

Council Reference: DA17/0383 LN26842  
Your Reference:



**TWEED**  
SHIRE COUNCIL

10 November 2017

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Please address all communications  
to the General Manager

ABN: 90 178 732 496

Dear Mr Fredericks & Mr Tuxworth,

**Development Application for the demolition of existing dwelling and construction of a caravan park in 5 stages - Stage 1 – 15 short term and 54 long term sites, community centre, swimming pool, amenities, men’s shed, managers dwelling and on site detention ponds; Stage 2 – 32 long term sites; Stage 3 – 28 long term sites; Stage 4 – 32 long term sites; Stage 5 – 26 long term sites at Lot 2 DP 803636; No. 355 Tomewin Road DUNGAY**

I refer to the above application and can advise that Council have completed its initial assessment of your application.

This initial assessment of the application has raised many issues which Council do not believe can be resolved by asking for additional information.

Whilst some matters may be capable of being resolved through the receipt of additional information others matters are considered fundamental flaws that irrelevant of the information provided would not change the assessment.

Accordingly Council do not want to ask you to go to any additional cost in preparing more documentation without being aware of this position.

This letter is intended to briefly outline the result of the assessment that has been undertaken and to give you copies of all the letters of objection, and state government agency comments for your review.

It is recommended that the subject application be **withdrawn** as approval of the subject application is not capable of being granted. If you do decide to withdraw the application could you please advise Council as soon as possible so the Council Report can be pulled from the upcoming Planning Committee agenda.

If you would like to respond to this letter and the matters raised in the objections as per **Attachment 1** you are invited to do so before **Monday 20 November 2017** to ensure any comments you make can be included in the Planning Committee Report which is currently being prepared for the 7 December 2017 Planning Committee Meeting at which your application will be reported.

You can also register to speak at the Planning Committee Access on 7 December 2017 at 4pm by calling Ann Mesic on 02 6670 2452 after the Planning Committee Business Paper Agenda is formed on 29 November 2017.

The application was referred to the following State/External bodies:

- NSW Office of Water – Integrated  
General terms have been **refused** – see **attached**
- NSW Rural Fire Service – Integrated  
General terms of Approval have been approved – see **attached**
- NSW Department of Primary Industry – Agriculture – State Significant Farmland Review  
Commentary provided – see **attached**
- Tweed Byron Aboriginal Land Council  
Commentary provided – see **attached**

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The application was referred to various units within Council and the following **fundamental concerns** have been identified

### **Water Supply**

The water supply for the proposed development is via an existing bore and future rainwater tanks for each moveable dwelling within the caravan park

The NSW Office of Water have indicated that the existing bore is unsuitable for this purpose and accordingly the subject application cannot be approved without this matter being resolved.

### **Site Suitability – Character – Zone Objectives – Visual**

The subject site is zoned RU2 under Tweed LEP 2014 and the Council is obligated to consider the zone objectives which state:

## 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 tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.

Council is unable to reconcile the subject proposal which envisages ultimately 172 manufactured home sites and 15 short term/ caravan sites with the zone objectives of the RU2 Rural Landscape zone, particularly maintaining the rural landscape character of the land and providing compatible land uses.

This is particularly the case when one has regard to the ultimate form of development of a caravan park upon which the majority of sites are proposed for the installation of manufactured homes, which in essence can involve development in the form of a dense pattern of dwelling houses, which is more or less comparable to a standard residential subdivision (which is prohibited in the zone).

### **Site Suitability – Isolation - Flood**

The proposal will result in 172 manufactured homes, 15 caravans and a manager's residence at the site. No predictions of occupancy number are provided. If we assume 2 people per dwelling, the result is 376 people at the site, which is significant. As noted in the Flood Response Assessment Plan the majority of these are likely to be vulnerable, elderly residents.

The site is regularly isolated by flooding. Tomewin Road is cut to the East across the floodplain (to Murwillumbah) and Dungay Creek severs Tomewin Road to the North-West. Anecdotal reports suggest most floods result in the community being isolated for 3-5 days. The site does contain a significant area of land above PMF.

The Flood Response Assessment Plan (FRAP), suggests that the majority of residents will be "elderly and dependent". There is some discussion on early evacuation; however, shelter in place is the adopted risk management approach.

Many of the proposed long-term sites (future manufactured homes) are above PMF level and do not require a separate refuge. For the sites below PMF, a central community building is provided as a PMF refuge.

The FRAP is not acceptable as it does not properly address:

1. Area and provision requirements of PMF refuge
2. The number of occupants relying upon shelter in place
3. Expected frequency and duration of isolation
4. Likelihood of the sheltering residents requiring rescue

Tweed DCP-A3 requires all new caravan parks to have permanent high level road evacuation routes to land above PMF level. The site does have some area of land above PMF, therefore the proposal does comply with this specific control.

However, the proposal would result in a significant continuing risk to life associated with regular isolation of 350-400 elderly, vulnerable residents for 3-5 days in every significant flood event.

Your consultant RGH Consulting Group “*is of the opinion that the Subject Site will not increase the load on the NSW SES or other emergency service*”. Council disagree with this statement. Any requirement for medical attention or other assistance, which is likely considering the expected demographic, would result in the need for rescue by SES or other emergency services.

DCP-A3 section A3.2.1 states that:

*Council's flood mitigation strategy is to ensure that only appropriate compatible development occurs on flood prone land in the future, by implementing both structural protection and planning controls, to minimise future potential flood damage and ensure safe occupation without undue reliance on emergency response agencies.*

The proposed volume and demographic of residents cannot safely occupy the site without undue reliance on emergency response agencies. The proposal is not in line with the principles of DCP-A3

Tweed LEP 2014 states that:

#### *7.4 Floodplain Risk Management*

(1) *The objectives of this clause are as follows:*

- (a) *in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) *to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

The development is subject to evacuation and emergency response issues. Evacuation of the proposed development is not achievable, as demonstrated by the Flood Response Assessment Plan, and the shelter in place risk management approach is likely to result in significant continuing risk to life and place undue burden on emergency response agencies affecting their operational capacity.

- (3) *Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:*
- (a) *caravan parks,*

The volume and demographic of expected residents, frequency of isolation, and constraints on evacuation at the proposed development suggest that high density occupation, such as that proposed, of the land is not safe.

Appendix L of the Floodplain Development Manual (FDM) 2005 provides guidance on evacuation problems (section L6.7), effective flood access (section L6.8), special evacuation needs (section L6.9.1) and isolated residential development (section L6.9.3).

The proposed development violates many of the principles of the FDM, for example: L7.9.3 Isolated Residential Development Rural

*...residential developments are often proposed as a low density alternative where normal residential developments are considered inappropriate due to flood impacts or other development constraints, such as servicing by infrastructure. However, where these are proposed with poor evacuation routes, the combined hazard level will often mean that they are inappropriate.*

Whilst there is no specific control in DCP-A3 that precludes the development, the regular isolation of a large volume of vulnerable residents that the proposal would result in poses a significant risk to life and is not in accordance with the principles of the Tweed Local Environment Plan and the NSW Floodplain Development Manual.

The proposed development at the subject site will result in a large number of vulnerable residents being isolated due to flood water on a regular basis.

This is not in accordance with the principles of the Tweed Local Environment Plan and the NSW Floodplain Development Manual and therefore not supported.

### **Public Interest**

The proposed development was notified to affected land owners and publicly exhibited for a period of thirty (30) days from Wednesday 26 July 2017 to Friday 5 August 2017.

During the exhibition period, 100 written submissions were received as well as a two petitions containing 462 signatures. The submissions objected to the development for the following primary reasons:

- A lack of detail in the DA regarding the proposed development and ongoing operation of the site
- The density of the development in a rural area
- The provision of elderly people living on the site
- The detention basin and effluence disposal in proximity to a watercourse
- Acoustic Impacts
- Visual Impacts
- Social Impacts
- Economic Impacts
- Environmental Impacts (Dust, Effluent Disposal)

- Traffic Impacts
- Impacts on water supply
- Flora and Fauna Impacts
- Flooding Impacts
- The high level agricultural value of the land and the proposal not being conducive to this value
- Non-compliance with zone objectives
- Inconsistent with draft and current state and local planning strategies and policies
- Non-compliance with clauses within TLEP2014
- Non-compliance with TDCP2008
- A lack of supportive services and infrastructure within the local area
- The application is misleading when addressing housing affordability
- Conflict between land uses within vicinity of the site

A summary of the objection matters is annexed to this letter and you are invited to provide responses to these matters

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The following additional information would be required **if** Council were proceeding with the assessment of the application any further:

### **Item 1 -Responsive development design – ecological constraints**

To avoid and minimise impact on the sites ecological values the following changes would have been required.

#### Endangered Ecological Community Buffer – Lowland Rainforest

A 30 m wide ecological buffer should be provided to the Endangered Ecological Community- Lowland Rainforest to the north of the site identified as 'Community 2 – Mid-high closed forest' shown on Figure 7 in *Ecological Assessment (EA) Lot 2 DP 803636 dated June 2017 prepared by JWA Ecological Consultants*. The 30 m wide ecological buffer should be taken from the southern edge of the vegetation as shown on Figure 7 of the EA.

The layout plan should subsequently be amended to depict the alignment of the buffer which is to exclude all forms of development (excluding any proposed pedestrian access – pursuant to Item 4) including caravan sites, roads, services, earthworks, retaining structures, any other built form. Any asset protection zone may be accepted to extend within 15 m of the 30 m wide buffer.

#### Endangered Ecological Community Buffer – Freshwater Wetland

A 30 m wide ecological buffer should be provided to the Endangered Ecological Community- Freshwater Wetland to the north and central to the site identified as

Community 2 – Mid-high closed forest shown on Figure 7 in *Ecological Assessment (EA) Lot 2 DP 803636 dated June 2017 prepared by JWA Ecological Consultants*. The 30 m wide ecological buffer should be taken from:

- a. The northern edge of the unit of vegetation occurring to the north of the site. It is anticipated that the southern edge would be afforded protection by virtue of establishment of the requested Lowland Rainforest EEC buffer
- b. The entire perimeter of the two units of vegetation central to the site

The layout plan should subsequently be amended to depict the alignment of the buffer which is to exclude all forms of development (excluding any proposed pedestrian access – pursuant to Item 4) including caravan sites, roads, services, earthworks, retaining structures, stormwater infrastructure any other built form. Any asset protection zone to the north of the site may be accepted to extend within 15 m of the 30 m wide buffer to the Freshwater Wetland EEC.

### **Item 2 - Stormwater management plan**

The applicant is requested to prepare and submit a stormwater management plan. The stormwater infrastructure should be designed to:

- a. Achieve the requisite buffers to Freshwater Wetland EEC pursuant to Item 1. It is considered that adequate area to establish stormwater infrastructure whilst establishing buffer zones is available on site. Any encroachment with the buffer zone would have to be sufficiently justified.
- b. Maintain the existing hydraulic regime to those downstream Freshwater Wetland EEC units onsite to avoid decline in the long term

### **Item 3 - Amendment to management plans**

All reports and management plans including (but not limited to):

- a. *Site Capability Assessment for Proposed Effluent Irrigation Scheme Proposed Caravan Park dated December 2016 prepared by HMC*
- b. *Bushfire Threat & Protection Assessment dated December 2016 prepared by Clarke Dowdle & Associates – the bushfire risk assessment should take into account habitat restoration of the ecological buffer zones*
- c. *Ecological Assessment (EA) Lot 2 DP 803636 dated June 2017 prepared by JWA Ecological Consultants*
- d. *Landscape Character & Visual Assessment Impact Assessment dated December 2016 prepared by Cardno*

Should be amended to demonstrate achievement of the 30 m wide EEC ecological buffer zone and restriction of all forms of development within the buffer zone.

### **Item 4 - Access to community garden**

The proposed access between Road 4 and the Community Garden area involving the crossing of a waterway and riparian zone supporting EEC Freshwater wetland and

Lowland Rainforest (and requested buffers) should be clearly identified as pedestrian access only.

In order to ensure that a low impact crossing can be achieved a detailed crossing design should be submitted for evaluation. The design plan should:

- a. Align the access track within the existing cleared corridor
- b. Be of appropriate scale
- c. Address/respond to consideration referred to in the *Guidelines for watercourse crossings on waterfront land prepared by the NSW Department of Primary Industries – Office of Water 2012*

#### **Item 5 - Conceptual Rehabilitation Management Plan**

The applicant is requested to prepare a conceptual habitat restoration plan to address the 30 m ecological buffer zones and associated Endangered Ecological Communities. The plan should identify those areas on a suitably scaled plan showing the location/areal extent of the habitat restoration zones and detail on the plan the following:

- a. The type of restoration approach to be adopted dependent on existing conditions and site resilience in order to achieve site capture over the time of the maintenance period
- b. Details of any fencing, bollards, signage to delineate the bounds of the restoration area;
- c. Proposed management arrangement to ensure long term protection; and
- d. Commitment to a five (5) year maintenance period

#### **Item 6 – Revised Water Supply Quality Assurance Program HMC Environmental (HMC2016.046.03) Report:**

- a. Conduct groundwater sampling and analysis for pesticides and microorganisms.
- b. Modify the 'discussion of results' where it states groundwater is for non-drinking purposes.
- c. Discuss staged provision of potable water supply (eg storage tank size for each stage).
- d. Modify Water Quality Monitoring provisions under Appendix H to include pesticides, physical, chemical and bacteriological testing at reduced frequencies during the commissioning period.

**Item 7 - Amended Plans showing all amenities building next to the men's shed.**

**Item 8 - Amended Plans showing the STP remote from the flood impacted intermittent drainage line.**

**Item 9 - More detailed plans and compliance tables demonstrating compliant road widths and passing bays (included pavement seal and road reserve**

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

**Item 10 - Demonstration that any amended park layout has had regard to the flood study and the overland floor study and dam break analysis report**

**Item 11 – Erosion & Sediment Control Plan**

**Item 12 - Engage a suitably qualified and experienced landscape professional to undertake the landscape and visual impact assessment**

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It is recommended that the subject application be **withdrawn** as approval of the subject application is not capable of being granted. If you do decide to withdraw the application could you please advise Council as soon as possible so the Council Report can be pulled from the agenda.

If you have any queries in respect to this matter please contact Denise Galle of Council's Development Assessment Unit on (02) 6670 2459 who is processing the application.

Yours faithfully

**Lindsay McGavin**  
Manager Development Assessment and Compliance

## Attachment 1 – Summary of Objections

Objection Matter	Applicant Response
<p><b>1. Lack of Detail in DA submission</b></p> <p>a) Lack of detail in regard to long term use individual sites and whether they will be used occupies by manufactured homes, caravans or other unregistered moveable dwellings.</p> <p>b) Lack of detail for the proposed dwellings for the permanent dwelling sites.</p> <p>c) Lack of detail for the overall DA in regard to proposed floor plans for dwellings on permanent home sites, lack of car parking detail, no tree removal and fauna assessment, lack of detail for flood evacuation routes, no noise impact assessment, lack of geotechnical assessment, lack of water management in regard to the existing watercourse which traverses the site, no detail of land identified as 'future development'.</p> <p>d) Insufficient information is provided to assess the open space requirements under Clause 86 of the regulation.</p> <p>e) No detail or plan is provided to demonstrate traffic movement through the site.</p> <p>f) No carparking detail (including nominated accessible parking spaces) is provided in the application. 19 parking spaces are required according to Clause 97 of the regulation and it is unclear as to whether the DA complies with this requirement.</p> <p>g) The development application fails to address (by way of a lack of information in regard to internal footpaths, weather protection for pedestrian movements, bicycle parking, a car park specific Stormwater Management Plan, swept path plans and internal manoeuvrability for vehicles towing caravans and motorhomes) Section A2.2.2 and Section A2.2.3 of Tweed DCP 2008 in relation to site access and parking.</p> <p>h) No Acid Sulphate Soil Management Plan is submitted with the DA. As the site contains Class 4 soils, and given the location of on-site effluent disposal, an Acid Sulphate soil management plan should be provided to address the potential disturbances.</p>	

Objection Matter	Applicant Response
<p><b>2. Dwelling Density</b></p> <p>a) The development represents a dwelling density that replicates Medium Density zone due to the number of 'permanent dwelling sites' which is not consistent with the zone.</p> <p>b) <i>SEPP 36 – Manufactured Home States</i> recognises that such developments are a 'contemporary form of medium density residential development'. Therefore this supports an objection to the dwelling density being consistent with an urban environment and not being compatible in a rural area.</p>	
<p><b>3. The development is not appropriate for seniors/elderly people</b></p> <p>a) Having regard to the number of over 55's permanent home site, the development application fails to address SEPP (Housing for Seniors or People with a Disability) in regard to additional design and location requirements for seniors housing, the provision of wider internal roads, appropriate access to support service and alternative bushfire risk assessment requirements.</p> <p>b) There are insufficient services within the area to support the types of occupants on the site (i.e. elderly people), the lack of medical help, food or power within the site and surrounding area is not conducive to elderly people living on the site.</p> <p>c) The types of people living on the site may be low income earners and elderly and this would have a detrimental impact on the socio-economic status of the area and could increase the provision of crime related activities.</p>	
<p><b>4. Detention basin will impact natural environmental qualities of the area.</b></p> <p>a) The application fails to address the impacts of the detention basins on the existing natural watercourse and associated wetland riparian zone; in particular the natural watercourse and wetland area should have a protection buffer. Given the development occurs on the watercourse the development should be integrated development.</p>	

Objection Matter	Applicant Response
b) Impact of the detention basins on existing flora and fauna.	
<p><b>5. Acoustic Impacts</b></p> <p>a) The acoustic impacts of the development based on the scale and density of permanent dwellings. The noise impact assessment does not address the rural character of the area and the low levels of existing background noise. In addition, concerns are raised over the noise from additional traffic, waste connection services, the communal facilities proposed, and the use of the short term tourist accommodation component.</p> <p>b) The Noise Impact Assessment fails to establish existing background noise levels by way of logging measurements at the site. Therefore the assessment fails to address the specifics of the site and surrounds (especially give the area is rural and therefore background noise levels are lower than the methodology adopted in the report which relies on Australian Standards for 'semi-rural').</p>	
<p><b>6. Visual Impacts</b></p> <p>a) Visual impact on the existing rural landscape character.</p> <p>b) Recommendations in the visual impact statement have not been included in the landscape plan. Notwithstanding, the recommendations do not resolve the visual impact issue.</p>	
<p><b>7. Social Impacts</b></p> <p>a) The Social Impact Assessment submitted with the DA demonstrates there are more negative impacts than positive impacts to the development and therefore the socio economic impacts of the development is not satisfactory.</p> <p>b) Recent census data (2016) state that Dungay has a population of 219. The proposed development has potential to more than double the current population of the area which will have an undesired</p>	

Objection Matter	Applicant Response
<p>impact on the community spirit. This is reiterated in the social impact study submitted with the DA.</p> <p>c) The survey of the local residential (for the impact study) was inadequate and the development has not adequately considered the social impacts the development will have on the local area.</p> <p>d) The types of people living on the site may be low income earners and elderly and this would have a detrimental impact on the socio-economic status of the area and could increase the provision of crime related activities.</p> <p>e) The area is not suitable for the proposed density of people and dwellings and the development is inconsistent with the strategic planning for growth within the Shire whereby population growth should occur in existing towns and villages as opposed to rural areas.</p>	
<p><b>8. Traffic Impacts</b></p> <p>a) Traffic impacts resulting from increase of vehicle movements and the service level of Tomewin Road decreasing from level A service to level B service.</p> <p>b) The traffic impacts during construction and operation of the site will impact on vehicle and pedestrian movement throughout the area, particularly for school children attending the two schools within the vicinity of the site.</p> <p>c) The proposed intersection /access road to and from the park at the intersection with Tomewin Road is hazardous due to it being a spot with poor visibility.</p> <p>d) The increase in traffic will impact the recreational cyclists that use the roads within the area for scenic rides.</p> <p>e) Concerns regarding additional traffic on Sanderson Place.</p>	
<p><b>9. Impacts on water supply</b></p> <p>a) Water supply calculations and use are unrealistic to the scale of the development proposed.</p>	

Objection Matter	Applicant Response
<ul style="list-style-type: none"> <li>b) Potential for 'medium risk' contamination impacts as a result of the water supply is not acceptable and pose a risk to peoples health.</li> <li>c) The development will impact the water table levels due to use of a bore and sewage being managed on site for 300 residents.</li> <li>d) The proposed water supply based on the density of development will impact the existing natural groundwater supply in the Dungay area.</li> <li>e) The proposed commercial bore to service the development will impact the water table by allowing 22 million litres of water per annum drawn from the aquifer.</li> <li>f) It is recommended that Council request the applicant to provide a connection to town water supply if they want the development to go ahead.</li> <li>g) The proposed water supply will impact on supply to the rest of the area which will in turn impact other rural lands which require supply of water for their rural industries and farming land.</li> <li>h) The proposed sewer and water treatment systems, located in a natural waterway will have adverse impact on local water supply, properties and adjoining sugar cane farms.</li> </ul>	
<p><b>10. Flora and Fauna Impacts</b></p> <ul style="list-style-type: none"> <li>a) The proposed development impacts the lands contribution to the wildlife corridor which runs north east and southwest of the site. This corridor contains native wildlife in the area including Koalas (photograph of Koala in a tree a few hundred metres away from the development site included in letter).</li> <li>b) The proposed development may see the introduction of domestic animals which would impact on the native wildlife in the area.</li> </ul>	
<p><b>11. Flooding Impacts</b></p>	

Objection Matter	Applicant Response
<p>a) Potential for flooding impacts due the site being affected by PMF and based on the floods experienced within the locality in March 2017.</p> <p>b) For this reason, the application should be referred to the SES.</p> <p>c) Dungay is severely affected by flooding and becomes a 'flood island' twice a year. There is no access to food or medical assistance. The impact of flooding on caravan parks is dire, this is exemplified by the flood event in March 2017 and its impact on Greenhills Caravan Park whereby people became homeless and one person died from the floods.</p> <p>d) The submitted flood report acknowledges that the site is affected by flooding however claims that the proposed development will not increase the load on the NSW SES or emergency services and makes recommendations for a refuge area. However, this is not provided in any detail on the plans or within the report. Further, moving elderly people to refuge areas is likely to be difficult.</p>	
<p><b>12. Impacts resulting from Effluent Disposal</b></p> <p>a) The location and calculations for the proposed on site effluent disposal are not acceptable due to the flood affectation of the land and the number of occupants for each household being 3 which, based on the lack of floor plans for each dwelling, may be inaccurate if there are more than 3-4 bedrooms for each dwelling.</p> <p>b) The landscape plan of the wetlands refers to future development to the south of the proposed development. The proposed application lacks information in regard to the referenced 'future development' which may have implications on effluent irrigation and disposal area calculation contained in the proposal.</p> <p>c) The proposed sewer and water treatment systems, located in a natural waterway will have adverse impact on local water supply, properties and adjoining sugar</p>	

Objection Matter	Applicant Response
cane farms.	
<p><b>13. The subject land has a high level of agricultural and farming value</b></p> <p>a) The subject site contains Biophysical Strategic Agricultural Land (BSAL) due to its soil and water qualities; the proposed land use is not conducive to the BSAL qualities and should be reserved for agricultural purposes.</p> <p>b) The site is mapped to be regionally significant farm land and therefore a 'non-farming' or related purpose is not good use of valuable resources and therefore the land should be protected and reserved for farming purposes.</p> <p>c) The site is currently classified as a Class 3 land under NSW Agricultural Land Classification. Given the BSAL qualities and based on previous land uses (growing cane) the area may be a Class 2 category. Nevertheless, under the NSW agricultural Land Classification Guide, the land should be reserved for agricultural land uses when there are other areas where Class 4 and Class 5 lands (rural and urban land) available for a such a non- agricultural use.</p> <p>d) The proposal does not comply with Clause 130 of the regulation as a car wash bay is not provided in the DA plans.</p> <p>e) The application fails to demonstrate compliance with Part 2, Division 4 of the Regulation in regarding to technical and fundamental specification (density, site coverall, construction detail etc).</p>	
<p><b>14. The proposed development is not consistent with the RU2 – Rural Landscape zoning</b></p> <p><b>(Rural Landscape Character Impacts)</b></p> <p>a) The proposed development is not consistent with the zone objectives. Specifically;</p> <ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintain and enhancing the natural resource base;</li> <li>• to maintain the rural landscape</li> </ul>	

Objection Matter	Applicant Response
<p>character of the land;</p> <ul style="list-style-type: none"> <li>• To provide a range of compatible land uses, including extensive agriculture and;</li> <li>• To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.</li> </ul> <p>b) Although 'caravan parks' are permissible in the zone 'medium density housing' is not and if the development proposes any other style of housing, the development could constitute a 'medium density residential development'.</p> <p>c) The development will have a detrimental impact on the rural landscape character of the area.</p> <p>d) The proposed development will set an undesired precedent for these types of over developments in the rural areas.</p> <p>e) The proposed caravan park is likely to become unsightly, environmentally inappropriate and ugly.</p>	
<p><b>15. The proposed development is not consistent with the draft and current state and local planning strategies and policies</b></p> <p>a) The development is not consistent with Councils draft <i>Rural Lands Strategy</i> in regarding to:</p> <ul style="list-style-type: none"> <li>i. Direction 4 – 'Grow Rural Tourism' in locations which is consistent with the established criteria for 'rural tourism' (see criteria in Direction 4 of draft strategy) and;</li> <li>ii. Direction 5 – 'Greater Diversity of Rural Housing'. The location of the proposed development is within proximity of an existing village which has existing services and facilities to support it.</li> </ul> <p>b) In addition to the above, Councils Rural Village Strategy (February 2016) classifies Dungay as a 'smaller rural settlement' but not a rural village.</p>	

Objection Matter	Applicant Response
<p>c) The proposed development does not protect the objectives of the Rural Land Strategy as far as:</p> <ul style="list-style-type: none"> <li>• Ensuring that future development occurring in the rural settlements is consistent with the community's vision and aspirations;</li> <li>• All existing landscaping and scenic features remain protected and enhanced by future development</li> <li>• Maintaining the rural character and beauty</li> <li>• Preserving the Ecology of the area</li> <li>• New development should be sustainable and sensitive to the neighbourhood.</li> </ul> <p>d) The proposed location and setbacks of the development does not comply with the 'Living and Working in Rural Areas Handbook'.</p> <p>e) The development is not consistent with the North Coast Regional Strategy 2036 as the land is not located within urban growth areas under the strategy.</p> <p>f) The development does not comply with the objectives of SEPP 21 – Caravan Parks as it not located in an area that is socially and economically viable, and impacts the visual character and amenity of the rural area.</p> <p>g) The area is not suitable for the proposed density of people and dwellings and the development is inconsistent with the strategic planning for growth within the Shire whereby population growth should occur in existing towns and villages as opposed to rural areas.</p> <p>h) The development represents a form and density that would be the same as an urban subdivision on rural land.</p>	
<p><b>16. The proposed development is inconsistent with Tweed LEP 2014 (TLEP2014)</b></p> <p>a) The proposed density of housing (by way of caravans, moveable dwellings and the like) is not consistent with the objectives contained in Clause 4.1, Clause 4.2b, Clause 4.2C, Clause 5.4(1) and (5) under</p>	

Objection Matter	Applicant Response
<p>TLEP2014.</p> <p>b) The proposed impact on trees or vegetation does not address Clause 5.9 of TLEP2014.</p> <p>c) The application fails to address Clause 5.10 of TLEP2014.</p>	
<p><b>17. The proposed development is inconsistent with Tweed DCP 2008 (TDCP2008)</b></p> <p>a) The development application fails to address (by way of a lack of information in regard to internal footpaths, weather protection for pedestrian movements, bicycle parking, a car park specific Stormwater Management Plan, swept path plans and internal manoeuvrability for vehicles towing caravans and motorhomes) Section A2.2.2 and Section A2.2.3 of Tweed DCP 2008 in relation to site access and parking.</p> <p>b) The application fails to address Section A3 (Development on Flood Liable Land) of TDCP2008. No detail on how the floor levels for 90 dwellings affected by the PMF will be achieved; no evacuation management plan is included. The application fails to address additional considerations under Seniors Living SEPP for 'vulnerable people' that may be utilising the site; the SES should be consulted with regarding the potential impact and consequences in a flood event. No detail of the location for site refuge is provided, a lack of nominated evacuation routes .</p> <p>c) The proposal does not comply with the rural buffers required in Section A5 of the DCP in regard to the inclusion of 10m high vegetation in buffer areas and the required distance from surrounding land uses (based on the specific context and setting of the site, that being located adjacent to a nursery that may spray pesticides in their operation and therefore habitable building setbacks range from 150m-80m).</p> <p>d) The development fails to address Section A6 of TDCP2008 in regarding buffers to waterways which might be a mosquito</p>	

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<p>breeding area.</p> <p>e) The submitted waste management plan does not address Section A15 of TDCP2008. The information lacks detail on the number of bins, frequency of collection and the like.</p> <p>f) The DA lacks identification of the vegetation to be cleared and there likely impact of vegetation of removal. Therefore does not comply with Section A16 of the DCP.</p>	
<p><b>18. Lack of services, infrastructure within the locality to support the development</b></p> <p>a) There is insufficient public transport in the area to support the proposal.</p>	
<p><b>19. The development does not address housing affordability and add to the provision of affordable housing stock</b></p> <p>a) The tenure of the proposed long term dwellings does not fit within an affordable housing scheme due to the cost of the dwelling, the rent of the land to which the dwelling is located and additional fees. The investment would be unobtainable to first home buyers.</p>	
<p><b>20. Conflict of land uses within vicinity of the site</b></p> <p>a) The existing land uses within the area would impact the future park residences in regard to noise and cause conflict in the community.</p>	
<p><b>21. Dust Impacts</b></p> <p>a) Dust impacts during construction will have impact on the amenity of people and the environment..</p>	
<p><b>22. Economic Impacts</b></p> <p>a) The development will impact property values within the area.</p> <p>b) The application states that the increase in population that the park will create will</p>	

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<p>cause local business to proposer. This is inaccurate given the demographic of residents will be aged pensioners on low, disposable incomes.</p>	
<p><b>23. Pre DA Community Consultation by the developer</b></p> <p>a) Pre development consultation was inaccurate. Not everyone received invitations to the public meeting and the information provided was unclear and inaccurate.</p>	
<p><b>24. Immediate impact on adjoining property</b></p> <p>a) The development will have adverse impact on the adjoining nursery site in regard to the diversion of stormwater/natural water onto the nursery, potential contamination of this water impacting the nursery, dust impacts on the nursery products.</p>	
<p><b>25. Miscellaneous Submission Matters</b></p> <p>a) It is unclear what the proponents intention is for this site and whether the development is for a 172 site caravan park for non-permanent short term stays, 172 two and three bedroom units for the over 55s or low cost housing accommodation for students and their families of the adjacent Sathya Sai School.</p>	