



Statement of Environmental Effects

Proposed Subdivision (87 Lots)

75 Forest Lane, Old Bar
Lot 219 DP753149

February 2024
Final (Rev0)

Prepared For
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1. INTRODUCTION

This Statement of Environmental Effects has been prepared in relation to a proposed residential subdivision of land at Lot 219 DP753149, 75 Forest Lane, Old Bar.

The proposal represents a phase of the ‘Emerald Fields’ residential subdivision and involves land in the western part of an urban release area known as ‘Old Bar Precinct 3’.

The proposed development is local development and is subject to assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development is also “integrated development” requiring a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

The purpose of this Statement of Environmental Effects (SoEE) is to describe the proposed development and consider the potential environmental impacts of the development having regard to the matters for consideration under Section 4.15 of the *EP&A Act* as relevant to this proposal.

1.1 Approvals Context

The proposed development involves the subdivision of land that is subject to a Concept Approval issued by Council on 2 May 2016 (439/2014/DA) and modified on 29 March 2023 under the Notice of Determination (NoD) to MOD2022/0277.

The Concept Approval relates to part of an urban release area known as ‘Old Bar Precinct 3’ and includes land occupying Lots 117, 217, 218 and 219 DP753149 (located on the northern side of Forest Lane) and Lots 591 and 592 DP1180317, Lot 14 DP733054, Lot 2 DP1022067, and Lot B DP377867 on the southern side of Forest Lane.

The proposed development relates to land contained in Lot 219 DP 753149 which is known as ‘Trad’ and is identified as Stage 6 of the Concept Approval.

An extract of the Concept Approval (439/2014/DA, as modified by MOD2022/0277) is provided in Figure 1.1 below.

*Statement of Environmental Effects (22115):
Proposed subdivision-75 Forest Lane, Old Bar (Lot 219 DP753149)*

1.1.1 Previous Land Use and Approvals

Consent has recently been granted in relation to Development Application DA2021/2320 for the commencement of bulk earthworks over the subject site. A Subdivision Works Certificate (CC2022/0746) is in force in relation to those works and earthworks had commenced over the site.

The approved bulk earthworks relate to the entire site, except the curtilage of the existing dwelling house.

Consent has recently been granted under DA2023/0393 for demolition of the existing dwelling, shed and decommissioning of the septic system, located in the north-western corner of the allotment. It is expected the demolition will be completed prior to (or shortly after) the lodgement of this application.

1.2 Supporting Documentation

Several specialist reports and assessments have been used to support this SoEE.

- *Bushfire Assessment: Proposed Subdivision, Lot 219 DP753149, 75 Forest Lane, Old Bar* (Australian Bushfire Assessment Consultants, 2024);
- *Geotechnical Assessment: Proposed Subdivision 75 Forest Lane, Old Bar* [Report No. RGS02457.1-AK] (Regional Geotechnical Solutions, 2023);
- *Stormwater Strategy for Proposed Subdivision of Lot 219 DP753149, Forest Lane, Old Bar* (LSW, January 2024, Issue 1);
- McCardle Cultural Heritage (2021). Lot 218, Lot 219 and Lot 591 Old Bar: *Aboriginal Heritage Due Diligence Assessment*;
- *Biodiversity Development Assessment Report: Residential Development of Lot 219 DP753149, Forest Lane Old Bar* (JBEnviro, November 2021).

2. SITE DESCRIPTION

2.1 Site Details and Context

The site comprises land identified as Lot 219 DP753149, 75 Forest Lane, Old Bar. The site is on the northern side of Forest Lane, approximately 470 metres west of the intersection with Wyden Street and 755 metres east of Saltwater Road.

A site locality map is at Figure 2.1 and a photograph of the existing site condition is at Photo 2.1.



Figure 2.1: Site Locality Map - Approximate site boundaries shown “green” (Nearmap)



Photo 2.1: Site condition looking north-east across the proposed development site from the south-western corner (Drone Photo, 8 February 2022)

2.2 Services

Table 2.1 summarises the services and infrastructure available to the site.

Table 2.1: Services

Service	Availability
Access	<p>Access to the site is currently available from the existing public roads constructed in Stage 1 of the Concept Approval. These roads currently terminate at the eastern boundary of the site and will be extended as part of the proposed development (Photo 2.2):</p> <ul style="list-style-type: none"> • Driftwood Boulevard; • Newport Circuit; and • Fleetwood Street. <p>No direct access will be provided from Forest Lane with all vehicular traffic entering and exiting the site via Stage 1 and the associated intersection with Forest Lane constructed in that stage.</p>
Water	The site is serviced by reticulated water.
Sewer	The site is in the Mid-Coast Council sewer district and will be serviced via extension of gravity sewer mains that are installed in the completed Stage 1.
Electricity	Underground electricity supply is available in Forest Lane and services the existing residential subdivision in the adjacent Stage 1.
NBN and Communications	The site is serviced by National Broadband Network (NBN) fixed line infrastructure. It is understood that service availability would include Fibre to the Premise (FTTP) for new residential lots.



Photo 2.2: Looking west toward the site from Newport Circuit (Stage 1)



Photo 2.3: Looking east along Forest Lane toward the site

2.3 Soils and Geology

Site-specific geotechnical investigations by RGS (2021) encountered a combination of clay and silty clay geotechnical units across the site, low erosion potential and an absence of shallow groundwater.

Under the provisions of the LEP, the site is mapped as Class 5 land on the *Acid Sulfate Soils Map* (Figure 2.2). Typically, acid sulfate soils are not found within a Class 5 area, and Class 5 land serves as a buffer from Class 1, 2, 3 or 4 land.

Site-specific acid sulfate soils investigations were undertaken in accordance with the ASSMAC Acid Sulfate Soils Manual as part of the geotechnical assessment by RGS (2021). Results of sampling conclude that the soils occurring on site are not considered to be potential or actual acid sulfate soils. As such, an acid sulfate soils management plan is not required.



Figure 2.2: Acid Sulfate Soils Map (Mecone Mosaic, 2022)

2.4 Topography and Hydrology

The site has natural ground elevations of approximately 11 metres AHD toward the northern boundary, falling gradually to approximately 7 metres AHD at the southern boundary.

Review of NSW hydro line spatial data indicates that the site does not contain any mapped watercourses for the purposes of the *Water Management Regulation 2000*.

The nearest mapped watercourse in relation to the site occurs approximately 180 metres north of the site and comprises a first order watercourse and tributary to Oyster Creek and the Manning River. The topography of the site is such that land predominantly drains toward the south-east and forms part of the catchment to Racecourse Creek, eventually discharging to Old Bar Beach near Pacific Parade.

2.5 Biodiversity

Local vegetation described and mapped in Integrated Bionet Vegetation Data suggests that three (3) vegetation communities (*Northern Foothills Grassy Blackbutt Forest*, *Lower North River flat Eucalypt Paperbark Forest*, and *Northern Paperbark-Swamp Mahogany Saw-sedge Forest* (PCT 3250, 4042 and 4006)) occur on the site. These are likely to have been the predominant vegetation communities existing on the land prior to land clearing.

Land within the site is now predominantly clear of vegetation due to recent bulk earthworks undertaken in accordance with the consent to Development Application DA2021/2320.



Photo 2.4: Looking south from the northern boundary showing cleared landscape throughout the site (February 2022)

2.6 Bushfire

The land within the site is mapped as bushfire prone land for the purposes of Section 10.3 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). As shown in Figure 2.3, land within the site is partly mapped as buffer zones.

Inspection of the site indicates that most of the vegetation surrounding the site is regenerating from fires that impacted the site during the 2019/2020 summer bushfire season.

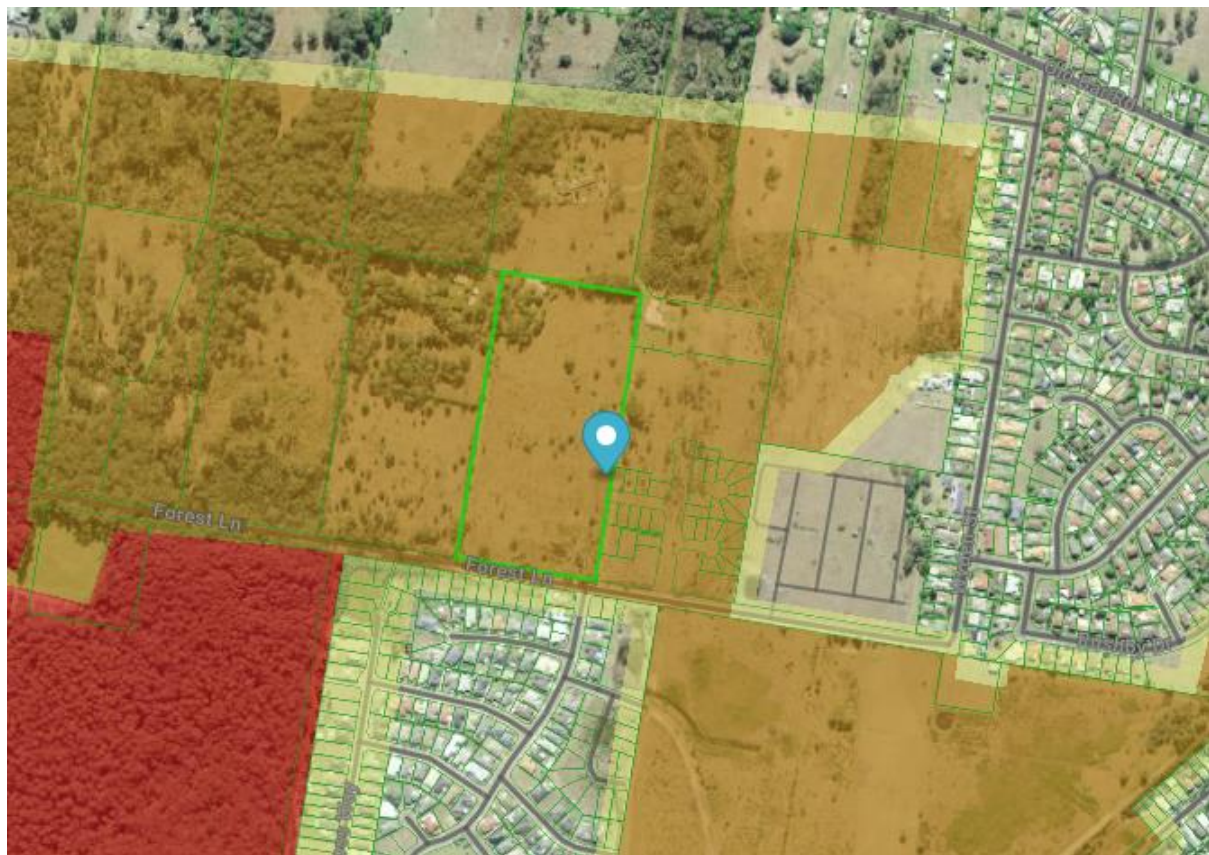


Figure 2.3: Bushfire Prone Land Map with Lot 219 DP 753149 highlighted (Source: Mecone Mosaic, 2024)

2.7 Easements and Restrictions

The site is contained within DP753149 and is burdened by restrictions comprising an easement for drainage of water 35.35m wide identified as (A) (Figure 2.4).

The drainage reserve forms part of a larger easement for drainage of water that continues through the southern part of land within Stages 1 (Lot 591 DP1180317), 7 (Lot 218 DP753149) and 8 (Lot 217 DP753149) of the Concept Approval before discharging to natural drainage paths on the southern side of Forest Lane.

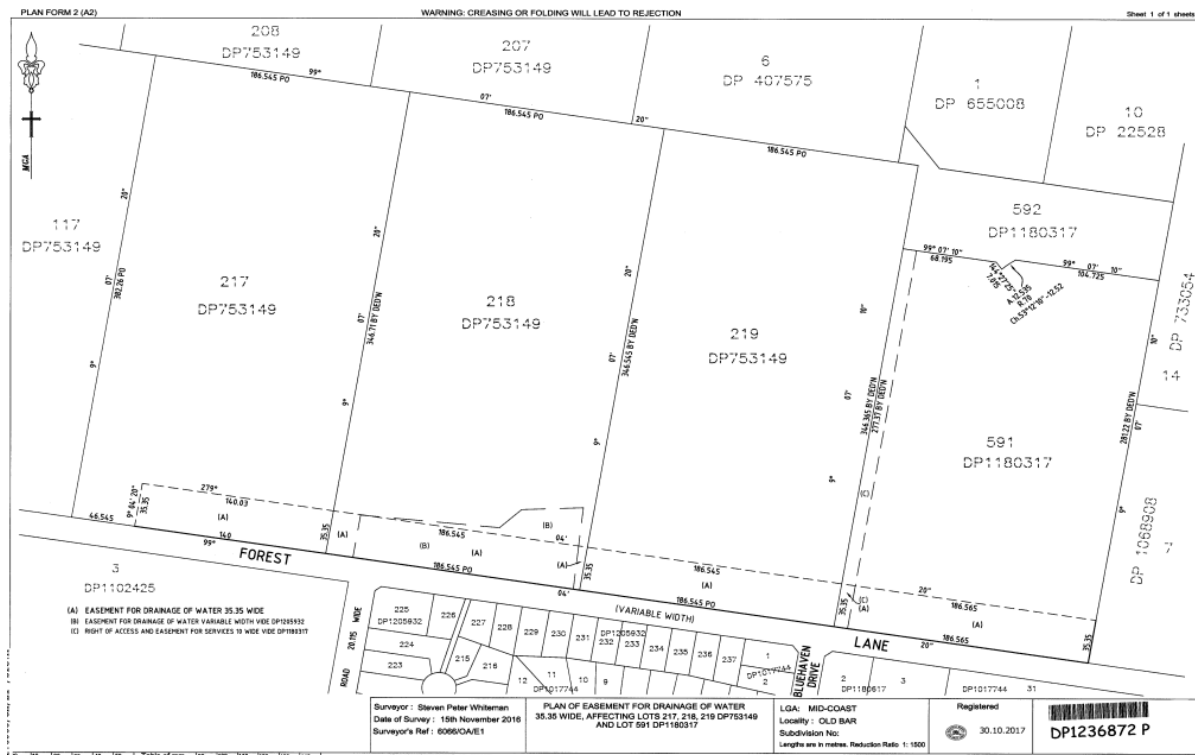


Figure 2.4: Extract of DP 1236872 depicting easements for drainage of water affecting Lot 219 DP753149

3. PROPOSED DEVELOPMENT

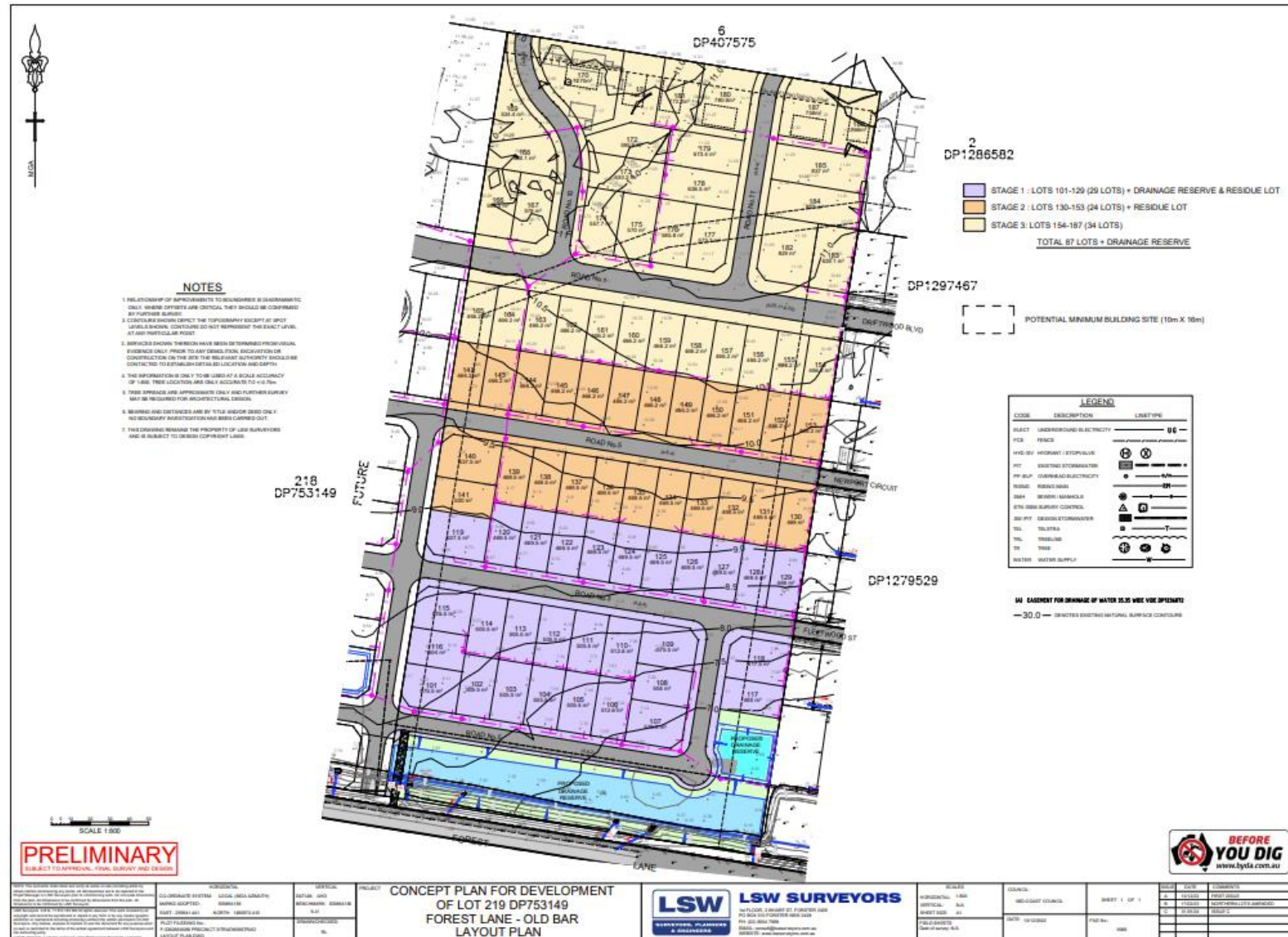
3.1 Overview

The proposed development involves an eighty-seven (87) lot residential subdivision, dedication of new public roads and drainage reserves.

The subdivision is proposed to be constructed over three (3) stages, as follows:

- Stage 1 will comprise twenty-nine (29) residential lots plus residue and drainage reserve in the southernmost part of the site, closest to Forest Lane.
- Stage 2 will contain twenty-four (24) residential lots plus residue.
- Stage 3 will create the final thirty-four (34) residential lots.

The proposed subdivision is depicted on plans by LSW Surveyors entitled “*Concept Plan for Development Lot 219 DP753149, Forest Lane, Old Bar*”. An extract of the plan is at Figure 3.1.



3.2 Access and Road Network

The proposed subdivision will involve construction of new local roads extending west from the terminus of three (3) local streets to be constructed in Stage 1. No direct access will be provided from Forest Lane with all vehicular traffic entering and exiting the site via Stage 1 (and eventually Stage 7), and the associated intersections at Forest Lane.

Additionally, Conditions of the Concept Approval (for Stage 6) include:

- **Condition 14:** A single lane concrete roundabout at the intersection of Forest Lane and proposed Road 1 is to be constructed with Stage 6 of the development.
- **Condition 15:** The extension of Forest Lane from the western boundary of the development site to Saltwater Road, as a rural collector road, and construction of a single lane concrete roundabout at the Saltwater Road /Forest Lane intersection.

These requirements are s7.11 items in the Greater Taree s94 Contributions Plan with 100% apportionment of the infrastructure costs to development within Precinct 3. The completion of the works required by Conditions 14 and 15 is therefore now the responsibility of Mid-Coast Council.

As the rural collector extension to Saltwater Road and an upgraded CHR intersection has already been constructed by Council, and with the recent modification of the concept DA to remove the fourth leg to the proposed roundabout, it may be that these items are no longer required, subject to a future modification of the concept DA consent.



Photo 3.1: Recently constructed intersection of Forest Lane and Saltwater Road (Note: Intersection works also include upgrades of this intersection to a roundabout as Item OB18 in the Greater Taree Section 94 Contributions Plan 2016)



Photo 3.2: Forest Lane upgrades completed in 2023 (Note: These works are completed as Item OB17 in the Greater Taree Section 94 Contributions Plan 2016)

3.2.1 Road Specifications

The internal road network will be constructed in accordance with the Concept Approval to provide local roads (16 metres wide) throughout the subdivision. A section of Driftwood Boulevard (23.5 metres wide) also traverses the northern part of the site in Stage 3 of the proposed subdivision.

3.3 Proposed Residential Lots

The proposed development involves the creation of eighty-seven (87) residential lots. The proposed residential lots will have areas ranging from 466.2m² to 1,270m² and will typically incorporate a north/south orientation and regular lot dimensions.

3.4 Earthworks

The proposed subdivision will involve a range of earthworks associated with construction of roads and infrastructure, as well as grading and filling of lots to facilitate effective surface drainage to either inter-allotment drains or the street drainage network.

The site has relatively flat topography and it is expected that surface grading would involve not more than around 300mm of earthworks to create suitable building sites on each lot. Most of the site earthworks and grading has commenced in accordance with CC2022/0746.

3.5 Drainage

The site provides natural grades from the northern boundary toward the south-eastern corner of the site and Forest Lane. The proposed drainage strategy includes piped stormwater drainage from each lot to the street drainage network, before discharging to a bioretention basin in the south-eastern corner of Stage 1.

The proposed bioretention basin will intercept stormwater flows up to the 3 month ARI event with higher flows bypassing the bioretention system, discharging to a vegetated drainage reserve (approximately 30 metres wide) located parallel to Forest Lane. The drainage reserve forms part of a larger public drainage reserve that is presently contained within an easement for drainage of water 35.35 wide denoted on DP1236872.

Both the bioretention system and the drainage reserve will be constructed and dedicated to Mid-Coast Council as drainage reserves upon registration of the plan of subdivision for Stage 6 of the proposed development.

The proposed stormwater strategy is detailed in the *Stormwater Strategy for Proposed Subdivision of Lot 219 DP753149 Forest Lane, Old Bar* (LSW, January 2024, Issue 1) which accompanies the development application.

4. PLANNING CONTROLS AND LEGISLATION

4.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) provides protection to threatened species, ecological communities and critical habitat in NSW. The BC Act, together with the Biodiversity Conservation Regulation 2017, establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS). Thresholds for entry into the scheme are:

1. whether the impacts occur on an area mapped on the Biodiversity Values Map published by the Minister for the Environment; or
2. whether the amount of native vegetation being cleared exceeds a threshold area; or
3. whether the proposal would have a significant impact on threatened communities or species – determined by the “5-part test”.

In considering the application of the BC Act, the proposed development is not required to be assessed in accordance with Part 6 (the Biodiversity Offsets Scheme) of the BC Act as the proposed subdivision is not expected to:

- impact on any land that has been mapped as having biodiversity value (as per the NSW Government biodiversity value map), or
- result in the loss of more than 0.25 ha of native vegetation, or
- have a significant effect on any threatened ecological community or species listed under the BC Act.

Land within the site is not mapped on the Biodiversity Values Map published by the Minister for the Environment.

The site has recently been subject to vegetation clearing and broad-scale earthworks. Any native vegetation, including habitat for threatened species, has been removed from the development footprint in accordance with conditions of the bulk earthworks approval and was considered in relation to the relevant provisions of the BC Act in determination of that application by Mid-Coast Council.

Figure 4.1 details the area of earthworks approved by Mid-Coast Council under DA2021/2320. The proposed subdivision does not result in any further impact to native vegetation or habitat that would warrant further assessment in accordance with Part 7 of the BC Act.

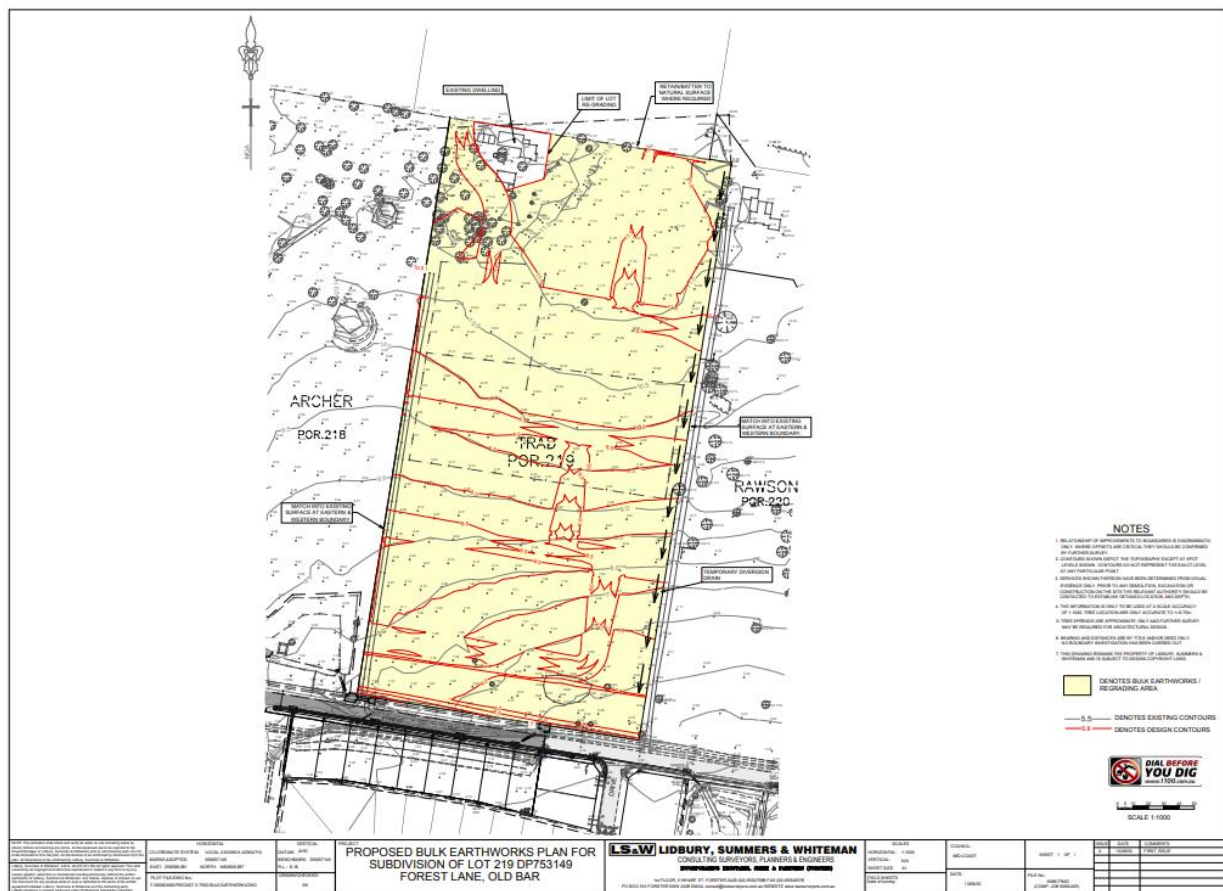


Figure 4.1: Extent of bulk earthworks approved under DA2021/2320 and CC2022/0746 (Source: LSW Surveyors)

4.2 Rural Fires Act 1997

The land within the site is mapped as bushfire prone land. Section 100B of the *Rural Fires Act 1997* requires that a person must obtain a bushfire safety authority before undertaking subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes.

A Bushfire Assessment has been prepared by Australian Bushfire Assessment Consultants (ABAC, 2024) which addresses the relevant points as listed in Clause 45 of the *Rural Fires Regulation 2022* for a bushfire safety authority for the development.

4.3 Environmental Planning and Assessment Act 1979 and Regulation 2021

The provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) relate to the assessment of development and activities in NSW.

The objectives of the EP&A Act are:

- a) *to encourage:*
 - i. *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - ii. *the promotion and co-ordination of the orderly and economic use and development of land,*
 - iii. *the protection, provision and co-ordination of communication and utility services,*
 - iv. *the provision of land for public purposes,*
 - v. *the provision and co-ordination of community services and facilities, and*
 - vi. *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - vii. *ecologically sustainable development, and*
 - viii. *the provision and maintenance of affordable housing, and*
- b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

This Statement considers the proposed development on economic, social and environmental grounds and takes into consideration the objectives of the EP&A Act. In this respect, the proposed subdivision represents an orderly and economic use of available residential zoned land.

4.3.1 Division 4.4 Concept Development Applications

The subject site forms part of an urban release area known as 'Old Bar Precinct 3'. The land represents Stage 6 in the Concept Approval under the former section 83D (now Division 4.4) of the EP&A Act.

The Concept Approval included development consent for the subdivision of Stage 1 (Lot 591 DP1180317) which adjoins the eastern boundary.

While remaining stages are also reflected in the Concept Approval, subject to separate detailed DAs, these stages are also subject to Part L of *Greater Taree Development Control Plan 2010* (DCP).

An application to modify 439/2014/DA was determined by Mid-Coast Council on 29 March 2023 (MOD2022/0277).

Section 4.24 (2) of the EP&A Act requires that, while any consent granted on the determination of a concept development application for a site remains in force, *"the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site"*.

Table 4.1 considers the consistency of the proposed development in relation to conditions of the Concept Approval (MOD2022/0277) that are relevant to the determination of detailed DAs.

Table 4.1: Summary of consistency with Modified Concept Approval conditions (MOD2022/0277)

Condition Summary	Comment
General	
Condition 2: Approved Plans	As discussed above, the proposed development is for residential subdivision generally as depicted in the concept approval. The proposal incorporates The Boulevard collector road (Road No.1), stormwater management and public road access consistent with the arrangement and conditions detailed in the concept approval. The proposed road and lot configurations are consistent with the approved plans referenced in Condition 2 (as modified).
Condition 3: Staging The development shall be carried out in the sequence given in this condition unless:	
a) The development is for Earthworks;	Earthworks are in progress pursuant to Subdivision Works Certificate (SWC) CC2022/0746 issued by Mid-Coast Council.
b) The proposed stage has direct access to existing public road consistent with approved concept plan; or	The proposal does not include any direct access to existing public roads. Access to Forest Lane is reliant on roads constructed in Stage 1 of the concept approval.
c) Access to the public road is to be constructed and dedicated as public road through adjoining land (stages) consistent with the approved concept plan; and	The proposal relies on public road access via adjoining land in Stage 1. Public roads have been constructed in Stage 1 and have been dedicated as public roads. Public roads in Stage 7 are proposed to be constructed and dedicated to Council either concurrently with, or prior to, completion of the residential subdivision of Stage 6 and consistent with the concept plan.
d. Relevant services and infrastructure provided in locations consistent with the approved concept plan	Services and infrastructure are in locations consistent with the approved concept plan.
Condition 4: A separate development application must be submitted to Council for future Stages 2 – 10 of the development.	The subject development application is a detailed DA prepared in relation to Stage 6 of the Concept Approval.
Condition 5: Easements for the drainage of water in favour of Council are to be created over the trunk drainage areas within Lots 217, 218 & 219 DP 753149, Lot 591 DP 1180317 & Lot 2 DP 1022067 prior to the release of the SWC for Stage 1 of the development.	N/A. Relates to Stage 1. Easements for drainage of water have been created over the site in favour of Council.

Condition Summary	Comment
Condition 6: Prior to the issue of an SWC for sub-stage 1A.	Stormwater details to be provided prior to release of a subdivision certificate compliant with conditions of the consent.
Stormwater	
Condition 7: All stormwater is to be disposed of by a drainage system to Council's drainage network for each stage of the development.	The proposed development includes a stormwater strategy (LSW, 2024) that accommodates drainage to Council's drainage network.
Condition 8: Deleted	Deleted
Condition 9: Detailed stormwater management plans will be required to be provided with the application for each stage of the development.	The DA is accompanied by a stormwater strategy (LSW, 2024) that adheres to the approved stormwater strategy and other consent conditions.
Condition 10: Drainage Reserves incorporating detention basins and water quality to be dedicated to Council in each relevant stage.	The proposal identifies drainage reserves that will be dedicated to Council upon registration of the plan of subdivision and in accordance with relevant conditions of consent.
Condition 11: Stormwater conveyance, detention and quality facilities for Stages 2, 3 and 10 are to be designed and constructed on Lot 2 DP 1022067.	N/A
Condition 12: Deleted	Deleted
Utilities	
Condition 13: The development of each stage is to be carried out to ensure the provision of the following services to each lot (excluding residue lots): <ul style="list-style-type: none"> a) electricity supply b) water supply c) sewerage d) telecommunications 	The proposed subdivision will include provision of services as required by Condition 13. Services will be installed in accordance with the requirements of relevant servicing authorities including Mid-Coast Council, Essential Energy and NBN Co.
Roads	
Condition 14: A single-lane concrete roundabout at the intersection of Forest Lane and proposed Road 1 is to be constructed with Stage 6 of the development.	The construction of the roundabout is funded by s7.11 contributions with 100% apportionment of the infrastructure costs to development within Precinct 3. Refer to Section 3.2.
Condition 15: The extension of Forest Lane from the western boundary of the development site to Saltwater Road, as a rural collector road, and a single-lane concrete roundabout at the Saltwater Road / Forest Lane intersection, is to be constructed with Stage 6 of the development.	Forest Lane has recently been upgraded between the site and Saltwater Road. A CHR intersection has been constructed by Council (as a temporary alternative to a roundabout) with these works funded by s7.11 contributions. The works are funded with 100% apportionment of the infrastructure costs to

Condition Summary	Comment
	development within Precinct 3. Refer to Section 3.2.
Condition 16: Traffic calming devices in Forest Lane and Wyden Street are to be installed in accordance with the recommendations of the Better Transport Futures Traffic Report Attachment B dated 11 April 2015 with Stage 3 of the development.	This condition relates specifically to Stage 3.
Condition 17: A Foot Paving and Cycleway Plan for the entire subdivision is to be submitted to Council for approval prior to the issue of the Engineering Works certificate for Stage 1.	Relevant to Stage 1. It is expected that the <i>Foot Paving and Cycleway Plan</i> will be reflected in plans accompanying the SWC for the subject development or in accordance with any relevant conditions of consent.
Condition 18: A Lighting Strategy Plan is to be prepared and submitted to Council for the entire Precinct 3 release area. The strategy is to be approved by Council prior to the release of the Engineering Works certificate for Stage 1.	Relevant only to Stage 1. It is expected that the <i>Lighting Strategy Plan</i> will be reflected in plans accompanying the SWC for the subject development.
Condition 19: A Bus Route Plan for the entire subdivision is to be submitted to Council for approval prior to the issue of the Engineering Works certificate for Stage 1 – sub-stage 1A.	Relevant only to Stage 1. It is expected that the <i>Bus Route Plan</i> may be updated (where relevant) prior to the SWC for the subject development and in accordance with any conditions of consent for the proposed stage. It is noted that a <i>Bus Route Plan</i> is depicted in the DCP Precinct Plan and envisages a proposed bus route through The Boulevard collector road (Road No.1). Completion of the northern part of The Boulevard (Road No.1) will occur following construction of Precinct 2B.
Condition 20: The development shall be carried out in accordance with the approved street lighting plan.	As above. It is expected that a <i>street lighting plan</i> will be reflected in plans accompanying the SWC for the subject development.
Condition 21: All subdivision roads must be constructed to Council's Auspec Design Manual standards as detailed in the table to Condition 21.	The road widths specified in the plan of subdivision are consistent with both the relevant carriageway widths and road reserve widths nominated in Condition 21. Relevantly: <ul style="list-style-type: none"> • The Boulevard (Road No.1) has a proposed carriageway of 11m and a reserve width of 23.5m; • Local Roads have a carriageway of 8 metres and a reserve width of 16 metres.
Condition 22: Deleted	Deleted
Condition 23: Prior to the issue of a SWC for Stage 8, a section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify unless specifically noted otherwise. (a) (Stage 8) 'right of carriageway and easement for services' 14 metres wide	Relevant to Stage 8.

Condition Summary	Comment
burdening Lot 217 DP 753149 benefiting Lot 117 DP 753149.	
Condition 23A: Deleted	Deleted
Environmental	
Condition 24: Prepare a Vegetation Management Plan (VMP) and submit to Council for approval prior to the issue of the Engineering Works certificate for Stage 1.	Complete. The VMP relates to the North-west Wildlife Corridor and was submitted to Council in Stage 1.
<p>Condition 25: In respect of the vegetated areas identified for protection of the northwest wildlife corridor on Lots 117 & 217 DP 753149 the applicant is to register the following restrictions on the title of both lots pursuant to the provisions of s88B of the Conveyancing Act 1919 and recorded in the Register kept under the <i>Real Property Act 1900</i>.</p> <p>(a) The following activities are not to be carried out on the land identified as the northwest wildlife corridor being Lots 117 & 217 DP 753149....</p> <p>(b) The protected areas are to be managed in perpetuity in accordance with the approved Vegetation Management Plan.</p> <p>The restriction is to be created at registration of the lots proposed in stages 8 and 9.</p> <p>This condition does not apply to:</p> <p>(a) The APZ maintenance for the existing dwelling and access on Lot 117.</p> <p>(b) Road and APZ construction across the corridor over Lot 117 and Lot 217.</p> <p>(c) Proposed dwelling site and APZ within the corridor on Lot 217.</p>	Relevant to Stages 8 and 9.
Condition 26: Deleted	Deleted
Condition 27: Trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final construction and landscaping plans.	It is expected that the requirements of Condition 27 will be reiterated in conditions of consent for the proposed subdivision of this stage requiring that trees/native vegetation to be retained/removed be identified on plans accompanying any application for an SWC.
Condition 28: All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained and protected vegetation.	For the purposes of Condition 28, retained vegetation would be unlikely to be adversely impacted by roads or services.
Landscaping	

Condition Summary	Comment
Condition 29: A Soil Erosion and Sediment Control Plan is to be prepared and submitted to Council for approval prior to the issue of the Engineering Works certificate for each stage.	It is expected that the requirements of Condition 29 will be reiterated in conditions of consent for the proposed subdivision of this stage requiring that details be provided.
Earthworks	
Condition 30: An Acid Sulphate Soil Assessment Report and Management Plan is to be prepared and submitted to Council for approval prior to the issue of the Engineering Works certificate for each stage.	The Development Application is accompanied by an ASS assessment (RGS, 2021) in accordance with Condition 30. The assessment accompanied the application for an SWC in relation to the bulk earthworks that have commenced on the site.
Condition 31: An Acid Sulphate Soil Assessment Report and Management Plan is to be prepared and submitted to Council for approval prior to the issue of the Engineering Works certificate for Stage 1.	N/A
Condition 32: Should any suspected archaeological material be discovered during works, works shall cease immediately in areas that could affect the material and the Office of Environment and Heritage and the Purfleet – Taree Local Aboriginal Land Council shall be contacted.	It is expected that the requirements of Condition 32 will be reiterated in conditions of consent for the proposed subdivision of this stage.
Multi Dwelling Housing	
Condition 33: Subdivision within Stages 2, 3 and 10 must provide lots of a size suitable to accommodate integrated housing or multi-dwelling housing, particularly in those areas adjacent to the portion of Lot 2 DP 1022067 benefiting from a development consent for a private recreation facility (golf course).	N/A. Relates to Stages 2, 3 and 10 only.

4.3.2 Integrated Development

Section 4.46 of the EP&A Act relates to Integrated Development. Integrated Development is development that, for it to be carried out, requires development consent and one or more additional approvals. Table 4.2 is a summary of relevant integrated approvals referred to in Section 4.46 of the EP&A Act.

Table 4.2: Integrated Development

SEPP	Relevance to the proposal	Integrated (Y/N)?
Coal Mine Subsidence Compensation Act 2017 <i>Section 22</i>	This site is not located within a mine subsidence district.	No
Fisheries Management Act 1994 <i>Sections 144, 201, 205, 219</i>	The proposal does not involve aquaculture, dredging or reclamation work, does not impact on any marine vegetation, and does not result in the obstruction of any bay, inlet, river or creek, or across, to or around a flat.	No
Heritage Act 1977 <i>Section 58</i>	The proposal does not involve any action(s) referred to in s 57(1) and does not require approval under Section 58 of the Act.	No
Mining Act 1992 <i>ss 63, 64</i>	A mining lease is not being sought for the proposal.	No
Petroleum (Onshore) Act 1991 <i>Section 16</i>	A production lease is not being sought for the proposal.	No
Protection of the Environment Operations Act 1997 <i>Sections 43(a), 47 and 55</i>	The proposal does not involve the carrying out of scheduled development work.	No
<i>Sections 43(b), 48 and 55</i>	The proposal does not involve the carrying out of scheduled activities.	No
<i>Sections 43(d), 55 and 122</i>	The proposal will not result in any water pollution.	No
Roads Act 1993 <i>Section 138</i>	The proposal will involve works within the public road and will require approval under Section 138 of the Roads Act 1993. Council is the roads authority and the consent authority for the proposal. The proposal is not integrated development as Council is the roads authority.	No
Rural Fires Act 1997 <i>Section 100B</i>	The proposal involves subdivision of bushfire prone land that could lawfully be used for residential purposes. A Bushfire Safety Authority is required from the Commissioner of the NSW Rural Fire Service under Section 100B(1) of the <i>Rural Fires Act 1997</i> (RF Act).	Yes
Water Management Act 2000 <i>Section 89, 90, 91</i>	The proposal does not involve any activities as described under Part 3 of Chapter 3 of the WM Act.	No

4.4 State Environmental Planning Policies

State Environmental Planning Policies relevant to the proposal are considered in Table 4.3.

Table 4.3: State Environmental Planning Policies

SEPP / Chapter	Relevance to the proposal
State Environmental Planning Policy (Industry and Employment) 2021	
Chapter 3 – Advertising and Signage	The proposal does not involve any advertising or signage. Any real estate signage for future land sales would be subject to <i>SEPP (Exempt and Complying Development Codes) 2008</i> .
State Environmental Planning Policy (Resilience and Hazards) 2021	
Chapter 2 – Coastal Management	The site is not mapped as a Coastal Management Area and is not subject to any development controls for the purposes of Chapter 2 of the SEPP.
Chapter 3 – Hazardous and Offensive Development	There will be no storage of dangerous goods exceeding any screening thresholds under the Guideline, Applying SEPP 33. The proposed development does not involve potentially hazardous or offensive development.
Chapter 4 – Remediation of Land	Refer to discussion in Section 4.4.1 below.
Other SEPPs	
State Environmental Planning Policy (Biodiversity Conservation) 2021	<p>Chapter 4 (Koala Habitat Protection) of the BC SEPP applies to land zoned <i>R1 – General Residential</i> in the Mid-Coast Local Government Area with an area ≥ 1 hectare. Clause 4.9(3) of the BC SEPP provides that “if the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application”.</p> <p>The removal of trees from the site was considered in the assessment and determination of the SWC for bulk earthworks. No additional koala habitat will be impacted by the subdivision of the land.</p> <p>No additional koala habitat will be removed for the proposal, and it is reasonable to conclude that the proposal would have “low or no impact on koalas or koala habitat” for the purposes of applying Chapter 4 of the BC SEPP.</p>
State Environmental Planning Policy (Primary Production) 2021	<p>The proposed development does not involve farm dams, livestock industry or aquaculture and is not subject to consideration under Chapter 2 of the SEPP.</p> <p>The proposed development is not located on land that is in proximity to any Oyster Aquaculture area and is unlikely to have any impact on any oyster aquaculture in the Manning River.</p>
State Environmental Planning Policy (Planning Systems) 2021	<p>The site is not a State Significant Development Site for the purposes of Schedule 2 of the SEPP.</p> <p>The proposal is not of a type, size or capacity that would be considered State or regionally significant development as described in Schedules 1 and 6 of the SEPP.</p>

SEPP / Chapter	Relevance to the proposal
State Environmental Planning Policy (Transport & Infrastructure) 2021	<p>The proposal will not impact any powerline easements for the purposes of Division 5 of the SEPP.</p> <p>The proposed development will not exceed thresholds for traffic-generating development under traffic Schedule 3 of the SEPP.</p>

4.4.1 *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP R&H) relates to the remediation of contaminated land and replaces the former provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55).

Chapter 4 of SEPP R&H provides that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Clause 4.6 of Chapter 4 requires that contamination and remediation be considered when determining a development application, specifically:

(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*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

The site has been the subject of a Stage 1 Site Contamination Assessment (RGS, 2023) which identified that previous activities on the site were limited to rural residential, vegetation clearing, maintenance, and potentially low intensity grazing / farming activities.

The investigation considered site works including the construction of a gravel access road to No.95 Forest Lane Old Bar (Lot 592 DP 1180317) and stockpiling from the adjoining lot to the east (*Rawson land*) which had earthworks in progress at the time of the assessment.

An existing weatherboard house, detached fibre-cement shed and septic system were located at the rear (north-western) corner of the site and the investigation identified fragments of fibre-cement on the ground surface, suspected of being Asbestos Containing Materials (ACM).

The Stage 1 Site Contamination Assessment (RGS, 2023) recommends that the stockpiled fill materials to the east of the house be appropriately disposed of at a waste management facility. No evidence of ACM was observed in and around the stockpiles; however, if such materials are suspected of being present during the removal process, advice from a qualified and experienced environmental consultant would be required.

It was recommended that a licenced asbestos assessor be engaged to undertake a Hazardous Materials Survey (HMS) of the house and garage / shed structure which are to be demolished, and an Asbestos Management Plan (AMP) be prepared in order to safely undertake the demolition works and mitigate the potential for demolition activities to cause land contamination.

Based on the results obtained in the Stage 1 Site Contamination investigation, it is considered that the site can be made suitable for the proposed residential land use with regard to the presence of soil contamination, provided the recommendations and advice of the report are adopted, and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements.

4.5 Greater Taree Local Environmental Plan 2010

4.5.1 Land Zoning and Objectives

The site is in the MidCoast Local Government Area and the relevant local environmental plan is the *Greater Taree Local Environment Plan 2010* (LEP). Land within the site is zoned *R1 – General Residential* under the provisions of the LEP (see Figure 4.2).

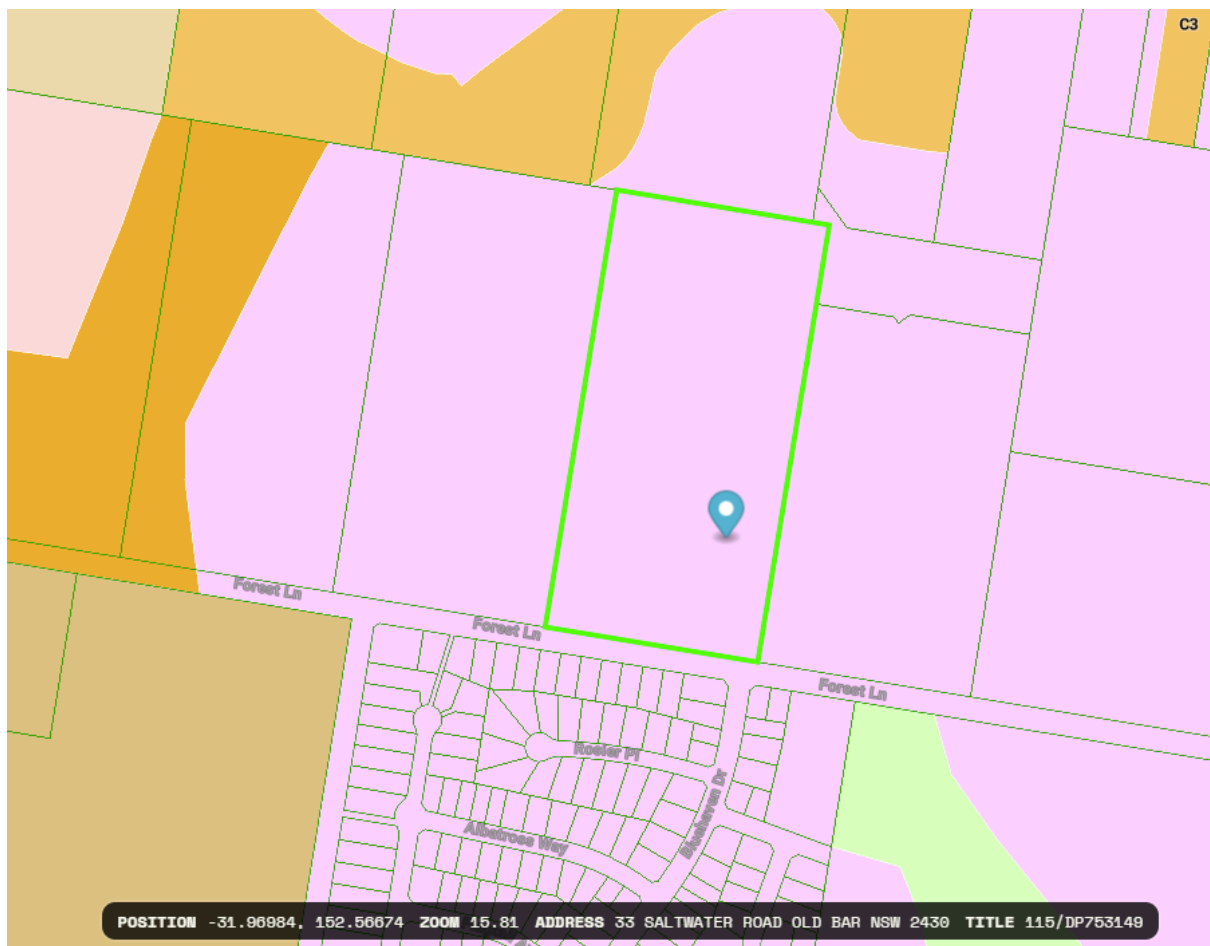


Figure 4.2: LEP Land Zoning Map (Source: Mecone Mosaic, 2023)

The proposal is for subdivision and is permitted with consent in the zone pursuant to Clause 2.6 of the LEP.

Clause 2.3(2) of the LEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R1 zone are:

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

The proposal provides eighty-seven (87) residential lots in the R1 zoned land, which will facilitate land which can increase the supply of housing in the locality to meet the housing needs of the community.

While the proposal includes lots that are predominantly suited to detached housing, a number of larger lots may provide opportunities for multiple dwelling development, integrated housing or similar. It is noted that the proposal is part of a concept approval that specifically allows subdivision within Stages 3 and 10 to provide lots of a size suitable to accommodate integrated housing or multi-dwelling housing in the most appropriate locations as determined at a precinct level.

The proposal is consistent with the first and second objectives of the R1 zone. The third objective is not relevant.

4.5.2 Principal Development Standards

Table 4.4 is a summary of the relevant development standards applying to the site.

Table 4.4: LEP Compliance Table

Development Control	Control	Proposal
4.1 Minimum Lot Size	450m ²	Minimum 466.2m ²
4.1A Subdivision of Certain Residential Lots	The proposed residential lots must be connected to reticulated water and sewerage systems	Each proposed residential lot will be connected to reticulated water and sewerage systems.
4.3 Height of Buildings	8.5 metres	Height of building (HOB) controls will apply to future buildings on residential lots to be created via the subdivision.
4.4 Floor Space Ratio	0.6:1	FSR controls will apply to future residential development on residential lots to be created via the subdivision.
4.6 Exception to development standards	Flexibility to development standards	The proposal does not seek any variations to development standards.

Development Control	Control	Proposal
5.10 Heritage	Consideration of objectives	<p>The proposal area is not listed as an item of environmental heritage and is not located in proximity to any listed items.</p> <p>The nearest item of environmental heritage comprises the Old Bar Airfield (Item I46) located more than 1.5 kilometres north-east of the site.</p>
6.3 Development Control Plan	DCP or Concept Approval required for development within Urban Release Areas	The proposal relates to land within an Urban Release Area known as 'Old Bar Precinct 3'. Development of the land is guided by the Concept Approval and Part L6 of the Greater Taree DCP.
7.1 Acid Sulfate Soils	Class 5	Geotechnical investigations indicate that acid sulfate soils are unlikely to be encountered. An acid sulfate soils management plan is not required.
7.3 Earthworks	Consideration of objectives	Geotechnical investigations have been carried out to determine the suitability of soils on the site for reuse either on site or off site. The geotechnical report (RGS, 2021) makes specific recommendations which, if adopted, would achieve the objectives in relation to Clause 7.3.
7.5 Development in areas subject to aircraft noise	Controls on land subject to ANEF contour of 20 or greater	The site is not located in an area subject to an ANEF contour of 20 or greater. No specific noise controls apply to the proposal under Clause 7.5.
7.11 Essential Services	The following services that are <u>essential</u> for the development are:	As per 4.1A above.
	(a) the supply of water	a) residential lots created via the proposed subdivision will be connected to reticulated water.
	(b) the supply of electricity	(b) The subdivision will be connected to electricity with underground power supply to each lot.
	(c) the disposal and management of sewage	(c) residential lots created via the proposed subdivision will be connected to reticulated sewerage.
	(d) stormwater drainage or on-site conservation	(d) Stormwater will be managed in accordance with the stormwater strategy, including the incorporation of water sensitive design measures prior to discharge to public stormwater basins.
	(e) suitable vehicular access	(e) Each residential lot will have direct vehicular access to public road(s).

4.6 Greater Taree Development Control Plan 2010

Greater Taree Development Control Plan 2010 (DCP) applies to the land. The applicability of each part of the DCP is considered in Table 4.5 below and, where relevant, considered further in Sections 4.6.1 to Section 4.6.3.

Table 4.5: DCP Analysis

DCP Part		Relevance
A	Preliminary information	<p>Provides statutory and preliminary information relating to the DCP requirements when submitting a development application including a Statement of Environmental Effects (SoEE) and other specialist reports (where relevant), as well as Council's advertising and notification requirements. This application is accompanied by the information required by Section 24 of the EP&A Regulation and Section A2.3 of the DCP.</p> <p>Accompanying reports are detailed in Section 1.2 of this Statement.</p> <p>Notification</p> <p>The proposed development is not identified as <i>advertised development</i> for the purposes of the EP&A Regulation and is not a type of development that is required to be advertised in accordance with Section A3.2.7 of the DCP.</p> <p>The proposal is likely to be subject to notification in accordance with Council policy and any relevant provisions of the EP&A Regulation.</p>
B	Character statements	<p>Provides information on the locality including identifying qualities and values of the locality, the nature of the built form, environmental qualities, access to services, what is unique to an area, what is valued and to be retained, and what opportunities there are for change to occur and in what form.</p> <p>There is no published character statement for Old Bar.</p>
C	Subdivision requirements	Provides requirements and design details for subdivision of land. Relevant controls are considered in Section 4.6.1.
D	Environmental requirements	Provides information on environmental matters that may need to be addressed in the design of development, considered in Section 4.6.1.
E	Flooding requirements	<p>Provides guidelines and requirements for development on flood prone land. The site is not affected by flooding based on review of Council's flood prone land mapping.</p> <p>The site does not contain any watercourses (based on review of NSW Hydro line data) and does not appear to be potentially affected by overland flow.</p> <p>Part E is not relevant to the proposal.</p>
F	Heritage requirements	<p>Contains guidelines for development of archaeological sites, heritage items or within heritage conservation areas.</p> <p>The subject site does not contain any known archaeological sites or heritage items and is not in a heritage conservation area.</p> <p>Part F is not relevant to the proposal.</p>
G	Car Parking and Access	Contains controls for the design of access driveways and car parking across the local government area. Part G is not applicable to residential subdivision.
H	Residential requirements	Contains site and building controls for residential buildings.

DCP Part		Relevance
		The proposal does not include any buildings and Part H does not apply.
I	Commercial requirements	Contains site and building controls for business zone areas. The proposal does not include any commercial development and Part I does not apply.
J	Rural & Environmental zone requirements	The site in its entirety is contained within the R1- General Residential zoned land. Part J of The Greater Taree DCP does not apply.
K	Industrial requirements	Contains site and building controls for industrial land. The proposal is not located on industrial land. Part K is not applicable.
L	Local area plans	Provides additional detailed guidelines to specific local areas. The site is subject to Part L6, Precinct 3, Old Bar. The relevant controls in Part L6 are considered in Section 4.6.1 below.
M	Site waste minimisation & management	Outlines controls for the design of waste management facilities for all forms of development. It also provides guidelines for the preparation of a Waste Management Plan, which must be submitted with all development applications for building or demolition works. The proposal does not include any building or demolition works subject to controls in Part M. The demolition of the existing dwelling and shed and decommissioning of the septic system, located in the north-western corner of the allotment, was subject to a separate development application DA2023/0393 approved by Mid-Coast Council on 23 May 2023. It is expected the demolition will be completed prior to the lodgement of this application. Residential lots created via the subdivision will be serviced by Council's kerbside waste collection.
N	Landscaping requirements	Provides requirements for landscaping for all forms of development. It is expected that the requirements of Section N would be included in conditions of consent for the proposed subdivision, including conditions relating to landscaping of public spaces/drainage reserves, street trees and other landscape areas.
O	Signage and Advertising requirements	Provides requirements for off-road advertising and signage. The proposed development does not involve any advertising or signage.

4.6.1 DCP Part C – Subdivision Requirements

Part C3 of the *Greater Taree Development Control Plan 2010* (DCP) provides design guidance and standards for subdivision in all zones. The controls in Part C3 of the DCP is considered in Table 4.6.

Table 4.6: Part C - Subdivision Requirements Compliance Table

DCP Section		Relationship of development to criteria
C3.1	Site Hazards	
1.	Where roads and other engineering works are to be carried out, engineering plans must be lodged with the application. For detailed engineering and construction requirements for subdivision, reference should be made to Council's Auspec Development Specification. Applicants are advised to consult with Council's engineers prior to lodging an application.	The subdivision plans indicate road widths. Detailed designs will be submitted with the application for Subdivision Works Certificate (SWC).
2.	Should the subdivision be likely to have an impact on any threatened species, populations or ecological communities, a Species Impact Statement will be required. A 7-part test will be required to be submitted with the subdivision application to indicate likely ecological impacts.	The proposal does not result in any removal of native vegetation that would provide habitat for threatened species, populations or communities listed under the BC Act or EPBC Act.
3.	Where native vegetation is to be impacted, an ecological assessment, carried out by a qualified ecologist, is to be submitted with the application and the relevant approvals are to be sought.	N/A
4.	Where a subdivision proposal is located on bushfire prone land, the applicant shall comply with Planning for Bush Fire Protection Guidelines produced by the NSW Rural Fire Service.	A Bushfire Assessment has been submitted with the development application. The assessment details compliance with <i>Planning for Bush Fire Protection 2019</i> and the matters to be addressed in relation to the issue of a Bushfire Safety Authority.
5.	Where a subdivision proposal requires an on-site sewage management system to dispose of effluent, the applicant shall comply with the Development Assessment Framework in Appendix E.	N/A. The site is connected to reticulated sewerage.
6.	The establishment of asset protection zones within environmental zones shall be avoided.	All APZs are to be contained within the development site (zoned R1 – General Residential)
7.	Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdividing the land.	The land is not identified as being potentially subject to landslip.
8.	In areas suspected to contain contaminated land, Council may require the completion of a	The development site is the subject of an approved development application for the proposed demolition

DCP Section	Relationship of development to criteria
	<p>of an existing dwelling, detached shed structure and on-site sewer management system which remains in the far north-western corner of the site.</p> <p>The site has been the subject of a Stage 1 Site Contamination Assessment (RGS, 2023) which identified fragments of fibre-cement from the garage / shed on the ground under the shed. The Stage 1 assessment recommends that an Asbestos Management Plan (AMP) be prepared in order to safely undertake the demolition works. The AMP would mitigate the potential for demolition activities to cause land contamination.</p> <p>The proposal would not require removal of any soil from the site.</p>
<p>9. <i>In areas subject to flooding and inundation, subdivision of land will not be permitted where any lot to be created will be fully inundated by a 1% flood and the creation of such a lot will create potential for increased intensity of development on flood prone land. In assessing whether or not land will be wholly inundated by 1% flood, Council will disregard any proposals for filling that land.</i></p>	<p>The land within the site is not known to be subject to flooding or inundation under EPI flood planning maps.</p> <p>A Flood Management Strategy (FMS) (J. Wyndham Price, 2014) has previously been prepared for the overall Precinct 3 (subject to the Concept Approval) and supports the design and parameters of the Concept Approval. The FMS considers flood impacts under existing, interim and developed conditions.</p> <p>The FMS identifies flood levels as R.L. 6.8m AHD at the eastern part of the site, 7.5m AHD at the western end and the southern portion of the neighbouring site (Lot 218) as being subject to local flood inundation with maximum flood levels under the adopted "interim" developed scenario for the 1%AEP conditions.</p> <p>The FMS does not identify the subject site as potentially subject to inundation. The finished ground levels across the site will be above these proposed flood levels.</p>
<p>10. <i>In areas subject to coastal hazard, subdivision design shall take into account the likelihood of short and long-term coastal recession, and dune transmigration.</i></p>	<p>The subject site is not affected by coastal hazards or erosion.</p>
<p>C3.2 Road design and construction</p>	
<p>1. <i>Road and access way construction should take account of existing topography, vegetation, open space systems and natural constraints. Cut and fill should be minimised and vegetation retained wherever practicable.</i></p>	<p>The site is relatively flat and free from native vegetation, presenting minimal constraints for road construction. Cut and fill will be minimal.</p>
<p>2. <i>In cases where the road is to serve a dual function, i.e., where the road may be required to</i></p>	<p>N/A</p>

DCP Section	Relationship of development to criteria
3.	Pavement widths are specified in Condition 21 of the Concept Approval. Final road construction specifications consistent with the Auspec Design Specification will be detailed in plans accompanying the application for the SWC. Section 3.2 of this document outlines details of roads proposed to serve the subdivision.
4.	The proposed road network facilitates development of the site in accordance with the Concept Approval and considers the broader road network including connection through Precinct 2B to Old Bar Road. Streets would not operate as through traffic routes until completion of The Boulevard (Road No.1) linking Forest Lane to Old Bar Road through Precinct 2B.
5.	All lots will have access from new public roads to be constructed and dedicated as public roads as part of the proposal. No lots will have direct access to Forest Lane or major roads.
6.	Works to the site frontage (Forest Lane) have been completed as per the conditions of the Concept Approval. No further upgrades are required.
7.	All roads to be dedicated to Council will be constructed to Auspec Design Specification Standards with design details to be provided in the SWC application.
8.	The proposed lots are not located in proximity to any roads that are likely to produce unacceptable traffic noise.
9.	Street names and signs are to be considered as part of the SWC application and subdivision certificate.
10.	Pedestrian paths are to be provided in accordance with Council's standard engineering requirements for new road construction. A pedestrian and cycleway strategy required under Condition 17 of the Concept Approval would have been prepared in relation to

DCP Section		Relationship of development to criteria
		Stage 1. Any cycleways, as detailed in the approved strategy, would be required by conditions of consent for inclusion in the SWC application for relevant stages.
11.	<i>The alignment of footpaths should allow safe and convenient use by pedestrians and cyclists and should be variable enough to accommodate trees and other significant features.</i>	Detailed design to be considered in the SWC application.
12.	<i>Pedestrian and cyclist paths should be constructed to provide a stable and attractive surface for projected users which is easily maintained and meets the criteria of Crime Protection Through Environmental Design (CPTD).</i>	Detailed design to be considered in the SWC application.
13.	<i>Bus routes and stops to be provided in accordance with the required standards.</i>	A Bus Route Plan forms part of the Concept Approval and would have been prepared in relation to Stage 1. A Bus Route Plan also forms part of the Precinct Plan contained in Part L of the DCP. It is expected that any bus stops and other infrastructure would be included in conditions of consent.
C3.3	Filling and Levelling	
1.	<i>Siteworks are to be planned to allow topsoil to be stripped, stockpiled and reused on the site. No soil is to be removed from the site without consent.</i>	Detailed soil management plans are to be considered in the SWC application. Removal of soil (if required) would be undertaken in accordance with conditions of consent and conditions of the bulk earthworks approved under DA2021/2320. Materials that are not to be reused on site will require testing in accordance with the Excavated Natural Material Exemption 2014 (ENM Exemption) for reuse on other approved filling sites, or the NSW EPA Waste Classification Guidelines for off-site disposal to a licenced landfill, as appropriate.
2.	<i>Filling and levelling shall not adversely affect adjoining land and shall be carried out to Council's satisfaction, as indicated on approved engineering plans.</i>	Detailed design to be considered in the SWC application. Adjoining land to the west is vacant land within Stage 7 of the Concept Approval, while land to the east is currently under construction as land within Stage 1 of the concept approval or vacant land in Stage 4. Finished levels will match the levels of adjacent lots in Stage 7 and Stage 1.
3.	<i>The quality of laying and compaction of fill will be required to meet Council's engineering standards. Geotechnical certification may be required to indicate compliance with Council's engineering standards and relevant Australian Standards.</i>	It is expected that geotechnical certification may be required as a condition of the SWC application.
4.	<i>Levels shall generally be adjusted so that lots</i>	All lots are capable of draining to either the street or

DCP Section		Relationship of development to criteria
	<i>drain to the street and/or the stormwater drainage system. Where required, a system of inter-allotment drainage shall be installed to prevent ponding of water, or intensification of runoff onto adjacent land.</i>	inter-allotment drainage system.
5.	<i>Cutting and filling should be planned to minimise damage or disturbance to existing vegetation.</i>	Existing vegetation has been removed from the site under a SWC for bulk earthworks. Cutting and filling for subdivision construction works would be unlikely to impact retained vegetation located adjacent to the development site.
6.	<i>Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP.</i>	Detailed soil and water management plans to be considered in the SWC application.
C3.4 Services		
1.	<i>All lots to be created in unsewered areas must be provided with suitable means of effluent disposal in accordance with the requirements of Council's Onsite Sewage Development Assessment Framework (DAF 2012) in Appendix E.</i>	N/A
2.	<i>Reticulated water and sewerage services shall be provided to all lots within Urban (with the exception of lots in zone R5 shown on the lot size maps as having a minimum lot size of 10,000m² or 15,000m²) and Industrial and Commercial areas.</i>	All residential lots will be connected to reticulated sewerage in accordance with the requirements of Mid-Coast Council.
3.	<i>In Rural, Environmental and R5 Large Lot Residential areas shown on the lot size maps as having a minimum lot size of 15000m², each lot shall be capable of supporting a suitable onsite sewage management system in accordance with the requirements of Council's Onsite Sewage Development Assessment Framework (DAF 2012) in Appendix E.</i>	N/A
4.	<i>Reticulated electricity supply shall be made available to all lots. Underground power shall be provided to all lots in urban, commercial and industrial areas.</i>	All lots will be connected to underground power in accordance with the requirements of Essential Energy.
5.	<i>Provision of written evidence of compliance with the requirements of all relevant service authorities shall be supplied by the applicant prior to release of SWC or subdivision certificate, as may be appropriate.</i>	Written evidence of compliance with the requirements of all relevant service authorities would be provided as part of the SWC application.
6.	<i>Compatible public utility services should be located in common trenches so as to minimise the land required, soil erosion and the cost of</i>	Detailed servicing plans to be considered in the SWC application.

DCP Section		Relationship of development to criteria
	<i>providing the services.</i>	
7.	<i>Adequate buffers should be maintained between utilities and houses to protect residential amenity and health.</i>	There are no proposed utilities that would warrant buffers to maintain residential amenity and health.
8.	<i>The provision of utility services should not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.</i>	There are no proposed utilities that could impact on the landscape character of an area. All utilities will be underground except for any required pad-mounted substations which would be located away from vegetated corridors.
C3.5 Drainage		
1.	<i>Drainage systems shall be designed and constructed in accordance with Council's Auspec 1 Design Specification. Natural drainage systems should be incorporated into designs where possible.</i>	Drainage designs are to be prepared in accordance with Auspec 1 Design Specification with details to accompany the SWC application. As detailed in the Stormwater Strategy and Concept Approval, the proposal incorporates a drainage reserve adjacent to Forest Lane which is characterised by a natural/vegetated wetlands system.
2.	<i>The major system must be able to accommodate the ARI=1:100 year and meet the safety criteria of the current Australian Rainfall & Runoff (AR&A) Guidelines. If capacity is limited in some way, the underground (minor) system must be capable of safely conveying the balance. The minor system shall have a minimum capacity of 1:5 year ARI.</i>	Drainage designs are to be prepared in accordance with Council specifications with details to accompany the SWC application.
3.	<i>Drainage from subdivision sites should be consistent in both water quality and quantity terms with the predevelopment stormwater patterns, i.e., neutral or no net increase in water quality and quantity (this clause overrides Table 4.2 in Council's Stormwater Management Plan 2000).</i>	The DA is accompanied by a Stormwater Strategy (LSW, 2023) that assesses pre and post-development water quality. The assessment notes that stormwater will be treated by a combination of traditional drainage measures, as well as water sensitive urban design (WSUD) techniques to achieve Council's stormwater quality management objectives. The strategy concludes that the Water Sensitive Design Strategy would meet or exceed the water quality objectives for the site. The locality, size and details of the proposed stormwater treatment measures are detailed on the plan of the proposal.
4.	<i>Water quality in watercourses near subdivisions is to be protected by way of appropriate structures and/or filter mechanisms.</i>	There are no mapped watercourses within the proposed subdivision site. The closest mapped watercourse is located approximately 180m north in the adjoining land.
5.	<i>Drainage systems should be designed so as to ensure safety and minimise the likelihood of stormwater inundation of existing and future dwellings.</i>	Drainage system design will be detailed in designs for the SWC application.

DCP Section	Relationship of development to criteria
6. Adequate provision should be made for measures during construction to ensure that the landform is stabilised and erosion controlled.	Water quality during the construction stage will be addressed by a Stormwater Management plan prepared in accordance with the NSW Department of Housing "Blue Book" 2004. Construction methods will be detailed in designs for the SWC application.
7. Where subdivisions drain either directly or indirectly into natural waterways, careful consideration of the impact of the development on erosion, pollution and sediment loading will be required.	There are no watercourses near the proposed subdivision.
8. Easements to drain water shall be created over drainage channels, pipelines and associated works located within the proposed allotments. Proposals may require the creation of easements over downstream properties for drainage purposes.	Easements for drainage of stormwater will be created over any inter-allotment drainage as necessary.
9. Pump systems will not be permitted for other than underground car parking in large sites.	No pump systems are proposed.
10. Drainage reserves may be required over natural and artificial watercourses.	Drainage reserves are proposed adjacent to Forest Lane and correlate with existing easements for the drainage of stormwater.
11. Consideration will be given to the likely effects of flooding in determining any application. Land will generally be required to be filled to the General Flood Planning Level. Any development shall conform to Part E of this DCP and particular flood management plans where relevant.	The land is not known to be subject to flooding.
12. Works as executed drawings are to be supplied upon completion of works.	Noted.
13. Erosion control and sediment control principles shall be implemented in accordance with Part G of this DCP and details to be provided at the Engineering design stage in accordance with the principles outlined in the publication Managing Urban Stormwater, Soils and Construction issued by the Department of Housing (commonly known as the Blue Book).	Water quality during the construction stage will be addressed by a Stormwater Management plan prepared in accordance with the NSW Department of Housing "Blue Book" 2004. Construction methods will be detailed in designs for the SWC application.
14. Integrated water cycle management and water sensitive urban design principles shall be incorporated into the drainage design.	The drainage design incorporates water sensitive urban design principles including rainwater reuse, as well as biofiltration systems to manage stormwater quality prior to discharging stormwater to the drainage reserve.
15. Drainage from existing dwellings to the subdivision shall be allowed for in the design by way of interlot drainage and easements.	N/A

DCP Section		Relationship of development to criteria
C3.6	Existing Development and Heritage	
1.	<i>Subdivision design is to take into account and integrate with the location of adjoining development and surrounding subdivision patterns, especially adjoining residential development, in the design of roads, open space and in the location of lots. Where there is an established street setback pattern or streetscape, this is to be followed.</i>	The proposed subdivision has been designed in accordance with a Concept Approval and DCP Precinct Plan for Precinct 3. In this respect, the subdivision pattern accommodates the future development of surrounding land in accordance with the Concept Approval and DCP provisions for Precinct 3 as detailed in Part L of the DCP.
2.	<i>Subdivision is to be designed to be able to integrate and connect with future adjoining land subdivisions.</i>	As above.
3.	<i>Landscape buffers or like features shall be incorporated within subdivision design to provide separation between land uses where conflict may arise.</i>	There are no conflicting land uses that would warrant the incorporation of landscape buffers.
4.	<i>Subdivision should be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.</i>	There are no heritage items on the site or surrounding land that would warrant specific design features.
5.	<i>Subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.</i>	As above.
6.	<i>Adequate curtilage is to be provided around heritage items to provide an appropriate buffer.</i>	As above.
7.	<i>A subdivision proposal on land within a conservation area and/or on land which contains, or is adjacent to, an item of environmental, Aboriginal or European heritage, should illustrate the means proposed to preserve and protect such items. In this respect a heritage impact statement should accompany the application.</i>	<p>The site is located in the traditional lands of the Biripi people.</p> <p>The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code) (DECCW, 2010) assists individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).</p> <p>A review of the Aboriginal Heritage Information Management System indicates that the development site does not contain any previously identified Aboriginal sites or places.</p> <p>It is assumed that site investigations were undertaken as part of the Bulk Earthworks and during preparation of the Development Principles plan that applies to the precinct.</p> <p>Given the historical land use and clearing of native vegetation, the site generally conforms with the definition of 'disturbed' land as outlined in Section 58</p>

DCP Section		Relationship of development to criteria
		of the National Parks and Wildlife Regulation 2019. Having regard to the considerations in the Code, the presence of artefacts and/or sites of Aboriginal heritage value is unlikely.
C3.7	Environmental Protection	
1.	<i>Vegetation cover should be retained wherever practicable.</i>	Vegetation cover and erosion control will be addressed by a Stormwater Management plan prepared in accordance with the NSW Department of Housing "Blue Book" 2004. Construction methods will be detailed in designs for the SWC application.
2.	<i>Vegetation should be enhanced where it forms a link to other bushland areas, buffer zones, wildlife corridors and the like.</i>	Vegetation links have been identified in the Concept Approval, including the North West Wildlife Corridor located between Stages 8 and 9. The subject site does not form part of any vegetated link or require consideration of riparian buffer zones.
3.	<i>Allowance for the movement of fauna species on sites should be maximised to maintain biological diversity.</i>	As above.
4.	<i>Vegetation which is scenically and environmentally significant should be retained.</i>	There is no vegetation on the site that would be considered scenically and environmentally significant.
5.	<i>Vegetation which adds to the soil stability of the land should be retained.</i>	Vegetation cover and erosion control will be addressed by a Stormwater Management plan.
6.	<i>All subdivision proposals should be designed so as to minimise fragmentation of bushland.</i>	As above, vegetation links have been identified in the Concept Approval, including the North West Wildlife Corridor.
7.	<i>Opportunities for revegetation will be pursued as part of the subdivision process as a trade-off for site development and as a means of value-adding to the environment. In particular, revegetation of any existing creeks, streams and drainage lines, or repair and revegetation of eroded or otherwise degraded areas, should be considered.</i>	The Concept Approval provided specific opportunities for revegetation of degraded areas within the area identified as the North West Wildlife Corridor. A Vegetation Management Plan (VMP) has been prepared and approved for that corridor with restoration actions commenced. Subdivision of the site is consistent with the Concept Approval as modified through MOD2022/0277 and there are no further opportunities for revegetation (other than vegetated drainage reserves).
8.	<i>Degraded areas are to be rehabilitated as part of the subdivision.</i>	The entire site will be developed for residential purposes with road verges, drainage reserves and other public land revegetated to Council's specifications prior to dedication.
9.	<i>Watercourses and drainage lines to be retained as part of the subdivision scheme and to be stabilised and revegetated with appropriate native species.</i>	N/A
10.	<i>Environmentally sensitive areas are to be</i>	N/A

DCP Section		Relationship of development to criteria
	<i>preserved and enhanced with appropriate native vegetation and buffers where necessary.</i>	
C3.8	Landscaping	
1.	<i>The overall design of any subdivision, whether residential or rural residential, should set aside open space which incorporates existing trees where practical.</i>	Open space areas have been considered strategically through development of the Concept Approval for Precinct 3, as well as surrounding precincts such as Precinct 2B. The proposed subdivision is consistent with the Concept Approval and DCP provisions for Precinct 3 as detailed in Part L of the DCP.
2.	<i>Housing sites should be confined to below ridgelines, so as not to become the dominant feature of the landscape.</i>	No housing sites are provided on ridgelines.
3.	<i>Flat cleared land should be set aside for active recreation.</i>	As above. Public recreation areas are not included in Stage 6 of the Concept Approval.
4.	<i>In approving a subdivision application, Council may require the lodgement of a Landscape Plan to the satisfaction of Council and the undertaking of works as documented therein. These plantings shall be continuously maintained for a minimum of twelve (12) months.</i>	The site provides minimal open space areas and associated landscaping. It is expected that landscape plans for drainage reserves may be prepared to accompany the SWC application detailing planting as specified in any conditions of consent.
5.	<i>Every new residential lot shall include street tree details in the landscaping plan.</i>	Street tree details would be provided to Council specifications and detailed in designs for the SWC application.
C4.1	Residential Subdivision	
1.	<i>Site frontage shall be sufficient to permit vehicular and pedestrian access to the site.</i>	<p>Site dimensions throughout Stages 1 and 2 are relatively uniform, with suitable vehicle and pedestrian access to each site.</p> <p>Stage 3 provides more variable lot configurations to accommodate the alignment of the Boulevard Collector Road, as well as bushfire Asset Protection Zones to the northern boundary.</p> <p>Irregular lot dimensions include:</p> <p>Lots 171, 181 & 186: These lots comprise battle-axe lots with adjacent access handles having widths of 4 metres. The access handles service only one lot each and provide suitable width for a private driveway in accordance with AS2890</p>
2.	<i>Lots shall be of suitable dimension and orientation to ensure good solar access to future development. On roads running north/south, lots may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.</i>	The proposal includes lots that are predominantly oriented north/south and provide suitable size and width for solar access and prevent overshadowing of dwellings and private open space.
3.	<i>Residential development will only be considered</i>	Reticulated water and sewerage is available to the

DCP Section		Relationship of development to criteria
	where reticulated water and sewerage is available to the proposed subdivision.	proposed subdivision.
4.	Each lot should have a depth to frontage ratio sufficient to avoid the possibility of 'gunbarrel' type development and permit development to respond to particular site circumstances such as orientation, topography, etc.	The site is relatively unconstrained in relation to topography and other site circumstances. Lots have typical depth to frontage ratios. Irregular lot dimensions include: Lot 169: This lot is triangular in shape. While presenting with the northernmost corner restricted to minimal developable potential, the overall site area is 534.4m ² with sufficient dimension for vehicular access and a range of building designs at the southern part of the lot.
5.	Lots should be designed to allow the construction of a dwelling with a maximum cut or fill of 1m from the natural ground level.	The site is relatively flat, allowing future dwellings to be constructed with minimal cut and fill.
6.	Where land slopes are generally greater than 5%, road and lot designs should provide for dwellings to be generally parallel with the contours to minimise earthworks.	N/A
7.	Lot sizes should be increased where sites are steep or contain significant landscape features including watercourses and easements.	N/A

4.6.2 DCP Part D – Environmental Requirements

Table 4.7: Summary of DCP Part D Environmental Considerations

DCP Section		Relationship of development to criteria
D1	Coastal Management	The site is not identified as subject to risks and hazards associated with coastal processes identified in Part D1 of the DCP.
D2	Environmental Buffers	The site is not in any environmental buffers identified in Part D2 of the DCP.
D3	Earthworks, Erosion and Sedimentation	<p>D3.1 Earthworks</p> <p>The land within the site is relatively flat. The proposed subdivision and subsequent development of allotments for dwelling houses in the future will necessitate minimal cut and fill.</p> <p>Materials that are not to be reused on site will require testing in accordance with the Excavated Natural Material Exemption 2014 (ENM Exemption) for reuse on other approved filling sites, or the NSW EPA Waste Classification Guidelines for off-site disposal to a licenced landfill, as appropriate.</p> <p>If existing natural clays are to be disposed of off site, they would require waste classification and, according to the Geotechnical Assessment, would be likely to be classified as Virgin Excavated Natural Material (VENM) (RGS, 2021).</p> <p>Any imported fill (if required) would be certified as VENM or ENM to maintain</p>

DCP Section	Relationship of development to criteria
	<p>compliance with Protection of the Environment Operations Act.</p> <p>D3.2 Erosion and Sediment Control</p> <p>The site is presently a construction site with bulk earthworks approved and commenced under an SWC. A Soil and Water Management Plan (SWMP) is in place for the bulk earthworks, and it is expected that an updated SWMP will be prepared and submitted as part of the SWC application for the proposed subdivision.</p> <p>Erosion and sediment controls (ESC) will be maintained and adapted as necessary for any construction works associated with subdivision construction works. It is expected that conditions of consent would include requirements for ESC achieving the relevant performance criteria in Section D3.2.</p> <p>Areas of the site that require rehabilitation may include the drainage reserve and bioretention basin. These areas will be subject to revegetation in accordance with conditions of consent. Detailed revegetation plans are not warranted prior to determination of the DA.</p>
D4	<p>Vegetation Management</p> <p>The proposal does not relate to land covered by the Vegetation Management Policy (which applies only to mapped land). Any tree removal forms part of the development application or previous approval for bulk earthworks and was previously considered under the relevant legislation via previous development applications.</p>

4.6.3 DCP Part L6: Precinct 3 Old Bar

Section L6 of the DCP contains site-specific development controls relating to Old Bar Precinct 3. Part L6 is to be read in conjunction with Part C of the DCP and, if any inconsistency occurs, the controls in Part L will prevail.

The site-specific development controls are aimed at achieving the relevant character statement for the precinct, including:

“The residential areas are divided into smaller neighbourhoods by the Racecourse Creek floodplain and proposed golf course, Forest Lane, and the proposed Collector Roads and Boulevards with their distinct planted median strips....

Within each neighbourhood, streets will be designed for safety, connectivity and to provide opportunities for establishing trees. The orientation of streets will facilitate lots that will provide for homes able to achieve effective solar access”.

Part L includes a Precinct Plan that outlines the location of residential areas, transport links and land use zones. An extract of the DCP Precinct Plan is provided at Figure 4.3. A summary of compliance with Part L6 is in Table 4.8.

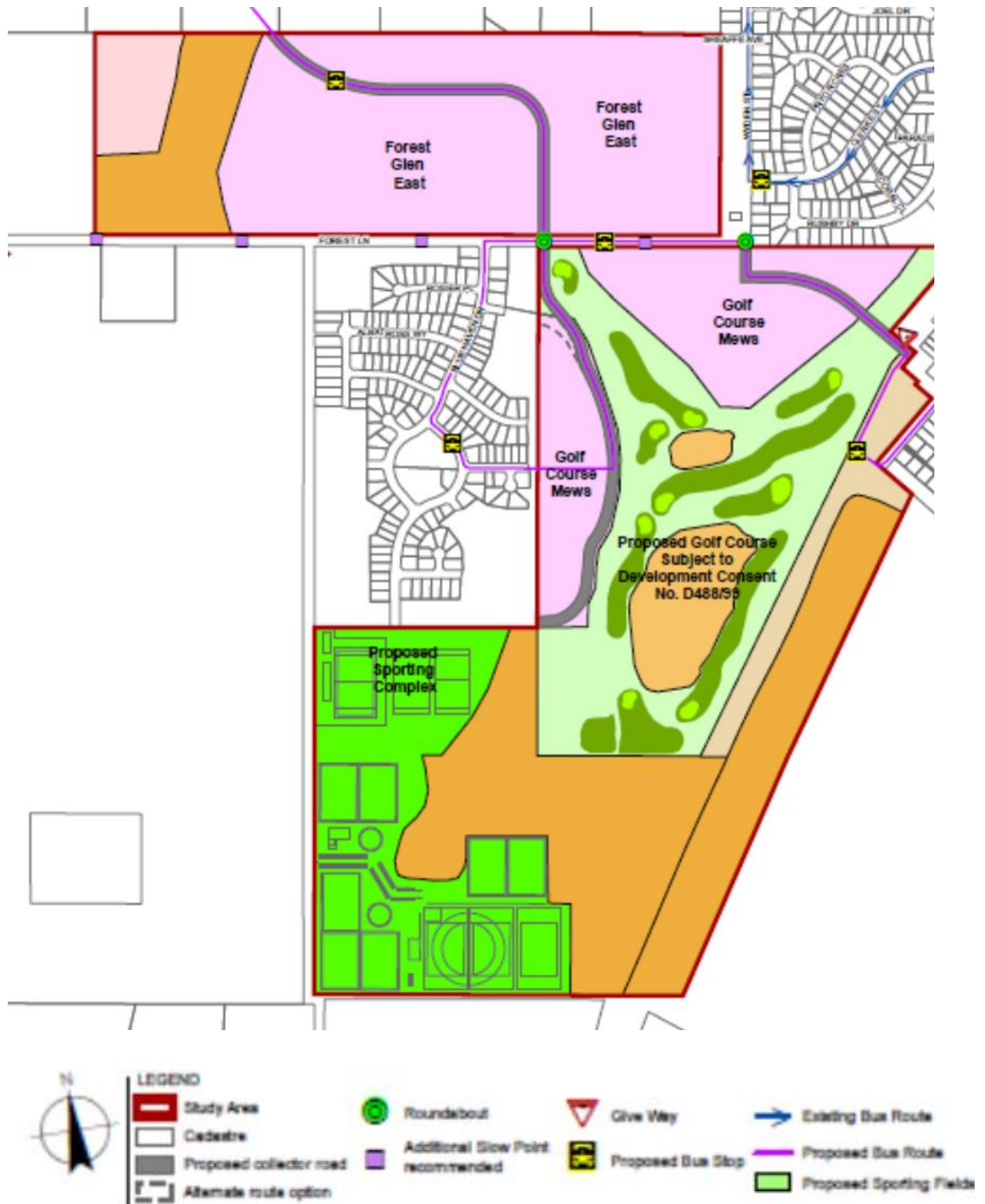


Figure 4.3: Extract of DCP Precinct Plan (GTCC, 2010)

Table 4.8: DCP Part L6 Considerations

Performance Criteria	Comment
L6.1.4 Character Statement	
<p>Forest Glen</p> <p><i>Housing would be predominantly detached dwellings with generous landscaping. Tree lined streets would present an attractive streetscape without closed fencing to allow passive surveillance of the street.</i></p>	<p>The proposed subdivision is entirely within the Forest Glen precinct.</p> <p>Final landscaping of Local Streets and Boulevard Roads would be undertaken in accordance with conditions of consent and any requisite landscaping plans aimed at achieving the desired character of the Forest Glen precinct.</p>
L6.2 Subdivision Requirements	
L6.2.1 Roadways	
<p><i>The Collector / Boulevard Roads identified in the Precinct Plan Map provide a network for maximising accessibility, identifying key routes and vistas, opening public access to natural assets, adding variety and interest; whilst achieving alternate objectives like the creation of practical shaped street blocks.</i></p>	
<p><i>Feature Boulevard Roads will be 23.5m wide incorporating:</i></p> <ul style="list-style-type: none"> <i>• 4m verges each side of the road with 1.2m footpaths.</i> <i>• Parking lanes each side of the road 2.25m wide.</i> <i>• Divided carriageway with 3m lanes and a planted median 4.5m wide.</i> 	<p>The specifications in the DCP for feature or collector Boulevard Roads are superseded by Condition 21 of the Concept Approval which requires the following specifications relating to the Boulevard Road:</p> <ul style="list-style-type: none"> • Carriageway width: 11 metres • Road reserve width: 23 metres <p>Road No. 1 has a proposed carriageway width of 11 metres and a road reserve width of 23.5 metres providing opportunities to incorporate parking lanes, 2.5 metre cycleways and street trees.</p>
<p><i>Local Streets will be 16m wide incorporating:</i></p> <ul style="list-style-type: none"> <i>• 4 m verges on each side of the street.</i> <i>• 8m undivided carriageway.</i> 	<p>The proposed local roads (No. 3 and Northern No. 5) are Local Streets. These roads are proposed to have carriageway and road reserve widths consistent with both the DCP and Concept Approval and matching road widths proposed in the adjacent Stage 7.</p> <p>Proposed Roads No. 10 and No. 11 are consistent with the concept approval and would include temporary turning heads until such time as the development of adjoining land to the North, identified as Precinct 2B of the Old Bar Precinct Plan, is developed. These roads are considered “local streets” and will have reserve widths of 16 metres adhering to Condition 21 of the Concept Approval.</p>

Performance Criteria	Comment
L6.2.2 Parks and Open Space <i>Local parks are to be a focal point and create a sense of place for the precinct neighbourhoods;</i> <i>Certain parks also meet important environmental values including protection of locally significant vegetation or Aboriginal archaeological value.</i>	
<i>Local parks shall be located within 400m of future residential development.</i>	<p>Open space areas and local parks have been considered strategically through development of the Concept Approval for Precinct 3 (which was approved having regard to the DCP performance criteria for Precinct 3), as well as surrounding precincts such as Precinct 2B (to the north) and existing development (with local parks) south of Forest Lane.</p> <p>Local parks are not included in Stage 6 of the Concept Approval. The development of a sporting complex is envisaged by the DCP in the south-western part of Precinct 3.</p>
<i>Parks shall be a minimum size of 1 to 2 hectares ...</i>	As above.
<i>Parks within the precinct shall provide facilities including: kick about; shelter; seating; picnic area and high quality pedestrian paths.</i>	The sporting complex in the south-western part of Precinct 3 includes equivalent facilities which will be available to the precinct.
<i>Local parks should be of a practical shape and size for recreation.</i>	N/A
<i>The proposed sports fields in the south-western corner of the Precinct are to retain existing vegetation in a managed state...</i>	N/A
<i>Any parks dedicated to Council are required to have a PoM.</i>	N/A
L6.2.3 Environmental	
Archaeology <i>Applications for subdivision or other development must be accompanied by an archaeological report.</i>	<p>A Due Diligence Assessment has been undertaken in relation to the proposal by McCardle Cultural Heritage (April 2021). While the activity will disturb the ground surface throughout the site, no relevant site records or other associated landscape features were identified on AHIMS or through surveys of the site. The proposed development generally adheres to the Concept Approval which was prepared with consideration of potential for impact to items of Aboriginal heritage significance.</p> <p>A review of the Aboriginal Heritage Information Management System indicates that the development site does not contain any previously identified Aboriginal sites or places.</p> <p>It is assumed that site investigations were undertaken as part of the Bulk Earthworks and during</p>

Performance Criteria	Comment
	<p>preparation of the Development Principles plan that applies to the precinct.</p> <p>Given the historical land use and clearing of native vegetation, the site generally conforms with the definition of 'disturbed' land as outlined in Section 58 of the National Parks and Wildlife Regulation 2019. Having regard to the considerations in the Code, the presence of artefacts and/or sites of Aboriginal heritage value is unlikely.</p>
<p>Vegetation</p> <p><i>All vegetation within Environmental Protection zones is to be retained and protected.</i></p>	Any land within Environmental Protection zones will be retained and protected in accordance with the VMP. Land within Environmental Protection zones would be protected during construction.
Floodplain Management	The proposal does not result in the creation of any dwelling lots within areas affected by flooding. There are no relevant performance criteria.
Safety and Security	The proposal is not a type of development that would necessitate consideration of crime prevention. Referral to NSW Police is not necessary.
<p>Energy Efficient Design</p> <p><i>A minimum of 75% of single dwelling allotments shall be orientated so that the long axis of the lot is within 20-30 degrees of N and NE.</i></p>	<p>The proposed lot configuration results in predominantly north/south orientation, with approximately 20 lots having an east/west orientation. More than 75% of dwelling allotments have a long axis that achieves the DCP performance criteria.</p> <p>Energy efficiency of future dwellings on residential lots to be created via the subdivision would be maintained through implementation of BASIX commitments and the flat topography provides good opportunities for solar access for energy efficient design.</p>
<p>Stormwater Management</p> <p><i>Development is to incorporate Water Sensitive Urban Design in accordance with any Council/ Mid Coast Water IWCW Policy.</i></p>	The proposal is accompanied by a Stormwater Strategy that incorporates Water Sensitive Urban Design in accordance with Council policy and best practice. The Stormwater Strategy demonstrates achievement of neutral or beneficial effect on water quality.
<p>Stormwater Management</p> <p><i>Development is to incorporate Water Sensitive Urban Design in accordance with any Council/ Mid Coast Water IWCW Policy.</i></p>	The proposal is accompanied by a Stormwater Strategy that incorporates Water Sensitive Urban Design in accordance with Council policy and best practice. The Stormwater Strategy demonstrates achievement of neutral or beneficial effect on water quality.
Building and Development requirements	
<i>General performance criteria for dwellings are outlined in Part H of this DCP.</i>	N/A – the proposal does not involve any new buildings.

5. PLANNING AGREEMENTS UNDER SECTION 7.4 OF THE EP&A ACT

The site is not affected by any registered Planning Agreements for the purposes of Section 7.4 of the EP&A Act. Furthermore, the developer has not offered to enter into any Planning Agreements relating to the land or proposed development.

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

6.1 Traffic

The proposed development will involve the creation of an additional eighty-seven (87) lots capable of accommodating residential development. Traffic generation will result from future residential development of land within the proposed subdivision and increase traffic in the local road network, commensurate with the increased population.

The proposal adopts the road network that has been planned in the assessment and approval of the Concept Approval applying to the site and adjoining land, as well as the DCP applying to land known as Precinct 3.

Conditions 14 and 15 of the Concept Approval require:

- The construction of a roundabout intersection at the entrance to Stage 1 of the Concept Approval. This roundabout is to be constructed in Stage 6 ('Trad land') of the Concept Approval and will therefore occur prior to the construction of the Boulevard connecting Stage 1 ('Rawson land') to the subject site via Stage 7.
- The extension of Forest Lane from the western boundary of the development site to Saltwater Road, as a rural collector road, and a single-lane concrete roundabout at the Saltwater Road/Forest Lane intersection. These works are required to be constructed with Stage 6 of the Concept Approval.

Road construction specifications and any existing public road upgrades are expected to be included in conditions of consent and detailed in the application for SWC.

Future road networks are also envisaged through Precinct 2B (north of the site) which will eventually link Precinct 3 to Old Bar Road via an extension of The Boulevard (Road No.1).

6.2 Aboriginal Cultural Heritage

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code) (DECCW, 2010) assists individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

A Due Diligence Assessment has been undertaken in relation to the proposal by McCardle Cultural Heritage (April 2021). While the activity will disturb the ground surface throughout the site, no relevant site records or other associated landscape features were identified on AHIMS or through surveys of the site. The proposed development generally adheres to the Concept Approval which was prepared with consideration of potential for impact to items of Aboriginal heritage significance. Based on the Due Diligence Assessment, the presence of artefacts and/or sites of Aboriginal heritage value is unlikely and an AHIP application is not likely to be necessary.

The Due Diligence Assessment makes the following general recommendations to mitigate potential impacts:

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974; and*
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.*

6.3 Environmental Heritage

The site does not contain any items of Environmental Heritage listed under local or state heritage inventories. Furthermore, the site does not contain any buildings or relics that are likely to be of heritage significance. The nearest item of environmental heritage is the Old Bar Airfield (I46) located at the north-eastern edge of the Old Bar township. The proposal is located approximately 1.5 kilometres south-west of the Old Bar Airfield and does not have any potential to impact on the heritage item.

6.4 Hydrological Impacts

6.4.1 Watercourses

The nearest watercourse in relation to the site occurs approximately 180 metres north of the site and comprises a first order watercourse and tributary to Oyster Creek and the Manning River. While this is the case, the site topography tends to drain toward the south-east and forms part of the catchment to Racecourse Creek.

The proposal does not have the potential for any direct impacts to natural watercourses or any *waterfront land* for the purposes of the *Water Management Act 2000*.

6.4.2 Urban Stormwater

The stormwater management arrangements for the proposed development are detailed in the Stormwater Strategy prepared by LSW (January, 2024). The strategy assesses pre and post-development water quality using MUSIC urban stormwater modelling.

The assessment notes that stormwater will be treated by a combination of traditional drainage measures – as well as water sensitive urban design (WSUD) techniques – to achieve Council’s stormwater quality management objectives for the site, which are: “post development loads of Gross Pollutants are to be reduced to 90%, and TSS, TN and TP are to be reduced to less than or equal to pre-developed pollutant loads” (i.e., “neutral or beneficial effect on water quality”).

The locality, size and details of the proposed stormwater treatment measures are detailed on the plan of the proposal and include the construction of a bioretention basin within the south-eastern part of the site, discharging to a drainage reserve in the southern part of the site adjacent to Forest Lane. The bioretention basin will be vegetated with effective nutrient-reducing plants as recommended by Mid-Coast Council.

The strategy concludes that the Water Sensitive Design Strategy would meet or exceed the water quality objectives. The average annual pollutant export loads are summarised in Table 5 of the Stormwater Strategy as replicated in Figure 6.1.

Table 5 - Annual Average Pollutant Export Loads

Pollutant	Proposed Development Catchment			
	Existing Site Load (kg/yr)	Developed Site Load (without treatment) (kg/yr)	Developed Site Load (with treatment) (kg/yr)	% Reduction
Gross Pollutants	24.9	1,130	24.8	97.8
TSS	4,280	7,460	2,160	71.1
TP	8.90	15.7	8.47	45.9
TN	71.3	134	69.1	48.3

Figure 6.1: Annual Average Pollutant Export Loads (Source: Table 5 - LSW, 2024)

6.5 Bushfire

As the proposed development involves subdivision of bushfire prone land that could lawfully be used for residential purposes, it is subject to the provisions of Section 100B (Bushfire Safety Authorities) of the *Rural Fires Act 1997*.

A Bushfire Assessment (ABAC, 2024) has been prepared for the proposed development and considers the proposal in relation to *Planning for Bush Fire Protection 2019* (PBP).

The assessment concludes that the proposal will be consistent with relevant acceptable solutions and performance criteria of PBP subject to implementation of bushfire protection measures that include:

- Provision of APZs in accordance with the Bushfire Protection Plan at Figure 4.1 of the assessment (ABAC, 2024);
- Construction of new roads in accordance with Table 5.3b of PBP;
- Installation of reticulated water services with hydrants located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- Installation of underground electricity services; and
- Temporary turning heads between each stage of the development (at dead end roads).

APZs for the subdivision have been recommended in line with the minimum separation distances for residential subdivision as per Table A1.12.3 of PBP. The provision of APZs within the site boundaries will ensure future residential building(s) on the proposed residential allotments will be exposed to radiant heat levels $\leq 29\text{kW/m}^2$.

6.6 Impacts and Mitigation Summary

Table 6.1 below provides a summary of potential environmental impacts and mitigation measures.

Table 6.1: Potential Environmental Impacts and Mitigation Measures

Matter	Potential Impact and Mitigation Measures
Drainage	<p>The proposal does not interfere with drainage strategies considered in the Concept Approval.</p> <p>Potential hydrological impacts are discussed in Section 6.4. Drainage impacts are capable of being mitigated through implementation of stormwater management features including bioretention, vegetated drainage reserves, and standard pit and pipe stormwater infrastructure.</p> <p>Detailed stormwater design will be prepared as part of the SWC application and in accordance with any relevant conditions of consent.</p>
Air Quality and Climate Change	<p>The proposal will not have any potential for adverse air quality impacts following construction. Any construction dust impacts will be relatively short term and can be effectively mitigated through construction environmental management plans.</p> <p>Construction activities have potential to produce greenhouse emissions through burning of fuels and use of materials. As a flat site, the proposal represents an efficient use of land and resources, minimising unnecessary greenhouse gas emissions associated with extensive earthworks, concrete and other materials with high embodied energy.</p>
Flooding	<p>The land within the site is not known to be subject to flooding or inundation under EPI flood planning maps.</p> <p>A Flood Management Strategy (FMS) (J. Wyndham Price, 2014) has previously been prepared for the site and supports the design and parameters of the Concept Approval for the whole of Precinct 3. The FMS considers flood impacts under existing, interim and developed conditions.</p> <p>The FMS identifies the site as being free from local flood impacts. Site grading and drainage will be capable of mitigating any local drainage and flooding impacts.</p>
Flora & Fauna	<p>Refer to comments in Section 2.5 above. The site has been cleared of native vegetation throughout the areas identified for subdivision construction works.</p> <p>Flora and fauna impacts can be mitigated through standard conditions of consent and construction environmental management plans that include measures for protection of native vegetation that is to be retained on the site or adjoining land.</p>

Matter	Potential Impact and Mitigation Measures
	Any residual impacts are unlikely to be significant in relation to any species or communities listed under the <i>Biodiversity Conservation Act 2016</i> .
Aboriginal Cultural Heritage	Refer to comments in Section 6.2 above. A Due Diligence Assessment has been undertaken in relation to the proposal by McCardle Cultural Heritage (2021) and concludes that the presence of artefacts and/or sites of Aboriginal heritage value are unlikely. Recommended mitigation measures are included in the Due Diligence Assessment.
Environmental Heritage	The site does not contain any items of environmental heritage. No further mitigation measures are necessary.
Traffic	<p>Traffic impacts are discussed in Section 6.1 above. While traffic generation would increase as a result of the proposal, the proposal is capable of being serviced via the road network proposed in Stage 1 with new road locations adhering to the Concept Approval.</p> <p>Traffic impacts associated with the development of Precinct 3 were considered in the assessment and approval of the Concept Approval applying to the site. Conditions of the Concept Approval mitigate traffic impacts associated with Precinct 3, including intersection and road upgrades to be delivered in Stage 6.</p> <p>It is expected that a range of specific mitigation measures would be required as conditions of consent for the proposal. These would include consideration of traffic calming in accordance with the DCP. Construction traffic would be managed in accordance with a Traffic Control Plan and construction environmental management plan.</p>
Noise	Any construction noise impacts from civil works will be relatively short term and can be mitigated through construction environmental management plans.
Soils and Contamination	<p>The site is not known to be contaminated and no site remediation is likely to be required.</p> <p>Soils that are not to be reused on site will require testing in accordance with the ENM Exemption for reuse on other approved filling sites, or the NSW EPA Waste Classification Guidelines for off-site disposal to a licenced landfill, as appropriate.</p> <p>Erosion and Sediment Controls will be implemented for any construction works associated with subdivision construction works. It is expected that conditions of consent will require implementation of an ESCP and/or soil and water management plan during construction.</p>
Bushfire	<p>The land within the site and surrounds is mapped as bushfire prone land for the purposes of Section 10.3 of the EP&A Act.</p> <p>A Bushfire Assessment (ABAC, 2024) has been prepared for the proposed development and considers the proposal in relation to <i>Planning for Bush Fire Protection 2019</i> and the matters to be addressed in relation to obtaining a Bushfire Safety Authority. The Bushfire Assessment makes a range of recommendations to ensure that the proposed subdivision adheres to the relevant requirements of PBP. This includes maintenance of adjoining land at</p>

Matter	Potential Impact and Mitigation Measures
	Lot 218 under a temporary easement for APZ for a distance of not less than 50m from the western boundary of the site.
Social & Economic	The development will not have potential for any adverse social and economic impacts. Both subdivision construction and future residential construction will contribute positively towards local employment and economic growth.

7. SUITABILITY OF THE SITE & PUBLIC INTEREST

The proposal is consistent with adopted planning instruments and policies, providing for a subdivision that is consistent with the Concept Approval applying to the land (part of Old Bar Precinct 3). There are no environmental constraints or other hazards that would make the site unsuitable for the proposed development. The site is suitable for the proposed development.

The proposal achieves the objectives of the relevant development controls and approval of the development is in the public interest.

8. CONCLUSION

The proposed development is for the subdivision of Lot 219 DP753149 (the “site”) into eighty-seven (87) residential lots, and construction of new roads and public drainage reserves.

The proposed development is local development and is subject to assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development is also integrated development requiring a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

The land represents Stage 6 in a Concept Development Application approved under the Notice of Determination to MOD2022/0277 pursuant to the former section 83D (now Division 4.4) of the EP&A Act.

The proposed development is substantially consistent with the Concept Approval for the site.

The proposed development is consistent with the provisions of relevant Environmental Planning Instruments (EPs) including applicable State Environmental Planning Policies.

The development has been assessed as being consistent with the relevant provisions of *Greater Taree Local Environmental Plan 2010* and *Greater Taree Development Control Plan 2010*.

The subdivision has been considered in relation to other relevant environmental impacts including Aboriginal cultural heritage, noise, traffic, social and economic impacts, bushfire and acid sulphate soils.

There are not likely to be any significant environmental impacts associated with the proposed development on the subject land subject to the incorporation of safeguards through conditions of consent.

Overall, the development achieves a social, economic and environmental outcome that is consistent with the objects of the EP&A Act. The subject site is suitable for the proposed development and the proposal is consistent with the public interest.

9. REFERENCES

Australian Bushfire Assessment Consultants (2024). *Bushfire Assessment: Proposed Subdivision, Lot 219 DP753149, 75 Forest Lane, Old Bar*

Greater Taree City Council (2010). *Greater Taree Development Control Plan 2010*

LSW (January 2024). *Stormwater Strategy for Proposed Subdivision of Lot 219 DP753149, Forest Lane, Old Bar [Issue 1]*

McCardle Cultural Heritage (2021). Lot 218, Lot 219 and Lot 591 Old Bar: *Aboriginal Heritage Due Diligence Assessment*

NSW Government (2021). *Greater Taree Local Environment Plan 2010*

NSW Rural Fire Service (2019). *Planning for Bush Fire Protection: A guide for councils, planners, fire authorities and developers*

Regional Geotechnical Solutions (2023). *Geotechnical Assessment: Proposed Subdivision 75 Forest Lane, Old Bar [Report No. RGS02457.1-AK]*