

Statement of Environmental Effects

Accompanying a development application for

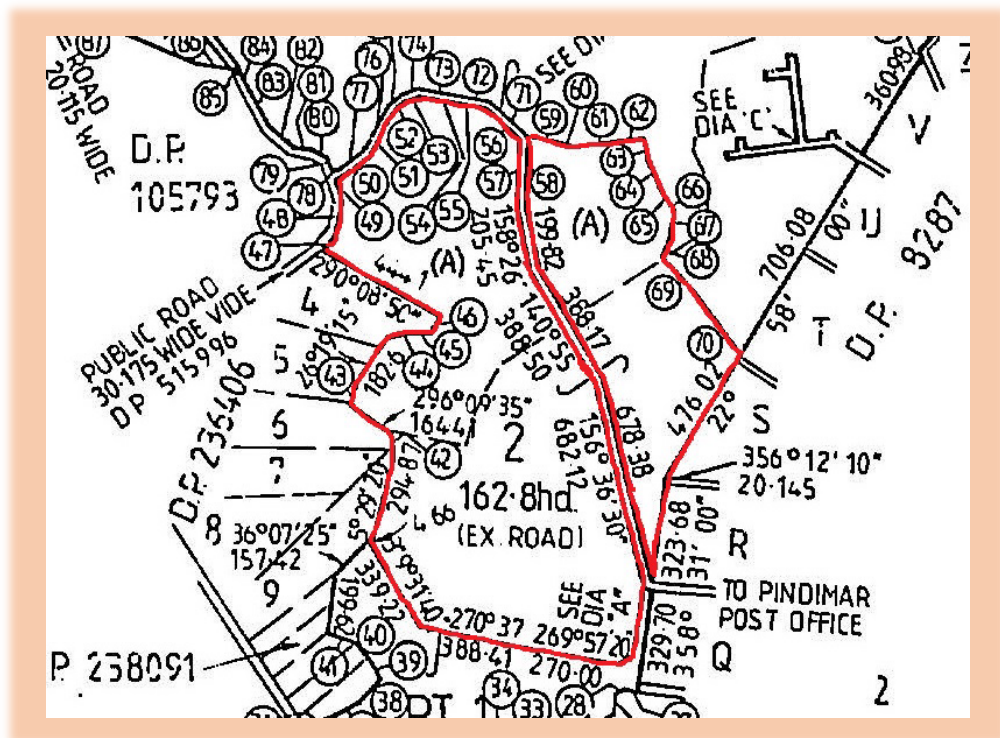
One into Two Lot Subdivision

At

Lot 2 DP 613292

11 Clarke Street, Pindimar

14th February 2024



Statement of Environmental Effects
11 Clarke Road, Pindimar

Contents

1. Introduction	Page 3
2. Site description and analysis	Page 3
3. Details of proposal	Page 7
4. Clause 4.15 – Matters for consideration	Page 7
5. Other considerations	Page 9
6. Conclusion	Page 11
7. Appendix I	Page 12
8. Appendix II	Page 13
9. Appendix III	Page 14
10. Appendix IV	Page 16

1. Introduction

This statement of environmental effects has been prepared by Rennie Golledge Pty Ltd to accompany a development application for a one into two Lot Subdivision at 11 Clarke Street, Pindimar. The application is being lodged by Rennie Golledge Pty Ltd on behalf of the owner Mrs. Betty Economos, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions of Great Lakes Local Environmental Plan 2014 (Current version for 23 February 2024 to date), and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

The owner of the property would like to carry out a one into two lot subdivision.

This statement has been prepared having regard to the following documentation:

- 258-23 Plan of Proposed Subdivision.pdf eg. Sub division Layout

2. Site description and analysis

2.1 Location and property description

The property known as 11 Clarke Street, Pindimar being Lot 2 DP 613292, fronts Clarke Street as the point of the existing residence. The property straddles Warri Street with the larger portion on the western side of Warri Street. The lower end of Warri Street touches what is considered the northern part of Pindimar Village.



Figure 1: Overall layout of 11 Clarke Street, Pindimar (Lot2 DP 613292)

2.2 Site characteristics

The site is Lot 2 as previously described straddles Warri Street, its layout can be seen in Figure 1 and a copy of the DP can be seen in Appendix IV. The western portion is the larger with 115.62 Ha and the eastern portion is 47.68 Ha, an overall area of 163.3 Ha. The property is RU2 Rural Landscape. RU2 has a minimum lot size area allowable of 40 Ha.



Figure 2: Primary residence of the property at 11 Clarke Street, Pindimar



Figure 3: View down Warri Street, from the northern end of the property

Statement of Environmental Effects
11 Clarke Road, Pindimar



Figure 4: View up Warri Street, from the Southern end of the property.

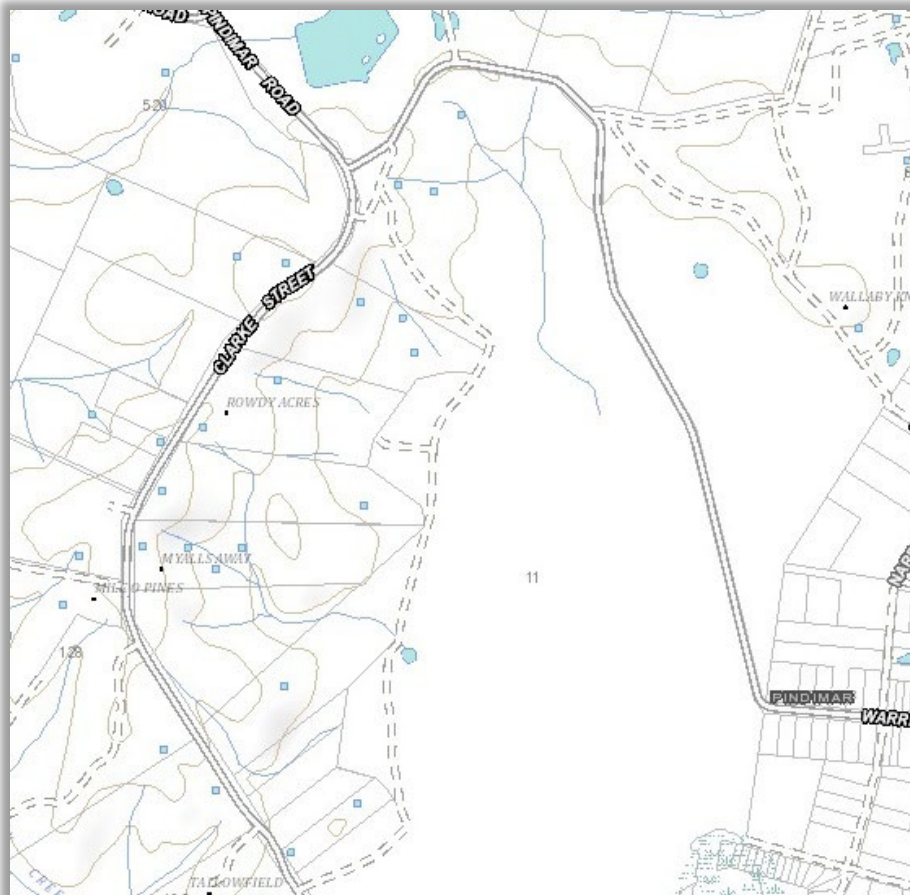


Figure 5: Contour Plan of site

Both portions of the Lot are higher at the northern end of the property falling from approximately 50m AHD down to 2m AHD to a level area as it reaches to sea level in a north – south direction.

2.2a Land Use

The property was Pine Forest (pinus ellioti) which was severely burnt in the 1980's. Salvageable pines have been harvested on a number of occasions since. Recolonisation by these exotic pines remains a significant management issue and these dominate in certain areas. The property is a mix of native vegetation, woody weed regrowth, pine infestation and pasture.

Apart from the mapped wetland area, the property has been used for rural purposes over the past 30 years with, extensive grazing of goats (for both meat and fleece), alpacas (for fleece), donkeys and beef cattle. Currently there is a small herd of Hereford cross and a donkey on the property.

The land to the east of Warri Street has been extensively grazed on a rotational basis over the past 30 years to spell other paddocks. It is usually used over winter when grass growth is low.

Timber harvesting and bees / honey production are other historical and current uses.

2.3 Surrounding development

The site is surrounded by on the north, east and west by what could best be described as rural and rural lifestyle lots. To the east and south lies what is known as Upper (north) Pindimar.

According to "MidCoast Rural Strategy Housing and Accommodation Background Report Version 6 / Date: May 2021" Pindimar can be described as:

Demographic profile Pindimar (Pindimar SSC, ABS 2016)

Population (2016 Census)	336
% Population Growth (2011-2016) na - suburb boundary changed between 2011 & 2016	
Median Age (2016 Census)	54
Number of Dwellings	211
Dwelling Vacancy Rates	32%
Average Household Size	2.2

Facilities	Yes/No/Comment
Shopping	No
School	No
Post Office	No
Hotel/Club	No
Bank/Building Society	No
Sporting Complex	No
Police Station	No
Showground	No
Community Hall	Yes
Water & Sewer	No

Physical attributes

Pindimar is made up of two separate village zones known as Upper and Lower Pindimar. Lower

Statement of Environmental Effects
11 Clarke Road, Pindimar

Pindimar is located at the southern end of Pindimar Road, which comes off Myall Way (Tea Gardens).

Upper Pindimar is located on Warri Street, which comes off the eastern side of Pindimar Road. Parts of both Upper and Lower Pindimar are flood affected and may be inundated during extreme tides. Land to the west of both village zones rises sharply away from Port Stephens. The area has important wetlands adjacent to both village zones. Both also have significant stands of adjacent vegetation.

Constraints

- Flooding
- Coastal SEPP Wetlands
- Vegetation
- Water quality
- Lack of reticulated sewerage & water
- Lack of physical and social infrastructure¹¹⁶

Capacity for growth

Extremely limited. Known on-site sewerage issues and environmental constraints. Growth is confined to the possible re-development of existing lots within the village boundary only.

The applicant has lived at 11 Clarke Street (property called the Totem Pole) for over 30 years. There is ample water supply from tanks and a septic system has functioned well over this time. There are several dams on the property for livestock including one to the east of Warri Street.

3. Details of proposal

3.1 Proposed works

The proposed development is shown in the attached plan “258-23 Plan of Proposed Subdivision.pdf” The owners wish to subdivide the subject land into two lots. The new lot will be created on the eastern side of Warri Street.

This portion of land as previously described is 47.68 Ha in area. It is intended to create a new Lot on this portion, (Lot 2) this Lot will be 40 Ha to comply with the minimum requirements of Zone RU2. In the north west area of this eastern Lot, the remainder (7.68 Ha) shall be retained to the main lot. This will create an overall Lot 1 of 123.3 Ha.

4 Clause 4.15 -Matters for consideration

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(b) (i) any environmental planning instrument

State Environmental Planning Policies

It is our belief that the proposed subdivision is not affected by any State Environmental Planning Policies.

Local Environmental Plan

We note that the Mid Coast Council has the old Council region LEPs still applicable (Manning Region LEP, Great Lakes Region LEP and Gloucester Region LEP). We also note that Mid-Coast Council are in the process of updating a complete document for the Council, but at this time Great Lakes LEP covers Pindimar.

“Great Lakes Local Environmental Plan 2014 Current version for 23 February 2024 to date” as documented in Appendix I of this Document is complied with in all aspects

(iii) any development control plan

We believe that the proposed subdivision complies with Clause 9.5 Large Lot Residential, Rural and Environmental Subdivision’ of the MidCoast DCP, other than potential residential sites have not been allocated. We have discussed this with the planning staff of MidCoast Council and given the size of the proposed Lot any number of sites may be available. These compliances along with RFS requirements would be sorted by the future owner when looking to the DA for residential construction.

There is ample flood free land in elevated areas for the siting of a house.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

“Section 93F of the Environmental Planning and Assessment Act 1979 ('EPA Act') establishes a statutory system of bargaining for community benefits between planning authorities and persons interested in the use and development of land, such as landowners and developers ('landowners').”

It is our belief that the proposed subdivision is not affected by any aspects of Section 93F policies.

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

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

The proposed subdivision will have no significant environmental impact on both the natural and built environments. The proposed subdivision will still be RU2 and most likely run cattle or livestock in some form as it currently does. As to the future residence that may be constructed, this could currently be undertaken as a secondary residence construction. There will be no social or economic benefits or hardship for the Village of Pindimar as Councils policy is as shown in “MidCoast Rural Strategy Housing and Accommodation Background Report” is:

“Pindimar was exhibited as part of the Urban “Know Your Zone” project which recommended a minor rezoning to the E2 Environmental Conservation Zone, as it is subject to wetlands mapping in the State Environmental Planning Policy (Coastal Management) 2018.

Statement of Environmental Effects
11 Clarke Road, Pindimar

It is recommended Pindimar remain in the RU5 Village zone. A minor change is also recommended to align the village zone boundary in the north Pindimar in accord with the “one-lot, one zone” principle.

The Rural Strategy Paper Subdivision Report provides separate analysis and recommendations for lots outside of the existing Pindimar RU5 Village boundaries.”

(b) The suitability of the site for the development,

The site is suitable for development in that it complies with all aspects of the LEP and will have minimal impact.

5.0 Other considerations

5.1 Visual Impacts

There will be no visual impacts, as the newly created lot will be 40 Ha and no adjacent properties have structures in close proximity to the proposed boundary.

The location of any future dwelling will be determined by consultation with the RFS, the then owner and council. This will be part of a separate and future residential DA.

5.2 Open Space

There will be no open space impacts, as the newly created lot will be 40 Ha and no adjacent properties have structures in close proximity to the proposed boundary.

The location of any future dwelling will be determined by consultation with the RFS, the then owner and council. This will be part of a separate and future residential DA.

5.3 Overshadowing and Privacy

There will be no impact on overshadowing and privacy, as the newly created lot will be 40 Ha and no adjacent properties have structures in close proximity to the proposed boundary.

The location of any future dwelling will be determined by consultation with the RFS, the then owner and council. This will be part of a separate and future residential DA.

5.4 Noise

There will be no impact on noise, as the newly created lot will be 40 Ha and no adjacent properties have structures in close proximity to the proposed boundary.

The location of any future dwelling will be determined by consultation with the RFS, the then owner and council. This will be part of a separate and future residential DA.

5.5 Erosion Control Measures

There will be no impact on erosion, as the newly created lot will be 40 Ha and no adjacent properties have structures in close proximity to the proposed boundary.

The location of any future dwelling will be determined by consultation with the RFS, the then owner and council. This will be part of a separate and future residential DA. Any erosion controls will be part of this future DA

5.6 Economic and Social Impacts

As the “MidCoast Rural Strategy Housing and Accommodation Background Report Version 6 / Date: May 2021” shows there are no shopping facilities or community facilities within both the northern or southern village environs. All shopping, sporting or educational activities take place in other areas of the Council region. The proposed subdivision will have no economic or social impacts on Pindimar Village area. There is however, a community hall, RFS Shed and a park with skate board ramp at Pindimar North.

5.7 Environmental Benefits

The proposed subdivision will have little environmental impacts over the current rural landuse. A number of access points to the proposed allotment already exist off Warri Street and there are a number of tracks and fire trails on the proposed allotment.

The applicant wishes to continue the current land use on the residue allotment. The proposal facilitates this by retaining the farm infrastructure that is present on the east side of Warri Street with the residue lot.

The proposed subdivision will have no environmental impacts on the Pindimar Village area, other than the possible future residential aspect. But as previously discussed this would be dealt with in some future DA.

5.8 Disabled Access

This DA and SoEE deals with only a subdivision, there is no requirement for Disabled Access, this may be however be part of a future residential DA

5.9 Security, Site Facilities and Safety

This DA and SoEE deals with only a subdivision, there is no requirement for Security, Site Facilities and Safety, this may be however be part of a future residential DA

5.10 Waste Management

This DA and SoEE deals with only a subdivision, there is no requirement for Waste Management, this may be however be part of a future residential DA

5.11 Building Code of Australia

This DA and SoEE deals with only a subdivision, there is no requirement for Building Code of Australia, this may be however be part of a future residential DA

5.12 Traffic

As a subdivision to create a Rural RU2 allotment there will be minimal impact on the traffic of Warri Street and the Village of Pindimar

5.13 Stormwater/flooding

This DA and SoEE deals with only a subdivision, there is no impact due to Stormwater and Flooding, this may be however be part of a future residential DA

5.14 Rural Bush Fire

A Bush Report has been completed by Peak Land Management and forms part of this application.

6.0 Conclusion

This SoEE has demonstrated that the proposed development is within the public interest, from a social, economic and environmental perspective. It is considered that the proposal will not significantly impact on the surrounding locality and will not adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter.

APPENDIX I

Great Lakes Local Environmental Plan 2014 **Current version for 23 February 2024 to date**

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

APPENDIX II

Great Lakes Local Environmental Plan 2014 Current version for 23 February 2024 to date

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

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry,
 - (d) Zone RU4 Primary Production Small Lots,
 - (e) Zone RU6 Transition,
 - (f) Zone R5 Large Lot Residential,
 - (g) Zone C2 Environmental Conservation,
 - (h) Zone C3 Environmental Management,
 - (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

APPENDIX III

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 4.15

Evaluation

4.15 Evaluation

(cf previous s 79C)

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

(a) the provisions of--

(i) any [environmental planning instrument](#), and

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

(iii) any [development control plan](#), and

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

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

that apply to the [land](#) to which the [development application](#) relates,

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

(c) the suitability of the site for the [development](#),

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

(e) the public interest.

(2) Compliance with non-discretionary [development standards](#)--development other than [complying development](#) If an [environmental planning instrument](#) or a [regulation](#) contains non-discretionary [development standards](#) and [development](#), not being [complying development](#), the subject of a [development application](#) complies with those standards, the [consent authority](#)--

(a) is not entitled to take those standards into further consideration in determining the [development application](#), and

(b) must not refuse the application on the ground that the [development](#) does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the [consent authority](#) under this section and [section 4.16](#) is limited accordingly.

- (3) If an [environmental planning instrument](#) or a [regulation](#) contains non-discretionary [development standards](#) and [development](#) the subject of a [development application](#) does not comply with those standards--
- (a) subsection (2) does not apply and the discretion of the [consent authority](#) under this section and [section 4.16](#) is not limited as referred to in that subsection, and
- (b) a provision of an [environmental planning instrument](#) that allows flexibility in the application of a [development](#) standard may be applied to the non-discretionary [development](#) standard.

Note : The application of non-discretionary [development standards](#) to [complying development](#) is dealt with in [section 4.28\(3\)](#) and (4).

- (3A) [Development control plans](#) If a [development control plan](#) contains provisions that relate to the [development](#) that is the subject of a [development application](#), the [consent authority](#)--
- (a) if those provisions set standards with respect to an aspect of the [development](#) and the [development application](#) complies with those standards--is not to require more onerous standards with respect to that aspect of the [development](#), and
- (b) if those provisions set standards with respect to an aspect of the [development](#) and the [development application](#) does not comply with those standards--is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the [development](#), and
- (c) may consider those provisions only in connection with the assessment of that [development application](#).

In this subsection,

"standards" include performance criteria.

- (4) Consent where an accreditation is in force A [consent authority](#) must not refuse to grant consent to [development](#) on the ground that any [building](#) product or system relating to the [development](#) does not comply with a requirement of the [Building Code of Australia](#) if the [building](#) product or system is accredited in respect of that requirement in accordance with the [regulations](#).
- (5) A [consent authority](#) and an employee of a [consent authority](#) do not incur any liability as a consequence of acting in accordance with subsection (4).
- (6) [Definitions](#) In this section--
- (a) reference to [development](#) extends to include a reference to the [building](#), [work](#), use or [land](#) proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a [development application](#), and
- (b)
- "non-discretionary development standards"** means [development standards](#) that are identified in an [environmental planning instrument](#) or a [regulation](#) as non-discretionary [development standards](#).

