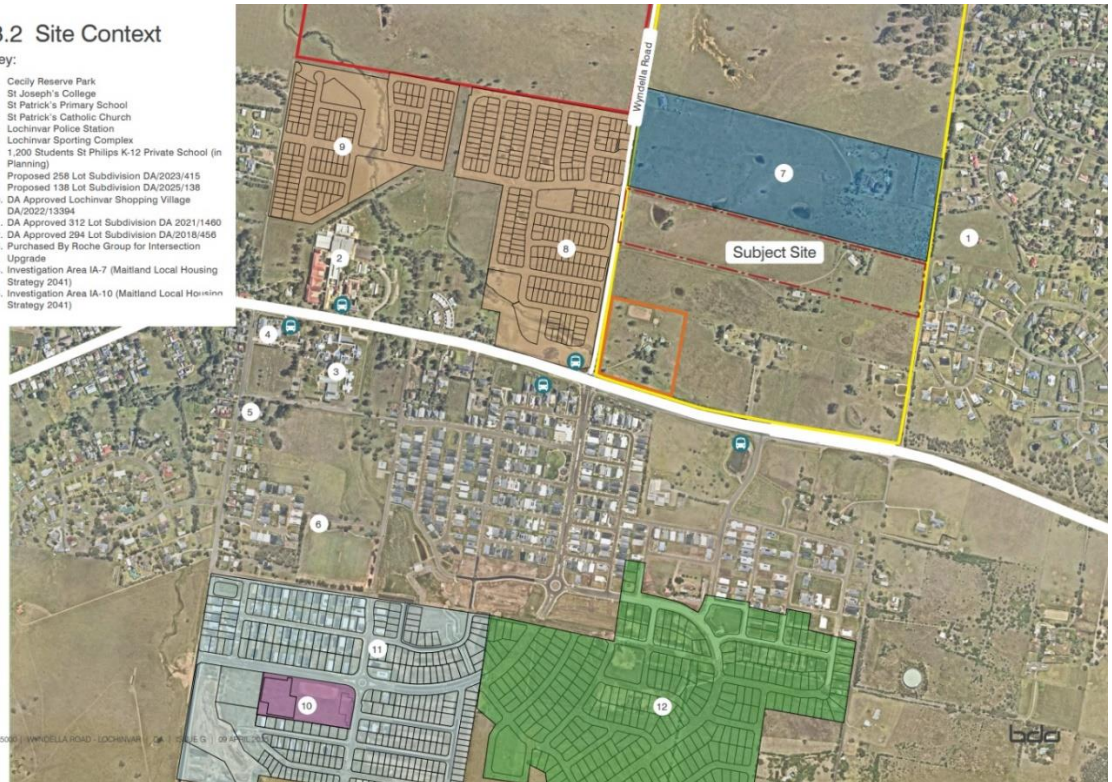


Figure 3 Site Context prepared by BDA Architecture Issue G dated 9/4/2025

The emerging character of the locality can be seen in Figure 3 which shows the subject site located amongst numerous existing and future development sites within the Lochinvar Fringe Investigation Area IA7 (LHS), which is intended to accommodate greenfield urban growth. The additional infill of existing urban zoned and the investigation area will continue to deliver new parks, schools, commercial premises and supporting infrastructure.

The proposed development will only be visible from a couple of homes in Windella and the amended proposal, supported by a VIA and detailed landscaping plans, has sought to minimise short term visual impacts while the future investigation area is in transition.

The remainder of the adjoining sites (North, South and West) are generally supportive of the proposal and have indicated that they are actively pursuing the development of their own properties in the short to medium term, this includes:

- St. Philip's Christian College (identified as 7 in Figure 3) has bought the adjacent two sites to the north, 52 Wyndella Road and 74 Wyndella Road, and is planning a K-12 school for 1,500 students which is permissible with consent within the RU2 zone.
- CPG Estates has resubmitted their plans for their 258-lot residential subdivision at 2 Cantwell Road (DA/2023/415) to the west of the site and commenced marketing for the project. Their proposed development is identified as 8 in Figure 3.
- Council has indicated that the sites to the south of the Subject Site will be identified as Medium-Density Residential or Employment Precincts in the Anambah to Branxton Regionally Significant Growth Area concept plan. The direct neighbour to the south has indicated that they are looking to sell their site to a developer.
- Roche Group, the lead proponent of the Anambah Urban Release Area, has indicated that it intends to upgrade Wyndella Road to its ultimate standard. Roche Group has also purchased the site on the corner of the New England Highway and Wyndella Road to the south of the site at 2 Wyndella Road, Lochinvar, to undertake the necessary intersection upgrades.

Despite the significant existing and future changes to the local character in the area, the proposal remains considerate and sensitive to the existing rural residential character and identity of Lochinvar through its design, colour choices and landscaping.

The Social Impact Assessment (SIA) by *Vaere Social* dated 8 May 2025 (SIA) noted that the key concerns identified through the initial community engagement were character of the development, infrastructure availability and social integration. The SIA confirmed that the following specific amendments are effective responses to the key concerns and will contribute positively to development of sense of community and identity:

- Reduced density from 209 homes to 182 homes, reducing visual bulk
- Increased tree planting throughout the site (388 trees to 828 trees).
- Increased landscaped buffers, 54m to the west (Wyndella Road) and 60m to the east (Windella Estate)
- All landscaped buffers areas to be established in Stage 1 with the first 420 metres of the southern buffer being planted with 75L pot sizes to screen Stage 1 from the commencement of use.
- Early provision of community and recreational facilities
- Revised external fencing to post and rail design and introduced home colour schemes that reinforce the areas rural residential character
- Additional 1,412 sqm park that includes a community garden
- Inclusion of health treatment room for outreach services
- Footpath link in Wyndella Road to existing bus stops to benefit residents and adjoining landowners
- Upgrades to Wyndella Road to allow safe and efficient access
- Removal of the bar from the clubhouse and no live music permitted outside to minimise potential noise disturbances to adjoining neighbours
- Removal of the construction access through Penparc Drive to prevent traffic impacts on Windella Estate Residents
- Accessible shuttle bus to be operated under the Plan of Management

- Future north-south road connection through the site for future connectivity
- Detailed Plan of Management and Community Liaison officer
- Construction Management Plan including reduced hours and days of construction activity
- CPTED alignment including wayfinding and CCTV
- Ongoing Social Impact Monitoring Plan post-construction
- Ongoing acoustic and dust monitoring during construction

3.3.2 Unsuitable Location with Respect to Access to Services and Facilities

The site is located on Wyndella Road, Lochinvar, adjacent to the Lochinvar Urban Release Area (URA) and in the IA-7 Lochinvar Fringe Investigation Area, both of which are recognised in the *Maitland Local Housing Strategy 2041* as suitable for future urban development. The proposed development complies with Section 125 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), which mandates that a Manufactured Home Estate (MHE) must be located where adequate facilities and services are, or will be, available. Section 3.4.3 of this SSEE provides a detailed response to the Section 125 criteria to outline the extensive range of on and off-site facilities and services that will be easily accessible to residents. For completeness, a summary of the facilities and services is also included in this section below.

In relation to public transport, two existing bus stops are located within approximately 400 metres of the site on the New England Highway, served by Routes 179, 180 and 180X, connecting residents to Rutherford, Maitland and Green Hills. Prior to the occupation of the first home the applicant will provide:

- A 1.5 metre wide pedestrian footpath will be constructed by the applicant as part of the proposal to ensure direct pedestrian access to these stops. The location of the proposed footpath can be seen in Figure 4 below. The footpath will also benefit neighbouring landowners.
- Wheelchair accessible private shuttle bus for residents use for local social outings and trips. The applicant will ensure that there is a driver for at least two weekly shopping trips.

Each home will have 1-2 garage spaces with ample visitor parking around the site to allow for the efficient use of private vehicles. Additionally, Maitland Community Transport, which is operated by Maitland Community Care Services and funded by Transport for NSW, provides a door-to-door transport service in the region for eligible residents. The service can be booked either by phone or online. These transport options to and from the site are considered suitable for the scale and nature of the development

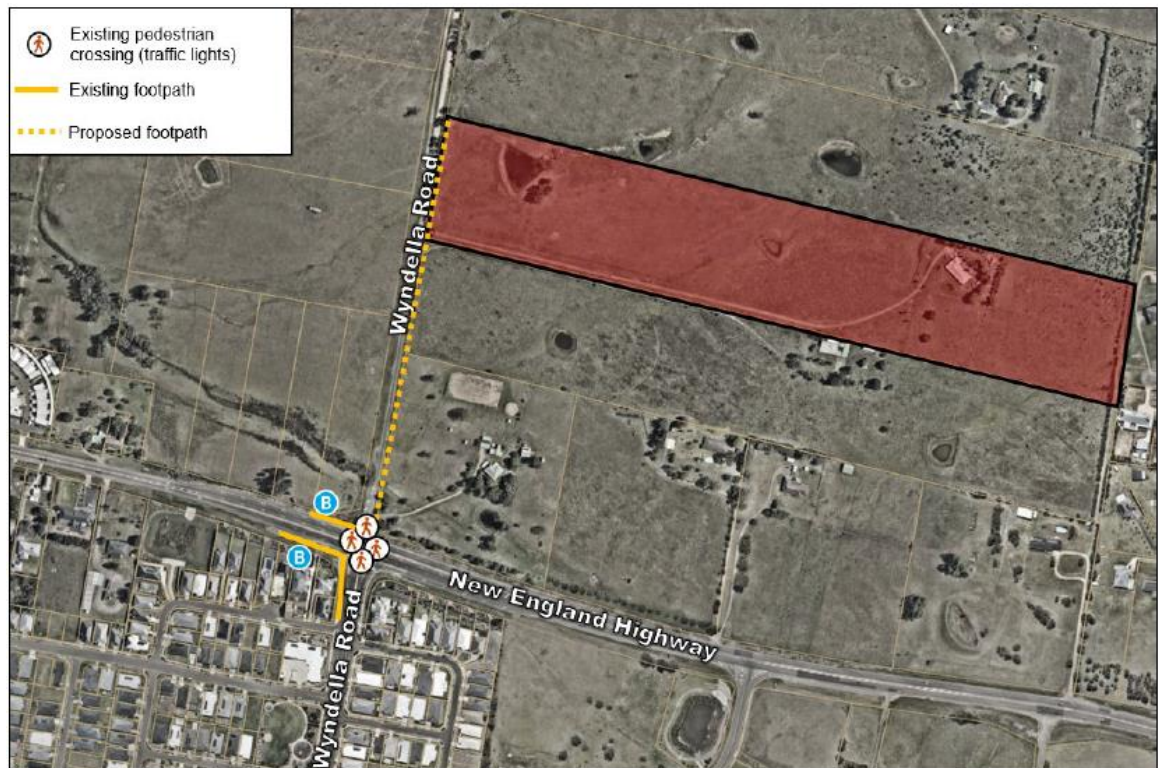


Figure 4 Location of local Bus Stops (TIA Report)

Off-site Services & Facilities

Vaere Social has completed a comprehensive Social Impact Assessment of the amended proposal which includes detailed a Social Infrastructure Report which can be found in Appendix 1 of the SIA. This SIA dated 8/5/2025 identifies that an appropriate level of essential retail, recreational and community facilities and medical facilities are located nearby.

A summary of some of the key services and facilities that are available within a 5km radius is included below.

- Lochinvar Medical Centre, Lochinvar Takeaway, Lochinvar Hotel-Motel, Airds of Lochinvar, Ted Coffey Field, Cecily Reserve Park, Holy Trinity Anglican Church and St.Patricks Catholic Church.
- DA approved Lochinvar Shopping Village which is anchored by Woolworths and is anticipated to include a medical centre, pharmacy, tavern and other specialty retailers (construction is scheduled to commence in mid-2025).
- Rutherford Shopping Centre & Rutherford Marketplace which includes Woolworths, Coles and ALDI supermarkets and 20+ other retail outlets and service providers. There are 4 medical centres, pharmacies, optometrist, podiatrist and a physiotherapist.
- Rutherford Homemaker Centre & surrounding retail and service outlets.
- Development applications have also been lodged for 2 new medical centres in Lochinvar.
- Rutherford Library, Rutherford Community Centre, Rutherford Tennis Centre and Club Maitland City.
- Schools such as Lochinvar Public School and St Joseph's College.

There is also a range of local retailers and service providers that offer home deliveries (including Woolworths & Coles), home visits (including out of hours GPs that bulk bill) and in-home care services. The community manager and resort staff will provide residents with a welcome pack outlining the services that are available in the region. The resort staff will be available to answer resident questions or arrange access for service providers or deliveries. Give that there are a significant number of facilities and services located within 5km of the site, and that the site is well serviced by public and private transport, it is considered that these services and facilities are “reasonably accessible” and sufficient to support the resident population.

3.3.3 Lack of Adequate On-site Facilities for the Resident Population

The proposed development includes a generous and diverse range of communal and recreational facilities, which significantly exceed typical residential subdivision requirements. Communal and recreational facilities within the site will be delivered in stages to ensure suitable availability to all residents and their visitors. As detailed in the updated Architectural and Landscape Packages, the proposal includes:

- A clubhouse (community centre) with a large function room, games room, gym, cinema, library, art and craft room, multi-purpose room, box office, lounge areas and a consulting room suitable for outreach personal care and health services;
- A swimming pool (wheelchair accessible), spa, and sauna;
- Pickleball courts, a bowling green, and outdoor yoga lawn;
- A workshop and community garden;
- Perimeter walking trails integrated with bushfire access;
- Parkland open space totalling approximately 3.76 hectares, excluding stormwater areas;
- Caravan Parking Area.

The Plan of Management commits to an accessible shuttle bus, a Community Liaison officer and a post-construction Social Impact Management Plan.

The design ensures compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and satisfies Section 125(1)(c) of the *State Environmental Planning Policy (Housing) 2021*, which requires that “sufficient community facilities and services... will be available and reasonably accessible.”

Each dwelling site has been designed to provide minimum private open space areas tailored to the specific dwelling type and private open space requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. In addition to these open space requirements, all dwellings will be provided ample car spaces, landscaped setbacks and privacy buffers to ensure residential amenity is maintained and enhanced throughout the estate.

The Community Catchment Analysis & Project Review by *Think Economics* dated 27/11/2024 rates the provision, capacity and diversity of on-site communal facilities as “exceptional” within the local catchment. The SIA dated 8/5/2025 notes that on-site facilities and services are of a high standard and well suited to the anticipated needs of future residents and their visitors and will positively support “ageing in place,” health and mental wellbeing, and social cohesion.

3.3.4 Unreasonable Impact on Existing Services Due to Population Increase

This contention suggests that the development will exert unreasonable pressure on existing infrastructure and services, including public transport, education, recreation and health infrastructure. However, the projected resident population increase is consistent with, and a minor percentage of, the anticipated population growth in the locality, the SIA dated 8/5/2025 confirms the social and community infrastructure will be appropriate and the Servicing Strategy concludes all essential services can be connected to the site.

The proposed 182 homes will accommodate a maximum of 364 residents however the expected resident population is approximately 290 residents based on an average household size of 1.6 residents, which is typical of Over 50s Land Lease Communities. This is less than 1% of Maitland's projected population growth, which is anticipated to be 30,000 people by 2041 under the *Hunter Regional Plan 2041* and *Maitland LHS 2041*. In conjunction with the broader development of the Lochinvar URA and infill development responding to the URA changes, the development will not trigger disproportionate demand on local community facilities and services as confirmed by the SIA dated 8/5/2025..

The development includes a range of on-site communal facilities, including the clubhouse, a treatment room for allied health and personal care services, outdoor recreational amenities, a shuttle bus, and parkland areas, which will significantly reduce reliance on external services and Council infrastructure. Section 7.11 developer contributions will be made in accordance with Council's adopted Contributions Plan, funding upgrades to local infrastructure, transport and public domain.

The development will also upgrade Wyndella Road and provide a pedestrian footpath down to the existing bus stops on the New England Highway which will improve the existing external services surrounding the site for both residents and the wider community. There is currently no safe pedestrian access along Wyndella Road.

The Housing SEPP 2021 anticipates that MHEs will be developed in urban and urban-adjacent locations precisely because existing infrastructure can be extended to support their low-impact requirements. The development therefore complies with Section 125(1)(b) and s.4.15(1)(b) and (e) of the *EP&A Act*, and there is no evidence of an "unreasonable" effect on public infrastructure.

3.3.5 Physical Access – Footpaths and Roads

The proposal includes the construction of a comprehensive internal road network with 6-metre wide sealed carriageways, turning heads, landscaped verges, and a pedestrian-friendly movement hierarchy. Footpaths and internal road gradients have been designed to accommodate the mobility needs of an older resident cohort, consistent with *AS 1428.1: Design for Access and Mobility* and the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. Additionally, private garages, visitor bays and caravan storage areas have been integrated to meet or exceed Council's Development Control Plan 2011 (DCP) parking requirements.

Externally, the development includes a developer proposed upgrade of Wyndella Road between the northern boundary and the New England Highway. This will include:

- Two 3.5-metre wide traffic lanes;
- Sealed shoulders;
- Kerb and guttering on the eastern side;
- A 1.5-metre wide concrete footpath.

These upgrades are consistent with the future primary distributor function of Wyndella Road under the Lochinvar URA Structure Plan and support safe pedestrian access to the existing bus stops on the highway.

Additionally, a north-south public road reserve has been incorporated into the site layout, as requested by Council, to future-proof regional connectivity through the Lochinvar Fringe Investigation Area (IA-7).

Accordingly, the development satisfies the physical access considerations under s.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and aligns with both strategic and statutory infrastructure planning.

3.3.6 Visual, Scenic, Acoustic and Traffic Impacts

The Concerns regarding visual and environmental amenity impacts have been addressed through robust site planning, design responses and independent expert reports.

A Visual Impact Assessment (VIA) prepared by *Terras Landscape Architects* confirms that built form will be low-scale, visually recessive, and sympathetic to the locality's transition from rural to urban use. Dwellings are single storey with muted colour schemes and roof pitches below 25°, consistent with surrounding residential form. Generous landscaping and a 60m vegetated buffer to the eastern boundary mitigate any interface with the existing Windella Estate. The site's natural topography assists in reducing visual prominence from surrounding public viewpoints.

Further assessment of the Visual Impact is addressed under Contention 4 In section 3 of this document.

The Acoustic Assessment was commissioned to evaluate the potential noise impacts associated with the proposed Manufactured Home Estate (MHE) at 34 Wyndella Road, Lochinvar. The assessment considers both construction and operational phases of the development, including fixed mechanical plant, vehicular traffic, and community noise sources.

Key Methodologies:

- Baseline noise monitoring was conducted at the site to establish existing ambient noise levels.
- Predictive noise modelling was undertaken using SoundPLAN software in accordance with relevant guidelines including:
 - NSW EPA's *Noise Policy for Industry* (2017)
 - *NSW Road Noise Policy* (2011)
 - *Interim Construction Noise Guidelines* (2009)

Key Findings:

Operational Noise Impacts:

- Noise from internal roads, communal facilities, and fixed plant (e.g. air conditioning units) was modelled.
- Predicted noise levels from the proposed development comply with the criteria established under the Noise Policy for Industry and local planning controls.
- The proposed development will not cause unacceptable noise impacts to nearby sensitive receivers, including dwellings within Windella Estate.

Traffic Noise:

- Traffic generation associated with the development will not result in significant additional noise along Wyndella Road or the New England Highway.

- Road traffic noise levels at the façade of future dwellings were assessed and found to comply with the internal noise criteria set out in the NSW Road Noise Policy, with standard building construction.

Construction Noise and Vibration:

- Construction works will generate short-term noise impacts.
- A Construction Noise Management Plan (CNMP) is recommended, including adherence to standard hours and mitigation measures.
- Vibration impacts are not expected to be significant due to distance to surrounding residences.

Recommendations and Mitigation:

- Design controls for fixed plant to meet sound power limits.
- Standard construction mitigation measures (e.g. scheduling, community notification).
- Site layout and orientation to reduce direct noise propagation.
- Use of standard construction materials is sufficient to ensure internal acoustic amenity without specialised acoustic treatments.

“The assessment concludes that the proposed development is unlikely to result in any unacceptable noise impacts on the surrounding environment provided the recommendations are implemented. All predicted operational noise levels are below the relevant criteria.”
— *Spectrum Acoustics*, Environmental Noise Assessment, April 2025

The updated Traffic Impact Assessment prepared by *JMT Consulting* (dated 2 May 2025) confirms that the development will not generate unacceptable traffic or access impacts. The projected traffic volumes generated by the proposed 182-dwelling Manufactured Home Estate (MHE) are within the operational capacity of the surrounding road network. Specifically, the signalised intersection of Wyndella Road and the New England Highway will continue to operate at a Level of Service (LOS) A during both AM and PM peak periods under 2031 full development conditions. No upgrades to the intersection or retiming of signals are required.

The development has adopted the medium density trip generation rate as noted in the TfNSW Guide to Transport Impact Assessment (GTIA) document. On completion, the proposed development will only generate an additional 109 vehicle movements during the peak hour period. In reality, given that the majority of residents are retired and will be utilising on-site facilities, the vehicle movements during peak hour will likely be significantly less than this assumption. The TIA confirms that this traffic can be readily accommodated by the proposed collector road upgrades to Wyndella Road, which will include two 3.5-metre traffic lanes, wide sealed shoulders, a pedestrian footpath, and suitable drainage.

Further, under Section 2.120 of SEPP (Transport and Infrastructure) 2021, the development is considered traffic-generating and has been assessed against the Transport Impact Assessment Guidelines (TIA Guidelines). The analysis demonstrates that the development will not adversely affect the capacity, function or safety of the classified road network. Importantly, no direct vehicular access is proposed to the New England Highway; all access will be via Wyndella Road.

In accordance with s.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the traffic, access and environmental impacts of the proposal are acceptable. These impacts have been appropriately assessed, mitigated and are consistent with the RU2 Rural Landscape zone objectives, which allow for other compatible land uses where infrastructure is available and land use conflicts can be avoided.

3.3.7 Licensed Premises

While early architectural concepts included a resident bar area as part of the clubhouse, this component was removed in direct response to Council and community concerns. The provided updated DA does not propose any licenced premises, tavern or public bar. The revised plans do not include such uses.

There is therefore no licencing impact to assess under this application. The DA remains consistent with s.4.15(1)(b) and (e) of the *EP&A Act*, with no proposed licenced activity and no identifiable adverse social outcome related to alcohol service.

3.3.8 Cumulative Impact with Adjacent MHE (DA/2023/1133)

DA/2023/1133 was an application for a MHE containing 282 sites at 10 River Road, Windella & 16 Denton Close, Windella that was lodged by a separate applicant. The Maitland City Council DA tracking database indicates this application was withdrawn on 26/02/2025. As a result, there is no longer any potential cumulative impacts associated with DA/2023/113 as the proposal is not proceeding.

The SIA dated 8/5/2025 finds that the development will have a net positive contribution to the anticipated cumulative urban growth through housing that is priced on average 30% lower than the median house price, increased housing diversity, a form of housing which has security of tenure and a range of communal facilities well suited to the requirements of future residents and their visitors. The SIA did not find any cumulative social impacts attributable to DA/2023/1133 now that the proposal has been withdrawn. The amended application, which includes significant buffers, a detailed construction management plan and other design and operational measures, will also minimise potential future cumulative impacts as the Investigation Area is developed.

The Planning Principle in *BGP Properties v Lake Macquarie [2004] NSWLEC 399* affirms that where a development is permissible and strategically supported, character change is not in itself a reason for refusal. This applies directly to claims of cumulative impact.

Importantly, the development will be connected to essential services within the adjoining public road reserve and does not rely on easements or other restrictions on adjoining land. The updated Bushfire Assessment, Traffic Assessment, Demand Catchment Analysis and Acoustic Report all demonstrate the proposal's minimal footprint of impact. The proposal includes upgrading of Wyndella Road, a new footpath in Wyndella Road and a future road corridor all of which enhance local assets and compatibility with adjoining and surrounding land.

Under s.4.15(1)(b) and (e) of the *EP&A Act*, the proposal's cumulative impacts are acceptable and consistent with the area's strategic future.

3.3.9 Lack of Community Engagement in Social Impact Assessment (SIA)

Following conversations with Council, the applicant agreed to undertake additional community consultation to ensure that any potential concerns were identified and addressed in the amended application. This resulted in a comprehensive round of community consultation which has been incorporated into a new SIA dated 8/5/2025. This SIA relies on several sources of community and stakeholder engagement methods and evidence. The new SIA is based the amended application and has been prepared in accordance with the NSW Department of Planning and Environment's Social Impact Assessment Guideline (2023). The methods of community engagement reported in the SIA are listed in Section 7.1 of the SIA and include:

- Targeted pre-lodgement engagement with nearby landholders
- Public exhibition of the DA by Maitland City Council and review of submissions

- Following conversations with Council, it was agreed that the applicant would undertake additional engagement with the community. As a result, a follow up letter was distributed to residents with a survey link and an offer for an in-person stakeholders that lived closer to the site. The distribution map in Figure 5 can be found in Appendix 3 – Stakeholder Engagement Summary of the SIA. Immediate Stakeholders (Green) were invited to fill in a survey and meet in person and Other Stakeholders (yellow) were invited to fill in the survey only.
- Proponent and SIA Consultant doorknocked adjoining properties (shown in Green).
- Ongoing correspondence with adjoining landowners (see Appendix 4 of the SIA).

Notification areas - November 2024



Figure 5 Letter Distribution Map (Appendix 3 – Stakeholder Engagement Summary of the SIA)

Public consultation was carried out by Council during exhibition of the DA, consistent with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Chapter A4 – Community Participation of the *Maitland Development Control Plan 2011*. Submissions received from residents (including the Windella Estate) were reviewed and documented. These were then considered in the preparation of this supplementary SEE and addressed in updates to the Plan of Management, Landscape Plan, and Architecture Package.

The engagement methods in the SIA dated 8/5/2025 are compliant with the guidelines 2023 and include the statutory requirements for DA assessment and notification undertaken for DA/2024/116.

3.3.10 Lack of Objectivity in the SIA

The original SIA lodged with the application was independently prepared and amended by Aigis Group, an experienced social planning consultancy, whose methodology and conclusions are consistent with the NSW Social Impact Assessment Guideline. The assessment was updated numerous times after lodgement of the development application to incorporate significant design changes that the applicant made in response to Council and community feedback.

Given the significant extent of the design changes and to fully address the items that Council raised in the SOFAC, the applicant engaged a separate expert to undertake a new assessment of the amended application. The new SIA dated 8/5/2025 was prepared by Vaere Group and the qualifications and experience of the author is provided on Page 5 of the SIA.

Appendix B to the NSW Department of Planning and Environment's Social Impact Assessment Guideline (2023) sets out the recommendations for the qualifications and experience of persons preparing a SIA. It states

"As a general rule, suitably qualified and experienced practitioner/s should be involved in the SIA scoping and initial assessment and the SIA report preparation phases. Such practitioners are best placed to investigate and evaluate the likely social impacts, including stakeholder and community perceptions, and to help identify effective refinements to the proposed project design.

A 'suitably qualified person' must have:

- *suitable qualifications in a relevant social science discipline (e.g. sociology, human geography, anthropology, social or community planning), and/ or*
- *proven experience over multiple years and substantial competence in social science research methods and SIA practices.*

They also should be a member of a relevant professional organisation, such as the International Association of Impact Assessment, Environment Institute of Australia and New Zealand, Planning Institute of Australia, and/or Australasian Evaluation Society. Members of professional organisations agree to a code of ethics and professional conduct, ensuring they apply relevant principles and demonstrate integrity and competence in professional practice. "

The SIAs have been prepared by suitably qualified persons and with consideration to the Guidelines.

The objectivity of the SIA is not compromised by being commissioned by the proponent. It is common and lawful practice in the NSW planning system for proponents to engage independent experts to assess project impacts. As stated in *Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472*, expert reports are to be assessed based on their content and methodology, not merely by their source.

The conclusions of the SIA are also corroborated by other technical assessments, including the Traffic Impact Assessment, Landscape Plan, and Community Facilities Plan, ensuring a robust and multidimensional planning justification.

3.3.11 Inadequate Address of RNAC Objections

The contention that the Social Impact Assessment (SIA) failed to address objections raised by the Royal Newcastle Aero Club (RNAC) is factually incorrect. No submissions or formal objections were received from the RNAC during the public exhibition period for Development Application DA/2024/116.

Accordingly, this aspect of the contention does not apply and is not a relevant matter for consideration under section 4.15(1)(a)(iii) or section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

All public submissions received by Council during the exhibition period, including those from community groups and private individuals, were reviewed and considered in the preparation of the updated Social Impact Assessment (*Vaere*, May 2025), as well as this Supplementary Statement of Environmental Effects. Where matters were raised regarding aircraft safety or operations, these have been addressed in the Lighting Impact Assessment and Acoustic Assessment, both of which confirm compliance with relevant CASA and regulatory standards, and demonstrate no adverse impact on the operation of the Maitland Aerodrome.

In light of the absence of any submission from the RNAC and the technical assessments provided, the allegation of failure to consider RNAC objections is without foundation.



3.3.12 Inconsistency with Strategic Planning Frameworks

The development is consistent with the version of the Maitland Local Environmental Plan 2011 in force at the time of lodgement (20 February 2024), under which “Caravan parks” were a permitted use in the RU2 Rural Landscape zone. The savings provision at Section 1.8A of the LEP (Amendment No 38) ensures that any post-lodgement changes to zoning do not affect the permissibility of this DA.

Strategically, the site is identified within the Lochinvar Fringe Investigation Area (IA-7) under the Maitland Local Housing Strategy 2041 and is included within the Anambah to Branxton Regionally Significant Growth Area in the Hunter Regional Plan 2041. Both documents acknowledge this precinct as a logical extension of the Lochinvar Urban Release Area, supporting low- to medium-density residential development.

There is no credible evidence of significant long-term negative economic or social impacts as confirmed by a Demand Catchment Analysis report by *Think Economics* and the SIA by *Vaere Social* which outlines the community and economic benefits of the proposal. The project is expected to:

- Increase housing diversity and provide a form of housing with “exceptional” levels of on-site services and facilities
- Provide small dwellings with secure tenure which is a scale and type of housing in high demand locally
- Support local businesses;
- Contribute to local infrastructure via s7.11 contributions.

Furthermore, in response to the applicants request for further and better particulars (29 August 2024), the Council indicated that the Anambah to Branxton Regionally Significant Growth Area is undergoing a concept planning exercise to identify future land uses and that the adjoining sites to the south will likely be identified as medium density residential or employment precinct. On this basis, the development directly aligns with the strategic objectives for the area and it does not conflict with current or emerging planning frameworks

3.4 CONTENTION 4 – DESIGN AND LOCATION

The DA should be refused as the development fails to comply with Section 118(e) and Section 125 of SEPP (Housing) 2021.

Particulars

(a) Section 118(e) and Section 125 of SEPP (Housing) 2021 applies to the DA.

b) Section 118(e) aims to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services.

c) Under Section 125(1), development consent cannot be granted unless a council is satisfied that:

- *that the manufactured home estate is or will be provided with adequate transport services (Section 1(b)).*
- *that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate (Section 1(c)).*
- *that the development will not have an adverse effect on any waterway or land having special landscape, scenic or ecological qualities (Section 1(d)).*

d) Under Section 125(2)(a) development consent cannot be granted unless a council has given consideration to

- *the cumulative impact of the proposed development and other manufactured home estates in the locality .*



e) The Proposal is not adequately serviced nor does it have reasonable access to essential community facilities and services, noting the following:

- the Site is 5-6km from the nearest commercial town centre, being Rutherford town centre;
- the lack of health facilities and commercial zoning (including grocery and convenience stores, medical services, etc) in the vicinity is a major social concern. Residents without private transport will struggle to access services, affecting their quality of life in the long term;
- the nearest public park cannot be accessed from the Site attributed to varying topography, with level differences exceeding 10m. The steep grades of the Site make it unsuitable for 'over-55's' and poses challenges for residents without cars;

f) The development will not be provided with adequate transport services. With exception of a shuttle bus with undisclosed capacity and schedule, the nearest public bus stop is 400m away, with no footpaths available along Wyndella Road nor the New England Highway.

g) The DA Staging plan indicates the Community Clubhouse will be delivered in two (2) stages (Stage 4a and 4b), whilst the individual dwelling sites will be delivered in 14 stages. The proposal does not demonstrate how the estate can comply with SEPP Housing, Section 125(1)(c) during initial stages, namely 1a, 1b, 2a, 2b, 3a and 3b.

h) The manufactured home estate will likely have an adverse effect the landscape or scenic qualities of the Site. The subject Site is prominent from various key vantage points, including the Windella Estate (zoned R5 – Large Lot Residential) to the east and the New England Highway to the south. The topography of the Site and high density proposed lends itself to having a substantial impact upon the rural scenic qualities of the locality.

i) The cumulative impact of the proposed development and other manufactured home estate DA 2023/1133 at 10 River Road and 16 Denton Close Windella (approximately 800m away) (LEC Case: 2024/180605) is considered unreasonable.

PLANNING COMMENT

3.4.1 Applicability of Sections 118(e) and 125 of the Housing SEPP

It is agreed that Section 118(e) and Section 125 of the *Housing SEPP 2021* apply to the proposed development. These provisions establish development standards and matters for consideration when determining an application for a manufactured home estate (MHE). The proposal has been assessed against these provisions in both the original SEE and this Supplementary SEE.

3.4.2 Intention of Section 118(e)

Section 118(e) states that development for the purposes of a manufactured home estate should not be carried out unless it will be located so that residents have "access to essential community facilities and services".

The site satisfies this criterion due to its:

- Proximity to extensive existing and approved off-site facilities and services, including the Lochinvar Medical Centre, Lochinvar Shopping Village (DA approved), Rutherford Homemaker Centre and its surrounding retail and service outlets, Rutherford Shopping Centre and Rutherford Marketplace. The extensive list of off-site facilities and services can be found in the SIA by *Vaere Social* and in the response to Section 125(1)(c) of the Housing SEPP in section 3.4.3 of this SSEE below;
- Provision of extensive on-site community facilities as detailed in the Plan of Management and architectural package, that will enhance the lives of residents and their guests while also taking pressure off Council's



infrastructure. The extensive list of on-site facilities and services can be found in the SIA by *Vaere Social* and in the response to Section 125(1)(c) in section 3.4.3 of this SSEE below;

- Safe pedestrian access to public transport (existing bus services within 400m), provision of a private shuttle bus with two weekly shopping trips facilitated by the Operator (see PoM for details), ample on-site car parking for residents and visitors and the availability of local services like the Maitland Community Transport, which is operated by Maitland Community Care Services and funded by Transport for NSW.

Therefore, the proposal is consistent with the intent of s.118(e), offering appropriate and practical access to essential services for over-50s residents.

3.4.3 Section 125(1) Criteria

The proposal meets each element of Section 125(1):

(a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and

This requirement is met in full:

- Reticulated water and sewerage services are confirmed as available to the site and capable of accommodating the proposed development, as outlined in the Water and Sewer Servicing Strategy prepared by WDG Group (2 May 2025).
- Electrical servicing will be provided via connections to the existing Ausgrid network as confirmed in the Servicing Strategy by WDG Group (2 May 2025). Ausgrid confirmed that they do not object to the proposal in their agency advice.
- Drainage will be managed through a site-wide stormwater system shown in the engineering and civil plans (Wallace Infrastructure Design, May 2025). Surface runoff will be collected and conveyed via internal swales and pipe systems to on-site detention basins, before being lawfully discharged to Wyndella Road, which constitutes a legal point of discharge in accordance with Council's requirements.

Accordingly, the consent authority can be satisfied that all essential services will be appropriately provided, and that Section 125(1)(a) is complied with in full.

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

To provide safe and efficient transport access to the local services and facilities, the applicant will provide the following:

1. Prior to the occupation of the first home, the applicant will provide a 1.5-metre-wide pedestrian footpath from the site's entry down to the existing bus stops. The two existing bus stops are located approximately 400 metres away from the Subject Site on the New England Highway and are serviced by Routes 179, 180 and 180X, connecting residents to Rutherford, Maitland and Green Hills.
2. Prior to the occupation of the first home, the applicant will provide a wheelchair accessible private shuttle bus for residents to use for social outings and shopping trips. The bus will have a minimum capacity of 10 people. The applicant will also facilitate two weekly shopping trips in the private shuttle bus, as detailed in the PoM. The Residents Association will choose the destinations however it is anticipated that it will likely alternate between the future Lochinvar Shopping Village and Rutherford Shopping Centre/Rutherford Marketplace.
3. Each home will have 1-2 garage spaces with ample visitor parking around the site to allow for the efficient use of private vehicles.



The following service is already available within the local area and will provide additional amenity and transport options for residents.

4. Maitland Community Transport, which is operated by Maitland Community Care Services and funded by Transport for NSW, provides a door-to-door transport service in the region for eligible residents, which includes anyone over 65 years of age or someone who has a disability. These fully accessible vehicles are driven by experienced drivers and can be booked online or by phone. This service can pick-up and drop-off residents anywhere within the Maitland LGA and they are also available for trips to Newcastle.

These transport options to and from the site are considered suitable for the scale and nature of the development as confirmed by the TIA dated 25/10/2024 and the SIA dated 8/5/2025.

(c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and

The proposed development complies with Section 125(1)(c) of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), which mandates that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate. *Vaere Social* has completed a comprehensive Social Impact Assessment of the amended proposal which includes detailed a Social Infrastructure Report which can be found in Appendix 1 of the SIA. This SIA dated 8/5/2025 identifies an appropriate level of essential retail, recreational and community facilities and medical facilities are located nearby.

While the SIA provides a comprehensive list of the services and facilities available within the locality, a summarised list of off-site services and facilities located within a 5km radius of the site is included below to demonstrate compliance with Section 125(1)(c) of the Housing SEPP.

Lochinvar

- Lochinvar Medical Centre, Lochinvar Takeaway, Lochinvar Hotel-Motel, Airds of Lochinvar, and the DA approved Lochinvar Shopping Village which is anchored by Woolworths and is anticipated to include a medical centre, pharmacy, tavern and other specialty retailers (construction is scheduled to commence in mid-2025).
- Development applications have also been lodged for 2 new medical centres in Lochinvar.
- Holy Trinity Anglican Church and St.Patricks Catholic Church.
- Schools such as Lochinvar Public School and St Joseph's College.
- Open space and parks including Ted Coffey Field and Cecily Reserve Park.

Rutherford Homemaker Centre & surrounding retail and service outlets

- Harvey Norman Maitland, Spotlight, Domayne, Boating Camping Fishing (BCF), Forty Winks, Snooze, Dartagnan's Café, Peachy GreenGrocer, Shipley Meats (butchery), Supercheap Auto, Fantastic Furniture, Repco Auto Parts, Barbeques Galore, Oz Design Furniture, Dullboys Social Co. (indoor sports, dining and entertainment), Autobarn, Officeworks, The Bradford Hotel, Hunter Gateway Motel, BP Service Station, Wild Bean Café, McDonalds, BWS, 24/7 Car Wash, Oporto, Ampol Foodary, 7-Eleven, Guzman y Gomez and Rutherford Tennis Club.

Rutherford Shopping Centre & Rutherford Marketplace

- Woolworths, Coles, and ALDI supermarkets and multiple other food outlets (e.g. Bakers Delight); banking services (Greater Bank; Mutual Bank); Rutherford Post Office and various personal services outlets including Anytime Fitness (gym) and several hairdressers, barbers and nail salons. There are also 4 medical centres, 2 pharmacies, 3 pathology collection centres, optometrist, podiatrist and physiotherapist.

- Rutherford Library, Rutherford Community Centre and Club Maitland City are also in the immediate surrounds of the combined shopping centres.

The above list of off-site facilities and services is extensive and, given their proximity to the site and the range of transport options available to residents, detailed in the response to Section 125(1)(b) above, considered reasonably accessible, satisfying the requirements of Section 125(1)(c) of the Housing SEPP.

In addition to the off-site facilities, the proposed development also includes a generous and diverse range of on-site communal and recreational facilities. The proposed facilities are far more extensive than what a traditional residential subdivision would offer and are in line with the best-in-class land lease communities in NSW. All the facilities will be delivered in the first two stages of the development, as detailed in the updated Architectural and Landscape Packages, the proposal includes:

- A clubhouse (community centre) with a large function room, kitchen, games room, gym, cinema, library, art and craft room, multi-purpose room, box office, lounge areas, and a consulting room suitable for outreach personal care and health services;
- A swimming pool (wheelchair accessible), spa, and sauna;
- Pickleball courts bowling green, and outdoor yoga lawn;
- A workshop and community garden;
- Perimeter walking trails integrated with bushfire access;
- Communal landscape totalling approximately 3.56 hectares;
- Caravan Parking Area.

The Demand Catchment Analysis by Think Economics dated 27/11/2024 rates the provision, capacity and diversity of on-site communal facilities as “exceptional” within the local catchment. The SIA dated 8/5/2025 notes that on-site facilities and services are of a high standard and well.

The Plan of Management includes detail on the additional services that the operator will provide which include:

- Accessible private shuttle bus with a minimum of two weekly shopping trips facilitated by the Operator;
- A Community Liaison officer during the construction and operational phases of the development;
- A Community Manager that will be residents’ primary point of contact on a day-to-day basis while also overseeing the operations of the resort and leading a team of resort staff which includes landscapers, cleaners, admin staff, maintenance staff and others.
- Resort Staff and/or the Community Manager who will facilitate workshops twice per year to educate residents on topics of interest, including but not limited to telehealth services, available seniors’ concessions, and physical and mental wellbeing. External practitioners or instructors may also be invited to present at workshops where appropriate;
- Resort administrative staff and the Community Manager will be available to assist residents with the use of the Community App and, where required, to support residents in setting up services such as telehealth.

There is also a range of local retailers and service providers that offer home deliveries (including Woolworths & Coles), home visits (including out of hours GPs that bulk bill) and in-home care services. The community manager and resort staff will provide residents with a welcome pack outlining the services that are available in the region. The resort staff will be available to answer resident questions or arrange access for service providers or deliveries.

The addition of the on-site facilities to the extensive list of off-site facilities already available within the locality further reinforces the proposals compliance with Section 125(1)(c) of the State Environmental Planning Policy (Housing) 2021, which requires that “sufficient community facilities and services... will be available and reasonably accessible.”

(d) that the development will not have an adverse effect on any—

- *conservation area*
- *heritage item*
- *waterway or land having special landscape, scenic or ecological qualities,*

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

The proposal also satisfies Section 125(1)(d), as it has been demonstrated through specialist studies that the development will not have an adverse impact on any conservation area, heritage item, waterway, or land identified as having special landscape, scenic or ecological qualities under any relevant environmental planning instrument.

As a result, the proposal demonstrates full compliance with Section 118(e) of and Section 125(1) (a) to (d) of the Housing SEPP.

3.4.4 Cumulative Impact

Cumulative impacts have been assessed in the Social Impact Assessment and the Supplementary SEE. The Maitland Local Housing Strategy 2041 identifies this site within the Lochinvar Fringe Investigation Area (IA-7). The proposal aligns with the planned housing growth, representing less than 1.5% of the LGA’s housing targets under the *Hunter Regional Plan 2041*.

A separate proposed MHE on the opposite side of Windella, DA 2023/1133, is nominated on Maitland City Council’s tracker as being withdrawn.

The proposal is supported under Council’s strategic planning framework and the principle in *BGP Properties v Lake Macquarie [2004] NSWLEC 399*, which affirms that a proposal should not be refused simply due to character change where the use is permissible and designed to minimise impacts.

3.4.5 Proximity to Services and Suitability of Location

The site is located approximately 5km from Rutherford town centre, which contains a full range of commercial, medical, retail, and recreational services. This distance is considered reasonable in a regional planning context, particularly for a development targeted at independent over-50s residents with high rates of vehicle ownership and access to a private community shuttle service.

Importantly, the Housing SEPP 2021 does not prescribe a maximum distance threshold for access to services. Instead, Section 125(1)(c) requires that community facilities and services be “reasonably accessible,” whether within or outside the estate. This requirement is clearly met in this case.

The proposal includes:

- Construction of a pedestrian footpath from the site’s northern boundary to the existing public bus stops on the New England Highway prior to the occupation of the first home;
- A wheelchair-accessible shuttle bus that can be driven by residents, resort staff or a contractor from the date of first occupation. The operator will ensure there are a minimum of two weekly shopping trips each week with the schedule and locations of those trips to be decided by the Residents Association. It is anticipated that the trips will alternate between key centres including Rutherford and the future Lochinvar Shopping Village;

- Internal roadways and walkways have been designed to accessible gradients, ensuring safe and comfortable movement for residents on foot or with mobility aids (refer to Accessibility Report and 4.10 Communal Open Space & Walkability Plan within the Architectural Package).

Moreover, the site is directly adjacent to the Lochinvar Urban Release Area (URA), a strategically endorsed growth area in the *Maitland Local Housing Strategy 2041*. The approved structure plans for the URA include:

- Neighbourhood parks;
- Local community facilities;
- Proposed retail and medical services;
- Road upgrades, including the classification of Wyndella Road as a future primary distributor road.

The integration of the MHE with these planned facilities further enhances its suitability and supports long-term walkable access to amenities. The proximity to this planned infrastructure means that the development is well-placed to benefit from and contribute to the future urban framework of Lochinvar.

Accordingly, the site's location satisfies the accessibility provisions of Section 125(1)(c) of the *Housing SEPP* and aligns with the RU2 zone objective of the *MLEP 2011* to allow for compatible uses that do not compromise rural character or environmental values.

3.4.6 Adequacy of Transport Services

As noted above, Section 125(1)(b) is satisfied through:

- Proximity to public transport within 400m;
- Provision of a dedicated resort shuttle bus with an organised driver for at least two weekly shopping trips;
- Upgrades to Wyndella Road, including footpaths and road widening (shown on Engineering Package Drawings and discussed in TIA and CMP);
- Availability of Maitland Community Transport, which is operated by Maitland Community Care Services and funded by Transport for NSW and provides a door-to-door transport service in Maitland for eligible residents.

These measures ensure that residents will have safe, accessible, and reliable transport options, meeting the statutory threshold for "adequate transport services."

3.4.7 Staging of the Clubhouse and Early Provision of Facilities

The development has been deliberately staged to prioritise delivery of key community infrastructure early in the project lifecycle. Stages 1 and 2 together account for only around one-third of the home sites, yet it will deliver the majority of the estate's communal facilities. This approach ensures that initial residents benefit from early access to high-quality shared facilities that support recreation, social interaction, and a strong sense of place from the outset.

Stage 1 and 2 works include:

- Construction of the lawn bowls green, pickleball court, and resident workshop
- Clubhouse, sauna and pool.
- Establishment of landscape buffers around the site's perimeter to provide early screening and soften visual impacts
- Upgrades to Wyndella Road and a footpath connection to the New England Highway bus stops

- Provision of the private shuttle bus

The staging plan follows a clockwise construction sequence beginning in the northwest corner of the site (Stage 1) and concluding in the southwest (Stage 5). This sequencing supports efficient internal infrastructure delivery while ensuring that key community facilities are prioritised early in the project.

3.4.8 Landscape and Scenic Impact

The proposed development has been the subject of a revised Visual Impact Assessment prepared by *Terras Landscape Architects* dated 2025. This assessment evaluates the likely scenic and visual effects of the proposal from 12 publicly accessible viewpoints, encompassing both immediate residential interfaces and longer-range view corridors.

The VIA confirms that, while the site occupies a visually prominent location due to its elevated topography, the visual impacts are acceptable and capable of being mitigated. Specifically:

- Visual impact ratings range from *negligible* to *moderate-high*, with the highest impact recorded from Viewpoint 2 (adjacent Pennparc Drive Residences). Impacts from all other assessed viewpoints are moderate or less, and none are deemed unacceptable.
- The proposal has been specifically designed to minimise sky-lining, with the built form kept below the ridgeline. Dwellings are of low visual profile and utilise muted colours and non-reflective materials consistent with a rural-residential vernacular.
- The landscape strategy includes:
 - The planting of 828 advanced trees, with species selected for rapid growth and screening performance;
 - A 60-metre-wide landscaped buffer to Windella Estate;
 - A 54-metre-wide landscape buffer to Wyndella Road;
 - A 12-metre-wide landscape buffer to the New England Highway
 - Internal landscaping and revegetation to soften built form and assist integration with the rural fringe setting.

The Visual Impact Assessment confirms that while some visibility from public and private vantage points will remain, the impacts are:

- Low to negligible in the broader landscape context;
- Adequately mitigated by landscape buffers and setbacks;
- Consistent with the future built form character anticipated in the URA and IA-7 planning framework.

From a statutory perspective, the site:

- Is not subject to scenic protection controls under the *Maitland Local Environmental Plan 2011*;
- Does not fall within a designated view corridor or ridgeline under the *Maitland Development Control Plan 2011* or relevant strategic plans.

Further, the subject site is immediately adjacent to the Lochinvar Urban Release Area (URA) and within the Lochinvar Fringe Investigation Area (IA-7), both identified in the *Maitland Local Housing Strategy 2041* as part of a planned urban growth front. These areas are zoned and strategically endorsed for progressive urbanisation, including new homes,

neighbourhood parks, transport upgrades and town centre uses. The proposed MHE complements this planned transition and sits comfortably within the evolving peri-urban landscape.

Importantly, the approach taken in this proposal is supported by legal precedent. In *BGP Properties Pty Ltd v Lake Macquarie City Council* [2004] NSWLEC 399, McClellan CJ held:

"In most cases it can be expected that the Court will approve an application to use a site for a purpose for which it is zoned, provided of course the design of the project results in acceptable environmental impacts."

This principle affirms that visual or character impacts do not justify refusal where the proposed use is permissible and environmental impacts are appropriately addressed. In this case, the RU2 zoning allowed "caravan parks" at the time of lodgement, and the design and mitigation strategies clearly result in acceptable impacts under Section 125(1)(d) of the *State Environmental Planning Policy (Housing) 2021* and s.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

The visual and scenic impacts of the proposal have been assessed as acceptable. The development aligns with the strategic urban transition of Lochinvar, is permissible under the applicable zoning, and is designed to a high standard that ensures compatibility with both existing and future land uses.

3.4.9 Cumulative Impact of this MHE and DA 2023/1133

As stated previously in this SSEE, cumulative impact is a relevant but not determinative consideration under Section 125(2)(a). This proposal sits within a strategically supported growth corridor (IA-7) and is supported by the Hunter Regional Plan 2041, which identifies the Anambah–Branxton corridor for coordinated urban expansion.

The other proposed MHE, DA 2023/1133, has been withdrawn and is no longer relevant to the assessment of this proposal.

Infrastructure servicing, traffic impacts, and visual amenity have been assessed individually and cumulatively and found to be acceptable. Contributions to local infrastructure are addressed via Council's s.7.11 Plan and development conditions.

3.5 CONTENTION 5 – LEGAL AND PHYSICAL POINT OF DISCHARGE

The development has not demonstrated a legal and physical point of stormwater discharge.

Particulars

(a) Pursuant to Section 125 of SEPP (Housing) 2021, the consent authority may grant a development consent for a manufactured home estate only if it is satisfied:

that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage, and electricity,

b) The Site has three proposed discharge locations. One to the west and two along the southern boundary. Per the NSW Water Management (General Regulation 2018 hydroline spatial data 1.0), there are blue lines located at each of these locations.

c) The Riparian Corridor Assessment Report provided by the applicant specifies that the proposed discharge points (1.2, 2.4 and 5.1) are mapped features, however, are not considered watercourses.

d) As the proposed discharge points are not considered watercourses, it is not acceptable to discharge concentrated flows at these locations, per Council's MOES.

e) The proposal is considered not to have an appropriate legal point of discharge for stormwater drainage and is considered non-compliant with Council's MOES and SEPP (Housing) 2021.

PLANNING COMMENT

3.5.1 Section 125 SEPP (Housing) 2021 – Drainage Requirements

Section 125(1)(a) of the *State Environmental Planning Policy (Housing) 2021* (SEPP) requires that:

“A council may grant development consent... only if it is satisfied that each of the sites on which a manufactured home is or will be installed... is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity.”

The amended Stormwater Management Strategy prepared by Wallace Infrastructure Design Pty Ltd (May 2025) confirms that the proposed development satisfies the drainage requirement of Section 125(1)(a), forming part of the essential infrastructure package supporting the estate. The stormwater design includes onsite detention (OSD) basins, bypass swales, and a piped drainage network directing flows to lawful points of discharge via the upgraded Wyndella Road.

Importantly, inter-allotment drainage is not proposed. Each manufactured home site will manage drainage within its own curtilage, connected to the broader stormwater system in accordance with engineering and Council requirements.

Other utility services including reticulated water, sewerage, and electricity are confirmed in the Engineering Servicing Strategy submitted with the application. These services are supported by the Riparian Corridor Assessment which demonstrates that the proposal has been designed to ensure environmental protection and infrastructure performance.

Accordingly, the development satisfies Section 125(1)(a) of the SEPP (Housing) 2021.

3.5.2 Location and Nature of Discharge Points

The initial contention raised concern that proposed discharge points align with mapped “blue line” features under the *NSW Water Management (General) Regulation 2018* and are not formally classed as watercourses under Council's Mapping or the Riparian Corridor Assessment Report. While Council's *Manual of Engineering Standards (MOES)* discourages concentrated flows to non-watercourse locations, this has been directly addressed in the updated stormwater concept.

The revised design:

- Avoids direct discharge to mapped ephemeral features;
- Provides upstream diversion swales to intercept and redirect flow around sensitive areas;
- Introduces stormwater basins and detention tanks to manage volume and proprietary devices for quality;
- Includes an engineered stormwater pipe system extending to legal discharge points located within the public domain along the upgraded Wyndella Road, consistent with Clause 9.2 of the MOES.

3.5.3 Legal Discharge and MOES Compliance

Council's Manual of Engineering Standards (MOES) outlines that stormwater discharge must occur at a lawful point and must not result in concentrated or uncontrolled flows causing downstream impacts. The engineering design has specifically responded to this by:

- Providing bio-retention and detention structures to manage flow rate and proprietary devices for quality before release;
- Including energy dissipation and erosion protection at all discharge points;
- Ensuring that the receiving environment is stabilised and modelled to prevent adverse hydraulic impacts.

The development proposes no discharge to mapped watercourses or adjoining properties without treatment or flow control. As such, the proposed discharge complies with the technical and policy intent of Council's MOES, even if further detailed design certification is required as a condition of consent.

3.5.4 Legal Point of Discharge and SEPP Compliance

The amended stormwater system ensures compliance with both the SEPP (Housing) 2021 and MOES through:

1. Defined legal discharge points to the upgraded Wyndella Road drainage infrastructure (as shown in Drawings C05.03–C05.05);
2. Redirection of upstream catchment flows through managed bypass systems (see C04.01 and C04.06–C04.09);
3. Construction of sediment basins and gross pollutant traps in line with the Landcom "Blue Book" and MOES Section 9;
4. Commitment to staged sediment and erosion control, as illustrated on drawings C03.01–C03.02.

Together, these measures establish both legal and physical discharge capability, and fully satisfy drainage expectations for a development of this type and scale.

The updated stormwater design prepared by Wallace Infrastructure Design Pty Ltd provides a compliant, engineered system that lawfully discharges to public infrastructure along Wyndella Road, avoids inappropriate discharge to unmapped watercourses, and conforms to the drainage and environmental protection requirements under the SEPP and Council's MOES. Accordingly, the contention regarding stormwater discharge is no longer valid and should not preclude approval.

3.6 CONTENTION 6 – INSUFFICIENT COMMUNITY FACILITIES

The development does not comply with Division 3, Subdivision 1, Clause 13(1) of the MHE Reg.

Particulars

(a) Clause 13 requires a minimum of 10% (10,740m²) of the total land area of a manufactured home estate (10.74ha) to be reserved for recreation or other communal activities.



b) The land highlighted in the applicant's calculation of communal area (2.24ha) includes the caravan parking, small strips of turf surrounding parking areas, and area dedicated to and surrounding the proposed fire trail.

c) Council's calculation of areas practical for use as recreation or other communal activities is 9,610m² or 8.9% (inclusive of fire trail).

d) The type and range of amenities provided for recreation or other communal activities under the Proposal does not warrant allowing a lesser proportion as required under Clause 13(2) given the number of dwellings proposed to be located on the Site, and the lack of community facilities and services within the immediate locality.

PLANNING COMMENT





The subject site comprises approximately 10.75 hectares, of which 2.6 hectares (24%) has been clearly identified in the amended plans and architectural documentation as being dedicated to communal open space and recreational use. The communal area includes:

- A dedicated community clubhouse and village green, centrally located for accessibility;
- Active and passive recreation nodes including walking trails, shaded gathering areas, and gardens;
- Landscaped parklands and linear green buffers accessible to residents throughout the estate;
- Exclusion of verges (and other small strips of turf), parking, driveways, and service accessways from the quantitative communal open space calculation;
- The fire trail which also serves as a landscaped walking track around the perimeter of the resort.

Section 4.11 of the architectural plans explicitly delineate those areas considered to be communal space for the purpose of Section 13(1) of the MHE Regulations. These plans show that even if the fire trail was excluded from the calculation that the project still delivers 1.50 hectares (14%) of communal space. The early delivery of these areas also ensures that the amount of delivered communal space is always above 10% requirement on the completion of each stage,

The Community Catchment Analysis & Project Review prepared by *Think Economics* includes a comparison of the facilities provided in the proposal with two best-in-class land lease communities. The analysis concludes that the proposed facilities at the subject site are consistent with and in some cases exceed what is being delivered at these highly regarded projects. As a result, the proposed facility provision and designs are appropriate for a land lease community of this size.

In addition, Section 13(2) of the MHE Regulations permits a lesser proportion of communal land where the development makes provision for additional facilities for communal use. In this regard, the proposal includes:

- A multi-purpose community centre, accessible by mobility-impaired residents;
- A shuttle bus with wheelchair access to connect to nearby services and shops;
- Landscaped spaces equipped with seating, shade structures, and amenities;
- A pedestrian-friendly internal layout with integrated open space corridors.

Moreover, the proposal is situated adjacent to the Windella Urban Release Area (URA), which is identified for substantial urban growth and will, over time, incorporate future parks, community infrastructure, and neighbourhood centres. The proximity of the development to these planned urban facilities supports the position that residents will be adequately served by both on-site and future surrounding facilities.

On this basis, it is submitted that:

The development complies with Section 13(1) in quantitative terms, with at least 10% of the site area reserved for communal use;

The quality and distribution of communal space is consistent with accepted planning standards for Over 50s MHEs;

Additional facilities provided on-site justify consideration under Section 13(2) for a marginal variation if required (noting compliance is nevertheless achieved);

The proposal appropriately responds to the site context and demographic needs of future residents, and should not be refused on the grounds of communal space provision.



3.7 CONTENTION 7 – VISITOR PARKING

The development does not comply with Division 3, Subdivision 1, Clause 23 and 24 of the MHE Reg.

Particulars

- a) Per Clause 23, subclause 2, each parking space must have minimum dimensions of 6.1m x 2.5m.*
- b) The plans provided do not stipulate dimensions for parking spaces, however Council's scaled measurements indicate parking spaces have minimum dimensions of 5.1m x 2.5m.*
- c) Per Clause 24, the MHE must contain a minimum of three (3) disabled parking spaces.*
- d) No disabled parking has been shown on the plans.*

PLANNING COMMENT

3.7.1 Parking Space Dimensions

The amended architectural plans prepared by BDA Architecture (Drawing No. 4.16 and 4.17) now clearly label visitor parking spaces, including their dimensions, and demonstrate compliance with Section 23. The relevant visitor bays are shown with a minimum length of 6.1m and width of 2.5m, consistent with the regulatory standard for non-angle parking.

3.7.2 Disabled Parking Spaces

The updated architectural package now includes four (4) accessible parking spaces, each of which is clearly annotated and dimensioned on the drawings in accordance with the requirements of AS/NZS 2890.6. These spaces are appropriately located in proximity to key communal facilities and shared zones, and are designed to comply with minimum circulation, gradient, and signage standards. This also satisfies Clause D4D6(2) of the National Construction Code 2022.

See Annexure A for MHE Regulations.

3.8 CONTENTION 8 – PUBLIC INTEREST

The DA should be refused because the proposed development is not in the public interest.

Particulars

- (a) The contentions raised above demonstrate that the proposed development is not in the public interest*
- (b) A total of eighty-five (85) submissions have been received raising concerns with the proposed development. This scale of concern is indicative of a consensus community interest that does not support the proposed development.*
- c) The proposed development comprises an inappropriate use and density for the location that would depart from the desired future character of development in the Precinct as set out in MLEP 2011, the Maitland Local Strategic Planning Statement 2041 and the Maitland Rural Lands Strategy 2041.*
- d) The Site is subject to endorsed Planning Proposal PP 2023 – 2724 that seeks to prohibit the proposed development in the zone. On this basis the public interest is not well served by a proposal that pre-empts the outcome of a formal planning proposal process underway.*

PLANNING COMMENT



3.8.1 Reference to Earlier Contentions:

The applicant has provided detailed responses to all prior contentions raised, including in relation to permissibility, traffic, character, environmental and social impacts. These responses are supported by independent expert assessments (e.g. traffic, social impact, bushfire, biodiversity, acoustic, visual impact, and accessibility reports), and demonstrate that the proposed manufactured home estate (MHE) is consistent with the statutory framework in force at the time of lodgement.

As outlined in *BGP Properties Pty Ltd v Lake Macquarie City Council* [2004] NSWLEC 399, where a use is permissible, the development should not be refused solely on subjective character or compatibility concerns, provided environmental impacts are acceptable and appropriately mitigated. The planning framework allows the site to be used for this purpose, subject to proper assessment. Accordingly, there is no planning basis for refusal on public interest grounds merely by reference to earlier objections.

3.8.2 Community Submissions:

The number of submissions (85) is noted; however, the presence of objections alone does not determine the outcome of a development application. As held in *Meriton Apartments Pty Ltd v Council of the City of Sydney* [2004] NSWLEC 313, the role of the consent authority is to apply the statutory framework, not to act as an arbiter of popularity.

The submissions received have been reviewed and, after further community engagement, material changes were made to the design and operations of project to specifically address these concerns. Most concerns related to construction traffic, amenity and compatibility of the original proposal which has been resolved in the amended application with the removal of the Penparc Drive construction access, the inclusion of large landscaped buffers that are planted in Stage 1 and the inclusion of a detailed construction management plan. The amended application also includes additional specialist reports that have been prepared to address stakeholder feedback, including a VIA, Acoustic Assessment, External Lighting Design Report, new SIA and supplementary Statement of Environmental Effects (SSEE).

It should be noted that the adjoining landowners to the north, west and south of the Subject Site are generally supportive of the proposal.

The development achieves compliance with the Housing SEPP 2021, MLEP 2011, and supporting policies. Conditions of consent can also ensure community amenity is protected.

3.8.3 Strategic Planning Consistency:

The proposal aligns with the strategic intent of the Maitland Local Housing Strategy 2041, which identifies the Lochinvar area (including IA-7) as suitable for urban expansion, and the Hunter Regional Plan 2041, where the site sits within the Anambah to Branxton Regionally Significant Growth Area.

The proposal also satisfies the intent of the Maitland Rural Lands Strategy 2041 (RLS) which is to protect valuable agricultural land and minimise land use conflicts. Even though the area is identified for future development in multiple strategic plans and the neighbouring properties to the north and west are already progressing their own developments, the proposal still provides generous landscape buffers to all boundaries to alleviate any short-term land use conflicts. Furthermore, the site has not been used for significant agricultural purposes in many years and is not considered valuable agricultural land. Therefore, the proposal satisfies the intent of the Maitland Rural Lands Strategy 2041 (RLS).

The zoning objectives for the RU2 Rural Landscape zone under MLEP 2011 explicitly permit compatible land uses that do not compromise agricultural productivity. The site has not been used for intensive agricultural purposes in many years and the scale, built form and landscaping of the development is sensitive to both its existing and emerging character.

Draft Planning Proposal and Amendment No. 38: Please refer to earlier discussions in this document.

3.9 INSUFFICIENT INFORMATION

3.9.1 RFI – Visual Impact Assessment

A visual impact assessment is to be prepared in support of the proposal. The subject Site is prominent from various key vantage points, including the Windella Estate (zoned R5 – Large Lot Residential) to the east and the New England Highway to the south. The topography of the Site and high density proposed lends itself to having a substantial impact upon the rural scenic qualities of the locality. A visual impact assessment is required in order to substantiate and mitigate the potential and perceived impacts of the development. The Visual Impact Assessment should be incorporated into a revised SIA, where relevant.

PLANNING COMMENT

3.9.1.1 A detailed Visual Impact Assessment (VIA) has been prepared by *Terras Landscape Architects* (April 2025), the findings of the VIA have informed revisions to the landscape design and site layout, and the outcomes demonstrate that the development will not result in unacceptable visual or scenic impacts.

The VIA confirms that while the site is elevated in parts and visible from select locations, notably from the New England Highway to the south and parts of the Windella Estate to the east, the visual catchment is largely constrained by topography, vegetation, and existing development. The visual sensitivity of the site is acknowledged; however, it sits within a transitional urban–rural context that is undergoing change, consistent with strategic planning objectives for the Lochinvar Urban Release Area and Lochinvar Fringe Investigation Area (IA-7).

Informed by the VIA, the landscape design has been substantially revised to include:

- Over 828 trees proposed throughout the site;
- A 60m landscape buffer along the eastern boundary adjoining the Windella Estate;
- Early and extensive planting along the southern boundary to screen views from the New England Highway;
- Use of single-storey built forms, natural materials and muted colour palettes to reduce visual contrast;
- Integration of built form with the existing topography, minimising cut-and-fill and visibility from key public viewpoints.

These measures are designed to mitigate visual prominence, reduce perceived building bulk, and maintain the visual amenity of the surrounding area. The VIA concludes that views of the development will be filtered, intermittent and well-buffered, particularly as landscaping matures.

The RU2 Rural Landscape zone under the Maitland Local Environmental Plan 2011 (MLEP 2011) permits compatible land uses where they do not undermine the rural character or environmental qualities of the land. The proposed Manufactured Home Estate (MHE), through considered siting and design, satisfies this intent. Furthermore, in line with the planning principle established in *BGP Properties Pty Ltd v Lake Macquarie City Council* [2004] NSWLEC 399, a degree of visual change must be accepted where a land use is permissible, and the environmental impacts are acceptable.

Additionally, the Maitland Local Housing Strategy 2041 and the Hunter Regional Plan 2041 identify the area for urban transition and population growth, reinforcing that the current rural visual character is expected to evolve.

The Visual Impact Assessment provides a thorough, evidence-based analysis and demonstrates that the proposed development:

- Is compatible with the emerging landscape character of the area;
- Is appropriately mitigated through revised landscape design and site layout;
- Does not result in unacceptable impacts on key visual receptors;
- Aligns with the planning intent for urban consolidation in the Lochinvar growth area.

The applicant acknowledges that the outcomes of the VIA will also be referenced, where relevant, in a revised Social Impact Assessment (SIA) to demonstrate integrated planning and design responses to community concerns about character and visual amenity.

Accordingly, the requirement for a VIA has been addressed, and the findings confirm that the development is appropriate in its visual context, in accordance with section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

3.9.2 RFI – Accessibility Report

An access report is required to be submitted for the proposed community facilities as prescribed by Chapter C1 ‘Accessible Living’ of MDCP 2011. Given the target market of ‘over-55’s’, an Access Report is required at DA stage to ensure the proposal can cater for this demographic, as well as any occupants with a disability. The report should include, but not be limited to, the following:

- a) Accessibility to all buildings, including community centre and shared facilities.*
- b) Accessible pedestrian pathways along the roadsides.*
- c) Accessible pathways outside of the Site to connect to services.*
- d) Ensure accessible parking meets BCA compliance ratios of accessible car parking spaces.*

PLANNING COMMENT

3.9.2.1 An Access Report has been prepared by *Accessed* (April 2025) to support the development proposal, assessing the proposed communal facilities with respect to equitable access and compliance with relevant legislation and design standards. The assessment evaluates the extent to which the development facilitates dignified and equitable access for people with a disability.

The following key standards and legislative instruments have been referenced in the assessment:

- Disability Discrimination Act 1992 (DDA)
- Disability (Access to Premises – Buildings) Standards 2010
- Building Code of Australia (BCA) 2022
- Australian Standards AS 1428 series and AS/NZS 2890.6
- Maitland Development Control Plan 2011 – Part C

The Access Report considers access provisions for all publicly accessible areas and communal facilities within the development, including pedestrian paths, car parking, building entries, amenities, and circulation spaces.

Key findings of the report are as follows:

- **General Compliance:** The majority of the proposed works demonstrate a reasonable level of compliance with the Premises Standards and the BCA. Accessways and entries are generally designed to accommodate people with mobility limitations, subject to final construction detailing.

- **Accessible Car Parking:** Designated accessible parking spaces have been incorporated in accordance with AS/NZS 2890.6:2009. The dimensions and location of these spaces support equitable access to the building entries.
- **Continuous Accessible Paths of Travel (CAPT):** A continuous accessible path of travel is provided from the site boundary and accessible parking spaces to the building entrance and communal facilities. Final certification will require confirmation of gradient and surface treatment compliance under AS 1428.1:2009.
- **Building Entrances and Facilities:** Entry thresholds and doors are proposed to be compliant with BCA and AS 1428.1. Internal circulation spaces within the communal areas appear adequate, though further detail is required to confirm compliance with turning space and door hardware requirements.
- **Sanitary Facilities:** At least one unisex accessible toilet facility is proposed, consistent with BCA requirements. Final plans will require confirmation that fitout elements comply with AS 1428.1.

A number of detailed elements relating to accessibility will be resolved during the detailed design and construction documentation phases, consistent with standard practice for developments of this scale and type. These include:

- Final construction detailing of key access elements, such as ramps, tactile ground surface indicators, and doorway widths;
- Specification of compliant luminance contrast for critical surfaces and provision of tactile signage in accordance with Australian Standards;
- Selection and placement of accessible fixtures, fittings, and controls.

These matters have been identified as requiring final confirmation during the next design phase. The proponent is committed to addressing these items in full compliance with the Disability Discrimination Act 1992, the Disability (Access to Premises – Buildings) Standards 2010, and the relevant Australian Standards, particularly AS 1428.1 and AS/NZS 2890.6.

In summary, the Access Report confirms that the proposal has been designed with regard to relevant accessibility requirements and that compliance is achievable, subject to final construction details and the incorporation of the report's recommendations. The development will provide equitable access to communal areas and will support inclusive use of the facilities for people of all abilities.

3.9.3 RFI – Consideration and Mitigation of Light Spill

Further information is required as to how light spill will be mitigated, as to not impact upon the amenity of the Windella Estate (immediately east of the subject Site), as well as safety and functionality of the Maitland Airport, and the surrounding rural properties.

PLANNING COMMENT

3.9.3.1 A detailed External Lighting Design Report (Marline, 23 April 2025) has been prepared to support the proposed Manufactured Home Estate at 34 Wyndella Road, Lochinvar. The report outlines a concept lighting strategy developed to ensure public safety, compliance with relevant Australian Standards, and the protection of neighbouring residential amenity and environmental values.

Key elements of the design include:

- Compliance with Australian Standards: The lighting design complies with AS/NZS 1158.3.1:2020 (Lighting for Roads and Public Spaces) and AS/NZS 4282:2019 (Control of the Obtrusive Effects of Outdoor Lighting).

- Sensitive Receiver Mitigation: The development is located in an area of low district brightness. Sensitive receivers include nearby residents and the natural environment. Measures such as controlled optics, pole-mounted LED luminaires positioned well within site boundaries, and dense landscape buffers will mitigate the potential for light spill and glare.
- Amenity and Safety: The design incorporates Crime Prevention Through Environmental Design (CPTED) principles to promote site safety while minimising visual obtrusiveness. Lighting to internal roads is classified under PR3 (medium pedestrian activity) and to the community centre is designed for low-level, functional illumination.
- Aerodrome Considerations: Due to proximity to the Maitland Aerodrome, lighting design has been prepared in accordance with Civil Aviation Regulation 1988 – Regulation 94 and National Airports Safeguarding Framework Guideline E to prevent pilot distraction.
- Obtrusive Lighting Controls: The design includes low-level lighting (≤8m poles), luminaires with minimal uplight, backlight shielding, and boundary setbacks. Final certification of lighting compliance with AS/NZS 4282 will be provided at the detailed design stage.
- Implementation and Controls: Lighting will be operated via photocell and timer controls, with manual override options. Final detailed designs will be refined to demonstrate full compliance during Construction Certificate stage.

The External Lighting Design Report summarised above outlines the specific measures to mitigate obtrusive lighting impacts on neighbouring properties, including Windella Estate to the east, the surrounding rural area, and Maitland Aerodrome to the south.

To ensure the protection of residential amenity, the lighting design will comply with *AS/NZS 4282:2019* (Control of the obtrusive effects of outdoor lighting). This standard provides clear limits on vertical illuminance at residential boundaries and requires the control of glare, skyglow, and spill light. Pole-mounted LED luminaires with tightly controlled optics and zero upward light output will be used throughout the development to direct light downwards and limit the projection of light beyond the site boundaries. Where necessary, backlight shields and glare hoods will be installed to further minimise light encroachment into neighbouring properties, particularly along the eastern boundary adjacent to Windella Estate.

In addition to technical lighting controls, the development incorporates extensive physical mitigation measures. Dense landscape buffers are proposed along the perimeter of the site, particularly on the eastern side, which will act as a visual and physical barrier to light spill. These buffers are designed in coordination with the overall landscaping strategy and supported by generous setbacks between luminaires and site boundaries.

Importantly, the lighting scheme has been developed in consideration of aviation safety due to the site's proximity to Maitland Aerodrome. In accordance with *Civil Aviation Regulation 1988 – Regulation 94* and the *National Airports Safeguarding Framework Guideline E*, luminaires will be selected and oriented to avoid upward light emission and pilot distraction. The final design will undergo verification at the Construction Certificate stage to ensure full compliance with CASA and aviation lighting requirements.

The site is located within a low district brightness area, as defined by *AS/NZS 4282*, which places heightened controls on external lighting. The lighting scheme has accordingly been limited to essential areas such as internal roadways and the community centre, and will operate under time and photocell control to minimise unnecessary night-time illumination. The luminaires are located internally and largely screened by the proposed dwellings, further reducing potential impacts on the surrounding environment.

A detailed lighting compliance certification will be provided during the detailed design and Construction Certificate phases to confirm full alignment with applicable standards and development consent conditions. Based on these measures, the proposed development will not generate unreasonable or adverse light spill impacts and will maintain

the amenity and safety of surrounding properties and infrastructure, including Windella Estate and Maitland Aerodrome.

3.9.4 RFI – Acoustic impact

The proposed development will generate noise impacts to surrounding residential and rural uses from vehicles, waste collection, mechanical plant, external sporting activities, communal areas and community centre. An acoustic assessment is required to detail the extent of potential and perceived noise impacts, and subsequent mitigation measures.

PLANNING COMMENT

3.9.4.1 An Acoustic Assessment has been completed by *Spectrum Acoustics* and demonstrates the development meets all applicable noise criteria, including day/night amenity levels under the *EPA Noise Policy for Industry (2017)*. All outdoor amplified music has been excluded from the proposal and this restriction is reflected in the updated Plan of Management. The site is set back from key noise receivers and buffered by open space and vegetation.

The assessment includes baseline ambient noise monitoring and predictive noise modelling undertaken in accordance with the *NSW Noise Policy for Industry (2017)*, *NSW Road Noise Policy (2011)*, and *Interim Construction Noise Guidelines (2009)*. It addresses all relevant noise sources, including internal traffic movements, fixed mechanical plant, communal facilities, and off-site vehicle movements.

The report concludes that, subject to standard mitigation measures and detailed design recommendations:

- All predicted operational noise emissions will comply with applicable acoustic criteria and will not result in unacceptable impacts on nearby sensitive receivers, including residents of the Windella Estate;
- Predicted road traffic noise levels at proposed dwellings will comply with internal amenity targets, with no requirement for specialised acoustic construction treatments;
- Construction noise impacts will be temporary and manageable through implementation of a Construction Noise Management Plan.

Accordingly, the proposal satisfies Section 125(1)(e) of the *Housing SEPP 2021*, and it is submitted that the development will not generate adverse acoustic impacts that would preclude approval of the application.

Further assessment of the Acoustic Impact is addressed under Contention 3 in section 3 of this document.

3.9.5 RFI – Traffic, road and access

a) TfNSW has provided a response to the application, outlining that there are capacity issues with the traffic signals at Wyndella Road and NEH. The response by TfNSW fails to specify if the current traffic signals can support the proposed development's traffic generation. Further information is required from TfNSW and the applicant to confirm if the current traffic signals have adequate capacity or if upgrade of the existing signals are required as a result of the development.

b) The access to the Site shall consider the Lochinvar URA and other applications within the URA under assessment. It is noted that Section 7.8 of the MLEP requires the Anambah URA to be provided with suitable and safe road access to the New England Highway via Wyndella Road.

c) With consideration of expected traffic volumes within the Lochinvar and Anambah URA's, it is expected that this intersection will be a roundabout. The configuration of this intersection/roundabout will impact the safety of both the main Site entry and the northern fire trail. It is advised that the applicant discuss this intersection layout with the developer on the western side of Wyndella Road and provide a design that meets council, Australian Standard and Austroad requirements with consideration of the URA and the development to the west.

i. Note: the traffic report specifies a BAR intersection treatment. This is not supported due to safety concerns. Refer to Austroads Part 4A CI 7.2.

ii. Note: Traffic report is required to consider traffic growth from Lochinvar URA and Anambah URA.

d) Wyndella Road along the Site frontage is required to be upgraded. Part road construction to 7.5m of sealed road in accordance with Council MOES to achieve 15m pavement requirement (refer to Lochinvar URA DCP). Hence, preliminary geometric and pavement design including cross sections, long sections and geotechnical report is to be provided for the Wyndella Road. This information is required prior to any consent to ensure the impacts of these works are assessed.

e) The Traffic Report outlines that Wyndella Road between the development Site and the New England Highway shall be upgraded to a 6m wide sealed pavement. This specification by the traffic engineer is not consistent with the rural road carriageway widths as per Austroad including Part 3 CI 4.2.6. The application shall demonstrate how the requirements of Austroads including CI 4.2.6 will be met from the development Site to the New England Highway. It is expected preliminary engineering plans are provided demonstrating how this will be achieved within the existing road reserve.

i. Note: the traffic report shall be updated to specify the expected AADT traffic volumes to inform the rural road Design as per Austroads Part 3 Table 4.5.

f) The proposed manufactured homes are a type of relocatable homes which are constructed outside of the MHE and transported to the subject Site. Therefore, the application shall demonstrate how these manufactured homes/major parts are to be transported to each lot of the estate (i.e. the design vehicle) through internal roads including swept paths of the vehicle which is intended to be used for the transportation. Consideration of AS2890.2 including table 3.1 shall be considered.

g) The driveway internal entrance shall be designed in accordance with AS2890.2 including figure 3.2. Without further information provided, it is assumed that the manufactured homes will be delivered by an AV and hence from AS 2890.2 figure 3.2 a minimum of 24.5m is required at the kerbline. This has not been provided on the civil plans. Note: the MHE SEPP specifies a median with a minimum of 5m either side.

h) A scale drawing which shows the swept paths of largest heavy vehicle including the B99 vehicle and garbage truck associated with the development.

i) Preliminary pavement design including geotechnical report shall be provided.

j) The traffic report shall consider the impacts of the fire trail connection to Pennparc Drive and through the Wyndella estate Wyndella Road network, as the proposed development appears to provide access via the fire trail.

k) Attributed to the intended exemption to construction and assembly at a place of manufacture outside of the MHE, the development application does not contain supporting documentation to demonstrate that any manufactured home section/s are physically and practically able to be transported to the Site.

PLANNING COMMENT

3.9.5.1 Based on the detailed review of the *Traffic Impact Assessment (02 May 2025)* prepared by JMT Consulting, the following response addresses Council's and TfNSW's comments regarding access, traffic capacity, and infrastructure requirements under Sections 2.118–2.120 of SEPP (Transport and Infrastructure) 2021:

a) Intersection Capacity and Signalisation: SIDRA modelling in the updated Traffic Impact Assessment (TIA) demonstrates that the signalised intersection at Wyndella Road and the New England Highway will continue to operate within acceptable capacity thresholds with the inclusion of forecast development traffic. The modelling includes background growth projections (3% p.a.) and assumes 100% of the development traffic uses this intersection, adopting a

conservative approach in line with TfNSW guidance. The intersection maintains a Level of Service (LoS) C with a Degree of Saturation (DoS) of 0.79 in both peak periods, confirming no upgrade is triggered solely by this development.

b) Integration with Lochinvar and Anambah URA: The access design to Wyndella Road responds appropriately to Section 7.8 of the MLEP. The proposal includes upgrades to Wyndella Road that are compatible with future traffic demands expected from both the Lochinvar and Anambah Urban Release Areas (URAs), while avoiding premature duplication of infrastructure. Coordination with adjacent developers and Council will ensure integration with broader URA access strategies.

c) Future Intersection Layout and URA Coordination: The TIA identifies potential delivery pathways for the ultimate intersection treatment at Wyndella Road, including coordinated upgrades by adjacent developers. Three feasible delivery options are outlined, including the applicant completing the necessary widening independently. The currently proposed Basic Right Turn (BAR) treatment is a conservative interim solution. The final configuration (including possible roundabout) will be resolved through ongoing consultation and design collaboration with Council, TfNSW, and western landowners.

d-e) Road Upgrades and Austroads Compliance: The development proposes a 11.5m sealed carriageway to accommodate two 3.5m travel lanes, a 3.5m turning bay, shoulders, and a 1.5m footpath. This interim cross-section meets Austroads standards for the forecast AADT, to be verified by detailed traffic volumes as per Austroads Part 3, Table 4.5. Full road width construction (15m) will occur in coordination with adjoining developments. Preliminary geometric and pavement designs will be provided for approval and can be conditioned for construction certificate stage.

f-g) Delivery of Manufactured Homes: Swept path analysis confirms that 15.3m articulated vehicles (AVs) can navigate the internal road layout, including verge use during delivery. Internal driveways meet AS2890.2 and Figure 3.2 design templates, and a 14m-wide entrance permits AV turning movements with a garbage truck simultaneously entering/exiting the site. Post-delivery reinstatement and landscaping is planned.

h) Heavy Vehicle Swept Paths: Appendix B of the TIA provides turning templates for B85 and B99 vehicles and garbage trucks. These confirm compliance with AS2890.2 and Austroads turning path requirements.

i) Pavement Design and Geotechnical Assessment: Preliminary pavement design is to be submitted prior to construction certificate and will be informed by site-specific geotechnical investigations. This is a standard conditionable matter at DA stage.

j) Fire Trail and Emergency Access: The fire trail connection to Penparc Drive is intended for emergency vehicle access only, not general traffic. The Bushfire Assessment confirms its suitability for RFS access and egress during emergency events.

k) Manufactured Home Transport Logistics: Construction vehicle movement studies and swept paths confirm practical delivery of manufactured home components. The design vehicle (15.3m AV) has been tested within the internal road geometry, ensuring operational viability. These provisions satisfy Section 2.120 of SEPP T&I 2021 regarding traffic-generating development.

3.9.6 RFI – Road design for pedestrians

a) The application shall demonstrate how pedestrian and cyclist facilities connecting the internal footpath network to the pedestrian facilities at the NEH will be provided. These requirements must be constructed in accordance with Council and Austroad requirements. These details must be provided prior to consent and shall be conditioned to be completed prior to issue of the first construction certificate.

Note: the statement in the traffic report specifying that the development is not expected to generate any significant additional demands for bicycle or pedestrian infrastructure is not supported. Austroads Part 6A Cl 3.1 specifies that paths should be

connected and provide good access to key destinations. There is a park located within 600m of the Site and hence pedestrian and cyclist facilities must be provided.

PLANNING COMMENT

3.9.6.1 The development proposal includes a pedestrian footpath along the eastern side of Wyndella Road, from the site frontage to the existing pedestrian network on the New England Highway. This connection forms part of the road upgrade works identified in the *Traffic Impact Assessment* (JMT Consulting, May 2025) and will be constructed to the specifications outlined in *Austrroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths* and Council's *Manual of Engineering Standards (MOES)*.

The footpath will be designed to:

- Provide a continuous and safe pedestrian route from the site to the nearest bus stops on the NEH;
- Include kerb ramps and appropriate tactile ground surface indicators;
- Accommodate all-ages and all-abilities access, in accordance with *AS 1428.1*;
- Integrate with future active transport networks as the Lochinvar URA develops.

This provision directly responds to *Austrroads Part 6A, Clause 3.1*, which states that pedestrian paths should connect communities to destinations such as public transport, open space, and local services.

Additionally, the streets are designed to be a pedestrian friendly environment, which is standard in all Over 50s MHEs, linking all homes to communal facilities, including the clubhouse, pool, and recreational areas, enabling safe and efficient pedestrian movement within the site. The pedestrian friendly streets have been designed to be easily walkable which can be seen in section 4.10 Communal Open Space & Walkability Plan of the architectural package. While the traffic report observed limited projected demand for off-site cyclist infrastructure due to the demographic profile of residents (50+), the footpath connection can also support occasional bicycle use, especially for e-bikes and local trips.

The construction of the external footpath link will be included as a recommended condition of consent, with detailed design to be submitted for approval prior to the issue of the first Construction Certificate. This ensures that the infrastructure is in place prior to occupation and forms an integral part of the safe and accessible active transport network envisioned in Council's strategic planning.

3.9.7 RFI – Stormwater management

- a) Details of hydrology and hydraulic calculation (including DRAINS model) is required to ensure that the proposed on-site detention (OSD) facilities and internal drainage system is adequate to cater for stormwater runoff from impervious areas of the subject Site including pre and post development discharges (for each catchment and discharge location). Details of drainage layout of the Site including pits, pipes, survey levels (inlet, outlet and surface levels) must be provided.*
- b) It is proposed to construct the OSD in stage 1. Hence, the applicant requires to demonstrate how surface runoff from whole Site is to be conveyed to the proposed OSD. This includes all flows up to and including the 1%AEP event.*

Note: it is not best practise to pipe the 1% event, hence it must be shown that these flows can be safely conveyed in the road network to the detention system. It must be demonstrated that all overland flow paths have safe depth x velocity values.

- c) It must be demonstrated how external flows from the northern adjoining properties are conveyed through the Site. It is expected a swale will be required to collect these existing flows.*
- d) The cut/fill plan must include a legend to demonstrate that the levels at the northern boundary is at NGL to ensure stormwater is not impounded or increasing depths on adjoining properties.*

Note: sections have been provided however these fail to depict chainages on the plans and hence it is not clear where the boundary is located.

PLANNING COMMENT

- 3.9.7.1** A detailed Stormwater Management Strategy has been prepared by *Wallace Infrastructure Design Pty Ltd* (dated 6 May 2025), demonstrating that the proposed development will achieve compliant drainage outcomes in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, Council's MOES, and Australian Rainfall and Runoff (ARR) 2019.

The Strategy includes hydrology and hydraulic modelling using DRAINS and MUSIC software to confirm that all pre- and post-development flows at the site's two designated outlet points will be safely conveyed and detained to meet Council's performance standards. Two on-site detention systems (Basin 1 and Tank 2) have been designed to limit post-development peak discharges to below pre-development levels for the 1%, 5%, and 20% AEP events. Water quality modelling confirms compliance with required pollutant load reductions.

The strategy also demonstrates that overland flows from upstream catchments (north and west) will be safely bypassed through the site via purpose-designed swales and pipes, discharging to lawful points along Wyndella Road. Levels at the northern boundary of the site are proposed to be retained at natural ground level to prevent adverse impacts on adjoining properties. Any final design refinements will ensure depth x velocity thresholds are safe during 1% AEP storm events and will be verified at Construction Certificate stage.

Hydrology and Hydraulic Calculations (DRAINS model): The stormwater strategy includes comprehensive hydrologic and hydraulic modelling using DRAINS and MUSIC software to assess both pre- and post-development flows. Two key outlet locations are modelled—Detention Basin 1 (SW) and OSD Tank 2 (SE). The DRAINS model incorporates catchment sub-areas, pipe layouts, outlet structures, and considers 1%, 5%, and 20% AEP events using both ensemble and individual storm analysis as per ARR 2019.

Each basin has detailed outlet structures designed to ensure peak post-development discharge does not exceed pre-development levels. Detention basin volumes are 2,290m³ and 1,035m³ respectively, with outlet pipes and weirs sized for compliance. MUSIC modelling supports water quality treatment outcomes.

Conveyance of 1% AEP Flows: The layout allows overland flow conveyance through roads and designated easements. Although piped conveyance is used, the design ensures road corridors and the pit-and-pipe system have capacity for the 1% AEP storm with blockage scenarios accounted for in final design. Safe depth x velocity will be demonstrated in detail at the Construction Certificate (CC) stage.

Conveyance of External Flows: Upstream catchments (western, middle, eastern tributaries) are intercepted and redirected via engineered bypass swales and pipes to legal discharge points along Wyndella Road. These are not conveyed through private property but through designed infrastructure within the site and road reserve.

Cut and Fill / Boundary Levels: The strategy confirms that northern boundary levels are to match Natural Ground Level (NGL) to prevent ponding or diversion of water onto adjacent lands. While section chainages are not shown in the concept, this will be addressed in detailed documentation submitted at the CC stage with updated plans and modelling.

The proposed stormwater design addresses both quantity and quality aspects in accordance with Maitland DCP, MOES, and ARR 2019. Further detailed engineering, including geotechnical data, will be provided at CC stage, ensuring compliance with best practice and Council requirements.

This Strategy satisfies the drainage and stormwater management requirements under Section 125(1)(a) of the SEPP (Housing) 2021, ensuring that the development will be adequately serviced by drainage infrastructure.

3.9.8 RFI – Geotechnical

a) All retaining walls (location, height etc) shall be shown on the civil plans. Site cross sections provided in the civil plans demonstrates that retaining walls of up to 3.3m are proposed. Retaining wall heights are considered excessive and should be significantly reduced to align with requirements under MDCP 2011.

b) The cut/fill plan shall include a legend that specifies the cut/fill. If fill of 2m or greater is proposed, then a geotechnical engineer shall outline how long term consolidation/settlement will be managed to acceptable limits.

c) From the provided cut/fill plan, approximately 42000m³ of fill is required for the Site. Council preference is for a cut/fill balance to be achieved. This level of fill will require consideration of the impacts of haulage (i.e. pavement damage) to and from the Site on council and TfNSW road network. Further to this, consideration of noise, dust and traffic management is required.

PLANNING COMMENT

3.9.8.1 Retaining Wall Height and Location: In response to Council's concern regarding retaining wall height, we note that the updated Civil Plans prepared by Wallace Infrastructure Design Pty Ltd (Drawing No. 23128_CIV_DA[E], dated 6 May 2025) clearly indicate the location and maximum heights of proposed retaining walls throughout the development.

While some walls are proposed at a maximum height of approximately 3.3 metres, these occur at isolated locations where they are required to accommodate grade transitions, particularly adjacent to internal roads and along site perimeters. The majority of retaining walls are substantially lower, and where possible, the design has prioritised stepped or tiered solutions to reduce visual bulk and facilitate landscaping. All walls will be appropriately engineered and certified to meet structural and safety requirements.

The Maitland Development Control Plan 2011 (MDCP 2011) encourages retaining walls to be minimised in height; however, there is no strict numerical limit specified. In the context of this undulating site, and given the extensive landscaping proposed (refer Landscape Plans by Terras Landscape Architects), the visual and environmental impacts of retaining walls will be appropriately mitigated.

Cut/Fill Plan and Geotechnical Certification: The Cut and Fill Plan (*Wallace Infrastructure*, Rev E) has been updated to include a clear legend identifying the depth and extent of both cut and fill areas. It is acknowledged that some areas propose fill greater than 2 metres.

To address this, a Geotechnical Assessment will be prepared at the detailed design stage, in accordance with Council's requirements and Australian Standards, to specifically address:

- Long-term settlement and consolidation management
- Compaction standards and fill placement methodology
- Retaining structure performance
- Suitability of fill materials

A condition of consent can be imposed requiring geotechnical certification to accompany the Construction Certificate application, ensuring that long-term settlement remains within acceptable engineering tolerances.

Fill Volumes and Construction Impact Management: The Civil Plans indicate that approximately 33,000m³ of fill is required across the site to achieve the proposed design levels. It is noted that a cut/fill balance is desirable; however, due to the site's natural slope and the need to comply with accessibility and drainage requirements (see Stormwater Management Strategy, *Wallace Infrastructure*, 6 May 2025), importation of fill is necessary.

- A detailed Construction Management Plan (CMP) will be provided prior to works commencing. The CMP will address:
- Haulage route management to minimise pavement damage on both local and classified roads
- Traffic control measures in accordance with TfNSW and Council's standards
- Dust suppression and erosion control in compliance with the Protection of the Environment Operations Act 1997
- Noise management strategies aligned with the EPA's Interim Construction Noise Guidelines

These measures will ensure that potential construction-phase impacts on Council and TfNSW assets and the local community are appropriately mitigated. Further, contributions under Section 7.11 of the EP&A Act will assist in addressing any long-term infrastructure demands.

The geotechnical considerations associated with the proposal have been addressed through civil design, with appropriate measures proposed to ensure engineering compliance, settlement management, and construction impact mitigation. Where required, additional technical reporting will be conditioned for submission prior to the Construction Certificate stage. The proposal therefore satisfies the intent of MDCP 2011 and the relevant considerations under s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

3.9.9 RFI – Utilities

The servicing strategy by WDG dated 01/02/2024 is noted. This report highlights that water services will be required to extend to the Site and that there is sewer connection available to the east. From council's experience, the Lochinvar area sewer and water utilities are at capacity. Hence evidence shall be provided from Hunter Water demonstrating that there is capacity in the network for the development. Further to this, any telecommunications, water and power supply upgrades to Wyndella Road shall be shown to ensure that these services can be located in the correct location as per the future Lochinvar URA and Anambah URA road design/road widening and the service authority requirements.

PLANNING COMMENT

3.9.9.1 The Water and Sewer Servicing Strategy (Wallace Infrastructure Design Pty Ltd dated 6 May 2025) confirms that the proposed development can be adequately serviced by Hunter Water infrastructure. Hunter Water has provided preliminary servicing advice confirming sufficient capacity in the existing DN300 watermain along the New England Highway to service the development, subject to installation of a booster pump for higher elevation lots. Similarly, the site lies within the Farley Wastewater Treatment Works catchment and Hunter Water has confirmed sufficient capacity to accommodate the proposed 182 dwellings. Initial sewer connection will be via a private pump station, with a future transition to a gravity system as adjoining land is developed. This servicing approach has been reviewed and endorsed by Hunter Water, with evidence included in Appendix 3 of the strategy document.

3.9.10 RFI – Amended Crime Prevention Through Environmental Design Report

The following details are to be provided by way of amended plans and / or amendments to the CPTED Report:

- a) Details of entry signage to ensure appropriate territorial reinforcement is achieved.*
- b) Details of wayfinding signage and lighting for the entries, CCTV for caravan parking and community facility.*
- c) Trees are proposed to be planted close to buildings, creating a potential 'natural ladder' to the roof.*

(Note: This is also inconsistent with Planning for Bushfire Protection whereby trees at maturity should not touch or overhang the building).

d) The proposed 1.25m setback from road edge to building line is not wide enough for street tree planting (min. 2m) and pedestrian footpath (min. 1.2m). The current design results in residents having to walk along the road or within dwelling sites, raising safety concerns.

e) Due to the topography of Site, the dwellings are proposed on high piers, and provide a number of opportunities for concealment. Further information is required to demonstrate how this will be managed.

PLANNING COMMENT

3.9.10.1 A detailed Crime Prevention Through Environmental Design (CPTED) Assessment was prepared and updated for the proposed development by *James Marshall & Co* (CPTED Assessment – Lochinvar, 24 April 2025). The assessment applies the four established CPTED principles, as endorsed by the NSW Department of Planning and Environment and supported by the NSW Police:

- Natural Surveillance
- Access Control
- Territorial Reinforcement
- Space Management

The CPTED Assessment confirms the following key design outcomes:

Natural Surveillance:

The estate layout has been designed to maximise passive surveillance opportunities, with all manufactured homes oriented to overlook internal streets and communal spaces.

Open frontages, walkable gradients, and minimal visual obstructions support casual observation and reduce concealment opportunities.

Lighting is proposed to enhance visibility in shared spaces, with detail to be confirmed in the Electrical Services Plan at CC stage.

Access Control:

Clear vehicular and pedestrian entries are defined via Wyndella Road, with estate-only access reducing opportunities for through-traffic.

The internal street layout limits unauthorised vehicle access and supports legibility for emergency and service vehicles.

Boundaries between public, semi-public and private realms are articulated via landscaping, fencing, and signage strategies.

Territorial Reinforcement:

The design establishes a strong sense of ownership through defined lot boundaries, front yard treatments and landscaping.

Entry statements and wayfinding signage promote identity, legibility, and place attachment among residents.

Public and communal areas are situated to support active use and presence.

Space Management:

An estate management regime will be in place to maintain landscaping, lighting, and public domain infrastructure.

Communal facilities are located centrally to support surveillance and reduce the risk of underutilisation or misuse.

CPTED compliance will be reviewed post-occupation to support continuous improvement and monitoring.

In addition to the CPTED report, James Marshall & Co provided the following responses to specifically address the councils RFI in a letter dated 21/04/2025:

Details of entry signage to ensure appropriate territorial reinforcement is achieved.

- Signage at the front entrance will state:
 - o the name of the residential precinct and street number
 - o that the property is for private residents and authorised visitors only
 - o vehicle speed limit within the precinct
 - o contact details of a site representative.

Details of wayfinding signage and lighting for the entries, CCTV for caravan parking and community facility.

- Internal signage will show:
 - o a site map of the residential layout and facilities
 - o location of individual sites
 - o vehicle speed limit
 - o fire extinguishers and exits.
- Streets will feature:
 - o directional signs every 200m to show the exits and community facilities
 - o home sites numbers will be clearly marked.
- Internal signage will aim for safe and quick access around the facility.
- Indicative lighting plan and CCTV layout for the site is shown in Appendix 1 refer Figures 1 and 2. (Of CPTED Report)

Trees are proposed to be planted close to buildings, creating a potential 'natural ladder' to the roof. (Note: This is also inconsistent with Planning for Bushfire Protection whereby trees at maturity should not touch or overhang the building).

- The CPTED states (refer 4.3 Access Control):
 - o Trees should not be planted close to any buildings as it creates a 'natural ladder' to the roof of any building.
 - o This recommendation specifically relates to multi-story buildings and is not considered a significant risk at this site.

The proposed 1.25m setback from road edge to building line is not wide enough for street tree planting (min. 2m) and pedestrian footpath (min.1.2m). The current design results in residents having to walk along the road or within dwelling sites, raising safety concerns.

- This matter raised is not necessarily relevant to the CPTED assessment. Pedestrian safety would be enhanced by limiting the speed of vehicles within the site (20km/h).

- Roads are shared pedestrian and vehicle friendly environments which is standard in MHE

- Roads will be signposted with appropriate speed limits.

- Similar projects that can be referred to within Maitland LGA are DA/2022/108 or DA/2020/169.

- The minimum front setback to the wall of the homes is 3m. 1.25m of a verge outside the home site and 1.75m within the home site (refer landscape plan). As a result, there is ample room for trees.

Due to the topography of site, the dwellings are proposed on high piers, and provide a number of opportunities for concealment. Further information is required to demonstrate how this will be managed.

- Figures 4 – 13 of the CPTED assessment show that the area is not a high crime area. The incidence of crime are likely to increase as the population increases however the existing residential areas of Lochinvar show an overall low reported crime rate.

- The risk of concealment underneath a dwelling is possible with any dwelling on piers however the risk is considered low.

- To minimise access under a dwelling on piers installation of a lattice barrier or timber slats will be installed

3.9.10.2 A Lighting Impact Assessment by *Marline* has been undertaken for the proposed development, confirming that all external lighting will be designed to comply with AS/NZS 4282 and AS/NZS 1158.3.1, with particular regard to minimising obtrusive light spill to neighbouring properties. The low district brightness of the rural locality has been considered, and mitigation measures such as pole-mounted LED luminaires with controlled optics, strategic placement, boundary setbacks, and landscape screening will ensure that lighting does not adversely impact nearby sensitive receivers, including residential dwellings and the Maitland Aerodrome.

3.9.11 RFI – Clarification for the impact and/ or access to electrical easement / right of carriageway at rear of the subject site due to location of fire trail.

The applicant is required to submit documentary evidence from benefiting party(s) confirming the use of the Right of Carriageway / electrical transmission easement (E/224407) will not be impeded upon as a result of the proposed development.

PLANNING COMMENT

3.9.11.1 The proposed development has been designed to maintain the uninterrupted functionality and accessibility of the easement for electricity transmission and right of carriageway (E/224407) located at the rear (eastern boundary) of the site. The site's external boundary fence and gates are completely clear of the easement to provide unimpeded clear access to Ausgrid and neighboring properties.

Ausgrid's provided a Referral Response under clause 45(2) of the State Environmental planning Policy (Transport and Infrastructure) 2021 stating that they do not object to the proposal subject to safe work and landscape maintenance conditions near the overhead powerlines.

The development application is supported by architectural and engineering plans (refer to *Wallace Infrastructure Engineering Package*, May 2025) that demonstrate no built form, structures, or obstruction within the easement and

continued unencumbered access along its extent. Therefore, the development respects the legal rights associated with the easement and provides for ongoing access and utility function

3.9.12 RFI – Amended Aboriginal Heritage Impact Statement

The Archaeological Due Diligence Report (ADDR) (prepared by McCardle Cultural Heritage P/L) includes an analysis of the Site and locality through predictive modelling, Site characteristics and disturbance, and a Site inspection by the archaeologist. However, the process to determine whether the Site contains Aboriginal cultural heritage values requires consultation with the Aboriginal Community. This necessitates an Aboriginal Heritage Impact Statement/Aboriginal Cultural Heritage Assessment in accordance with the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. Consultation with the Aboriginal Community is also consistent with Council's practices towards large-scale development, as required by development control 1.7 in Part F.9 of the MDCP 2011, and noting the evidence of habitation in the locality and in proximity to the development Site.

PLANNING COMMENT

3.9.12.1 Based on the Archaeological Due Diligence Assessment (ADDA) prepared by *McCardle Cultural Heritage Pty Ltd*, the assessment has concluded that no Aboriginal objects or potential archaeological deposits (PADs) were identified within the site boundaries at 34 Wyndella Road, Lochinvar. The ADDA included a desktop review of AHIMS data, predictive modelling, field inspection, and assessment of site disturbance. It found that, due to the lack of proximity to reliable water sources and extensive land disturbance from historical agricultural use and residential infrastructure, the likelihood of the site containing in-situ Aboriginal cultural heritage values is low.

3.9.12.2 In response to the Request for Information issued by Maitland City Council, *McCardle Cultural Heritage Pty Ltd* (MCH) provided a formal statement dated 17 May 2024 confirming that an Archaeological Due Diligence Assessment (DD) had been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Heritage NSW, 2010).

The assessment concluded that there is no requirement for further Aboriginal cultural heritage investigation or consultation for the following reasons:

No Aboriginal Heritage Significance under MLEP 2011: The site is not identified as an “Aboriginal place of heritage significance” under Clause 5.10(8) of the Maitland Local Environmental Plan 2011. Consequently, the mandatory notification and consultation provisions under that clause are not triggered.

No Identified Aboriginal Objects or PADs: The DD assessment confirmed that no Aboriginal objects or potential archaeological deposits (PADs) were identified within the subject site. The environmental and archaeological characteristics of the site do not support the likelihood of sub-surface cultural material. On this basis, the report recommends proceeding with caution in accordance with the Unexpected Finds Procedure (Appendix B of the DD report).

No Requirement for AHIP or Test Excavation: The site conditions do not meet the thresholds under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* that would warrant archaeological test excavation or the preparation of an Aboriginal Heritage Impact Permit (AHIP). In the absence of identified PADs or any evidence of Aboriginal objects, consultation with Aboriginal communities and application for an AHIP are not required.

Consultation Not Mandated for Due Diligence: The *Due Diligence Code of Practice* does not mandate formal consultation with Aboriginal communities unless further impact assessment or an AHIP is required. As stated in the letter from MCH:

“Consultation with the Aboriginal community is not a formal requirement of the due diligence process.” Additionally, as no further assessment (such as test excavation) is necessary, the requirement to engage in formal consultation under the NPW Act is not triggered.

DCP Provisions Not Applicable: Development Control 1.7 in Part F.9 of the Maitland DCP 2011 relates to the Lochinvar Urban Release Area (URA). The subject site is not within the Lochinvar URA, and therefore, these DCP provisions do not apply.

Independent Assessment of Archaeological Context: The McCardle DD assessment notes that while heritage studies such as the Mary Dallas Plan have informed other local assessments, their findings are not applicable to the subject site due to differences in environmental and archaeological context.

In summary, the archaeological investigation undertaken by MCH provides sufficient evidence that the development will not adversely impact Aboriginal cultural heritage. There is no identified need for an AHIP, and consultation with Aboriginal communities is not required. The development may therefore proceed in accordance with the DD findings and the Unexpected Finds Procedure. This satisfies Council's requirements under s.4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* and Clause 5.10 of the MLEP

3.9.13 RFI – Clause 5.16 of MLEP

The Consideration of Clause 5.16 of the MLEP is required, with particular mention of the following:

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

It is noted that provision of other additional information (including visual impact assessment, social impact assessment, traffic impact assessment, consideration of light spill, etc.) may assist with addressing the particulars of Clause 5.16.

PLANNING COMMENT

3.9.13.1 In response to the requirements of Section 5.16 of the Maitland Local Environmental Plan (MLEP) 2011, we confirm that the considerations set out in the section have been comprehensively addressed through the reports provided as part of this development application, including the Traffic Impact Assessment, Visual Impact Assessment, Social Impact Assessment, Acoustic Assessment and Light Spill Assessment.

These reports analyse the existing and approved land uses in the vicinity of the development, assess the compatibility of the proposed works with surrounding land uses, and outline the mitigation measures proposed to minimise any potential impacts. Specifically, the assessments have demonstrated that the development is compatible with the surrounding land uses, does not pose significant adverse effects on the locality, and includes strategies to mitigate any identified issues, such as traffic management, visual impacts, and light spill.

We believe that all aspects of Section 5.16 have been fully addressed through the reports and in the SSEE, and that the proposed development is consistent with the intent of the MLEP 2011 and the planning objectives for the area.

3.9.14 RFI – Housing and productivity contribution

The HPC is applicable to manufactured home estates under Division 1, Clause 5(3) of the Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023. The applicant has not generated a contributions case in the NSW Planning Portal.

The applicant is to provide consent to Council to enable generation of a contributions case, and subsequent calculation of the HPC applicable to the subject development.

PLANNING COMMENT

3.9.14.1 In response to Council's statement regarding the applicability of the Housing Productivity Contribution (HPC) to manufactured home estates under Division 1, Section 5(3) of the Environmental Planning and Assessment (Housing Productivity Contribution) Order 2023, we acknowledge that the HPC is relevant to the proposed development.

The applicant requested that Council opened a contributions case via email on 17 September 2024. Council subsequently confirmed that they had opened the contributions case via return email on 27 September 2024. Therefore consent has been provided to enable the generation of the contributions case and subsequent calculation of the applicable HPC for the subject development.

We will ensure that all necessary information is submitted promptly to enable the appropriate contribution to be calculated and complied with as part of the development approval process.

3.10 INSUFFICIENT INFORMATION

3.10.1 RFI – Areas of Non-Compliance (without limitation)

Table 4 RFI – Areas of Non-Compliance (Without Limitation)				
Item	Existing	Proposed	Control	Comments
1.3	N/A	Applicant's calculations: 2.24ha recreation and communal area or 22.3%.	Division 3, Subdivision 1, Section 13(1) of the MHE Reg. A minimum of 10% of the total land area of a manufactured home estate must be reserved for recreation or other communal activities. 10% of 10.74ha is 1,740m ²	2,666.09m ² of recreation and communal area (formal recreation space / community facilities). Total fire trail: 6944m ² Total rec space (community facility and fire trail) 9,610m ² or 8.9%, resulting in a shortfall of 1.1%.
<i>SSEE Comment:</i> The subject site comprises approximately 10.75 hectares, of which 2.6 hectares (24%) has been clearly identified in the amended plans and architectural documentation as being dedicated to communal open space and recreational use. If the fire trail is excluded from this calculation, the revised communal area is 1.5 hectares (14%).				
1.4	N/A	Dimensions not provided on plans. Council's scaled measurement of civil plans indicate minimum dimensions for visitor parking spaces are 5.1m x 2.5m.	Division 3, Subdivision 1, Section 23(2) of the MHE Reg. Each parking space must have minimum dimensions of— 6.1 metres by 2.5 metres.	Dimensions of visitor parking to be increased and provided on plans. Minimum of 3 disabled parking spaces to be provided and indicated on plans per Division 3, Subdivision 1, Section 24.
<i>SSEE Comment:</i> The amended architectural plans prepared by BDA Architecture (Drawing No. 4.16 and 4.17) now clearly label visitor parking spaces, including their dimensions, and demonstrate compliance with Section 23. The relevant visitor bays are shown with a minimum length of 6.1m and width of 2.5m, consistent with the regulatory standard for non-angle parking.				
The updated architectural package now includes four (4) accessible parking spaces, each of which is clearly annotated and dimensioned on the drawings in accordance with the requirements of AS/NZS 2890.6. These spaces are appropriately located in proximity to key communal facilities and shared zones, and are designed to comply with minimum circulation, gradient, and signage standards. This also satisfies Clause D4D6(2) of the National Construction Code 2022.				
2.7(a)	N/A	Site cross sections provided in the civil plans indicate	Chapter C8.4 of the MDCP 2011.	All retaining walls (location, height etc) shall be shown on the

Table 4 RFI – Areas of Non-Compliance (Without Limitation)

retaining walls of up to 3.3m are proposed.	<p>4.2 Where a retaining wall (for the purposes of retaining fill) is proposed either on or in close proximity to a boundary then the maximum extent of fill shall be 600mm.</p> <p>4.3 Where a retaining wall (for the purposes of retaining cut) is proposed either on or in close proximity to a boundary then the maximum extent of cut shall be 900mm.</p>	Engineering Package plans and reduced to comply with relevant provisions under the MDCP 2011. Any exceedance of the before mentioned controls shall be reasonably justified.
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SSEE Comment: The geotechnical considerations associated with the proposal have been addressed through civil design, with appropriate measures proposed to ensure engineering compliance, settlement management, and construction impact mitigation. Where required, additional technical reporting will be conditioned for submission prior to the Construction Certificate stage. The proposal therefore satisfies the intent of MDCP 2011 and the relevant considerations under s.4.15(1)(b) of the Environmental Planning and Assessment Act 1979. See Geotechnical details in the RFI considerations above.

Signed:



Jeff Mead

Managing Director

Planning Ingenuity Pty Ltd

ANNEXURE A

MHE Regs – Compliance Table





MHE Regs Compliance Table		
Relevant Provision	Comment	Compliance
6. Factors for consideration before approval is granted		
(1) The council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	✓
(2) In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.	Not applicable as the site is not mapped as flood prone land.	N/A
7. Matters to be specified in approval		
An approval must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.	Noted.	✓
8. Conditions of approval		
An approval is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with Division 3.	Noted.	✓
9. Conditional exemption		
(1) A person may, without an approval— (a) install a manufactured home on land within a manufactured home estate if the home is— (i) designed, constructed and installed in accordance with Division 4, and (ii) not occupied by a person until a certificate of completion has been issued, or (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.	Noted.	✓
(2) The installation must be carried out by, or with the consent of, the holder of the approval.	Noted.	✓
(3) This section does not apply— (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 (b) to the installation of a manufactured home or associated structure exceeding 1 storey.	Noted.	✓
10. Installation on flood liable land		
(1) Before approving the installation of a manufactured home or associated structure on flood liable land, the council must consider the principles in the Floodplain Development Manual.	Not applicable as the site is not mapped as flood prone land.	✓



MHE Regs Compliance Table

(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.

11. Installation of manufactured home or associated structure of more than 1 storey

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— (a) occupiers of adjoining manufactured homes, and (b) occupiers of land adjoining the manufactured home estate.	Noted.	✓
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12. Minimum size of Estate

A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.	The Site area is approximately 10.75Ha.	✓
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13. Community Amenities

Of the total land area of a manufactured home estate: (a) at least 10 per cent, or (b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow, must be reserved for recreation or other communal activities.	The subject site comprises approximately 10.75 hectares, of which 2.59 hectares (24%) has been clearly identified in the amended plans and architectural documentation as being dedicated to communal open space and recreational use.	✓
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14. Size of dwelling sites

(1) A long-term site must have an area of at least 130 square metres.	All sites are generously sized with the smallest site being 237.5m ² .	✓
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15. Site identification

(1) A dwelling site must be numbered or identified and its site boundaries clearly delineated. (2) The site identification must be conspicuous.	All proposed sites will be numbered and proposed to have conspicuous identification.	✓
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16. Dwelling Sites to have Road Frontages

A dwelling site must have vehicular access to an access road.	All sites have vehicular access.	✓
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17. Setbacks of community buildings

(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows. (2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated. (3) A community building must not in any case be located closer than 2 metres to the boundary of a	The community building is setback significantly from the Site boundaries and dwelling sites and complies with this requirement.	✓
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MHE Regs Compliance Table

manufactured home estate or to the boundary of a dwelling site.

18. Setbacks of dwelling sites from road frontages

(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows.	The proposed development includes an 54-metre front setback to Wyndella Road, significantly exceeding typical rural interface requirements. Setbacks to the northern, southern and eastern boundaries also exceed the minimum 3-metre standard, with generous landscaped buffers incorporated to enhance visual amenity, protect neighbouring residential interfaces, and reinforce the transition between built form and the surrounding landscape.	✓
(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.		

19. Use of buffer zones

Nothing in this Regulation prevents land within a buffer zone arising from the setbacks required by this Division from being used— (a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) for any similar purpose allowed by the approval for the caravan park or camping ground.	Noted.	✓
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20. Entrance and exit roads

(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide. (2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres. (3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.	The proposed entrance has been designed in accordance with the requirements of the State Environmental Planning Policy (Housing) 2021 and relevant Australian Standards, with the sealed carriageway width on either side of the central median strip measuring no less than 5 metres. This configuration ensures safe and efficient ingress and egress for all vehicle types, including service and delivery vehicles, while maintaining compliance with access standards for Manufactured Home Estates.	✓
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21. Width of roads

(1) The width of the road reserve must be - (a) at least 8.5 metres for a major access road, and (b) at least 6 metres for a minor access road. (2) The width of the sealed portion of an access road must be— (a) at least 6 metres for a major access road, and (b) at least 4 metres for a minor access road. (3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve. (4) Passing bays must be provided at intervals of not more than 100 metres. (5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be— (a) at least 8.5 metres for a major access road, and	All road widths comply with these standards.	✓
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MHE Regs Compliance Table		
(b) at least 6 metres for a minor access road.		
22. Speed restrictions as part of road design		
Access roads must be so designed as to limit the speed at which vehicles may travel on them to— (a) 30 kilometres per hour for major access roads, and (b) 15 kilometres per hour for minor access roads.	Noted.	✓
23. Visitor Parking		
(1) A manufactured home estate must contain no fewer visitor parking spaces than the following— (a) 8 spaces for a manufactured home estate containing not more than 35 sites, (b) 12 spaces for a manufactured home estate containing more than 35 sites but not more than 70 sites, (c) 16 spaces for a manufactured home estate containing more than 70 sites but not more than 105 sites, (d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140. (2) Each parking space is to have, at minimum, dimensions of— (a) 5.4 metres by 2.5 metres, in the case of angle parking, and (b) 6.1 metres by 2.5 metres, in any other case. (3) Visitor parking spaces must be clearly identified as such.	The proposed development provides 47 visitor parking spaces which is well over the 30 required.	✓
24. Visitor Parking for people with a disability		
(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities. (a) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites. (2) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, Parking facilities—Off street parking. (b) Visitor parking spaces for people with disabilities must be clearly identified as such. (3) Visitor parking spaces provided under this section may be counted for the purposes of section 23.	The proposed provides 4 parking spaces for people with a disability.	✓
25. Road surfaces		
All access roads, including all passing and parking bays, must have an allweather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.	All proposed roads are to be sealed.	✓
26. Lighting		
All access roads must be adequately lit between sunset and sunrise.	Noted.	✓





MHE Regs Compliance Table		
27. Water Supply		
<p>(1) A manufactured home estate—</p> <p>(a) must be connected to a mains water supply, or</p> <p>(b) must be provided with an alternative water supply service as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site—</p> <p>(a) must be connected to the water supply service for the manufactured home estate, and</p> <p>(b) must be provided with a separate water meter and a separate water service isolating valve.</p> <p>(3) The water supply service must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory body.</p> <p>(4) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council.</p>	The proposed development can be adequately serviced as per the Servicing Strategy Report.	✓
28. Sewerage		
<p>(1) A manufactured home estate—</p> <p>(a) must be connected to a main sewer, or</p> <p>(b) must be provided with an alternative sewage disposal system as specified in the approval for the manufactured home estate.</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 Plumbing and Drainage Act 2011 and any regulations under that Act, and</p> <p>(b) the requirements of any relevant statutory body.</p>	The proposed development will comply with this requirement as demonstrated in the Sewer and Water Servicing Strategy included with this DA.	✓
29. Drainage		
<p>(1) A manufactured home estate must be provided with a stormwater drainage system as specified in the approval for the manufactured home estate.</p> <p>(2) A dwelling site—</p> <p>(a) must be connected with the stormwater drainage system for the manufactured home estate, or</p> <p>(b) must be provided with an on-site stormwater drainage system.</p> <p>(3) A stormwater drainage system must comply with—</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of any relevant statutory body.</p>	The proposed development will comply with this requirement as demonstrated in the Stormwater Management Plans and Report included with this DA.	✓
30. Electricity Supply		
<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.</p>	The proposed development will be supplied with reticulated electricity.	✓



MHE Regs Compliance Table

(2) Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, Electrical Installations (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.

(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.

31. Telephone lines

Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the manufactured home estate.

The proposed development will be adequately serviced.

✓

32. Common Trenches

A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.

Noted.

✓

33. Garbage removal

Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.

An Operational Waste Management Plan is provided with this DA.

✓

34. Fire hydrants

(1) No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.

The proposed development can comply with this requirement and may be subject to a Condition to that effect.

✓

(2) Any fire hydrant located within a manufactured home estate must—

(a) be a double-headed pillar-type fire hydrant, and

(b) be maintained to the standard specified in the approval for the manufactured home estate.

35. Buildings

(1) A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.

Noted.

✓

(2) The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home

MHE Regs Compliance Table

estate—

- (a) community buildings,
- (b) brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes.
- (3) The approval for a manufactured home estate is to allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home only—
 - (a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the Community Land Development Act 1989, and
 - (b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.

36. Use of Manufactured home estates

(1) A manufactured home estate must not be used— (a) for any commercial purpose other than a manufactured home estate or an associated purpose, or (b) for the manufacture, construction or reconstruction of moveable dwellings.	Noted.	✓
(2) Nothing in this section prevents a manufactured home from being used for exhibition purposes.		
(3) This section does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).		

37. Community Map

The person who holds the approval to operate a manufactured home estate must provide the council with a copy of the current community map— (a) as soon as practicable after any amendment is made to the map, and (b) at such other times as the council may reasonably require.	Noted.	✓
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38. Access to approval and community map

The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate— (a) the approval for the manufactured home estate, (b) the current community map, (c) this Regulation.	Noted.	✓
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