

Statement of Environmental Effects



Proposed Subdivision of Four Allotments into Nine Lots

253 Bundabah Road, Bundabah and 120 Clarke Street, Pindimar

Prepared for: Tea Gardens Farms Pty Limited
 Project No: 0333E
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Statement of Environmental Effects

253 Bundabah Road, Bundabah and 120 Clarke Street, Pindimar

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1 Introduction

1.1 Commission

State Planning Services Pty Limited (**SPS**) has been commissioned by Tea Gardens Farms Pty Limited to prepare a Statement of Environmental Effects (**this report**) for a proposed subdivision of four Lots into nine (9) Lots (**the proposal**) on the subject site comprising 446 hectares (**ha**) of land at 253 Bundabah Road East, Bundabah and 120 Clarke Street, Pindimar (**the site**).

1.2 Purpose of this Report

This report accompanies a development application (**DA**) to MidCoast Council (**Council**) with the main purpose being to address the key environmental and amenity impacts associated with the proposal in order to satisfy the assessment criteria prescribed by:

- (a) section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (**EPA Act**); and
- (b) clause 24 of the *Environmental Planning and Assessment Regulation 2021* (**EPA Regulation**).

1.3 Type of Application

The proposal is neither exempt development, nor complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (**Codes SEPP**) and therefore will require the submission of a DA in accordance with s.4.12(1) of the EPA Act and clause 2.6 of *Great Lakes Local Environmental Plan 2014* (**GLLEP**).

The proposal is defined as 'development' for the purposes of s.1.5(1)(b) of the EPA Act as it involves 'the subdivision land'. The proposal also involves the 'carrying out of development' for the purposes of s.1.5(3) of the EPA Act.

Pursuant to s.4.46 of the EPA Act, the proposal is integrated development for the purposes of:

- (a) s.138 of *Roads Act 1993* (**Roads Act**) as it involves disturbance to the surface of a public road for the purposes of a road crossovers and laybacks; and
- (b) s.100B of *Rural Fires Act 1997* (**Rural Fires Act**) as it requires an authorisation in respect of bush fire safety for the subdivision of land that could lawfully be used for residential purposes.

Real Est Quantity Surveyors has identified that the estimated development cost (**EDC**) of the proposal is \$4,642,673 plus GST.

Pursuant to clause 2.19 and schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**) the proposal is not 'Regionally Significant Development' as the EDC is less than \$30 million.

The proposed subdivision boundaries and the 'carrying out of the development' will avoid all mapped coastal wetlands and littoral rainforest and as such will not be considered designated development for the purposes of clause 2.7(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* (**SEPP Resilience and Hazards**).

1.4 Background

On 20 January 2003, Council granted consent for DA825/2002 for a new dwelling house on Lot 104 DP1049845 Bundabah Road, Bundabah, subject to conditions. On 23 July 2019, Council modified this consent DA825/2002/A, subject to conditions. This is an active consent and the dwelling is now positioned on Proposed Lot 3.

On 27 March 2014, Council granted consent for DA228/2014 for a jetty on the foreshore of Lot 104 DP1049845 Bundabah Road, Bundabah near Fame Cove, subject to conditions. On 15 October 2015, Council modified this consent DA228/2014/A, subject to conditions. This is an active consent and the jetty is under construction.

On 4 April 2016, Council granted consent for DA219/2016 for the upgrade of the access road from Lot 104 to the jetty on the foreshore, subject to conditions. On 28 July 2020, Council modified this consent with DA219/2016/A, subject to conditions. This is an active consent.

On 1 February 2019, Council granted consent for DA8/2019 for a road through Lot 100, 101 and 104 DP1049845, subject to conditions. On 6 April 2020, Council modified this consent with DA8/2019/A, subject to conditions. This is an active consent and the road provides access to Proposed Lot Nos. 1, 2, 3 and 4.

Other previous consents that have applied to the site include the following:

- DA231/2013/C – Boundary adjustment and dwelling Lot 104 DP1049845
- DA-379/2003/B – Dwelling Lot 103 DP1049845
- DA-336/2019/A – Roads, vegetation removal Lot 2 DP1076610 Lot 103 DP1049845
- DA-821-2002/A – Dwelling Lot 101 DP1049845
- DA114/1981 – Dwelling on Lot 6 DP 252388
- DA1065/1982 – Dwelling on Lot 6 DP 252388
- DA1165/2002 – Dwelling and stables on Lot 6 DP 252388
- DA378/2003 – Dwelling on Lot 102 DP 1049845
- DA416/2007 – Rural land sharing community and caretakers' residence on Lot 103 DP 1049845
- DA417/2007 – Rural land sharing community and caretakers' residence on Lot 101 DP 1049845
- DA421/2007 – Rural land sharing community and caretakers' residence on Lot 2 DP 1076610
- DA423/2007 – Rural land sharing community and caretakers' residence on Lot 104 DP 1049845
- DA97/2009 – Dwelling on Lot 100 DP 1049845
- DA97/2019/A – Modification to consent for dwelling on Lot 100 DP 1049845
- DA205/2013 – Temporary workers accommodation (3 x dongas) and entry gate on Lot 100 DP 1049845
- DA209/2013 – Shed on Lot 100 DP 1049845
- DA260/2018 – Staged (concept) for detached dual occupancy on Lot 14 DP 238401

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- DA260/2018/A – Modification to an approved staged (concept) development with detached dual occupancy. Amending seven conditions relating to ecology, engineering and maintenance on Lot 14 DP 238401
- DA260/2018/B – Modification to consent for staged (concept) DA for detached dual occupancy on Lot 14 DP 238401
- DA397/2018/A – Modification to consent for staged (concept) development with detached dual occupancy. Amending ten conditions relating to ecology, engineering and maintenance on Lot 22 DP 238401, Lot 4 DP 252388
- DA127/2019 – Six-car garage (ancillary to existing dwelling) on Lot 100 DP 1049845
- DA127/2019/A – Modification to consent for six-car garage (ancillary to existing dwelling) on Lot 100 DP 1049845
- DA207/2020 – Monopoles (x 2) with security cameras on Lot 100 DP 1049845.

1.5 Material Relied Upon

On 23 September 2024, SPS inspected the site.

Supporting plans and reports have been uploaded onto the NSW Planning Portal.

2 Context

2.1 Subject Site

The site comprises eight (8) lots of varying sizes and is located in Bundabah and Pindimar within the MidCoast (formerly Great Lakes) Local Government Area (LGA) (**Figure 1**).



Figure 1 Locality Plan

The site comprises irregular shaped lots with a total of 446ha in area. The site is substantially bisected by a creek that forms the upper tributaries of Fame Cove. This creek generally extends in a north/south direction and creates a natural buffer which divides the western and eastern peninsulas of the site (**Figure 2**).

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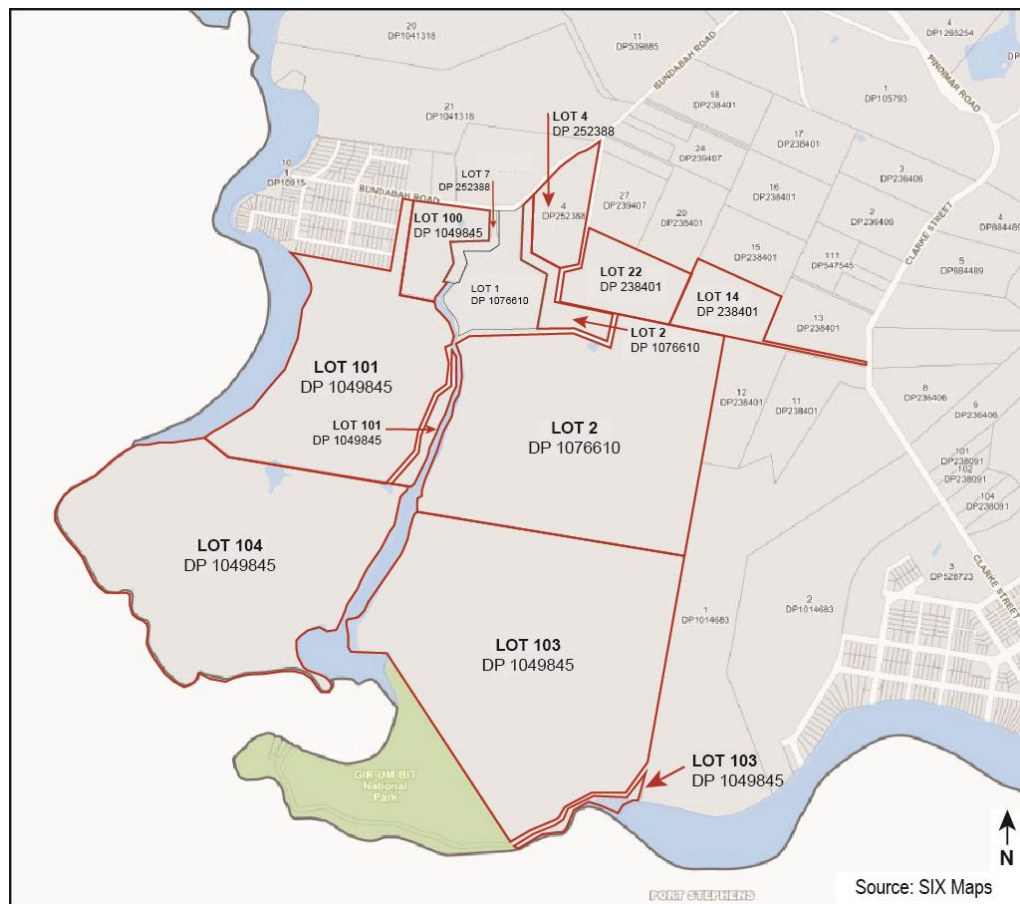


Figure 2 Cadastral Plan

The site contains foreshore access to North Arm Cove, Fame Cove, Piggy Beach and the Karuah River opposite Soldiers Point near Port Stephens. The Pacific Highway is located to the north which connects the site to major destinations along the east coast including Newcastle, Sydney and Brisbane.

The site comprises the following lots (including four lots which are to be subdivided emphasised in **bold**) and is accessible via Bundabah Road, Bundabah and Clarke Street, Pindimar:

- **Lot 101 DP 1049845 No. 253 Bundabah Road, Bundabah - 66.8ha**
- **Lot 104 DP 1049845 Bundabah Road, Bundabah - 100.7ha**
- **Lot 2 DP 1076610 Bundabah Road, Bundabah - 104.7ha**
- **Lot 103 DP 1049845 Bundabah Road, Pindimar - 129.4ha**
- Lot 100 DP 1049845 No. 251 Bundabah Road, Bundabah - 10.1ha
- Lot 4 DP 252388 207 Bundabah Road, Bundabah – 10.08ha
- Lot 14 DP 238401 No. 120 Clarke Street, Pindimar – 10.89ha
- Lot 22 DP 238401 No. 120 Clarke Street, Pindimar – 13.93ha

The four lots within the site that are to be subdivided occupy an area of **401.6ha**.

A Site Survey Plan has been prepared by Barry Hunt Associates.

The site is used for rural-residential and agricultural grazing purposes and contains improvements such as various dwellings and sheds. The site also accommodates livestock as well as various farm dams and orchards for growing apples, mangoes, grapes and citrus. The site includes bushland with cleared patches sporadically located across the lots.

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Significant areas of waterfrontage enable the site to be subdivided into lots that will be able to support small scale agricultural uses, but also provide landowners owners with a high level of amenity due to the access to the foreshores. The proposed lots will be located close to the Bundabah village with access to the Pacific Highway to the north.

The site is bisected by the creek and inlet of Fame Cove, 168ha of the site being on the western side of the inlet (Proposed Lots 1- 4), whilst the larger portion of the site comprising 235.9ha is located on the eastern side of the inlet. Access between the two peninsulas of the site is restricted and only available at low tide.

An approved jetty is under construction on the foreshore of Lot 104 DP1049845 near Fame Cove.

Figures 3 to 7 include photographs of the site.



Figure 3 Southern part of the site showing Fame Cove and waterway which bisects the site

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Figure 4 View north of waterway extending from Fame Cove which separates the site.



Figure 5 View north to the western part of site (Proposed Lots 1-4)



Figure 6 View of GIR-UM-BIT National Park (on left) and south eastern part of site (Proposed Lots 5 and 6) with Piggy Beach in middle foreground



Figure 7 View of the northwest side of the site with the Bundabah village to the left

2.2 Surrounding Development

Surrounding development in the North Arm Cove and South Pindimar locality includes remnant paper subdivisions comprising 1,000m² lots, large rural-residential holdings and other large agricultural lots similar to the subject site with extensive water frontage to the Karuah River (Figure 8).



Figure 8 Aerial Photograph of Subject Site and Surrounding Development

On the opposite side of the Karuah River, and to the south is the suburb of Soldiers Point. Bundabah village and jetty is located to the northwest of the site with small rural holdings to the north and north east. Adjoining the site to the east are several larger rural holdings similar to the subject site, whilst the small village of Pindimar is located approximately 1km beyond.

GIR-UM-BIT National Park adjoins the south western boundary of Lot 103 DP 1049845 Bundabah Road, Pindimar and much of the site has a frontage to either Bundabah Creek, North Arm Cove, Karuah River, Fame Cove and/or Piggy Beach. Vehicular access is from either Bundabah Road or Clarke Street and boat access is possible via an approved jetty (under construction) from Fame Cove adjacent to Lot 104 DP 1049845 and directly opposite GIR-UM-BIT National Park.

3 Proposal

The proposal involves the *subdivision of land* together with the *carrying out of development* pursuant to s.1.5(1)(b) and s.1.5(3) of the EPA Act, respectively.

3.1 Subdivision

The proposal is for the Torrens-title subdivision of four (4) allotments into nine (9) lots as noted in the *Plan of Proposed Subdivision* prepared by Barry Hunt and Associates Surveyors (BHA) (Figure 9).

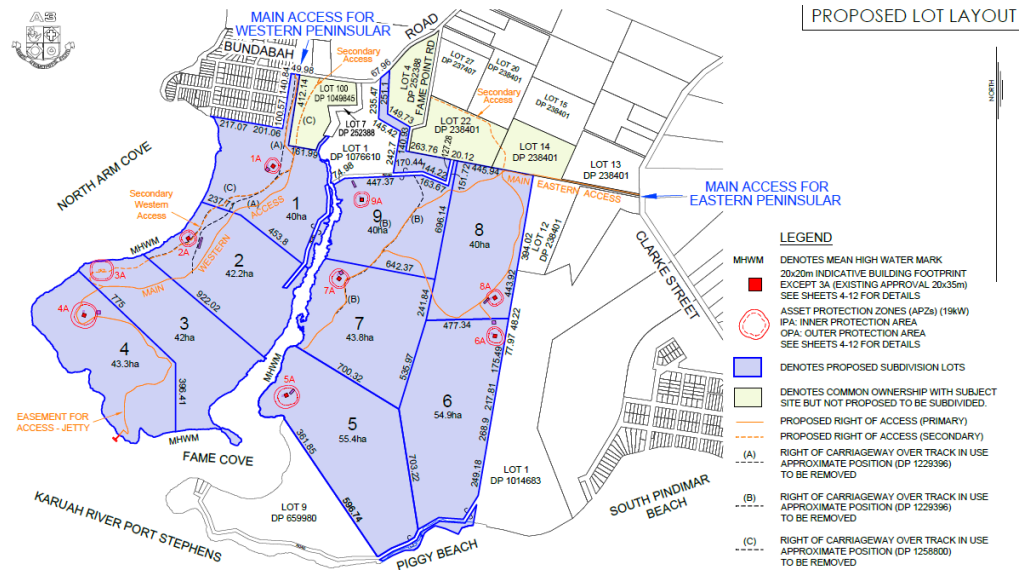


Figure 9 Proposed Plan of Subdivision

Each of the proposed lots will be between 40ha and 55.4ha in size.

It is also proposed to provide vehicular access to each of the lots either by improving the existing access tracks, and/or the provision of new access roads with associated rights of carriageway.

The site comprises the following lots (including four lots which are to be subdivided emphasised in **bold**) and is accessible via Bundabah Road, Bundabah and Clarke Street, Pindimar:

- **Lot 101 DP 1049845 No. 253 Bundabah Road, Bundabah - 66.8ha**
- **Lot 104 DP 1049845 Bundabah Road, Bundabah - 100.7ha**
- **Lot 2 DP: 1076610 Bundabah Road, Bundabah - 104.7ha**
- **Lot 103 DP 1049845 Bundabah Road, Pindimar - 129.4ha**
- Lot 100 DP 1049845 No. 251 Bundabah Road, Bundabah - 10.1ha
- Lot 4 DP 252388 207 Bundabah Road, Bundabah – 10.08ha
- Lot 14 DP 238401 No. 120 Clarke Street, Pindimar – 10.89ha
- Lot 22 DP 238401 No. 120 Clarke Street, Pindimar – 13.93ha

The four lots within the site that are to be subdivided occupy an area of **401.6ha**, but the total site area is **446.5ha**. All proposed lots comply with the minimum 40ha minimum lot size under GLEP. Those sites which form part of the site that are not being subdivided are either undersized and/or being used for improved access only.

3.1.1 Proposed Lot Sizes and Configuration

Table 1 Proposed Subdivision of Four Allotments into Nine Lots		
Proposed Lot Number	Area (ha)	Comment
Proposed Lot 1	40ha	Direct access to Bundabah Road North Arm Cove foreshore access. Indicative Building Footprint 1A
Proposed Lot 2	42.2ha	Accessible via Right of Carriageway over Proposed Lot 1. North Arm Cove foreshore access together with direct frontage to upper reaches of Fame Cove Creek. Indicative Building Footprint 2A.
Proposed Lot 3	42ha	Access via right of carriageway over Proposed Lot 1 and Proposed Lot 2 from Bundabah Road. Existing approved 20m x 35m dwelling house site which contains concrete footings (active consent).
Proposed Lot 4	43.3ha	Includes access to approved jetty near Fame Cove (active consent). Access via right of carriageway over Proposed Lot Nos. 1, 2 and 3 from Bundabah Road Indicative Building Footprint 4A.
Proposed Lot 5	55.4ha	Includes direct frontage to Piggy Beach and Fame Cove. Access via right of carriageway over Proposed Lot Nos. 8 and 9 Adjoins GIR-UM-BIT National Park. Indicative Building Footprint 5A.
Proposed Lot 6	54.9ha	Includes direct frontage to Piggy Beach Access via right of carriageway over Proposed Lot Nos. 8, 9 and 7 and existing Lot 14 to/from Indicative Building Footprint 6B.
Proposed Lot 7	43.8ha	Includes direct frontage/access to upper reaches of Fame Cove creek. Access via right of carriageway over Proposed Lot Nos. 8, and 9 and existing Lot 14 to/from Indicative Building Footprint 7A.
Proposed Lot 8	40ha	Includes direct access proposed to Clarke Street via access handle of Lot 14 DP 238401 No. 120 Clarke Street, Pindimar. No foreshore access. Indicative Building Footprint 8B
Proposed Lot 9	40ha	Includes direct frontage to upper reaches of Fame Cove Creek. Access via right of carriageway over Proposed Lot Nos. 8 and existing Lot 14 to/from Clarke Street, Pindimar. Indicative Building Footprint 9A.
Total	401.6ha	

The proposed subdivision has been designed to comply with the 40ha minimum lot size development standard in clause 4.1 of GLLEP and to avoid the creation of any land-use conflict between the site and other established uses adjoining the site.

3.1.2 Access Roads

The proposed main access to the western peninsula is from 253 Bundabah Road, Bundabah.

The proposed main access to the eastern peninsula is from 120 Clarke Street, Pindimar.

The use of any existing access point as a secondary option, either via Fame point Road or Bundabah Road, will be made available for enhanced bushfire safety only.

Access to Proposed Lot Nos. 1 - 4 commencing at Bundabah Road, will generally be via the existing access tracks (and right of carriageways) located on the western sides of the lots and generally following the contours and topography close to the foreshore of North Arm Cove.

Access to Proposed Lot Nos. 5 - 9 on the eastern portion of the site will commence at Clarke Street with Proposed Lot Nos. 5, 7 and 9 reutilising the existing track and right of way on the western side of the lots close to the foreshore of Fame Cove inlet. Proposed Lot Nos. 6 and 8 will benefit from the internal access road and a 4m wide access track.

Access roads which service more than one lot are proposed to have a pavement width of 5.5m whilst those servicing single lots will have a 4m pavement width.

New driveway crossovers are proposed in Bundabah Road and Clarke Street in order to service the proposal.

3.1.3 Rights of Carriageway / Positive Covenants

A number of 'rights of carriageway' and 'positive covenants' are proposed to be established to provide access to the various lots and to ensure an obligation to maintain the road. Provision will also be made as an encumbrance on title to ensure that maintenance of the roads is equitably shared by the respective owners of the relevant lots as it is not proposed to dedicate any internal roads to Council.

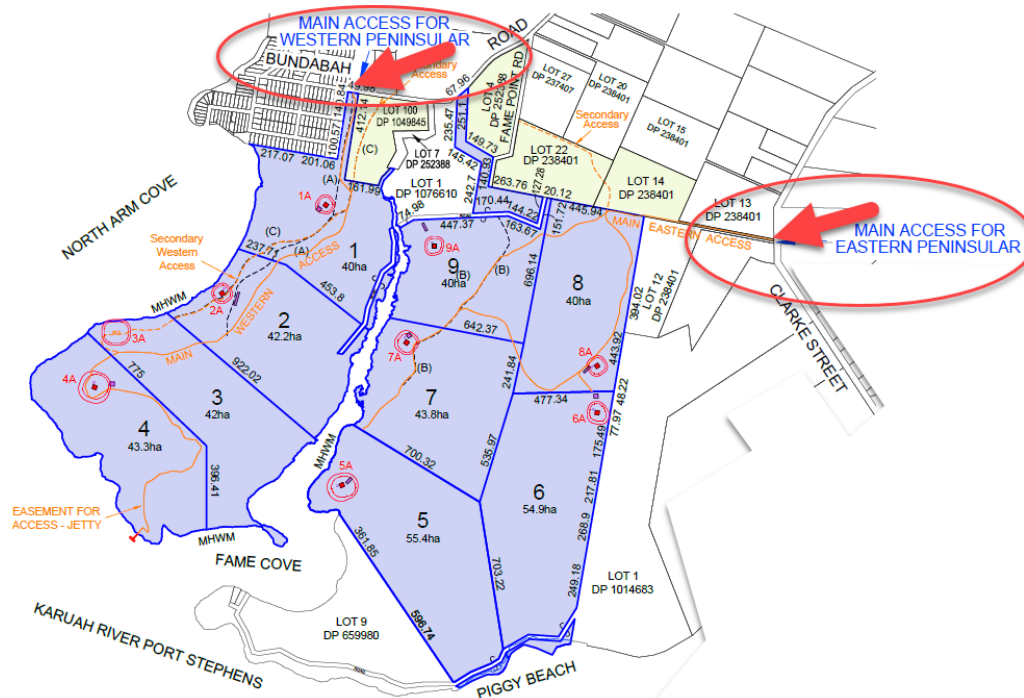


Figure 10 Plan of Subdivision with Proposed Access Roads (Barry Hunt Associates)

3.1.4 Provision of Services and Utilities

Each of the proposed lots will require connection to the Essential Energy electricity grid. Potable water would be expected to be sourced from rainwater tanks fed from each dwelling or rural building. Sewage services from aerated waste water treatment system/septic tank will be required due to the absence of reticulated sewer on the site.

3.1.5 Ancillary Works

Some ancillary works, in particular access roads and stormwater disposal works from the proposed roads will be required.

OSKA Consulting Group has prepared civil engineering plans for the proposal which outline required cut and fill together with culvert works and swale designs to support the proposed roads.

Sediment control will be provided to ensure that existing watercourses are not impeded and to ensure that foreshores are not impacted by runoff or erosion.

The Biodiversity Development Assessment Report (**BDAR**) submitted with this application addresses tree removal required to accommodate improved access, indicative building footprints and suitable areas for wastewater disposal as summarised below.

The proposed development was designed having regards to constraints mapping. As part of the layout of the proposed subdivision the location of each of the building envelopes was determined by reference to the various constraints.

The location of building envelopes was chosen having regards to either existing development consents or areas of existing clearing with corresponding poor condition vegetation.

The location of sites for building envelopes also sought to identify relatively flat, free draining sites, located above the flood controls.

These sites were chosen on the basis that the size of the APZ could be reduced as far as possible. With each of the site an area has been identified for an EMA to support the dwelling. Where possible the applicant has sought to locate the EMA with the APZ.

As with the location of the building envelopes the access roads have been designed to seek to minimise direct and indirect impacts. Where possible the road network seeks to rely on existing roads and existing access tracks. The road pavements have been designed to seek to minimise the width of the roads but still seeking to comply with the requirements for Planning for Bushfire Protection. Finally, the alignments have sought to minimise the amount of cut and fill and battering required to construct the roads to seek to minimise direct impacts.

Each of the proposed lots is above the 40-hectare minimum lot size. The lot layout has been designed so that most of the direct and indirect impacts will likely occur on the perimeter of the lot so that the balance of each of the lots can be protected through biodiversity stewardship sites.

4 Evaluation and Assessment

An evaluation and assessment of the relevant matters for consideration under Section 4.15 (s.4.15) of the EPA Act is provided below.

4.1 Section 4.15(1)(a) - Environmental Planning Instruments

4.1.1 Great Lakes Local Environmental Plan 2014

Clause 2.2 of GLLEP indicates that the site is located within the RU2 Rural Landscape zone. (Figure 11).

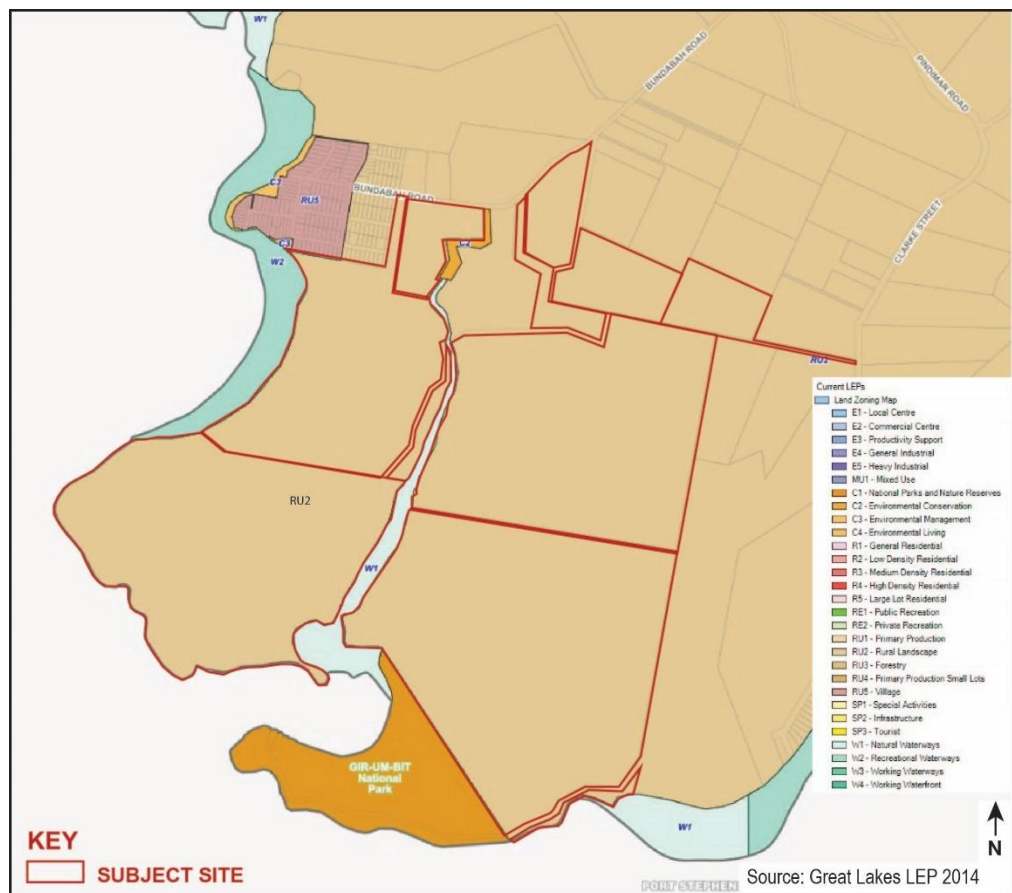


Figure 11 GLLEP Zoning Map

Clause 2.3(2) of GLLEP 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.”

Zone Objectives

The objectives of the RU2 Rural Landscape zone under GLLEP are:

- 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.

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The proposed subdivision is consistent with the objectives of the RU2 Rural Landscape zone and complies with the minimum 40ha lot size development standard under GLLEP.

The prescribed minimum lot size is sufficient for a range of rural/agricultural uses as well as rural-residential lifestyle/hobby farm lots.

Permissibility

Subdivision of land is permitted only with development consent in the RU2 Rural Landscape under clause 2.6 of GLLEP.

Development standards and local provisions applicable under GLLEP are discussed below:

Minimum Lot Size

Clause 4.1(3) of GLLEP prescribes a minimum lot size of 40ha for the site (**Figure 12**).

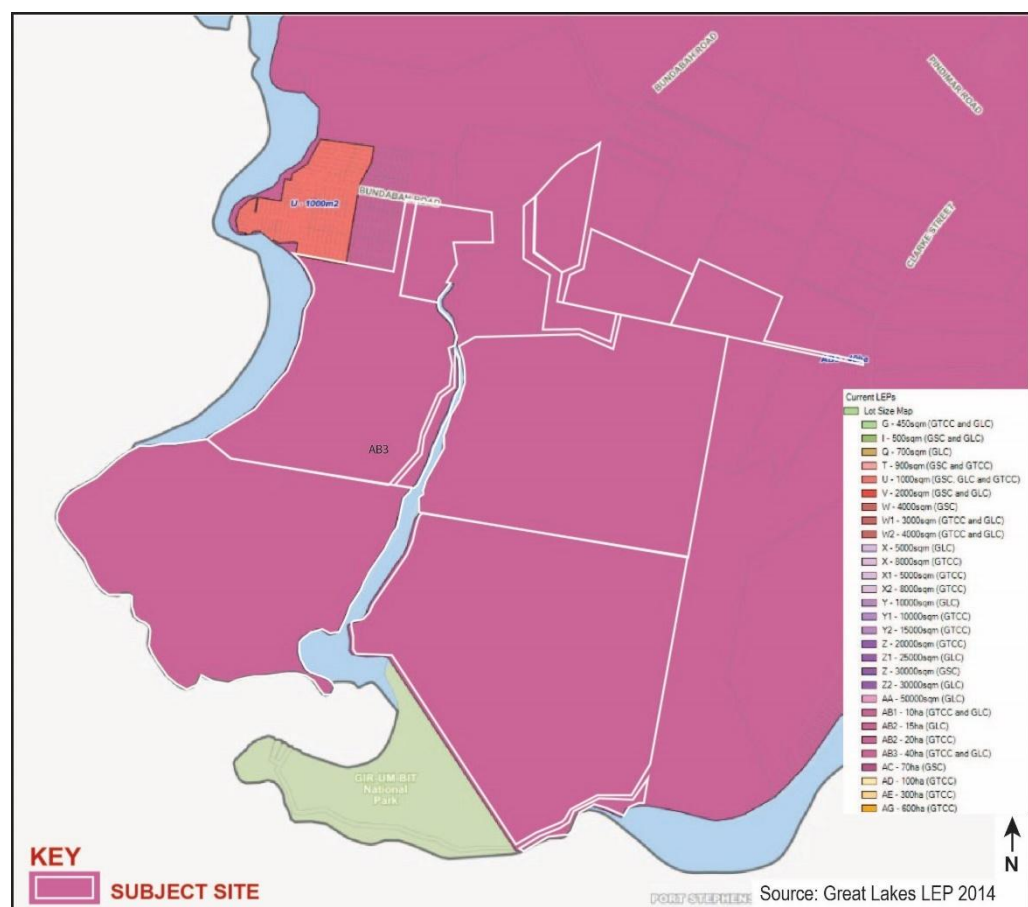


Figure 12 GLLEP Minimum Lot Size Map

Each of the proposed lots complies with the 40ha minimum lot size with the lots ranging from 40ha to 55.4ha in size.

Height of Buildings

Clause 4.3(2) of GLLEP and the associated Height of Buildings Map, prescribes an 8.5m maximum building height control for the site (**Figure 13**).

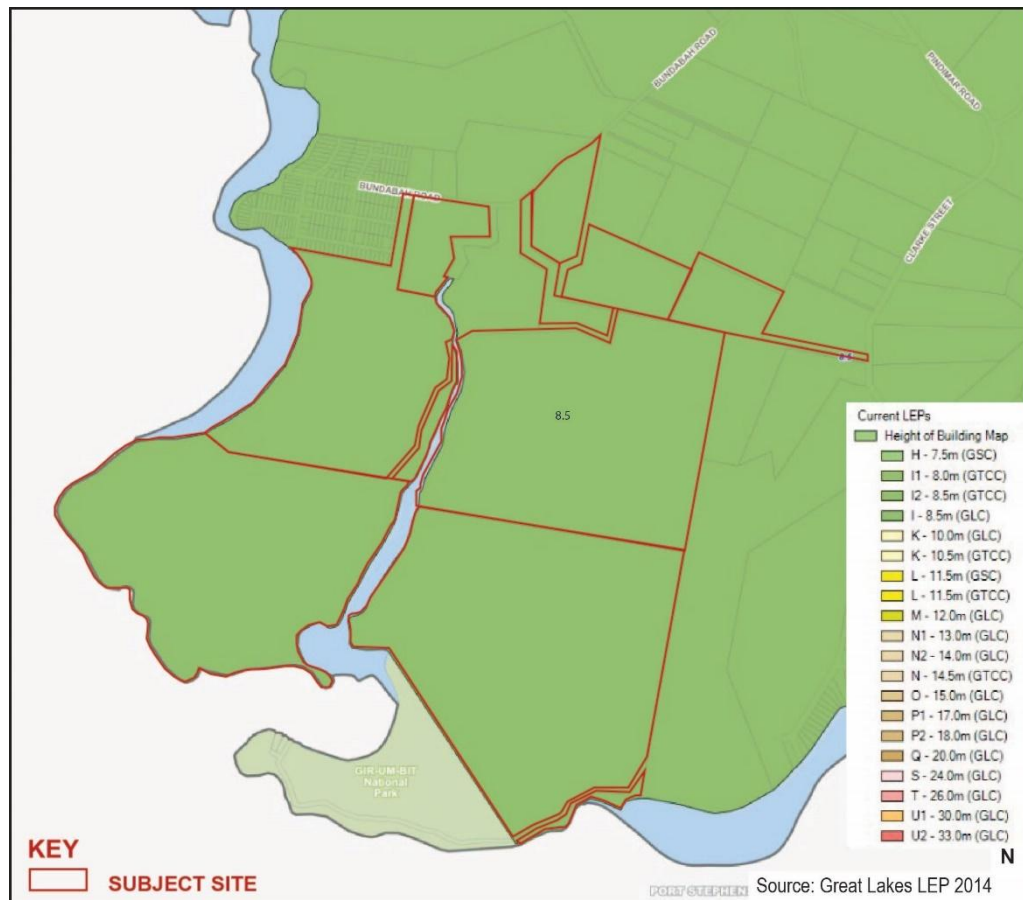


Figure 13 GLLEP Maximum Height of Buildings Map

No buildings are proposed as part of this DA.

However, a building height of 8.5m will generally allow for buildings up to two storeys in height.

Future applications will be required to comply with this development standard.

Floor Space Ratio

Clause 4.4(2) of GLLEP and the associated *Floor Space Ratio Map*, prescribes a maximum floor space ratio (**FSR**) of 0.4:1 for all the gross floor area (**GFA**) of all buildings on lots within the site (**Figure 14**).

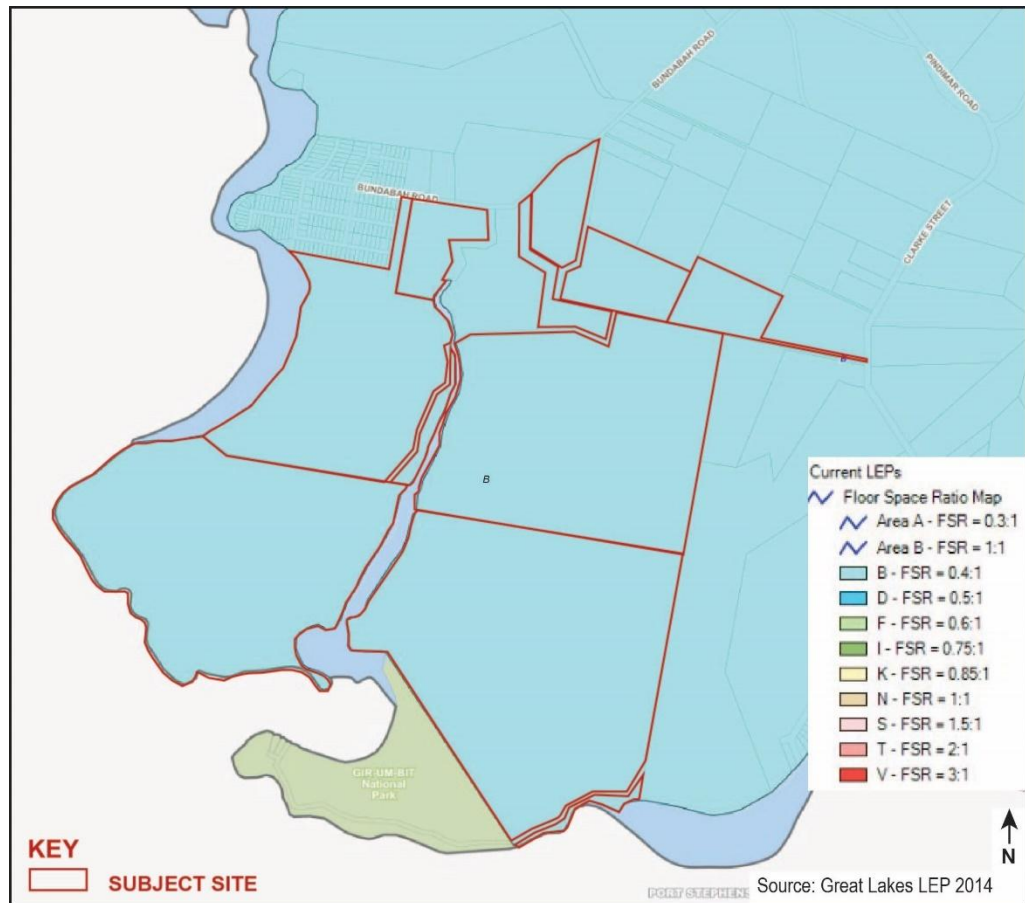


Figure 14 GLLEP Floor Space Ratio Map

The 0.4:1 FSR is not expected to form any practical constraint for future development on the proposed lots, given that each of the lots are over 40ha in area.

Heritage

The site does not contain an item of heritage significance and is not located within a heritage conservation area under Schedule 5 to the GLLEP, or on the NSW State Heritage Register.

However, eight (8) sites have been identified by the Aboriginal Heritage Information Management System (**AHIMS**) on Proposed Lot Nos. 3 and 4 (**Figure 15**).

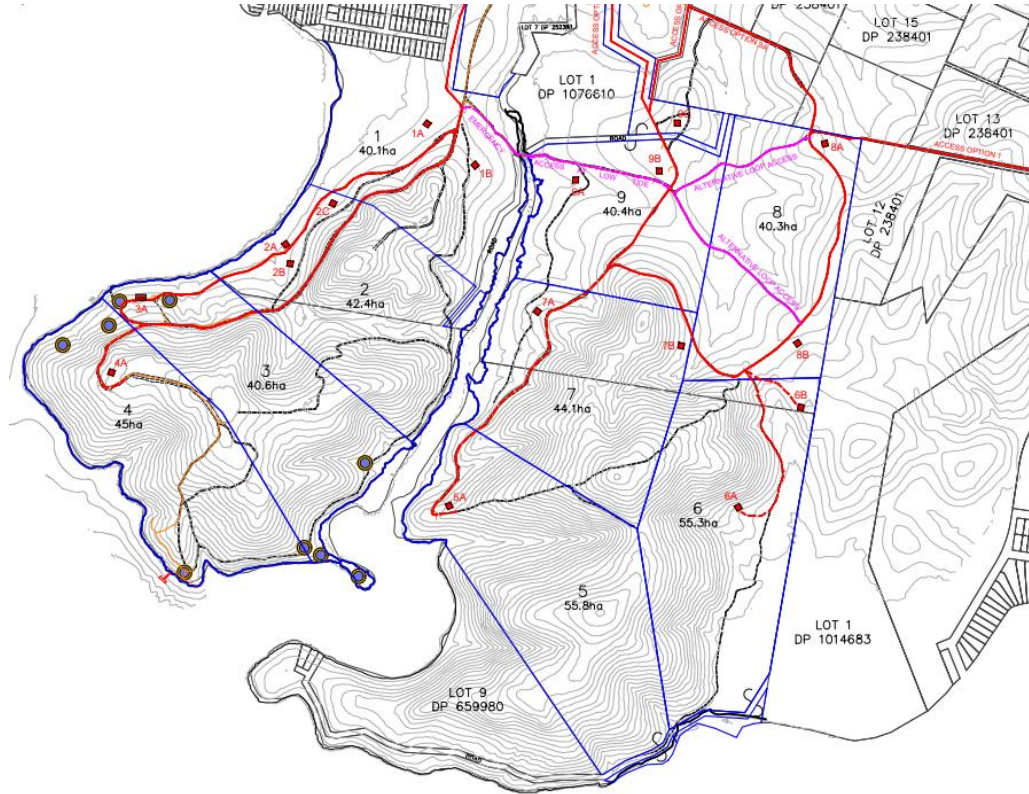


Figure 15 Heritage - Archaeological sites dotted circled blue (AHIMS)

Pursuant to clause 5.10(2)(f) of GLLEP subdivision of the land requires consent, but it is noted that the approved dwelling house on Proposed Lot 3 is already under construction and the proposal adopts the same access road, so no impact on any Aboriginal site is anticipated in this regard. The sites on Proposed Lot 4 are far removed from the existing/proposed road and the location of the indicative building footprint.

It is noted that an "Aboriginal place of heritage significance" only triggers the requirements under clause 5.10 of GLLEP if it applies to areas identified in an Aboriginal heritage study adopted by the Council after public exhibition. The above AHIMS indicate that no Aboriginal place of heritage significance has been declared on the site, so there is no obligation to consult and/or consider any response in relation to this application under clause 5.10(8) of GLLEP.

For these reasons, an archaeological assessment has not been submitted with the application.

Flooding

Clause 5.21 of GLLEP relates to flood planning, to ensure development within flood prone lands (the flood planning area) does not adversely affect floodwater function and behaviour and minimise the flood risk to life and property in the event of a flood.

Clause 5.21(2) of GLLEP states:

“(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.”*

The consent authority must also consider the impact of a development on projected changes to flood behaviour as a result of climate change, the design and scale of buildings, safe evacuation measures, and the potential to modify, relocate or remove proposed buildings if the area is impacted by flooding or coastal erosion.

Statement of Environmental Effects

253 Bundabah Road, Bundabah and 120 Clarke Street, Pindimar

The flood mapping available associated with GLLEP indicates the vast majority of the site and the selected locations for indicative building footprints are not within flood prone areas to which flood controls apply (**Figure 16**).

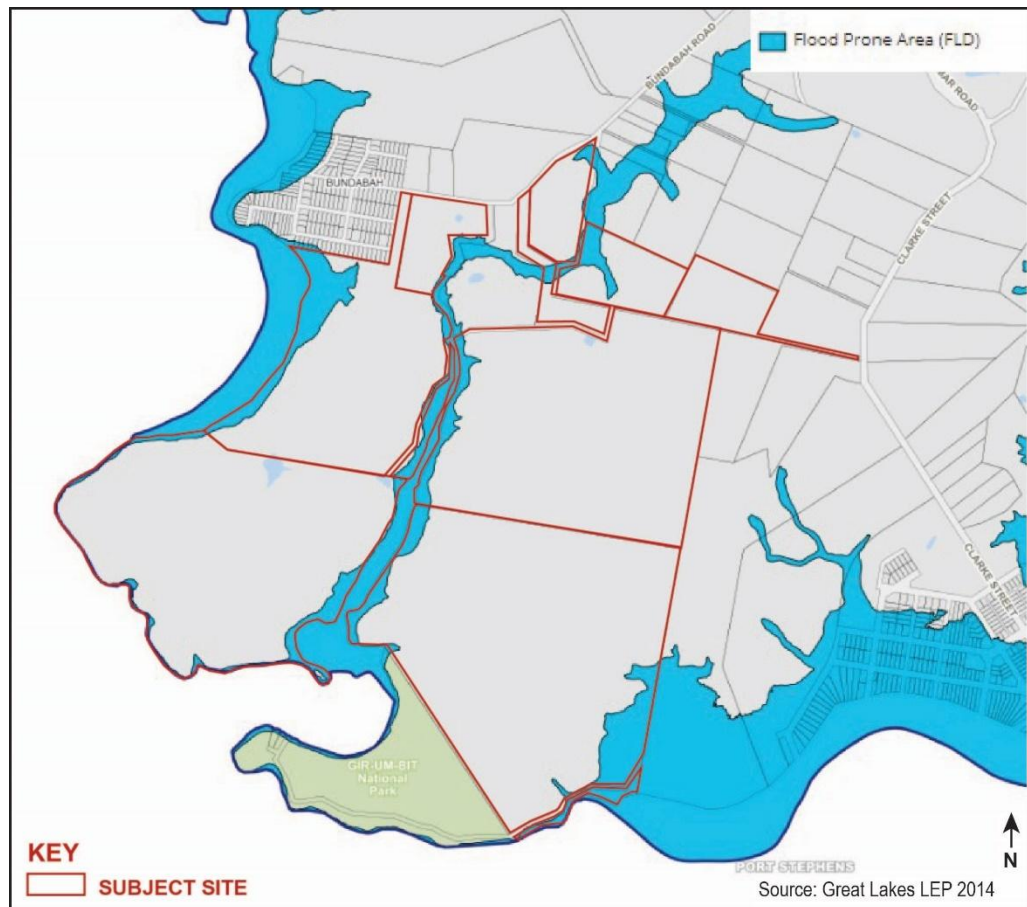


Figure 16 Flood Prone Land - GLLEP

Proposed Lot Nos. 1 and 6 appear to be the most affected, with the lots that have water frontage to the Fame Cove inlet experiencing minor flooding along their foreshores.

Statement of Environmental Effects

253 Bundabah Road, Bundabah and 120 Clarke Street, Pindimar

The impact of sea level rise contained in the *'Final Port Stephens Foreshore (Floodplain) Risk Management Study and Plan Review'* dated May 2021 and prepared by BMT Commercial Australia Pty Ltd supports this and indicates that Proposed Lot Nos. 1 and 6 are most affected (**Figure 17**).

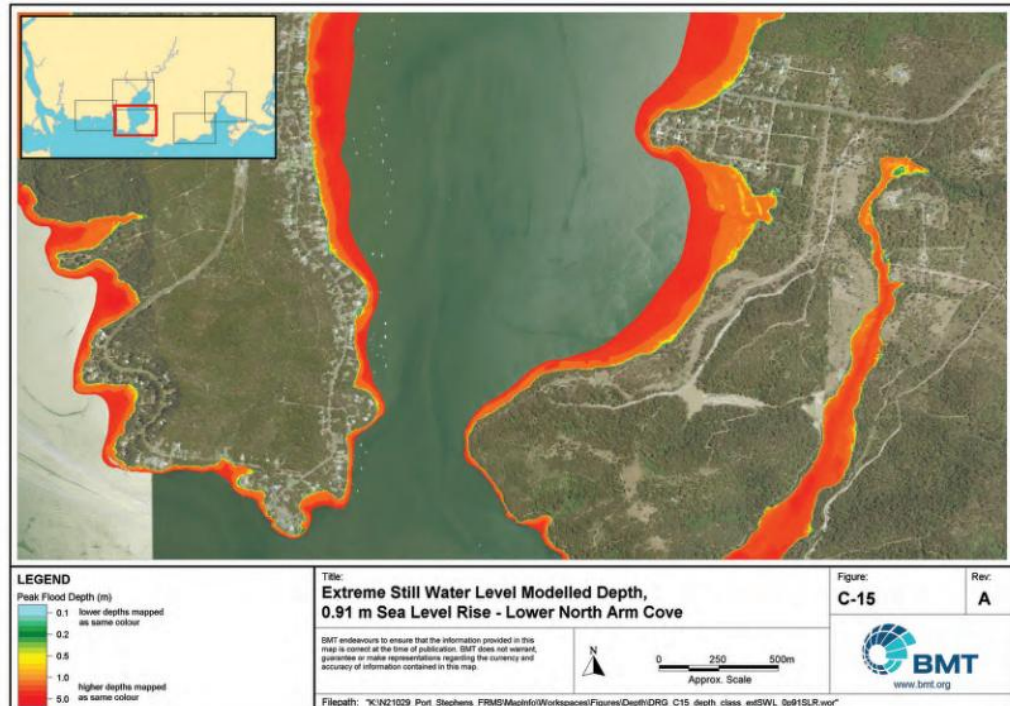


Figure 17 Projected impact of sea level rise *'Final Port Stephens Foreshore (Floodplain) Risk Management Study and Plan Review'* May 2021.

However, given that proposed indicative building footprints are sited outside of the mapped flood affected areas on these lots, a flood impact assessment is not required.

Acid Sulfate Soil

Clause 7.1 of GLLEP relates to acid sulfate soils and the associated Acid Sulfate Soils Map identifies much of the site as being 'Class 4' or 'Class 5' (**Figure 18**).

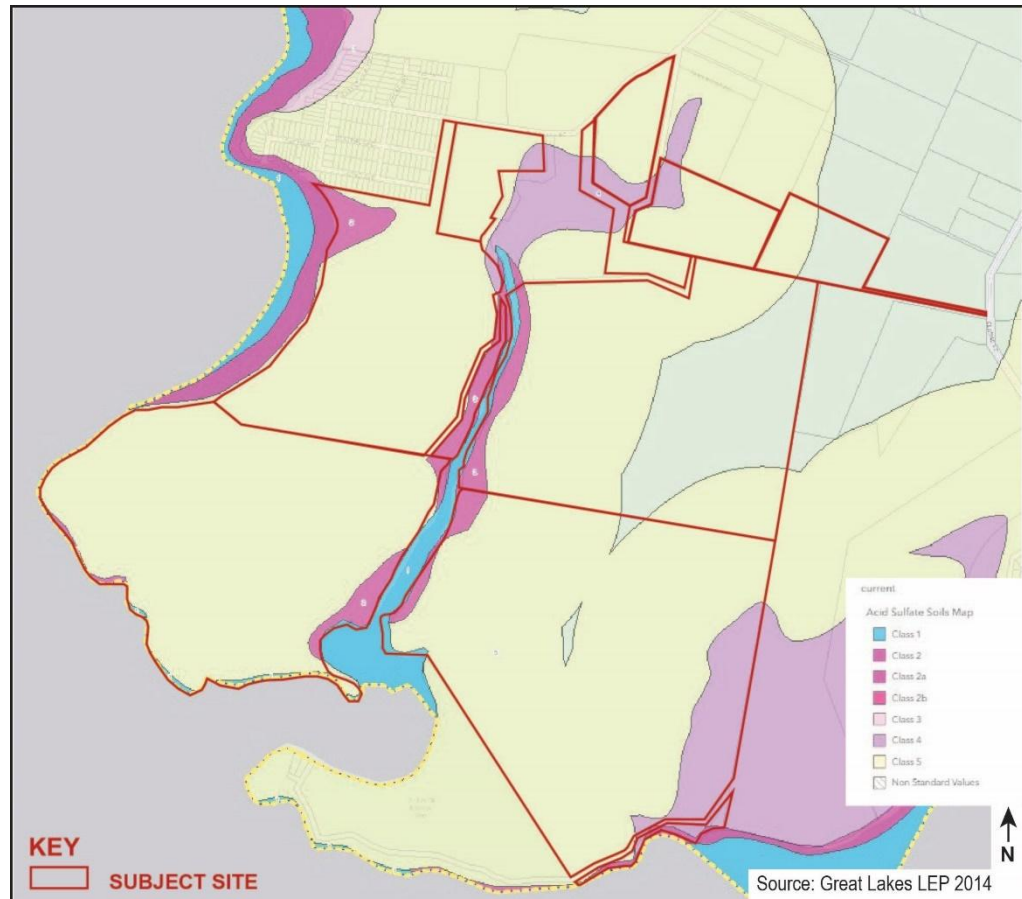


Figure 18 GLLEP Acid Sulfate Soils Map

Consent and a preliminary assessment prepared in accordance with the Acid Sulfate Soils Manual, is required for any works:

- *Within the Class 4 parts of the site – for any works more than 2 metres below the natural ground surface, or by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.*
- *Within the Class 5 parts of the site – for any works below 5 metres AHD and by which the watertable is likely to be lowered below 1 metre AHD.*

Some of the proposed lots are, however, identified as containing Class 1 and 2 affected land which is the most affected class of soil.

Given that the proposed road, drainage and civil works will not involve any excavation greater than 2m below the natural ground surface, a preliminary acid sulfate soil assessment is not required.

Other areas of the site that are low lying and flood affected will remain unaffected by this proposal.

Excavation

Clause 7.2 of GLLEP relates to 'earthworks' in order *'to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land'*.

Clause 7.2(3) of GLLEP requires the following matters to be considered:

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

OSKA Consulting Group has prepared civil engineering drawings for the site including a Sediment and Erosion Control Plan (**SECP**).

The proposed civil works will not preclude the site from being used for permissible development in accordance with GLLEP.

The site is currently used for agricultural purposes and has no history of contaminating activities at the site. Accordingly, the site is not likely to be contaminated and there is no need for a Preliminary Site Investigation (**PSI**).

The amenity of adjoining properties is unlikely to be significantly affected beyond the issue of a Subdivision Certificate and it is noted that a Construction Traffic Management Plan (**CTMP**) will be prepared ahead of any future Subdivision Works Certificate being granted by Council.

The AHIMS prepared in association with this DA indicates that there is a low likelihood of disturbing any relics. Although the site is very close to the waterway, the proposal involving the subdivision of land and the carrying out of development will not create any adverse impacts as drinking water catchments and environmentally sensitive areas will remain unaffected.

The CTMP and SECP, together with a standard unexpected finds protocol (to be conditioned by Council) will make a positive contribution in ensuring that any impacts associated with the proposal are able to be avoided, minimised or mitigated accordingly.

Drinking Water Catchment

N/A - the site is not included in the GLLEP Drinking Water Catchment Map under clause 7.6 GLLEP.

Watercourses

The GLLEP *Watercourse Map* identifies the water course through the middle of the site and also the foreshore to Proposed Lot 6 in addition to the foreshores of Proposed Lot Nos. 1 – 3 at North Arm Cove (**Figure 19**).

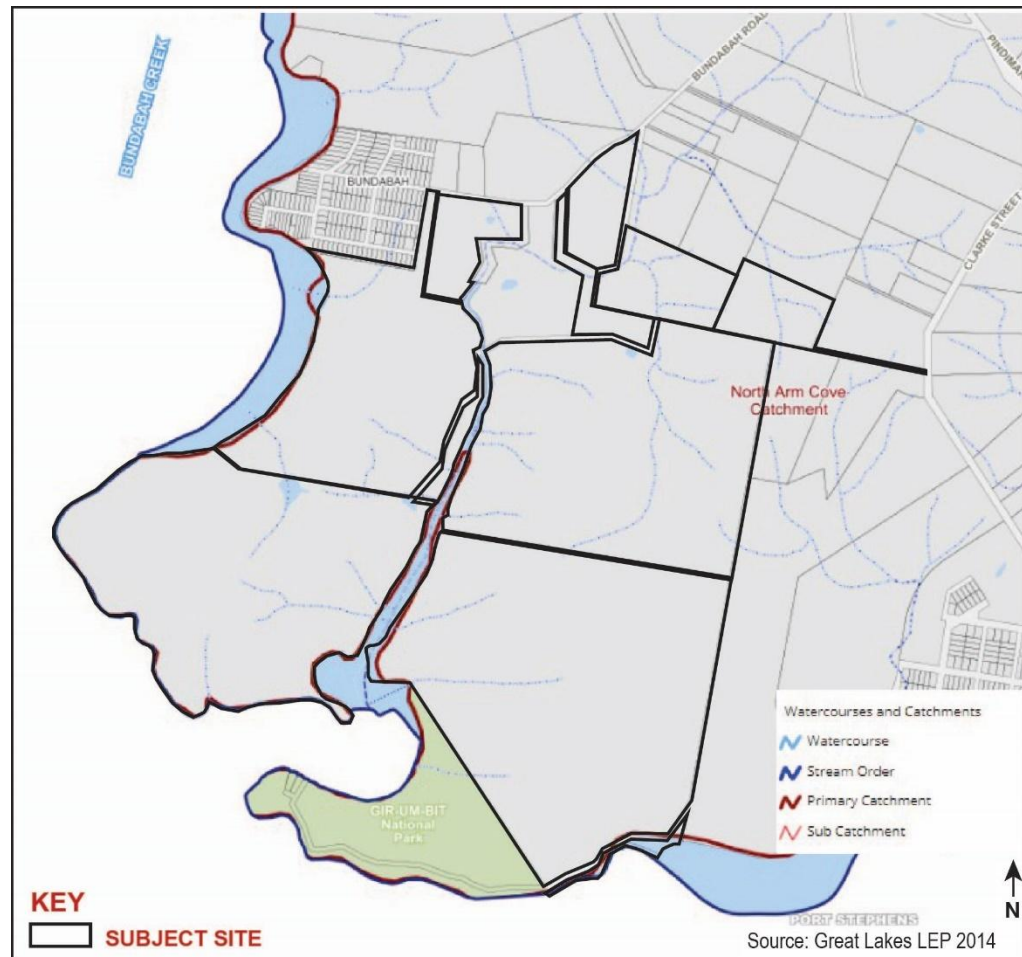


Figure 19 GLLEP Riparian Lands Watercourse Map

Clause 7.7 of GLLEP relates to riparian land and watercourses and applies to land identified as “watercourse” on the map and to land that is within 40 metres of the top of the bank those identified watercourses.

This provision has implications for any proposed development within areas of up to 75m in from the watercourse which bisects the site, the four lots facing North Arm Cove and Proposed Lot 6.

However, the provision is concerned with protecting and maintaining water quality, the stability of the bed and banks, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas.

According to clause 7.7 of GLLEP, the consent authority will be required to consider the following matters prescribed under subclause (3):

“(a) whether or not the development is likely to have any adverse impact on the following—

(i) the water quality and flows within the watercourse,

- (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
- (iii) *the stability of the bed, shore and banks of the watercourse,*
- (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
- (v) *any future rehabilitation of the watercourse and riparian areas, and*
- (b) *whether or not the development is likely to increase water extraction from the watercourse, and*
- (c) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development."*

The proposal will not impact the watercourses and the proposed access roads are generally sited well away, with the exception of the access option close to the north western boundaries of Proposed Lot Nos. 2 and 3. In the case of these lots, the access has been sensitively designed, so as not to impact the foreshores of North Arm Cove.

The proposed lots are of sufficient size that any future proposals can be designed, sited and will be managed to avoid, minimise or otherwise mitigate the impact of any significant adverse environmental impact on watercourses.

Wetlands

Clause 7.8 of GLLEP relates to wetlands. The Wetlands Map indicates wetlands at the south eastern corner of the site, only affecting Proposed Lot 6, and clause 7.8 applies to any development within the mapped area (**Figure 20**).

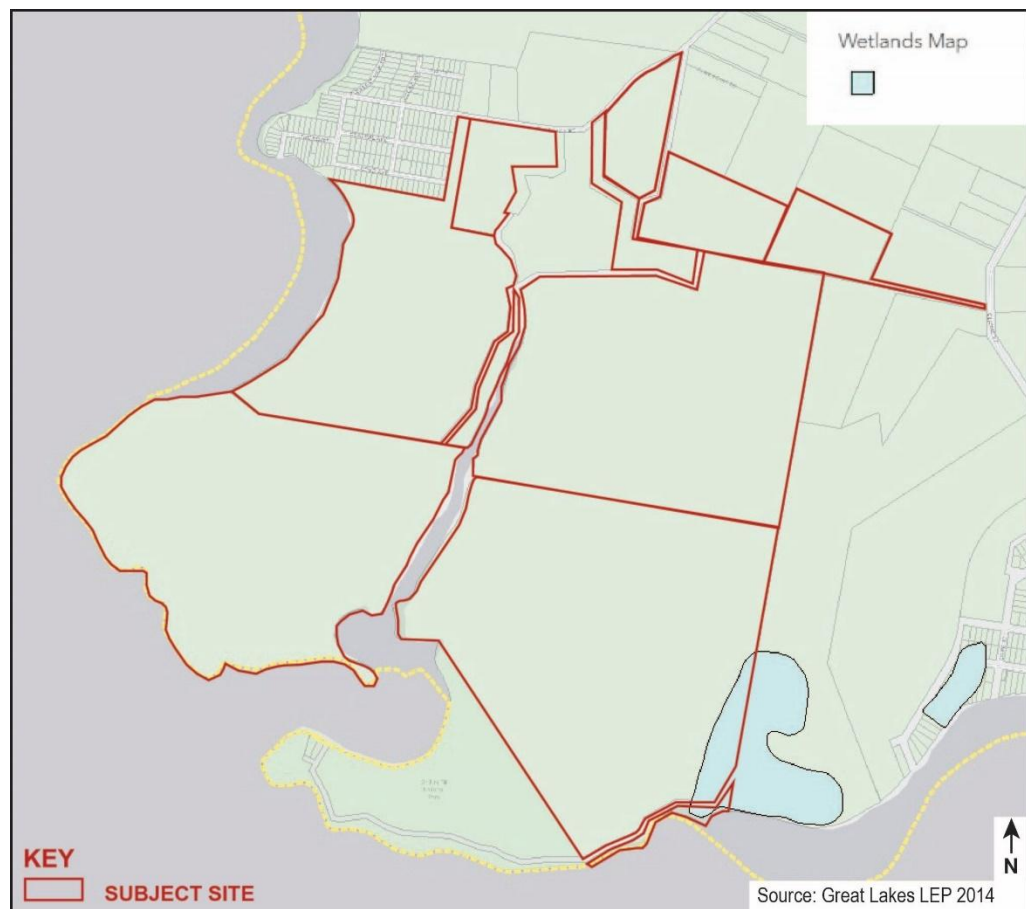


Figure 20 Wetlands Map

Clause 7.8(3) of GLLEP states:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any significant adverse impact on the following—

(i) the condition and significance of the existing native fauna and flora on the land,

(ii) the provision and quality of habitats on the land for indigenous and migratory species,

(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Subclause (4) prescribes an approach of “avoid any significant adverse impact”, or otherwise if impacts cannot be reasonably avoided, ensure the “development is designed, sited and will be managed to minimise that impact.”

The subdivision does not propose any access roads in the wetlands area and future development on Proposed Lot 6 will have regard to this.

Further discussion is provided on the coastal wetlands mapped under SEPP Resilience and Hazards.

Clause 7.10 of GLLEP relates to ‘limited development on foreshore area’, but does not apply to the proposal as no development is proposed on the foreshore. Similarly, clause 7.11 of GLLEP relates to ‘development on the foreshore must ensure access’ as follows:

In deciding whether to grant consent for development on the foreshore, the consent authority must consider whether and to what extent the development would encourage the following—

(a) continuous public access to and along the foreshore through or adjacent to the proposed development,

(b) public access to link with existing or proposed open space,

(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,

(d) public access to be located above mean high water mark,

(e) the reinforcing of the foreshore character and respect for existing environmental conditions.

The proposal is for the subdivision of land and does not make provision for any development within the foreshore of the site. Accordingly, public access along the foreshore will not be adversely affected by the proposed development.

Clause 7.21 of GLLEP relates to ‘essential services’ as follows:

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

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

The proposal includes suitable vehicular access, and electricity supply to each of the lots and subsequent dwelling house applications will include provision for water supply, sewage management and stormwater drainage. Accordingly, the proposal is satisfactory having regard to clause 7.21 of GLLEP with respect to essential services.

Any requirement for vehicular access is able to be conditioned as part of any s.138 approval. The proposed development will generate very few trips. The RTA *Guide to Traffic Generating Development* indicates daily trips = 9 per dwelling / weekday peak hour vehicle trips = 0.85 per dwelling.

4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

SEPP Biodiversity and Conservation states that the provisions of Chapter 3 – Koala habitat protection (2020) apply to land zoned RU2 Rural Landscape within the MidCoast LGA.

The provisions of this Chapter aim to encourage the conservation and management of areas of natural vegetation that are core koala habitat by requiring the preparation of plans of management with development applications as well as encouraging the identification of areas of core koala habitat and inclusion of those areas in conservation zones.

Core koala habitat is defined as “*an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.*”

Part 3.2 of SEPP Biodiversity and Conservation specifies that before Council can issue development consent for any land with an area of more than 1 hectare (regardless of whether the development application applies to the whole, or only part, of the land in the same ownership) the Council must be satisfied as to whether or not any part of the land is a core koala habitat.

The BDAR provided with this application assumes the presence of koalas and other species on the site and has addressed the likely impacts. It is noted that while SEPP Biodiversity and Conservation contains provisions for water catchments under Chapter 6, they only apply to land in specific catchments in and around Sydney and neither the site, nor the MidCoast LGA is included in this regard.

4.1.3 State Environmental Planning Policy (Exempt & Complying Development Codes) 2008

The proposal is neither exempt, nor complying development.

4.1.4 State Environmental Planning Policy (Housing) 2021

The Housing SEPP is not relevant to the proposal.

4.1.5 State Environmental Planning Policy (Industry and Employment) 2021

SEPP Industry and Employment is not relevant to the proposal.

4.1.6 State Environmental Planning Policy (Planning Systems) 2021

SEPP Planning Systems identifies development which would be considered to be either state significant development, state significant infrastructure, or regionally significant development. This determines the relevant consent authority and planning approval pathway for these categories of development.

The proposed subdivision on the subject site, is neither a development type, nor in a location, which is declared to be either state significant development or state significant infrastructure.

Schedule 6 Regionally Significant Development

Development that has an estimated development cost (**EDC**) of more than \$30 million is considered regionally significant. It is noted that some development types with an estimated development cost of more than \$5 million are declared to be regionally significant development, however, this would not extend to the proposed subdivision.

Real Est quantity surveyors has confirmed that the EDC of this proposal is \$4,642,673 plus GST therefore the proposal is not regionally significant development.

Given that the proposal is located within the 'Coastal Zone', the following provision applies:-

8 Coastal subdivision

(1) Development within the coastal zone for the purposes of subdivision of the following kind—

- (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
- (b) subdivision of land for residential purposes into more than 100 lots, if the land—*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location,*
- (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land—*
 - (i) is not in the metropolitan coastal zone, or*
 - (ii) is wholly or partly in a sensitive coastal location.*

As the proposed development is for a subdivision of only 9 lots, the proposal is not regionally significant development.

4.1.7 State Environmental Planning Policy (Primary Production) 2021

Chapter 2 of SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production, and to reduce land use conflict and sterilisation of rural land.

There are currently no areas listed in Schedule 1 as State significant agricultural land and other provisions for farm dams and small-scale artificial waterbodies, livestock industries and sustainable aquaculture are not relevant to the proposed subdivision on the site.

4.1.8 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP Resilience and Hazards contains two sets of provisions, being coastal hazard management together with hazardous and offensive development. The proposed subdivision would not generally be considered as hazardous or offensive development:

Chapter 2 of SEPP Resilience and Hazards relates to coastal management and applies to land within the coastal zone. The coastal zone is defined by Section 5 of the *Coastal Management Act 2016 (CM Act)* and means:

“the area of land comprised of the following coastal management areas—

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.”*

The SEPP’s ‘Coastal Wetlands and Littoral Rainforests Area Map’ identifies areas of the site affected (**Figure 21**).

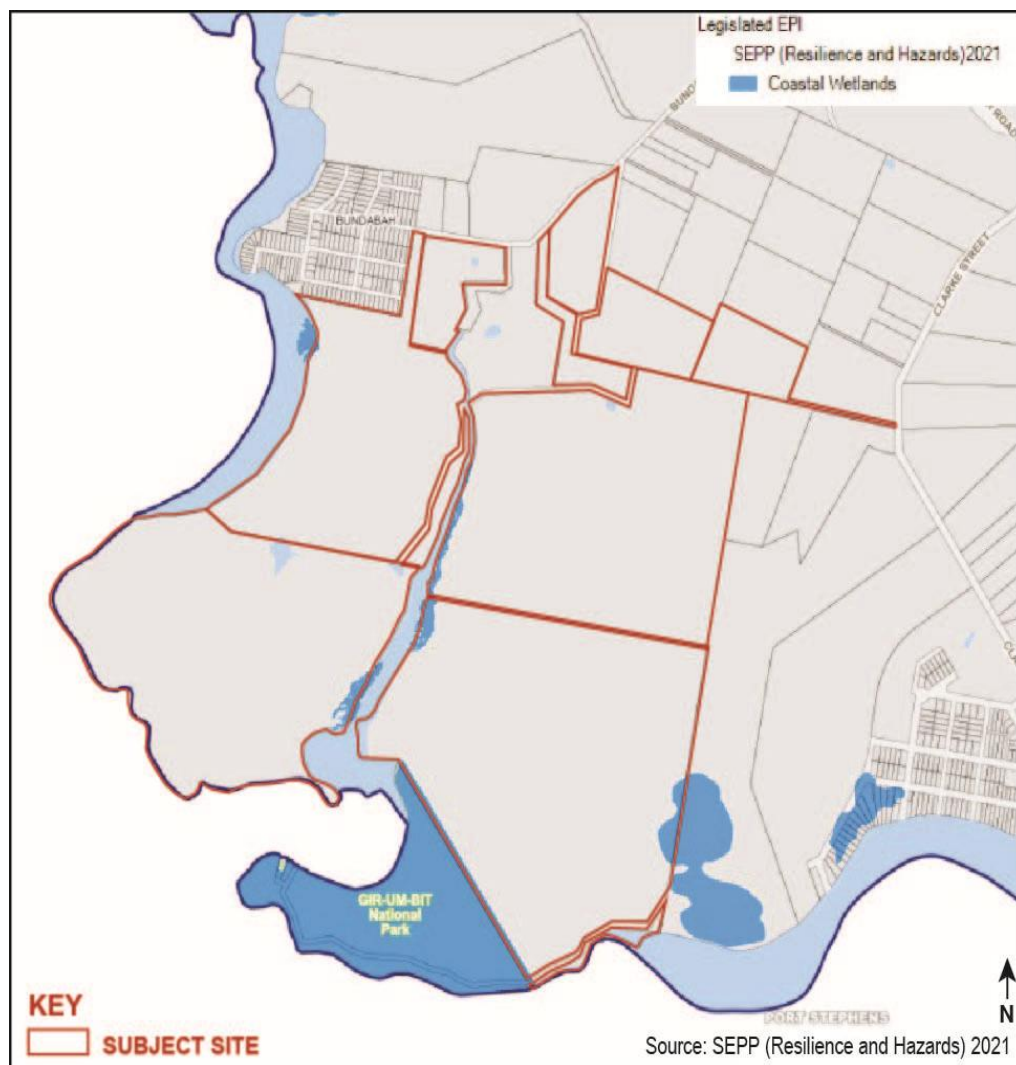


Figure 21 Hazards and Resilience SEPP - Coastal Wetlands Area Map

Pursuant to Part 2.2, clause 2.7 of SEPP Resilience and Hazards, the proposal does not involve any development in the part of the site identified as “coastal wetlands”. Therefore, the proposal is not declared to be designated development.

The recent judgement by Preston CJ on 31 July 2024 in *Goldcoral Pty Ltd (Receiver and Manager Appointed) v Richmond Valley Council*, confirmed that the designated development declaration under Chapter 2 of SEPP Resilience and Hazards only relates to the carrying out of development within those areas of a site that are “*land outlined as coastal wetlands on the SEPP 14 map*”.

Part 2.2, clause 2.8 of SEPP Resilience and Hazards also prescribes that development consent must not be granted to development on land identified as “proximity area for coastal wetlands” on the Coastal Wetlands Map unless the consent authority is satisfied that:

“...the proposed development will not significantly impact on:

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.”

The proposal will not create any significant adverse impact on the biophysical, hydrological or ecological integrity of coastal wetlands and littoral rainforest applicable to this site.’

4.1.9 State Environmental Planning Policy (Resources and Energy) 2021

N/A - Chapter 2 of SEPP Resources and Energy provides planning controls for mining, petroleum production and extractive industries and establishes a planning gateway process for certain mining and petroleum development and is not relevant to this proposal.

4.1.10 State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP Sustainable Buildings aims to encourage the design and delivery of sustainable buildings, ensure good thermal performance of buildings and ensure consistent assessment of the sustainability of buildings, to minimise the consumption of energy, reduce greenhouse gas emissions, and minimise the consumption of mains-supplied potable water.

Chapter 2 of SEPP Sustainable Buildings sets out the standards that apply to BASIX development, being certain residential accommodation only.

Chapter 3 of SEPP Sustainable Buildings applies to non-residential development, that involves the erection of a new building with an estimated cost of \$5 million or more, or modifications to an existing building with an estimated cost of \$10 million or more. It provides a set of mandatory sustainability considerations for the consent authority and requires that large commercial development must be capable of achieving specified standards for energy and water use, with reference to a commitment agreement under the National Australian Built Environment Rating System (**NABERS**).

However, Chapter 3 of SEPP Sustainable Buildings does not apply to development on land “wholly in” specified zones, including the RU2 zone which applies to the subject site. In addition, the proposal is seeking consent for indicative building footprints, not the erection of dwelling houses and therefore SEPP Sustainable Buildings does not apply.

4.1.11 State Environmental Planning Policy (Transport and Infrastructure) 2021

N/A - SEPP Transport and Infrastructure encompasses infrastructure and service facilities, educational establishments, childcare facilities, and major infrastructure corridors, as well as certain ports and freight intermodal precincts, but is not relevant to this proposal.

4.2 Section 4.15(1)(a)(ii) – Proposed Instruments

Proposed environmental planning instruments include proposed State Environmental Planning Policies (SEPPs) and amendments, and Draft Local Environmental Plans (Draft LEPs) and amendments, also referred to as ‘planning proposals’.

Section 10.7(2)&(5) Planning Certificates issued by MidCoast Council generally confirm the proposed instruments that are applicable to the site as detailed in this report.

Current proposed SEPPs in NSW and Draft LEPs applying to the site are discussed below.

4.2.1 Transport and Infrastructure SEPP Amendment (Chapter 4 Major Infrastructure Corridors)

An amendment to SEPP Transport and Infrastructure is proposed to include new provisions that allow the temporary interim use of reserved transport corridor land to facilitate economic, urban design and place making outcomes on corridor land prior to it being required for the delivery of the infrastructure.

Amendments to SEPP Transport and Infrastructure are also proposed to set aside (reserve) land for the future Lower Hunter Freight Corridor and various Western Sydney rail and road corridors.

There are no identified transport corridors affecting the subject site.

4.2.2 Planning Systems SEPP amendment (Chapter 2 State and Regional Development)

An amendment to SEPP Planning Systems is proposed that will provide a consistent and transparent planning pathway for developing government-owned land within 8 station precincts along the Sydney Metro Northwest rail line. This amendment does not affect the subject site.

4.2.3 Draft MidCoast Council Local Environmental Plan

A planning proposal for a new MidCoast Council Local Environmental Plan (LEP) was publicly exhibited during June and July 2024.

The draft LEP proposes to consolidate the local planning provisions across the MidCoast Council LGA, repealing and replacing the three current LEPs of the former Council areas, including the GLLEP which applies to the site.

The exhibited Draft MidCoast LEP proposes a new planning scheme for the MidCoast LGA and substantial changes to the current zoning and land use planning controls.

In respect of the site, significant changes are proposed including:

- Rezoning from a RU2 Rural Landscape zone to predominantly C2 Environmental Conservation; and
- The removal of the current 8.5m maximum building height control and 0.4:1 Floor Space Ratio control, associated with the proposed zoning change to a C2 Environmental Conservation with its more limited permitted land uses; and

The Draft MidCoast LEP was endorsed by Council on 26 February 2025. The Draft LEP has been submitted to the Department of Planning, Housing and Infrastructure. Council anticipates that the plan will take between 6 to 12 months to make.

A comparison of the current and proposed zones and key development controls is outlined in **Table 2** below. The notable changes as they relate to the current site and proposed subdivision are emphasised in bold and underlined.

Table 1 Current and Proposed LEP Provisions for Site			
	Current Great Lakes LEP 2014	Draft MidCoast LEP (26 February 2025)	
Predominant Land Use Zoning for most of the site			
Land Use Zoning	RU2 Rural Landscape	C2 Environmental Conservation	
Zone Objectives	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	
Permitted without consent	Extensive agriculture; Home occupations	Environmental Protection Works	
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	Bee keeping; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Home occupations; Jetties; Oyster Aquaculture; Recreation areas; Research stations; Roads, Water supply systems	

Table 1 Current and Proposed LEP Provisions for Site		
	Current Great Lakes LEP 2014	Draft MidCoast LEP (26 February 2025)
	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	
Prohibited	Any development not specified in item 2 or 3 (above)	Business premises; Forestry; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Sewerage systems; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3
Development Controls and Provisions		
Minimum Lot Size	40ha	40ha
Height of Buildings (maximum)	8.5m	None
Floor Space Ratio (maximum)	0.4 :1	None
Acid Sulfate Soils	Predominantly Class 5 Some Class 1, 2 & 4 (generally closer to the watercourses of the site)	Predominantly Class 5 Some Class 1, 2 & 4 (generally closer to the watercourses of the site)

Table 1 Current and Proposed LEP Provisions for Site		
	Current Great Lakes LEP 2014	Draft MidCoast LEP (26 February 2025)
Clause 1.8A	Savings provision relating to development applications	<i>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 had not commenced.</i>

SPS lodged a submission in response to the draft MidCoast LEP.

On 26 February 2025, the Draft MidCoast LEP was endorsed by Council. The Draft LEP has been submitted to the Department of Planning, Housing and Infrastructure. Council anticipates that the plan will take between 6 to 12 months to make.

No other relevant draft environmental planning instruments are known to apply to the site, or the proposal in MidCoast LGA. Council's Section 10.7(2)&(5) Planning Certificates for the site confirm this status.

4.3 Section 4.15(1)(a)(iii) - Development Control Plans

For the proposed subdivision development on the site, one Development Control Plan is currently relevant and applicable – *The Great Lakes DCP 2014 (GLDCP)*.

4.3.1 Great Lakes Development Control Plan 2014

GLDCP is applicable to the site and was adopted on 12 November 2013 and made effective on 4 April 2014. Parts 1 and 2 of GLDCP provide an introduction and explanation, including development application documentation requirements. Below is a summary of the key controls and parts of the remainder of GLDCP relevant subdivision development on the site.

Character Objectives (DCP Part 3)

Part 3 of GLDCP provides general information on the desired future character of different places. Specific character statements are provided for coastal town centres and village centres, while broader zone-based statements apply to all areas outside of the settlements.

This section states that in general, new development should:

- *Contribute to the existing and desired future character of the locality;*
- *Help differentiate between different precincts / villages / neighbourhoods;*
- *Respect existing development scale and setbacks;*
- *Protect and enhance the natural environment; and*
- *Encourage passive surveillance and security.*

Section 3.3.2 applies to RU2 Rural Landscape zones, such as the subject site, and states that:

"New development within these areas will be guided by the following principal objectives:

- *To promote development that is sympathetic to the existing character of the locality, as well as the specific landform, vegetation, soils and geology of the site;*
- *To protect and enhance sensitive environs and waterways;*

- *To ensure the preservation of rural land activities and agriculture and prevent fragmentation of rural lands;*
- *To minimise potential conflicts between land uses, especially primary production enterprises and rural small holdings;*
- *To prevent the siting and orientation of any new building upon any prominent ridgeline or hilltop.”*

The current subdivision proposal does not propose any building work, such as structures, with the exception of access roads around the site, and as the proposal complies with the minimum subdivision sizes, is not contrary to the above objectives.

Environmental Controls (DCP Part 4)

Part 4 of GLDCP provides environmental considerations that may need to be addressed in the design, or that may determine the suitability of a site for a particular development. There are twenty biodiversity and ecological considerations listed, taking an overall approach of avoidance where possible, or otherwise minimisation of loss.

The BDAR submitted with this application has addressed the location and design of the project as follows:

The proposed development was designed having regards to constraints mapping. As part of the layout of the proposed subdivision the location of each of the building envelopes was determined by reference to the various constraints.

The location of building envelopes was chosen having regards to either existing development consents or areas of existing clearing with corresponding poor condition vegetation.

The location of sites for building envelopes also sought to identify relatively flat, free draining sites, located above the flood controls.

These sites were chosen on the basis that the size of the APZ could be reduced as far as possible. With each of the site an area has been identified for an EMA to support the dwelling. Where possible the applicant has sought to locate the EMA with the APZ.

As with the location of the building envelopes the access roads have been designed to seek to minimise direct and indirect impacts. Where possible the road network seeks to rely on existing roads and existing access tracks. The road pavements have been designed to seek to minimise the width of the roads but still seeking to comply with the requirements for Planning for Bushfire Protection. Finally, the alignments have sought to minimise the amount of cut and fill and battering required to construct the roads to seek to minimise direct impacts.

Each of the proposed lots is above the 40-hectare minimum lot size. The lot layout has been designed so that most of the direct and indirect impacts will likely occur on the perimeter of the lot so that the balance of each of the lots can be protected through biodiversity stewardship sites.

Appropriate siting, design and operational measures to avoid, minimise and mitigate impacts of any new roads has been adopted with the current proposal.

Section 4.2 of GLDCP provides controls for flood affected areas and is relevant to any proposed buildings on the site, specifying that new buildings:

- *are to be located entirely outside of the 2100 flood planning area wherever possible.*

- *are to be designed with habitable floor levels above the 2100 1% AEP flood planning level (or if unachievable, with habitable floor levels above the 2060 1% AEP).*
- *have vehicle access designed, so that ingress and egress from the site is provided above the 2100 1% AEP flood planning level.*

Section 4.3 of GLDCP applies to land (including the site) identified as being within a 'Coastal Risk Planning Area' on the Coastal Risk Planning Maps of GLLEP. This section provides guidelines on how to meet the considerations in clause 7.4 of GLLEP.

Where road access or service connections are located within the Coastal Risk Planning Area, a Coastal Risk Management Report, prepared by a qualified and registered engineer with specialist experience in geotechnical and/or coastal marine processes, will likely be required to address the '*Coastal Risk Management Guide - Incorporating sea level rise benchmarks in coastal risk assessments*' (2010) and to certify the suitability of structures.

This section of the DCP specifies that driveway access and new connections to public services and infrastructure such as sewer, water, drainage and electricity, should be located outside of the coastal planning area wherever possible, to minimise the risk of damage and to enable evacuation.

Section 4.7 of GLDCP applies to the land, which is identified as substantially Vegetation Category 1 with smaller areas of Category 2 and 3 on the Bushfire Prone Land maps. This section of GLDCP specifies that all development proposals on identified bush fire prone land are to be accompanied by a bush fire hazard assessment report prepared in accordance with the NSW Rural Fire Service '*Planning for Bush Fire Protection*' Guide. The section prescribes that:

- *the bush fire hazard assessment report must have regard to trees recommended by the arborist to be retained, and*
- *asset protection zones must not encroach upon any adjoining land.*

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The site is identified as Bush Fire Prone Land and includes mainly Category 1 vegetation with pockets of category 2 and 3 (**Figure 22**).

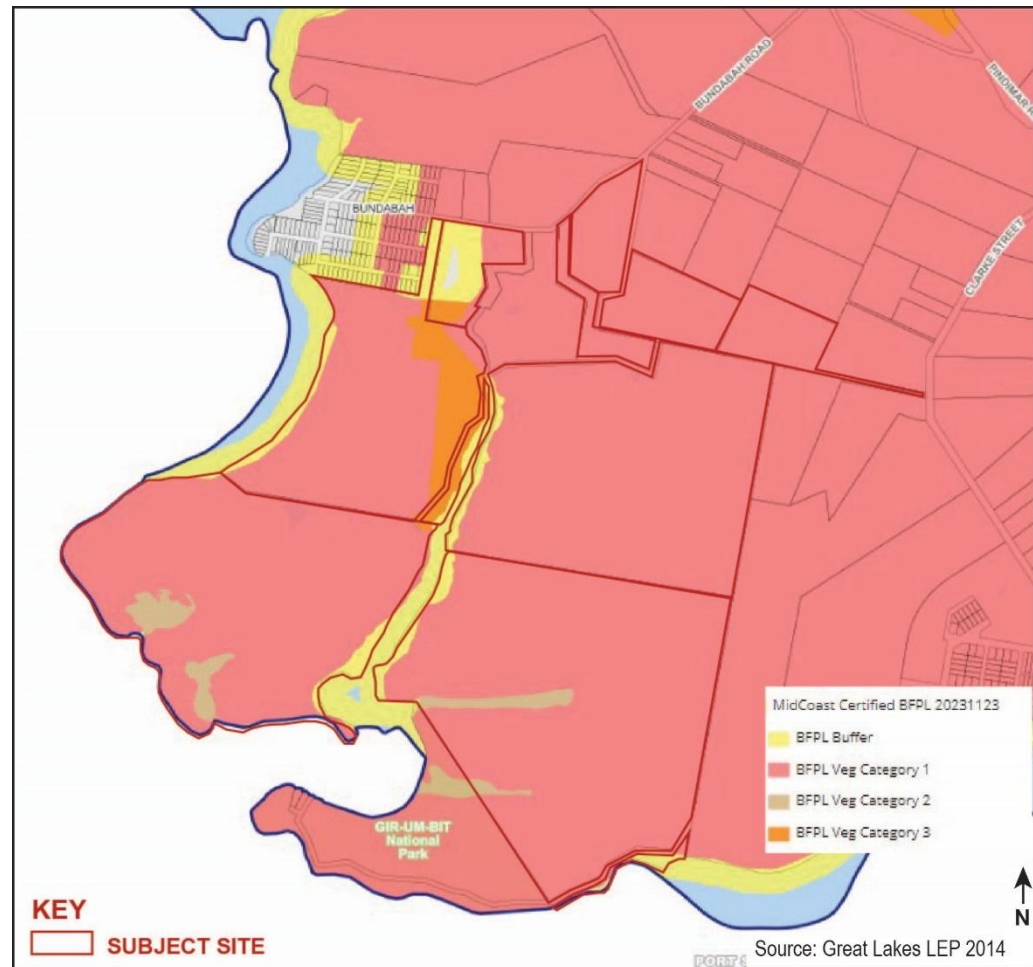


Figure 22 Bush Fire prone Land Map

Building Code and Bushfire Hazard Solutions has undertaken an assessment of the proposal and concludes as follows:

The Development Application (DA) seeks consent for the subdivision of four (4) existing rural residential allotments into nine (9) rural residential allotments, having a minimum size of 40 hectares.

As the subject development relates to the subdivision of bushfire prone land which can be lawfully used for residential purposes it is classified as integrated development under section 4.46 of the *Environmental Planning and Assessment Act 1979*. The development is captured under s.100B of the *Rural Fires Act 1997* and must obtain a Bush Fire Safety Authority from the Commissioner of the NSW Rural Fire Service.

In accordance with the submission requirements for a Bush Fire Safety Authority as detailed in clause 45 of the *Rural Fires Regulation 2022* an assessment of the extent to which the proposed development conforms with or deviates from *Planning for Bush Fire Protection (PBP)* is required.

In accordance with the bushfire safety measures contained in this report, and consideration of the site-specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development.

Heritage Controls (DCP Part 8)

Part 4 of GLDCP relates to heritage assessment considerations and applies to all development within a heritage conservation area (which the site is not) and development 'affecting a Heritage Item.' The detailed controls under this Part are buildings and their curtilage. The site is not listed under the LEP or in the State Heritage Register as a heritage item or being within a heritage conservation area.

As previously noted in this report, eight (8) sites have been identified by the Aboriginal Heritage Information Management System on Proposed Lot Nos. 3 and 4, but do not require the submission of an archaeological assessment to be submitted to address clause 5.10 of GLLEP.

Environmental Considerations (DCP Part 4)	
4.1 Ecological Impacts	
Objectives	
To ensure that development is designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities.	
Controls	Comments
<ul style="list-style-type: none"> the avoidance (where possible) or minimisation of loss and harm to remnant native vegetation and trees and the habitat of wildlife populations, and the protection of natural biodiversity, including native vegetation and wildlife, their habitats and biological processes and functions, and the protection of all ecological values of the natural landscape including scenic, recreational, aesthetic and cultural heritage values, and the design and siting of the development (including the footprints of all built structures, access, services, bushfire asset protection zones, water management structures, and other ancillary features of that development) in the area of the land that is of least ecological or biodiversity constraint and where the siting of that development results in the least possible ecological or biodiversity-related impact, and the appropriate siting and design of a development (including lot boundaries) with regards to the protection of agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands and watercourses, and the adoption of suitable and effective protective safeguards that avoids, minimises or compensates for the clearing of habitat and native vegetation within any development, and the capability of the land to accommodate the development without impairment or harm to important ecosystem services functions and the condition, ecological value and significance of fauna and flora, and the avoidance of fragmentation or disturbance of wildlife habitats and the protection, maintenance and (where possible) enhancement of ecological linkages and wildlife corridors in a local, sub-regional and regional context, and the avoidance (where possible) and minimisation of negative impacts on natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species 	<p>The proposal is for subdivision only, the only works would be access roads (which already exist in varying forms a boundary fencing).</p> <p>Each lot would be of sufficient size to permit a dwelling or some other buildings without significantly impacting biodiversity.</p> <p>Any future buildings would require development consent and would be required to be located on the lower parts of the site.</p> <p>The proposed subdivision has been designed to respect the major watercourse which bisects the site and other foreshore areas.</p> <p>The proposed subdivision avoids the riparian areas in addition to the small area of Coastal wetlands.</p>

Environmental Considerations (DCP Part 4)	
4.1 Ecological Impacts	
Objectives	
<p>habitats, endangered ecological communities and protected land, and</p> <ul style="list-style-type: none"> the identification and active protection of natural landscapes that provide key ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species habitats, endangered ecological communities and protected land, including the need to adopt buffers of adequate width and configuration to such areas to protect them from the overt direct or indirect effects of that development, and the compensating or offsetting of unavoidable impacts of a development such that the natural environment and native biodiversity is maintained or improved. The provision of any offsets should be located on the development site or as close as possible to the area of impact, and not beyond the bounds of the Great Lakes Local Government Area, and where primary koala food tree species occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long-term net gain in the representation of primary koala food tree species as a consequence of that development, and where hollow-bearing trees (comprising trees with cavities, hollows, splits or decorticated bark capable of providing roosting, denning or refuge sites for native vertebrate fauna) occur, the means with which the development would avoid such trees and where, if impacts on such trees are unavoidable, the means with which there would be a long-term net gain in the representation of denning opportunities for hollow-dependent native wildlife as a consequence of that development, and the adequate, effective and active conservation management of areas of high biodiversity conservation value of the land of a development site and/ or a restoration or an offset area through a permanent, executed legal mechanism and the preparation, funding and implementation of a habitat or restoration management plan, and the management of risks associated with bush fire in a manner that does not unreasonably compromise and minimises or avoids impacts on native vegetation, wildlife and wildlife habitats, and the containment, within a single lot, of the area of a holding that comprises land that is zoned E2 Environmental Conservation, and the encouragement of conservation and recovery of populations of threatened biodiversity within a development and/ or any offset areas, and the adoption of suitable and effective protective safeguards that avoids impacts to areas of high conservation value native vegetation and native wildlife populations and their habitats from any harm or impact associated with the introduction or encouragement of domestic pets, invasive exotic plants and animals and grazing animals, and the means with which priority invasive environmental weeds would be effectively and actively controlled and suppressed on the development site for the life of the development, and 	<p>The subdivision itself should not involve any significant physical impacts on the site however future development on the individual lots will entail the lodgment of development applications where these matters can be addressed.</p>

Environmental Considerations (DCP Part 4)	
4.1 Ecological Impacts	
Objectives	
<ul style="list-style-type: none"> consideration of the location and style of fencing on the land on the development site to enclose and/ or protect areas of high conservation value native vegetation and native wildlife populations and their habitats. 	
4.2 Flooding	
Objectives	
<ul style="list-style-type: none"> The risk of impacts from flooding on people and assets are avoided or otherwise minimised. Development is located in response to the identified flood hazard and designed to accommodate flood conveyance and storage. Environmental impacts of development on flood prone land are avoided or otherwise minimised. Development on flood prone land does not adversely impact neighbouring properties or visual amenity. The potential for financial loss or cost to the community as a result of development on flood prone land is limited. 	Due to the topography of the site where low lying areas are scarce, it is considered the proposal can easily meet the objectives providing future development is located above the maximum forecast flood levels and taking into account sea level rise.
Flood Studies	
Applications to subdivide or develop within the Great Lakes LEP 2014 Flood Planning Area may be required to submit a flood study to establish:	
<ul style="list-style-type: none"> site specific flood planning levels including allowances for sea level rise; how any alterations in flood behaviour caused by the development may impact on surrounding properties; appropriate habitable floor levels for development; and the impact of the development on flood conveyance and storage. 	<p>Can be met</p> <p>The subdivision is located at the bottom of the catchment very unlikely to impact surrounding properties.</p> <p>Can comply</p>
Subdivision Controls	
New allotments are to be designed to ensure that all proposed building envelopes are located outside the 2100 flood planning area.	Can comply
In circumstances where the location of a building envelope beyond the 2100 flood planning area is not possible a variation may be sought. If supported by Council, building envelopes are to be located at or above the 2100 1% AEP flood level.	Not expected to be a likely scenario
All lots are to have a continuous and rising vehicle evacuation route.	Generally complies
The filling of land is to limit the impact on adjoining properties and the visual amenity of the location.	Filling of land not expected to be required
Landscaping and vegetated buffers located in flood prone areas must be designed and located to reduce the impacts of flood waters on soil stability and adjoining buildings and structures.	Can comply
Subdivisions in non-urban zones e.g. large lot residential, rural and environmental zones that create an additional dwelling entitlement, are to provide: <ul style="list-style-type: none"> storage of vehicles, machinery and the installation of septic tanks within the building envelope; and an on-site sewage disposal area above the 2100 5% AEP flood level 	<p>Can be designed to comply</p> <p>Can be designed to comply</p>
4.4 Effluent Disposal	
Objectives	
<ul style="list-style-type: none"> To ensure that new developments have adequate facilities for the management of onsite sewage To ensure that new development does not result in adverse impacts on the health of the public or the environment from sewage. 	<p>Can be designed to comply</p> <p>Can comply</p>

Environmental Considerations (DCP Part 4)	
4.1 Ecological Impacts	
Objectives	
Controls	
<p>The development of vacant land for residential use based on an effluent pump out system (tanker removal) will not be permitted. Approval for the installation of an effluent pump-out system (tanker removal) will only be granted where:</p> <ul style="list-style-type: none"> an existing dwelling/building is operating a system of sewage management with on-site disposal that has been determined by Council to be no longer functioning in a manner considered appropriate due to environmental and/or public health related concerns and has limited area available for a replacement on-site sewage management system; or an existing residential allotment is less than 3000sqm in size and it has been determined by Council that on-site disposal of effluent is not achievable and/or does not meet appropriate standards or guidelines. 	
<p>The fundamental design of an On-site Sewage Management System (OSMS) for development where effluent is disposed of by a non-reticulated system and where Council's prescribed buffer distances cannot be achieved, must meet the minimum standards for the relevant On-Site Sewage Management Hazard Class for both the treatment and disposal of the effluent.</p>	Can be designed to comply
<p>Site specific constraints that have the potential to impact on the environmental or public health must be accounted for in the capability of the treatment system and the design of the land application area. Council may refuse to permit development where it is determined that the environmental impacts and/or public health related risks are considered too great.</p>	Can be designed to comply
<p>The design of the OSMS (including land application areas or disposal drains) must meet the requirements of:</p> <p><i>Great Lakes On-site Sewage Management Strategy and Development Assessment Framework</i> (or as amended) ;</p> <p>Australian Standard AS 1547:2000 - Onsite Domestic Wastewater Management (or as amended);</p> <p><i>Environmental Health Protection Guidelines-On-site Sewage Management for Single Households</i> (or as amended);</p> <p>Any other guideline deemed relevant by Council officers, and/or published by a recognised department/organisation.</p>	Can be designed to comply
<p>In accordance with the Local Government Act 1993 (s68C) (or as amended), an application to install, alter or construct a waste treatment device or human waste storage facility must be submitted to Council for determination prior to any works commencing on any part or modification of the on-site sewage management system.</p>	Can comply
<p>The On-site Sewage Management System disposal area shall not be contained within or form any part of, the private open space or natural landscape areas of the site.</p>	Can be designed to comply
<p>The discharge of any untreated grey-water from any source to a waterway, watercourse (whether intermittent or permanent), stormwater drain, drainage channel or ground surface is not permitted. Council approval is required for all grey-water disposal.</p>	Can be designed to comply

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Environmental Considerations (DCP Part 4)	
4.1 Ecological Impacts	
Objectives	
The beneficial reuse of treated effluent within the property confines is encouraged and must be done so in a manner that reflects the objectives of this clause/section.	Can be designed to comply
4.6 Contaminated Land	
Objectives	
To ensure previous land uses do not impact on the health and well-being of the public	
Controls	
Land that is identified as potentially contaminated land is subject to the provisions of State Environmental Planning Policy (SEPP) No.55 – Remediation of Land.	Phase 1 Assessment not required as the site is used for agricultural purposes and is unlikely to be contaminated.
4.7 Bush Fire	
Objectives	
To ensure new development is designed with regard to bush fire hazards.	
Controls	
All development proposals on land identified as bush fire-prone are to be accompanied by a bush fire hazard assessment report in accordance with the NSW Rural Fire Service Planning for Bush Fire Protection 2006 (or as amended).	Can be designed to comply
The bush fire hazard assessment report must have regard to the siting of any trees to be retained as recommended within the Arborist's report.	Can be designed to comply
Any bush fire protection measures (i.e. Asset Protection Zones) must not encroach upon any adjoining land.	Can be designed to comply
Selection of materials and methods of construction must have regard to AS 3959-2009 Construction of buildings in bush fire prone areas and Planning for Bush Fire Protection 2006 (or as amended).	Can be designed to comply

Subdivision (DCP Part 9)

9.1 Objectives

- Facilitate the development of a range of sites appropriate to the types of activity occurring in the Great Lakes.
- Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land.
- Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network.
- Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions.
- Ensure new subdivisions are designed and constructed to accommodate quality development for the location in which it is proposed.
- Maximise the retention of native vegetation and where possible implement measures to alleviate the fragmentation of wildlife corridors.
- Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc are adequately considered.
- Encourage innovative design and energy efficiency.
- Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision.

With regard to the above, the subdivision has been designed to comply with the minimum lot size development standard for the RU2 Rural Landscape zone under GLLEP. The subdivision is close to existing infrastructure of the Bundabah village and larger settlements of Pindimar and Tea Gardens further to the east.

The generous lot sizes and LEP development controls will facilitate retention of native vegetation and wildlife corridors however any future developments on the proposed lots would experience scrutiny during the development application process.

It is considered the proposed subdivision is not contrary to the overall subdivision objectives outlined above.

Large Lot Residential, Rural and Environmental Zones Subdivision - Additional Objectives

- *Ensure that the pattern of subdivision reflects and follows the natural features of the site rather than imposing an artificial geometric pattern simply to satisfy the minimum area standard or specific dimensions;*
- *Ensure that the proposed lots do not fragment agriculturally viable land;*
- *Ensure that the lots created avoid, or make provision to minimise, the likely affect of natural hazards;*
- *Ensure that the size, shape and characteristics of new lots are appropriate to the zoning and the possible range of uses;*
- *Protect the scenic value and natural habitats of rural land; and*
- *Ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site.;*

With regard to the specific objectives for large lots above:-

Objectives 1 and 2 are met as the subdivision pattern has been designed to acknowledge the features of the terrain, with Proposed Lot Nos. 1, 6, 8 and 9 containing the more level areas more suited to primary production whilst the remaining, more topographically challenged lots, more suited to lifestyle lots.

Bushfire and flooding/sea level rise are the most likely natural hazards to affect the site and the subdivision design has acknowledged this with the siting of proposed accessways located away from flood prone areas. With regard to bushfire, every lot except Proposed Lot 8 has access to waterbodies (most with emergency dual access) whilst Proposed Lot 8 could be provided with dual vehicular access.

The size shape and characteristics of each lot will permit a variety of uses.

The land with the steepest topography and denser vegetation will still preserve the scenic quality of this side of the Karuah River.

9.2 General Requirements for subdivision in all zones	
9.2.1 Design Principles	
Hazards and Constraints:	
Principles	Proposal
Hazards such as soil stability, acid sulphate soils, flooding, erosion and bushfire;	Can be addressed
Possible contamination of the site from previous land use activities;	Phase 1 assessment not required as the site has historically been used for agricultural activities and is unlikely to be contaminated.
Potential impact of sea level rise and coastal erosion and the need for foreshore protection.	Can be addressed in future DA's
Protection and enhancement of natural features:	
The likely impact of the proposal upon threatened species or their habitat;	Flora and Fauna assessment indicates acceptable impact.
Retention of special qualities or features such as trees and views;	Subdivision unlikely to create impacts
Protection of dominant ridge lines and hilltop;	Subdivision unlikely to create impacts
Protection of existing waterways;	Can be addressed in future DA's
Heritage and archaeological conservation;	Archaeological study not required under clause 5.10(8) of GLLEP.
Slope and orientation of the land and the extent of excavation works and/or fill required;	N/A

9.2 General Requirements for subdivision in all zones	
Infrastructure and surrounding development:	
Availability of utilities;	Subdivision close to existing utilities
Design of roads, access ways and individual site access;	Can be designed to comply
Provision of adequate site drainage;	Can be designed to comply
Potential impact of stormwater runoff and pollutant discharge into waterways;	Can be designed to prevent impacts
The relationship of the subdivision layout to adjacent land suitable for subdivision;	Subdivision commensurate with other large lot
Enhancement of existing or future subdivision in the locality;	Proposed subdivision will provide choice of additional large lifestyle lots in the locality
Future land uses and development	
Provision of public open space in line with any adopted open space and landscaping strategies;	N/A
Proposed future use of the land and relevant development controls such as setbacks, car parking, landscaping etc;	Future developments can be designed to comply
The proposed method of effluent disposal, location and sizing of related land application areas and the likely impacts upon the receiving environments;	Future developments can be designed to comply
Energy efficiency of the subdivision and the opportunities for solar access to future development.	All lots have eastern and western aspects with the exception of Proposed Lot 6 which is generally east.
9.2.2 Site Design	
Objectives	
To preserve mature trees and significant landscape elements.	Flora/landscape assessment required to identify significant trees and/or groups of trees
To limit stormwater runoff and incorporate water sensitive design.	Future developments can be designed to comply
To ensure heritage conservation objectives are met for both European and Aboriginal heritage.	Previously addressed in this report.
To avoid degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine areas, and coastal lakes and areas.	Future developments can be designed to avoid sensitive areas
Controls	
Site works and landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or watercourses should be preserved.	Current subdivision has been designed to avoid impacting natural features, and watercourses.
Subdivisions should incorporate existing vegetation, landforms and contours wherever possible, rather than completely reshaping the site.	No reshaping of site or earthworks is proposed.
Subdivision design should maintain existing mature trees and consideration should be given to the objectives and controls contained in the Tree and Vegetation Preservation chapter of this plan.	Flora and Fauna assessment identifies significant trees and vegetation.
Council will encourage the location of boundaries along natural features where appropriate, in order to minimize the likelihood of soil erosion. However, allotment boundaries should not follow watercourses.	Boundaries, where possible, have been located sympathetically, however, due to the significant constraint of the Fame Cove inlet, lot boundaries have followed that watercourse.
Where subdivision affects heritage items, Council may require the submission of a Heritage Impact Statement prior to consideration of the application. The impact of any subdivision on the curtilage or immediate context of a heritage item must be evaluated in this Statement.	Previously addressed in this report.
Consideration should be given to the location and type of water sensitive design measures in accordance with the Water Sensitive Design section of this plan.	Can be designed to comply
Consideration will also be given to the likely effects of flooding.	Flood assessment not required.
9.2.3 Services	
Objectives	
To provide public utilities to each allotment in a manner that is efficient and cost-effective.	Can be designed to comply

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9.2 General Requirements for subdivision in all zones	
To maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves.	Can be designed to comply
To ensure that rural, residential, industrial and commercial areas are adequately serviced in a manner that is timely, cost-effective, coordinated and efficient.	Can be designed to comply
Controls	
Where available, satisfactory arrangements shall be made with the appropriate authority for the provision of utility services to each allotment in the subdivision. The design and construction of utility services shall conform to the specific standards of the relevant servicing authorities including: water supply and sewerage; electricity; and telecommunications.	Relevant utilities can be provided.
A certificate of compliance from the telephone supply authority is required confirming that arrangements have been made for the provision of telephone supply throughout the subdivision.	Can be met
In areas where reticulated water supply is available, water supply mains and service conduits should be provided to each allotment in the subdivision. An adequate reticulated water supply system is to be provided for domestic supply and fire fighting purposes.	Can be met, where available
In areas where sewerage service is available, sewerage reticulation should be provided to each allotment in the subdivision. Sewerage reticulation is to be arranged where possible to allow the whole of each new allotment to be serviced by gravity drainage. Where necessary, pumping stations, rising mains and extension of existing mains shall be provided.	Onsite wastewater treatment system proposed. Can be designed to comply
Subdivisions in unsewered areas may only be permitted where allotment sizes and layouts are adequate to allow on-site disposal of all sewage and wastewater generated on the allotment. Council does not support the installation of effluent pumpout systems due to the high potential for system failure and associated risk of contamination of sensitive waterways. Refer to Council's current On-site Sewage Management Strategy and Decision Assessment Framework to determine requirements for the land application area.	Onsite wastewater treatment system proposed. Can be designed to comply
For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless Council determines the ground conditions to be unsuitable for extensive underground infrastructure.	Can be designed to comply
Battleaxe blocks are to be serviced with underground electricity.	N/A
Where possible, compatible public utility services shall be coordinated in common trenching to maximum cost effect.	Can be designed to comply
Services shall be planned to provide a common accessible service easement of width to be determined by Council considering the particular circumstances. Easements are to be provided in accordance with authority requirements for each service.	Can be designed to comply
9.2.4 Landscaping	
Objectives	
To maintain and enhance existing streetscape and landscape character.	Can be designed to meet the objective
To enhance the setting of buildings and provide for acoustic and visual privacy.	Large lots and proposed location of future dwellings ensure this.
To provide shade, wind and weather protection for buildings and areas of open space.	Can be designed to meet the objective
To preserve mature trees and significant landscape elements.	Can be designed to meet the objective
Controls	

9.2 General Requirements for subdivision in all zones	
A plan is to be submitted showing the location of any existing Cabbage Tree Palms so that a decision can be made as to whether these should be relocated or should remain.	Can be designed to comply
In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin the landscaped areas of adjacent allotments.	Site is largely in a natural setting
The provision of landscaped buffers and/or earth mounds may be required to screen developments from nearby roads. Plantings may also be required adjacent to public roads where access is to be restricted.	Can be designed to comply
For subdivisions involving the creation of greater than 5 lots, a landscape/street tree-planting concept plan is to be submitted with the development application. Council, as a condition of approval, will require at least one advanced tree in the road reserve in front of each lot, where the soil is suitable. Two trees (one on each frontage) will be required for corner lots. Further plantings may be necessary where drainage /water quality control facilities or public open space are to be provided.	Can be designed to comply
Earthworks including excavation, filling and levelling will not be permitted within the root zone of trees intended to be kept.	Can be designed to comply
9.2.5 Drainage	
Objectives	
To prevent stormwater damage to the built and natural environment.	Can be designed to meet the objective
To provide overflow paths to convey large stormwater flows to trunk drainage systems.	Subdivision is at the bottom of the catchment natural stormwater flows should drain to the river
To reduce nuisance flows to a level that is acceptable to the community.	Able to be avoided
To provide a stormwater system which can be maintained economically	Can be designed to meet the objective
To provide a stormwater system which utilises open space in a manner compatible with other uses.	Can be designed to meet the objective
To protect sensitive waterways and environments from urban stormwater pollutants.	Can be designed to meet the objective
To prevent both short and long term inundation of development.	Can be designed to meet the objective
To maintain environmental flows where possible and maximise the use and effectiveness of existing and natural drainage systems.	Can be designed to meet the objective
To stabilise land forms to prevent soil erosion and sedimentation.	Can be designed to meet the objective
Controls	
Excavation or filling of land should be limited to 1m above or below existing ground levels. Levels shall be adjusted so that allotments drain to the street and/or the stormwater drainage system to ensure there is no intensification of runoff to adjacent land. Where required, a system of inter-allotment drainage shall be required with the subdivision application.	Only minor earthworks is envisaged for the proposed road access to the lots.
Drainage from subdivision sites should be consistent with the pre-development stormwater patterns.	Can be designed to comply
Drainage systems should be designed to ensure safety and minimise the likelihood for stormwater inundation of habitable floor areas. The drainage system shall be designed in accordance with Council's Design Specifications and Construction Specifications	Easily achievable due to topography of site. Can be designed to comply
For integrated development (i.e. lots under the 450m ²), an appropriate stormwater flow management system should be established to reduce the velocity of stormwater discharge.	N/A
Allotment drainage shall discharge to the roadway gutter wherever possible. Inter-allotment drainage (including the creation of easements to drain water)	Can be designed to comply

9.2 General Requirements for subdivision in all zones	
will be required where discharge to the street for all lots is not possible.	
Allotment drainage and stormwater must not be directed to land application areas associated with onsite effluent disposal systems.	Can be designed to comply
On-site stormwater detention may be required in the development to maintain flows no greater than the undeveloped rate of flow, both within and downstream from the development area. Advice should be sought from Council's Engineering Services Division to determine if this is required.	Can be designed to comply
Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for estuaries and wetlands.	Can be designed to comply
Water sensitive design measures must be provided on-site, in accordance with the Water Sensitive Design section.	Can be designed to comply
Any application for subdivision may be required to include drainage calculations in respect of run off discharge prepared by and certified by a suitably qualified person.	Can be designed to comply
Easements shall be created over drainage systems, including piped stormwater lines and open drainage channels. Widths of required easements will depend upon the circumstances.	Drainage easements are unlikely to be required due to the location of the subdivision.
Drainage reserves may be required to be dedicated (at no cost to Council) over natural and artificial watercourses.	Can be designed to comply
9.2.6 Road Design and Construction	
Objectives	
To reinforce and define vehicle speed control design elements.	Can be designed to meet the objective
To provide roads consistent with their function within the road network, having regard to their safety and visual impact.	Internal roads would only provide access to at the most, four other lots.
To preserve the character of village area through sympathetic road design.	Can be designed to meet the objective, subdivision should have little impact on the Bundabah village.
To provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network.	Can be designed to meet the objective, 5.5m pavement width for access to multiple lots, 4m pavement width to sole access roads.
To allow all users of the road - motorists, pedestrians and cyclists - to proceed safely, conveniently and with minimal delay.	Can be designed to meet the objective
To provide access for emergency and service vehicles to all dwellings, particularly larger vehicles including garbage trucks and fire engines.	Can be designed to meet the objective
To accommodate sufficient on-street parking.	Lot sizes should ensure this is not an issue
To accommodate and co-ordinate the location of public utility services and drainage systems without adversely effecting road pavements.	Can be designed to meet the objective
To provide road pavements and edges that are appropriate for the control of vehicle movements, perform any required drainage function, are structurally adequate and use materials that reinforce the residential function of the street.	Can be designed to meet the objective
To minimise road construction and life cycle costs without compromising other objectives.	Can be designed to meet the objective
To minimise the need for earthworks due to road construction.	Additional earthworks would be reduced as existing tracks would be upgraded with some new accessways
To ensure safe and convenient access is available to each new allotment created.	Can be designed to meet the objective
Controls	
Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner so that each lot can be developed and accessed in a practical and feasible manner.	Can be designed to comply

Statement of Environmental Effects

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9.2 General Requirements for subdivision in all zones	
The developer shall be responsible for connecting new to existing road construction.	Can be designed to comply
The configuration and design of roads shall be in accordance with Council's Design Specifications.	Can be designed to comply with Council requirements.
Where a subdivision adjoins an existing road, the road infrastructure may be required to be upgraded. This may include the construction of kerb and guttering, pavement widening and sealing, ancillary drainage and footpaths.	Can be designed to comply
Council, except for Community Title subdivision, will require the dedication of all roads and pathways constructed to public road standards. The dedication of roads within Community Titles subdivisions will be considered on a case-by-case basis.	Can be designed to comply
Street name signs shall be erected at the junction of all roads in the subdivision. Proposed street names shall be submitted for approval by Council's Engineering Services Division. Signage shall conform to and be located according to Council's standard drawings.	Can be designed to comply
9.5 Large Lot Residential, Rural and Environmental Subdivision	
Controls	
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.	Subject to Council assessment.
Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households".	Large 40ha minimum lot size should ensure this is not an issue
Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application.	Can be designed to comply
Where sites contain areas of significant vegetation, the subdivision boundaries shall be designed so as to minimise the clearing of land.	Can be designed to comply
Boundaries over hills, ridgelines and elevated areas shall be designed so as to minimise visual impact as a result of clearing.	Can be designed to comply
All subdivision boundaries are to be designed so as to ensure the best practical location for fence-lines and fire trails.	Can be designed to comply
A topographical map is to be submitted showing the proposed boundaries and all site improvements including buildings, dams etc.	Can be provided
Proposed allotments will indicate a dwelling site that allows for reasonable sunlight access.	Plans have been provided to comply with this requirement
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.	This information has been provided
9.6 Additional Information	
Section 88B Instruments	
Development applications for the subdivision of land with a slope of greater than 20%, must include a Section 88B instrument identifying the location and dimensions of future building envelopes for each allotment, to ensure compliance with the planning outcomes for steeply sloping land.	Can be designed to comply
Section 94 Contributions (Now Section 7.11)	
Tea Gardens District	

9.2 General Requirements for subdivision in all zones	
<p>9 Payment of Contributions</p> <p>9.1 Application of Contributions to Various Developments</p> <p>Contributions are payable according to population increase and, in some areas, traffic increase expressed in additional "one-way" trips.</p> <p><i>Single Dwellings</i></p> <p><i>Each lot that has a dwelling entitlement is assumed to have paid all development contributions with respect to a single dwelling. Therefore no contributions are payable when a single dwelling is built on a single lot which has a dwelling entitlement.</i></p> <p><i>Additional Dwelling Units</i></p> <p>When more than one dwelling is to occupy one lot then contributions will be payable in accordance with Table 9. Credit will be allowed as an offset against the population or traffic generated by the development. The amount of credit in the case of a vacant single lot will be the amount for a single dwelling. Where approved residential development is to be demolished the amount of credit will be that applicable to the existing development</p>	<p>The existing 4 lots of the site would be taken to have an entitlement for one large dwelling per lot, so the creation of 5 additional lots will result in a requirement for contributions towards 5 additional dwellings.</p> <p>Any further 'additional dwellings' will be levied at the time of those future Development Applications.</p>

Car Parking, Access and Transport Controls (DCP Part 10)

Given the proposal is for subdivision, the applicable car parking, vehicular access and loading requirements would be assessed during any future development application on the proposed lots. However, the following guidelines have been adopted.

- Trucks and vehicles can enter and leave the site in a forward direction.
- Separate entry and exit driveways have been provided and are able to be setback at least 1.5m from side boundaries and 6m from an intersection.
- All driveways, car parking and loading areas are designed and constructed in accordance with AS 2890.1 – Off street car parking and AS 2890.2 – Off street commercial vehicle facilities.
- A minimum 5.5m pavement width for access roads which service more than one lot with this width reducing to 4m for access on individual lots can be provided, but the proposal relies upon rights of carriage way.

Landscaping and Open Space Controls (DCP Part 13)

Part 13 of GLDCP states that it 'provides landscaping requirements for all forms of development.' However, subdivision is not specifically mentioned.

'Large Lot residential, Rural and Environmental Zones - Additional Landscaping and Open Space Controls

It is recommended that wherever possible, development is designed and located to retain:

- *Trees and under storey shrubs on slopes greater than 1:6;*
- *Trees growing within 30m of the centreline of any intermittent or permanent watercourse.*
- *Understorey shrubs to provide shelter and a food source for native fauna.*

The proposal will retain trees that fall into the above criteria and/or will require removal to site the access roads and lot boundary fences. The BDAr submitted with this application states that *'the lot layout has been designed so that most of the direct and indirect impacts*

will likely occur on the perimeter of the lot so that the balance of each of the lots can be protected through biodiversity stewardship sites.'

Waste Management Guidelines (DCP Part 14)

Part 14 of GLDCP provides controls for waste management facilities for all forms of development and guidelines for the preparation of a Waste Management Plan (**WMP**).

The proposal is for the subdivision of land and does not include any building construction. Hence, a WMP is not required to be submitted with this application.

Advertising Sign Controls (DCP Part 15)

N/A - Part 15 of GLDCP provides design guidelines and controls for new outdoor advertising signs and changes to existing signs. Requirements vary depending on the zone. It is noted that for the site in a rural zone, signs are limited to one per street frontage and should generally not exceed of 5m².

No advertising signage is proposed as part of this application.

Other DCP Parts

Parts 5, 6 and 17 of GLDCP relate to residential and business uses and do not apply to a proposal for a subdivision on the site. Part 16 provides controls for specific sites and localities and does not apply to the subject site.

4.4 Section 4.15(1)(a)(iia) - Planning Agreements

It is understood that no planning agreement (**PA**) or draft PA is relevant to the site under the provisions of s.7.4 of the EPA Act.

4.5 Section 4.15(1)(a)(iv) – Regulations

In determining a development application, a consent authority is to take into consideration the *Environmental Planning and Assessment Regulation 2021 (EPA Regulation)* to the extent that it prescribes matters relevant to determining a development application. The following matters are prescribed under Part 3, Division 1 of the EPA Regulation for making development applications.

The proposal has provided information which is consistent with the 'Content of development application' requirements under clause 24 of the EPA Regulation together with any information required by Council.

4.5.1 Section 7.11 or 7.12 Local Infrastructure Contributions

Section 7.11 and 7.12 Local Infrastructure (Development) Contributions Plans provide for development to contribute funding and/or dedicate land for the provision, extension or augmentation of public amenities and public services.

MidCoast Council Development Contributions Plans continue to be based on the former LGA boundaries. The subject site is within the former Great Lakes (Region) LGA, within which six contributions plans are listed on the Council's website. The following two plans are likely to be relevant to the proposed development of an industry on the site:

Great Lakes Wide Development Contributions Plan

The *Great Lakes Wide Development Contributions Plan* (October 2014) applies to all development in the former Great Lakes LGA, except for areas covered by NSW Fire Brigades town brigades. This plan prescribes a contribution 0.1% of the capital work value (\$1 per \$1,000) for non-residential development, toward the funding of the extension of the headquarters building in Forster.

Tea Gardens District Development Contributions Plan

The *Tea Gardens District Development Contributions Plan* (October 2014) applies to the site, which is within the mapped area on the "S94 Plan: Tea Gardens District 2009 Catchment Boundary" Map.

Most of the contributions under this plan (for open space, community facilities, etc.) are only applicable to residential or tourist and visitor accommodation development. The existing four lots would have a credit for 4 dwellings, with the Proposed 9 Lots resulting in an increase in 5 potential dwellings on the additional lots. It is expected a contribution for 5 large dwelling houses will be levied by Council at subdivision stage.

4.5.2 National Construction Code

Any structures associated with the future DA will be required to satisfy either the deemed-to-satisfy provisions and/or the performance requirements of the National Construction Code (NCC).

4.5.3 AS 2601 – Demolition of Structures

Any future demolition will need to satisfy clause 61(1) of the EPA Regulation which designates *AS 2601-2001: The Demolition of Structures* as a prescribed matter for consideration in the determination of a DA.

4.6 Section 4.15(1)(b) – Impacts

In addition to planning instruments, controls and regulations, section 4.15 of the EPA Act requires the consideration of impacts of a proposal on the natural and built environment and the social and economic impacts in the locality.

A proposed subdivision, with its associated access roads and driveways, will need to be appropriately located and designed on the site, having regard to the impact on the natural and built environment.

The social and economic impact of the proposal on the site is likely to be acceptable as it will provide a positive contribution to society by way of additional lifestyle lots and employment opportunities if eco-tourism or other types of primary industry uses ensue.

4.7 Section 4.15(1)(c) – Suitability of the Site for Development

The proposed subdivision of the site is permissible under the current RU2 Rural Landscape zoning under GLLEP and may be carried out with development consent.

At approximately 401.6ha, the four sites to be subdivided within the site are relatively large. This has the benefit of providing flexibility for the location of structures and facilities to avoid or minimise potential environmental impacts on significant vegetation or coastal wetlands, as well as any potential amenity impacts in the locality. It allows a wide scope to locate facilities for managing risks such as bushfire and any localised stormwater flooding.

The site is located in proximity to the Pacific Highway, part of the National Highway System, providing access to major populations in Brisbane, Newcastle, Sydney and beyond. The site entry is approximately 13.9m from the Pacific Highway, accessible via Pindimar Road and Myall Way, without passing through any high density residential areas or centres.

Section 100B of the *Rural Fires Act 1997* (RF Act) pertains to 'bush fire safety authorities' and prescribes that for bushfire prone land, the nominated bushfire safety authority (the Rural Fire Service) must authorise certain residential or rural residential development (including subdivision), or development for a special fire protection purpose.

Consequently, pursuant to section 4.46 of the EPA Act the proposal constitutes 'integrated development' that would require concurrence from the NSW Rural Fire Service.

Part 5 of the NSW Rural Fire Service *Planning for Bushfire Protection 2019 (BPB)* guide provides guidance for Residential and Rural Residential Subdivision.

A Bush Fire Safety Authority (**BFSA**) is required from the NSW Rural Fire Service for subdivision on Bush Fire Prone Land under the RF Act.

It advises that the following objectives be applied in relation to rural residential subdivision where a dwelling entitlement exists:

- *minimise perimeters of the subdivision exposed to the bush fire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);*
- *minimise vegetated corridors that permit the passage of bush fire towards buildings;*
- *provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;*
- *ensure that APZs between a bush fire hazard and future dwellings are effectively designed to address the relevant bush fire attack mechanisms;*
- *ensure the ongoing maintenance of APZs;*
- *provide adequate access from all properties to the wider road network for residents and emergency services;*
- *provide access to hazard vegetation to facilitate bush fire mitigation works and fire suppression; and,*
- *ensure the provision of an adequate supply of water and other services to facilitate effective firefighting*

The general fire safety construction provisions of the NCC are generally taken as acceptable solutions, however construction requirements for bush fire protection will need to be considered on a case-by-case basis for any future development.

Building Code and Bushfire Hazard Solutions has undertaken an assessment of the proposal and with respect to bushfire impacts concludes as follows:

The Development Application (DA) seeks consent for the subdivision of four (4) existing rural residential allotments into nine (9) rural residential allotments, having a minimum size of 40 hectares.

As the subject development relates to the subdivision of bushfire prone land which can be lawfully used for residential purposes it is classified as integrated development under section 4.46 of the *Environmental Planning and Assessment Act 1979*. The development is captured under s.100B of the *Rural Fires Act 1997* and must obtain a Bush Fire Safety Authority from the Commissioner of the NSW Rural Fire Service.

In accordance with the submission requirements for a Bush Fire Safety Authority as detailed in clause 45 of the *Rural Fires Regulation 2022* an assessment of the extent to which the proposed development conforms with or deviates from *Planning for Bush Fire Protection (PBP)* is required.

In accordance with the bushfire safety measures contained in this report, and consideration of the site-specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development.

The “coastal wetland” area has been avoided, so the proposal is not designated development.

The proposal has been located outside of the environmental constraints areas of the site to minimise risk and complication in obtaining future development consents.

Accordingly, the site is considered to be suitable for the development.

4.7.1 Objects

Any future proposal on the site will need to uphold the Objects of Section 1.3 of the EPA Act which include:

- (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.*

Suitably located and designed, the proposed subdivision is considered to be a development outcome that constitutes an appropriate sustainable and economic use of the site.

Accordingly, the proposal would facilitate the economic and orderly development of the site and is generally consistent with objects of the EPA Act.

4.8 Section 4.15(1)(d) – Submissions

Pursuant to s.4.15(1)(d) of the EPA Act, the consent authority is required to give due consideration to any submissions made during any the DA notification period.

4.9 Section 4.15(1)(e) – Public Interest

The site can be developed consistent with the applicable environmental planning controls and without any significant adverse environmental impacts, there is unlikely to be any public interest reason that would otherwise act to preclude favourable consideration of the reasonable development of the site for the proposed subdivision.

5 Conclusion

SPS has been commissioned by Tea Gardens Farms Pty Limited to prepare a Statement of Environmental Effects for a proposed subdivision of four existing allotments into 9 Lots on the subject site known as 253 Bundabah Road, Bundabah and 120 Clarke Street, Pindimar.

In summary, the proposed subdivision:

- creates lots which all exceed 40ha in size, which is satisfactory having regard to *Great Lakes Local Environmental Plan 2014* and not inconsistent with the draft MidCoast Local Environmental Plan which received endorsement from Council on 26 February 2025;
- is consistent with the *Great Lakes Development Control Plan 2014* and the relevant state environmental planning policies that apply to the land and provides suitable primary access points from Bundabah Road and Clarke Street;
- does not involve any building construction, but provides indicative building footprints which anticipate future development on the subdivided lots (to be the subject of separate DAs) that will create an acceptable impact on the built environment;
- minimises the extent of any vegetation clearing required for road construction, bushfire asset protection zones and wastewater treatment and will create an acceptable impact on the natural environment as noted within the BDAR submitted with this application;
- provides a density of development that is consistent with the RU2 Rural Landscape zone and the desired future character of the area with minimal social and economic impacts;
- is located on a site that is suitable for the development as coastal wetlands and public access along the foreshore will remain unaffected;
- is in the public interest as it promotes opportunities for economic and orderly development consistent with the Objects of the EPA Act.

The proposal is satisfactory having regard to s.4.15 of the EPA Act and is worthy of Council's support.