

Statement of Environmental Effects

Accompanying a development application for

Torrens title subdivision of one (1) lot into three
(3), three (3) x two (2) storey dwelling houses
and associated earthworks and services

At

Lot 85 DP 16379

18 Yamba Street, Hawks Nest NSW

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Document Control

Version No	Author	Description	Approved for issue	
			Name	Date
1.0	Brendan Williams	Submission	B. Williams	8 September 2023

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1 Preliminary

1.1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Regional Plan* on behalf of the Applicant, based on the architectural plans prepared by *Keep Building Design* and additional supporting documentation referenced throughout and is submitted to Mid Coast Council (MCC) (herein referred to as Council) to accompany a Development Application (DA). Development consent is sought under clause 4.1A(3) of the *Great Lakes Local Environmental Plan (GLLEP) 2014* for the Torrens title subdivision of one (1) lot into three (3), three (3) x two (2) storey dwelling houses and associated earthworks and services at 18 Yamba Street Hawks Nest NSW (herein referred to as 'the Site'), which is legally described as Lot 85 DP 16379.

The Site is zoned R3 *Medium Density Residential* & E2 *Environmental Conservation* under the provisions of the *GLLEP 2014*, of which development for the purpose of **subdivision and dwelling housing** is permitted with consent.

This SEE has been prepared pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and other relevant legislation as assessed throughout.

1.2 SEE structure

The structure of this SEE is as follows:

- **Part 1** Preliminary
 - Preliminary outline of proposed development, consultation and SEE
- **Part 2** Site Analysis
 - Analysis of the proposed development site and surrounds
- **Part 3** Proposed Development
 - Detailed outline of the proposed development
- **Part 4** Legislative and Policy Framework
 - Detailed assessment of the proposed development against applicable legislation and environmental planning instruments
- **Part 5** Matters for consideration
 - Detailed assessment of the matters for consideration pursuant to Cl4.15 EP&A Act 1979
- **Part 6** Conclusion
 - Summary of SEE.

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given, subject to appropriate conditions.

1.3 Development Application summary

Table 1: Development Application details

Development site description	Lot 85 DP 16379 18 Yamba Street, Hawks Nest NSW
Proposed development	Torrens title subdivision of one (1) lot into three (3), three (3) x two (2) storey dwelling houses and associated earthworks and services
Site land zoning	R3 Medium Density Residential
Local Government Area	Mid Coast Council
Capital Investment Value	\$1.8M Incl GST

1.4 Type of Development Application

Section 1.5 of the *EP&A Act 1979* defines as development follows:

1.5 Meaning of “development”(cf previous s 4)

(1) *For the purposes of this Act, development is any of the following—*

- (a) *the use of land,*
- (b) *the subdivision of land,*
- (c) *the erection of a building,*
- (d) *the carrying out of a work,*
- (e) *the demolition of a building or work,*
- (f) *any other act, matter or thing that may be controlled by an environmental planning instrument.*

(2) *However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).*

(3) *For the purposes of this Act, the carrying out of development is the doing of the acts, matters or things referred to in subsection (1).*

The proposed development constitutes development in accordance with Section 1.5(3) above, specifically items a-d above.

The proposed development is not considered to be defined as ‘designated’ or ‘State significant’ development under the *EP&A Act 1979* or *EP&A Regulation 2021*.

Therefore, pursuant to Section 4.5(d) of the *EP&A Act 1979*, which states the following, development consent is sought from Mid Coast Council, as the Consent Authority.

4.5 Designation of consent authority

For the purposes of this Act, the consent authority is as follows—

- (a) *in the case of State significant development—the Independent Planning Commission (if the development is of a kind for which the Commission is declared the consent authority by an environmental planning instrument) or the Minister (if the development is not of that kind),*
- (b) *in the case of development of a kind that is declared by an environmental planning instrument as regionally significant development—the Sydney district or regional planning panel for the area in which the development is to be carried out,*
- (c) *in the case of development of a kind that is declared by an environmental planning instrument as development for which a public authority (other than a council) is the consent authority—that public authority,*
- (d) *in the case of any other development—the council of the area in which the development is to be carried out.*

The proposed development is not considered ‘integrated development’.

1.5 Site development history

The Site is currently vacant of any development.

1.6 Pre-Lodgement Consultation

No pre-lodgement meeting was undertaken.

1.7 Supporting documents

Document	Author
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Architectural drawings	Keep Building Design
Geotechnical report	Intrax Housing
Landscape plans	Aspect Designs
AHIMS search results	Regional Plan / NSW Government
MNES search results	Regional Plan / NSW Government
BMAT report	Regional Plan / NSW Government
NSW Environment & Heritage Bionet atlas search results	Regional Plan / NSW Government
BASIX certificate	Keep Building Design
Energy report	Keep Building Design
Builder's quote	Level building Co
Site waste management and minimisation plan (SWMMMP)	Regional Plan
Acid sulfate soil management plan	Regional Plan

2 Site analysis and context

2.1 Site location and characteristics

The subject site is known as 18 Yamba Street Hawks Nest NSW and is legally identified as Lot 85 DP 16379.

The Site is rectangular in shape with boundaries of approximately; frontage & rear 20.11m, side 50.44m, with an approximate area of 1,014m².

The contains flat downward slop from the front to rear boundary of approximately 2%, with a difference in height of approximately 1.0m across 50m.

The Site contains frontage to Yamba Street, which is a sealed public road, with approximately 6m seal width.

The surrounding area contains residential development comprising a mixture of single dwelling houses and multi-dwelling housing, similar to that proposed and some residential flat buildings. A small neighbourhood centre containing a number of shops including supermarket, medical centre and other small local boutique shops is located approximately 200m east of the Site.

The Site is currently vacant of development and vegetation. Though recent aerial imagery identifies a dwelling house and outbuilding used to be present on the Site. It is unknown whether this development was removed with Consent or if consent was required.

Figure 1 to Figure 4 below provides an overview perspective of the subject site and its immediate surrounds.



Figure 1: Aerial view of the Site & surrounds (Source, Google Earth)



Figure 2: Streetview of Site

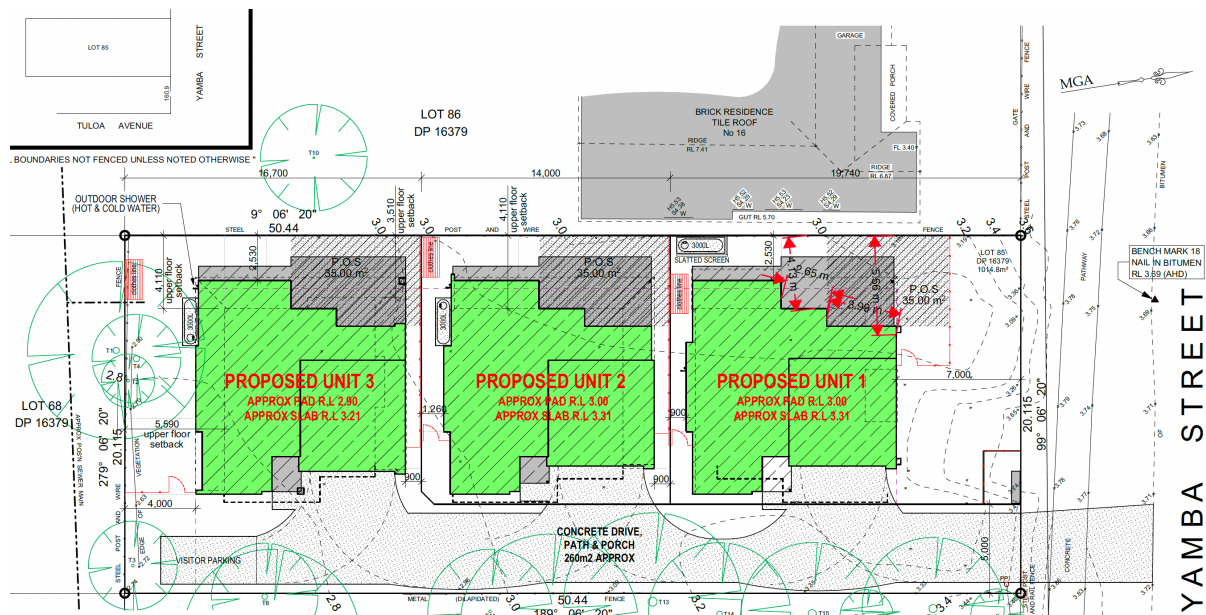


Figure 3: Survey of Site

2.2 Site access

The Site does not contain an existing compliant vehicular access from the public road frontage. A new site access is proposed as part of the development.

Subject to consent being issued, a Section 138 road opening permit will accompany a future construction certificate application.

2.3 Services

The Site is located within close proximity to existing telecommunication, electrical, potable water, sewage and stormwater services.

Subject to consent being issued, approvals will be sought from the relevant utility authorities for connection of each proposed Site to telecommunication and electrical services. Including a section 68 application for water, sewer and stormwater connections/works.

3 Proposed development

3.1 Overview

The proposed development involves:

- Site preparation works including removal of ground cover and earthworks,
- Installation of essential services/connections including vehicle access, water, sewer, stormwater, telecommunications and electrical,
- Torrens Title subdivision of one (1) lot into three (3), creating two (2) additional lots,
- Three (3) x two (2) storey **Dwelling Houses** each on their own lot, and
- Landscaping, paving, fencing and other minor ancillary site works

Table 2 below contains a summary of the proposed development characteristics.

Table 2: Summary of proposed development characteristics

Development site description	Lot 85 DP 16379 18 Yamba Street, Hawks Nest NSW
Proposed development	Torrens title subdivision of one (1) lot into three (3), three (3) x two (2) storey dwelling houses and associated earthworks and services
Site land zoning	R3 Medium Density Residential
Local Government Area	Mid Coast Council
Site area (existing)	Boundaries: frontage 20.11m, side 50.44m, rear 20.11m, area: 1014m ² .
Proposed lot areas	Lot 1: 298.40m ² Lot 2: 211.40m ² Lot 3: 252.8m ² (Excluding access handle) Lot 3 AH: 252.2m ² TOTAL: 1014m ² .
Gross Floor area / FSR	Dwelling 1: 208m ² / 298.40m ² = 0.58:1 Dwelling 2: 173m ² / 211.40m ² = 0.80:1 Dwelling 3: 166 m ² / 252.80m ² = 0.66:1 TOTAL: 546.49m ^m / 1014m ² = 0.54:1
Landscaped area	Lot 1: >30% site area Lot 2: >25% site area Lot 3: >30% site area
Private open space	Lot 1: >35m ² Lot 2: >35m ² Lot 3: >35m ²
Building height	Lot 1: <8.5m Lot 2: <8.5m Lot 3: <8.5m
Front set back	Lot 1: 7m (existing lot) / 7m (proposed lot) Lot 2: >7m (existing lot) / 0.9m (proposed lot) Lot 3: >7m (existing lot) / 0.9m (proposed lot)
Side setback	Lot 1, 2 & 3: 2.530m (western site boundary) Lot 1 & 2: 0.90m (eastern - proposed lot 3 access handle) Lot 3: 6.0m (eastern site boundary)
Rear setback	Lot 1: 0.9m (proposed lot 2 boundary) Lot 2: 0.9m (proposed lot 3 boundary) Lot 3: 4.0m (existing southern site boundary)

Each dwelling comprises:

- Single shared concrete driveway crossover and site access and internal hardstand and manouvering areas,
- 2 x under cover car parking spaces located behind the building line,
- 3.5 bath, 4 bedroom, 2 lounge room, with open plan kitchen, living dining area opening to private open space,
- 3,000L rain water tank with overflow to Council network,
- Sewer, water, electrical and telecommunication connections to existing respective underground networks within vicinity of the Site.

Architectural drawings to support the DA submission are contained in **appendices**.

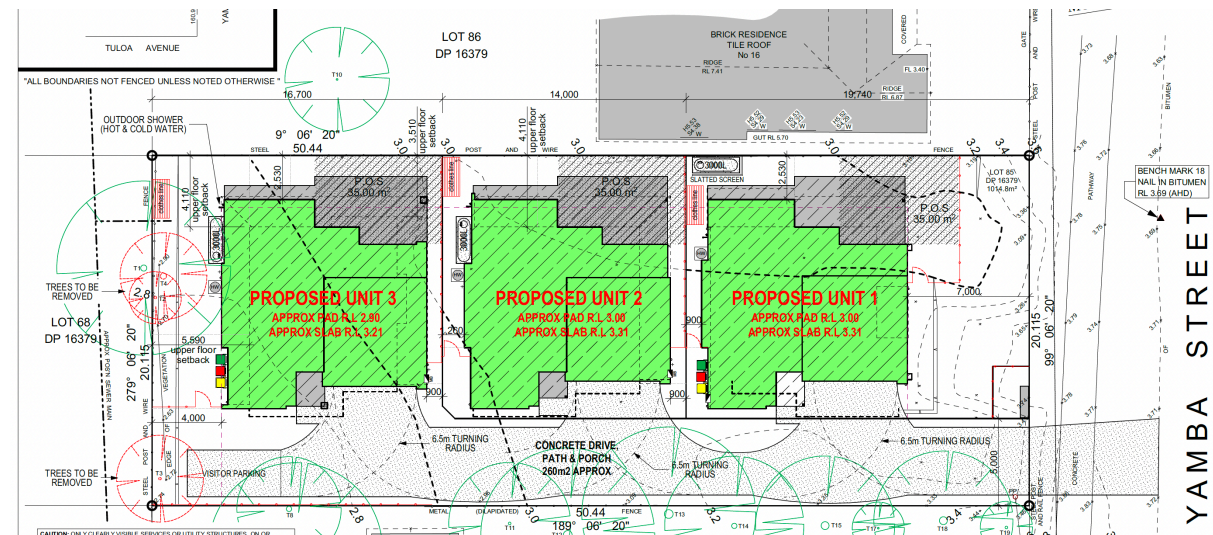


Figure 4: Site plan of proposed development

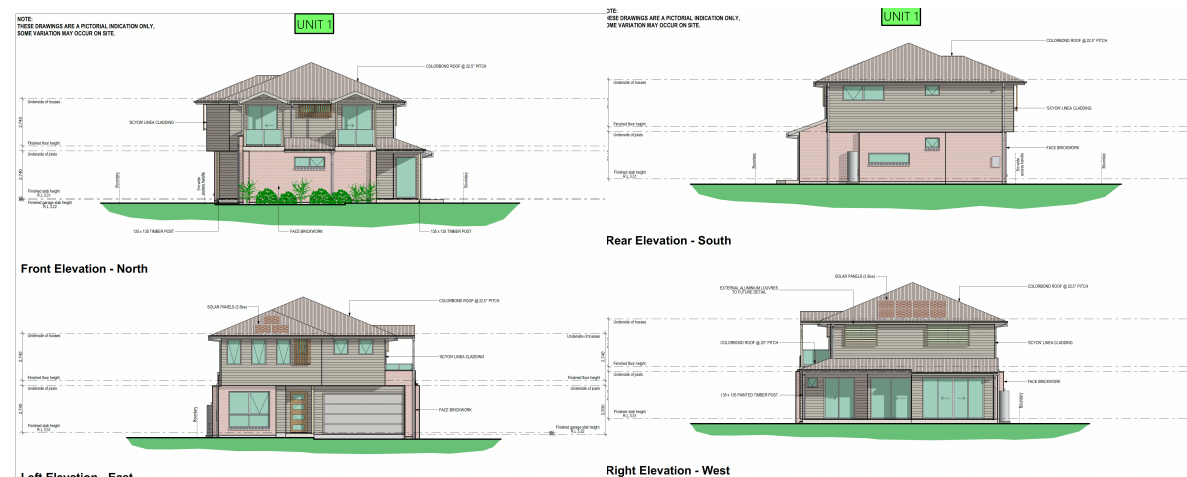


Figure 5: Elevations dwelling 1

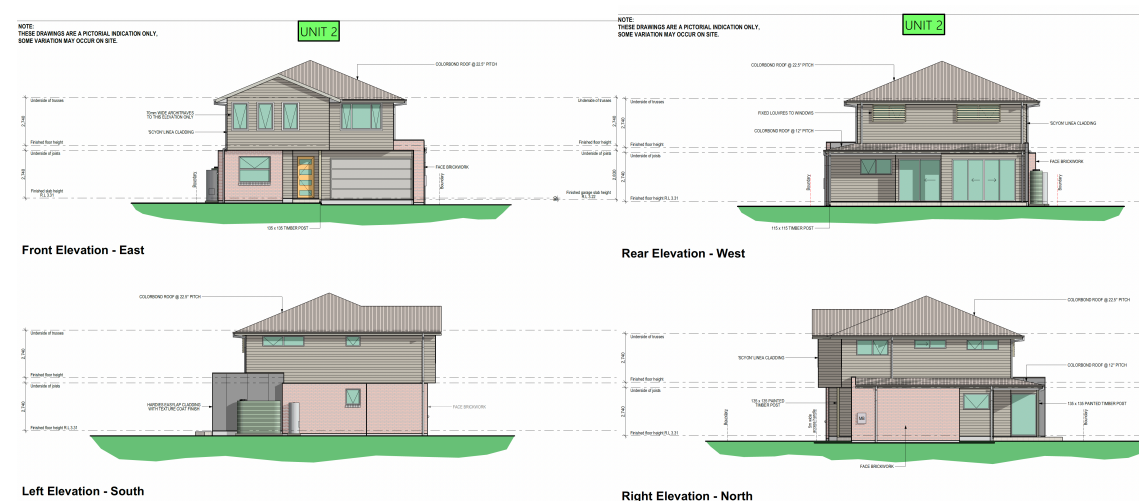


Figure 6: Elevations dwelling 2

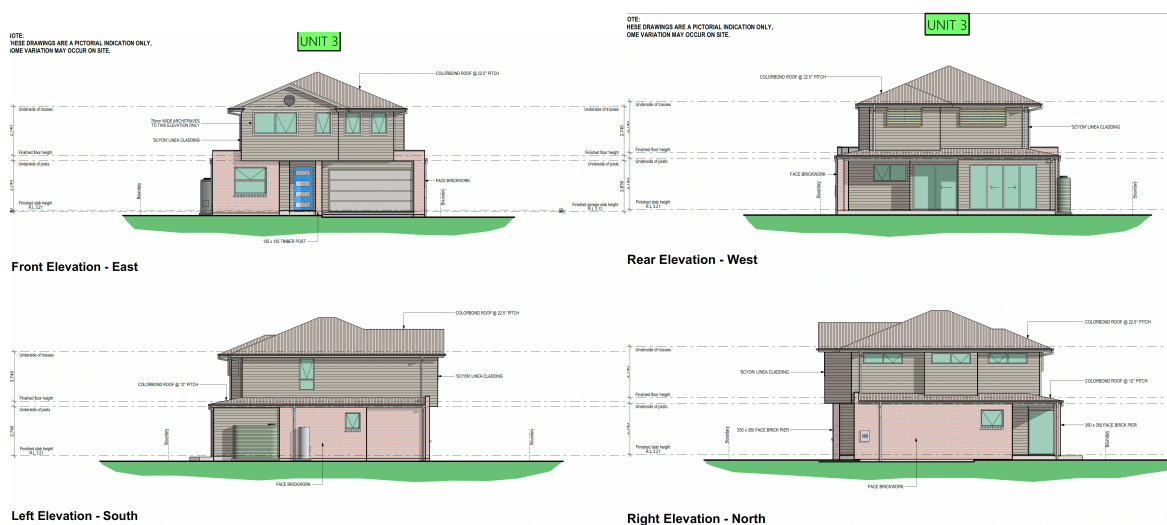


Figure 7: Elevations dwelling 3

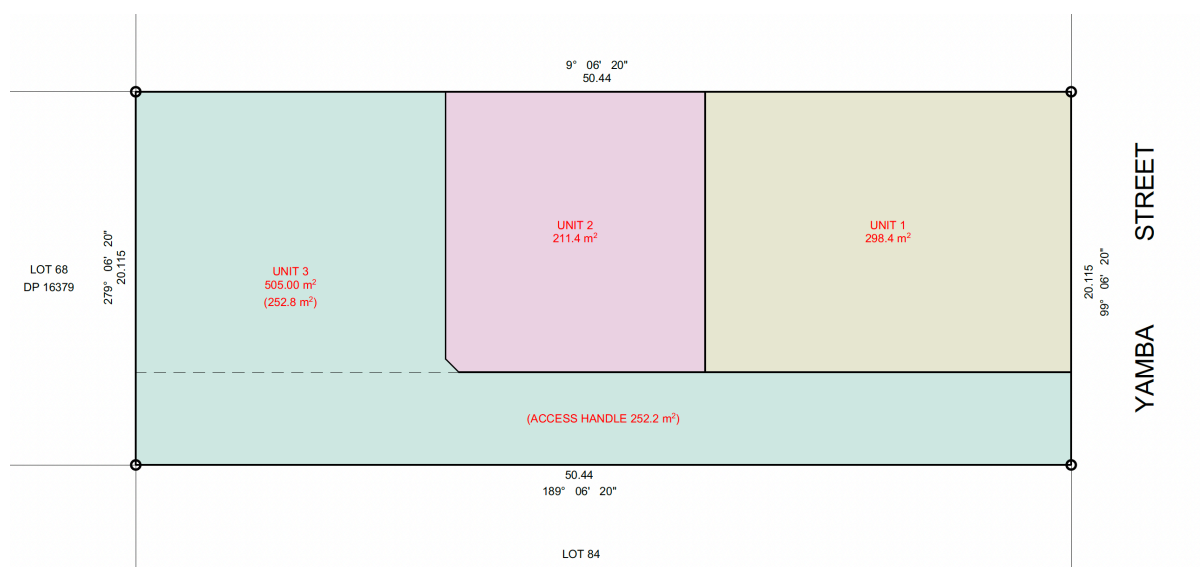


Figure 8: Proposed subdivision of existing lot

3.2 Site preparation and earthworks

It is proposed to carry out the necessary site preparation works including excavation and bulk earth works to accommodate the proposed development. Accommodating mostly site leveling with approx. 200m³ material to be disturbed. No tree removal is proposed.

3.3 Building height

The proposed development will contain a maximum height from existing ground level to the apex of the roof of 7.50m.

3.4 Building layout and site design

The proposed development has been designed and sited commensurate to the characteristics of the site including zoning, vegetation, shape and orientation etc. The development avoids structural root zones of existing adjacent tree vegetation adjoining the eastern site boundary, does not pose privacy or overshadowing issues to adjoining development.

3.5 Landscaping

The proposed development provides an adequate landscaped area for each site including deep root zone.

3.6 Access and parking

3.6.1 Vehicular access

Vehicular access will be provided from Yamba Street via a shared access handle of proposed lot 3. With proposed lot 1 and 2 to contain use via an easement for access for carriageway, pedestrian and services including maintenance and operation.

3.6.2 Car parking

Each proposed dwelling contains a two (2) under cover parking spaces. In addition to one (1) visitor car parking space for the site.

3.7 Waste management

Waste generated during the construction of the development will be minimised as much as practicable with excess materials recycled, or where required, disposed of at the nearest licenced waste management facility. The proposed development will be serviced by Council's residential waste service for general, recycling and organic waste, which will be collected by kerbside collection.

3.8 Materials and finishes

The selection of materials and finishes for the proposed development are of good quality and have been chosen to ensure the development contributes positively to the character of the local context. The proposed built form is characterised by quality finishes including brickwork, render, weatherboard cladding, Colourbond cladding, aluminium framed windows and doors and glazed windows. Finish materials are depicted in the submitted plans.

3.9 Subdivision

The subdivision proposed results in the creation of an three (3) allotments (two (2) additional. All lots comprise an area area of not less than 200m³ with appropriate arrangements for essential services including public road utility services.

4 Legislative & Policy Framework

4.1 Summary of key applicable planning controls

This section of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development in accordance with Section 4.15 of the *EP&A ACT 1979*.

The statutory planning framework relevant to the proposed development at the Site includes:

- *Commonwealth Legislation*
 - *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*
- *State Legislation*
 - *Biodiversity Conservation Act 2016 (BC Act)*
 - *Environmental Planning and Assessment Act 1979 (EP&A Act)*
 - *Rural Fires Act 1997 (RF Act)*
- *Regulations*
 - *Environmental Planning and Assessment Regulation 2000 (EP&A Reg 2000)*
- *State Environmental Planning Policies*
 - *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 2 – Vegetation in non-rural areas*
 - *Chapter 4 – Koala habitat protection 2021*
 - *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
 - *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of land*
 - *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *CI2.48 Determination of development applications – other development*
- *Local Environmental Plan*
 - *Great Lakes Local Environmental Plan 2014*
- *Development Control Plan*
 - *Great Lakes Development Control Plan 2014*
- *Regional and Local planning codes, policies, strategies and plans*
 - *Hunter Regional Plan 2041*
 - *Mid Coast Council Local Strategic Planning Statement*
 - *Mid Coast Council Housing Strategy*

Table 3 below summaries the assessment of the proposed development against the relevant matters for consideration as outlined in section 4.15(1) of the *EP&A Act 1979*.

Table 3: Summary of assessment of proposed development against relevant matters for consideration as outlined in section 4.15(1) of the EP&A Act 1979

EP&A Act 1979	SEE section	Matters for consideration	Complies (Y/N)	See comments	N/A
S.4.15(1)(a)(i) any environmental planning instrument,	Section 4 & 5.	Environment Protection and Biodiversity Conservation Act 1999	✓		
“		Biodiversity Conservation Act 2016	✓		
“		Environmental Planning and Assessment Regulation 2000	✓		
“		State Environmental Planning Policy (Biodiversity and	✓		

		Conservation) 2021			
“		State Environmental Planning Policy (Building Sustainability Index) 2004	✓		
“		State Environmental Planning Policy (Resilience and Hazards) 2021	✓		
“		State Environmental Planning Policy (Transport and Infrastructure) 2021	✓		
“		Great Lakes Local Environmental Plan 2014	✓		
“		Hunter Regional Plan 2041	✓		
“		Mid Coast Council Local Strategic Planning Statement	✓		
“		Mid Coast Council Housing Strategy	✓		
		Midcoast 2030 Community Strategic Plan 2018-2030			
(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)	There are no current proposed EPIs that have been subject to public consultation which is relevant to the site or proposal.				✓
(iii) any development control plan	Section 4.	Great Lakes Development Control Plan 2014		✓ See variation justifications	
(iia) 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)	Section 4.		✓		
(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	Section 5.		✓		
(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			✓		

4.1.1 Commonwealth legislation

4.1.1.1 *Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act)*

The *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* protects Matters of National Environmental Significance (MNES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others).

Any actions that will or are likely to have a significant impact on the matters of MNES, require referral and approval from the Australian Government Environment Minister. Significant impacts are defined by the Commonwealth for matters of MNES.

Comment

A search of the Australian Government, Department of Climate Change, Energy, the Environment and Water (DCCEEW) protected matters search tool identifies several threatened species and ecological communities that 'may', are 'likely' or are 'known' to be present within the confines of the search area.

Significant impact criteria for each MNES as outlined in the Australian Government MNES *significant impact guidelines*, for MNES applicable to the proposed development, are as follows:

- **“Critically endangered and endangered species**
- **Significant impact criteria**
- An action is likely to have a significant impact on a critically endangered or endangered species if there is a real chance or possibility that it will:
 - lead to a long-term decrease in the size of a population
 - reduce the area of occupancy of the species
 - fragment an existing population into two or more populations
 - adversely affect habitat critical to the survival of a species
 - disrupt the breeding cycle of a population
 - modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline
 - result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species’ habitat
 - introduce disease that may cause the species to decline, or
 - interfere with the recovery of the species.
- **Vulnerable species**
- **Significant impact criteria**
- An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:
 - lead to a long-term decrease in the size of an important population of a species
 - reduce the area of occupancy of an important population
 - fragment an existing important population into two or more populations
 - adversely affect habitat critical to the survival of a species
 - disrupt the breeding cycle of an important population
 - modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline
 - result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species’ habitat
 - introduce disease that may cause the species to decline, or
 - interfere substantially with the recovery of the species.
- **Critically endangered and endangered ecological communities**
- **Significant impact criteria**
- An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:
 - reduce the extent of an ecological community
 - fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines
 - adversely affect habitat critical to the survival of an ecological community
 - modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community’s survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns
 - cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting
 - cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:
 - assisting invasive species, that are harmful to the listed ecological community, to become established, or
 - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or
 - interfere with the recovery of an ecological community.

- **Listed migratory species**
- **Significant impact criteria**
- An action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will:
 - substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species
 - result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species, or
 - seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

Commentary and Conclusion

The extent of impact of the proposed development is wholly within the footprint of the Site and adjacent road corridor. Vegetation impact is limited to grassland areas of the Site and road corridor. There are no known or identified habitat or habitat structures within the Site or development impact area.

Based on the assessment undertaken it is unlikely the proposed development will result in an action that will have, or is likely to have, a significant impact on a MNES. Therefore, referral to the environment minister under the EPBC Act is not considered to be required.

Further assessment of the potential environment impacts of the proposed development is contained within the ensuing sections of this SEE, particularly section 4.1.2.1.

Search results and mapping are contained in **Appendices**.

4.1.2 State legislation

4.1.2.1 Biodiversity Conservation Act 2016 (BC Act)

The *Biodiversity Conservation Act 2016 (BC Act)* commenced on 25 August 2017 and replaces the *Threatened Species Conservation Act 1995 (TSC Act)*. Together with the *Local Land Services Amendment Act 2016* and *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, this new regulatory framework introduces a balanced approach to land management and biodiversity conservation in NSW, seeking to maintain a healthy, productive and resilient environment for the greatest wellbeing of the community, now and into the future, consistent with the principles of ecologically sustainable development (ESD).

Section 7.4 of the BC Act states the following:

7.4 Exceeding biodiversity offsets scheme threshold

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.

(2) In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.

Note—

See section 6.8(3)—any part of proposed development that involves such clearing of native vegetation is not required to be assessed under the biodiversity assessment method.

(3) A regulation under this section may apply, adopt or incorporate a map published by the Environment Agency Head from time to time.

Section 7.2(1) of the BC Reg 2017 states the following:

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the

Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

Table

Column 1

Minimum lot size of land

Less than 1 hectare

Less than 40 hectares but not less than 1 hectare

Less than 1,000 hectares but not less than 40 hectares

1,000 hectares or more

Column 2

Area of clearing

0.25 hectare or more

0.5 hectare or more

1 hectare or more

2 hectares or more

Comment:

A search was undertaken using the New South Wales (NSW) Department of Planning & Environment (DPE), Biodiversity Values Map Threshold (BMAT) tool which encompassed the whole of the Site. The search did not identify any mapped land containing high biodiversity value nor does the maximum extent of site disturbance for the proposed subdivision and potential future development (i.e., installation of boundary fencing, site entry and internal access, utilities and building footprints) exceed the maximum allowable clearance threshold of 0.25ha for the Site zoning.

The proposed development and potential future development footprint do not exceed the Biodiversity Offset Scheme (BOS) threshold pursuant to S7.4 of the *Biodiversity Conservation Act 2016* nor does it impact land mapped as containing high biodiversity value. Subsequently, a Biodiversity Development Assessment Report (BDAR) is not required pursuant to S7.7 of the *Biodiversity Conservation Act 2016* (BC Act) and Cl7.2 & 7.3 of the *Biodiversity Conservation Regulation 2017*.

Refer to the Biodiversity Values Map and Threshold Report contained in **Appendices**.

Test of significance

Pursuant to section 7.3 of the *BC Act 2016* a test for determining whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats was undertaken, which also considered potential future development impacts and encompassed the following as required by the act:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community—*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

NSW Environment and Heritage – BioNet atlas mapping

A search of the NSW Environment and Heritage BioNet Atlas of NSW Wildlife database for fauna and flora data did not identify any any endangered populations within the Site. Refer to search results contained in **Appendices**.

Key threatening processes and other potential impacts

A review of the key threatening processes (KTP) as outlined in Schedule 4 of the *BC Act 2016* was also undertaken with the following KTP identified as having potential to result from the proposed development and potential future development on the Site:

- Invasion and establishment of exotic vines and scramblers
- Invasion of native plant communities by exotic perennial grasses
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants

Mitigating actions

Table 4 identifies mitigating actions that are suggested which will significantly minimise the potential for negative environmental impacts by the proposed development:

Table 4: Mitigating actions to key threatening processes

Key threatening process	Mitigating action
Invasion and establishment of exotic vines and scramblers	Use of native endemic plant species and regular control and maintenance of lawns.
Invasion of native plant communities by exotic perennial grasses	Use of native endemic plant species and regular control and maintenance of lawns.
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	Use of native endemic plant species and regular control and maintenance of lawns.

Conclusion

The proposed development is unlikely to significantly impact any flora or fauna species of significance. The extent of site disturbance by the proposed development is below the threshold for triggering the BOS, BDAR and does not impact mapped high value biodiversity.

The proposed development is located within an existing residential zoning and subdivision with the Site clear of vegetation with exception to exotic grass cover.

Though the Site is identified as potentially containing threatened species, ecological communities, or habitat. The key threatening processes that may occur are considered secondary to the proposed development. Threatening processes are most unlikely. With appropriate conditions regarding construction and ongoing occupation of the site. It is considered unlikely the proposed development will result in significant affect threatened species or ecological communities, or their habitats.

4.1.2.2 Environmental Planning & Assessment Act 1979

Section 4.15(1) of the *EP&A Act 1979* specifies the matters which a consent authority must consider when determining a DA, which are outlined in Table 3 above.

The matters identified in the above table as requiring specific comment are discussed in the identified subsections.

4.1.2.2.1 Cl 4.14 Consultation and development consent—certain bush fire prone land (cf previous s 79BA)

The Site is not mapped as buffer bushfire prone land. Therefore this clause is not applicable.

4.1.2.2.2 4.15 Evaluation (cf previous s 79C)

The following matters for consideration are to be considered by the consent authority in determining a development application pursuant to Cl4.14(1) of the *EP&A Act 1979*, which states the following:

- *14(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—

4.1.2.2.2.1 (i) any environmental planning instrument

4.1.2.2.2.1.1 *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

4.1.2.2.2.1.1.1 Chapter 2 Vegetation in non-rural areas

This chapter of the SEPP applies to Site due to the R1 *General Residential* zoning of the Site pursuant to CI 2.3(1)(b), which states the following:

- *2.3 Land to which Chapter applies:*
(1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—
(b) land within the following zones under an environmental planning instrument—
Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.

KSC is the relevant authority for granting of a permit to clear the identified vegetation within this SEE pursuant to CI 2.6(1)&(2) of the SEPP, which states the following:

- *2.6 Clearing that requires permit or approval*
(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.
(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

4.1.2.2.2.1.1.2 Chapter 4 Koala habitat protection 2021

This Chapter of the SEPP applies to the proposed development as the Site is located within a government area listed in Schedule 2 of the SEPP (Kempsey), with North Coast being the relevant Koala management area. In addition to the Site containing an area of greater than 1 hectare and no approved Koala plan of management which applies to the land.

The key threats to Koala and Koala habitat outlined within the North Coast Koala Management Area are listed as follows:

- **habitat clearing and fragmentation** due to urban development, especially on fertile coastal flats, which is also prime land for cattle and crops
- **lack of security of land tenure**
- **limited land available** for revegetation
- **vehicle strike and domestic dog attack**
- **diseases** such as chlamydia and koala retrovirus
- **competition from rainforest species** into eucalypt-dominated koala habitat can smother mature eucalypts and inhibit growth of seedlings
- **high-intensity fires** cause koala mortality and temporarily eliminate food sources
- **dense growth of weeds**, such as lantana, which can inhibit koala movement
- **dieback** across a range of plant species due to climate changes, bell miners and insects
- potential **negative impact of myrtle rust** on eucalypts
- potential **impact of sea level rise**.

The proposed development does not involve Koala habitat vegetation removal or acquisition or construction through a Koala habitat area. Thus, impact by habitat clearing and fragmentation, land tenure, vehicle or dog impact, reduction of regenerative land, high intensity fires and dense growth of

weeds are considered a secondary of the proposed development with a very low probability of occurring.

Climate change impacts are also considered an indirect impact of the proposed development and will be mitigated through other controls such as BASIX certificates and sustainability requirements within the National Construction Code (NCC).

Possible influx of Koalas and diseases, die back, myrtle rust are not considered to be a likely outcome of the proposed development thus not applicable in this instance.

If considered necessary by the consent authority, conditions pertaining to the management of dogs and tenant / landowner education of Koala threatening processes could be applied. However, the development is not considered to have detrimental impact on Koala Habitat.

The likelihood of impact on Koalas or Koala habitat as a direct result of the proposed development is unlikely. KSC is not prevented from granting consent to a development application for consent to carry out development on land pursuant to CI 4.10 of the SEPP which states the following:

- *4.10 Development assessment process—other land*
A council is not prevented from granting consent to a development application for consent to carry out development on land if—
(a) the land does not have an approved koala plan of management applying to the land, or
(b) the council is satisfied that the land is not core koala habitat.

4.1.2.2.2.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

4.1.2.2.2.1.2.1 Chapter 4 Remediation of land

Chapter 4 of the SEPP applies to the proposed development pursuant to CI4.4 and 4.6(1)(a) of the SEPP which state the following:

- *4.4 Land to which this Chapter applies*
This Chapter applies to the whole of the State.
- *4.6 Contamination and remediation to be considered in determining development application*
(1) A consent authority must not consent to the carrying out of any development on land unless—
(a) it has considered whether the land is contaminated, and

Table 5 outlines some activities that may cause contamination as identified within managing land contamination planning guidelines of former SEPP 55—Remediation of Land, of which. Noting the Site's long standing residential zoning, vacancy and no visual evidence of poor plant growth, staining or odours at the surface level, which may indicate contaminants of concern. The potential for contaminants or chemical residue levels being above EPA levels is highly unlikely and it is considered to be a very low risk that any potential site contamination if it exists is of a severity or extent that would limit the proposed development of the Site as provided for in this Application.

Table 5: Activities which may cause contamination as outlined in contaminated land planning guidelines

<ul style="list-style-type: none"> • agricultural/horticultural activities • airports • asbestos production and disposal • chemicals manufacture and formulation • defence works •drum re-conditioning works • dry cleaning establishments •electrical manufacturing (transformers) • electroplating and heat treatment premises • engine works • explosives industry • gas works 	<ul style="list-style-type: none"> • oil production and storage • paint formulation and manufacture • pesticide manufacture and formulation • power stations • railway yards • scrap yards • service stations • sheep and cattle dips • smelting and refining
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<ul style="list-style-type: none"> • iron and steel works • landfill sites • metal treatment • mining and extractive industries 	<ul style="list-style-type: none"> • tanning and associated trades • waste storage and treatment • wood preservation
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4.1.2.2.2.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.1.2.2.2.1.3.1 CL2.48 Determination of development applications—other development

This clause of the SEPP is applicable to the proposed development as it involves the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower. Subsequently, prior to determining the DA the consent authority is required to provide written notice to the supply authority with a response received within 21 days after issuing of the notice to be taken into considered pursuant to CL2.48 (1)(a) & (2) of the SEPP, which states the following, respectively:

- *2.48 Determination of development applications—other development*
(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—
(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

4.1.2.2.2.1.4 State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The proposed development is BASIX affected development as it involves the erection of a BASIX affected building (a building which contains one or more dwellings, but does not include a hotel or motel). A BASIX for each dwelling is included in **appendices**.

Pursuant to Section J, Volume 1 of the *National Construction Code (NCC)*, residential buildings classified by the NCC as class 1 are subject to BASIX. Buildings classified as class 3 and 5 to 9, as well as some class 2 and 4 buildings, are subject to Section J of Volume 1 of the NCC.

Pursuant to Part A6.1 of Volume 1 of the NCC a **Dual Occupancy (attached)** is classified as a class 1 building, therefore BASIX is applicable.

Part A6.3 of Volume 1 of the NCC states the following:

A6.1 Class 1 buildings

A Class 1 building includes one or more of the following sub-classifications:

- (1) Class 1a is one or more buildings, which together form a single dwelling including the following:*
 - (a) A detached house.*
 - (b) One of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.*

4.1.2.2.3 Section 4.46 of the EP&A Act – Integrated Development

Section 4.46 of the *EP&A Act 1979* defines ‘integrated development’ as follows:

- (1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals —*

Table 6 below provides a brief overview on whether any aspect of the proposed development triggers a need for the consent authority to obtain general terms of approval from other relevant approval authorities.

Table 6: List of approvals forming integrated development

Act	Provision	Approval Description	Applicable	Complies
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	No	N/A
Fisheries Management Act 1994	s 144	aquaculture permit	No	N/A
	s 201	permit to carry out dredging or reclamation work	No	N/A
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	No	N/A
	s 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	No	N/A
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)	No	N/A
Mining Act 1992	ss 63, 64	grant of mining lease	No	N/A
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	No	N/A
Petroleum (Onshore) Act 1991	s 16	grant of production lease	No	N/A
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No	N/A
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No	N/A
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No	N/A
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	Yes	Yes – see comment below

		(e) connect a road (whether public or private) to a classified road		
<i>Rural Fires Act 1997</i>	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	No	N/A
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No	N/A

Roads Act 1993, s138

In this circumstance, approval from Council as the roads authority for works within the road corridor is required. Subject to the issue of development consent, a Section 138 application will accompany a future construction certificate application.

Pursuant to Section 4.46(3) of the *EP&A Act 1979*, which states the following, the proposed development is not considered integrated development despite the requirement for a section 138 approval.

(3) Development is not integrated development in respect of the consent required under section 138 of the [Roads Act 1993](#) if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.

4.2 Great Lakes Local Environmental Plan 2014

The Site is located within the Local Government Area of Mid Coast Council, with *Great Lakes Local Environmental Plan 2014* (GLLEP 2014) applying to the site (Figure 9).

The relevant provisions of *GLLEP 2014* as they relate to the Site and proposed development are considered within the ensuing subsections.

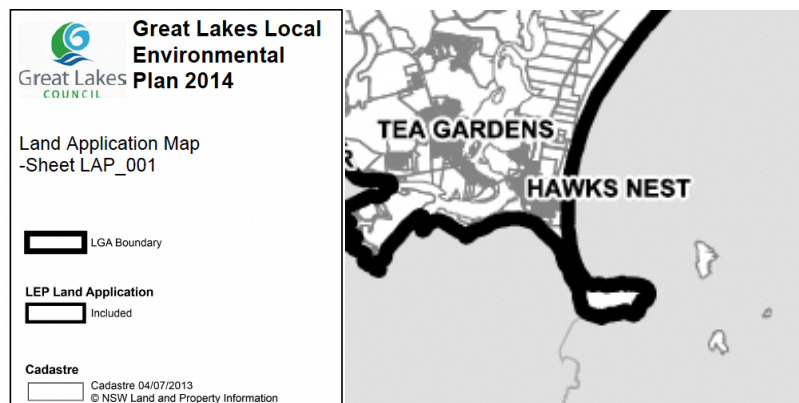


Figure 9: GLLEP 2014 Land Application Map - Sheet LAP_001

4.2.1 Clause 2.1 Land use zones & Cl2.3 Zoning objectives and Land Use Table

The Site contains dual R3 *Medium Density Residential* and C2 *Environmental Conservation* land zoning pursuant to the *GLLEP 2014* (Figure 10).

The Site contains a total area of approximately 1,012m². The R3 *Medium Density Residential* zoned portion comprises approximately 887m² or 88% Site area. Comprising approximately 15m of the Site's 20m road frontage width and extending the entire depth of the Site's approximate 50m length to the rear boundary. With the C2 *Environmental Conservation* zoned portion comprising approximately 125m² or 12% Site area. Comprising the front north east corner of the Site. Being 5m of the 20m Site frontage and extending approximately 25m along 50m eastern side property boundary.

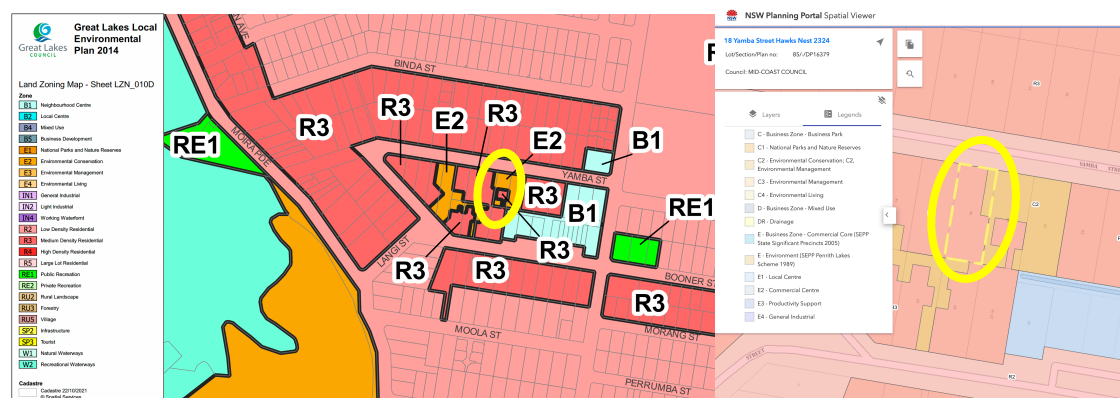


Figure 10: GLLEP 2014 Land Zoning Map - Sheet LZN_010D

The objectives of the R3 *Medium Density Residential* and C2 *Environmental Conservation* land use zones and permitted land uses are as follows:

Zone R3 *Medium Density Residential*

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To achieve increased population density in locations that support the business centre.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Helipads; Home-based child care; Home businesses; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Serviced apartments; **Sewerage systems**; Signage; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; **Water supply systems**

4 Prohibited

Rural workers' dwellings; Any other development not specified in item 2 or 3

Zone C2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Community facilities; **Dwelling houses**; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture Research stations; **Roads; Sewerage systems; Water supply systems**

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The following definitions are contained within the dictionary of the GLLEP 2014.

dwelling house means a building containing only one dwelling.

classified road has the same meaning as in the Roads Act 1993.

Note—

The term is defined as follows—

classified road means any of the following—

- a main road,
- a highway,
- a freeway,
- a controlled access road,
- a secondary road,
- a tourist road,
- a tollway,
- a transitway,
- a State work.

(See Roads Act 1993 for meanings of these terms.)

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

sewerage system means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sewerage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

water supply system means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

The associated ancillary development including internal site access and water and sewer utility services are likened to road, sewerage or water supply systems, which are permissible with consent within the C2 *Environmental Conservation* land use zone.

As identified above, development for the purposes of **dwelling houses** and associated site access, and utility supply services is permitted with consent within both the R3 *Medium Density Residential* and C2 *Environmental Conservation* land use zones.

4.2.2 Clause 2.6 Subdivision – consent requirements

Pursuant to the requirements of this clause which are outlined below, the development proposes subdivision which is not specified exempt or complying development under another environmental planning instrument (EPI).

The development proposes the subdivision of the Site into three (3) Torrens title allotments, A preliminary plan of subdivision is contained in **Appendices**.

The development does not propose a secondary dwelling.

The proposed development is compliant with all requirements and achieves the objectives of this Clause.

- **2.6 Subdivision—consent requirements**

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—

1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note—

The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

4.2.3 Clause 4.1 Minimum subdivision lot size

Pursuant to the requirements of this clause, which are outlined below. The Site contains a dual minimum lot size of 1,000m² and 40,000m² (Figure 11). The applicable minimum lot size corresponds with the dual land zoning of the Site as outlined in section 4.2.1 of this SEE. Such that the 1,000m² minimum lot size applies to the R3 Medium Density Residential zoned area of the Site and the 40,000m² minimum lot size applies to the C3 Environmental Conservation zoned area of the Site.

The development proposes the creation of three (3) Torrens title lots of approximately 505m² (252.8m² excluding 252.2m² access handle), 211.4m² and 298.4m². Which are all proposed to contain one (1) dwelling house on completion of the development. These lot sizes are all smaller than the requirements if this clause. However, as allowable, an exception to the minimum lot size is sought pursuant to clause 4.1A of the GLLEP 2014.

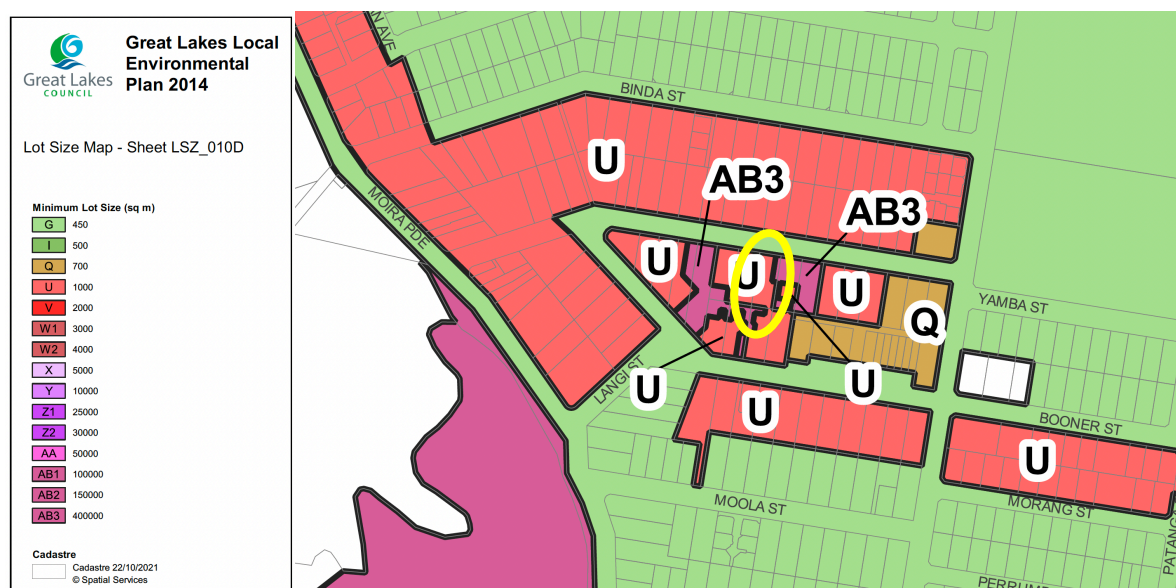


Figure 11: GLLEP 2014 Lot Size Map - Sheet LSZ_010D

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,

(b) to ensure that lots are of a sufficient size and shape to accommodate future development.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 2021.

4.2.4 Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development

The proposed development comprises the subdivision of an existing lot into three (3) torrens title lots which are all of greater area than 200m² and are proposed to contain one (1) dwelling house on completion. Access and individual services connections are proposed to be provided to each lot via appropriate easements and right of access through the access handle to proposed lot 3. Pursuant to C14.1A of the GLLEP 2014, outlined below, the proposed development is permissible via a single development application. Hence, development consent is sought under this clause of the GLLEP 2014. A preliminary plan of subdivision is contained in **Appendices**.

The proposed development is compliant with all requirements and achieves the objectives of this Clause.

4.1A Exceptions to minimum lot sizes for certain residential development

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in the following zones—*
 - (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential.*
- (3) *Despite clauses 4.1 and 4.1AA, development consent may be granted to a single development application for development to which this clause applies that proposes the subdivision of land into 2 or more lots if—*
 - (a) *one existing dwelling will be located, or one dwelling will be erected, on each lot resulting from the subdivision (other than any lot comprising association property within the meaning of the Community Land Development Act 1989), and*
 - (b) *the size of each lot will be equal to or greater than—*
 - (i) *for development on land in Zone R2 Low Density Residential—300 square metres, or*
 - (ii) *for development on land in Zone R3 Medium Density Residential—200 square metres.*

4.2.5 Clause 4.1D Minimum subdivision lot sizes for certain split zones

The Site contains existing dual land use zoning of R3 *Medium Density Residential* and C3 *Environmental Conservation*. Meaning this clause can apply to the proposed development as the Site cannot be subdivided under clause 4.1.

It is considered the proposed development is not fully compliant with the requirements of this clause as the proposed lots will contain an area less than the minimum size shown on the applicable Lot Size Map in relation to the Site relative to clause 4.1. However, it is considered this requirement is superseded by clause 4.1A, which allows for a minimum subdivision lot size of 200m² for the Site.

It is proposed for one of the resulting lots, proposed lot 3, to contain part of the R3 *Medium Density Residential* and the entirety of the C3 *Environmental Conservation* land use zoning of the Site. All resulting lots will contain an area not less than 200m² allowable pursuant to clause 4.1A.

- **4.1D Minimum subdivision lot sizes for certain split zones**

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
 - (b) *to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*
- (2) *This clause applies to each lot (an original lot) that contains—*
 - (a) *land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront,, and*
 - (b) *land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.*
- (3) *Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the resulting lots) if—*

- (a) one of the resulting lots will contain—
 - (i) land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Despite any other provision of this Plan, the erection of a dwelling house is permitted with development consent on any resulting lot.

4.2.6 Clause 4.3 Height of buildings

The area of the Site proposed to contain the dwelling houses contains a maximum allowable building height of 12.00m (Figure 12). The proposed development contains a maximum height of 8.50m above natural ground level to the utmost height of the development, being the apex of the roof.

The proposed development is compliant with all requirements and achieves the objectives of this Clause, as outlined below.

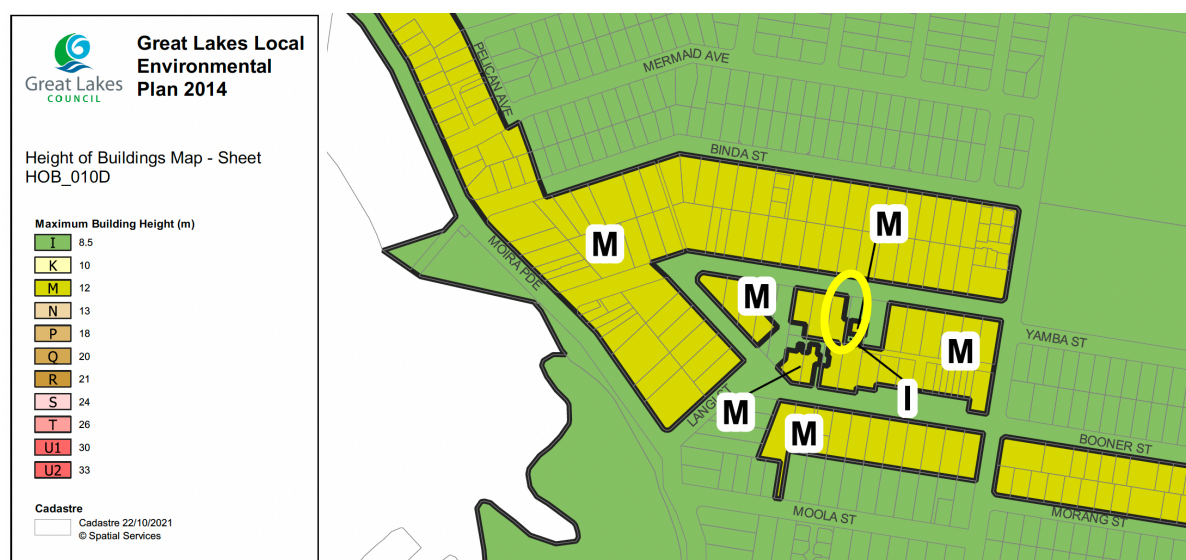


Figure 12: GLLEP2014 Height of Buildings map sheet HOB_010D

- **4.3 Height of buildings**
 - (1) The objectives of this clause are as follows—
 - (a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
 - (b) to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.
 - (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
 - (2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone E1 Local Centre or Zone MU1 Mixed Use and the consent authority is satisfied that—
 - (a) internal lift access will be provided to all levels in the building, and
 - (b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

4.2.7 Clause 4.4 Floor space ratio

The area of the Site proposed to contain the dwelling houses contains a maximum floor space ratio (FSR) of 1:1 (Figure 13).

The proposed development contains a maximum FSR of 0.80:1 relative to the proposed lots.
An FSR of 0.55:1 exists relative to the current Site area.
The impervious area of the Site amounts to 0.68:1 (Table 7).

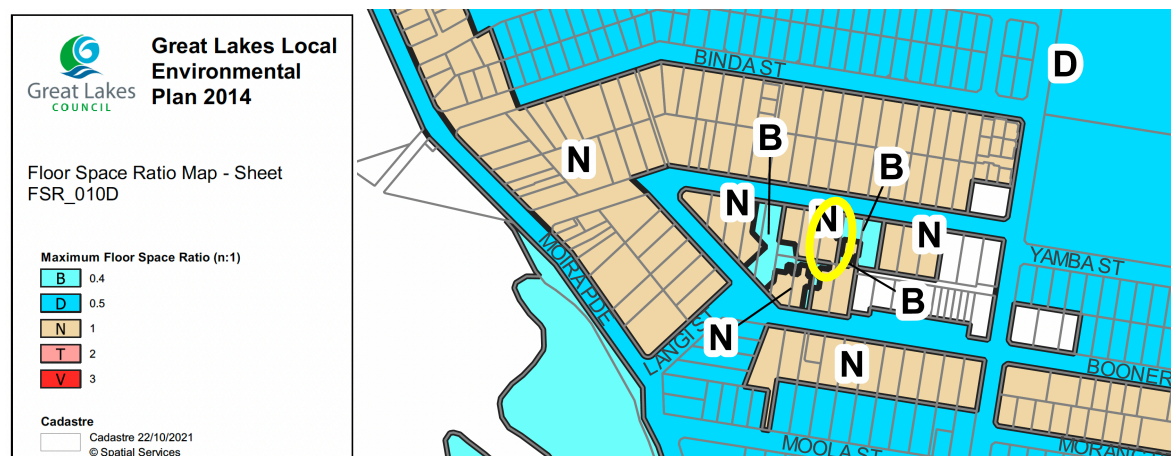


Figure 13: GLLEP2014 Height of Buildings map sheet HOB_010D

Table 7: Summary of FSR calculation for each proposed lot

Lot description	Width (m)	Length (m)	Area (m ²)	Floor area (m ²)	FSR
Existing	20.12	50.44	1,014.80	N/A	N/A
Lot 1 (front)	15.12	19.74	298.4	208	0.58:1
Lot 2 (middle)	15.12	14	211.4	172.42	0.8:1
Lot 3 (rear) excluding access handle	15.12	16.7	252.8	166.07	0.66:1
Lot 3 (rear) access handle	5.00	33.81	252.20	N/A	N/A
TOTAL			1,014.80	546.49	0.54:1
TOTAL impervious			1,014.80	687	0.68:1

The proposed development is compliant with all requirements and achieves the objectives of this Clause, as outlined below.

• 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
- (b) to encourage a diversity of development on land in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use, which is unlikely to prejudice the supply of retail or business floor space in those zones,
- (c) to permit a floor space ratio that will provide a transition in built form and land use intensity,
- (d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Development consent must not be granted for development on land in Zone E1 Local Centre unless the development includes commercial premises with a floor space ratio of at least—

- (a) for land identified as “Area A” on the Floor Space Ratio Map—0.3:1, and
- (b) for land identified as “Area B” on the Floor Space Ratio Map—1:1.

(2AB) Subclause (2A) does not apply to the North Tuncurry Urban Release Area.

(2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone MU1 Mixed Use may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by 10% if the consent authority is satisfied that—

(a) lift access will be provided to each level in the building, and

(b) the design of the building is consistent with AS 4299–1995, *Adaptable housing*.

(2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

4.2.8 Clause 4.6 Exception to development standards

Not applicable.

4.2.9 Clause 5.10 Heritage conservation

The Site does not contain any items of heritage significance and is not located within close proximity to any identified heritage items or within a heritage conservation area as identified in Figure 14 below.

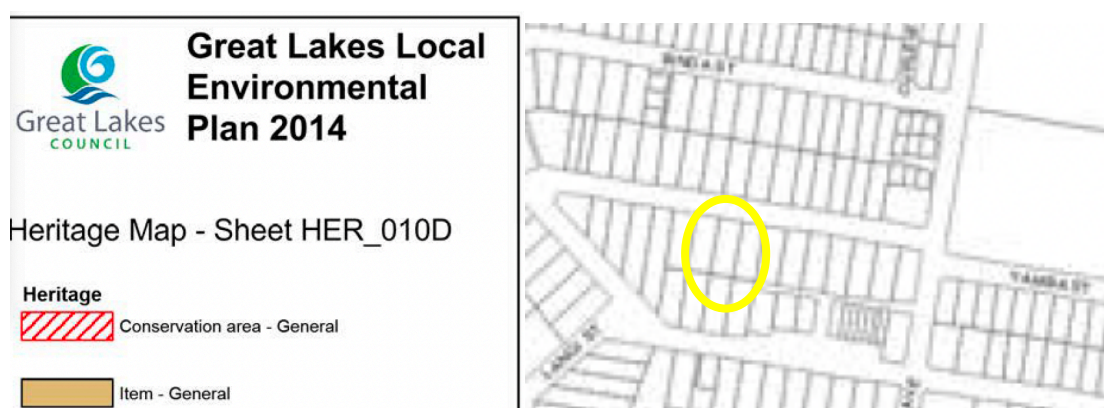


Figure 14: GLLEP 2014 Heritage Map Sheet HER_010D

4.2.10 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

The Site contains land zoned *C2 Environmental Conservation* with the development proposing the subdivision of land to be used for the purposes of a dwelling. Thus this clause is applicable as outlined below.

The Site is located within an urban area of Hawks Nest and is zoned and adjoined predominantly by *R3 Medium Density Residential* zoned land, with *R2 Low Density residential* zoned land beyond. The Site is also adjoined by and does contain a small portion of *C2 Environmental Conservation* zoned land.

The entirety of the Site is mapped wildlife protection corridor per GLLEP 2014 Protection of Wildlife Corridors Map – sheet PWC_010D (Figure 15), which is in opposition to the predominant *R3 Medium Density Residential* land use zoning of the Site. Though could be considered commensurate to the portion of *C2 Environmental Conservation* zoning of the Site.

The proposed development is consistent and compatible with the existing, approved and predominant land uses in the vicinity of the development. The Site is void of any significant vegetation which will be impacted and contains existing residential boundary fencing. Built form development is proposed to be situated on the area of the Site containing the residential land use zoning. The area of the Site identified as *C2 Environmental Conservation* is limited to internal site access and utility services. The Site is adjoined to the east by an existing fauna corridor which will remain unimpacted by the proposed development. It is considered unlikely the proposed development will result in a significant impact to the wildlife corridor beyond what currently exists.

The proposed development is compliant with all requirements and achieves the objectives of this Clause, as outlined below.

- **5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

(1) *The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).*

(2) *This clause applies to land in the following zones—*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape,*
- (c) *Zone RU3 Forestry,*
- (d) *Zone RU4 Primary Production Small Lots,*
- (e) *Zone RU6 Transition,*
- (f) *Zone R5 Large Lot Residential,*
- (g) *Zone C2 Environmental Conservation,*
- (h) *Zone C3 Environmental Management,*
- (i) *Zone C4 Environmental Living.*

(3) *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*

- (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) *erection of a dwelling.*

(4) *The following matters are to be taken into account—*

- (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).*

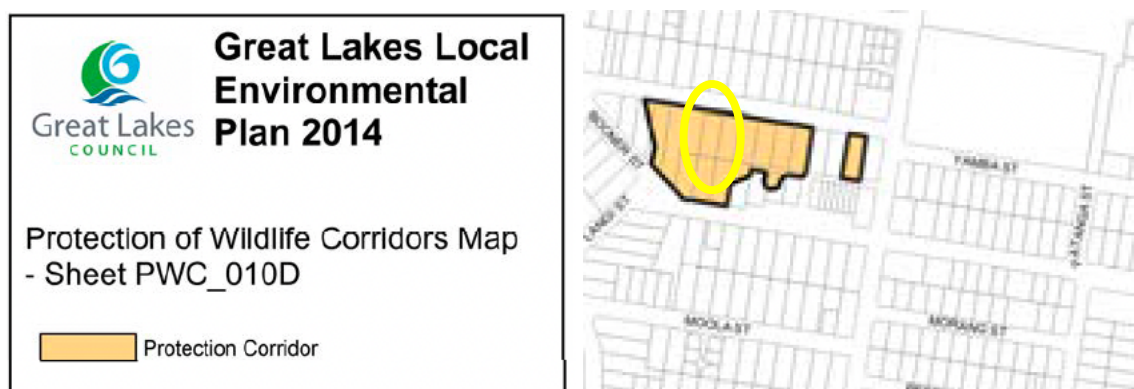
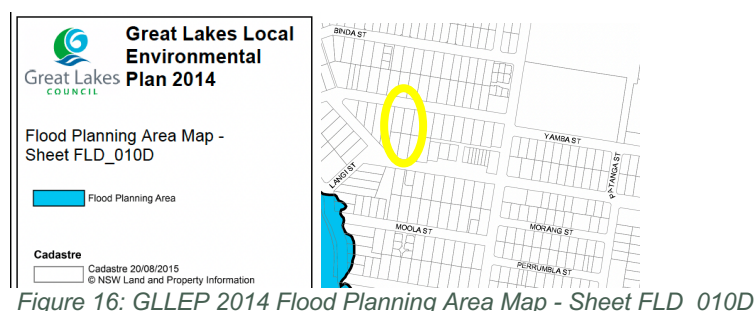


Figure 15: GLLEP 2014 Protection of Wildlife Corridors Map - Sheet PWC_010D

4.2.11 CI5.21 Flood planning

The Site is not located within a flood planning area (Figure 16) therefore this clause is not applicable.



4.2.12 CI 7.1 Acid sulfate soils

The Site is mapped Class 4 acid sulfate soil (Figure 17) and contains an AHD of between 2.8-3.4m. The proposed development will not involve works more than 2.0m below natural ground level therefore this clause is not applicable. Notwithstanding, an acid sulfate management plan is included in Error! Reference source not found..

The proposed development is compliant with all requirements and achieves the objectives of this Clause, as outlined below.



- #### 7.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land

Works

1

Any works.

2

Works below the natural ground surface.

Works by which the watertable is likely to be lowered.

3

Works more than 1 metre below the natural ground surface.

Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

4

Works more than 2 metres below the natural ground surface.

Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

5

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

4.2.13 Clause 7.2 Earthworks

The proposed development requires a minimal volume of earthworks for service installation and development construction including excavation for building and access concrete slab, footings and service installations which exceeds the exempt development threshold under subdivision 15, division 1 part 2 of *SEPP (Exempt & Complying Development Codes) 2008*. Thus, approval for associated earthworks is also sought.

The site is relatively flat with a grade of less than 2% and maximum height difference across the site of 600mm from front to rear. The underside of the finished floor level of the proposed development is proposed at approximately 3.0AHD. With bulk excavation amounting to approximately 200m³. Topsoil will be stripped and reused on site where possible. Any material appropriate for reuse as construction fill to level areas of the site will be replaced on site.

Existing overland flow paths will not be altered by the development, with stormwater associated with each dwelling to be diverted to a 3,000L rain water tank with overflow to the street gutter.

It is unlikely relics will be disturbed during the works given the recent subdivision of the land and the site not being identified to contain any items or Aboriginal or other heritage.

The Site is not located within a drinking water catchment or environmentally sensitive area.

- **7.2 Earthworks**

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

4.2.14 Clause 7.5 Stormwater management

A preliminary stormwater plan has been prepared for the proposed development pursuant to the considerations outlined in this clause, as stated below. The proposed stormwater management measures will adequately avoid any impacts on adjoining properties, native bushland, groundwater, wetlands and receiving waters. Including appropriate erosion and sediment control measures. The proposal incorporates internal rain water tanks, overflow directed to the existing stormwater connection at the rear of the lot.

- **7.5 Stormwater management**

- (1) The objective of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters.
- (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development—
 - (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - (b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and
 - (c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and
 - (d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and
 - (e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

4.2.15 Clause 7.9 Protection of wildlife corridors

The entirety of the site is mapped wildlife protection corridor (Figure 18) which is in opposition to the predominant residential land use zoning of the Site. The site is clear of any significant vegetation, containing mostly exotic grass species. The Site contains existing residential style boundary fencing with exception to the front boundary which is unfenced. A significant stand of trees adjoin the external eastern boundary of the Site. This vegetation will not be impacted by the proposed development (Figure 19).

The Site is not considered to contain significant ecological value based upon the search results of the BioNET atlas which did not identify any endangered species or population within the Site. In addition to the BMAT report not identifying any vegetation of significance.

The proposed residential development and subdivision is proposed within the residential zoned section of the Site. With the eastern boundary of the Site which comprises the environmental conservation zoning limited to site access and utility services. It is not considered the proposed development will result in additional impact to the wildlife corridor than already exists.



Figure 18: GLLEP 2014 Protection of Wildlife Corridors Map - Sheet PWC_010D



Figure 19: Street view of Site and location of existing adjoining Site vegetation

• 7.9 Protection of wildlife corridors

- (1) The objective of this clause is to ensure that proper regard is given to wildlife corridors in carrying out development on land to which this clause applies.
- (2) This clause applies to land identified as "Protection Corridor" on the Protection of Wildlife Corridors Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) any wildlife corridors will be maintained (or regenerated where necessary) to ensure their continued protection, and
 - (b) the development will not negatively impact on any wildlife corridor (whether directly or indirectly).

4.2.16 Clause 7.21 Essential services

All proposed lots will contain the provision of the reticulated water, sewer, stormwater, electricity, telecommunications and have a public road access. All services are within the proximity to the Site as identified in the dial before you dig plans contained in Error! Reference source not found..

Subject to the requirements of the Consent authority and the future submission of a section 68 application. Services to the Site are proposed as follows.

Pedestrian and vehicular access: A new site access will be installed connecting to the road frontage. With a right of pedestrian and carriage way proposed over the access handle of proposed lot 3 to provide access to proposed lot 1 and 2.

Sewer: The existing sewer main line is proposed to be extended through the rear of proposed lot 3 and into the access handle adjacent proposed lot 1 and 2. With new individual junctions to be provided for each lot. The existing junction to the Site will become redundant and capped if required.

Water, electricity and telecommunications: The existing water, electricity and telecommunication services are to be extended from the main lines within the road frontage of the Site through the access handle of proposed lot 3 with each proposed lot to have its own individual connection.

Stormwater: will be retained on-site per requirements with overflow of each site connected via inter-alotment drainage within the access handle of proposed lot 3 and connected to the existing connection at the rear of the lot.

Easements of appropriate widths will be provided over all services benefiting the relevant lots for access, maintenance and repair purposes, including Council and utility authorities. It is anticipated for a section 88B of that effect to be registered upon title prior to the issue of an occupation certificate for any of the dwellings.

- **7.21 Essential services**

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

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

4.3 Draft Environmental Planning Instruments

There are no known draft Environmental Planning Instruments that apply to the Site.

4.4 Non-statutory planning framework overview

The following non-statutory development control plan and strategic plans apply to the Site and proposed development:

- *Great Lakes Development Control Plan 2014*
- *Draft Development Control Plan Hawks Nest Village*
- *Mid Coast Council Local Strategic Planning Statement 2020*
- *Mid Coast Council Housing Strategy*
- *Hunter Regional Plan 2036*
- *Draft Hunter Regional Plan 2041*
- *Midcoast 2030 Community Strategic Plan 2018-2030*

The ensuing sections of this report provide an assessment of the abovementioned plans in the context of the proposed development.

4.5 Hunter Regional Plan 2041

The Hunter Regional Plan (HRP) 2041 was published in December 2022 and applies to the Mid-Coast Local Government Area (LGA). As stated in the HRP 2041, *“This regional plan is a 20-year land use plan prepared under the Environmental Planning and Assessment Act 1979 (EP&A Act). It applies to the local government areas (LGAs) of Cessnock, Dungog, Lake Macquarie, Maitland, MidCoast, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter”. “Setting the strategic land use framework for continued economic growth and diversification in one of Australia’s most diverse and liveable regions”.*

The HRP 2041 identifies *“a preference for infill development rather than greenfield development, where we plan for housing densities that align with how a neighbourhood functions and the type of public transport available, and establish flexible land uses to allow communities to evolve”.*

Objective five (5) of the HRP 2041 aims to *“Plan for ‘nimble neighbourhoods’, diverse housing and sequenced development”* identifying the following performance outcomes:

- 1. Efficient use of existing infrastructure and services.
- 3. A variety and choice of housing types for existing and future housing needs.
- 7. A diversity of housing provides for choice, independence and affordability to match the specific needs of different communities.

Mid-Coast LGA is stated to require 11,050 dwellings to 2041, with a desired benchmark to achieve 70% of development within the Coastal growth area District of which Mid-Coast LGA is located, via infill development pursuant to Strategy 5.1 of the plan.

Planning priority 1 - *“Prioritise housing growth in existing urban areas and support sustainable communities”* of the Coastal growth area District of the plan, identifies dual occupancy development may be suited to the village coastal areas, stating:

“Adapting the type and scale of housing to suit the scenic amenity and access to the coastline will bring higher densities. While high density residential flat buildings may be suitable in parts of Forster–Tuncurry, other areas may suit smaller scale density like secondary dwellings, dual occupancies, townhouses or smaller lots. The type of housing and its scale will be designed to the local context”.

The proposed development is consistent with objective five (5) of the plan and directly assists achieving strategy 5.1 and planning priority 1 of the Coastal District planning and growth area of the plan.

4.6 Mid Coast Council Local Strategic Planning Statement

A Local Strategic Planning Statement is required for each NSW LGA pursuant to the EP&A Act 1979. The MCC Local Strategic Planning Statement applies to the proposed development.

The proposed development is consistent with Planning Priority 3 (P3) and directly achieves action 3.5 (A3.5) of the plan, which state the following, respectively:

“P3 - Deliver housing supply, choice and diversity”.

“A3.5: To provide a diverse mix of housing opportunities, undertake a Large Lot Residential review to identify criteria and locations for future rural residential development “.

4.7 Mid Coast Housing Strategy

The MCC Housing Strategy was published in 2021. The strategy outlines a number of actions to improve housing supply in the LGA, with specific actions to enable the provision of a broad range of housing within Hawks Nest, stating the following:

“General Residential zone will provide a more broad ranging and flexible approach to residential development than the Low Density Zone. As well as allowing the types of development that would be available in the Low Density zone, the General Residential zone would allow “multi

dwelling housing", being three or more dwellings on a site. This zone would also allow other types of housing, such as terraces, manor housing and manufactured home estates. In some coastal locations (Hawks Nest, Tea Gardens, Forster) and Taree, additional height will be permitted (12m) to enable more people to live close to services and facilities. The vision for the zone is to enable some density, but in a way that maintains a low-scale environment. It will provide for smaller dwellings / units that are popular for people down-sizing or entering the housing market. This zone will apply to undeveloped residential land to enable the flexibility to achieve a range of residential outcomes. The planning controls associated with the zone would typically include:

The strategy further identifies for building heights of 8.5m and minimum lot sizes of 300m² in a combined application for subdivision as outlined in Figure 20 below. Also identified is a typical development type, which the proposed development confirm to.

General Residential Zone

The General Residential zone will provide a more broad ranging and flexible approach to residential development than the Low Density Zone. As well as allowing the types of development that would be available in the Low Density zone, the General Residential zone would allow "multi dwelling housing", being three or more dwellings on a site. This zone would also allow other types of housing, such as terraces, manor housing and manufactured home estates. In some coastal locations (Hawks Nest, Tea Gardens, Forster) and Taree, additional height will be permitted (12m) to enable more people to live close to services and facilities.

The vision for the zone is to enable some density, but in a way that maintains a low-scale environment. It will provide for smaller dwellings / units that are popular for people down-sizing or entering the housing market. This zone will apply to undeveloped residential land to enable the flexibility to achieve a range of residential outcomes.

The planning controls associated with the zone would typically include:

Height limit	8.5m generally, with 7.5m retained in Gloucester. Some areas of 12m in areas such as Taree, Forster Hawks Nest and Tea Gardens
Floor Space Ratio	None - scale of buildings controlled through character objectives, local character statements and development control plans (DCPs)
Minimum lot size	450sqm generally. 300sqm when houses are also approved with subdivision (integrated housing)

Examples of the type of development that would typically be expected in the zone are shown adjoining.



Multi dwelling housing - "villa" development



Low rise medium density interspersed with existing dwelling houses

Figure 20: Proposed amendments to general residential zone of Hawks Nest as outlined in MCC Housing Strategy

The abovementioned actions of the MCC Housing Strategy have been implemented by MCC with clause 4.1A of the GLLEP 2014 permitting combined applications for subdivisions creating lots of a minimum 300m² and including dwelling houses on the resulting lots within the R3 Medium Density Residential.

4.8 Mid Coast 2030 Community Strategic Plan 2018-2030

A MCC Community Strategic Plan (CSP) 2018-2030 applies to the proposed development. The strategy identifies "support a diverse housing mix that provides choice and meets the needs of our community" as an action to achieve "being a diverse community that works together to care for all our members".

The proposed development is consistent with this action and aim through the provision of increased diversity in housing choice for the LGA.

4.9 Great Lakes Development Control Plan 2014

The *Great Lakes Development Control Plan (GLDCP) 2014* applies to the Site.

The relevant chapters of the GLDCP 2014 are:

- Chapter 1 – Name of Plan
- Chapter 3 – Character Statements
- Chapter 4 – Environmental Considerations
- Chapter 5 – Single Dwellings, Dual Occupancies, Villas and Townhouses
- Chapter 9 – Subdivision
- Chapter 10 – Car Parking, Access, Alternative and Active Transport
- Chapter 11 – Water Sensitive Design
- Chapter 12 – Tree and Vegetation Preservation
- Chapter 13 – Landscaping and Open Space
- Chapter 14 – Waste Management
- Chapter 16 – Site Specific Development Controls

The ensuing tables contain an assessment of the proposed development against the relevant clauses of the GLDCP 2014.

Variation is being sought to the following controls outlined in Table 8.

Table 8: Summary of variations sought to GLDCP 2014

Chapter	Section	Subsection
5 – Single Dwellings, Dual Occupancies, Villas and Townhouse	5.5.2.5 Side and Rear Setback Controls	1b, 2b
9 – Subdivision	9.3.5 Battle-axe allotments	1, 3, 4
10 – Car parking, access, alternative and active transport	10.3. Car parking design controls 10.3.2.1 Single dwellings, dual occupancies, villas and townhouses	1b
13 – Landscaping and open space	13.1 Single dwellings, dual occupancies, villas & townhouses	1, 4

4.9.1 Chapter 3 – Character Statements

Chapter 3 of Great Lakes Development Control Plan 2014 (DCP 2014) includes Character Statements that are relevant to future developments in Hawks Nest. The DCP 2014 states:

Tea Gardens and Hawks Nest are at a significant turning point in their history. The rapid growth of apartment development has been the result of a combination of expanded medium density zoning and recent improvements in the profitability of such projects. The historic context of Tea Gardens is characterised by single storey Victorian and Federation era houses and cottages, however there is not a strong local architectural language for multiunit buildings.

The significant challenge in these towns is to establish a building type that has a good 'fit' with the place; a building that relates to its context of human and natural history and to its purpose. This quality of fit is what a competent architect with an appropriate brief will bring. The involvement of a SEPP 65 panel will play an important role in this: Unsympathetic designs will not be supported by the panel. Developers will learn to only engage architects capable of designing buildings which fit their context. New buildings will not make token copies of the architectural elements of the old buildings. The apartment buildings should not appear as overgrown federation houses; rather they will consider materials, climate, social environment and lifestyle of the towns.

Table 9: Review of proposed development against relevant clauses of Chapter 3 – Character Statements of GLDCP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
3.1.2 Tea Gardens and Hawks Nest Additional Character Statements 3.1.2.2 Hawks Nest Objectives		
Nature <ul style="list-style-type: none"> Promote Ecologically Sustainable Development (ESD) and reduce traffic Retain and enrich local vegetation both in the public and private domain Protect and enhance koala habitat and movement corridors 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	The proposed development is NATHERS and BASIX certified development and does not impact any vegetation or Koala habitat or movement corridors.
Economy <ul style="list-style-type: none"> Revitalize the village centre Connect town centre to the waterfront 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	The proposed development is likely assist in the revitalisation of the town centre through the provision of high quality design dwelling houses for occupation.
Urban Form <ul style="list-style-type: none"> Maintain "bushland" character and limit building heights to "below the canopy" Limit building mass and improve design Achieve pedestrian and cycle friendly public domain Improve waterfront access and waterfront promenade 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The proposed development height is well below the surrounding tree canopies and the allowable maximum building height applicable the Site.</p> <p>The proposed development is also well below the maximum allowable floor space ratio applicable the Site and contains a design and siting that minimises the appearance of the development from the street with only one site access and building street</p>

		<p>elevation. In addition to ample landscaping and greenery for adjacent the public domain.</p> <p>The site access and internal manouvering and parking areas are of sufficient space for pedestrian, including pushbike, and vehicle access, manouvering and storage.</p>
Population <ul style="list-style-type: none"> Attract permanent residents Attract young people and families 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The proposed development comprises sufficient design including private and communal open space areas to attract permanent residents including young people and families.</p>
Hawks Nest Precincts <p>Hawks Nest Town Centre Precinct – Area 1 Mixed use core and the adjacent medium density area have potential for growth, particularly along Booner Street. Retail will employ strategies to deal with the seasonal nature of demand. This may mean open and closing with demand. Flexible use space for living, working and retail such as an artist's studio/gallery may be appropriate.</p> <p>The intersection of Booner Street and Tuloa Avenue should be distinguished with built form, landscape or public art to strengthen the sense of arrival at this point. Future streetscape work will give high status to Yamba and Langi Streets in recognition of their waterfront-linking role.</p> <p>Hawks Nest North Central Precinct – Area 3 This residential area has close proximity to the town centre and waterfront in a leafy koala-friendly context. It represents a good environment for permanent living or holiday accommodation.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The Site borders precincts 1 and 3. Though precinct 3 is considered most relevant. The Site is located within a medium density residential land use zoning. With the proposed development containing a design which provides for medium density development, while considerate the leafy context of the neighbourhood and adequate site landscaping and open space areas.</p>



3.3 Residential Development

3.3.3 Medium Density Residential Development

- Building mass is composed as a group of separate elements. It is neither monolithic nor has it monotonous repetition.
- Broad eaves shade windows and protect wall surfaces
- Batten screens mediate privacy between busy public road and interior.
- Garbage storage area is discreetly integrated into design in a convenient location.
- Project deals with a busy road edge with masonry walls however passive surveillance is permitted and walling does not form a continuous barrier.
- Dense vegetation screens ground level living space.
- Passive surveillance of the street is provided from upper level windows and balconies. Well-shaded windows protect from heavy

☒ Yes ☐ No ☐ NA

<p>rain and summer heat.</p> <ul style="list-style-type: none"> • Broad eaves and balcony roofs protect interior. • Timber structure and battens refer to traditional warm-climate Australian residential architecture. • Individual 'front gate' entries are clearly identifiable. • Vertical walls establish a clear rhythm in the elevation. • Building steps in and out to modulate the street elevation: reducing the bulk and creating interest Projecting eaves and balconies create a variety of light and shadow on the elevation • Plantation shutters can be operated to shelter balconies depending upon needs or the weather Placement of shades and operable shutters animates the elevation • Vegetation screens ground level living spaces. • Building overlooks the street providing good passive surveillance. Informal building character appropriate to a coastal holiday town. • Building incorporates elements of traditional Australian warm-climate architecture including timber screens, shutters and shades. • Development is broken into discreet buildings that respond to the existing rhythm of single house lots. Taller building elements at the rear of the site • The design uses hipped roof and gable forms to reduce bulk of upper level Shady balconies have a good view to the street • Separate units are legible from the street. • Street address is not dominated by car parking structures Substantial native canopy trees are established in the property. 		
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4.9.2 Chapter 4 – Environmental Considerations

Table 10: Review of proposed development against relevant clauses of Chapter 4 – Environmental Considerations of GLDCP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
4.1 Ecological impacts Controls		

<p>(1) the avoidance (where possible) or minimisation of loss and harm to remnant native vegetation and trees and the habitat of wildlife populations, and</p> <p>(2) the protection of natural biodiversity, including native vegetation and wildlife, their habitats and biological processes and functions, and</p> <p>(3) the protection of all ecological values of the natural landscape including scenic, recreational, aesthetic and cultural heritage values, and</p> <p>(4) the design and siting of the development (including the footprints of all built structures, access, services, bushfire asset protection zones, water management structures, and other ancillary features of that development) in the area of the land that is of least ecological or biodiversity constraint and where the siting of that development results in the least possible ecological or biodiversity-related impact, and</p> <p>(5) the appropriate siting and design of a development (including lot boundaries) with regards to the protection of agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands and watercourses, and</p> <p>(6) the adoption of suitable and effective protective safeguards that avoids, minimises or compensates for the clearing of habitat and native vegetation within any development, and</p> <p>(7) the capability of the land to accommodate the development without impairment or harm to important ecosystem services functions and the condition, ecological value and significance of fauna and flora, and</p> <p>(8) the avoidance of fragmentation or disturbance of wildlife habitats and the protection, maintenance and (where possible) enhancement of ecological linkages and wildlife corridors in a local, sub-regional and regional context, and</p> <p>(9) the avoidance (where possible) and minimisation of negative impacts</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	<p>The proposed development has been sited within the cleared residential zoned section of the Site with site access and utility services to be located within the environmental conservation zoning section of the Site adjoining the existing vegetation and wildlife corridor external to the eastern Site boundary. The site access and Site area along the eastern boundary is proposed community title which will preserve this area from any development thus protecting the adjacent trees from direct residential development impact.</p>
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on natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species habitats, endangered ecological communities and protected land, and	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(10) the identification and active protection of natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species habitats, endangered ecological communities and protected land, including the need to adopt buffers of adequate width and configuration to such areas to protect them from the overt direct or indirect effects of that development, and	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(11) the compensating or offsetting of unavoidable impacts of a development such that the natural environment and native biodiversity is maintained or improved. The provision of any offsets should be located on the development site or as close as possible to the area of impact, and not beyond the bounds of the Great Lakes Local Government Area, and	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(12) where primary koala food tree species occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long-term net gain in the representation of primary koala food tree species as a consequence of that development, and	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(13) where hollow-bearing trees (comprising trees with cavities, hollows, splits or decorticating bark capable of providing roosting, denning or refuge sites for native vertebrate fauna) occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long-term net gain in the representation of denning opportunities for hollow-dependent native wildlife as a consequence of that development, and	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

<p>(14) the adequate, effective and active conservation management of areas of high biodiversity conservation value of the land of a development site and/ or a restoration or an offset area through a permanent, executed legal mechanism and the preparation, funding and implementation of a habitat or restoration management plan, and</p> <p>(15) the management of risks associated with bush fire in a manner that does not unreasonably compromise and minimises or avoids impacts on native vegetation, wildlife and wildlife habitats, and</p> <p>(16) the containment, within a single lot, of the area of a holding that comprises land that is zoned E2 Environmental Conservation, and</p> <p>(17) the encouragement of conservation and recovery of populations of threatened biodiversity within a development and/ or any offset areas, and</p> <p>(18) the adoption of suitable and effective protective safeguards that avoids impacts to areas of high conservation value native vegetation and native wildlife populations and their habitats from any harm or impact associated with the introduction or encouragement of domestic pets, invasive exotic plants and animals and grazing animals, and</p> <p>(19) the means with which priority invasive environmental weeds would be effectively and actively controlled and suppressed on the development site for the life of the development, and</p> <p>(20) consideration of the location and style of fencing on the land on the development site to enclose and/ or protect areas of high conservation value native vegetation and native wildlife populations and their habitats.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>4.2 Flooding Objectives</p>		
<ul style="list-style-type: none"> The risk of impacts from flooding on people and assets are avoided or otherwise minimised. Development is located in response to the identified flood hazard and designed to accommodate flood conveyance and storage. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	<p>The Site is not located within a flood planning area.</p> <p>Stormwater is addressed in various sections the DCP review including chapter 5 <i>Single</i></p>

<ul style="list-style-type: none"> Environmental impacts of development on flood prone land are avoided or otherwise minimised. Development on flood prone land does not adversely impact neighbouring properties or visual amenity. The potential for financial loss or cost to the community as a result of development on flood prone land is limited. 		<i>Dwellings, Dual Occupancies, Villas and Townhouses; 9 Subdivision; 10 Car Parking, Access, Alternative and Active Transport & 11 - Water Sensitive Design</i>
4.7 Bushfire Objectives		
<ul style="list-style-type: none"> To ensure new development is designed with regard to bush fire hazards. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	The Site is not located within a bushfire prone area.

4.9.3 Chapter 5 – Single Dwellings, Dual Occupancies, Villas and Townhouse

Table 11: Review of proposed development against relevant clauses of Chapter 5 Single Dwellings, Dual Occupancies, Villas and Townhouses of GLDCP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
5.1 Solar access and overshadowing Controls		
(1) Buildings should be designed to allow at least two hours of sunshine upon the internal and outdoor living areas of adjacent dwellings and between 9.00 am and 3.00 pm on 21 June.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	See accompanying shadow diagrams.
(2) Where the possibility of overshadowing may occur, shadow diagrams are to be submitted to illustrate the shadows cast by the proposed building at 9.00 am, 12.00 noon and 3.00 pm on 21 June.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
5.2 Views and privacy Controls	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(1) In designing buildings the concept of 'view sharing' should be adopted by considering the impact of buildings on the views enjoyed by neighbours.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(2) Visual privacy for adjoining properties and within development projects can where necessary, be achieved by:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(a) Using windows which are narrow, translucent or obscured to bathrooms and toilets;		

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<p>(6) On corner lots the building design should provide an address to both streets.</p> <p>(7) Building entries/front doors should be directly visible from the street and preferably part of dwelling frontage.</p> <p>(8) To aid the environmental performance of buildings and for visual amenity of new buildings, eaves with a minimum width of 600mm to the north, east and west of the external perimeter or 70% of external walls should be considered.</p> <p>(9) Building designs are to be stepped to follow the contours of the site rather than requiring extensive cut and fill to enable 'slab on ground' construction.</p> <p>(10) Colour and materials are to be sympathetic to the existing character of the street and natural setting of the locality. Highly reflective materials should be avoided. On sloping sites in built up areas, reflective, white and other light coloured roof materials should be avoided to reduce glare impacts to adjoining properties.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>5.5 Setbacks 5.5.2 Residential and village zones 5.5.2.1 Primary road setback controls</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>(1) Where there are existing neighbouring houses within 40m, the primary road setback should be an average of the setbacks of the nearest two neighbouring houses, with the same primary road frontage.</p> <p>(2) Garages, carports and open car parking spaces must be setback at least 6m from the primary road frontage.</p> <p>(3) A reduced primary road setback may be considered when the side and rear boundaries of an allotment are located within (in whole or part) the coastal planning area. It must be demonstrated that the reduced setback does not detrimentally impact upon the amenity of adjoining properties, streetscape or vehicular access and egress from the site.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
<p>5.5.2.2 Articulation zone setback controls</p>		

<p>(1) An 'articulation zone' may be incorporated within the front setback. This zone is a notional area projecting 1.5m forward of the front building line (setback) within which additional building elements such as entry features and porticos, balconies, decks, verandahs, and bay windows may be built.</p> <p>(2) Inclusion of an articulation zone must give consideration to view sharing, privacy and amenity impacts to adjoining dwellings.</p> <p>(3) Up to 50% of the articulation zone, when viewed from above, may include building elements. An awning or other feature over a window and a sun shading feature is not included in the maximum area of the articulation zone.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
5.5.2.3 Secondary setback controls		
<p>(1) A residential building must be setback from its secondary street frontage:</p> <p>(a) Where there are existing neighbouring buildings within 40m, an average of the secondary street setbacks of the nearest two neighbouring buildings, with the same secondary street frontage.</p> <p>(b) Where there are no neighbouring buildings the minimum secondary street setback must be at least 3m.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
5.5.2.4 Corner setback controls		
<p>(1) A 3m setback is usually applied to the longest street frontage on a corner block to ensure optimum use of the site for the residence and private outdoor areas.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
5.5.2.5 Side and Rear Setback Controls		
General side setback controls		
<p>(1) A residential building must be setback from its side boundaries:</p> <p>(a) A minimum of 900mm for a building with a maximum wall height of 3.8m.</p> <p>(b) Where the wall height is greater than 3.8m the minimum setback shall be: 900mm + (building height over 3.8m/4) For example for a building with a wall height of 6.2m: 900mm +</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	<p>Required setback calculations Side boundaries</p> <p>a. Building wall height = 5.80m b. Height over 3.8m = 2.0m (5.8-3.8) c. Setback required = 0.90m + (2.0/4) d. = 0.90m + 0.50m e. = 1.40m</p>

<p>(6.2m-3.8m/4) 900mm + (2.4m/4) 900mm + 600mm = 1.5m</p> <p>(2) A residential building must be setback from its rear boundary:</p> <p>(a) A minimum of 3m for a building with a maximum wall height of 3.8m.</p> <p>(b) Where the wall height is greater than 3.8m the minimum setback shall be: 3m + (building height over 3.8m/4) For example for a building with a wall height of 6.2m: 3m + (6.2m-3.8m/4) 3m + (2.4m/4) 3m + 600mm = 3.6m</p> <p>(3) Windows, balconies, terraces and decks closer than 3m from a side or rear boundary may require privacy screening, to reduce the impact on the privacy of adjoining buildings.</p> <p>(4) A two storey residential building could have its ground floor 900mm from the side boundary with the second storey set back further as required by the formula.</p> <p>(5) Reduced side and rear setbacks may be considered when the primary road frontage of an allotment is located within the coastal planning area. It must be demonstrated that the reduced setbacks do not detrimentally impact upon the amenity, privacy and solar access to private outdoor areas of adjoining properties.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	<p>Rear boundaries</p> <p>a. Building wall height = 5.80m b. Beight over 3.8m = 2.0m (5.8-3.8) c. Setback required = 3.0m + (2.0/4) d. = 3.0m + 0.50m e. = 3.40m</p> <p>In keeping with the layout of the existing Site, the proposed setbacks comply with the requirements of the above. However the proposed development involves the subdivision of the Site into three (3) Torrens title lots which created additional boundaries within the existing Site which are incinsisten with the above requirements as follows:</p> <p>Proposed setbacks of internal lots: Proposed lot 1 Front: 7.0m (street frontage) Side: 2.53m (Lot 86 DP 16379 – west) Side: 0.9m (proposed lot 3 access handle) Rear: 0.9m (proposed lot 2)</p> <p>Proposed lot 2 Front: 0.90m (proposed lot 1) Side: 2.53m (Lot 86 DP 16379 – west) Side: 0.9m (proposed lot 3 access handle) Rear: 0.9m (proposed lot 2)</p> <p>Proposd Lot 3 Front: 0.90m (proposed lot 2) Side: 2.53m (Lot 86 DP 16379 – west) Side: 0.9m (proposed lot 3 access handle) Rear: 4.0m (proposed lot 2)</p> <p>VARIATION JUSTIFICATION It is noted the proposed built form development, when considering the layout and orientation of the existing Site, complies with the setback requirements of this clause. However the proposed development involves the subdivision</p>
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<p>5.5.4 Rural and environmental zones</p>		<p>of the Site into three (3) Torrens title lots which creat additional boundaries within the existing Site. Resulting in lot boundaries that are inconsistent with the requreiments as outlined above.</p> <p>It is noted the proposed development seeks approval under clause 4.1A of the GLLEP 2014 to subdivide the site with lots =>200m2. The objective of clause 4.1A <i>“is to encourage housing diversity without adversely impacting on residential amenity”</i>.</p> <p>It is noted the proposed development does not impact privacy or overshadow any existing or proposed development as identified in the relevant architectural and shadow diagrams, respectively.</p> <p>It is noted, had development consent been sought for multi-dwelling housing, the siting of the buildings would not present any inconsistency with the setback requirements. Thus, it is considered the buildings as proposed do not impact residential amenity, despite the identified inconsistency relative to future lot boundaries proposed within the existing Site boundaries.</p> <p>It is also noted the Site contains E3 Enviroronmental Conservation zoned land which prevents locating the development closer to the eastern site boundary.</p> <p>It is considerd the proposed development is compliant with the intended objectives of Clause 4.1A of the GLLEP 2014.</p> <p>In respect of the above, it is considered this inconsistency is of nil significance.</p>
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Setback controls (1) A minimum 18m setback applies to the primary road frontage. (2) A minimum 10m setback applies to all side and rear property boundaries. (3) All structures must be located behind the main dwelling. A minimum setback of 50m shall apply to all structures where there is no dwelling. (4) Larger setbacks may be required to meet the guidelines for bushfire protection in fire prone areas. (5) Any variation to the front, side or rear building line setback requirements will only be considered where: (a) It can be demonstrated that the proposal will maintain or improve the amenity and privacy levels for adjoining properties; (b) The building has been sited to address all site constraints; and (c) The proposal maintains the rural character and scenic environmental quality of the locality.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	The Site is located within an urban area and contains dual R3 <i>Medium Density Residential</i> and C3 <i>Environmental Conservation</i> zoning. The proposed development has been sited to minimise impact to adjoining tree vegetation external to the eastern site boundary and with the built form development wholly located within the residential zoned portion of the Site. The area of the Site zoned for environmental conservation is limited to site access and utility services.
5.6 Building heights Height controls (1) The maximum height permitted may not be achievable in all instances due to site limitations. (2) The floor level of the upper most habitable floor, including decks or verandahs, is to be no more than 5.1m above ground level on sites with slopes greater than 1:6. (3) The exposed sub-floor of any building should be minimised wherever possible. (4) Where a development may impinge upon significant views, solar access, privacy or a streetscape, Council may require height profiles to be erected prior to notification or exhibition.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
5.6.1 Outbuildings	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	No outbuildings proposed
5.7 Cut and fill		

Controls		
(1) Visually exposed retaining walls and terraces shall not exceed 0.6m in height on the street frontage and 1.2m in all other areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(2) Cut and fill involving benched areas for landscaping shall be restricted to a maximum 25m ² per dwelling.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
5.8 Private outdoor areas		
Controls		
(1) A ground level outdoor living space is to be provided for each dwelling with direct access from the ground floor main living areas which has a minimum area of 24m ² and minimum length and width of 4m.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(2) Where the main living areas are not provided at ground level, a balcony or deck of a minimum area of 16m ² and a minimum dimension of 2m, shall be provided with direct access from the main living areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(3) Private outdoor living areas are not to be located within the front building line setback to either the primary or secondary street frontages.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
5.9 Fencing and walls		
Controls		
(1) Fences within the front setback area from a primary road are to be a maximum 1.2m high and a minimum 50% open construction for the upper two thirds of the fence.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(2) Fences behind the building line (front setback) are to be a maximum of 1.8m high.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(3) Where fences are located on top of retaining walls the maximum height of the combined structure shall not exceed 1.2m within the building setback to any street, and 2.1m elsewhere on the site.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(4) Any fences to public reserves including drainage reserves, shall be limited to a maximum height of 1.2m and a minimum of 50% open construction.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(5) Fences are to be constructed so they do not prevent the natural flow of stormwater drainage/runoff.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(6) Fences on corner lots with two road frontages should be constructed with an open form (e.g. pool type fencing) within 3m of a corner to assist with	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

sight distance requirements for drivers.		
Tea gardens, Hawks Nest & Seal Rocks – assitional site specific controls		
(1) In Hawks Nest and Seal Rocks, fencing is not encouraged.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(2) Where fencing is needed for privacy or security reasons a gap of 0.3m x 10.0m between the existing ground and the bottom of the fence (except for swimming pool fences) is to be provided for every 10m of fencing, to allow for fauna movement. The fencing should be designed and located so that it does not result in the loss of or damage to trees.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(3) To permit fauna movement through properties, capped hardwood timber fences are preferred.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(4) In Hawks Nest and Seal Rocks, Koala climbing poles should be installed adjacent to the fence at 10m intervals.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
5.10 Detached garages, carports, sheds and other outbuildings Controls	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	Nil proposed.
5.11 Development on lots under the minimum lot size Controls		
(1) Where a dwelling is proposed on an existing lot less than 450m ² and/or has a frontage less than 12.6m wide, the applicant should discuss the proposal with Council officers. Consultation is recommended prior to preparing an application in order to discuss how the site constraints may affect development design and to ensure compliance with the objectives of the development control plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(2) Applications for the development of existing lots will be assessed on merit and take into consideration the objectives and controls for residential development.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(3) Applications for the development of two or more dwellings and creating allotments of less than 450m ² and/or with frontages less than 12.6m wide, will only be considered where the proposal takes the form of an integrated housing development.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(4) An integrated housing development application must include full construction information for each dwelling and details of the proposed or future subdivision.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(5) Specific matters to be taken into account with applications for integrated	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

Statement of Environmental Effects

housing include:		
(a) Visual and acoustic privacy;		
(b) Access and vehicle circulation;		
(c) Solar access and overshadowing; and		
(d) Access to services and facilities by the occupants.		
5.12 Dual occupancies within large lot residential and environmental zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
5.13 Dual occupancies within the rural zone	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

4.9.4 Chapter 9 – Subdivision

Table 12: Review of proposed development against relevant clauses of Chapter 9 – Subdivision of GLDCP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
9 Subdivision		
9.1 Objectives		
<ul style="list-style-type: none"> Facilitate the development of a range of sites appropriate to the types of activity occurring in the Great Lakes. Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land. Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network. Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions. Ensure new subdivisions are designed and constructed to accommodate quality development for the location in which it is proposed. Maximise the retention of native vegetation and where possible implement measures to alleviate the fragmentation of wildlife corridors. Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc are adequately considered. Encourage innovative design and energy efficiency. Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The proposed subdivision has been designed to maximise high design outcomes whilst mitigating a range of constraints. The subdivision will make use of existing utilities.</p> <p>Native vegetation is unimpacted by the development. With development proposed to have the greatest setback possible wildlife corridor vegetation adjacent the external eastern boundary of the site. Lot orientation maximises use of the Site while also enabling all setback, height, floor space ratios, parking, manoeuvring and access controls to be achieved.</p>
Residential subdivision – additional objectives		

<ul style="list-style-type: none"> • To minimise the extent of excavations works and/or fill required for establishing a suitable building envelop and associated infrastructure. • To consider the design of roads and allotments so as to create variety and interest in the streetscape, and to preserve significant natural features. • To ensure each allotment has sufficient area and dimensions to enable a dwelling and ancillary outbuildings; the provision of private outdoor space and convenient pedestrian and vehicle access. • To prevent access points to battle-axe allotments becoming a dominating feature of the street and one which inhibits on-street parking, • To encourage variety and choice in housing forms by providing allotments for a broad range of dwelling sizes, regardless of project size. • Strike a balance between cost effectiveness and recurrent costs to Council and the community. Provide an appropriate level of amenity for new and existing residential areas. • To preserve and enhance the unique characteristics of existing areas by adopting sympathetic subdivision design principles. • To create pleasant street environments and take advantage of any views or outlook. To enable, where practicable, the application of energy conservation principles. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>Cut and fill has been reduced as much as practicable. The existing Site is mostly level.</p>
9.2 General principle for subdivision in all zones 9.2.1 Design principles		
<p>Good subdivision design goes beyond minimum lots size requirements. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development. The matters that may be taken into account when determining the suitability or otherwise of a site for subdivision include, but are not necessarily limited to, the following:</p> <p>Hazards and Constraints:</p> <ul style="list-style-type: none"> • Hazards such as soil stability, acid sulphate soils, flooding, erosion and bushfire; Possible contamination of the site from previous land use activities; • Potential impact of sea level rise and coastal erosion and the need for foreshore protection; 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

<p>Protection and enhancement of natural features:</p> <ul style="list-style-type: none"> • The likely impact of the proposal upon threatened species or their habitat; Retention of special qualities or features such as trees and views; Protection of dominant ridge lines and hilltop; • Protection of existing waterways; Heritage and archaeological conservation; • Slope and orientation of the land and the extent of excavation works and/or fill required; <p>Infrastructure and surrounding development: Availability of utilities;</p> <ul style="list-style-type: none"> • Design of roads, access ways and individual site access; Provision of adequate site drainage; • Potential impact of stormwater runoff and pollutant discharge into waterways; The relationship of the subdivision layout to adjacent land suitable for subdivision; Enhancement of existing or future subdivision in the locality; <p>Future land uses and development:</p> <ul style="list-style-type: none"> • Provision of public open space in line with any adopted open space and landscaping strategies; • Proposed future use of the land and relevant development controls such as setbacks, car parking, landscaping etc; • The proposed method of effluent disposal, location and sizing of related land application areas and the likely impacts upon the receiving environments; • Energy efficiency of the subdivision and the opportunities for solar access to future development. 		
<p>9.2.2 Site design Controls</p>		
<p>(1) Site works and landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or watercourses should be preserved.</p> <p>(2) Subdivisions should incorporate existing vegetation, landforms and contours wherever possible, rather than completely reshaping the site.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	

<p>(3) Subdivision design should maintain existing mature trees and consideration should be given to the objectives and controls contained in the Tree and Vegetation Preservation chapter of this plan.</p> <p>(4) Council will encourage the location of boundaries along natural features where appropriate, in order to minimise the likelihood of soil erosion. However, allotment boundaries should not follow watercourses.</p> <p>(5) Where subdivision affects heritage items, Council may require the submission of a Heritage Impact Statement prior to consideration of the application. The impact of any subdivision on the curtilage or immediate context of a heritage item must be evaluated in this Statement.</p> <p>(6) Consideration should be given to the location and type of water sensitive design measures in accordance with the Water Sensitive Design section of this plan.</p> <p>(7) Consideration will also be given to the likely effects of flooding.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>9.2.3 Services Controls</p>		
<p>(1) Where available, satisfactory arrangements shall be made with the appropriate authority for the provision of utility services to each allotment in the subdivision. The design and construction of utility services shall conform to the specific standards of the relevant servicing authorities including: water supply and sewerage; electricity; and telecommunications.</p> <p>(2) A certificate of compliance from the telephone supply authority is required confirming that arrangements have been made for the provision of telephone supply throughout the subdivision.</p> <p>(3) In areas where reticulated water supply is available, water supply mains and service conduits should be provided to each allotment in the subdivision. An adequate reticulated water supply system is to</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	<p>To be provided prior to issue of a Construction Works Certificate.</p>

<p>be provided for domestic supply and fire fighting purposes.</p> <p>(4) In areas where sewerage service is available, sewerage reticulation should be provided to each allotment in the subdivision. Sewerage reticulation is to be arranged where possible to allow the whole of each new allotment to be serviced by gravity drainage. Where necessary, pumping stations, rising mains and extension of existing mains shall be provided.</p> <p>(5) Subdivisions in unsewered areas may only be permitted where allotment sizes and layouts are adequate to allow on-site disposal of all sewage and wastewater generated on the allotment. Council does not support the installation of effluent pumpout systems due to the high potential for system failure and associated risk of contamination of sensitive waterways. Refer to Council's current On-site Sewage Management Strategy and Decision Assessment Framework to determine requirements for the land application area.</p> <p>(6) For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless Council determines the ground conditions to be unsuitable for extensive underground infrastructure.</p> <p>(7) Battleaxe blocks are to be serviced with underground electricity.</p> <p>(8) Where possible, compatible public utility services shall be coordinated in common trenching to maximum cost effect.</p> <p>(9) Services shall be planned to provide a common accessible service easement of width to be determined by Council considering the particular circumstances. Easements are to be provided in accordance with authority requirements for each service.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>9.2.4 Landscaping Controls</p>		
<p>(1) A plan is to be submitted showing the location of any existing Cabbage Tree Palms so that a decision can be made as to whether these should be relocated or should remain.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	

<p>(2) In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin the landscaped areas of adjacent allotments.</p> <p>(3) The provision of landscaped buffers and/or earth mounds may be required to screen developments from nearby roads. Plantings may also be required adjacent to public roads where access is to be restricted.</p> <p>(4) For subdivisions involving the creation of greater than 5 lots, a landscape/street tree-planting concept plan is to be submitted with the development application. Council, as a condition of approval, will require at least one advanced tree in the road reserve in front of each lot, where the soil is suitable. Two trees (one on each frontage) will be required for corner lots. Further plantings may be necessary where drainage /water quality control facilities or public open space are to be provided.</p> <p>(5) Earthworks including excavation, filling and levelling will not be permitted within the root zone of trees intended to be kept.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
<p>9.2.5 Drainage Controls</p>		
<p>(1) Excavation or filling of land should be limited to 1m above or below existing ground levels. Levels shall be adjusted so that allotments drain to the street and/or the stormwater drainage system to ensure there is no intensification of runoff to adjacent land. Where required, a system of inter-allotment drainage shall be required with the subdivision application.</p> <p>(2) Drainage from subdivision sites should be consistent with the pre-development stormwater patterns.</p> <p>(3) Drainage systems should be designed to ensure safety and minimise the likelihood for stormwater inundation of habitable floor areas. The drainage system shall be designed in accordance with Council's Design Specifications and Construction Specifications.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	

<p>(4) For integrated development (i.e. lots under the 450m²), an appropriate stormwater flow management system should be established to reduce the velocity of stormwater discharge.</p> <p>(5) Allotment drainage shall discharge to the roadway gutter wherever possible. Inter-allotment drainage (including the creation of easements to drain water) will be required where discharge to the street for all lots is not possible.</p> <p>(6) Allotment drainage and stormwater must not be directed to land application areas associated with onsite effluent disposal systems.</p> <p>(7) On-site stormwater detention may be required in the development to maintain flows no greater than the undeveloped rate of flow, both within and downstream from the development area. Advice should be sought from Council's Engineering Services Division to determine if this is required.</p> <p>(8) Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for estuaries and wetlands.</p> <p>(9) Water sensitive design measures must be provided on-site, in accordance with the Water Sensitive Design section.</p> <p>(10) Any application for subdivision may be required to include drainage calculations in respect of run off discharge prepared by and certified by a suitably qualified person.</p> <p>(11) Easements shall be created over drainage systems, including piped stormwater lines and open drainage channels. Widths of required easements will depend upon the circumstances.</p> <p>(12) Drainage reserves may be required to be dedicated (at no cost to Council) over natural and artificial watercourses.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
9.2.6 Road design and construction		

9.3 Residential subdivision 9.3.1 Allotment dimensions		
<p>(1) Each allotment should have a depth to frontage ratio sufficient to avoid the possibility of “gun barrel” development and permit development to respond to particular site circumstances such as orientation, topography etc.</p> <p>(2) Larger lot sizes may be required in the following instances:</p> <p>(a) Where there is a need for on site disposal of sewage effluent;</p> <p>(b) Where there are special environmental considerations such as tree preservation, fauna protection, or to ensure the protection of water courses and estuaries; and</p> <p>(c) When the lot adjoins a reserve.</p> <p>(3) Building setbacks from roads need to be considered when formulating allotment dimensions in order to ensure that a dwelling can be situated on an allotment.</p> <p>(4) Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Government’s Environment & Health Guidelines titled “On-site Sewage Management for Single Households”.</p> <p>(5) Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application.</p> <p>(6) Residential allotments in village zones must be capable of retaining 25% of the land area as absorbent surfaces. Such surfaces must be either lawn or landscaping. New lots should be capable of containing a rectangle suitable for building purposes measuring 8m x 20m or 10m x 16m located behind</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	

the building line and a private open space area of 40m ² with a minimum dimension of 4m.		
Allotment dimensions additional controls excluding specific controls		
(1) A minimum street frontage of 12.6m, except for battle-axe allotments is required to ensure that the site is a suitable width to permit vehicular and pedestrian access, with landscaping to provide visual relief to development, and privacy for its inhabitants.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Seal rocks, Pacific Palms, Tea Gardens & Hawks Nest – Additional site specific allotment dimension controls		
(1) The minimum street frontage of any newly created allotment is to be 15m.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(2) Building envelopes are to be identified for any vacant allotments created.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
9.3.2 Allotment orientation Controls		
(1) Allotments (excluding corner allotments) should not have frontages to more than one public road.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(2) Staggering of allotments and extensive use of landscaping are encouraged to reduce adverse wind impacts and achieve maximum exposure to cooling breezes in summer, and create streetscape variety and interest.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(3) Allotment orientation should take into account the various types of dwellings that may be constructed on them and ensure that potential indoor living and related private open space areas of future dwellings can be oriented to the north. Consider the possible overshadowing impact of and on existing or future adjoining buildings. Consideration of road orientation is an important factor in influencing allotment orientation to achieve an energy efficient subdivision.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(4) Roads running close to east west provide for good orientation of allotments for solar access to dwellings and private open space, while maintaining a narrow allotment frontage. This will contribute to minimising the street length and reduce lengths of utility and service	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

related infrastructure.		
(5) On roads running north south, allotments may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(6) Where land slopes are generally greater than 5%, road and allotment design should provide for dwellings to be generally parallel with the contours to minimise earthworks. Special care should also be taken in the configuration of roads and allotments to:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(a) Minimise boundary retaining walls, particularly associated with building to boundary minimise potential overlooking; and		
(b) Maintain solar access, where slopes face south. A greater distance between dwellings will generally be required to achieve the same solar access as on level sites or north facing slopes.		
9.3.3 Sloping sites	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
9.3.4 Allotments in Cul-de-sacs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
9.3.5 Battle-axe allotments Controls		
(1) Battle-axe lots will only be considered where:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	VARIATION JUSTIFICATION
(a) One shared driveway can be provided for access to both front and rear allotments. Driveway design and location must take into account the provisions for parking and driveways; and		The proposed development includes one battle access handle to provide access for three (3) lots, which is inconsistent with the outlined requirements.
(b) the lot adjoins an area of open space or where the site or outlook provides enhanced amenity (does not infringe upon privacy of surrounding lots).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	The Site access is proposed to be 5m total width, with between 4.0-4.5m constructed width for a length of 48.0m, which is inconsistent with the identified requirements. The Site access comprises the 5m access handle of proposed lot 3.
(c) The development is for multi-dwelling housing, an integrated housing development or "green-field" subdivision.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	Pavement width varies between 4.0 to 4.5 for the majority. With a minor section of 2.5m width. The driveway configuration provides sufficient visibility and vehicle manoeuvring space for vehicles to be entering and exiting the site in a forward direction at the same time.
(2) The access corridor will not be included in the site area calculation for battle-axe allotments.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(3) Requirements for access corridors are:		

<p>(a) Minimum width 4m (constructed width 3m)</p> <p>(b) Minimum width, shared corridor 6m (constructed 4.5m)</p> <p>(c) Maximum length 40m</p> <p>(4) No more than two allotments should be served by a shared access corridor.</p> <p>(5) Special consideration needs to be given to the creation of private outdoor spaces in relationship to building setbacks and sight distance requirements on corner lots.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	<p>The total length is approximately 48m which is also consistent with this requirement. The additional length comprises the provision of an additional visitor car parking space for use by all of the dwellings.</p> <p>The driveway as design provides setback from the eastern site boundary to enable landscaping and vegetation adjoining the existing tree vegetation and to avoid impacting tree root zones. The variation in width and landscaping avoids a gun barrel type concrete driveway appearance from the street.</p> <p>It also provides for landscaping to the adjoining dwelling frontages to provide additional privacy and amenity.</p> <p>The access arrangement is consistent with other multi-dwelling and flat buildings within the immediate locality.</p> <p>Clause 4.1A of the GLLEP 2014 permits lots of 200m² to promote diversity of housing choice. Which this development achieves. It is considered this requirement of the DCP is in contrast to and does not assist to achieve the objective of CI4.1A with respect to infill development such as that proposed.</p> <p>All parking and manoeuvring areas comply with the relevant sections of AS 2890.</p> <p>With respect to the abovementioned, it is considered this inconsistency if of nil significance.</p>
<p>9.3.6 Vehicle access design considerations</p> <p>Controls</p>		
<p>(1) Rights of ways will be considered in the following circumstances:</p> <p>(a) As reciprocal rights of way for battle-axe allotments; and</p> <p>(b) As reciprocal rights of way in approved existing multiple dwelling development subdivisions</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	<p>VARIATION JUSTIFICATION</p> <p>Refer to justification outlined in 9.3.5 above.</p> <p>In addition, an alternate arrangement for proposed lot 1 to front Yamba Street and contain its own access was considered. However, it is considered this may be</p>

<p>(2) No more than 2 lots should have an interest in a right of way in an urban area.</p> <p>(3) Special consideration will be required for the arrangement of service easements where rights of way exist.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>less in keeping with the locality through the provision of additional driveway crossovers. The current layout provides for a single driveway crossover.</p> <p>It is proposed for the access handle of proposed lot 3 to contain an easement for access for vehicles and pedestrians and services including water, sewer, telecommunications, power and also access for operation and maintenance purposes of these services.</p>
<p>9.37 Lots smaller than the minimum lot size</p> <p>Controls</p>		
<p>(1) Allotments less than the minimum permitted lot size, frontage and/or battle-axe lots will only be considered where those lots are:</p> <p>(a) Incorporated within an integrated housing development (i.e. a single development application for both subdivision and construction of dwelling/s); or</p> <p>(b) Created via subdivision of an approved existing multi dwelling development.</p> <p>(2) In determining the suitability or otherwise of any subdivision application for allotments that are less than the minimum permitted lot size, frontage and/or battle-axe lots, the following matters will be taken into consideration:</p> <p>(a) Cost of providing services and the capacity of existing services;</p> <p>(b) The advantages of building to a boundary and using attached and semi-detached forms of housing;</p> <p>(c) That adequate visual and aural privacy can be assured for each proposed dwelling; and</p> <p>(d) That adequate provision is made for access to the sun and natural light for each proposed dwelling.</p> <p>(e) Ability of each allotment to control stormwater runoff and comply with stormwater quality load reduction targets identified in any relevant Council policies.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<p>9.3.8 Road network</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<p>Nil new road networks proposed.</p>

9.3.9 Public open spaces	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	The proposed development comprises infill development. There is ample existing public open space within 500m including Myall Park, providence Bay Park & Pelican Park. With amply other public footpaths at generally flat grade and free drainage, debris or other encomberances.
9.4 Commercial and industrial subdivision	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
9.5 Large lot residential, rural and environmentl subdivision	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
9.6 Additional information		
Strata Title For strata title subdivisions Council must also have regard to those issues specified in Section 37(1) of the Strata Titles Act 1973 (or as amended).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Community Title The Community Land Development Act 1989 allows: land to be subdivided with common property (e.g. a swimming pool) being shared between owners and managed by an association; a theme to be created for a total project; subdivision and development comprising several stages, and permits projects from small groups of houses clustered around common open space, to larger communities with shared roadways and recreational facilities. Applications for Community Title subdivision must include a draft Community Management Statement. The format and content of a draft Community Management Statement is prescribed in the Community Land Development Act, 1989 .	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Section 88B instruments Generally, Council does not support the use of Section 88B instruments (restrictive covenants under Section 88B of the Conveyancing Act 1919). However, development applications for the subdivision of land with a slope of greater than 20%, must include a Section 88B instrument identifying the location and dimensions of future building envelopes for each allotment, to ensure compliance with the planning outcomes for steeply sloping land.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	A section 88B instrument including deposited plan, easements for access and services is proposed. It is considered this is the least environmental impactful way to achieve efficient development of the Site with least environmental impact and losing developable land for access purposes. To achieve the intent of clause 4.1A Of the GLLEP 2014 and relevant goals of

		the North Coast Regional Plan 2036, which aim to increase housing supply and diversity within the LGA.
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4.9.5 Chapter 10 – Car parking, access, alternative and active transport

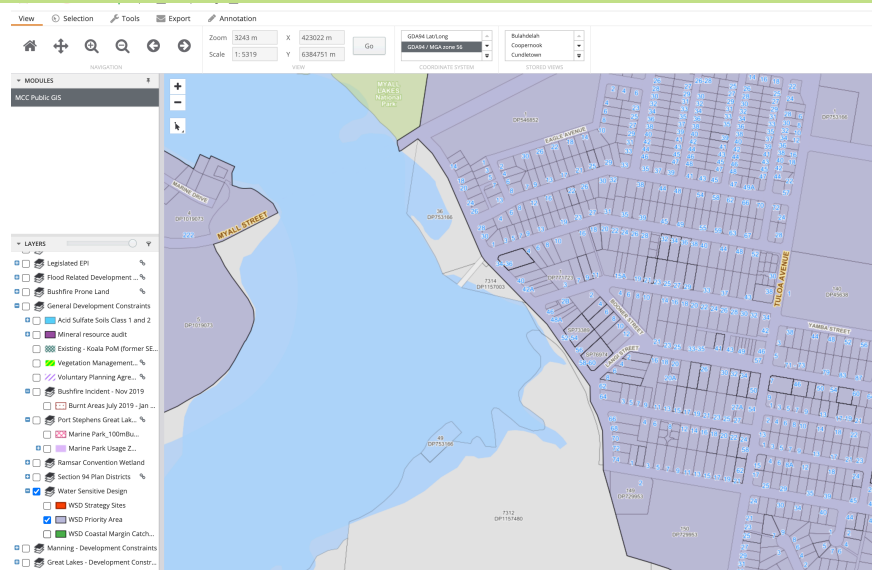
Table 13: Assessment of proposed development against relevant clauses of Chapter 10 – Car parking, access, alternative and active transport of GLLEP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
4.0 Development Requirements		
10.3 Car parking		
10.3.1 Car parking rates		
10.3.1.1 Single dwellings, dual occupancies, villas and townhouses Controls		
(1) A dwelling with a floor area equal to or less than 125m ² must be provided with a minimum of one (1) covered car parking space.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(2) A dwelling with a floor area great than 125m ² must be provided with a minimum of two (2) spaces, at least of one of which must be covered.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
10.3.1.2 Residential apartment buildings and residential component of mixed use development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3.1.3 All development excluding residential	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3. Car parking design controls		
10.3.2.1 Single dwellings, dual occupancies, villas and townhouses Controls		
(1) Car parking spaces are to be designed in accordance with Australian Standard AS2890.1 and be of the following dimensions:		VARIATION JUSTIFICATION:
(a) 2.4m x 5.5m for an unenclosed space.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	Parking and manouvering areas comply with the requirements of AS 2890.
(b) 3.0m x 6.0m for an enclosed space (e.g. between a fence and a house wall or a single garage).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	In this respect, it is considered this inconsistency is of nil significance.
10.3.2.2 Residential apartment buildings and residential component of mixed use development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3.2.3 Industrial development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3.3 Vehicle access and driveways		
10.3.3.1 Single dwellings, dual occupancies, villas and townhouses Controls		
(1) Hard surface driveway areas are to be minimised to reduce the impacts of stormwater runoff and to improve visual amenity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

<p>(2) Driveways, car parking areas and uncovered paved or hard landscaped areas are to be constructed from permeable materials where possible to maintain natural drainage flows and maximise stormwater infiltration on site.</p> <p>(3) Vehicle crossovers are to be located a minimum 1m from the side boundary, at the front boundary.</p> <p>(4) Driveways and crossovers are to be:</p> <p>(a) Limited to one per frontage</p> <p>(b) Located to minimize the removal of any existing street trees</p> <p>(5) A turning area is to be provided to enable vehicles to enter and leave the site in a forward direction wherever possible. Turning areas are to be designed to allow the 85% Design Car Turning Path.</p> <p>(a) This should be provided where the site is steep, fronts a busy road or is in a highly pedestrianised area.</p> <p>(b) This shall be provided for shared driveways and where vehicles would otherwise have to reverse for more than 30m.</p> <p>(6) All driveways and car parking shall be designed in accordance with Australian Standard AS2890.1 and Council's Steep Driveway Policy.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
10.3.3.2 Residential apartment buildings and residential component of mixed use development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3.3.3 Industrial development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.3.3.4 Seal Rocks – shared access roads	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
10.4 Alternative active transport	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

4.9.6 Chapter 11 – Water Sensitive Design

Table 14: Assessment of proposed development against relevant clauses of Chapter 11 – Water Sensitive Design of GLLEP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>A concept stormwater plan accompanies the application.</p> <p>Detailed stormwater drainage design will accompany a future construction certificate application.</p>

4.9.7 Chapter 12 – Tree and vegetation preservation

Table 15: Assessment of proposed development against relevant clauses of Chapter 12 – Tree and vegetation preservation of GLLEP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
12.3 Controls		
<p>(1) The Tree and Vegetation Removal Checklist sets out the criteria for when approval is required to remove a tree or other vegetation covered by this section of the Great Lakes Development Control Plan.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>The development does not propose the removal of any tree vegetation. The proposed development involves the removal of exotic grass species only.</p>

4.9.8 Chapter 13 – Landscaping & open space

Table 16: Assessment of proposed development against relevant clauses of Chapter 13 – Landscaping & open space of GLLEP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
13.1 Single dwellings, dual occupancies, villas & townhouses 13.1.2 Controls		
(1) A minimum of 30% of the site area is to be set aside for landscaping preferably with native vegetation at existing natural ground level and a deep soil zone. The landscaped area does not include any building, garage, or impervious surface such as a driveway or swimming pool.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>VARIATION JUSTIFICATION Overall, relative to the existing site area, the proposed development complies with well over 30% of the site area comprising landscaping, with at least 50% including deep root zone. Upon subdivision however, proposed lot 2 will contain 25% which is inconsistent with the outlined requirements.</p> <p>The subdivision as proposed enables diversity in housing choice within the proposed development with proposed lot 2 containing less landscaping maintenance requirements than proposed lots 1 & 3. Being targeted at a slightly differing occupant who may not desire such landscaping maintenance. Despite this, the site still contains sufficient private open space with some lawn and ample trees. The site also benefits from the green landscaping and trees proposed within the remainder of the Site.</p> <p>Clause 4.1A aims to enable greater housing diversity in the LGA. It is considered the proposed design enables greater diversity,</p> <p>Landscaping along the eastern driveway boundary is between 0.5-1.0m in width. With an additional 1-2m provided on the western side of the driveway adjacent the proposed dwellings. The adjacent site to the east contains existing tree vegetation that is a species of importance to</p>
(2) The deep soil zone is that part of the site that is not built on, paved or otherwise sealed, where the soil is of sufficient depth to support the growth of trees and shrubs. At least 50% of the landscape area is to include deep soil zones.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(3) Landscaping is to be provided both behind and in front of the building line. Landscaping of less than 1.5m in length and width shall not be included in landscape area calculations.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(4) All sites are to be provided with a minimum of 1.5m wide landscape strip adjacent to any driveway and an adjoining property.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
(5) Where removal of locally important koala food trees is unavoidable as part of the proposed development, replacement plantings may be required.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(6) Council will consider requests to plant replacement locally important koala food trees on other council-owned or privately-owned land within the locality (with the owners consent) with a development application at time of lodgement where it can demonstrated that no suitable areas exist on the development site	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
(7) Landscaping proposals should give preference to the retention of native plants (including trees, shrubs and ground covers) that exist on the land, where such retention is reasonable, safe and does not conflict with bush fire hazard protection requirements. Refer to the Landscaping Schedule for indicative plant lists.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

		<p>Koala. Thus it is highly unlikely these trees will be removed. Thus the intent of this requirement is met in principle. Notwithstanding, it is considered the landscaping area provided within the eastern boundary of the Site is sufficient to enable adequate landscaping from the adjoining property.</p> <p>With respect to the abovementioned, it is considered these inconsistencies are of nil significance.</p>
Low Density Residential Zones - Additional Landscaping and Open Space Controls	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Large Lot residential, Rural and Environmental Zones - Additional Landscaping and Open Space Controls	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
13.2 Residential Apartment Buildings, Mixed Use Development and Business Premises	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
13.3 Planting schedule	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

4.9.9 Chapter 14 Waste management

Table 17: Assessment of proposed development against relevant clauses of Chapter 14 – Waste management of GLLEP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
14.1 Demolition Controls		
<p>(1) A completed Site Waste Minimisation and Management Plan (SWMMP) shall be prepared and lodged with the development application for demolition. As a minimum it shall include:</p> <p>(a) Adaptive reuse opportunities for buildings/structures.</p> <p>(b) All waste likely to result from the demolition and opportunities for reuse of materials.</p> <p>(c) Facilitate reuse/recycling by using the process of 'deconstruction' where various materials are carefully dismantled and sorted.</p> <p>(d) Reuse or recycle salvaged materials onsite where possible.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

<p>(e) An area shall be allocated on site for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements).</p> <p>(f) Separate collection bins or areas for the storage of residual waste shall be provided on site and clearly 'signposted' for the purpose and content of the bins and storage.</p> <p>(g) Measures shall be implemented on site to prevent damage by the elements, odour and health risks and windborne litter.</p> <p>(h) A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.</p>		
<p>14.2 Development 14.2.1 Single dwellings and dual occupancies</p>		
<p>(1) A completed Site Waste Minimisation and Management Plan (SWMMP) shall be prepared and submitted with the development application for Indicative Waste/Recycling Generation Rates.</p> <p>(2) Plans submitted with the application must show:</p> <p>(a) The location of an onsite waste/recycling storage area for each dwelling that is sufficient size to accommodate Councils waste, recycling and garden waste bins. The waste storage area is to be located in the rear yard where possible and in a suitable location to avoid vandalism, nuisance, adverse visual impacts and odour for neighbours.</p> <p>(b) An identified onsite location for a compost container that does not impact on adjoining properties.</p> <p>(c) The waste storage area is to be easily accessible and have unobstructed access to Councils usual collection point.</p> <p>(d) There should be sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables.</p> <p>(3) A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	

	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
14.2.2 All other development Controls		
<p>(1) A completed Site Waste Minimisation and Management Plan shall be prepared and submitted with the development application. The plan should address the following matters as relevant:</p> <p>(a) Indicative Bin Sizes</p> <p>(b) Waste/Recycling Storage Rooms</p> <p>(c) Garbage Truck Dimensions</p> <p>(d) Garbage Chutes.</p> <p>(2) Architectural plans submitted with the development application must show:</p> <p>(a) The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Councils waste, recycling and gardens waste bins.</p> <p>(b) The location of any garbage chute(s) and interim storage facilities for recyclable materials that promotes and ease of recycling for each unit and on each floor.</p> <p>(c) The location of any service rooms (for accessing a garbage chute) on each floor of the building.</p> <p>(d) The location of any waste compaction equipment.</p> <p>(e) An identified collection point for the collection and emptying of Councils waste, recycling and garden waste bins.</p> <p>(f) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).</p> <p>(g) The onsite path of travel for collection vehicles (if collection is to occur onsite) taking into account accessibility, width, height and grade.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	

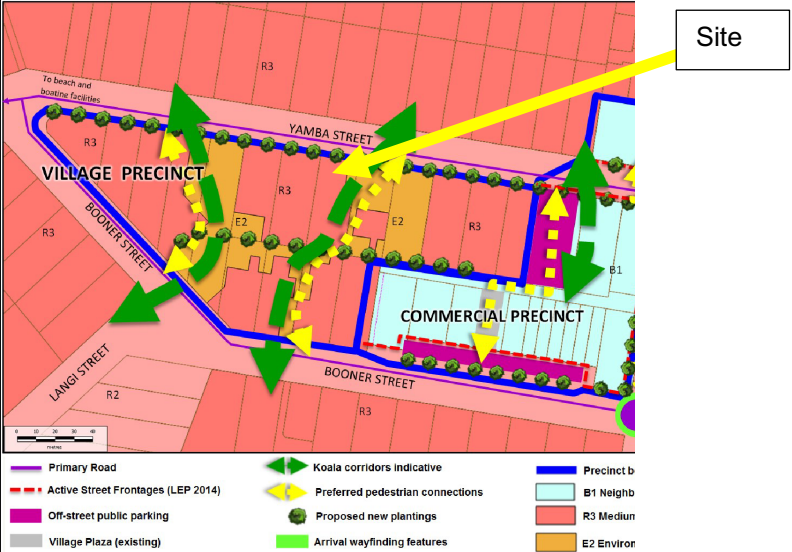
<p>(3) Systems should be designed to maximise source separation and recovery of recyclables for each unit and on each floor.</p> <p>(4) Waste management systems should be designed and operated to prevent the potential risk, injury or illness associated with the collection, storage and disposal of wastes.</p> <p>(5) A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
Multi-unit residential development – additional controls		
<p>(1) The “Better Practice Guide for Waste Management in Multi-Unit Dwellings” should be used to inform design of multi-unit dwellings for waste recycling/storage rooms and facilities.</p> <p>(2) The following minimum collection and storage facilities shall be provided:</p> <p>(a) Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with the “Better Practice Guide for Waste Management in Multi-Unit Dwellings”.</p> <p>(b) Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with the “Better Practice Guide for Waste Management in Multi-Unit Dwellings”.</p> <p>(c) The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.</p> <p>(d) For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	

<p>awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.</p>		
<p>(3) The following location and design criteria shall apply to collection and storage facilities:</p> <p>(a) In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.</p> <p>(b) There must be an unobstructed and continuous accessible path of travel (as per Australian Standard AS 1428: Design for Access and Mobility) from the waste/recycling storage areas or rooms to:</p> <p>(i) The entry to any adaptable housing (As per Australian Standard 4299: Adaptable Housing);</p> <p>(ii) The principle entrance to each residential flat building;</p> <p>(iii) The point at which bins are collected/emptied;</p> <p>(iv) In instances where a proposal does not comply with these requirements, Council will consider alternate proposal to achieve a reasonable level of access to waste/recycling storage areas or rooms.</p> <p>(c) Communal waste storage areas should have adequate space to accommodate and manoeuvre the required number of waste and recycling containers.</p> <p>(d) Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.</p> <p>(e) Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	

<p>for on-site access by garbage collection vehicles in accordance with Garbage Truck Dimensions for Residential Waste Collection. In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles with the collection contractor and Council indemnified against damage to driveways.</p> <p>(f) Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with Australian Standard As 2890.2: Parking Facilities - Off Street Commercial Vehicle Facilities.</p> <p>(g) Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weatherproof and easy to clean, with wastewater discharged to the sewer.</p> <p>(h) The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.</p> <p>(i) Developments containing four or more storeys should be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.</p> <p>(j) Garbage chutes must be designed in accordance with the Building Code of Australia and "Better Practice Guide for Waste Management in Multi-Unit Dwellings". Garbage shutes are not suitable for recyclable material and must be clearly labelled to discourage improper use. Alternate interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
Commercial, industrial and mixed use development c- additional ontrols	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

4.9.10 Chapter 16 Site specific controls

Table 18: Assessment of proposed development against relevant clauses of chapter 16 – Site specific development controls of GLLEP DCP 2014

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
<p>16.28 Hawks Nest village 16.28.2 Village precinct</p>  <p>Character Statement</p> <p>The Village Precinct will provide for medium density residential development intermingled with areas of environmental conservation. The plan for development within the Village Precinct is illustrated in the Hawks Nest Village Centre Concept Plan.</p> <p>Development in this location is to be of high quality design and in keeping with the bushland character of Hawks Nest. A variety of housing choice will provide opportunities to grow the permanent population and increase patronage to businesses in the adjacent Commercial Precinct.</p>		Site is located within the Hawks Nest Village precinct.

<p>Urban landscaping in the Village Precinct will offer attractive areas for permanent residents and visitors to relax and socialise while also acting to sustain the Hawks Nest and Tea Gardens Endangered Koala Population.</p> <p>Objectives and Controls - General Proposed development within the Village Precinct must be consistent with the following development objectives and controls. If a development application is seeking a departure from the development and design controls contained within any part of this DCP it must demonstrate:</p> <ol style="list-style-type: none"> 1. That the nominated development and design controls are unreasonable or unnecessary in the circumstances of the case. 2. How the proposed alternative solution or design approach will deliver an outcome that is consistent with the relevant element objectives and with the desired future character. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	
<p>Residential Development Development in this location is to be consistent with the relevant section of Chapter 6 Residential Apartment Buildings, Mixed Use Development and Business Premises.</p> <p>Objectives To provide for high quality residential development to grow the permanent population of Hawks Nest. To ensure development has regard for the bushland character of Hawks Nest.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. In locations where proposed residential development abuts land zoned E2 Environmental Conservation; measures shall be put in place to preclude the introduction of or the keeping of any dogs or cats (other than "assistance animals" as defined by the <i>Companion Animals Act 1998</i> and <i>Commonwealth Disability Discrimination Act 1992</i>). Details of how this is to be achieved must be submitted with the development application. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	<p>Chapter 5 – Single dwellings, dual occupancies and villas and townhouses is the relevant chapter that applies to the proposed development.</p> <p>If required by the consent authority, such requirement could be conditioned upon the consent requiring the registration of a caveat or section 88B on Title to that effect, prior to issue of an occupation certificate.</p>
<p>Environmental Conservation Land Objectives To protect and enhance the land zoned E2 Environmental Conservation.</p>		

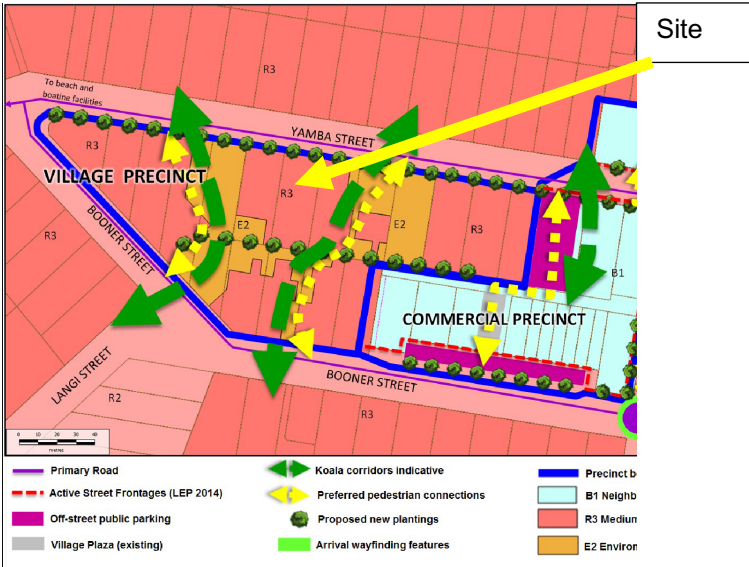
<p>To ensure the land zoned E2 Environmental Conservation is effectively managed into the future To consolidate the land zoned E2 Environmental Conservation.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Development and structures adjoining any land zoned E2 Environmental Conservation shall be located in a manner that protects the integrity and function of the E2 Environmental Conservation zone. 2. A mechanism satisfactory to Council is to be established for the long term effective management of the land zoned E2 Environmental Conservation. 3. Councils preferred mechanism for the ongoing management of the land zoned E2 Environmental Conservation is through either Land Dedication or Community Title subdivision. 4. In locations where proposed residential development abuts land zoned E2 Environmental Conservation; measures shall be put in place to preclude the introduction of or the keeping of any dogs or cats (other than "assistance animals" as defined by the Companion Animals Act 1998 and Commonwealth Disability Discrimination Act 1992). Details of how this is to be achieved must be submitted with the development application. 5. Any management regime proposed as part of a development application that affects land zoned E2 Environmental Conservation is to address the following issues: <ul style="list-style-type: none"> - proactive and strategic urban tree preservation and management; - management of companion animals; - management of noxious and invasive environmental weeds; - ecological management; - pollution control and stormwater management; - the provision of community access facilities (walking paths, seating, etc.); - mechanisms by which residents may manage, use and 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p>	
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<p>enjoy environmentally sensitive lands without detrimentally affecting biodiversity;</p> <ul style="list-style-type: none"> - landscape and amenity management. <p>6. Any development application that affects land zoned E2 Environmental Conservation is to:</p> <ul style="list-style-type: none"> - ensure the land zoned E2 Environmental Conservation is subdivided and contained within a single lot; and - be consolidated with any adjoining areas of E2 Environmental Conservation land in the same ownership. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<p>Landscaping and Urban Koala Habitat</p> <p>The location of koala habitat and landscaping corridors along with proposed locations for additional tree plantings in the Village Precinct is shown in the Hawks Nest Village Centre Concept Plan.</p> <p>Objectives</p> <p>To protect and enhance landscaping and urban koala habitat</p> <p>To ensure the effective management of landscaping and urban koala habitat.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Urban koala habitat will be protected and enhanced through appropriate landscaping within development lots and along existing streets consistent with the Hawks Nest Village Centre Concept Plan. Development and subdivision applications are to include urban koala habitat management plans. 2. Development and structures shall be designed and located to ensure there are no, unacceptable impacts on native trees, their tree protection zones (and structural root zones), trunks and canopies. 3. Where tree removal is unavoidable, offset replanting will be required at the following ratios: <ul style="list-style-type: none"> - 2:1 for non-preferred koala habitat trees - 4:1 for preferred koala habitat trees 4. Replanting in association with any approved tree removal should enhance those areas identified for 'Proposed new plantings' in the Hawks Nest Village Centre Concept Plan. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>	<p>Development does not propose any impact to Koala habitat.</p>

4.10 Draft Development Control Plan Hawks Nest Village

The Draft Development Control Plan Hawks Nest Village applies to the Site. Though critical controls have been included within the GLLEP 2014, this section provided an assessment of the proposed development against all controls within the draft document.

Table 19: Assessment of proposed development against relevant clauses of Draft Development Control Plan Hawks Nest Village

Section, clause & requirements	Compliant (Yes/No/NA)	Comment
1.1 Land to which this plan applies These controls apply to the following land in Hawks Nest as shown in Figure 1: Hawks Nest Site Map. 1. Commercial Precinct 2. Village Precinct 3. Beachfront Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
		
1.2 Link to Great Lakes Local Environmental Plan 2014 Development should have regard for the objectives and provisions of the following		

<p>land use zones:</p> <ul style="list-style-type: none"> • Zone B1 Neighbourhood Centre • Zone B4 Mixed Use • Zone R3 Medium Density Residential • Zone E2 Environmental Conservation <p>Development should have specific regard for development standards in the following sections:</p> <ul style="list-style-type: none"> • Clause 4.3 Height of Buildings • Clause 4.4 Floor Space Ratio • Clause 7.9 Protection of Wildlife Corridors • Clause 7.13 Active Street Frontages • Schedule 1 – Additional Permitted Uses: 8 Use of certain land bounded by Beach Road and Booner, Margaret and Mirreen Streets, Hawks Nest. 	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA </p> <p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p>	
<p>2 Desired future character & site specific controls</p> <p>The following sections of this DCP should be read in conjunction with this part:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 3.1.2 Tea Gardens and Hawks Nest Additional Character Statements <input type="checkbox"/> 3.1.2.2 Hawks Nest <input type="checkbox"/> 3.3.3 Medium Density Residential Development (Village Precinct) <input type="checkbox"/> 6.7.2.1 Coastal Towns and Centres Additional Controls – Tea Gardens and Hawks Nest (Beachfront Precinct) <input type="checkbox"/> 6.1.3 Coastal Town Concept Plans – Hawks Nest <p>In the event of any inconsistencies, the site specific provisions in this part shall prevail.</p>	<p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p> <p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA </p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p>	
<p>2.1 Commercial precinct</p>	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p>	
<p>2.2 Village precinct</p> <p>2.2.1 Residential development</p> <p>Controls</p>		
<ul style="list-style-type: none"> • Where tree removal is unavoidable, and is approved in in association with any development application, offset replanting should occur at the following ratios: <ul style="list-style-type: none"> o 2:1 for non-preferred koala habitat trees o 4:1 for preferred koala habitat trees • Replanting in association with any approved tree removal should enhance those areas identified for 'Proposed new plantings' in Figure 2: Hawks Nest Village Centre 	<p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA </p>	<p>No tree removal proposed.</p>

Concept Plan.		
2.2.2 E2 environmental conservation zoned land		
Controls		
<ul style="list-style-type: none"> • _A mechanism satisfactory to Council is to be established for the effective management of the land zoned E2 Environmental Conservation. • _Councils preferred mechanism for the ongoing management of the land zoned E2 Environmental Conservation is through either Land Dedication or Community Title subdivision. • _If the land zoned E2 Environmental Conservation is not to be subdivided by one of these mechanisms, full details of how the E2 Environmental Conservation land will be effectively managed into the long term are to be submitted with the development application. • _Any management regime for the land zoned E2 Environmental Conservation is to address the following issues: - proactive and strategic urban tree preservation and management; <ul style="list-style-type: none"> - management of companion animals; - management of noxious and invasive environmental weeds; - ecological management; - pollution control and stormwater management; - the provision of community access facilities (walking paths, seating, etc.); - mechanisms by which residents may manage, use and enjoy environmentally sensitive lands without detrimentally affecting greenspace and urban biodiversity; - landscape/amenity management. • _Any development application that contains land zoned E2 Environmental Conservation on the same allotment should, if at all possible: - Ensure the land zoned E2 Environmental Conservation is subdivided and contained within a single lot; <i>and</i> <ul style="list-style-type: none"> - Be consolidated with any adjoining areas of E2 Environmental Conservation land in the same ownership. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	Community title allotment
2.2.3 Greenspace and urban Koala habitat		
Controls		
<ul style="list-style-type: none"> • _For all new development or subdivision, specific details should be provided that demonstrates consistency with Figure 2: Hawks Nest Village Centre Concept Plan. This includes details of tree retention and coordinated/ strategic tree planting. • _New tree plantings will be required on the verges and front building setbacks of lots on Yamba Street and Booner Street. • _For any new development or subdivision, complete and accurate details are to be provided on urban Koala habitat and greenspace management. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	Nil within Site boundaries. Nil to be impacted external to Site boundaries.

Statement of Environmental Effects

<ul style="list-style-type: none"> • _The following roadkill reduction measures should be incorporated into Yamba Street and Booner Street along with any internal roads or lanes proposed to minimise the risk of harm to Koalas: - low speed design (of less than 40km/h) and traffic slowing/calming structures (chicanes, speed humps, signage, narrowing, etc); and - suitable roadside lighting and a narrow clear immediate road verge to assist wildlife visibility to road users. • _In locations where proposed residential development abuts land zoned E2 Environmental Conservation; measures shall be put in place to preclude the introduction of or the keeping of any dogs or cats (other than "assistance animals" as defined by the <i>Companion Animals Act 1998 and Commonwealth Disability Discrimination Act 1992</i>). Details of how this is to be achieved must be submitted with the development application. • _Urban Koala habitat will be protected and enhanced through appropriate landscaping within development lots and along existing streets. • _Development and structures adjoining any land zoned E2 Environmental Conservation shall be located in a manner that protects the integrity and function of the E2 Environmental Conservation zone and provides adequate protection of existing native trees and areas of landscaping and environmental plantings. In this respect, such development or structures shall not have unacceptable impacts on native trees, their tree protection zones (and structural root zones) and their trunks and canopies. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	<p>Existing low speed environment. With no new roads proposed.</p> <p>Internal site lighting proposed in compliance with AS4282 Control of the obtrusive effects of outdoor lighting.</p> <p>Retaining of existing trees adjacent the Site and planting of new trees in the road reserve.</p> <p>Location of development away from adjacent tree corridor and use of appropriate fencing which allows free movement of Koala through the Site.</p>
2.3 Beachfront precinct	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<p>Site is located within Village precinct.</p>
3.0 General controls for all sites		
3.1 Environmental and landscaping		
Controls		
<ul style="list-style-type: none"> • Landscaping provided with any new development should use locally endemic koala preferred species to strengthen the integrity of existing Koala corridors*. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
3.2 Removal of koala habitat and food trees	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	<p>No tree removal proposed.</p>
3.3 Fencing		
Controls		
<ul style="list-style-type: none"> • Fencing should be designed and located to avoid or minimise loss of or damage to trees; and • Fencing should be made of timber (ie. lapped and capped fencing); • If timber fencing is not used, then the fencing must: <ul style="list-style-type: none"> - provide a gap of 0.3 metres (high) x 1.0 metres (wide) between the existing ground and the bottom of the fence for every 10 metre length of fencing, except where the 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

fencing is associated with a swimming pool, or - provide koala climbing poles, installed adjacent to the fence at 10m intervals, except where the fencing is associated with a swimming pool . Details of how this is to be achieved must be shown in the Landscape Plan submitted with the development application.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	

5 Matters for Consideration – Section 4.15 EP&A Act 1979

5.1 General

An overview assessment of the environmental effects of the proposed development in the manner previously described in this SEE is provided below. This assessment has regard to the provisions of Section 4.15 of the *EP&A Act 1979*.

5.2 Section 4.15 (1) (a) – (i) provisions of environmental planning instruments, (ii) exhibited environmental planning instruments, (iii) DCP, (iv) the regulations.

The provisions of applicable EPIs have been considered in Section 4 of this SEE.

5.3 Section 4.15 (1) (b) – Impact of the development

5.3.1 Natural and built environment

5.3.1.1 *Scenic impacts*

As previously stated, the proposal would cause minimal disturbance to the prevailing landscape character as addressed throughout.

5.3.1.2 *Micro-climate impacts*

The proposed development will have nil significant impact on the micro-climate of the locality. Appropriate dust control, noise mitigation and waste management measures will be implemented during construction.

5.3.1.3 *Flora and fauna*

The proposed development will have no significant impact on the flora and fauna of the locality.

5.3.1.4 *Relationship to neighbouring properties*

The proposed development is generally in keeping with existing development the area, which consists of varying styles of residential development. The proposed development does not impact solar access to adjoining properties.

5.3.1.5 *Social and economic impact*

The proposed development is anticipated to result in short term economic benefits through the construction phase as it will generate a number of short-term employment opportunities.

Positive social impacts are anticipated as the proposed development will enable the provision of another three (3) dwelling houses in the Mid Coast LGA and make use of an otherwise vacant residential site.

5.3.2 Traffic & parking

5.3.2.1 Projected traffic generation

Yamba Street would be considered a local road per Council's Infrastructure engineering design standards, with a capacity for >250 & <1,000 vehicles per day.

That potential increase in traffic activity as a consequence of the proposed development is statistically insignificant and will not result in any unacceptable traffic implications to the capacity of the local road network.

5.3.2.2 Driver sight distance/visibility

The driver sight distance/visibility requirements for access driveways are specified in the standards Australia publication parking facilities part 1: off-street car parking AS 2890.1 - 2004.

The requirements are comfortably satisfied by the proposed development; with sufficient sight distance to/from driveways. Thus it is reasonable to conclude that the proposed development will not have any unacceptable traffic or road safety implications.

5.3.2.3 Existing parking restrictions

There are no existing kerbside parking restrictions which apply to the road network in the vicinity of the site to prevent on-street parking. Notwithstanding, each dwelling contains provision for two (2) under cover car parking spaces with one (1) visitor parking space also provided for the Site.

5.3.2.4 On-street parking provisions

There are no off-street parking provisions specified within the applicable DCP. Notwithstanding, there is opportunity for on street parking subject to Aust Roads conformance.

5.3.2.5 On-site circulation and manoeuvrability

The site parking and manoeuvrability has been designed in accordance with AS 2890.1. Vehicles will have suitable ingress and egress from the site.

5.3.2.6 Site entry sight distance

The posted speed limit along the site access street is 50kph. Sight distance in both directions is compliant and offers good site distance in each direction.

5.3.2.7 Conclusion

In summary, it is clear that the proposed development satisfies the parking requirements of all applicable EPI's, guidelines and standards. It is therefore reasonable to conclude that the proposed development will not have any unacceptable traffic or parking implications having regard to the matters discussed above.

5.3.3 Crime prevention through environmental design (CPTED)

The proposed development adopts the principles of "Safer by Design" to ensure that the development will create an environment, which feels safe and is safe for tenants and visitors.

5.3.3.1 Safer by design principles

There are four (4) principles, which form the basis of crime risk assessment as it relates to Development Applications.

5.3.3.1.1 Surveillance

Surveillance is providing human observation of public space. Natural surveillance does not have to compromise privacy. Natural surveillance of the right of carriageway and the front of the property is afforded by windows and activity generally.

5.3.3.1.2 Access control

The ease with which intruders can get in and out of an environment uncontrolled or undetected or the extent to which they are compelled to use shared entries has a significant bearing on crime risk. The property will be fenced to minimise access by others.

5.3.3.1.3 Territorial reinforcement

Areas that are well protected and look as if they are owned and cared for, give an impression that it is harder to conduct anti-social behaviour. The separation of private and public space will be controlled by landscaping and fencing.

5.3.3.1.4 Space management

The landscaped areas will be maintained to address space management.

5.3.3.2 Conclusion

Having regard to the safer by design principles referred to above, it is considered the proposed development, through the design provides a satisfactory response in minimising crime-risk. It is therefore considered the application does not require referral to the relevant Local Area Command (Police) for assessment.

5.4 Section 4.15 (1) (c) – the suitability of the site for the development

The proposed development is highly appropriate within the context of the Site and the surrounding locality. Conflict with adjoining land uses is most unlikely.

The proposed development maintains appropriate regard for the status of the Site and its location within the surrounding area. The relationship of the proposed buildings within the context of the existing residential area has been discussed throughout this report and no significant adverse impacts are anticipated.

The proposal would be consistent with community expectation for this land as expressed through Council's planning instruments and policies. The proposed development is appropriately designed for the Site.

5.5 Section 4.15 (1) (d) – submissions

This cannot be dealt with as part of this SEE. Council may receive submissions, which will be assessed having regard to the heads of consideration under Section 4.15 of the *EP&A Act 1979*.

5.6 Section 4.15 (1) (e) – the public interest

5.6.1 General

The development of the Site for the proposed use in the proposed manner is seen as one which:

- Satisfies the objectives for the R1 *General Residential* land use zone and the aims/outcomes sought by the relevant provisions of *GLLEP 2014*,
- Satisfies the relevant provisions of all relevant statutory environmental planning instruments,
- Generally satisfies the relevant provisions of all relevant non-statutory planning instruments including the *GLDCP 2014*, with exception to minor variation justifications sought through the SEE.

Given the proposed development's substantial compliance with relevant planning instruments and common nature (i.e., typical residential style development, in keeping with similar development within the locality), it is considered the proposed development is of low public interest. Notwithstanding, the proposed development has been designed and sited to minimise so far as is reasonably practicable, any adverse impacts to both the built and natural environments.

6 Conclusion

The proposed development comprises **Torrens title subdivision** and **dwelling houses** development and is permissible with consent within the R3 *Medium Density Residential* land use zone in accordance with *Great Lakes Local Environmental 2014*. Achieves the objectives of the zone and complies with all objectives and provisions of applicable environmental planning instruments, with exception to a number of variations to the Great Lakes Development Control Plan 2014 as justified throughout. Assists to achieve the objectives of the Hunter Regional Plan 2041, Mid Coast Local Strategic Planning Statement and Mid Coast Housing Strategy. Is unlikely to result in any significant detrimental impact to the environment or 'public goods' such as air quality, noise, views or amenity. Provides an orderly and efficient use of the Site that is commensurate with the characteristics of the Site, surrounding development and locality.

In view of the lack of significant adverse environmental impacts, it is recommended to the Council that the application be approved, subject to appropriate conditions of consent.

7 Appendices

- 7.1 AHIMS search results
- 7.2 Architectural drawings
- 7.3 Owners Statement of Consent
- 7.4 Biodiversity Values Map and Threshold Report
- 7.5 BASIX certificate
- 7.6 Acid sulfate soil management plan
- 7.7 Notification plans
- 7.8 Builders quote
- 7.9 Site waste minimisation and management plan
- 7.10 Energy reports
- 7.11 Site survey
- 7.12 NSW Bionet atlas maps – endangered species search results
- 7.13 DCCEEW MNES search map
- 7.14 DCCEEW MNES search results