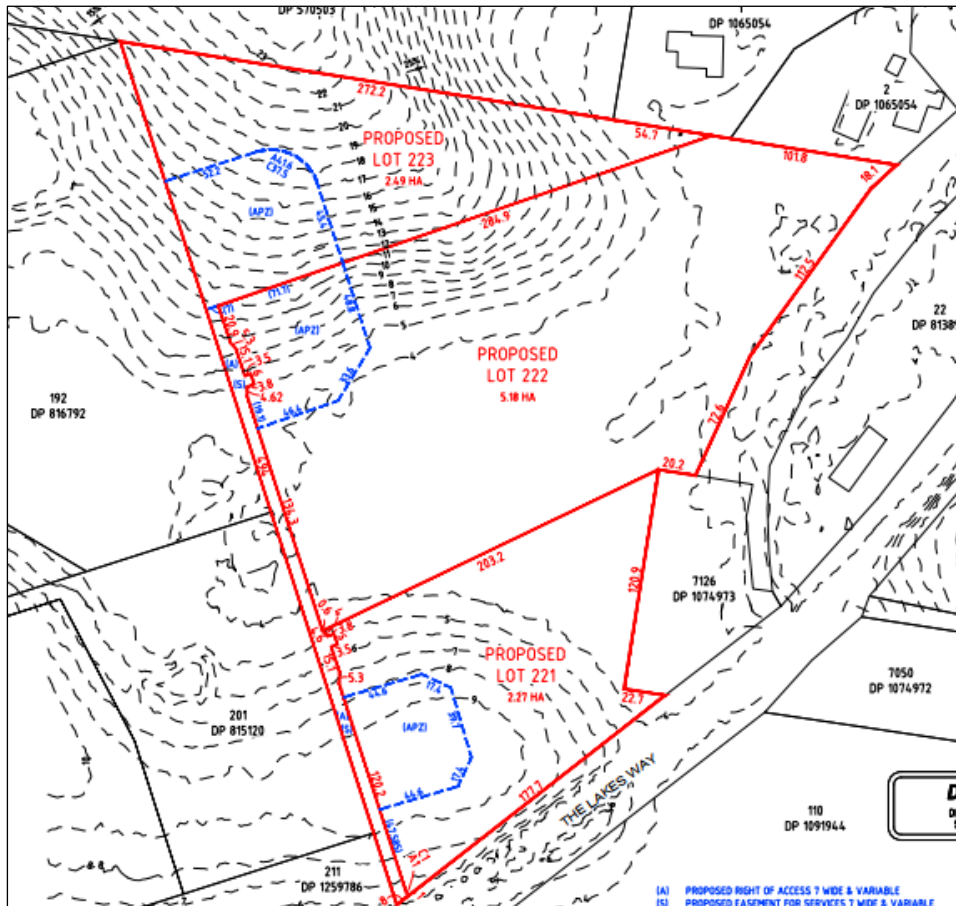


# Statement of Environmental Effects

## Three Lot Subdivision 3611 The Lakes Way Charlotte Bay



**February 2025**

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## Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Summary .....	1
1.1	Preamble .....	2
1.2	Site & Locality Description .....	2
1.3	Existing Development .....	4
1.4	Context and Surrounding Land uses .....	4
1.5	Pre-Lodgement Meeting .....	5
<b>2</b>	<b>Description of Proposal .....</b>	<b>5</b>
2.1	General Description .....	5
2.2	Current Use of the Site.....	6
2.3	Heritage.....	6
2.4	Stormwater .....	6
2.5	Bushfire .....	6
2.6	Ecology .....	7
2.7	Social and Economic Impacts .....	7
2.8	Excavation and Demolition .....	7
2.9	Contamination .....	7
2.10	Access, Traffic and Parking.....	7
2.11	Services .....	8
2.12	Waste Management.....	8
2.13	Flooding.....	8
<b>3</b>	<b>Planning Controls .....</b>	<b>8</b>
3.1	Environmental Planning and Assessment Act 1979.....	8
3.1.1	Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 .....	9
3.1.2	Section 4.46 – Integrated Development .....	9
3.2	Provision of relevant SEPP .....	9
3.2.1	State Environmental Planning Policy Resilience and Hazards Chapter 4 Remediation of Land .....	9
3.2.2	State Environmental Planning Policy Resilience and Hazards Chapter 2 Coastal Management ...	10
3.3	Great Lakes LEP 2014 (GLLEP) .....	15
3.3.1	Response to Zone Objectives .....	16
3.3.2	Response to GLLEP .....	16
3.4	Provision of Draft Environmental Planning Instruments .....	18
3.5	Provisions of Relevant Development Control Plans.....	18
3.6	Agreements & Provisions of Regulations etc. ....	27
3.6.1	Planning Agreements .....	27
3.6.2	Regulations.....	27
<b>4</b>	<b>Impacts and Site Suitability .....</b>	<b>28</b>
4.1	Likely Impact of Development .....	28
4.2	Suitability of the Site .....	28
4.3	Submissions.....	29
4.4	The Public Interest .....	29
<b>5</b>	<b>Conclusion.....</b>	<b>29</b>

<b>6</b>	<b>Attachments .....</b>	<b>30</b>
6.1	Plans – Proposed Plan of Subdivision – 3611 The Lakes Way.....	30
6.2	Plans – Driveway Design/Civil Plan – 3611 The Lakes Way.....	30
6.3	Plans – Site Plan/Survey – 3611 The Lakes Way .....	30
6.4	Plans – Stormwater Concept Plan – 3611 The Lakes Way .....	30
6.5	Reports – AHIMS - 3611 The Lakes Way .....	30
6.6	Reports – Flood Assessment - 3611 The Lakes Way .....	30
6.7	Reports – Land Owners Consent - 3611 The Lakes Way.....	30
6.8	Reports – Wastewater – 3611 The Lakes Way.....	30
6.9	Reports – Pre-DA Minutes - 3611 The Lakes Way .....	30
6.10	Reports – SBDAR –3611 The Lakes Way .....	30
6.11	Reports – Bushfire Assessment Report – 3611 The Lakes Way .....	30
6.12	Reports – Cost Summary Report – 3540 The Lakes Way .....	30
6.13	Reports – Pre-lodgement Meeting Notes - 3540 The Lakes Way .....	30

## Table of Figures

Figure 1: Locality Diagram, site location indicated by blue drop pin (Source: Nearmaps) .....	3
Figure 2: Site Diagram showing site location .....	3
Figure 3: R5 Large Lot Residential Zoning Spatial Analysis.....	4
Figure 4: Proposed subdivision design and layout .....	6
Figure 9: Image showing part of subject site mapped as coastal use area and coastal environment    area	11
Figure 10: Site zoning Great Lakes LEP .....	15
Table 1: Relevant GLLEP Provisions.....	17
Table 2: Great Lakes DCP 2010 Analysis.....	27

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# 1 Introduction

## 1.1 Summary

Site Details	
Address	3611 The Lakes Way Charlotte Bay
Property Description	Lot 22 DP 236679
Area	9.96 ha approximately
Local Government Area	Mid Coast Council (Great Lakes LEP)
Current Use	Bushland

General Details	
Applicant	Blueys Estate Pty Ltd
Proposal	Approval for a three lot subdivision including associated dwelling sites and associated infrastructure works
Application Type	Development Application
Level of Assessment	Local Application
Consent Authority	Mid Coast Council
Key Applicable Codes	Great Lakes LEP 2014 SEPP Resilience and Hazards SEPP Housing Great Lakes DCP

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## 1.1 Preamble

This Statement of Environmental Effects (SEE) has been prepared by Lands Advisory Services Pty Ltd (Landsas) to accompany a Development Application (DA) to Mid Coast Council (Council) seeking development approval for a three lot subdivision and associated infrastructure at 3611 The Lakes Way Charlotte Bay.

The purpose of this report is to describe the proposed development and review the relevant planning requirements relating to the proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 (1) of the *Environmental Planning and Assessment Act, 1979*.

In the preparation of this SEE for the Site and the locality has been considered, along with supporting plans and consultant reports relating to the proposed subdivision.

The merits of the proposal have been considered with reference to the relevant State, Regional and Local Council planning instruments, codes and policies.

The proposed development is considered appropriate and worthy of obtaining development consent.

## 1.2 Site & Locality Description

The Site is located on the northwestern side of The Lakes Way, Charlotte Bay to the north of the intersection with Coomba Road; approximately 3.5 kilometers by road from the Blueys Beach retail precinct and approximately 900m to the south of the Charlotte Bay retail precinct. The legal description of the site is lot 22 DP 236679. The site has an overall area of approximately 9.96 hectares.

The Site currently has an existing shed on the southern portion of the site adjacent to the Lakes Way. The majority of the site is vegetated and used for periodic grazing and bushland. Location maps showing the Site in a regional and local context are set out below in Figures 1 and 2.

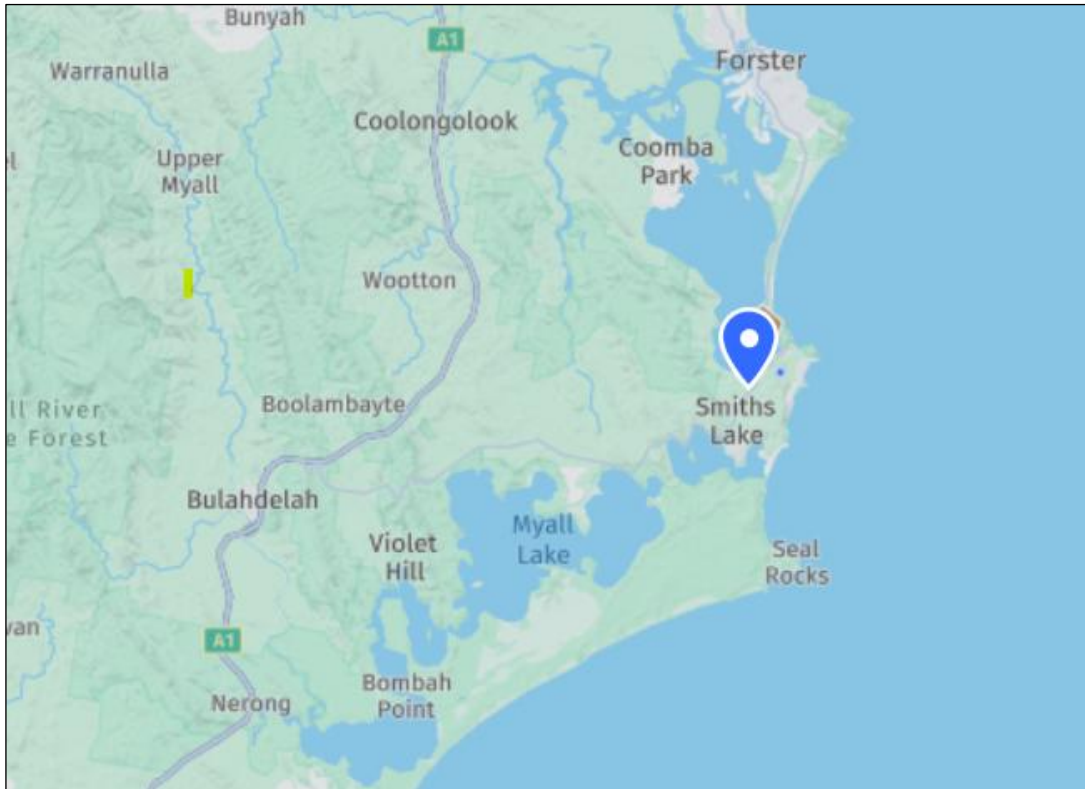


Figure 1: Locality Diagram, site location indicated by blue drop pin (Source: Nearmaps)



Figure 2: Site Diagram showing site location

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### 1.3 Existing Development

The site is currently utilised for periodic grazing and is predominately vegetated. An existing shed is in place on the southern portion of the site adjacent to the Lakes Way.

### 1.4 Context and Surrounding Land uses

The Site is currently zoned R5 Large Lot Residential in accordance with the *Great Lakes Local Environmental Plan 2014*. Immediately surrounding is similarly zoned R5 land apart to the east where the site abuts land zoned R2 Rural Landscape zoned land.

A spatial analysis of land within the R5 Large Lot Residential zoning within the immediate locality of the Site, shows varying lot sizes from 10,000m<sup>2</sup> to 101,467m<sup>2</sup>. Further, the analysis below shows an inconsistent subdivision pattern, likely as a result of various site constraints.

It is our view that the existing subdivision character is one of larger lot subdivisions than the minimum required under the LEP, with an overall emphasis to accommodate the site constraints and opportunities.

It is our view that the existing subdivision character is one of larger lot subdivisions than the minimum required under the LEP, with an overall emphasis to accommodate the site constraints and opportunities.



Figure 3: R5 Large Lot Residential Zoning Spatial Analysis

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## **1.5 Pre-Lodgement Meeting**

A DA Pre-Lodgement Meeting was held with Council on the 12 December 2023. A record of the meeting notes is provided in section 6.

# **2 Description of Proposal**

## **2.1 General Description**

In determining the overall subdivision potential for the Site, we have relied on the above site constraints analysis and designed a scheme which is in character with the locality and is sympathetic to the onsite constraints; that can be fully assessed and addressed as part of the development consent process.

The subdivision layout proposed creates three lots, with site areas of 22,030m<sup>2</sup>, 53,574m<sup>2</sup> and 23,723m<sup>2</sup>. Access is proposed via a single shared accessway off The Lake Way via creation of an easement/right of way that benefits each lot. It is also proposed that restrictive covenants will be placed on title of each new lot that prevents clearing beyond establishment of the dwelling sites. This will ensure there can be no clearing to establish fence lines between lots and within each new lot.

Building envelopes, of a size to accommodate appropriate APZs, have been shown in locations clear of the Flood Planning Area and Coastal Use Area, which also link directly with the accessway.

Whilst this is a far lower yield than the minimum subdivision size allows, we are of the view that a higher yield to achieve such would result in an unacceptable environmental impact and would be out of context with the existing character of the area.

The proposed subdivision also achieves compliance under Planning for Bushfire 2019 and minimises the impact of native vegetation clearing across the site. Further, the proposed access road complies with Council's flood height and impact requirements on the upstream properties and surrounding roads.

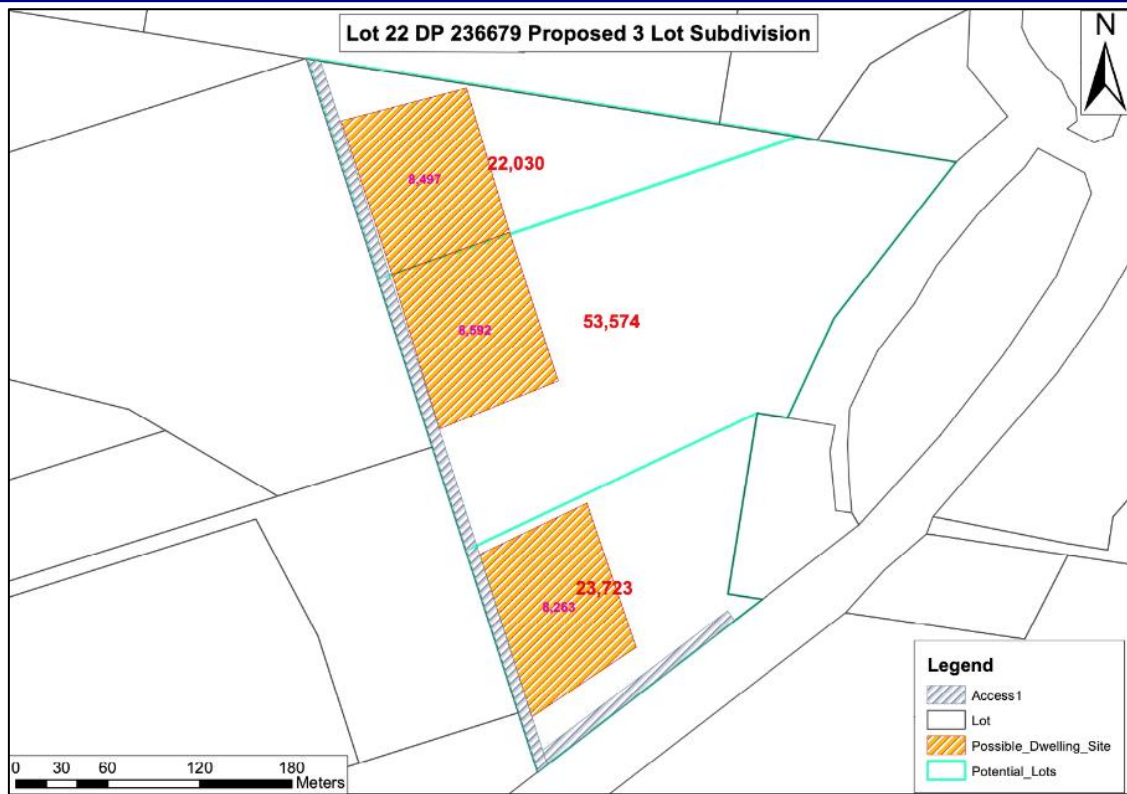


Figure 4: Proposed subdivision design and layout

## 2.2 Current Use of the Site

The site is currently utilised for intermittent low impact grazing with the majority of the site currently vegetated.

## 2.3 Heritage

The site subject to this development application does not contain any items listed as heritage items as per the Great Lakes Local Environmental Plan.

A search of the AHIMS database revealed there are not registered aboriginal sites or aboriginal places within or adjacent to the subject site, the search parameters included a 50m buffer from the property boundary of the subject site.

## 2.4 Stormwater

A stormwater concept plan has been prepared by Tattersall Lander and is provided in section 6 of this report. The proposed stormwater concept includes the installation of rainwater tanks, biofilters and level spreaders. The indicative location of each of these concept designs is provided on the attached plans.

## 2.5 Bushfire

The area is mapped as bushfire prone land in accordance with Clause 10.3 of the EP&A Act. As such the development is considered integrated development as per section 100b of the

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Rural Fires Act. As such a bushfire threat assessment report has been prepared by Bushfire Environmental Management Consultancy and is provided as per section 6.

The proposed subdivision layout and location residential dwelling sites as been designed to ensure compliance with the recommendations of the bushfire report.

## **2.6 Ecology**

The proposal will require removal or modification of approximately 1.55ha of native vegetation. As such a BDAR has been prepared using the Streamlined Assessment Modules for 'small area,' as outlined in Appendix C of the Biodiversity Assessment Method (BAM) (DPIE 2020a). The small area module has been used because the development does not exceed the area clearing threshold for small area developments as prescribed in the BAM, which, in the case of Subject Land with a minimum lot size of 1ha, is  $\leq 2$ ha.

AEP has been commissioned to produce a report to assess any potential impacts on biodiversity associated with the proposal and recommend appropriate measures to mitigate these impacts, in line with the requirements of the Consent Authority.

The report is provided as per section of this document.

## **2.7 Social and Economic Impacts**

The proposed development will have limited impact from a social and economic perspective.

## **2.8 Excavation and Demolition**

The proposed subdivision plan includes the construction of a new entrance road. The construction of the road will include excavation as part of the overall construction. Detailed plans regarding the access road are provided in section 6.

No demolition is proposed as part of this development application.

## **2.9 Contamination**

Based on the previous and current use of the site for intermittent grazing as not resulted in any form of onsite contamination hence it is considered the site is suitability for the proposed use of residential dwellings.

## **2.10 Access, Traffic and Parking**

The site has legal access off the Lakes Way. This legal access will be utilised to provide external access to each of the three proposed residential lots. Internal access to each of the lots will via a newly constructed road which has been designed to comply with Planning for Bushfire and Council flooding requirement. Detailed plans for the internal access road are provided in section 6 of this report.

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## 2.11 Services

All services are provided adjacent to the subject site along The Lakes Way. Private extension of these services will be required to service the proposed subdivision.

## 2.12 Waste Management

A detailed waste management plan will be prepared to support the subsequent development application post subdivision approval.

## 2.13 Flooding

A flood assessment of the site has been undertaken by EMM Consulting (EMM) to inform the road design for the proposed subdivision. Each of the residential dwelling sites for the three lots have been located to be above the flood planning level.

The access road has been designed to comply with Council's hydraulic design constraints which as resulted in the final design being able to accommodate a 1% AEP afflux of less than 100mm at the property boundary and flood immunity for the 10% AEP event.

The EMM report is provided in full as per section 6.

# 3 Planning Controls

## 3.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (The Act) is the principle planning and development legislation in New South Wales.

In accordance with Section 1.3, the objectives of the 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.*

The stated objectives of the Act are satisfied by the proposed development as it:

- Will promote the social and economic welfare of the local community through the provision of tourist and recreational facilities;
- Creates additional jobs during the construction and operational phases;
- Utilises appropriate existing services; and
- Causes no adverse impacts on the environment.

### 3.1.1 Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016

As discussed in section 2.6 due to the impact on native vegetation a Biodiversity Development Assessment Report has been prepared to meet the requirements of the *Biodiversity Assessment Method 2020* (BAM) established under Section 6.7 of the *Biodiversity Conservation Act 2016* (NSW).

This assessment utilises methods detailed within the BAM Order 2020 to identify biodiversity values inherent within the site, including known and potentially occurring threatened species and ecological communities, and quantifies impacts of the proposal upon these values.

The report is provided as per section 6.

### 3.1.2 Section 4.46 – Integrated Development

The site is classified as bushfire prone land as per the Great Lakes LEP and is therefore classified as integrated development thus necessitating referral to the NSW Rural Fire Service. A Bushfire Threat Assessment Report has been prepared and is provided as per section 6.

All proposed recommendations relating to the subdivision design and location of dwelling sites have been implemented.

## 3.2 Provision of relevant SEPP

Section 4.15(1) of The Act requires consideration of all relevant State Environmental Planning Instruments at the Development Application Stage.

The proposed development has been prepared having regard to *State Environmental Planning Policy Resilience and Hazard*. An assessment against the requirements of the relevant chapters of each SEPP is provided below.

### 3.2.1 State Environmental Planning Policy Resilience and Hazards Chapter 4 Remediation of Land

The SEPP Chapter 4 establishes State-wide provisions to promote the remediation of

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contaminated land. Clause 4.8 of the SEPP requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

Based on previous land uses it is considered the site is not subject to any form of contamination and is suitable for the proposed residential use.

### 3.2.2 State Environmental Planning Policy Resilience and Hazards Chapter 2 Coastal Management

The Coastal Management Act 2016, Section 5 classifies land within the coastal zone under the four following categories:

- The coastal wetlands and littoral rainforests area
- The coastal vulnerability area
- The coastal environment area
- The coastal use area

The aim of the SEPP Chapter 2 Coastal Management is *to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including management objectives for each coastal management area by:*

- *Managing the development in the coastal zone and protecting the environmental assets of the coast, and*
- *Establishing a framework for land use planning to guide decision making in the coastal zone*
- *Mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016*

Part 2 of the SEPP then goes onto to define development controls for each of the above management areas.

The online spatial planning viewer shows that the subject property partly falls within the Coastal Environment Area (CEA) and Coastal Use Area (CUA), see figure 9 below. In assessment of the impacts of the development in relation to the SEPP is provided below.



Figure 5: Image showing part of subject site mapped as coastal use area and coastal environment area

### Division 3 Coastal Environment Area

***13(1) Development consent must not be granted to development on land within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on any of the following:***

<b><i>1(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i></b>	In relation to surface and ground water impact all stormwater from the site will discharge in accordance with Council's policy and will be fully contained on site. Ecological impacts of the development have been assessed as per a Biodiversity Assessment Report with the conclusion being that serious and irreversible impacts are not likely to occur as a result of the development.
<b><i>1(b) coastal environmental values and natural coastal processes</i></b>	It is not considered that the proposed development will have any impact on coastal environmental values and natural coastal processes due to the very small size of the development.
<b><i>1(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed</i></b>	We are of the view the proposed development will have no impact on the water quality of the marine estate due to the very small size and subsequent impact of the development. Further there will be no direct runoff from the site to the waters of the marine estate.

<b><i>development on any of the sensitive coastal lakes identified in schedule 1</i></b>	
<b><i>1(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i></b>	<p>It is not considered the proposed development will have any impact on marine vegetation nor undeveloped headlands and rock platforms to the small size of the development and due to the removed location of the subject site from the marine environment.</p> <p>The impact of native vegetation and fauna and their habitats has been assessed as the Biodiversity Assessment Report that has been prepared to determine the impact on the removal of native vegetation to support the proposed development.</p>
<b><i>1(e) existing public open spaces and safe access to and along the foreshore, beach, headland or rock platform for members of the public including persons with a disability</i></b>	The development site is within an existing parcel of freehold land hence there will be no impact on open coastal spaces.
<b><i>1(f) aboriginal cultural heritage, practices and places</i></b>	An AHIMS search of the site has been conducted which revealed there no listed sites or places of Aboriginal Cultural Heritage. Further previous and current use of the site would not indicate the presence of aboriginal sites or places.
<b><i>1(g) use of the surf zone</i></b>	The site is not within the surf zone
<b><i>13(2) Development consent must not be granted to the development on land which this applies unless the consent authority is satisfied that:</i></b>	
<b><i>2(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1)</i></b>	As per the points raised above the proposed development has been carefully designed and located to minimise harm and impact. Studies done to support this application validate this view.
<b><i>2(b) if that impact cannot be reasonably avoided – the development is</i></b>	As per the above comment the development has been carefully designed and located to minimise harm and impact.

***designed, site and will be managed to minimise that impact***

***2(c) if that impact cannot be minimised – the development will be managed to mitigate that impact***

See above comments

#### **Division 4 – Coastal Use Area**

***14(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:***

***14(1)(a) has considered whether the proposed development is likely to cause an adverse impact on the following:***

***(i) existing, safe access to and along the foreshore area, beach, headland or rock platform for members of the public; including persons with a disability***

Nil impact, development is contained wholly within existing freehold parcel of land that is removed from the coastal foreshore area. Further the proposed development footprint is removed from the coastal use area as mapped for the subject site

***(ii) overshadowing, wind funneling and loss of views from public places to foreshores***

Nil impact, development is contained wholly within existing freehold parcel of land that is removed from the coastal foreshore area. Further the proposed development footprint is removed from the coastal use area as mapped for the subject site

***(iii) the visual amenity and scenic qualities of the coast, including coastal headlands***

Nil impact, development is contained wholly within existing freehold parcel of land that is removed from the coastal foreshore area.

***(iv) aboriginal cultural heritage, practices and places***

An AHIMS search of the site has been conducted which revealed there are no listed sites or places of Aboriginal Cultural Heritage. Further previous and current use of the site would not indicate the presence of aboriginal sites or places. Further the area of the proposed development is removed from the mapped coastal use area

***(v) cultural and built environment***

The site does not contain any items of cultural and built environmental heritage hence there will be no impact as such arising from this development. Further the area of the proposed

<b>heritage</b>	development is removed from the mapped coastal use area
<b>14(1)(b) is satisfied that</b>	
<b>(i) the development is designed, sited and will be managed to avoid and adverse impact referred to in paragraph (a)</b>	The siting of the development is removed from the mapped coastal use area, hence nil impact.
<b>(ii) if that impact cannot be reasonably avoided – the development is designed, sited and will managed to mitigate that impact</b>	The siting of the development is removed from the mapped coastal use area, hence nil impact.
<b>(iii) if that impact cannot be minimised – the development will be managed to mitigate that impact</b>	The siting of the development is removed from the mapped coastal use area, hence nil impact.
<b>14(1)(c) has taken into account the surrounding coastal and built environments, and the bulk, scale and size of proposed development</b>	
	The siting of the development is removed from the mapped coastal use area, hence nil impact.
<b>Division 5 General</b>	
<b>(15) Development in the coastal zone generally – development not increase risk of coastal hazard</b>	Due to the location of this development proposal it will no way increase the risk of coastal hazards
<b>(16) Development in coastal zone generally – coastal management programs considered</b>	The site is not subject to any actions identified in a draft and/or certified coastal management program

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### 3.3 Great Lakes LEP 2014 (GLLEP)

Section 4.15(1) of The Act requires the consideration of all relevant Local Environmental Planning Instruments at the Development Application Stage.

The proposed development has been prepared having regard to GLLEP.

The Site is zoned R5 Large Lot Residential pursuant to GLLEP

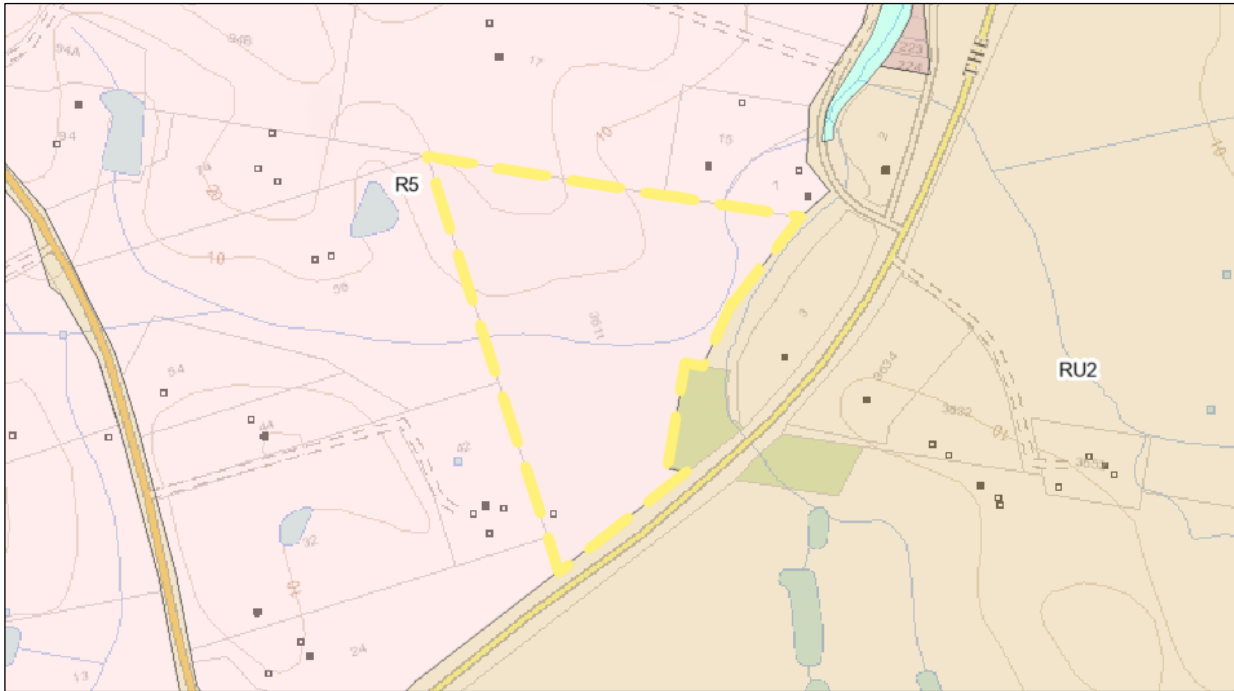


Figure 6: Site zoning Great Lakes LEP

The R5 Large Lot Residential zone objectives are as follows:

*To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

*To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

*To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

*To minimise conflict between land uses within this zone and land uses within adjoining zones.*

*To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.*

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### 3.3.1 Response to Zone Objectives

**Objective** - *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

**Response** – Based on the minimum lot size and the total area of the property a potential lot yield of 9 lots would be possible. However, due to a diligent assessment and response to site constraints an overall lot yield of 3 is seen as the best outcome for the site. This yield and location of the proposed residential dwellings ensures the majority of the site will remain intact native vegetation thus minimizing any impact on the environment and scenic quality of the locality.

**Objective** - *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

**Response** – Proposed subdivision layout will not hinder or impact in any way the future development of urban areas as it is remotely located from the closest urban centres and secondly there is limited capacity for future urban development in the vicinity of the proposed subdivision.

**Objective** - *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

**Response** – The proposed development proposes 3 lots only with a limit of one dwelling per each new lot. This small increase in dwelling houses will not pose an unreasonable increase in services.

**Objective** - *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

**Response** – The proposed development is surrounded by similar large lot residential developments.

**Objective** - *To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.*

**Response** – The site is surrounded by similar large lot residential development. In addition the subdivision and location of dwelling sites have been designed to be screened from the Lakes Way to provide as little environmental impact as possible. Further positive covenants will be placed on the title to each new lot preventing clearing for fence lines and to lock in the location of each dwelling site.

### 3.3.2 Response to GLLEP

Relevant provisions under the GLLEP are considered in the table below

Clause	Clause Description	Relevance to Proposal
<b>Zoning</b>	R5 Large Lot Residential	Use (subdivision) is permissible within the zone
<b>4.1 Minimum Subdivision lot size</b>	Size of any lot must comply with Lot Size Map	10 000m2. Subdivision complies
<b>5.21 Flood Planning</b>		
<b>7.1 Acid Sulfate Soils</b>	Class 5	The area subject to this proposal is mapped as class 5 land (acid sulphate soils). No works will be more than 5m below the natural ground surface. Further no works are proposed to lower the existing water table.
<b>7.2 Earthworks</b>	Ensure earthworks that require development consent will not have a detrimental impact on environment functions	Only minor earthworks are proposed to enable road construction
<b>7.4 Coastal Risk Planning</b>	Avoid significant impacts from coastal hazards, ensure compatible land uses	Not applicable to this site
<b>7.5 Stormwater Management</b>	Minimise the impacts of stormwater	A concept stormwater has been prepared for each dwelling site. Plans are provided in section 6.
<b>7.6 Drinking Water Catchments</b>		Not applicable to this site
<b>7.7 Riparian Land and Watercourses</b>		Not applicable to this site
<b>7.8 Wetlands</b>		Not applicable to this site
<b>7.9 Protection of Wildlife Corridors</b>		Not applicable to this site

Table 1: Relevant GLLEP Provisions

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### 3.4 Provision of Draft Environmental Planning Instruments

Section 4.15(1) of the Act requires Council to consider the Provisions of relevant Draft Environmental Planning Instruments.

The Mid Coast Draft LEP has been placed on public exhibition with Clause 1.8A providing saving provisions relating to development applications.

*Clause 1.8A If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan (being the MidCoast LEP) had not commenced.*

The site is currently zoned R5 Large Lot Residential. The draft MidCoast LEP proposes no changes to the existing zoning.

### 3.5 Provisions of Relevant Development Control Plans

Section 4.15(1) of the Act requires the consideration of Great Lakes Development Control Plan 2013 (GLDCP).

Specifically, Section 4.15(3A) clarifies the way in which a Development Control Plan (DCP) is to be considered when assessing and determining a development application under section 4.15 of the Act. In particular, this subsection clarifies that:

- If a development application does not comply with standards or performance criteria in the DCP, the consent authority should be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards. Thus, consent authorities should not refuse a development application purely based on noncompliance with a standard in the DCP.
- A consent authority should only consider the standards and performance criteria in a DCP in connection with a specific development application. This is to ensure consent authorities do not refuse development applications purely because it will set a precedent or is contrary to a precedent or established practice of the consent authority.

As such, the consent authority will be required to give less weight and significance to provisions of a DCP than those of an EPI and will no longer be permitted to place determinative weight on DCP controls because of their prior consistent application.

There are few specific GTDCP provisions that relate to the proposed development. A summary of relevant and significant GTDCP controls is provided below.

#### Great Lakes DCP 2013 Compliance Table

<b>Character Statements Section 3.3.2 Large Lot Residential, Rural and Environmental Land</b>	<p>Objectives</p> <p><u>To promote development that is sympathetic to the existing character of the locality, as well as specific landform, vegetation, soils and geology</u></p> <p>The proposed subdivision layout has been prepared to be consistent with the surrounding large lot residential layout. The proposed layout only seeks an approval for 3 lots whereas based on the size of</p>
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	<p>the site and the minimum lot size theoretically a lot yield of 9 is possible.</p> <p>The smaller lot yield is a direct response to site constraints and a desire to reduce the clearing of vegetation thus maintaining as intact as possible the existing on-site environmental values.</p> <p>The impact of the removal of vegetation has been considered in accordance with a comprehensive biodiversity assessment.</p> <p>A soil analysis has been undertaken as part of the Wastewater Report to determine an appropriate onsite wastewater disposal system.</p> <p>There are no significant geological features that will impacted upon as part of this development proposal.</p> <p><u>To protect and enhance sensitive environs and waterways</u></p> <p>Approximately 85% of the total area of the site will remain intact in its natural state. We are not aware of any sensitive environs or waterways within the site, this is further confirmed by the detailed vegetation assessment that was undertaken of the site.</p> <p><u>To ensure the preservation of rural land activities and agriculture and prevent fragmentation of rural lands</u></p> <p>No relevant to this development application.</p> <p><u>To minimise potential conflicts between land uses, especially primary production enterprises and rural holdings</u></p> <p>The proposed use of the site as large lot residential is consistent with the surrounding uses.</p> <p><u>To prevent the siting and orientation of any new building upon any prominent ridgeline or hilltop</u></p> <p>The site does not contain prominent ridgelines or hilltops.</p>
<b>4.1 Ecological Impacts</b>	<p>A detailed biodiversity assessment report has been prepared to support this development application. We believe that this adequately addresses each of the controls listed under section 4.1</p>
<b>4.2 Flooding</b>	<p>A flood assessment of the site has been undertaken by EMM Consulting (EMM) to inform the road design for the proposed subdivision. Each of the residential dwelling sites for the three lots have been located to be above the flood planning level.</p> <p>The access road has been designed to comply with Council's hydraulic design constraints which as resulted in the final design being able to accommodate a 1% AEP afflux of less than 100mm at the property boundary and flood immunity for the 10% AEP event.</p> <p>The EMM report is provided in full as per section 6.</p>
<b>4.3 Coastal Planning Areas</b>	<p>This section is not applicable to this development proposal</p>

<b>4.4 Effluent Disposal</b>	An Onsite Wastewater Management Plan has been prepared to ensure compliance with the effluent disposal requirements of this chapter. The full report is provided in section 6.
<b>4.5 Poultry Farms Buffer</b>	Not relevant to this proposal
<b>4.6 Contaminated Land</b>	It is considered previous and current land do not pose a contamination threat on the subject site.
<b>4.7 Bushfire</b>	A bushfire threat assessment has been prepared to support this development application. The subdivision layout has been prepared in response to the recommendations contained within the report. The proposed layout of residential dwellings footprints which includes an APZ setback will registered on title via the use of restrictive covenants.
<b>Part 9 Subdivision</b>	
<b>9.1 Objectives</b>	<p><i>Objective - Facilitate the development of a range of sites appropriate to the types of activities occurring in the Great Lakes</i></p> <p>Response – The proposed subdivision layout is consistent with the already existing layouts adjacent to the subject site.</p> <p><i>Objective - Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land</i></p> <p>Response – The proposed subdivision layout quite diligently factored in site constraints to determine the 3 lot yield, the proposed yield does not in anyway result in an over fragmentation of the site.</p> <p><i>Objective - Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network</i></p> <p>Response – The proposed subdivision is relative minor in size however it has been designed to ensure the new lots can be directly serviced via the servicing infrastructure that currently runs adjacent to the Lakes Way. In addition access to subdivision is directly off The Lakes Way.</p> <p><i>Objective - Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions</i></p> <p>Response – The proposed size of the subdivision is relatively small and will have limited impact on any existing development and land uses. Even so the design ensures the local environment and existing amenity of the area is not affected in any way.</p> <p><i>Objective - Ensure new subdivisions are designed and constructed to</i></p>

	<p><i>accommodate quality development for the location in which it is proposed</i></p> <p>Response – The size and location of the dwelling sites within each lot will allow for a quality housing development</p> <p><i>Objective - Maximise the retention of native vegetation where possible implement measures to alleviate the fragmentation of wildlife corridors</i></p> <p>Response – The total site area is approximately 9.96ha is contains primarily intact native vegetation. Only 1.55ha or 15.5% of the site is proposed to be impacted by this proposal, hence 85% of the site will remain intact. In addition restrictive covenants will be placed on title to prevent any further onsite clearing including for fence lines between each individual lot.</p> <p><i>Objective - Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc., are adequately considered</i></p> <p>Response – The subdivision layout and location of dwelling sites has been designed based on limiting environmental impact, in addition a flood study has been completed to inform the road design. Further each dwelling site has been located above the flood planning level.</p> <p><i>Objective - Encourage innovative design and energy efficiency</i></p> <p>Response - The lot layout and dwelling sites provide for residential dwelling design that is both innovative and energy efficient.</p> <p><i>Objective - Ensure adequate provisions are made for building areas, services, access, parking and maneuvering on allotments within the subdivision</i></p> <p>Response – The proposed size of each dwelling site adequately caters for all servicing, access and waste disposal requirements.</p>
<p><b>9.1 Large Lot Residential, Rural and Environmental Zones Subdivision – Additional Objectives</b></p>	<p><i>Objective - Ensure the pattern of subdivision reflects the natural features of the site rather than imposing an artificial geometric pattern simply to satisfy the minimum area standard or specific dimensions</i></p> <p>Response – the proposed subdivision layout is of a low impact in consideration of the area of the englobo lot, the proposed layout reflects at best natural site features.</p> <p><i>Objective - Ensure the proposed lots do not fragment agriculturally viable land</i></p> <p>Response – the englobo lot would not be considered to be agriculturally viable land, further the englobo lot is zoned for residential purposes.</p> <p><i>Objective - Ensure the lots created avoid, or make provision to</i></p>

	<p><i>minimise, the likely affect of natural hazards</i></p> <p>Response - The subdivision layout and location and size of dwelling sites has been designed as a direct response to minimise the impacts of flooding and bushfire. In addition the road construction into the site has also been designed to comply with Councils flood parameters.</p> <p><i>Objective - Ensure that the size, shape and characteristics of new lots are appropriate to the zoning and the possible range of uses</i></p> <p>Response – The overall layout of the proposed lots is consistent with the large lot residential subdivision pattern and layout in the immediate area.</p> <p><i>Objective - Protect the scenic value and natural habitats of rural land</i></p> <p>Response – Overall environmental impact is minimal as only 1.55ha of a total site area of 9.96ha is affected by this proposal.</p> <p><i>Objective - Ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site</i></p> <p>Response - The overall layout of the proposed lots is consistent with the large lot residential subdivision pattern and layout in the immediate area.</p>
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## 9.2 General Requirements for subdivisions in all zones

9.2.1 Design Principles	<p><i>Hazards and Constraints</i></p> <p>The proposed subdivision and dwelling site layout has been designed based on a direct response to existing site constraints including flooding and bushfire risk</p> <p><i>Protection and Enhancement of Natural Features</i></p> <p>Only 1.15 ha or 15.5% of the total site will be affected by the proposed subdivision layout and removal of vegetation to establish dwelling sites. An SBDAR has been prepared to support this development application.</p> <p><i>Infrastructure and Surrounding Development</i></p> <p>The englobo lot has direct frontage to the Lakes Way, all services required for the subdivision are accessible along the Lakes Way. The subdivision layout is consistent with the adjacent large lot residential lots.</p> <p>Future Land Uses and Development</p>
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	<p>The size of each dwelling site compared to each lot ensures there is sufficient space onsite to cater for effluent disposal and stormwater disposal. Further energy efficiency design faces no impediments on each lot based on the distance between each dwelling site.</p>
<b>9.2.2 Site Design</b>	<p><i>Objective – To preserve mature trees and significant landscape elements</i></p> <p>Response – Only a small amount 1.15ha of the existing on site vegetation of a total of 9.96ha is proposed to be affected by this proposal. Where possible mature trees will be preserved within dwelling footprints subject to compliance with bushfire provisions.</p> <p><i>Objective – To limit stormwater runoff and incorporate water sensitive design</i></p> <p>Response – A stormwater concept design as been provided as part of this application. Further detailed stormwater treatment options will be considered when individual development applications are lodged for dwelling construction.</p> <p><i>Objective – To ensure heritage conservation objectives are met for both European and Aboriginal Heritage</i></p> <p>Response – The site contains no items of aboriginal or European heritage</p>
<b>9.2.3 Services</b>	<p><i>Objective – To provide public utilities to each allotment in a manner that is efficient and cost-effective</i></p> <p>Response – Each lot will be provided with sewer, power and water that that is taken from the main supply along The Lakes Way.</p> <p><i>Objective – To maximise opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves</i></p> <p>Response – All services to each lot will be installed in common trenches were possible.</p> <p><i>Objective – To ensure that rural, residential, industrial and commercial areas are adequately serviced in a manner that is timely, cost effective, coordinated and efficient</i></p> <p>Response - Each lot will be provided with sewer, power and water that that is taken from the main supply along The Lakes Way.</p>
<b>9.2.4 Landscaping</b>	<p><i>Objective – To maintain and enhance existing streetscape and landscape character</i></p> <p>Response – Not particularly relevant to this development application</p>

	<p>as there is no existing streetscape; with regard to landscape character the overall aspect of the current landscape will be maintained post development.</p> <p><i>Objective – To enhance the setting of buildings and provide for acoustic and visual privacy</i></p> <p>Response – The small-scale lot yield of only 3 will ensure each dwelling site is provided adequately acoustic and visual privacy.</p> <p><i>Objective – To provide shade, wind and weather protections for buildings and areas of open space</i></p> <p>Response – There is ample space within each new lot for protection from environmental elements and more than sufficient open space.</p> <p><i>Objective – To preserve mature trees and significant landscape elements</i></p> <p>Response - Only a small amount 1.15ha of the existing on site vegetation of a total of 9.96ha is proposed to be affected by this proposal. Where possible mature trees will be preserved within dwelling footprints subject to compliance with bushfire provisions</p>
<b>9.2.5 Drainage</b>	<p><i>Objective – To prevent stormwater damage to the built and natural environment</i></p> <p>Response – All stormwater runoff will be maintained and disposed of within each lot</p> <p><i>Objective – To provide overflow paths to convey large amounts of stormwater flows to trunk drainage systems.</i></p> <p>Response – Not relevant to this development application</p> <p><i>Objective – To reduce nuisance flows to a level that is acceptable to the community</i></p> <p>Response – not relevant to this application as there will be no offsite flows resulting from stormwater runoff.</p> <p><i>Objective – To provide a stormwater system which can be maintained economically</i></p> <p>Response – Each individual dwelling will maintain its own onsite stormwater system that is compliant with Council controls</p> <p><i>Objective – To provide a stormwater system that utilises open space in a manner compatible with other uses</i></p> <p>Response – Not relevant to this development application</p> <p><i>Objective – To protect sensitive waterways and environments from urban pollutants</i></p> <p>Response – All stormwater runoff will be maintained within each dwelling footprint. There will be no stormwater runoff into sensitive</p>

	<p>waterways.</p> <p><i>Objective – To prevent both short and long term inundation of development</i></p> <p>Response – Not applicable to this development application</p> <p><i>Objective – To maintain environmental flows where possible and maximise the use and effectiveness of existing and natural drainage systems.</i></p> <p>Response – Not applicable to this development application</p> <p><i>Objective – To stabilize land forms to prevent erosion and sedimentation.</i></p> <p>Response - Not applicable to this development application</p>
<b>9.2.6 Road Design and Construction</b>	<p>The proposed road design is a simple two access for each of the 3 proposed lots and associated dwellings footprints. The road design plans as provided in section 6 complies with all Council road construction and design standards.</p>
<b>9.3 Residential Subdivision</b>	<p>This section is not relevant to this development application.</p>
<b>9.4 Commercial and Industrial Subdivision</b>	<p>This section is not relevant to this development application.</p>
<b>9.5 Large Lot Residential, Rural and Environmental Subdivision</b>	<p><i>Control 1 – An allotment size in excess of this minimum area standard as shown in the LEP 2014 lots size map may be required where land is identified as having agricultural or environmental value that would be compromised if the land is fragmented by subdivision</i></p> <p>Response – Allotment sizes of 2.49ha, 5.18ha and 2.27ha are way in excess to the minimum lot size requirement of 10,000m<sup>2</sup>. The extensive lot sizes including a restriction on boundary fencing clearing has been a direct design response to reduce environmental impact.</p> <p><i>Control 2 - Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Governments Environment and Health Guidelines titled “On-site Sewage Management for Single Households”</i></p> <p>Response – Proposed lot sizes and dwelling footprints provide ample space for the installation on-site management of sewer. A report demonstrating such as been prepared by Whitehead Environmental Consultants and is provided in section 6.</p>

	<p><i>Control 3 – Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to the funneling of effluent. Details may be required with the subdivision application.</i></p> <p>Response – The area on onsite effluent disposal can respond to this requirement prior to installation as there is ample space available within the proposed dwelling footprints.</p> <p><i>Control 4 – Where sites contain areas of significant vegetation, the subdivision boundaries shall be designed so as to minimise the clearing of land.</i></p> <p>Response – It proposed a restrictive covenant is placed on title to prevent clearing for the establishment of lot boundaries.</p> <p><i>Control 5 – Boundaries over hills, ridgelines and elevated areas shall be designed so as to minimise visual impact as a result of clearing</i></p> <p>Response – Not relevant to this development application as the landscape features mentioned in the control as not present on this site.</p> <p><i>Control 6 – All subdivision boundaries are to be designed so as to ensure the practical location for fence lines and fire trails</i></p> <p>Response – It proposed a restrictive covenant is placed on title to prevent clearing for the establishment of lot boundaries. Further dwelling sites areas have been designed to comply with APZ requirements as per Planning for Bushfire 2019.</p> <p><i>Control 7 – A topographical map is to be submitted showing the proposed boundaries and all site improvements including buildings, dams etc.</i></p> <p>Response – A map is provided in section 6</p> <p><i>Control 8 – Proposed allotments will indicated a dwelling site that allows for reasonable sunlight access.</i></p> <p>Response – The proposed lot layout and location of dwelling sites ensure adequate solar access for each new dwelling.</p> <p><i>Control 9 – The plan of subdivision shall indicate an appropriate dwelling site for each lot, taking into consideration the constraints and opportunities for the future development of the land.</i></p> <p>Response – See attached subdivision plan as per section 6 which complies with the above control.</p>
<p><b>9.6 Additional Information</b></p>	<p><u>Section 88B Instruments</u></p> <p>It is proposed that the subdivision plan will include restrictive covenants to ensure the location and building environments for each</p>

	dwelling is clearly identified and to prevent any clearing for boundary fencing between each new lot. Easements will be created for servicing to each new lot as well as a right of way (easement) between each lot that details shared access and maintenance requirements regarding the access road.
<b>Part 10 Car Parking, Access, Alternative and Active Transport</b>	Access to the proposed lots will come directly off The Lakes Way, the new access road has been designed to Council standards and requirement. Parking and access regarding each individual dwelling can be determined upon DA lodgement for each new dwelling. Even so there is ample space provided within each dwelling footprint to ensure compliance with vehicle movement and parking.
<b>Part 11 Water Sensitive Design</b>	Stormwater concept plans have been provided for each new lot. Detailed stormwater design will be provided at the time of DA lodgement for each new dwelling.
<b>Part 12 Vegetation Management</b>	Not applicable to this proposal
<b>Part 13 Landscaping Requirements</b>	Each lot contains a significant amount of retained native vegetation. Landscaping within the proposed dwelling footprint will need to comply with Planning for Bushfire 2019. Detailed landscaping requirement can be assessed at the time of development application for each new dwelling.
<b>Part 14 Waste Management</b>	Not relevant to this development application
<b>Part 15 Advertising and Signage</b>	Not relevant to this development application

*Table 2: Great Lakes DCP 2010 Analysis*

### 3.6 Agreements & Provisions of Regulations etc.

Section 4.15(1)(a) of the Act requires consideration of:

- any planning agreement entered into under Section 7.4
- the regulations

#### 3.6.1 Planning Agreements

There is no planning agreement or draft agreements included in this proposal.

#### 3.6.2 Regulations

There are no particular Regulations relevant to this development application. All building work will be carried out in accordance with Clause 98 of the EPA Regulations 2000 which

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requires the consent authority to consider the provisions of the Building Code of Australia.

## **4 Impacts and Site Suitability**

### **4.1 Likely Impact of Development**

Section 4.15(1)(b) of the Act requires consideration of the likely impact of the development. A detailed impact analysis has been carried out in consideration of the GLLEP and GLDCP as noted above. The impact of the proposed development has been assessed in accordance with applicable policies and statutes. Based on the conclusion of the various detailed expert assessment reports it is considered the impact of the development will not result in or cause severe or reversible impacts.

Significant mitigation measures have been proposed that help offset the impact of the development include biodiversity offsets payments and the retention of approximately 85% of the site under native vegetation.

Overall, we consider the impact of this development proposal to be manageable and offset by the various mitigation measures proposed and the economic benefits that will be generated.

### **4.2 Suitability of the Site**

Section 4.15(1)(c) of the Act requires consideration of the suitability of the Site.

#### Zoning

The Site is currently zoned as RU5 Large Lot Residential, the proposed use of the site for a three-lot subdivision and dwelling site approval is permitted with consent under this zoning. The proposed subdivision is considered a suitable use as there are no site attributes that we believe would comprise this proposed use.

The proposed subdivision layout and location of each associated dwelling site complies with Council's DCP requirements and is supported by expert advice stating that site impacts are minimised.

The site does not exhibit any land use constraints that render the site unsuitable for the proposed development nor any constraints that would contribute to adverse environment impacts post development. All impacts of the proposed development have been adequately mitigated and contained through sensitive placement and design of the development, the retention and protection of over 85% of the site, biodiversity offset payments and onsite retention of stormwater runoff.

Therefore, the site is considered appropriate for the proposed development.

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### **4.3 Submissions**

Section 4.15(1)(d) of the Act requires assessment by Council following exhibition if required.

### **4.4 The Public Interest**

Section 4.15(1)(e) of the Act requires the public interest to be considered. Issues of public interest relevant to this application are unknown at this stage.

## **5 Conclusion**

This proposal seeks concept development approval for a three-lot subdivision and associated dwelling footprints.

The features of the concept development proposal all comply with local and state policies and are consistent with the character of the area. The development is also designed and sited to minimise environmental and visual impacts.

The proposal will not have any unacceptable impacts on the site, adjoining land or the natural or build environment and is consistent with the current use of the site and other uses in the general vicinity.

It is also considered that the proposal is not contrary to the public interest and is compliant with Council policies and regulation and as is worthy of approval by Mid Coast Council.



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## **6 Attachments**

**6.1 Plans – Proposed Plan of Subdivision – 3611 The Lakes Way**

**6.2 Plans – Driveway Design/Civil Plan – 3611 The Lakes Way**

**6.3 Plans – Site Plan/Survey – 3611 The Lakes Way**

**6.4 Plans – Stormwater Concept Plan – 3611 The Lakes Way**

**6.5 Reports – AHIMS - 3611 The Lakes Way**

**6.6 Reports – Flood Assessment - 3611 The Lakes Way**

**6.7 Reports – Land Owners Consent - 3611 The Lakes Way**

**6.8 Reports – Wastewater – 3611 The Lakes Way**

**6.9 Reports – Pre-DA Minutes - 3611 The Lakes Way**

**6.10 Reports – SBDAR –3611 The Lakes Way**

**6.11 Reports – Bushfire Assessment Report – 3611 The Lakes Way**

**6.12 Reports – Cost Summary Report – 3540 The Lakes Way**

**6.13 Reports – Pre-lodgement Meeting Notes - 3540 The Lakes Way**

