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Statement of Environmental Effects

Proposed residential subdivision

Part Lot 75 DP 1300031

Myall Drive, Forster

July 2024

Final

Prepared for

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1. INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared in relation to a proposed subdivision of land at part Lot 75 DP 1300031, Myall Drive, Forster.

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 Supporting Documents

The development application is accompanied by the following supporting information:

- Water Sensitive Design Strategy (LSW, April 2024)
- Biodiversity Impact Assessment (ABAC Group Pty Ltd, July 2024)
- Bushfire Assessment (ABAC Group Pty Ltd, July 2024)
- Vegetation Management Plan (ABAC Group Pty Ltd, July 2024)

1.2 The Site

The site comprises land described as part Lot 75 DP1300031, Myall Drive, Forster. The site is in the Mid-Coast Local Government Area and has an area of approximately 9.17 hectares.

The site represents the ‘residue lot’ to be created upon registration of Stage 4 of Summer Green as described in Concept Approval (DA264/2019). Construction of Stage 4 has recently been completed with a Subdivision Certificate issued, but not registered. The site would be described as Lot 91 DP 1300230 following registration of the plan of subdivision.

A site locality map is at Figure 1.1 and a draft Deposited Plan is at Figure 1.2.

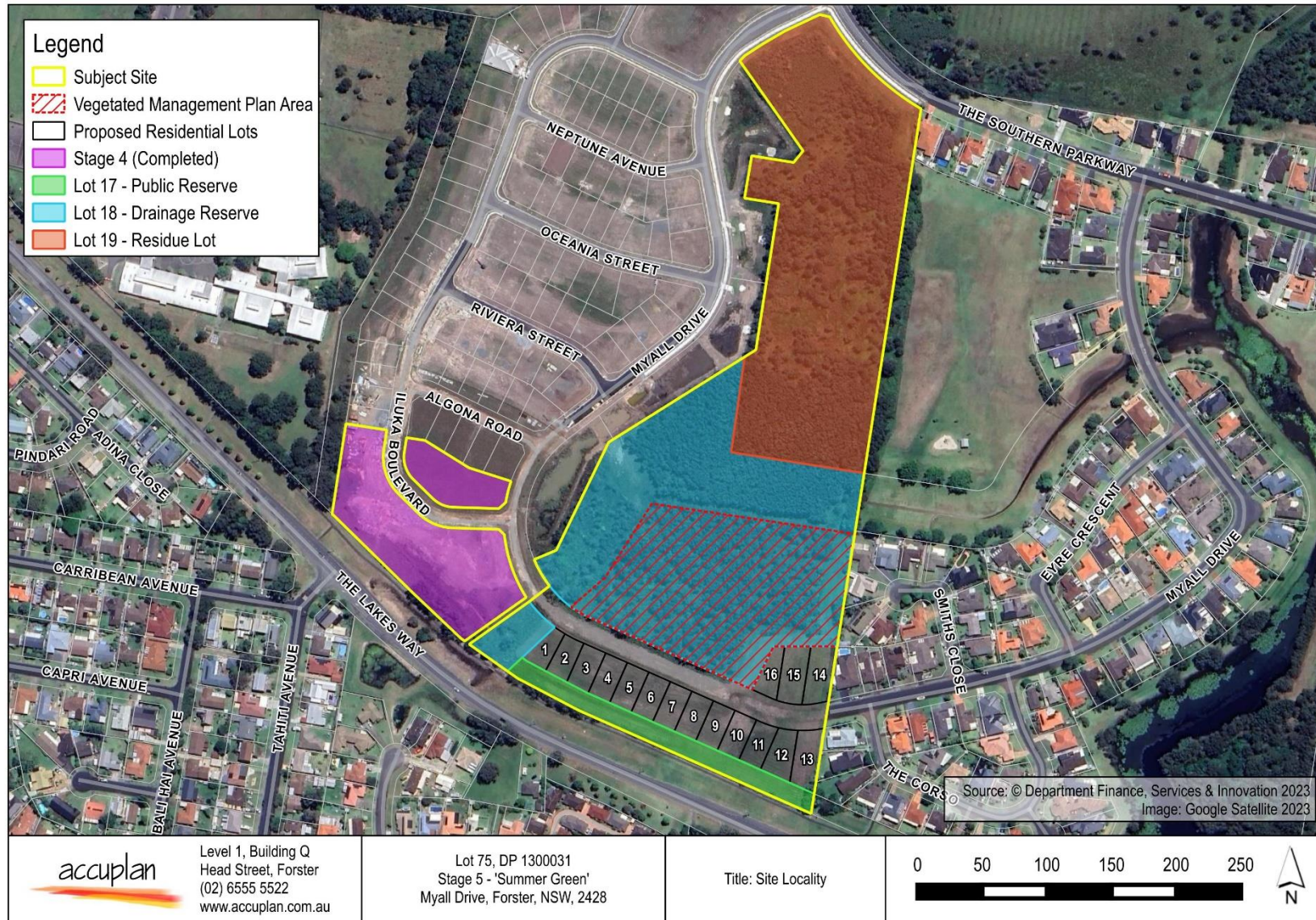


Figure 1.1: Site locality map showing Lot 75 DP1300031 at the time of preparing this Statement.

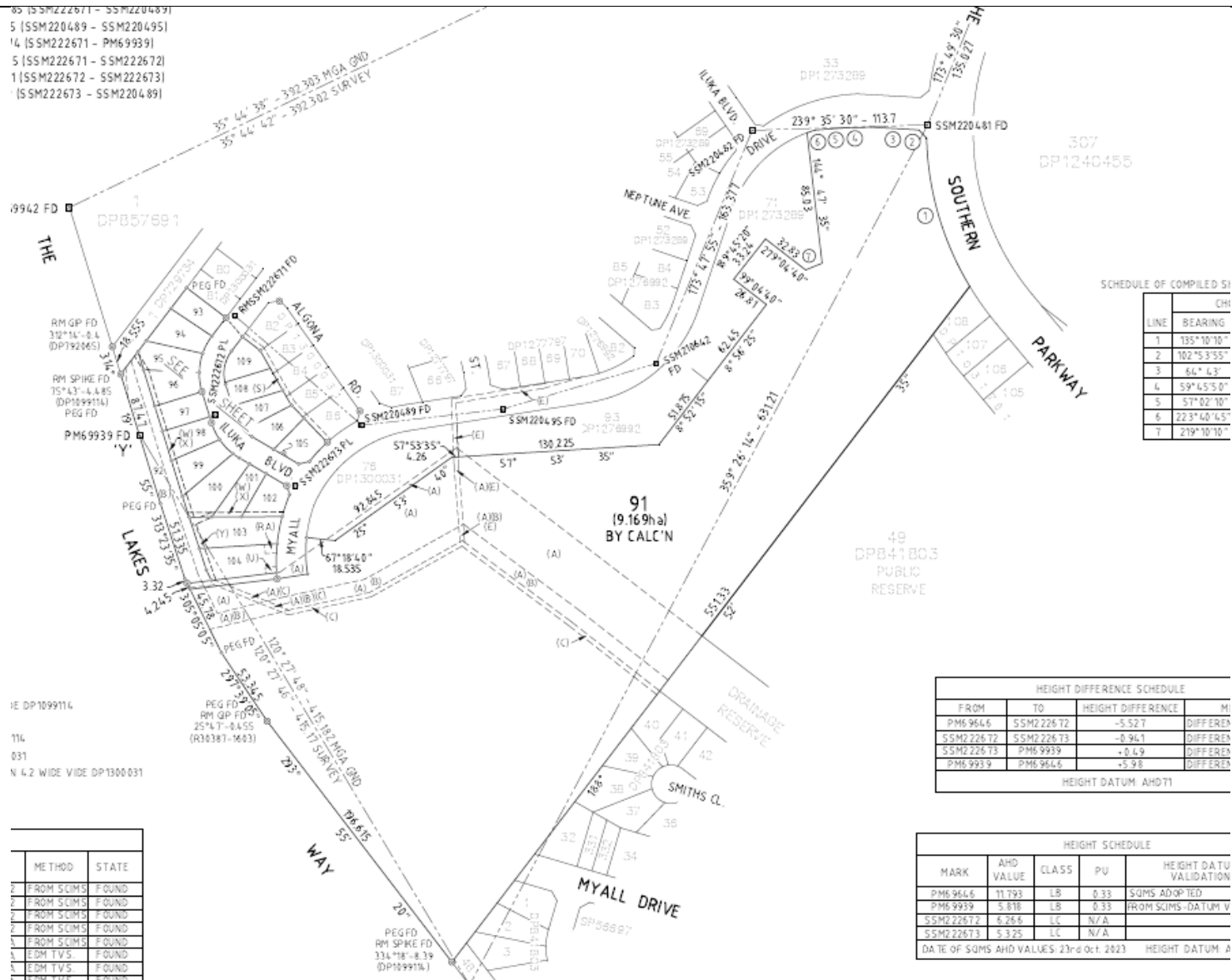


Figure 1.2: Extract of draft Deposited Plan 1300230 showing the site as Lot 91 (subject to registration)

1.2.1 Roads and Services

Table 1.1 summarises the services and infrastructure available to the site.

Table 1.1: Services

Service	Availability
Access	Myall Drive presently terminates at the eastern and western boundaries and provides public road access to the southern part of the site. The northern part of the site (including land zoned E1 and SP2) has frontage to The Southern Parkway and Myall Drive. The site therefore provides opportunity to complete the missing connection between the terminus of Myall Drive at the eastern boundary (Lakes Estate) and western boundary (Summer Green Stage 4).
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.
Electricity	Underground electricity supply is available and services the existing residential subdivision in the adjacent Stage 4 of 'Summer Green'.
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.

1.2.2 Topography & Drainage

The site has been subject to bulk earthworks that resulted in filling of the southern part of the site proposed to be subdivided for residential lots and construction of Myall Drive. That part of the site has finished ground levels of between 6m and 7m AHD, battering down to natural ground levels of around 3.5m to 4m AHD.

The topography of the site is otherwise relatively flat and slopes gently down from the south-east towards the north-west before levelling out in the northern and western parts of the site.

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 site is located in the catchment of Dunns Creek. Artificial drainage channels adjoin the eastern boundary of the site, providing conveyance of water from the site through The Lakes Estate toward Dunns Creek.

1.2.3 Vegetation

The northern part of the development site contains regenerating coastal swamp forest and aligns with PCT 4048 – Northern Swamp Oak – Paperbark Forest. The vegetation is characterised by a sparse mid-stratum, dense understorey of sedges, grasses and ferns, and a canopy dominated by *Casuarina glauca* and *Melaleuca quinquenervia*.

The southern part of the site, zoned *R2 - Low Density Residential*, has been subject to vegetation clearance and bulk earthworks. This area is characterised as exotic grassland/bare ground and is shown in Figure 1.4.



Photo 1.1: Looking east across the exotic vegetation over completed bulk earthworks (R2 zone) transitioning to swamp forest (C2 zone)

1.2.4 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).

The nearest areas of potential bushfire hazard vegetation in relation to development of the site exist within the northern part of the site.



Figure 1.3: Bushfire Prone Land Map with Lot 75 highlighted (Source: Mecone Mosaic, 2024)

1.2.5 *Surrounding Land Uses*

Land to the west and north-west of the site comprises Stages 1 to 3 of the residential development known as 'Summer Green' and is subject to Concept Approval 264/2019.

Stage 4 of the Concept Approval relates to the far western part of Lot 75 DP1300031. At the time of preparation of this Statement, subdivision construction works had been completed for Stage 4 and Myall Drive was constructed and dedicated as public road to the western boundary of the site (although Stage 4 lots had not been registered).

Land to the east of the site comprises existing residential development known as The Lakes Estate (Figure 1.4).



Figure 1.4: Site location photo looking west across the site showing Lakes Estate (bottom right) and Stages 1-4 of the “Summer Green” adjoining the western boundary. The area of proposed residential Lots 1-16 is shown yellow with remaining site area (approximately) shaded blue.

2. PROPOSED DEVELOPMENT

2.1 Overview

The proposed development is for Stage 5 of the 'Summer Green' estate and involves the following:

- Subdivision of approximately 3.94 hectares of land within the south-eastern part of Lot 75 DP 1300031 into sixteen (16) residential lots including construction of a new public road providing connection of Myall Drive as a through-road.
- Dedication of 3.81 hectares of land as a drainage reserve. The proposed drainage reserve encompasses an area of land zoned *C2 Environmental Conservation* and *R2 Low Density Residential*. The C2 zoned part of the drainage reserve will be managed for conservation, drainage and Asset Protection Zone (APZ) purposes.
- Dedication of Public Reserve (15m wide) at the southern boundary with The Lakes Way.
- Creation of a 'residue lot' encompassing the northern part of the overall site that is zoned *RE2 Public Recreation* (future sporting fields), *E1 Local Centre* and *SP2 Infrastructure (Community Purpose)*.

Table 2.1 provides details of the proposed lots and areas.

Table 2.1: Summary of proposed lots

Lot	Area	Description
Lots 1 to 16	504.5m ² to 913.5m ²	Proposed residential Lots 1-13 located on the southern side of Myall Drive. Proposed Lots 14-16 located on the northern side of Myall Drive.
Lot 17	3,895m ²	15m wide strip of R2 zoned land between Lots 1-16 and The Lakes Way. To be dedicated to Council as Public Reserve.
Lot 18	3.81 hectares	Drainage reserve (proposed Lot 18) encompassing approximately 2.1ha of land zoned <i>C2 Environmental Conservation</i> and 1.8 ha of land zoned <i>R2 Low Density Residential</i> .
Lot 19	3.41 hectares	Residue lot will contain all land zoned <i>RE1 Public Recreation</i> and <i>SP2 Community</i> that is identified for requirement to be acquired by Council. The residue lot will also contain an area of land zoned <i>E1 Local Centre</i> .

The proposed subdivision is depicted on plans by LSW entitled Proposed Subdivision (Stage 5) of Lot 75 DP 1300031 The Lakes Way Forster (issue A dated 05/04/24). An extract of the plan is at Figure 1.1.

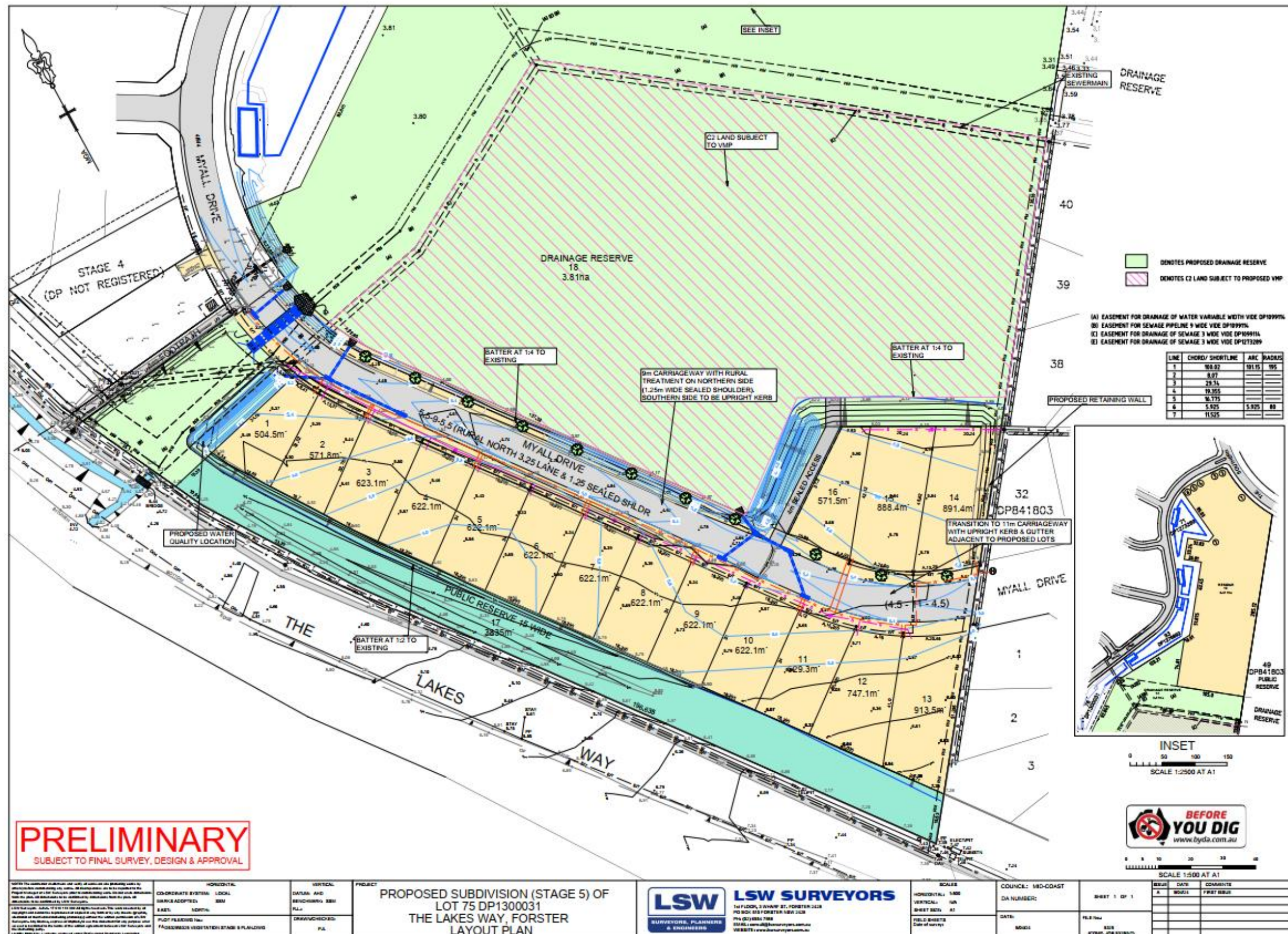


Figure 2.1: Proposed Subdivision Plan Extract (LSW Surveyors, 2024). Not to scale.

2.2 Proposed Lots

2.2.1 Residential Lots (1-16)

The proposed development involves the creation of sixteen (16) residential lots. The proposed residential lots will have areas ranging from 504.5m² to 913.5m² and will typically incorporate a north/south orientation and regular lot dimensions.

Proposed Lots 1-16 are located on land that has been subject to bulk earthworks completed under DA 247/2018. Those earthworks involved filling to establish the finished ground levels required for residential lots and road construction. Figure 2.2 provides an extract of the approved bulk earthworks (DA247/2018).

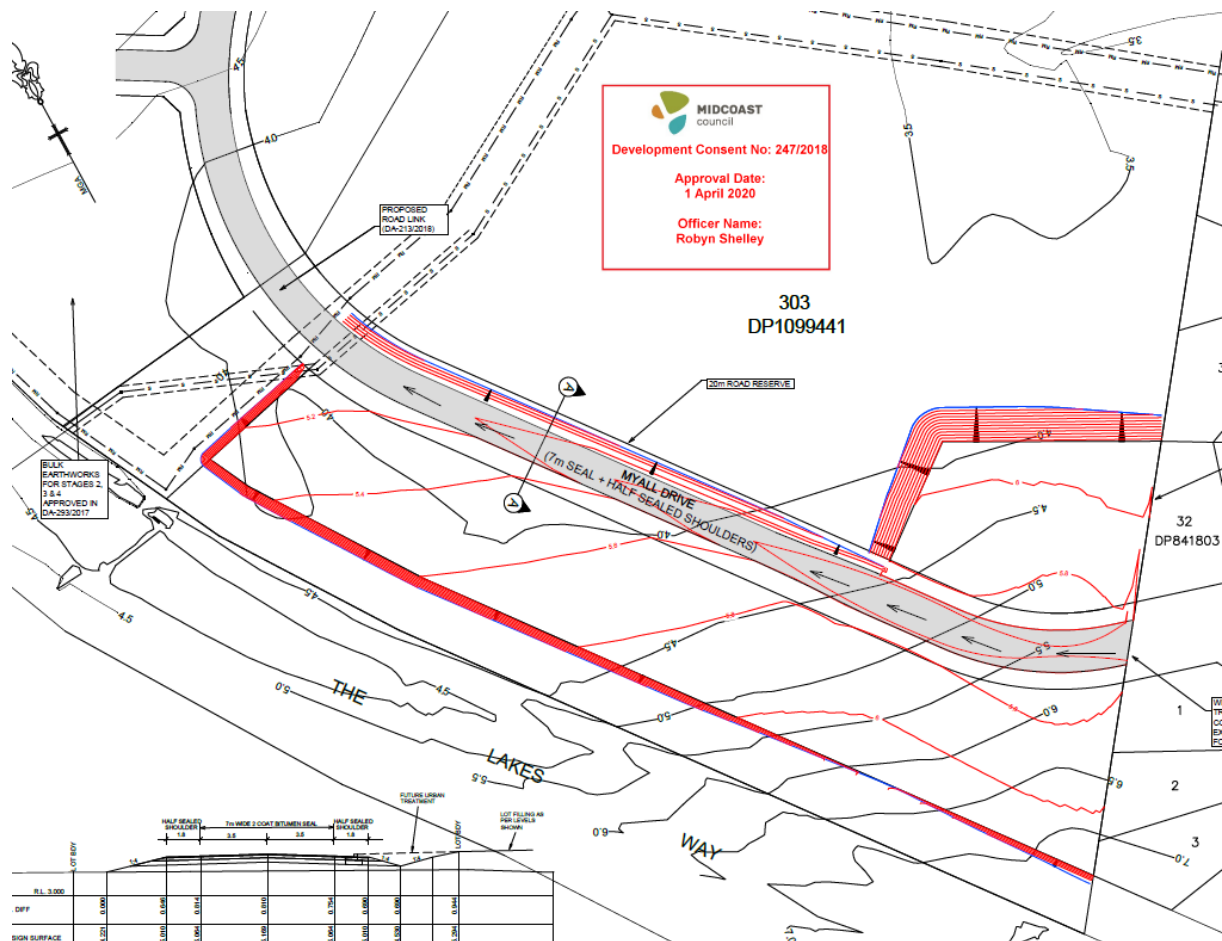


Figure 2.2: Extract of approved bulk earthworks plan detailing finished levels over the area of proposed Lots 1-16 and extension of Myall Drive

2.2.2 Drainage Reserve (Lot 18)

The subdivision includes the dedication of a drainage reserve (proposed Lot 18) encompassing approximately 2 ha of land zoned *C2 Environmental Conservation* and 1.8 ha of land zoned *R2 Low Density Residential*.

The C2 zoned land would be managed in accordance with a Vegetation Management Plan (VMP) that provides mechanisms for the maintenance and improvement of biodiversity values. The VMP would include protocols for the delineation and maintenance of APZs, as well as bioretention basins within the management area.

2.2.3 Open Space and Recreation (Lots 17 and 19)

The development includes a 15-metre open space buffer along the frontage of the site to The Lakes Way consistent with the existing subdivisions to the west. That land is identified as proposed Lot 17 and will be dedicated to Council as public reserve.

The northern part of the site is proposed to be contained within a 'residue' lot (proposed Lot 19) with an area of approximately 3.41 hectares. The residue lot will contain all land zoned *RE1 Public Recreation* and *SP2 Community* that is identified for requirement to be acquired by Council for the purposes of the *Land Reservation Acquisition Map* and Clause 5.1 of the LEP.

The residue lot will also contain an area of land zoned *E1 Local Centre*. The E1 zoned part of the site has recently been subject to earthworks (filling) to create finished ground levels suitable for future commercial development. The E1 zoned land is not identified on the *Land Reservation Acquisition Map* and would eventually be contained within a single lot following any future subdivision to excise the land subject to acquisition.

2.3 Public Roads

The proposed development includes construction of a new section of public road providing connection between the eastern and western termini of Myall Drive. The proposed road will have a pavement width of 9m (at the western end with the northern lane a rural treatment) increasing to an 11m pavement width at the eastern end adjacent to Lots 14-16. The proposed road will be contained in a 20m road reserve to be dedicated to Council upon registration of the plan of subdivision, consistent with the existing constructed sections of Myall Drive.

Following subdivision, vehicular access to any future residential development will be provided via Myall Drive.

2.4 Drainage

The proposed Stormwater Strategy includes construction of two separate bioretention basins to capture and treat runoff from proposed roads and lots, prior to discharging to the proposed drainage reserve (Lot 18).

Both the bioretention system and the drainage reserve will be dedicated to Mid-Coast Council as drainage reserve upon registration of the plan of subdivision.

The proposed stormwater strategy is detailed in the *Water Sensitive Design Strategy for Proposed Subdivision of Lot 75 DP1300031 Stage 5, "Summer Green" Myall Drive, Forster* (LSW, April 2024, Issue 1) which accompanies the development application.

3. PLANNING CONTEXT

3.1 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.

The site has recently been subject to vegetation clearing and broad-scale earthworks across the area of proposed Lots 1 – 16 and proposed extension of Myall Drive (refer to Figure 2.2). Any native vegetation has been removed from the footprint in accordance with conditions of the bulk earthworks approval.

Figure 2.2 details the area of earthworks approved by Mid-Coast Council under DA247/2018. The proposed subdivision results in only minor additional impacts to native vegetation or habitat through maintenance of an APZ to the north and west of Lots 14-16. Those impacts have been considered in the BIA (Accuplan, 2024) and in accordance with the “5-part test” in Part 7 of the BC Act.

3.2 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) which addresses the relevant points as listed in Clause 45 of the *Rural Fires Regulation 2022* for a bushfire safety authority for the development.

3.3 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 objects of the EP&A Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community 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 development represents an orderly and economic use of available residential zoned land.

3.3.1 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 3.1 is a summary of relevant integrated approvals referred to in Section 4.46 of the EP&A Act.

Table 3.1: Integrated Development

SEPP	Relevance to the proposal	Integrated (Y/N)?
Coal Mine Subsidence Compensation Act 2017 Section 22	This site is not located within a mine subsidence district.	No
Fisheries Management Act 1994 Sections 144, 201, 205, 219	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 Section 58	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 ss 63, 64	A mining lease is not being sought for the proposal.	No
Petroleum (Onshore) Act 1991 Section 16	A production lease is not being sought for the proposal.	No
Protection of the Environment Operations Act 1997 Sections 43(a), 47 and 55	The proposal does not involve the carrying out of scheduled development work.	No
Sections 43(b), 48 and 55	The proposal does not involve the carrying out of scheduled activities.	No
Sections 43(d), 55 and 122	The proposal will not result in any water pollution.	No
Roads Act 1993 Section 138	The proposal will involve minor works within the public road to connect new road works to the existing formation of Myall Drive and will require approval under Section 138 of the <i>Roads Act 1993</i> . Council is the roads authority and the consent authority for the proposal. The proposal is	No

SEPP	Relevance to the proposal	Integrated (Y/N)?
	not integrated development as Council is the roads authority.	
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

3.4 State Environmental Planning Policies

Table 3.2: 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	The proposed development does not involve potentially hazardous or offensive development.
Chapter 4 – Remediation of Land	<p>Chapter 4 requires that contamination and remediation be considered when determining a development application, specifically:</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p> <p>The land is not identified as contaminated land and is not land under investigation in relation to potential contamination. The land was recently subject to a planning proposal that considered land contamination and more</p>

SEPP / Chapter	Relevance to the proposal
	recently subdivision construction work to make the land suitable for residential development. There is no evidence to suggest that any potentially contaminating land uses have occurred on the site. The site appears to be suitable for the proposed development in its current condition.
Other SEPPs	
State Environmental Planning Policy (Biodiversity Conservation) 2021	<p>Chapter 4 (Koala Habitat Protection) of the BC SEPP applies to land zoned <i>R2 Low Density Residential</i> in the Mid-Coast Local Government Area with an area ≥ 1 hectare.</p> <p>The BC SEPP is considered in the BIA (Accuplan, 2024) that accompanies the DA. That BIA concludes that, given the paucity of Koala use trees and lack of local Koala records, the proposal area does not constitute 'Core Koala Habitat' as defined by the SEPP and no further provisions of this policy apply to the site.</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>
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>

3.5 Great Lakes Local Environmental Plan 2014

The site is in the Mid-Coast (formerly Great Lakes) Local Government Area and the *Great Lakes Local Environmental Plan 2014* (LEP) is the relevant local environmental planning instrument applying to the land.

3.5.1 Land Use Zones

Table 3.3 provides a summary of the land use zones applying to the site and proposed lots.

Table 3.3: Lot Summary

Lot	Use	Zone(s)	Area
Lots 1 to 16	Residential Lots	<i>R2 Low Density Residential</i>	10,695.3 m ²
Lot 17	Public Reserve	<i>R2 Low Density Residential</i>	3,895 m ²
Lot 18	Drainage Reserve	<i>R2 Low Density Residential.</i>	1.8 ha
		<i>C2 Environmental Conservation</i>	2.01 ha
Lot 19	Residue lot (Public Recreation, Community Facilities and Local Centre)	<i>E1 Local Centre</i>	2,945 m ²
		<i>RE1 Public recreation</i>	2.84 ha
		<i>SP2 Community</i>	2,933 m ²

Figure 3.1 provides an extract of the LEP Land Zoning map.



Figure 3.1: LEP zoning map (Source: NSW Planning Portal)

3.5.2 Zone Objectives

The proposal is for subdivision which is permitted with consent pursuant to Clause 2.6 of the LEP and relevant development standards.

Clause 2.3(2) of the LEP states 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 proposal does not subdivide or propose development on any land zoned *RE1 Public Recreation, E1 Local Centre or SP2 Community*. The objectives of the R2 and C2 zones are considered below.

3.5.3 R2 - Low Density Residential

Relevant to the creation of proposed residential Lots 1-16, the objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is for subdivision of land that was rezoned from RU2 to R2 specifically to provide opportunities for low density housing, consistent with the strategic objectives of the former South Forster Structure Plan and MidCoast Housing Strategy. The proposal achieves the housing supply objectives of the Housing Strategy and will facilitate release of land which can increase the supply of housing in the locality to meet the housing needs of the community.

The proposal is consistent with the first objective of the R2 zone. The second objective is not relevant.

3.5.4 C2 - Environmental Conservation

Relevant to the creation of Lot 18 (drainage reserve), the objectives of the C2 zone are:

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

The entire area of land zoned C2 will be contained within proposed Lot 18 (drainage reserve). Lot 18 will be dedicated to Council and it is expected that the land would be managed for conservation purposes, except where required to be managed for bushfire protection or drainage functions. It is noted that land proposed to be managed for bushfire protection is already partly subject to a Hazard Reduction Certificate. While land adjacent to Lots 14-16 is also required to be managed to the standard of an APZ, that zone encompasses previously cleared land. The accompanying BIA provides an assessment of biodiversity impacts that may result from the maintenance of the APZ and makes recommendations for maintenance regimes to protect the ecological values of that zone and adjacent areas.

3.5.5 Principal Development Standards and Provisions

Table 3.4 provides a summary of the relevant development controls applying to the site.

Table 3.4: LEP Compliance Table

Clause	Control	Proposal
Part 4: Principal Development Standards		
4.1 Minimum Lot Size	C2 zone: 40 hectares R2 zone: 450m ²	C2 zone: 3.81 hectares (refer to Clause 4.1D) R2 zone: Minimum 504.5m ²
4.1D Minimum subdivision lot sizes for certain split zones	C2 zone: 40 hectares R2 zone: 450m ² E1 zone: 1000m ² SP2 zone: 1000m ² RE1 Zone: Nil	Proposed Lot 19 (residue lot) contains land zoned E1, RE1 and SP2 with areas that are not less than the minimum size applying to that land. The site also includes land zoned <i>C2 Environmental Conservation</i> which has an area less than the minimum lot size prescribed by the Lot Size Map in relation to the land. The entire area of land zoned C2 will be contained within proposed Lot 18 (drainage reserve). Proposed Lot 18 also contains land zoned <i>R2 Low Density Residential</i> with an area that achieves the minimum lot size (450m ²) applying to that land. As such, Consent may be granted under Clause 4.1D(3) despite Clause 4.1.
Part 5: Miscellaneous Provisions		
5.1 Relevant Acquisition Authority	RE1: Council SP2: Not stated	The site contains land that is shown on the Land Reservation Acquisition Map as follows: <ul style="list-style-type: none"> Zone <i>RE1 Public Recreation</i> and marked "Local open space"; and Zone <i>SP2 Community</i> and marked "Community Purposes". Council is the relevant acquisition authority for land zoned RE1.

Clause	Control	Proposal
		<p>Despite Section 3.15 of the Act, Clause 5.1 does not specify the acquisition authority for SP2 land marked for “Community Purposes”. It is noted that the draft MidCoast LEP corrects this omission and identifies Council as the acquisition authority.</p> <p>All land shown on the Land Reservation Acquisition Map will be retained within proposed Lot 19.</p>
5.10 Heritage	Consideration of objectives	The proposal is not listed as an item of environmental heritage and is not located in proximity to any listed items.
5.21 Flood Planning	Consideration of objectives	The site is not located in a flood planning area.
Part 7: Additional Local Provisions		
7.1 Acid Sulfate Soils	Class 5	<p>The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works will involve only minor excavation works for the construction of drainage, services and infrastructure. Excavation is unlikely to result in any lowering of the water table. An ASS management plan would not be required.</p>
7.2 Earthworks	Consideration of objectives	<p>The existing landform over the proposed residential lots was created as a result of earthworks completed in accordance with DA247/2018 and no further filling or shaping is required for the development. Only minor earthworks would be required for trenching and the installation of sewer and stormwater services. The proposal would achieve the objectives in relation to Clause 7.2 subject to:</p> <ul style="list-style-type: none"> • Implementing appropriate erosion and sediment control measures during construction; • Any soils required to be removed from the site would be classified prior to disposal or (if feasible) re-used in accordance with the Excavated Natural Material Order; • Any required fill is to be sourced from either natural quarry product or local projects where surplus VENM or ENM certified material is available for use.
7.5 Stormwater Management	Integrate water sensitive design measure	<p>Chapter 11 of the DCP provides the framework for demonstrating consistency with Clause 7.5 of the LEP.</p> <p>The stormwater strategy (LSW, 2024) includes details of the construction of a bioretention basin to achieve the post development stormwater quality targets.</p> <p>It is expected that the site would also have an ‘approved strategy’ (if required) and be guided by a summary sheet for the purposes of applying Chapter 11 of the DCP and maintaining the assumptions of the approved strategy.</p> <p>In relation to Clause 7.5(f), there are no apparent issues with existing stormwater drainage systems in relation to impacts of stormwater runoff on adjoining properties.</p>

Clause	Control	Proposal
7.21 Essential Services	<i>Consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i>	
	(a) the supply of water	The site is serviced by reticulated water.
	(b) the supply of electricity	The site is serviced by underground electricity.
	(c) the disposal and management of sewage,	The site is serviced by reticulated sewer.
	(d) stormwater drainage or on-site conservation,	The proposed allotments will be connected to street stormwater management systems that discharge to proposed public drainage reserves. On-site water conservation measures are detailed in the approved stormwater strategy and can be achieved through future residential development.
	(e) suitable vehicular access.	Each proposed allotment has direct access to Myall Drive. All vehicular access to The Lakes Way will be prohibited.

3.6 Draft Mid-Coast Local Environmental Plan

The Draft MidCoast Local Environmental Plan was on public exhibition at the time of preparing this Statement and is considered to be a draft Environmental Planning Instrument for the purposes of Clause 4.15(a)(ii) of the EP&A Act.

Table 3.5 provides a summary of the land use zones applying to the site and the corresponding proposed zones under the draft LEP.

Table 3.5: Summary of draft LEP Land Zoning

Lot	Use	Current Zone(s)	Proposed Zone(s)
Lots 1 to 16	Residential Lots	<i>R2 – Low Density Residential</i>	<i>R1 – General Residential</i>
Lot 17	Public Reserve	<i>R2 – Low Density Residential</i>	<i>R1 – General Residential</i>
Lot 18	<i>Drainage Reserve</i>	<i>R2 - Low Density Residential.</i>	<i>R1 – General Residential</i>
		<i>C2 - Environmental Conservation</i>	
		<i>E1 – Local Centre</i>	
Lot 19	Residue lot (Public Recreation, Community Facilities and Local Centre	<i>RE1 - Public recreation</i>	
		<i>SP2 – Community</i>	

The proposed subdivision is not inconsistent with the proposed zones. Furthermore, there are no apparent inconsistencies with other provisions of the draft LEP, for example, relating to minimum lot sizes or compulsory acquisition.

3.7 Great Lakes Development Control Plan 2014

Great Lakes Development Control Plan 2014 (DCP) applies to the land. The applicability of each part of the DCP is considered in Table 3.6 and, where relevant, considered further in Section 3.7.1 and 3.7.2.

Table 3.6: DCP Analysis

DCP Part		Relevance
1	Name of Plan	Confirms application of the DCP to all areas covered by the <i>Great Lakes Local Environmental Plan 2014</i> .
2	Introduction	Includes requirements for all development applications including site plan, Statement of Environmental Effects (SoEE), site analysis and specialist reports where relevant. The application is accompanied by the detailed subdivision plans based on a site survey, landscape plan and an SoEE considering the environmental impacts of the proposal.
3	Character Statements	<p>The site is partly zoned <i>R2 Low Density Residential</i>, and the character statement in Section 3.3.1 of the DCP applies. The proposed development results in the subdivision of land for future residential development, and future development applications for residential accommodation on the resulting lots will be subject to compliance with the character statements outlined in the DCP. It is expected that the built form of any such application would be consistent with the relevant character statement.</p> <p>The proposed development also includes land zoned <i>C2 Environmental Conservation</i> and Section 3.3.2 of the DCP applies. The proposed drainage reserve contains all land zoned C2 and is consistent with the objectives of the character statement.</p>
4	Environmental Considerations	<p>Provides information on environmental matters that may need to be addressed in the design of development.</p> <p>These matters are considered further in Section 3.7.1.</p>
5	Single Dwellings, Dual Occupancies, Villas and Townhouses	<p>Contains site and building controls for single dwelling houses, attached and detached dual occupancies and multi-dwelling housing. No residential buildings are proposed.</p> <p>The controls in Section 5 would be considered in the assessment of the development applications for future dwellings.</p>
6	Residential Apartment Buildings, Mixed Use Development and Business Premises	N/A
7	Industrial Development	N/A

DCP Part		Relevance
8	Heritage	N/A. The proposal is not a heritage item nor is it in a Heritage Conservation Area.
9	Subdivision	Chapter 9 provides detailed controls relating to subdivision and is considered further in Section 3.7.1.1.
10	Car Parking, Access, Alternative and Active Transport	<p>Contains controls for the design of access driveways, car parking and bicycle parking across the local government area. The DCP does not provide specific controls for residential subdivision with detailed controls contained in Chapter 9 – Subdivision.</p> <p>The proposal provides a road and pedestrian network that achieves the relevant objectives in Chapter 10, including “adequate and safe provision for access, manoeuvring and parking within the development”.</p>
11	Water Sensitive Design	<p>Section 11.4.1 provides controls for water sensitive design in relation to subdivision.</p> <p>Stormwater and drainage impact has been assessed through preparation of a detailed Water Sensitive Design Strategy (LSW, 2024) which addresses the requirements of Chapter 11 of the DCP (Water Sensitive Design). A copy of that strategy accompanies the development application.</p>
12	Tree and Vegetation	<p>Provides guidance on how to meet the requirements of the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>.</p> <p>The site does not contain any land mapped for the purposes of the SEPP.</p>
13	Landscaping and Open Space	<p>No specific landscaping will be proposed with the development. Street trees are expected to be implemented by way of conditions of consent and positioned on the frontage of each allotment.</p> <p>Landscaping for individual dwellings is a matter for consideration in development applications for future residential development.</p>
14	Waste management	<p>Contains the controls for the design of waste management facilities for all forms of development.</p> <p>The proposed subdivision will be serviced by Council kerbside waste collection and suitable manoeuvring areas have been incorporated into the existing public road design to accommodate a council waste collection vehicle.</p>
15	Advertising and signage	N/A
16	Site Specific Development Controls	The site is not in an area covered by a site-specific Concept Plan within Chapter 16 of the DCP.
17	Manufactured Home Estates	N/A

3.7.1 DCP Section 4 – Environmental Considerations

Section 4 of the DCP lists environmental considerations which may need to be addressed in the design of residential development. These considerations include ecological impacts, flooding, sea level rise and coastal erosion, effluent disposal, poultry farms and contaminated land.

Table 3.7 provides a summary of the environmental considerations.

Table 3.7: DCP Section 4 – Summary of Environmental Considerations

Clause	Consideration	Comment
4.1	Ecological Impacts	The proposed residential lots are to be located on land that was subject to previous bulk earthworks. Ecological impacts of the proposal are limited to the continued maintenance of land adjacent to Lots 14-16 for the purposes of an APZ. While that land is largely previously cleared, surveys have identified a population of the threatened species <i>Lindernia alsinoides</i> within the APZ management area and adjacent native vegetation. Impacts to threatened species and communities are described in the BIA (Accuplan, 2024).
4.2	Flooding	The land is not within a flood planning area for the purposes of the LEP and DCP.
4.3	Coastal Risk Planning Area	The site is not identified as being in a Coastal Risk Planning Area for the purposes of the Coastal Risk Planning Maps of the LEP.
4.4	Effluent Disposal	N/A
4.5	Poultry Farms	N/A
4.6	Contaminated Land	The land is not known to be contaminated based on information available.

3.7.1.1 DCP Section 9 – Subdivision

Section 9 of the DCP relates to subdivision. Specific controls for residential subdivision are contained within Section 9.3.

Table 3.8 outlines the relationship of the proposal to the criteria in Sections 9.2 and 9.3 of the DCP.

Table 3.8: Subdivision Compliance Table

DCP Section		Relationship of development to criteria
9.2 - General Requirements for Subdivisions in all Zones		
9.2.1	Design Principles	The proposed subdivision provides a layout that is considered consistent with the surrounding existing approved subdivision of the land. The site is the subject of a recent planning proposal by Mid-Coast Council (PP-2021-7170) which assessed the suitability of the site for residential development. The land is not identified as contaminated land or land that is considered to be burdened by any hazards or constraints. The site includes land (drainage reserve) that is to be dedicated to Council for the conservation of Endangered Ecological Communities (Swamp Oak Forest and sedgeland) for the ongoing protection and enhancement of the environmentally sensitive land.
9.2.3	Servicing	All essential infrastructure is available to service the proposed allotments including sewer, water, power and telecommunications.
9.2.4	Landscaping	Subdivision landscaping would include street trees to Mid-Coast Council requirements. The proposed subdivision will create residential lots which will be subject to separate future development applications for individual dwellings. It is expected that future development would include individual landscape concepts that will contribute to the environmental quality of the neighbourhood.
9.2.5	Drainage	Stormwater generated by the future development of each proposed allotment will be conveyed to the street and bioretention areas. The DA is accompanied by a detailed stormwater strategy (LSW, 2024). All stormwater eventually discharges to the proposed drainage reserve which provides natural conveyance of stormwater toward Dunns Creek via drainage canals in Lakes Estate.
9.2.6	Road Design & Construction	The development includes the extension of Myall Drive, which currently terminates at the eastern and western site boundaries. Myall Drive is a bitumen-sealed, two-way public road which intersects with The Southern Parkway north of the site. 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.

DCP Section		Relationship of development to criteria
9.3 - Residential Subdivision		
9.3.1	Allotment Dimensions	<p>The proposed residential allotments have road frontages ranging from 9 – 21 metres with depths between 32 – 51 metres. Each allotment is considered to have suitable frontage to depth ratio to permit future development which is responsive to the site topography consistent with the adjoining subdivisions.</p> <p>Allotment orientation ensures that all future dwellings can include indoor and outdoor living and private space oriented to the north.</p>
9.3.2	Allotment Orientation	<p>The allotment orientation is dictated by the existing road network and subdivision layout. All lots have frontages to Myall Drive.</p> <p>Each allotment provides opportunities for dwellings with open space and living areas oriented in northern directions. All lots are oriented to ensure future dwellings can achieve good solar access to private open space areas from the north-east and opportunities for solar access to any internal living areas.</p>
9.3.8	Road Network	<p>The proposal will include the construction of a new public road providing an extension of Myall Drive to connect to the termini of Myall Drive within the earlier approved stages of the 'Summer Green' development.</p>
9.3.9	Public Open Space	<p>The proposed development results in 16 residential lots with an expected population of 53 persons (@3.3 persons / lot). The applicable rate of open space embellishment would therefore be approximately 1500m².</p> <p>The proposed development provides 3,851m² of public reserve that is suitable for open space and recreation linking with adjacent reserves to the east and west.</p> <p>The residue lot (Lot 19) also contains land identified for acquisition by Mid-Coast Council for the purposes of constructing the sporting fields / public open space that were identified in the South Forster Structure Plan. Those sporting fields are located within 500m of the proposed lots (and other development in Stages 1-4 of Summer Green).</p> <p>The acquisition and construction of the sporting fields is identified in the Forster District Open Space Plan and the works are funded by developer contributions collected under the Forster District Section 94 Contributions Plan. The South Forster Sporting Fields project accounts for 28% of the total developer contributions collected for new facilities and will be readily accessible to the neighbourhood upon completion of those works by Council.</p> <p>As part of the land has already been identified for acquisition for open space, the proposal does not provide other dedicated open space (other than the public reserve adjacent to The Lakes Way).</p>

4. 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.

5. LIKELY ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS

5.1 Ecological Impacts

A Biodiversity Impact Assessment (BIA) has been prepared to provide an analysis of the impacts of the development having regard to the current provisions of the BC Act and EPBC Act.

The BIA concludes that the proposal would result in some clearing of native vegetation (0.14 ha) which has the potential to impact habitat suitable for the following Endangered Ecological Communities (EECs) and threatened species known to occur in the local area:

- Swamp Oak Floodplain Forest of the New South Wales Coast, Sydney Basin and South East Corner Bioregions EEC (BC Act) and Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South-east Queensland EEC (EPBC Act);
- *Lindernia alsinoides* (Noah's False Chickweed) – Vulnerable (BC Act).

Given the relatively small area to be impacted by the proposed works, the BIA determined that the proposed subdivision is unlikely to have a significant impact on any EEC or threatened species listed under State (BC Act) or Federal (EPBC Act) legislation.

The following measure would apply to the works to avoid and minimise impacts to *Lindernia alsinoides*:

- The establishment and ongoing management of the proposed APZ should be undertaken outside of the flowering and subsequent seeding period of *Lindernia alsinoides*. Ideally fuel management activities would be undertaken during August to ensure that fuel reduction occurs ahead of the bushfire season and allows growth of *Lindernia* prior to the flowering period.
- Should any vegetation management be required during this time, any slashing should be undertaken at a height where impacts to specimens would be avoided (e.g., >20 cm).
- Tree removal shall be restricted to hand-removal methods to minimise impacts to the existing soil profile and adjoining vegetation.

- Camphor Laurel (*Cinnamomum camphora*) trees and other high threat weeds should be targeted for removal throughout the APZ and C2 zoned lands. High threat weeds can cause significant shadowing and smothering of the understorey with leaf litter and reduce the availability of *Lindernia alsinoides* habitat.



Photo 5.1: Existing condition of the land to be maintained as an APZ adjacent to Lots 14-16



Photo 5.2: Existing condition of the land currently maintained in accordance with the Hazard Reduction Certificate adjacent to the eastern boundary



Figure 5.1: Vegetation zones and TECs identified within the site

5.2 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).

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.

In relation to proposed Lots 14-16, these lots occupy residential zoned land that is located on the northern side of Myall Drive (proposed road) and share a boundary with the proposed drainage reserve that is zoned *C2 Environmental Conservation*. As the land was not considered to be bushfire prone (or in proximity to bushfire prone land) at the time of preparing the Planning Proposal, the current zone boundaries do not readily facilitate the provision of APZs through perimeter roads.

It is therefore proposed that an APZ is established on the drainage reserve for the benefit of Lots 14-16. The proposed APZ would form an extension of the existing 20m wide hazard reduction zone that is required to be maintained adjacent to the eastern boundary for the benefit of dwellings at Nos. 7, 9 and 16 Smiths Close.

The proposed APZ would be managed through either of the following mechanisms:

- a) an easement / positive covenant requiring maintenance of that land as an APZ; or
- b) inclusion as an APZ in the Forster Fire Mitigation Plan.

5.3 Urban Stormwater

The stormwater management arrangements for the proposed development are detailed in the Stormwater Strategy prepared by LSW (June, 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 two bioretention basins, discharging to the proposed drainage reserve. The bioretention basins will be vegetated with effective nutrient-reducing plants as recommended by Mid-Coast Council.

The strategy assumes that roof water will be captured by a 5kL Rainwater Tank (100% of roof area, utilising a sealed downpipe system) for the purpose of indoor (plumbed to toilets and laundry) re-use.

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 6 of the Stormwater Strategy as replicated in Figure 5.2.

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	16.1	281	25.8	90.8
TSS	1,230	2,680	748	72.0
TP	2.69	4.87	2.65	45.6
TN	20.7	35.5	20.4	42.4

Figure 5.2: Annual Average Pollutant Export Loads (Source: Table 6 - LSW, 2024)

5.4 Impacts and Mitigation Summary

The potential environmental impacts of the proposed development are considered in Table 3.1.

Table 3.1: Potential Environmental Impact and Mitigation Measures Summary

Matter	Potential Impact?
Soils	<p>The site is identified as containing Class 5 Acid Sulfate Soils. Excavation will not result in the lowering of the water table. An ASS management plan would not be required.</p> <p>Erosion and sediment would be managed through implementation of erosion and sediment control plans during construction. The proposal would mitigate impacts through:</p> <ul style="list-style-type: none"> • Implementation of appropriate erosion and sediment control measures during construction; • Any soils required to be removed from the site would be classified prior to disposal or (if feasible) re-used in accordance with the Excavated Natural Material Order; and • Any required fill is to be sourced from either natural quarry product or local projects where surplus VENM or ENM certified material is available for use. Priority would be given to the sourcing of local product (where suitable) to reduce haulage impacts.
Drainage	<p>Stormwater and drainage impacts have been assessed through preparation of a detailed Water Sensitive Design Strategy (LSW, 2024) which addresses the requirements of Chapter 11 of the DCP (Water Sensitive Design).</p> <p>It is expected that a stormwater summary sheet would be prepared by Council to guide the future development of each lot in the subdivision in a manner that maintains consistency with the assumptions of the stormwater strategy and Chapter 11 of the DCP. This would include provision of a minimum 5kL Rainwater Tank collecting 100% of roof area for the purpose of indoor re-use (toilets and laundry).</p>
Flora & Fauna	<p>The site has been subject to recent earthworks and does not contain any native vegetation within the proposed residential lots or roadways. Impacts to flora and fauna are limited to the proposed management of part of the drainage reserve as an APZ. These impacts and mitigation measures are described in the BIA (Accuplan, 2024).</p>
Aboriginal Cultural Heritage	<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>Aboriginal Heritage Investigations were undertaken in 2006 for the rezoning and these did not identify any items, relics or significant places. The Cultural Heritage Investigations at that time concluded that no further archaeological assessment was required.</p> <p>Based on the highly disturbed nature of the site, and in relation to the considerations in the Code, the presence of artefacts and/or sites of Aboriginal heritage value appears unlikely.</p>

Matter	Potential Impact?
Environmental Heritage	<p>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 have heritage significance.</p> <p>The proposal will have no detrimental impacts in relation to any items or places of environmental heritage.</p>
Traffic	<p>The proposed subdivision will be accessed via an extension of the existing public road network / Myall Drive. The existing public road network has sufficient capacity to accommodate any potential traffic from the proposed development.</p>
Social and Economic	<p>The proposal provides growth in the South Forster area consistent with the planning strategies for this area. Growth in this area will have social and economic benefits for the area and support facilities and services in Forster-Tuncurry.</p>

6. SUITABILITY OF THE SITE & THE PUBLIC INTEREST

The proposed development is for subdivision of land that was zoned to provide opportunities for low density housing, consistent with the strategic objectives of the MidCoast Housing Strategy. The proposal achieves the housing supply objectives of the Housing Strategy and will facilitate land which can increase the supply of housing in the locality to meet the housing needs of the community within land that has been assessed as being suitable for those uses through a Planning Proposal endorsed by Mid-Coast Council.

The proposal also includes construction of the link between the current termini of Myall Drive, providing alternative points of access to Lakes Estate with associated public safety / emergency response and traffic efficiency benefits to both Lakes Estate and Summer Green estate residents.

There are no significant environmental constraints or other hazards that would make the site unsuitable for the proposed development.

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

7. CONCLUSION

The proposed development is for the subdivision of part Lot 75 DP 1300031, Myall Drive, Forster (the “site”) into sixteen (16) residential lots, plus construction of new roads and public 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 proposed development is consistent with the provisions of relevant Environmental Planning Instruments (EPIs) including *Great Lakes Local Environmental Plan 2014* and applicable State Environmental Planning Policies. The development has also been assessed as being consistent with the relevant provisions of *Great Lakes Development Control Plan 2014*.

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.