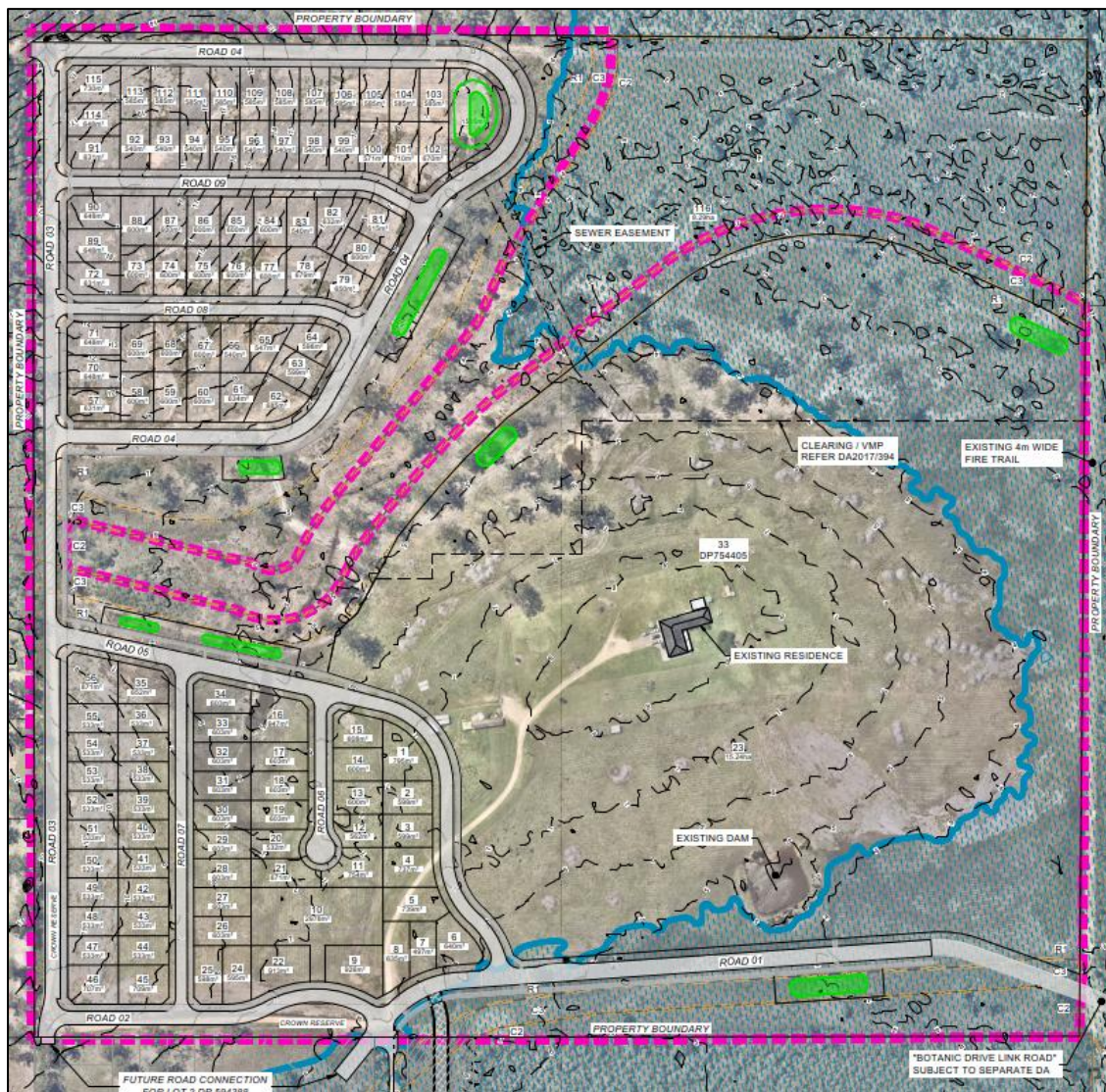


Environmental Impact Statement
Amended Development Application for Designated
Development and Integrated Development
Subdivision for 115 residential lots including a master lot for
future development, in 4 stages, including earthworks,
infrastructure and landscaping
84 Tree Top View (formerly known as 169B Ocean Drive), Kew
Lot 33 DP 754405
Version 4 – 28 May 2026



DECLARATION

I certify that the contents of this Environmental Impact Statement, to the best of my knowledge:

- Has been prepared in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2021;
- Contains all available information that is relevant to the environmental assessment of the proposed development; and
- Does not contain information which is false or misleading.

Environmental Assessment prepared by:

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On Behalf of: Jojeni Investments Pty Ltd



Signed:

Date: 28 May 2026

Glossary and Abbreviations

BCD	Biodiversity and Conservation Division - Environment and Heritage Group
BDAR	Biodiversity Development Assessment Report
Biocon Act	Biodiversity Conservation Act 2016
CAA	Controlled Activity Approval
Council	Port Macquarie-Hastings Council
DA	Development Application
DAWE	Federal Department of Agriculture, Water and the Environment (former)
DCCEEW	Federal Department of Climate Change, Energy, Environment and Water
DCP 2013	Port Macquarie-Hastings Development Control Plan 2013
DPHI	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
LEP 2011	Port Macquarie-Hastings Local Environmental Plan 2011
NCRP	North Coast Regional Plan 2041
PBP 2019	Planning for Bushfire Protection 2019
RFS	NSW Rural Fire Service
SEARs	Secretary's Environmental Assessment Requirements
TfNSW	Transport for NSW
The Act	Environmental Planning and Assessment Act 1979
The Regulation	Environmental Planning and Assessment Regulation 2021
TIA	Traffic Impact Assessment
UGMS	Port Macquarie-Hastings Urban Growth Management Strategy
WM Act	Water Management Act 2000

EXECUTIVE SUMMARY

Introduction

This Environmental Impact Statement (EIS) identifies and assesses the potential environmental and planning issues associated with the construction and operation of the proposed subdivision of 84 Tree Top View (formerly 169B Ocean Drive), Kew NSW (Lot 33 DP 754405). Hopkins Consultants has prepared the EIS on behalf of the proponent, Jojeni Investments Pty Limited.

This EIS has been prepared in accordance with Part 5, Division 5.2 of the *NSW Environmental Planning and Assessment Act 1979* (The Act) to support a Development Application (DA) to be lodged with Council. This proposal is deemed to be 'designated development' under Section 2.7 of the State Environmental Planning Policy (Resilience and Hazards) 2021. As such, this EIS has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs).

Proposal Needs and Benefits

The site is identified in Council's Urban Growth Management Study (UGMS) and the North Coast Regional Plan 2041 (NCRP) as being located within an urban growth area. The site is zoned R1, C2 and C3 in LEP 2011 and is identified in Part D10 of DCP 2013 (Area 15).

The UGMS anticipates demand for 946 new dwellings in Kew by 2036. The proposal is for 115 lots including 113 standard residential lots, one villa lot and one 11.8ha master lot for future development. The proposal will make a significant contribution to the achievement of the Kew dwelling target and is a continuation of residential development approved in Woodlands South under DA 2023/73.

The Proposal

The project is known as Woodlands North. The proposed development is for residential subdivision for 115 residential lots including 113 standard Torrens Title residential lots, one villa lot and one 11.8ha master lot which will be retained for future development. One residue lot is also proposed.

Key features of the proposal include:

- Earthworks to prepare the site for residential subdivision.
- 113 standard Torrens Title residential lots.
- One large master lot to be retained and developed in future.
- One lot to be developed for villas in future.
- One lot to contain the stormwater infrastructure.
- Residue lot for remainder of the C2 and C3 land, to be retained by proponent for VMP works.
- Construction of internal road network.
- Construction of pedestrian and cycle pathways to be linked to future network.
- Construct road drainage for the entire road catchment.
- Construct internal water infrastructure and connect to existing 375mm watermain on the southern side of Ocean Drive.
- Construct stormwater infrastructure and link to existing. Seven water quality basins and water treatment to be contained within drainage lot. Sewer infrastructure to each lot. Work in cooperation with Council to facilitate construction of sewer main trunk network to

connect to existing sewer pump station KKSPS11 to the west, as advised by Council correspondence dated 21 July 2021.

- Construct electricity and communications infrastructure for each lot.
- Street trees and streetlights throughout site.
- Construct one single dwelling on Lot 56 as affected by coastal wetlands mapping.
- Temporary stockpile.

Community and Stakeholder Consultation

DPE were consulted by the Applicant by way of an application for SEARs in relation to the proposal. Key stakeholders consulted by DPE for the SEARS including:

- BCD
- DPE Water
- NSW RFS
- TfNSW

All agencies responded except DPE Water. As the DA is for Integrated Development, DPE Water will be consulted again by Council at DA stage.

Council undertook advertised public notification for a period of no less than 28 days from 6 March 2025 to 4 April 2025 as required by the Designated Development process in the Act.

Key Environmental Issues

The key environmental issues relative to the project and assessed in this EIS include:

- Proposal details;
- Strategic and statutory context;
- Infrastructure and utilities;
- Trees and landscaping;
- Bushfire;
- Noise and vibration;
- Soil and water;
- Contamination;
- Flooding;
- Coastal hazards and coastal management areas;
- Air quality;
- Traffic and transport;
- Waste management;
- Visual impacts;
- Heritage; and
- Cumulative impacts.

Environmental offsets for the site are specified in the Area 15 Planning Agreement and the required 25ha of Environmental Offset Land has been purchased and dedicated to NSW NPWS by the proponent. Clearing of the site was also approved by Federal DCCEEW under EPBC permit 2018/8296 which required an additional 25% of the developable R1 zoned land on Woodlands North (Lot 33) to be sterilised for VMP offset plantings. The proposed MHE (DA 2025/739) will compensate for the loss of developable R1 land by increasing the density of residential development in accordance with Council's Housing Strategy.

The site is burdened by the Area 15 Planning Agreement executed under s93F of the Environmental Planning and Assessment Act 1979 (now Division 7.1) which applies to both the land and the development. The Planning Agreement forms part of the statutory planning framework for the assessment of the application and establishes a complete and enforceable offset regime addressing biodiversity and environmental impacts associated with the site.

The Planning Agreement (Clause 16.2.3) expressly limits Council directions to those not inconsistent with the Agreement – this clause confirms that neither Council nor a concurrence authority may seek to impose additional offsets that contradict or expand the specified environmental offset requirements. No further offsets should be required in relation to the site by Council or State government agencies.

Conclusion

The proposal is Designated Development (Coastal Wetlands affected) and Integrated Development (Bushfire and Watercourse affected). The proposal represents a sustainable development of the site in accordance with the vision of the Area 15 Structure Plan, PMHC UGMS and NCRP 2041. The proposal is permissible, responds to the site constraints and satisfies applicable controls and legislation.

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1 INTRODUCTION

1.1 Project Overview

Jojeni Investments Pty Ltd (the Proponent) is the landowner and future developer of the subject land, known as 84 Tree Top View (formerly 169B Ocean Drive) Kew, described as Lot 33 DP 754405. The subject land is zoned R1 General Residential, C2 Environmental Conservation and C3 Environmental Management under LEP 2011.

The development, to be known as Woodlands North, is for a residential subdivision to create 115 lots including 113 standard residential lots, one villa lot and a large 11.8ha master lot to be developed in future. There is also a lot for stormwater infrastructure which will be dedicated to Council and creation of a lot for VMP land, which will be retained by the developer at the conclusion of the VMP management period as specified by the VMP approved under DA 2017/394.

The application includes works which are classed as designated development. Sections of the proposed residential development footprint are mapped as Coastal Wetlands under *SEPP (Resilience and Hazards) 2021*, notably in the northern and western parts of the site. One dwelling is proposed on Lot 56 which is partially mapped as coastal wetlands.

The Secretary's Environmental Assessment Requirements (SEARs) have been obtained for the proposed works impacting mapped Coastal Wetlands. These are at Appendix E and addressed in Section 6 of this report.

1.2 The Proponent

Jojeni Investments Pty Ltd
Mr John Harvey
21A Redan Street
Mosman NSW 2088
ACN 100 704 112

Proponent representative:
Hopkins Consultants
PO Box 1556
Port Macquarie NSW 2444
Email: melissah.osland@hopcon.com.au

The proponent, Jojeni Investments Pty Ltd, (Jojeni) has been an active developer in the Camden Haven area for over 10 years, having purchased the subject land in 2014. Jojeni and its associated companies, have developed a range of residential properties and land subdivisions in the Port Macquarie Hastings LGA.

Projects developed or currently owned by the proponent in the Port Macquarie Hastings LGA include:

- *The Meadows Estate*, Kendall Road, Kendall (completed)
- *The Links Estate* at Kew (completed)
- *Andari Estate*, Vernon Circuit, Kew (nearing completion)
- *The Links Estate West* Lot 202, Homedale Road, Kew currently under preparation for development.
- *The Sanctuary Estate*, Ocean Drive, Lake Cathie currently under preparation for development.

- *The Chimneys Estate* Homedale Road Kew, with an existing approval for 58 dwelling community title estate.
- *Woodlands Estate South*, 201 Ocean Drive, Kew, approved residential subdivision of 84 lots under construction (DA 2023/73).
- *Woodlands Estate North*, 84 Tree Top View (formerly 169B Ocean Drive), Kew, being the subject land, and together with Woodlands South represents 60% of the developable land in the Area 15 Urban Release Area.
- *Woodlands Estate West*, 13 Tree Top View (formerly 167 Ocean Drive), Kew, approved residential subdivision for 148 lots (DA 2017/1059).

To date, Jojeni has developed over 170 lots, constructed 30 new homes, donated 25ha of environmentally valuable land to NPWS, and generated approximately \$6.4million of developer contributions to Port Macquarie Hastings Council. Jojeni's activities and commitment to the local Camden Haven community has seen Kew village not only revitalise after the Pacific Highway bypass in 2012 but grow and thrive with new families and long-term residents taking up residences in the Jojeni Estates at Kew and strongly supporting their local village of Kew.

1.3 Site Description

The site is located at 84 Tree Top View (formerly 169B Ocean Drive), Kew (Lot 33 DP 754405). The site has an area of 37ha and is regular in shape with a width of approximately 620m and a depth of approximately 600m. The site comprises two areas of R1 general residential zoned land. C2 and C3 zone forms the southeast boundary and also bisects the site to separate the R1 zone at the northwest corner.

The required environmental offsets have been completed by the proponent via the dedication of the Environmental Offset Land as specified in Part 6 of the Area 15 Planning Agreement. An additional 26% of the R1 zone on site has been set aside for additional environmental offsets as required by the DAWE clearing approval 2018/8296. The site has been cleared under the DAWE approval 2018/8296 held at **Appendix C** and DA 2017/394 held at **Appendix B**. Vegetation in the C2 and C3 zones as well as scattered trees have been retained as required.

There is a single house on site with associated sheds which are proposed for demolition.

Access to the site is via a Crown Road which connects south to Ocean Drive before following the southwest and west boundary of the site.

Refer to **Figures 1 and 2**.

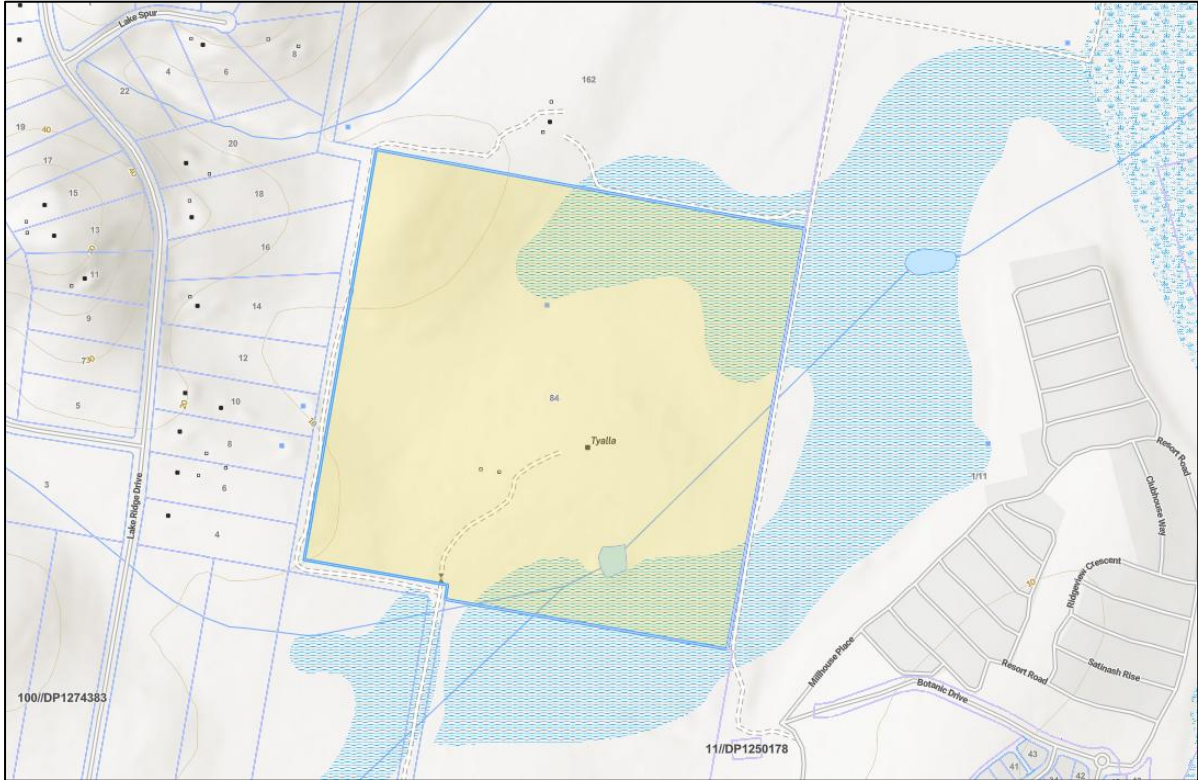


Figure 1: Site Plan
Source: NSW Explorer 2026

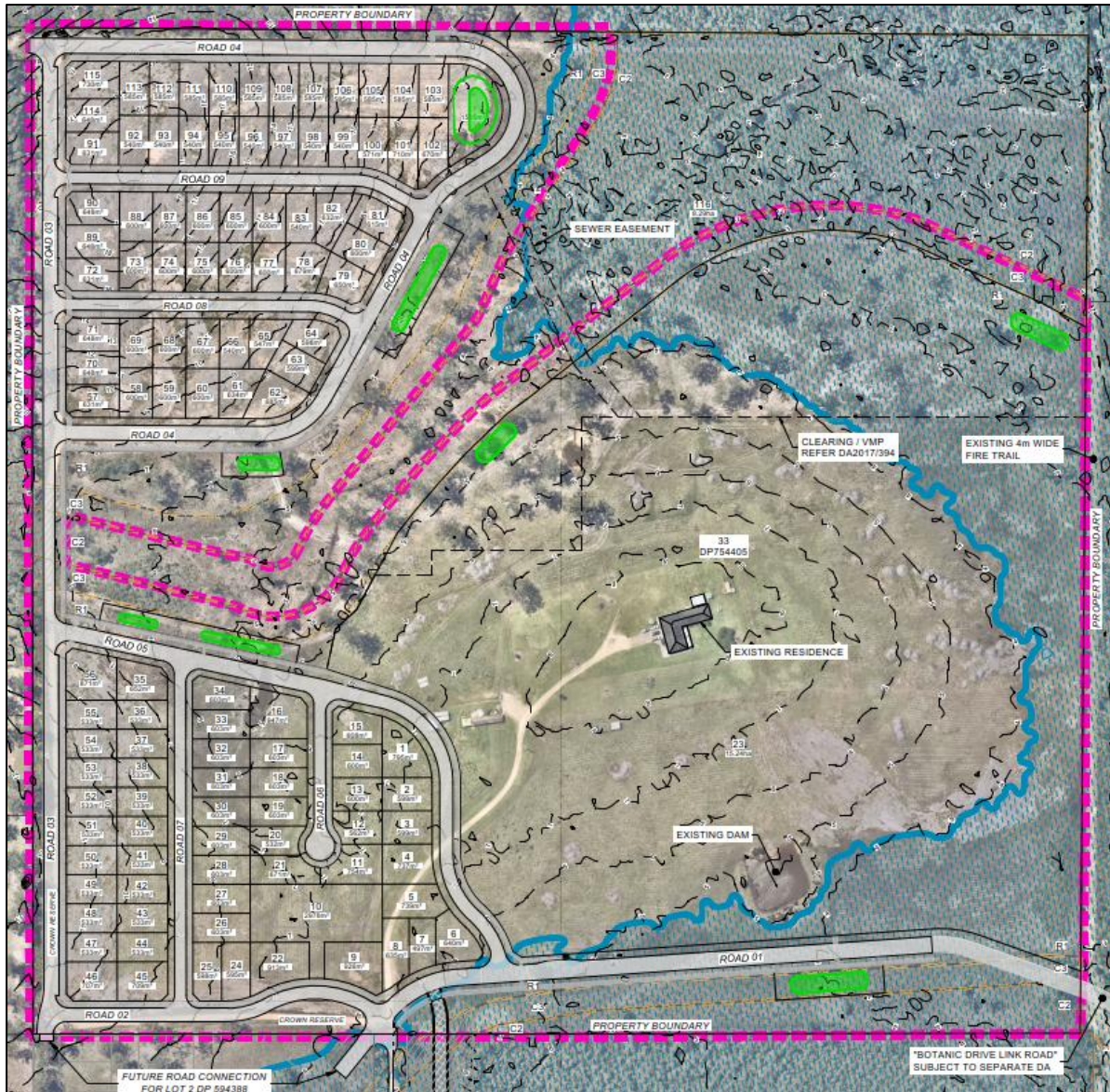


Figure 2: Aerial Photo with Proposed Layout

1.4 Site Context

Immediate Site Context

To the south of the site is Woodlands South at 201 Ocean Drive Kew. DA 2023/73 is approved for residential subdivision of 84 lots and construction of a major roundabout to Ocean Drive. Woodlands South is also owned by the proponent.

Immediately west of the site is Woodlands West at 13 Tree Top View. DA 1017/1059 is approved for subdivision for 148 residential lots and construction of a link road from the site west to Lake Ridge Drive. Further west of the site is Lake Ridge Drive which contains a large lot residential subdivision of approximately 70 lots, with areas of dense vegetation and clearings containing dwellings. Lake Ridge Drive is accessed from Ocean Drive. The large lot residential subdivision extends west all the way to the Pacific Highway.

East of the site is mapped coastal wetlands and beyond is Laurieton Lifestyle Resort, an MHE currently accessed from the east via Botanic Drive, with approval to expand into the lot to the southeast of the site. The works to expand LLR are underway. An easement benefiting Council exists to the east of the site which would link Botanic Drive to Woodlands North. The applicant intends to submit a separate DA to construct the Botanic Drive link and has owner's consent from LLR to do so.

North of the site is land zoned RU1 which is heavily vegetated north to Heron's Creek. Northeast of the site is the Kew Kendall Sewerage Treatment Plant.

The Area 15 roads strategy and DCP 2013 provides for a partially funded road link west to Lake Ridge Drive, with the relevant road segments to be constructed by the respective landowners. The DCP 2013 also provides for a collector road link from the southeast corner of Woodlands North to Botanic Drive to be constructed and fully funded by Council, with no provision made in the VPA for its funding by the Applicant. The submitted plans provide for a future connection from the site to Botanic Drive.

Regional Site Context

In a regional context the Camden Haven area is a distinct sub-region of Port Macquarie Hastings LGA, with Laurieton township (east), Lakewood shopping village (within 1km) and Kew village (west, within 2km).

The site is the north-easternmost site within Area 15. Area 15 is currently under development and adjoining sites have development approvals in varying stages of progress. The site context is demonstrated in **Figure 3**.

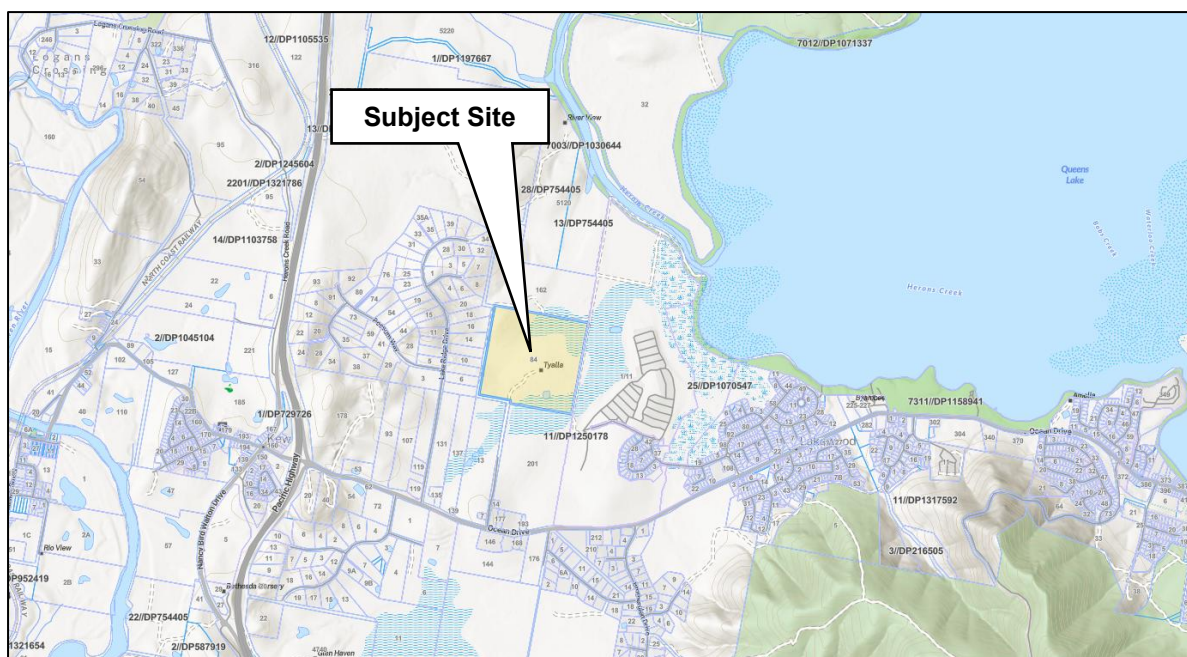


Figure 3: Site Context
Source: NSW Explorer 2026

1.5 Project Objectives

The proponent's objective is to develop the residential subdivision for release following the completion and sale of the adjoining Woodlands South Estate, the primary designated urban growth area for the Camden Haven. The development of Area 15 is a key strategic imperative for Port Macquarie Hastings Council to ensure adequate supply of new residential land for the Camden Haven and the broader Port Macquarie Hastings LGA. It is expected the development of the proponent's land will contribute significant economic and community growth to the locality.

The subject site is well positioned in the Camden Haven area, 30km south of Port Macquarie and within 5 minutes of three (3) primary schools, Camden Haven Highschool, local townships with a range of general and specialist medical services, full-size Woolworths and Coles stores, and a wide variety of specialty shops, cafes, pubs and licensed clubs to enjoy. The area benefits from sporting and recreational outdoor activities at public sport fields, kayaking and fishing in nearby waterways, and well bushwalking.

The existing voluntary planning agreement and approved vegetation management plan will see over 20 hectares of environmental lands protected and regenerated. Jojeni, at Council's request, purchased the environmental offset lands identified through the LES process comprising 25ha of fully forested koala habitat south of Crows Nest Close, Lakewood. Consistent with the Voluntary Planning Agreement requirements for Area 15, Jojeni completed the dedication of the environmental offset land to the Minister administering the National Parks and Wildlife Act in 2014. The site now forms part of Dooragan National Park, positioned on the western foot slope of North Brother Mountain.

Compliance with The Area 15 Planning Agreement is a key objective of the project. The Area 15 VPA was executed under **s93F EP&A Act** (now Division 7.1) and:

- applies to the land and development,
- is registered and binding on successors,
- forms part of the **statutory planning framework**.

It comprehensively regulates:

- environmental management land,
- environmental offset land,
- dedication obligations,
- ongoing management contributions.

Key point: - The Agreement was intended to **exhaustively deal with environmental offsets** arising from development of Area 15 land.

Council may lawfully decline DCCEEW's request for further offsets where:

- it would conflict with a **registered planning agreement**, and
- DCCEEW lacks statutory power to unilaterally expand offset obligations.

Doing so is **not a failure to consider concurrence advice**, but a lawful exercise of Council's assessment discretion consistent with the EP&A Act.

1.6 Project Summary

Summary

The proposal is for the residential development of Woodlands to:

- Provide a suitable site for residential use and to cater to demand for residential growth in Kew by creating 115 residential lots including 113 standard residential lots, one lot for villas and one master lot, in four stages.
- Provide road and pedestrian access to and within the site. A road connection is approved west to Lake Ridge Drive under DA 2017/1059 as per the Area 15 road strategy in DCP 2013, the proponent also has the benefit of this development consent.
- Construction of seven water quality basins.
- Construction of sewer network to existing pumping station KKSPS11 on the adjoining property to the east.
- Retention of all trees identified in the VMP and rehabilitation of all identified areas.
- Fill within low lying areas of the site to above the flood level.
- No dwellings are located in the mapped coastal wetlands.
- Establish a temporary stockpile for use on site.

Subdivision

The proposed subdivision of 115 residential lots includes:

- 113 standard residential lots.
- One master lot of 11.8ha for future residential development.
- One master lot of 2,978m² for future residential townhouse development.
- One lot containing stormwater infrastructure for dedication to Council.
- One residue lot containing VMP land as per the VMP approved under DA 2017/394.

- Ancillary road works, including new kerbs and gutters, paving of shared paths and infill medians.
- Road furniture.
- Signposting.
- Opening to traffic.
- Restoration of work areas and disturbances by utility authorities in carrying out adjustments within the site.
- Temporary stockpile.

Staging

The proposal will be completed in four stages:

- Stage 1 – Lots 1-22, part Roads 1, 2 and 5, Road 6 and other associated infrastructure.
- Stage 2 – Lot 23, remainder of Road 1 and other associated infrastructure.
- Stage 3 – Lots 24-66, remainder Roads 2 and 5, part Road 3 and Road 7 and other associated infrastructure, construction of one dwelling on Lot 56.
- Stage 4 – Lots 57-115, remainder Road 3, Roads 4, 8 and 9 and other associated infrastructure.

Dwelling

One lot is partially mapped as coastal wetlands and as a result a dwelling is proposed on that lot. The corner of the lot is impacted by the mapping and the actual dwelling itself is not on land mapped as coastal wetlands.

Clearing

There is no clearing proposed under this DA. All clearing of the site has been completed under DA 2017/394 and DAWE approval 2018/8296.

Stockpile

The proposal includes a temporary stockpile:

- Creation of a temporary stockpile for VENM from within the site and imported to the site.
- Stockpile to be used for up to five years prior to and while other works are ongoing.
- Maximum area of approximately 25,000m².
- Maximum length of approximately 148m.
- Maximum width of approximately 168m.
- Maximum height of 2-6m.
- Maximum stockpile volume of approximately 80,000m³.
- Stockpiled material will be used on site for residential subdivision.
- Stockpiled material will be used progressively once construction starts on site with the aim that the stockpile is managed at between 2 and 3 metres height.
- Haul material into the site from Tree Top View (Crown Road) on the western side.
- Trucks exit the site via Tree Top View to Ocean Drive.
- Sediment fencing north, east and west of the stockpile as shown on plans.
- Temporary sediment basin north of the stockpile.

1.7 Current Approvals

1.7.1 Clearing

Port Macquarie-Hastings Council approval to clear the R1 part of Woodlands South and North for the purposes of a future residential subdivision was granted under DA 2017/394 on 13 March 2019 (**Appendix B**). In addition to considering an updated ecological impact assessment, Council's decision took into account:

- Area 15 Local Environmental Study and Conservation Framework,
- Relevant Planning Arrangement Certification (**Appendix A**) by the then NSW Office of Environment and Heritage,
- Port Macquarie Hastings Local Environmental Plan 2011,
- Port Macquarie Hastings Development Control Plan 2013 for the Area 15 land.
- Area 15 Voluntary Planning Agreement.

A permit was issued for clearing of the site under the Commonwealth, Environment Protection and Biodiversity Act 1999 was issued by the Department of Agriculture, Water and Environment (DAWE) dated 19 November 2020. Reference EPBC 2018/8296) provided at **Appendix C**.

A site-specific VMP approved by DAWE has been endorsed by Port Macquarie Hastings Council as satisfying the relevant VMP conditions of DA2017.394.1. A copy of the approved VMP is provided at **Appendix D**.

The clearing of the subject land has been completed in accordance with DA 2017/394 (**Appendix B**) and DAWE permit (EPBC 2018/8296) (**Appendix C**) for the purpose of the proposed residential subdivision of the land. Works consistent with the approved VMP have commenced.

Clearing for an emergency bushfire access gravel track between Woodlands South and Woodlands North is also complete.

The approved clearing limit is shown on the submitted DA plans at **Appendix F**.

The Area 15 Planning Agreement required 25ha of environmental offset land, which has been provided to NSW NPWS by the proponent. The DCCEEW EPBC 2018/8296 approval also sterilised approximately 25% of the R1 zoned land on Woodlands North (Lot 33) to provide for additional VMP offsets.

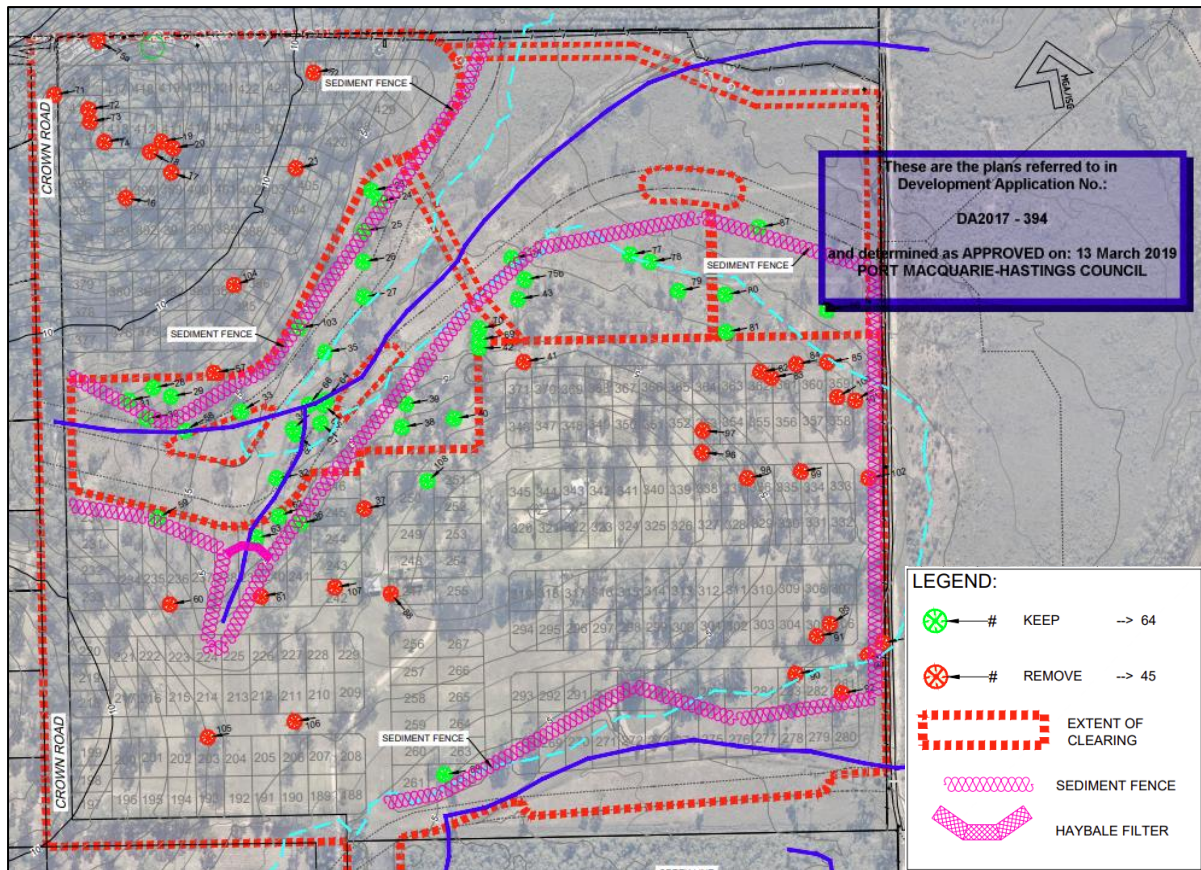


Figure 5: Approved Clearing Plan Extract DA 2017.394.1

1.7.4 Approvals on Adjoining Sites

The SEARs requires consideration of “*any relationship to other development proposals in the locality.*” Below is a summary of existing approvals on adjoining sites.

Woodlands South (201 Ocean Drive)

DA 2017/394 for clearing as discussed in Section 1.7.1 also applies to Woodlands South (Lot 10 DP 1325766).

DA 2022/972 for “temporary stockpiles and earthworks for future residential development” was approved by Council on 13 March 2023. These works are complete.

DA 2023.73.1 for Woodlands South, immediately south of the site at 201 Ocean Drive (Lot 10 DP 1325766) is approved by Council for residential subdivision for 84 residential lots including a master lot. Woodlands South is owned by the proponent.

DA 2023.73.2 for a modification to Woodlands South was approved to modify the master lot and subsequent lot layout. See **Figure 6** for the approved modified plans.

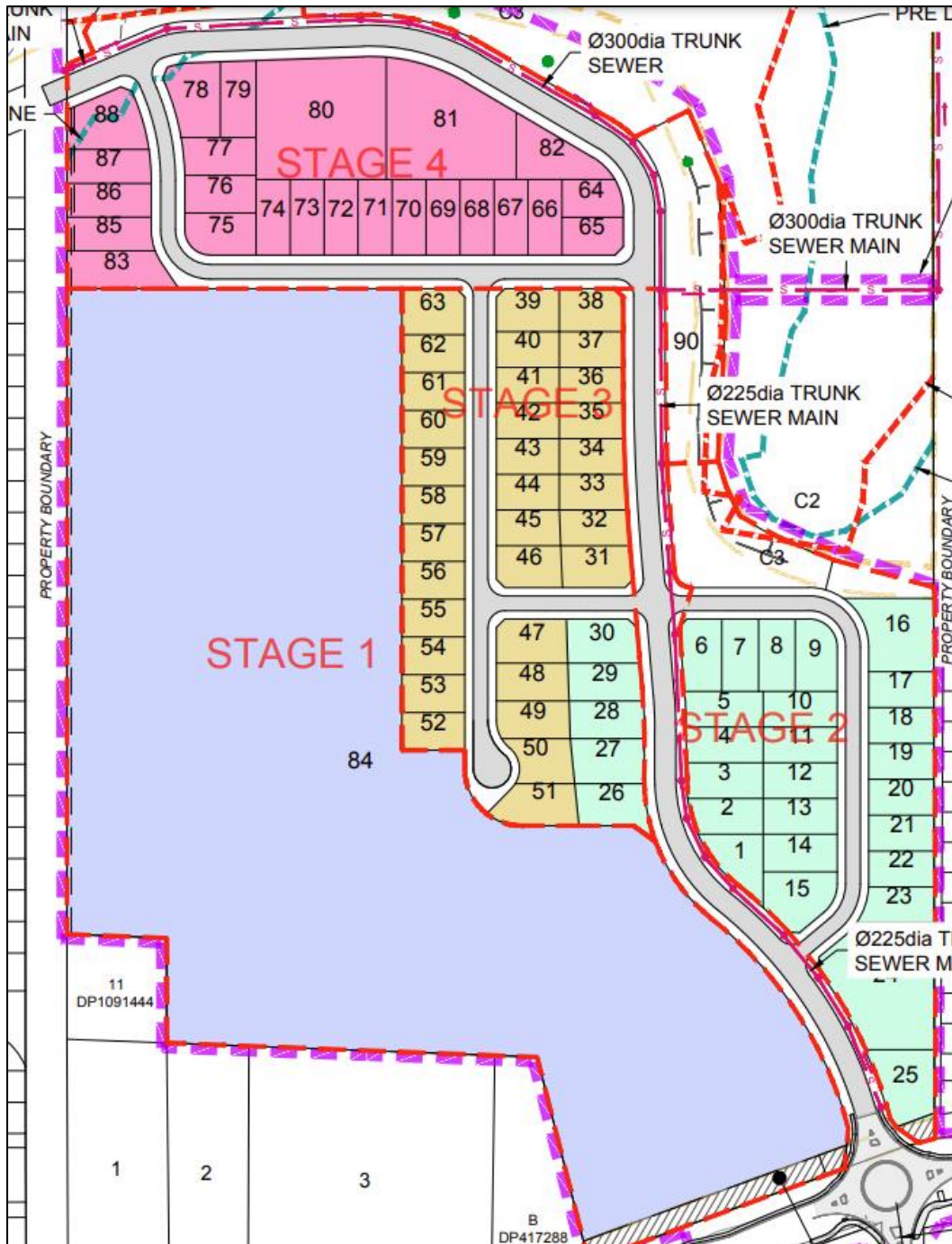


Figure 6: Woodlands South - DA 2023/73 Approved Plans

Woodlands West - 13 Tree Top View (formerly 167 Ocean Drive)

13 Tree Top View (167 Ocean Drive) Kew is located to the southwest of the site (Lot 2 DP 594388). The site contains land zoned R1, C2, C3 and E1. The site is part of Area 15. Consent was granted to DA 2017/1059 for "Staged residential subdivision (138 lots)" on 10 April 2019. The proposal includes road connection from Lake Ridge Drive to the Crown Road through the northern end of 131 and 139 Ocean Drive (Lot 2 DP 504042 and Lot 5 DP 24500). DA 2017/1059.3 was recently approved by Council to increase the yield from 138 lots to 148 lots. Council has confirmed in writing that this DA has established substantial commencement under the legislation that applied in 2019 when the DA was approved. The proponent also owns 13 Tree Top View (167 Ocean Drive) and has the benefit of DA 2017/1059.

13

11 Resort Road

11 Resort Road is located to the east of the site (Lot 10 DP 1250178). The lot covers approximately 116ha and contains Laurieton Residential Resort, an over 55s community. 11 Resort Road is not part of Area 15.

Consent was granted to DA 2019.552.1 on 10 June 2020 for an MHE with 136 home sites and the trunk sewer connection to KKSPS11 which will also service Woodlands. The approved development is located in the southwest corner of the site, bound by Ocean Drive to the south and 201 Ocean Drive to the west. Modification DA 2019.552.2 was approved by Council for exhibition village, parking, community building and landscape improvements. The approved works are underway.



Figure 8: DA 2019.552.2 Approved Plans

Lot 100 DP 1274383 Ocean Drive, Kew

DA 2024/723 is under assessment by Council for 24 residential lots with a perimeter road. Eleven of the proposed lots have a frontage to Lake Ridge Drive. Eleven of the proposed lots have a frontage to Lake Ridge Drive.

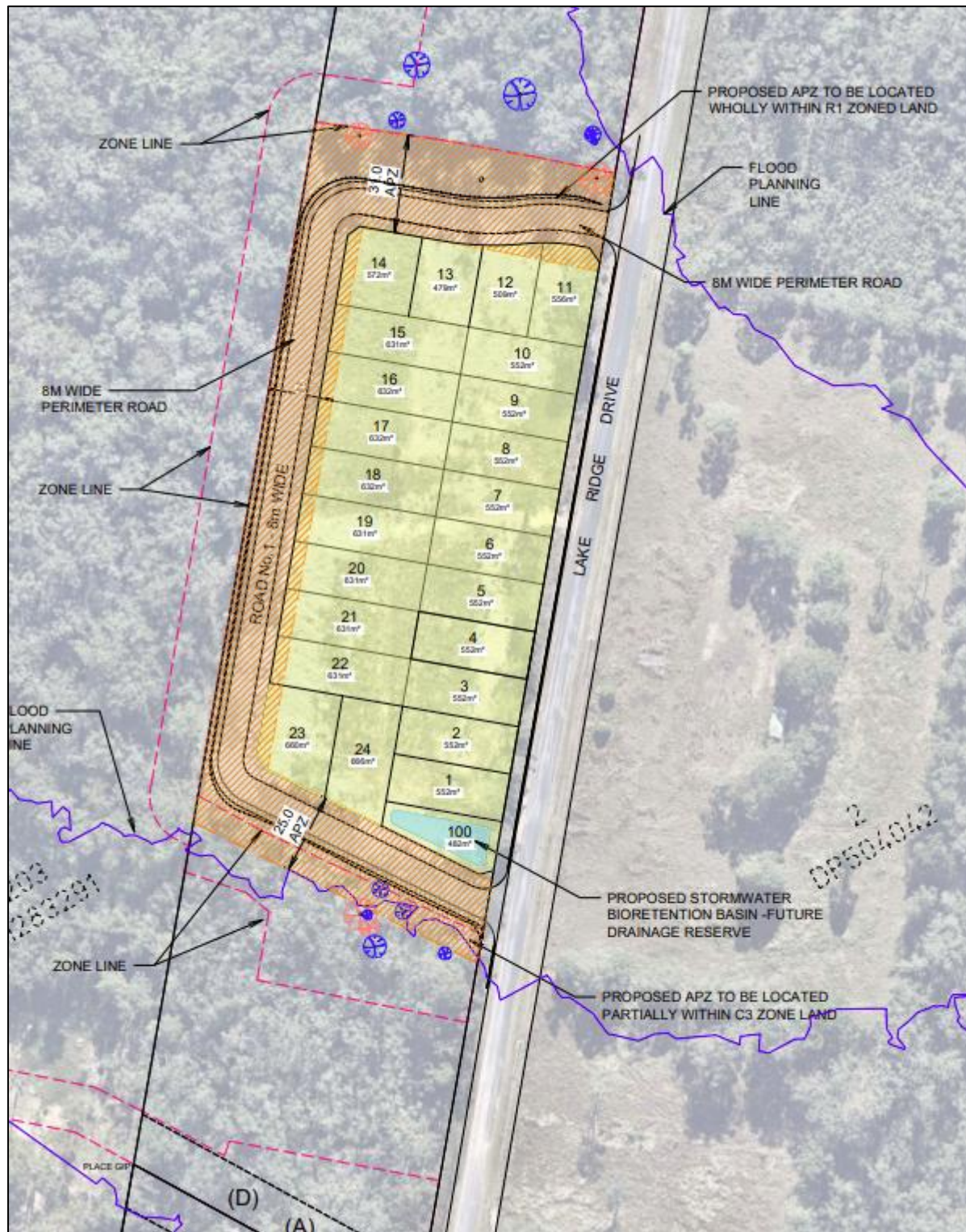


Figure 9: DA 2024.723 submitted plans

93-119 Ocean Drive

DA 2023.878.1 was approved by Council for subdivision into 71 residential lots on 24 July 2025.

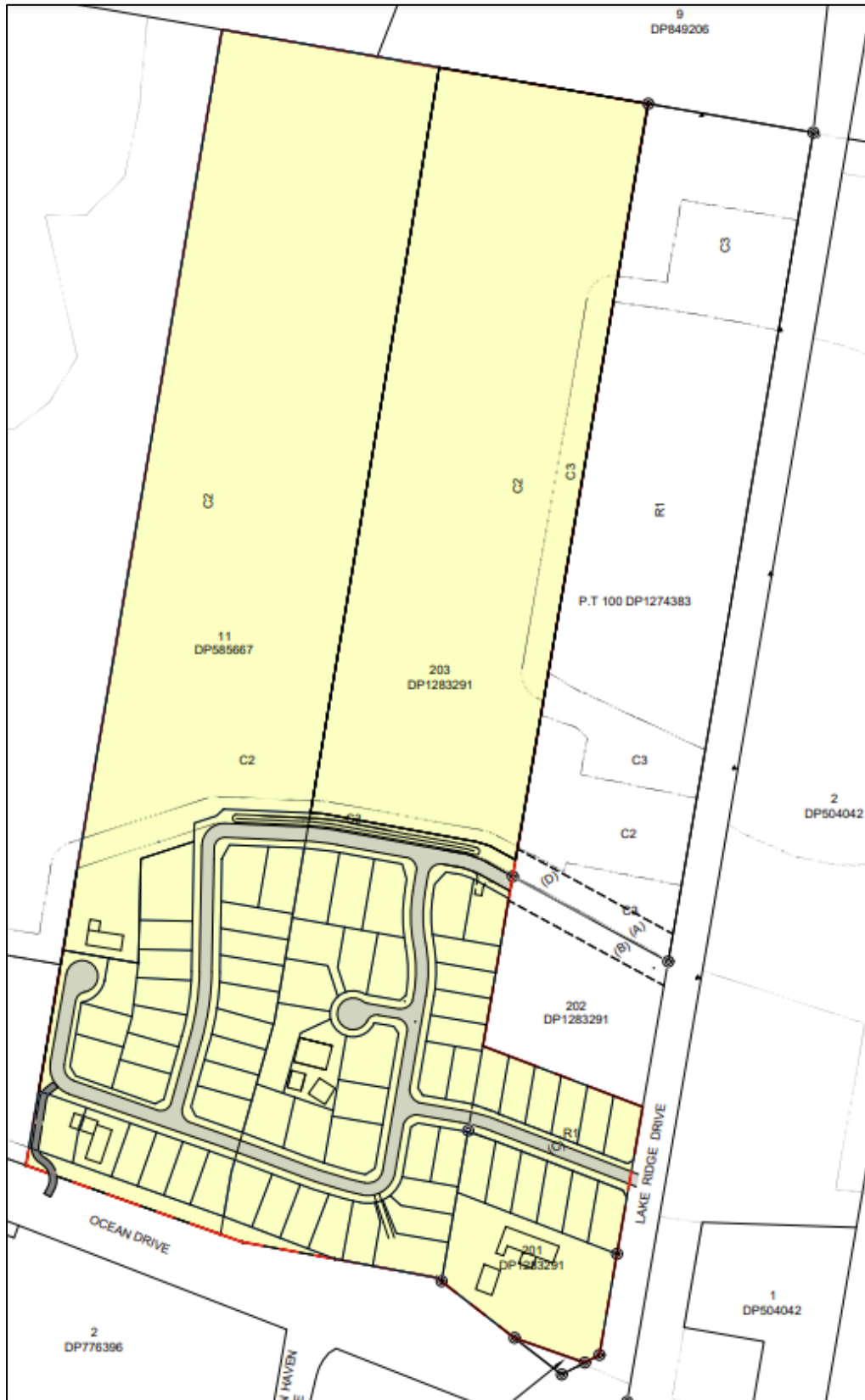


Figure 11: DA 2023.878 Approved Plan

Area 15 Other Sites

There have been no further DAs submitted to Council for subdivision of Land in Area 15.

1.8 Pre-Lodgement Meeting

A pre-lodgement meeting with Port Macquarie Hastings Council was held 28 January 2020 (Ref 210.2020/6). The proposal presented was for a 422-lot subdivision comprised of Lot 33 and Lot 10 DP 1325766, being north south adjacent parcels at 169B Ocean Drive (now 84 Tree Top View) and 201 Ocean Drive. DA 2023.73 is approved by Council for 84 lots. The resultant development application is for the proposed subdivision of 84 Tree Top View only, into 115 residential allotments.

Table 1 responds to the pre-lodgement advice provided by Council.

Table 1: Pre-Lodgement Advice

Pre lodgement advice item	Location in DA where addressed
Planning	
SEPP Coastal Management 2018 applies. Dwelling plans for affected lots	Section 4.4.4 (SEPP Resilience and Hazards)
- SEPP 44/SEPP(KHP) 2019 - SEPP 55 Remediation of Land - SEPP 64 Advertising & Signage - SEPP Infrastructure 2007 - SEPP (State & Reg Devt) 2011	Section 4.4.1 SEPP (Biodiversity and Conservation) 2021 Section 4.4.4 SEPP (Resilience and Hazards) 2021 Section 4.4.5 and Appendix J SEPP (Transport & Infrastructure) 2021 Section 4.4.3 SEPP (Planning Systems) 2021
R1, E3 & E2 zone	Section 4.5 discusses zoning and permissibility.
CI 4.1 LEP Min Lot size 450sqm	Section 4.5 Appendix F
- DCP 2013 – Nth Sth road link S/W treatment not in E3 - Terrain Unit C groundwater, reactive and sodic soils - Stage 1 collector rd not consistent with DCP fig 84	A crossing from Woodlands South to Woodlands North is proposed. Water quality basins x 2 are proposed in the C3 zone. Section 4.6 Appendix F
Bushfire prone land & integrated devt	Bushfire Report at Appendix I .
CI 5.21 flooding.	Sections 4.5 and 4.6 Appendix L and Appendix P
CI 7.9 Rd Traffic Noise	Sections 4.5 and 4.6 Appendix O
Staging	Section 3.4 Appendix F
Contributions	Section 4.7 Table 7
Lots 276, 423 & 424	N/A
Future rd links to adjoining lots on Ocean Drive	

	Road link west to Lake Ridge Drive is approved under DA 2017/1059 which the proponent has the benefit of. Road link east to Botanic Drive will be proposed under a separate DA. It is expected that conditions will be imposed requiring completion of these link roads prior to registration of the lots. Under DA 2023/73 approximately 200m of the existing Crown Road is proposed to be upgraded with bitumen seal and passing bays to provide emergency egress from Woodlands North that links to Ocean Drive. The approved and existing cleared gravel construction access between Woodlands North and Woodlands South is retained to provide additional emergency bushfire access. There is connection proposed to Woodlands West at 13 Tree Top View (167 Ocean Drive) in accordance with DCP 2013.
Perimeter Rd adjoining Environmental land	Appendix F
Owner's consent	Owner's consent obtained for access to construct Council Trunk Sewer Main east to KKSPS11.
Owners consent from crown lands for works in crown road	Council are in the process of accepting transfer of the Crown Road and have named the Crown Road Tree Top View. Road works are proposed within the Crown Road reserve to construct the link road to Lake Ridge Drive. Referral will be made to Crown Lands during the DA assessment if required.
Planning Agreement. Dedication of additional conservation land in Lot 33	Section 4.7 The C2 and C3 zoned land is to be managed by the proponent for 20 years under the terms of the VMP approved under DA 2017/394. Discussion has been had with Council regarding amending the VPA to accommodate this requirement from DCCEEW. It was determined that no amendment to the VPA is required. Clauses 5 and 65 of the VPA allows further agreements between Council and Jojeni. Council's Alex Adkins has confirmed the agreement that Jojeni will manage the land for the VMP period. Upon conclusion of this period the C2 and C3 land can be dedicated to Council.
Water	
375 mm main opposite side Ocean Drive	Noted. Proposal to connect see Hopkins plans. Appendix F .
Final water service sizing	Noted. CC detail.
Separate metered connection to council main	Noted. CC detail.

Hydraulic strategy and plans from hydraulic consultant for the whole of the development stage by stage.	Appendix F
800th ET cannot be released until new reservoir constructed	Noted. Proposal for 115 lots does not exceed the 800 th ET threshold. In Area 15 there are currently 148 lots approved at 13 Tree Top View (167 Ocean Drive), 291 at 201 Ocean Drive and 115 proposed on the subject site.
Sewer	
Connect to KKSPS11 on adjoining property.	Appendix F
Separate sewer line for each lot to council main.	Appendix F
A sewer strategy & plans	Appendix F
<i>Stormwater</i>	
Stormwater Management Plan - AUSPECT D5 & D7,	Appendix F
Engineering	
Works in road reserve bond	Noted.
Ocean Drive 'classified' road owned by cncl RMS referral Sch 3 Infrastructure SEPP S138 to RMS for concurrence State Road – works require a WAD, with or after Cncl S138	Section 4.4.5 Appendix J
New roads dedicated to council. Lot yield.	Noted. Roads proposed in Hopkins Plans Appendix F
Traffic Impact Asst	Appendix J
Natural Resources and Environmental Management	
Clearing under DA 2017 -394 to be completed prior to lodging	Completed.
Type & extent of veg to be removed and retained, including APZs	No additional clearing required. All APZs addressed in the cleared footprint. Full ecological assessments undertaken for DA 2017.394 (Appendix B) and the DCCEE/DAWE permit (Appendix C). An updated Flora and Fauna Assessment has been prepared at Appendix H .
To be consistent with approved VMP	Appendix D
Trees retained in close proximity to works /services – Arborist report	To be provided at CC stage when detailed design complete.
Tree #10	Tree 10 is in Woodlands South.
Trees 'stagwatch' on the plans	Appendix D
Impact of north south road connection. Fauna culverts, fences etc	Access road north from Lot 10 DP 1325766 to the site is as close to grade as possible. The north south connection will only be used for emergency bushfire egress. There are no fauna culverts or fences proposed.

Establishment, management and dedication of environmental land in accordance with Area 15 Planning Agreement	The dedication of 25.43ha of koala habitat to Dooragan National Park is complete. The environmental land on site will be established and managed by the occupant for a period of 20 years in accordance with the EPBC approval, after which time it will be dedicated to Council.
Flood	
Fill to post development flood levels. PMF north of main corridor FPL2 south of main corridor	Appendix F contains an earthworks plan. Fill is limited to the east of Stage 4 and 5. Appendix L is the Flood Impact Assessment for Area 15. The fill will be to PMF.
WQ basins & swales in E3 zone – update flood model required.	The proposed water quality basins and swales are located in the C3 zone.
New road crossing north to be flood modelled	The north south road crossing is proposed to be used only for bushfire emergencies.
Blockage factors for road crossings AUSPEC D5	The north south road crossing is only proposed to be used as an emergency bushfire egress. Level will remain close to existing. Detail in regard to stormwater design are not required.
Updated flood model files to council upon completion	Noted

2 OBJECTIVES, PROJECT NEEDS AND BENEFITS

2.1 Strategic Need for the Proposal

In a regional context the Camden Haven area is a distinct sub-region of Port Macquarie Hastings LGA, with Laurieton township (east), Lakewood shopping village (within 1km) and Kew village (west, within 2km).

The following plans and strategies refer to the need for the proposal.

2.1.1 North Coast Regional Plan 2041

The NCRP is the 20 year strategy to guide land use planning for the North Coast. The site is located in an identified Urban Growth Area which extends from Kendall in the west to Lakewood in the east. Refer to **Figure 12**. The relevant Regional Priorities for PMHC which will be satisfied by the proposal are:

- *Protect, conserve and enhance local biodiversity, natural waterways and aquatic habitats, ecological communities and areas of high environmental value.*
- *Plan and deliver all forms of local and state infrastructure across all levels of government in anticipation of projected housing and jobs growth.*
- *Sustainably deliver housing diversity and regional density targets close to employment across the LGA.*
- *Encourage uptake of available greenfield land in the R1 zone to relieve current housing pressure and drive sustainable and efficient use of existing infrastructure.*
- *Investigate and deliver innovative housing solutions to ensure housing diversity, including increased affordable and social housing, additional infill, and housing that caters to the LGA's ageing population and supports workers in key service industries such as health, aged care, and hospitality.*
- *Deliver a compact regional city and towns, villages and rural communities that respect their natural environment, history, Aboriginal culture, and character.*

NCRP 2041 supplies goals and objectives for the region's future. The proposal will directly contribute to the achievement of relevant objectives as discussed in **Table 2**.

Table 2: NCRP Directions

Objective	Comment
GOAL 1: LIVEABLE, SUSTAINABLE AND RESILIENT	
1. Provide well located homes to meet demand	The site is well located, within an identified urban growth area. Sites immediately to the east and west of the subject site have already been approved for the development. The site is well located for all purposes. The site is well located geographically: • 2km from Lakewood Woolworths and shops. • 2km from Pacific Highway. • 6km from Laurieton. • Less than 30 minutes from Port Macquarie or 38 minutes from Taree for more substantial services such as hospitals. The site is 1km (via the Crown Road) from Camden Haven High School. Students can access the site by a pedestrian and bicycle shareway which will be continued from Ocean Drive to the site.

	Employment is located in Port Macquarie, Laurieton, Wauchope and Taree which are all within suitable driving distance. There is demand for housing in Camden Haven, particularly Kew, and no supply of new lots for release in the near future. The 84 lots approved in Woodlands South are under construction but are likely to be exhausted quickly upon release due to high demand. The proposal will help to satisfy that demand for housing in new estates.
2. Provide for more affordable and low cost housing	The proposal does not include any housing which is defined as “affordable.” Lots are in a range of sizes with some of ample size to accommodate dual occupancies or secondary dwellings which may provide a more affordable option than a single dwelling. Proposed Lot 10 has an area of 2,978m ² and will be developed for townhouses, villas or similar.
3. Protect regional biodiversity and areas of high environmental value	The Environmental Offset Land required by the Area 15 Planning Agreement has been purchased and dedicated to the NPWS as part of the Dooragan National Park and the development site has been cleared under approval from DCCEE/DWE with an additional 26% of the R1 zoned land set aside for environmental offsets.
4. Understand, celebrate and integrate Aboriginal culture	No Aboriginal heritage has been identified on or in the vicinity of the site.
5. Manage and improve resilience to shocks and stresses, natural hazards and climate change	A Flood Impact Assessment was prepared for Area 15 by Worley Parsons (Appendix L). The study identifies a flood hazard on the site, which is contained within the C2 and C3 zone. The proposed water quality basins and perimeter road will contain the 1 in 100 flood level within the existing wetlands and mitigate the flood hazard. The dwelling lots and infrastructure are proposed to be constructed above the PMF level, with the site being filled to FPL2 as per Council requirements. A plan sheet has been submitted which indicates the flood level in comparison to the proposed levels, along with evacuation routes. A Bushfire Report has been prepared for the proposal by David Pensini (Appendix I). The report identifies bushfire hazard in the vicinity of the site and recommends APZs which include the perimeter road as a suitable measure to mitigate the bushfire hazard. The site has not been particularly identified as susceptible to climate change.
GOAL 2: PRODUCTIVE AND CONNECTED	
15. Improve State and regional connectivity	Ocean Drive is a primary connection within the Port Macquarie-Hastings region between Port Macquarie, Camden Haven and Kew. The proposed road connections to Lake Ridge Drive and Botanic Drive will both link the site with Ocean Drive for regional connectivity. The traffic report indicates that the proposal will not have a material impact on the function or connectivity of Ocean Drive. The proposal satisfies Strategy 15.1 to protect existing infrastructure.

16. Increase active and public transport usage	The proposal features an internal network of shared pathways throughout which are intended to link to the greater pedestrian network within Camden Haven. From Woodlands North to Ocean Drive there is a straight connection via the existing Crown Road. From Ocean Drive, heading east it is a flat 1.2km trip on concrete paved offroad shareway from the site to Lakewood Shopping Centre. There is also a flat shareway from the site to Camden Haven High School in the west. Ocean Drive to the south is serviced by a bus service, passing at least six times per day. Pedestrian access is possible via Woodlands South and the Crown Road. Once Woodlands North is complete it is anticipated that the bus route would Lake Ridge Drive, Woodlands North and Botanic Drive. The site is well located and serviced for active and public transport.
GOAL 3: GROWTH CHANGE AND OPPORTUNITY	
18. Plan for sustainable communities	The proposal satisfies the key settlement planning principles as follows: • Kew has been identified as an area which has growth need and opportunity for 946 dwellings by 2036. • The proposal directs growth within an identified urban growth area. • The proposed development is a sustainable development within the coastal strip (identified as land east of the Pacific Highway). • The Area 15 Structure Plan has been prepared which includes the site. • The proposed design responds to the environmental constraints on site for a sustainable design which corresponds to the character of the new growth area. The subregional planning principles are also satisfied by the Area 15 Structure Plan.
19. Public spaces and green infrastructure support connected and healthy communities	The PMHC DCP 2013 identifies a public park in Woodlands North. The park has been shown on the amended plans Rev P. The park is proposed be a nature reserve next to a basin and land included in the VMP. Any embellishments will be in agreement with Council at CC stage. The proposal provides for pedestrian and cycle pathways throughout the site and are to connect to the greater Camden Haven pedestrian network. The wetlands north and east of the site will be rehabilitated in accordance with the approved VMP to provide a pleasant outlook for residents of the site. The proposal incorporates WSUD principles in providing water quality basins and rehabilitating existing wetlands.
20. Celebrate local character	The proposal represents the desired character of the site and the existing character of the surrounding subdivisions on the northern side of Ocean Drive, in Lakewood to the east and in Kew to the west.

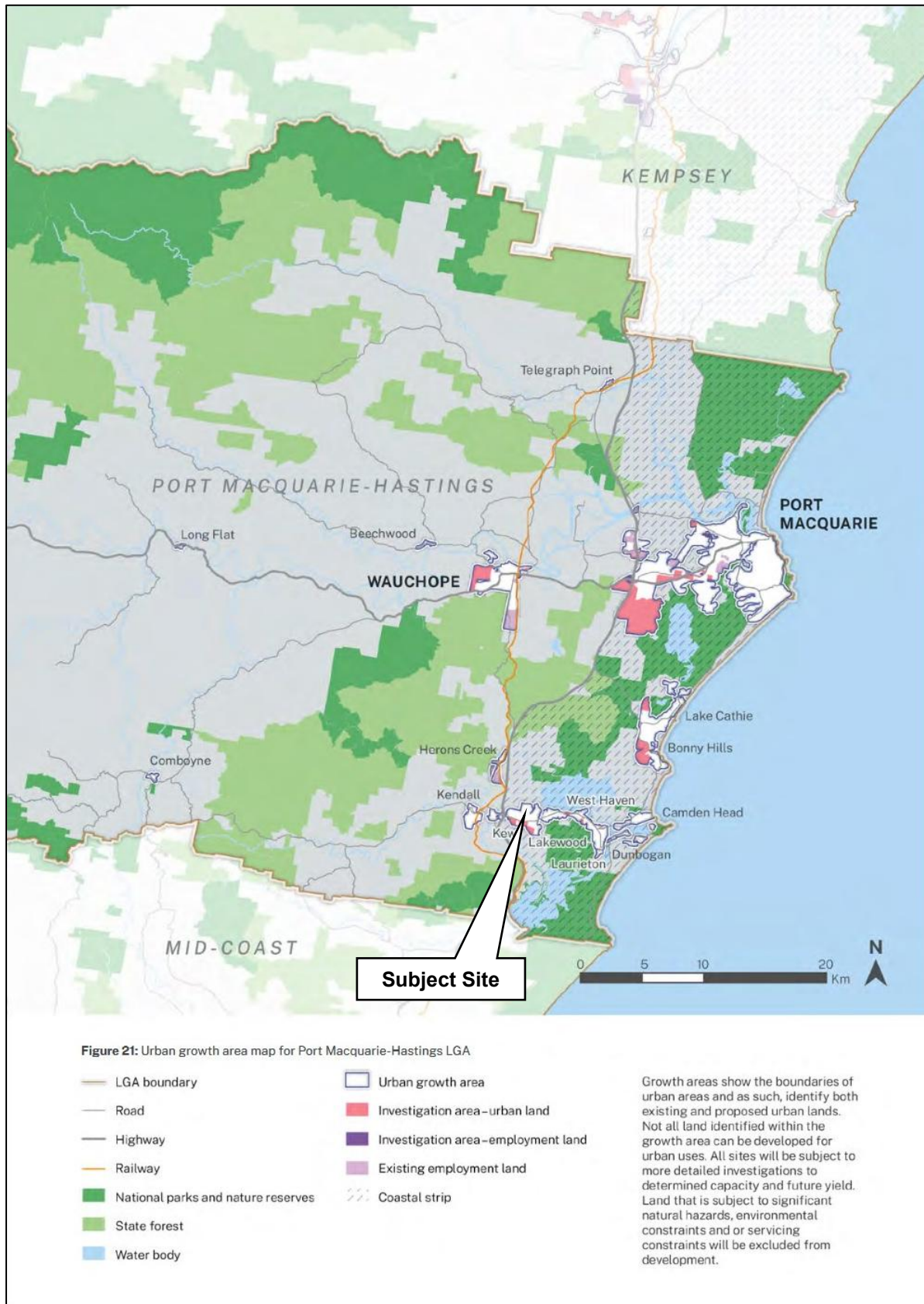


Figure 12: Urban Growth Area Map for Port Macquarie-Hastings LGA
Source: NCRP 2041

2.1.2 Port Macquarie-Hastings UGMS 2017-2036

The site is identified in the UGMS as “Undeveloped Urban” land as shown in **Figure 13**. The site is identified as a significant master planned residential area to the east of Kew for suburban living. It is essential to develop those areas which are already zoned for development. Council has indicated that any further undeveloped urban land within the urban growth boundary will not be investigated until such time as the existing supply in Area 15 is exhausted.

The UGMS forecasts demand for 30-40 lots per year in Camden Haven West. There are no new lot releases expected between December 2022 (final release in Andari) until June 2026 (first release in Woodlands South) due to Council delays in upgrading the STP. There is therefore pent-up demand of 105-140 lots which has accumulated for new lots over the three and a half years. The impending release of 84 lots in Woodlands South will not satisfy this demand fully.

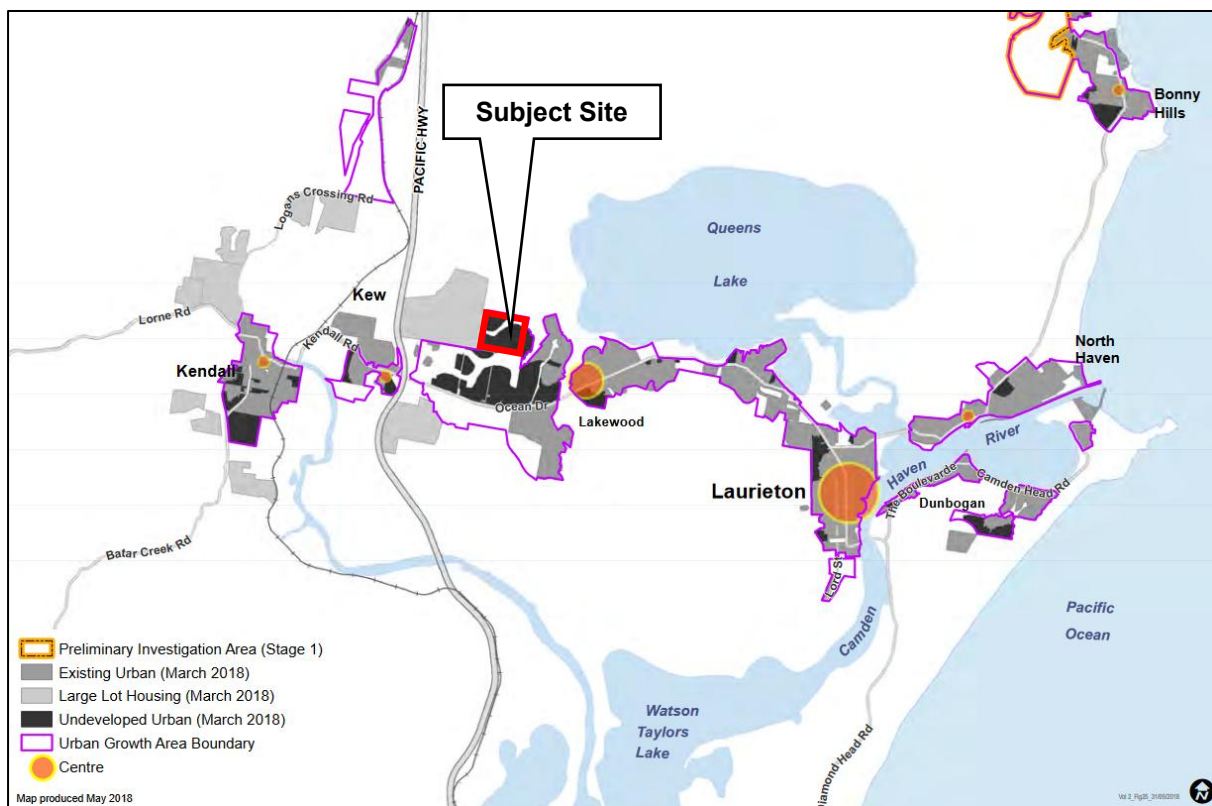


Figure 13: Camden Haven Urban Zoned Land

Source: PMHC UGMS 2017

2.1.3 Camden Haven Urban Release Area 15

The subject land is part of Port Macquarie Hastings Council’s Camden Haven Urban Release area, known as Area 15. Refer to **Figure 14**. Rezoning of Area 15 occurred 1 March 2012 (Am. No. 8 to PMHC LEP 2011) following completion of extensive environmental assessments (Local environmental study) and assessment processes undertaken from 2005 to 2012.

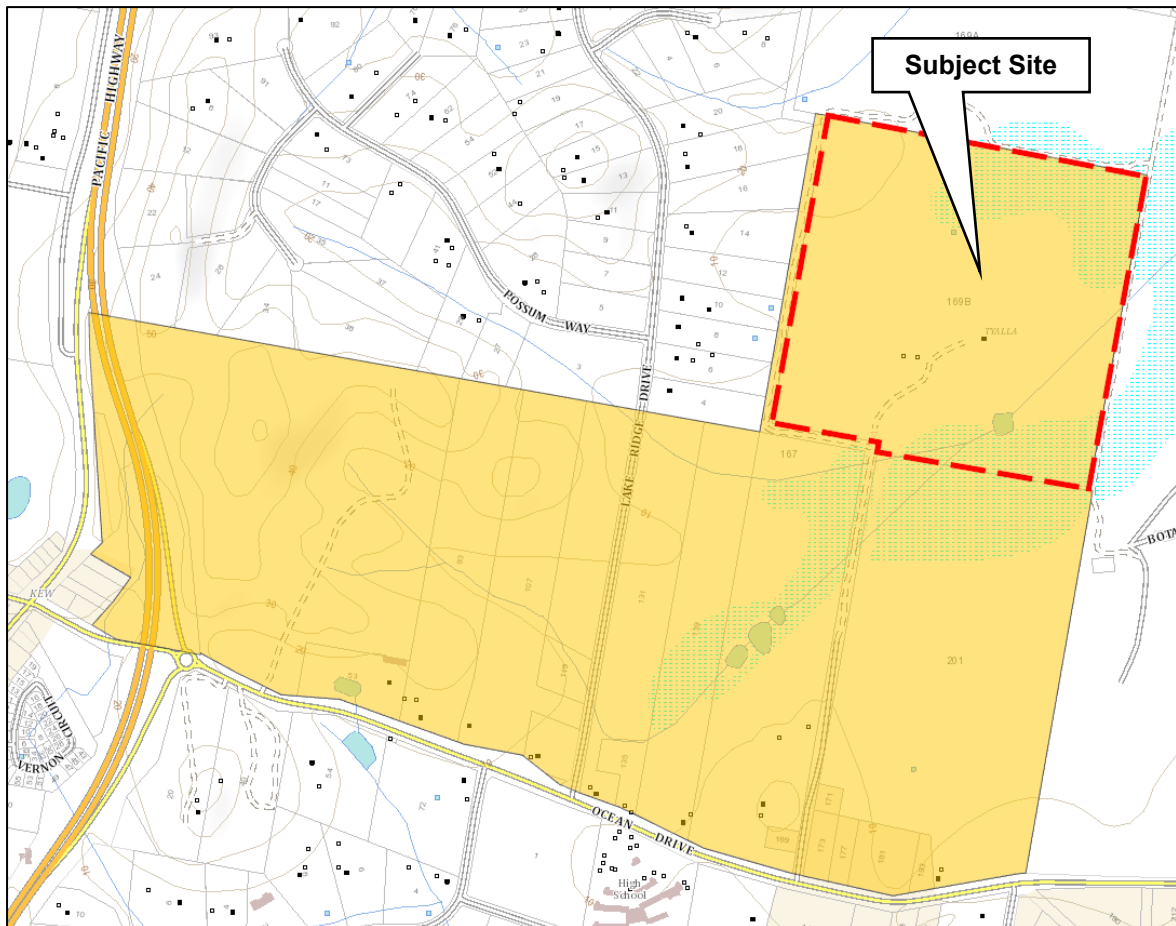


Figure 14: Area 15 Structure Plan

The progression of PMHC LEP 2011 amendment No. 8 was contingent upon a comprehensive *Strategic Conservation Framework for Area 15* being implemented through a suite of LEP, DCP, Structure Plan, DSPs, S94 Plan and VPA measures. This suite of strategic conservation protections and land use control measures were negotiated between PMHC and the NSW State Agencies responsible for protection of the environment.

This framework met the NSW Government DECC requirements to “*avoid, mitigate and offset*” the future environmental impacts of developing the land as an urban release area. The agreed measures were a combination of “avoid, mitigate and offset” strategies.

Avoid

The ‘avoid’ measures were embedded in the Urban Structure plan and the application of E2 and E3 (now C2 & C3) zones applied to vegetation to be avoided. There is no further vegetation proposed to be removed under the subject DA.

The works proposed within the coastal wetlands are only proposed where clearing has already been undertaken in the coastal wetlands with approval. The coastal wetlands was not mapped as such under SEPP 14 and at the time of approval of the clearing, the proposal did avoid the coastal wetlands. A review of the coastal wetlands in the Flora and Fauna Assessment concludes that “*the area of mapped coastal wetland in the development footprint did not meet the DPI definition of a coastal wetland.*” Any actual coastal wetlands are avoided, only areas which are incorrectly mapped as coastal wetlands are impacted.

Mitigate

The mitigation of impacts through long term environmental management planning was secured via Voluntary Planning Agreements (VPA) on land titles requiring the retained C2 and C3 areas to be regenerated, enhanced, maintained and dedicated to public ownership after satisfactory completion of mitigation works. Funding of the environmental lands for future maintenance is also embodied in the VPAs. However, the DCCEEW terms of the VMP require the proponent to retain the VMP lands for a period of 20 years before dedication to Council can occur.

The VPA has flexibility to vary management arrangements in agreement with Council. Discussions have been had with Council's D. Croft and B. West who gave their in principle agreement for Jojeni to manage the C2 and C3 lands as per the DAWE approval subject to satisfactory security being provided for Jojeni's obligations. A Draft Protocol Deed outlining Jojeni's responsibilities and financial security for those liabilities was provided to Council's D. Croft on 17 January 2023.

Offset

Offsetting Strategy has been established under which the DCCEEW/NPWS officers identified a nearby suitable offset parcel adjacent National Park Estate for purchase and dedication by the Area 15 landowners. The 25ha offset site was purchased by the proponent and has been dedicated to NPWS Estate as part of Dooragan National Park.

Port Macquarie Hastings Council further embedded the above environmental measures through the Area 15 specific Development Control Plan, Environmental Management Plan, Developer Contributions Plans, Urban Structure Plan, Infrastructure and Stormwater management strategies and the landowner Voluntary Planning Agreements.

The C2 and C3 lands are required by the DAWE approval to be retained and managed by the developer for a period of 20 years under the terms of the VMP approved under DA 2017/394. The C2 and C3 land will then be dedicated to Council.

The Area 15 Planning Agreement required 25ha of environmental offset land, which has been dedicated to NSW NPWS as part of Dooragan National Park by the proponent. The DCCEEW EPBC 2018/8296 approval also sterilised approximately 25% of the R1 zoned land on Woodlands North (Lot 33) to provide for additional VMP offsets.

The Area 15 Planning Agreement was executed under **s93F EP&A Act** (now Division 7.1) and:

- applies to the land and development,
- is registered and binding on successors,
- forms part of the **statutory planning framework**.

It comprehensively regulates:

- environmental management land,
- environmental offset land,
- dedication obligations,
- ongoing management contributions.

Key point: - The Agreement was intended to **exhaustively deal with environmental offsets** arising from development of Area 15 land.

Council may lawfully decline DCCEE's request for further offsets where:

- it would conflict with a **registered planning agreement**, and
- DCCEE lacks statutory power to unilaterally expand offset obligations.

Doing so is **not a failure to consider concurrence advice**, but a lawful exercise of Council's assessment discretion consistent with the EP&A Act.

Jojeni Action to Secure Offset

Shortly after purchasing the property in early 2014, Mr Harvey as director of Jojeni was personally contacted by Council's Director of Environmental Services requesting his assistance to secure and purchase the Area 15 offset land. Jojeni acted promptly on this request and by April 2014 had purchased the identified 25ha fully forested parcel south of Crows Nest Close, Lakewood. The applicant successfully completed the dedication of the environmental offset land to the Minister administering the National Parks and Wildlife Act in 2014. The site now forms part of Dooragan National Park, positioned on the western foot slope of North Brother Mountain.

2.1.4 Shaping Our Future 2040 – A Local Strategic Planning Statement for Port Macquarie-Hastings

The LSPS contains a number of planning priorities for the LGA. The proposal satisfies the relevant Planning Priorities as discussed in **Table 3**.

Table 3: LSPS Planning Priorities

Planning Priority	Comment
1. Protect, conserve and enhance our biodiversity and areas of high environmental value	The proposed clearing has been completed under DAWE approval 2018/8296 (Appendix C) and DA2017/394 (Appendix B). 25ha of offset land has been purchased for the clearing and dedicated to NPWS as part of Dooragan National Park. 85% of the coastal wetlands on site will be retained. The Flora and Fauna Assessment concludes that the area of mapped coastal wetland within the development footprint does not meet the DPI definition of coastal wetland. Refer to Appendix H Section 4.3.
2. Manage growth sustainably	The proposal is for 113 standard dwelling development lots, a villa lot and a master lot in four stages. The proposed number of lots is sustainable in relation to the growth of Kew and reflects current residential demand.
3. Increase our community's resilience to the impacts and risks of natural hazards and climate change	The site is subject to hazards from flooding and bushfire. The proposal is accompanied by reports at Appendix I and Appendix L that address the hazards. The proposed design provides for resilience to natural hazards. The site is not identified as being at particular risk from climate change.
4. Protect and improve the health of our waterways and aquatic habitats	The site is affected by coastal wetlands mapping, however the Flora and Fauna assessment indicates that the site does not meet the criteria for coastal wetlands. The site has approved rehabilitation of the coastal wetlands under DA 2017/394. The proposal includes construction of roads and water quality basins in the C3 zone. An integrated referral to DCCEEW Water yielded GTAs for the development. A Controlled Activity Approval is required prior to CC for works in mapped coastal wetlands and within 40m of such. This applies to all four stages of the development.
5. Sustainably and efficiently manage our energy, water, waste and natural resources	The proposal will minimise resource use wherever possible. Sustainable and efficient management of resources is incorporated into site design and will be respected during works.
6. Use a place-based approach to shape the development of our sites, streetscapes, precincts, towns and centres	The site will have a sense of place. The main entry is via Council's preferred east-west collector road linking Botanic Drive and Lake Ridge Drive. The site features a network of pedestrian pathways passing the wetlands and basins, providing points of interest within the subdivision. The streetscape will be uniform in terms of landscaping, which helps to give a sense of place. Street trees in accordance with Council list are proposed throughout the site as shown on the Landscape Concept at Appendix G.
7. Provide for a diversity of housing in the right locations	The site includes 113 lots that are suitable for either single dwellings or dual occupancies, one lot for townhouses and one master lot for future development. The site is suitable for limited housing diversity. Most of the housing demand in this location is for single dwellings, dual occupancies and manufactured homes.

9. Preserve and enhance the distinctive character, size and scale of our towns, villages and rural communities	The proposal is in keeping with the character and scale of the area. The size and scale of the proposal is in keeping with the surrounding area and responds to the scale of nearby centres at Kew and Lakewood. The low-density character is preserved and enhanced by the proposal which will not overwhelm the landscape or villages.
11. Provide a multi-modal integrated land-use and transport network across Port Macquarie-Hastings	Ocean Drive forms an important link from the Camden Haven to Port Macquarie. The proposal will increase traffic on Ocean Drive, with the access to the site via Botanic Drive or Lake Ridge Drive and not directly from Ocean Drive. The TIA at Appendix J concludes that the surrounding road network can accommodate the proposed additional traffic. The internal transport network within the site contains a mix of pedestrian and vehicular provision. Connection will be provided to the greater Camden Haven pedestrian and bicycle network, linking the site to nearby food and drink premises, essential services and recreational areas. There are existing bus stops on Ocean Drive which will be relocated as a result of the Ocean Drive roundabout works but will still be within acceptable walking distance of the site until such time as bus routes may enter the site.
12. Develop a network of safe, accessible and sustainable local transport options linking key destinations	Bicycle and pedestrian shareway via the Crown Road will link to the existing off road shareway on the southern side of Ocean Drive. This links pedestrians and cyclists along Ocean Drive to Lakewood Shopping Centre via a relatively flat 1.2km path. A bus passes the site at least six times per day and links to Laurieton and Port Macquarie.
18. Create a greener urban environment	The site retains significant bushland within C2 and C3 zones on site and the site will have street trees planted throughout. The approval under DA 2017/394 also involved the purchase of 25ha of land for offsets, contributed to NSW NPWS as part of Dooragan National Park. The area is green and surrounding mountains and wetlands contribute to the large green pockets in the area. The proposed urban environment contains a suitable level of vegetation and is surrounded by such.
19. Plan, prioritise and deliver integrated infrastructure	The Area 15 Structure Plan prepared for the necessary integrated infrastructure, which is the roundabout on Ocean Drive in front of the site, included in DA 2023/73 for Woodlands South.

2.1.5 Port Macquarie-Hastings Bike Plan 2015

The Port Macquarie-Hastings Bike Plan 2015 identifies Ocean Drive between Laurieton and Kew as a key strategic route. The proposal will provide direct access to Lakewood Shopping Centre and Ocean Drive via Council's strategic east-west collector road as well as contain its own internal shareway network. Ocean Drive is key to the inter-town bicycle network. Refer to **Figure 15**.

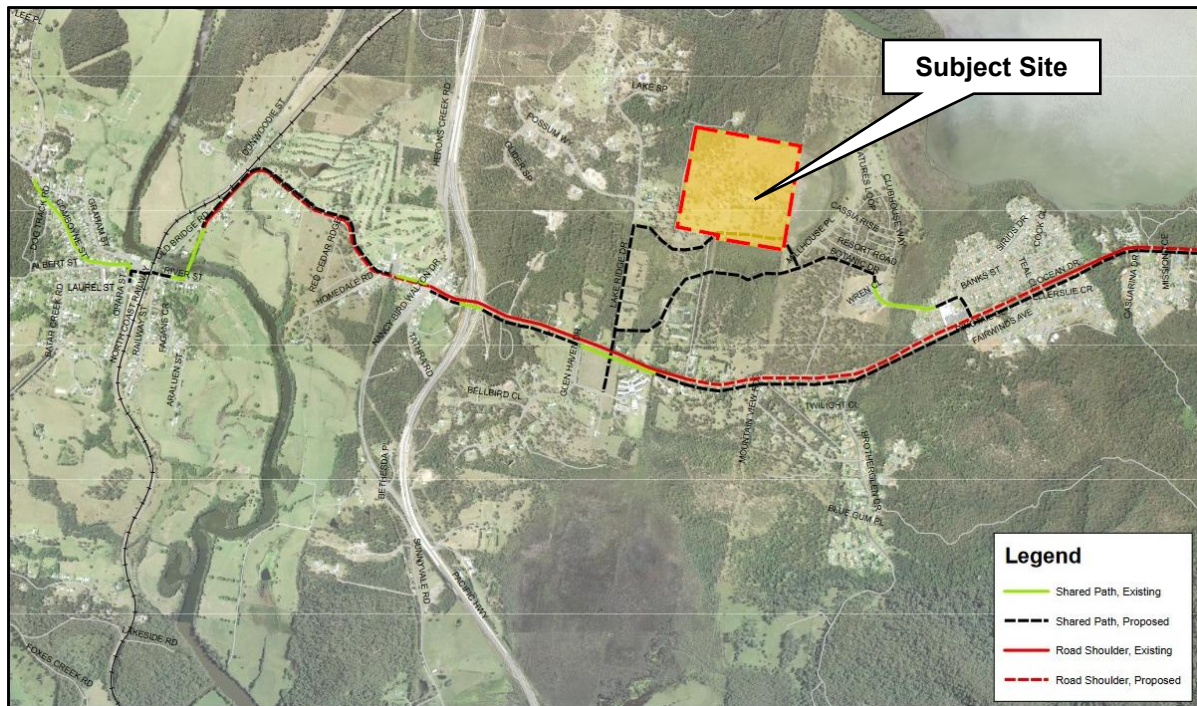


Figure 15: PMHC Bike Plan 2015

2.1.6 Biodiversity Conservation Regulation 2017 – Relevant Planning Agreement

In September 2018, pursuant to Section 34A(4) of the Biodiversity Conservation (Savings & Transitional) Regulation 2017, the Area 15 Urban Release arrangements were certified as Relevant Planning Arrangements by the NSW Office of Environment and Heritage.

The proposed subdivision of Lot 33 is consistent with the Strategic Planning and Environmental Management measures established during the Local Environmental Study and the resultant Land Use and Environmental planning controls for Area 15.

This Part 4 Development Application and Environmental Impact Statement for the subject land relies upon the Relevant Planning Arrangements certification. A copy of the Area 15 Relevant Planning Arrangement Certification is provided at **Appendix A**.

2.1.7 Living and Place Strategy

The Living and Place Strategy is largely concerned with managing population growth and demographic shifts through to 2041, emphasising “sustainable development, diverse housing solutions, and enhanced community infrastructure”. In line with other strategic plans and population projections, the strategy anticipates an additional 28,000 residents and demand for over 15,000 new dwellings in the LGA up to 2041.

The Strategy also forecasts significant changes in local demography. At present, the LGA has a higher concentration of senior residents, with the ageing population trend set to continue with an additional 15,377 people aged 65 or over by 2046. However, offset by this is also an increase in young working-age persons, with an estimated increase of around 4,000, enabled by increases in educational and employment opportunities in the area.

The Strategy includes six distinct priority areas and associated objectives. These strategies are largely concerned with the authority and role of Local Government, however the proposal has capacity to respond to a number of the listed priorities. These are addressed below in **Table 4**.

Table 4: Living and Place Strategy Priorities

Priority	Objectives	Response
Priority 1: Infrastructure which supports growth	1.1 Provide integrated forward planning to identify long-term infrastructure needs.	The Kew area is well-supported with existing and planned infrastructure and utilities. All essential utilities are in place or planned for the subject site, serviced by Council and other providers. The various networks' existing capacity is sufficient to support the proposal. Council has considered long-term growth and its constraints on infrastructure. Planning and design for the sewer upgrade on Ocean Drive is well underway. New infrastructure required as a result of the proposal is included in the DA.
	1.3 Ensure sustainable funding pathways for future infrastructure delivery.	The site is subject to both a local VPA and a State VPA. Satisfactory Arrangements Certification for the site is provided at Appendix Q .
Priority 2: Deliver diverse housing	2.1 Review planning controls to prioritise Infill and medium density development	The site's existing planning controls are sufficient to deliver positive housing outcomes. Kew is well-suited for growing families, and thus, a distinct suburban character has emerged. Under the current zoning provisions, a number of suitable built forms are permissible, including dwelling housings, dual occupancies and secondary dwellings. The proposed master lot within the centre of the site is earmarked for future development as medium density housing (subject to DA approval).
	2.3 Explore provisions and controls to facilitate smaller lot sizes and encourage smaller dwellings	The larger lots (>650m²) proposed are capable of accommodating dual occupancies and secondary dwellings as desired by the purchasers. Past experience indicates that housing of these types will constitute approximately 20% of the proposed lots. The central master lot will be subject to a separate DA.
	2.4 Encourage energy efficient and adaptable housing	All dwellings will be subject to compliance with SEPP (Sustainable Buildings) 2022.

	2.5 Include density provisions and controls in key well located infill areas to encourage a diverse range of housing.	Under the current zoning provisions, a number of suitable built forms are permissible, including dwelling housings, dual occupancies and secondary dwellings. The proposed master lot within the centre of the site is earmarked for future development as medium density housing (subject to DA approval). This will provide diverse housing on the site.
Priority 3: Deliver liveable and connected neighbourhoods and communities with distinctive character	3.1 Provide walking and cycling infrastructure for a growing community	With a cohesive active transport network, the proposed development has well connected walking and cycling infrastructure existing and planned. Passing the subject site, Ocean Drive features a shareway and connects the site to Lakewood Shops.
	3.2 Create more green spaces and retain and protect biodiversity corridors	The site maintains green space and biodiversity corridors to the north, south and east of the residential area.
	3.3 Preserve the heritage and character of the region's towns and villages	The proposed layout reflects the desired character of Area 15.
	3.4 Implement principals of the NSW Public Spaces Charter	This proposal includes the provision of a dedicated open space area. The nature reserve is within the R1 zone in approximately the location identified in DCP 2013. The nature reserve is adjacent to a water quality basin and managed VMP land. The reserve will contain a walking path. There are no other embellishments proposed. In addition, the provision of active pathways around the development perimeter will help achieve the Charter's principles. These pathways will create a welcoming destination characterised by its proximity to a network of paths to enjoy surrounding bushland. The urban structure is also well-informed by CPTED principals, promoting safe and healthy recreation.
Priority 4: Create neighbourhoods which are safe, sustainable and resilient to natural hazards.	4.1 Manage and improve resilience to natural hazards and environmental change.	Bushfire and flood recommendations have been implemented to minimize natural hazard impacts.
	4.2 Build and develop resilient places and communities.	The proposal considers the potential risk of flooding, bushfire, climate change, and other potential natural hazards. Subconsultant reports appended to this application provide several mitigation measures that have been integrated into the overall design of the subdivision. These mitigation measures can bring the risk of hazards

		presenting to the site to a satisfactory level.
	4.3 Integrate water and energy sensitive urban design measures into the built form.	The site has access to potable and reclaimed water network. Future dwellings will be subject to SEPP Sustainable Buildings.
	4.4 Sustainably manage and conserve water resources.	The site has access to potable and reclaimed water network.
	5.1 Provide well located homes to meet demand.	The site is zoned R1, identified in Council's UGMS and the NCRP as a residential development site. The site is well located to meet demand.
Priority 5: Locate residential development in well-planned growth precincts and infill areas	5.2 Create places which are distinctive in identity, responsive to local community needs and contribute to improved liveability	The site will be low-density in nature and provide desirable conditions for growing families amidst an environmental backdrop with close proximity to retained and managed natural vegetation. Liveability will be bolstered through the provision of active transport infrastructure, proximity to existing services, and additional master-planned districts planned for the area.
	5.3 Protect biodiversity and areas of high environmental value.	The proposal protects areas of HEV in the form of habitat corridors surrounding the site and offset plantings.
	5.4 Use best-practice planning guidelines to ensure high-quality design outcomes.	The design of the proposal has been driven by the constraints of the site.
Priority 6: Increase Availability of Affordable Housing	6.3 Increase diversity of housing supply.	The existing R1 zoning for the site permits a variety of built forms, including dwelling houses, attached dwellings, multi-dwelling housing, and dual occupancies. The nature of the subject site will generally be biased towards lower-density dwellings, more suited for established and growing families. The master lot proposed in the site's centre is earmarked for future development as an MHE or community title development, which will have a higher density than standard R1 residential lots. This will be applied for under a separate DA.

2.1.8 Local Housing Delivery Plan

The Local Housing Delivery Plan serves as the delivery document for the Living and Place Strategy. It primarily focuses on the delivery of additional housing stock throughout the region and provides general aims and action points to facilitate such delivery. The plan forecasts a need for a minimum of 15,000 dwellings across the LGA by 2046, with 1,098 dwellings to be located in the R1 zone in the Camden Haven area. As a significant land release, the development of Woodlands North has the potential to contribute 14% of the dwellings required by the plan.

Development of the site under this proposal will contribute 115 lots with many capable of providing for secondary dwellings, dual occupancies, and other forms of multi-occupancy developments. The proposal also includes a future development site within the proposed central master lot and a villa lot expected to accommodate a five-villa development. This will significantly contribute to the dwelling target held by the draft plan.

The proposal is in accordance with the Local Housing Delivery Plan 2024, and the proposed development will significantly contribute to the Council's dwelling targets for the area.

The Federal consent under the EPBC Act from DCCEE (2018/8296) resulted in the loss of approximately 25% of the R1 zoned land for additional VMP offsets, which translates directly to a reduction in residential yield. The proposed density of the MHE recovers the lost capacity in accordance with Council's medium density focus in the Local Housing Strategy.

2.2 Existing Infrastructure and Land Use

2.2.1 Road Configurations

The site has direct access to Ocean Drive via the gravel Crown Road (now known as Tree Top View and currently in the process of being transferred to Council). DA 2023/73 for Woodlands South provides for the upgrade of 200m of Tree Top View for emergency egress from Woodlands North with the primary access to Ocean Drive being via Woodlands West at 13 Tree Top View (formerly 167 Ocean Drive) or via Lake Ridge Drive or Botanic Drive as provided by the Area 15 Local Infrastructure Plan. Ocean Drive is a critical link between the Pacific Highway, eastern towns and on to Port Macquarie. In this area it has one lane in each direction with a speed limit of 70km/h and a 40km/h school zone in the vicinity of Camden Haven Highschool. Ocean Drive does not have kerb and gutter in this location. The future Botanic Drive connection to the east (to be proposed under a separate DA) will provide direct access to Lakewood Shopping Centre and reduce reliance on Ocean Drive for everyday shopping needs.

2.2.2 Bus Facilities

The 333 from Kendall to Port Macquarie, travels along Ocean Drive twelve times on weekdays, seven times on Saturdays and six times on Sundays and public holidays. The reverse trip from Port Macquarie to Kendall passes the site eleven times on weekdays, six times on Saturdays and five times on Sundays and public holidays.

School buses also pass the site for St Joseph's Regional College, Camden Haven High, Laurieton Public School, Kendall Public School and North Haven Public School.

2.2.3 Pedestrian and Cycle Facilities

There are currently pedestrian and cycle paths on the southern side of Ocean Drive. The proposed road network links the existing pathways into the subject site.

2.2.4 Parking

The proposed development will provide off street parking in the driveway and garage of each dwelling and on street parking in the internal road network as additional parking.

2.2.5 Crown Road

Council maintains a Crown Road, now known as Tree Top View, which runs along the southern and western boundaries of the site. Residences north of the subject site are serviced by the Crown Road. The proposal will see a section of the Crown Road as it applies to Woodlands North upgraded to have ample capacity for the residential subdivision. It is noted that the Crown Road is in the process of being transferred to Council's ownership.

2.3 Alternatives

The site is identified in the NCRP and UGMS for residential development. The Area 15 Structure Plan considered the suitability of the residential use of the site and an R1 zoning was ultimately adopted.

2.3.1 Do Nothing

The 'do nothing' option must always be considered. Doing nothing avoids potential impacts but also prevents the following benefits of the project being achieved:

- Satisfaction of the strong need for residential accommodation in Kew, the proposal will provide 113 standard lots for dwellings and dual occupancies, one lot for townhouses and one master lot for future development.
- Achievement of the goals of NCRP 2041 by developing land.
- Achievement of the goals of Council's UGMS by developing land within the mapped urban growth boundary.
- Achievement of the goals of the Area 15 LES.
- Achievement of Council's Living and Place Strategy 2024.
- Development of an area zoned R1 and already cleared with consent, in a suitable location for residential development.
- Contributing to the Port Macquarie-Hastings Bike Plan 2015 to provide cycling infrastructure to link to the existing network in the area.
- Rehabilitation of the existing C2 and C3 land including coastal wetlands on the site.

"Do Nothing" is not considered to be a sustainable or worthwhile option, considering demand for residential accommodation in the area and work completed in regard to Area 15 to date.

2.3.2 Preferred Option Methodology

In determining the best design layout for the project, an assessment of the options was based on the following:

- Compliance with relevant legislation and development standards applicable to the site.
- Minimisation of environmental, social and property impacts.
- Engineering and functional cost issues.

- Constructability.
- Likely approval pathway.
- Physical constraints (ecology, hydrology, topography and geotechnical conditions).
- Non-physical criteria (traffic and transport, project cost and economic impacts).
- Design standards.
- Minimise impact on the area mapped as coastal wetlands under SEPP Resilience and Hazards.
- Minimise disruption and impacts to adjoining residential properties.
- Minimise disruption and impacts to Ocean Drive.

2.3.3 Roads History and Strategy

Access arrangements are a focus for the site, with concerns raised by Council and NSW RFS.

There are four potential routes to access the site:

1. West to link with Lake Ridge Drive (refer Area 15 VPAs and DCP)
 2. East to link with Botanic Drive (refer Local Infrastructure Plan)
 3. South via existing road Tree Top View (former Crown Road) connecting to Woodlands South road network with access to Ocean Drive using the new Mountain View Road roundabout, and
 4. Existing approved and cleared construction access also connecting to Woodlands South.
- The roads strategy in the DCP (see **Figure 17A**) is replicated in the Area 15 Roads VPA.

i) West to Lake Ridge Drive

This route was approved under DA 2017/1059 (see **Figure 7**). Council has advised in writing that physical commencement has been achieved and the consent will not lapse in 2026. Jojeni, the proponent of this DA also has the benefit of DA 2017/1059 and the site is known as Woodlands West.

For owners consent the signed Roads VPA was relied upon.

This is the preferred route and the intention is to collaborate with the other affected property owners to achieve this road link. It is expected that a condition of consent would be imposed which prevents registration of the lots in Woodlands North until the connection to Lake Ridge Drive is constructed.

ii) East to Botanic Drive

Council's Roadnet Area 15 Traffic Study (2009) recommended a link road running from Lake Ridge Drive in the west to Botanic Drive in the east. The eastern portion of the link road from the site's eastern boundary across the neighbouring property at 11 Resort Road Kew east to Botanic Drive was included in Council's Section 94 Local Roads Contribution Plan (Item 23).

Council confirmed by letter dated 9th October 2025 that the construction of the link road connection east to Botanic Drive is classified as a medium-term priority and was included in Council's Local Infrastructure Plan 2025. To give effect to the proposed eastern link, Council registered an easement in 2019 on 11 Resort Road for the proposed road (see **Figure 17B**). The easement passes through R1 and C3 zone and is partially affected by coastal wetlands mapping and biodiversity values mapping.

It should be noted that the current zoning existed when the easement was registered by Council and it will be necessary to address the ecological issues for the eastern link noting that there is no alternate route.

After meeting with Council, the applicant agreed to arrange for its ecologist Greenloaning Biostudies to conduct a preliminary inspection of Council's easement and they determined the wetland communities affected by the easement comprised a narrow strip of regenerating swamp forest [PCT 4006) and a patch of sedgeland to the west, conforming to the Coastal Sands Twig-rush Sedgeland (PCT 3959). They concluded it was debateable whether the vegetation conforms to the definition of a "*Coastal Wetland*" and Council's link road east would have a very minor impact.

The subdivision proposed under this DA includes provision of a road link capable of future connection to Botanic Drive. This road link to Botanic Drive is a nominated Council project and is outside the remit of this DA. It has been agreed with Council that the proponent for this DA will lodge a separate DA for Botanic Drive.

iii) Tree Top View connection to Woodlands South

Tree Top View is a former unsealed one-lane Crown Road which is in the process of being transferred to Council and is currently used by residents for access to/from Ocean Drive. The DCP roads plan intends for traffic to ultimately use the east-west link road from Lake Ridge Drive to Botanic Drive.

The Area 15 VPAs have incorporated specific roads network upgrades including the Mountain View Road/Ocean Drive roundabout ("MVRR") which has just been completed and the Lake Ridge Drive/Ocean Drive signalisation ("LRDS"). The Traffic and Access Assessment Report by Positive Traffic Dec 2025 ("TAAR") unequivocally states the link road west to Lake Ridge Drive is adequate to service the entire Woodlands North development with the timing of the LRDS stipulated in the Area 15 VPAs.

Notwithstanding the findings in the TAAR, in response to concerns raised by the RFS, it is proposed to seal and upgrade a 200m section of Tree Top View with two passing bays to provide a secondary exit for residents of Woodland North that will connect to the public road network in Woodlands South and out to the MVRR. This secondary egress from Woodlands North will become redundant when Council constructs the eastern road link to Botanic Drive.

iv) Construction Access to Woodlands South

There is an existing cleared and approved two lane construction access connecting the site to the Woodlands South road network. It runs parallel with Tree Top View. The possibility of upgrading the construction access was investigated and rejected on the basis that the upgrade required was prohibitively expensive and the route is not part of the DCP roads strategy. It is noted that the construction access could also be used by the RFS as another alternative access/exit.

Roads Strategy Summary

Roads strategy can be summarised as follows:

- i) The Council approved link road west to Lake Ridge Drive will provide the primary access/egress to Ocean Drive,
- ii) Approximately 200m of the existing Tree Top View will be upgraded with bitumen seal and passing bays to provide a secondary emergency egress to Ocean Drive via the Woodlands South public road network,

- iii) When the link road east to Botanic Drive is complete as per Council's Infrastructure Plan ('Medium' priority), the option will exist for Council to retain or close the Tree Top View connection between Woodlands South and North, and
- iv) If required by the RFS, there is the additional emergency bushfire access option of using the existing approved two-lane construction route that connects Woodlands South and North.

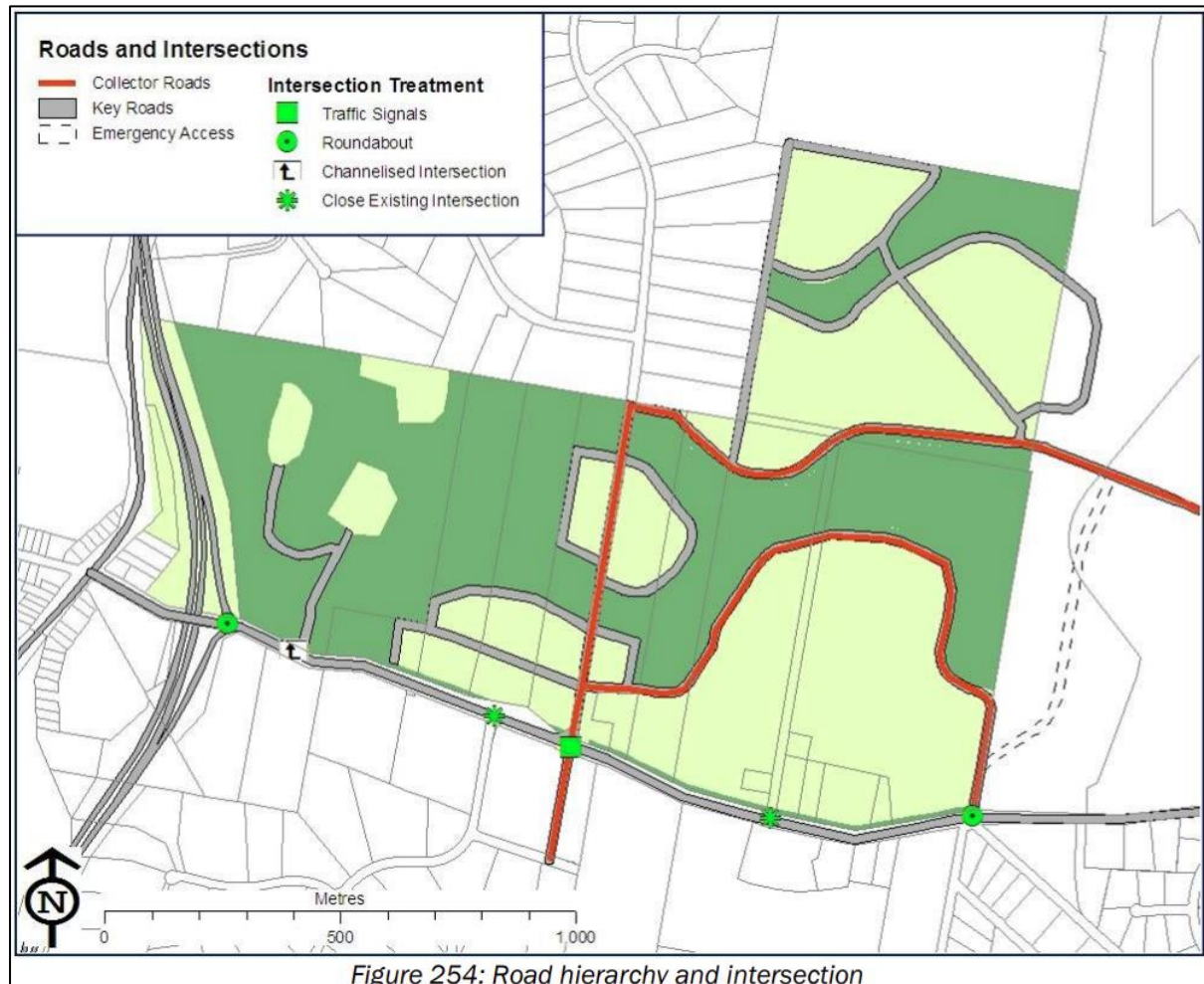
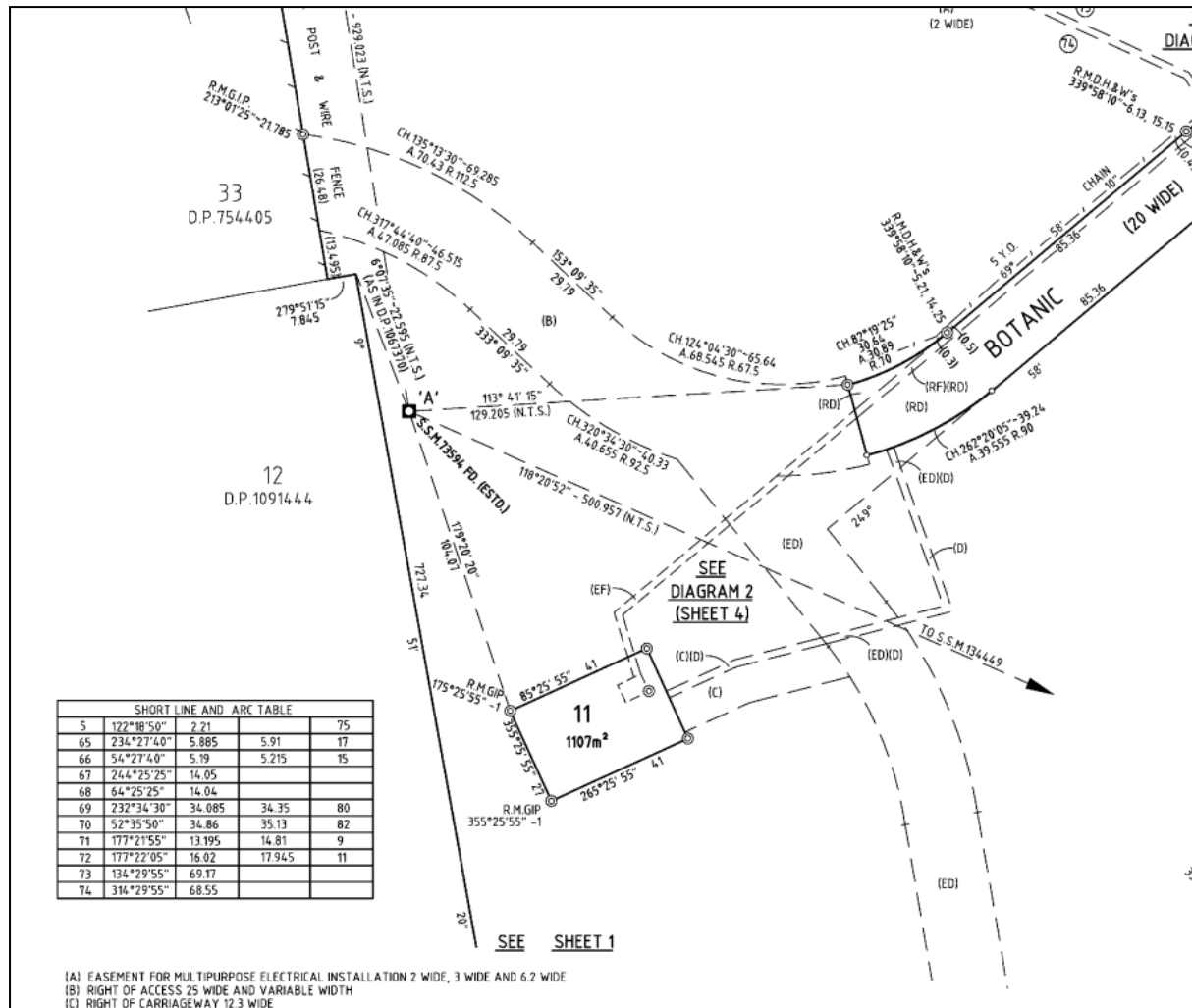


Figure 17A: DCP 2013 Camden Haven West Road Strategy



3 PROJECT DESCRIPTION

3.1 Summary of Key Elements

Table 5: Project Summary

Project Element	Summary
Site Area	Approximately 37ha
Site Description	84 Tree Top View (formerly 169B Ocean Drive), Kew (Lot 33 DP 754405) and adjacent Crown Road reserve (in the process of being transferred to Council).
Demolition	Dwelling and all associated structures.
Earthworks	To bring all residential sites and road network above PMF level.
Subdivision	Torrens Title subdivision for 115 residential lots including 113 standard residential lots, one villa lot and one master lot for future development. Lots containing water infrastructure and VMP land will also be created.
Road Infrastructure	Perimeter roads, internal road network, upgrade of part of Crown Road, bushfire egress to Woodlands South.
Stormwater	Seven water quality basins in C3 zone.
Water	Connection for each proposed residential lot.
Sewer	Connection for each proposed lot.
Electricity	Removal of existing overhead powerlines and underground power to all proposed lots.
Telecommunications	Connection for each proposed lot.
Dwellings by coastal wetlands mapping.	One single dwelling on Lot 56 which has a small area of coastal wetlands mapping in the corner of the site.
Staging	Four stages

3.2 Scope of Works

The overall scope of works includes but is not limited to the following:

- Site establishment.
- Traffic control including the provision of approved Traffic Management Plans to facilitate the construction of the works.
- Search for and protect public utility services, including all liaisons with relevant utility authorities.
- Remove all above ground electrical infrastructure and construct underground power.
- Provision for pedestrians and cyclists during construction works, including maintaining pedestrian accesses to adjoining residential properties at all times.
- Maintain vehicle access to adjoining residents at all times.
- Provision of site accommodation for the principal contractor.
- Temporary erosion and sedimentation controls.

- Utilities relocation and protection works as required.
- Earthworks including excavation, placing of general fill, offsite disposal of spoil material as required.
- Construction of new stormwater drainage (both surface and subsurface).
- Pavement marking and raised pavement markers.
- Medians and traffic islands.
- Ancillary works, including new kerbs and gutters, paving of shared paths and infill medians.
- Road furniture.
- Signposting.
- Opening to traffic.
- Restoration of work areas and disturbances by utility authorities in carrying out adjustments within the site.
- One dwelling on Lot 56.

3.3 Detailed Description of Works

The key sections of the project are as follows:

3.3.1 Subdivision

- Subdivision of R1 zoned land to create 115 Torrens Title residential lots plus an infrastructure lot and a VMP residue lot.
- 113 standard lots for dwelling or dual occupancy are proposed.
- One larger lot is proposed villa/townhouse development.
- One master lot of 11.8ha for future development. Road and service connections are proposed, however development of this lot will be subject to a future DA.
- Lot comprising all stormwater and other infrastructure for dedication to Council.
- Lot comprising remainder of C2 and C3 zoned land as identified in the approved VMP. The terms of the EPBC approval requires that this land is retained by the Jojeni and managed for 20 years. The VPA is flexible for Council and Jojeni to agree how lands are managed.

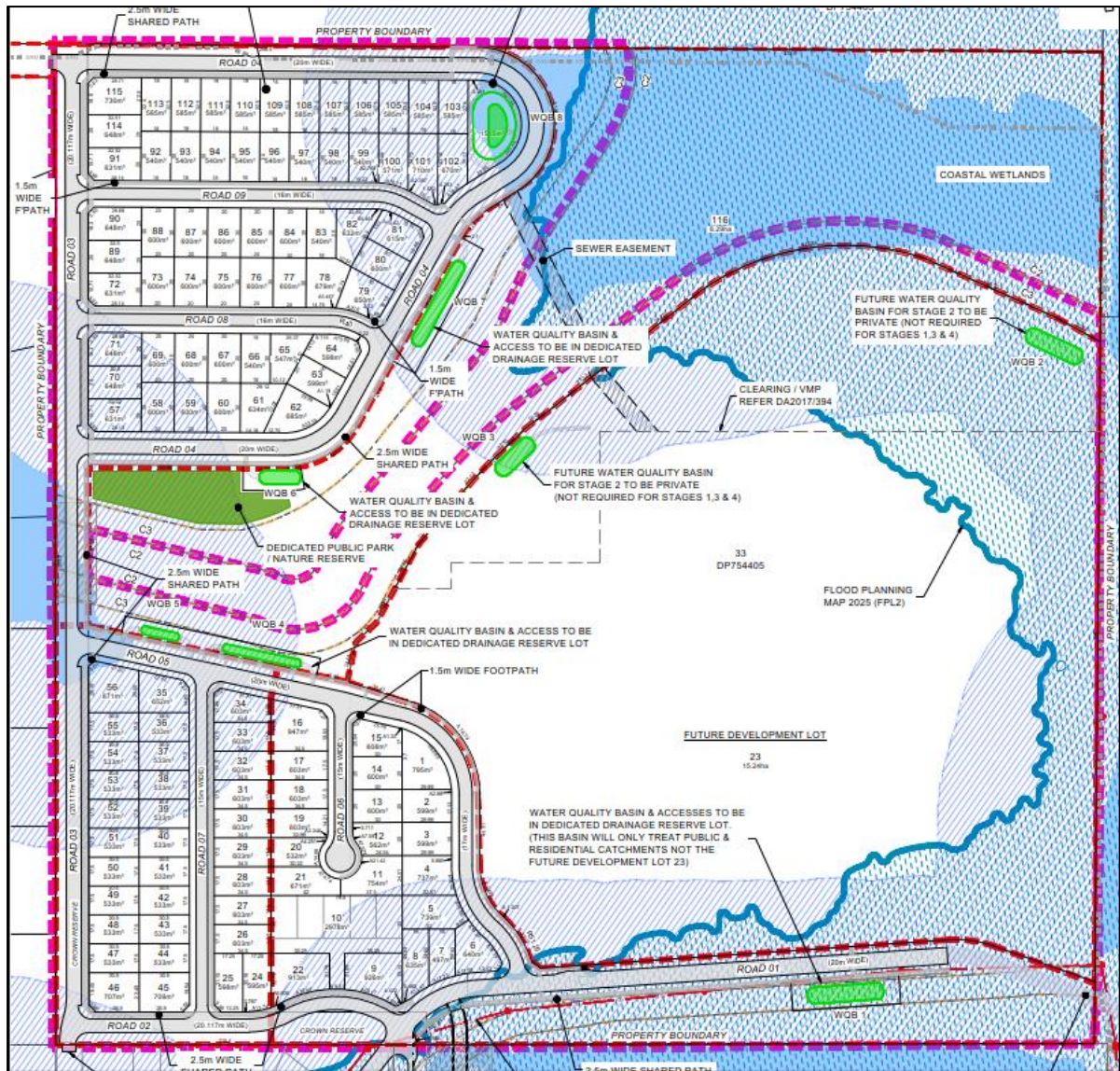


Figure 16: Proposed Plan

3.3.2 Earthworks and Demolition

- Earthworks in addition to those approved under DA 2022/972.
- Stormwater infrastructure including seven water quality basins. All seven are contained within the C3 zone.
- Water infrastructure and connection to trunk watermain in Woodlands South.
- Underground electricity and telecommunications infrastructure.
- Temporary stockpiles.

3.3.3 Roads

- Road access to the site via an extension of Botanic Drive through Laurieton Residential Resort to the southeast. Council has an easement for the road under the Area 15 roads plan. The road link from Woodlands North to Botanic Drive is identified as a Collector Road in Figure 254 of DCP 2013. A separate DA will be lodged by the proponent for the road link.

- Road access to the site from Lake Ridge Drive to the west by a new collector road, as per the Area 15 DCP and VPA and approved under DA 2017/1059. The proponent has purchased Tree Top View and now has the benefit of DA 2017/1059.
- Emergency egress on unsealed road between Woodlands North and Woodlands South.
- There is an existing gravel Crown Road now known as Tree Top View adjoining the southwestern and western boundary of the site. The proposal includes the upgrade of part of the Crown Road to seal the road and make it part of the road network. Transfer of Tree Top View from Crown Lands to Council is underway.

3.3.4 Water and Reclaimed Water

Woodlands South has a connection to existing 375mm water main and reclaimed water infrastructure from Ocean Drive. A connection between Woodlands South and North is proposed for emergency use and the water main will be extended across the crossing also. Water connection is proposed to the front boundary of every proposed lot.

3.3.5 Stormwater

Seven water quality basins are proposed with two in the C3 zone:

- Stage One is served by three outlets into one large basin in the southeast corner of Stage One.
- Stage Two is served by two outlets into two basins in the northeast and northwest of Stage Two.
- Stage Three is served by two outlets, one to the basin to the north of Stage 6 and one to the basin south of Stage 4.
- Stage Four is served by four outlets to three separate basins to the east of Stage Four.

The proposed basins are located within their own lot for dedication to Council.

3.3.6 Sewer

Sewer connection is proposed to the front of each lot. There is an existing sewer rising main to the north and east of the site which connects to KKSPS11. A sewer connection is also approved for the land to the southwest at 13 Tree Top View (167 Ocean Drive), which is now also owned by the proponent.

Council at its meeting of 16 November 2023 considered Item 13.13 Kew/Kendall Wastewater Scheme Diversion Project and resolved that:

“RESOLVED: Sheppard/Intemann

That Council:

- 1. Note that the Camden Haven (Dunbogan) Wastewater Treatment Plant has residual treatment capacity.*
- 2. Note that the Kew/Kendall Wastewater Treatment Plant does not have treatment capacity for the planned growth in its catchment.*
- 3. Note that a multicriteria cost and non-cost options assessment has identified that the best option to cater for the Kew/Kendall growth is to transfer all wastewater from the Kew/Kendall catchment to the Camden Haven Wastewater Treatment Plant for treatment and discharge.*
- 4. Accept that the Kew/Kendall Wastewater Scheme Diversion to Camden Haven is required to cater for future sewerage treatment capacity in the Kew/Kendall area.*
- 5. Undertaken an amendment to the 2022-2026 Delivery Program in conjunction with the annual review of the Delivery Program to replace the Upgrade of the Kew/Kendall Wastewater Treatment Plant project with Kew/Kendall Wastewater Scheme Diversion to Camden Haven project.*
- 6. Reflect the amendment to the 2022-2026 Delivery Program in the 2024-2025 Operational Plan with the replacement of Action S15 Kew Wastewater Treatment Plant Upgrade project with Kew/Kendall*

Wastewater Scheme Diversion to Camden Haven project included in the 2023-2024 Operational Plan with a performance measure of 'project planning completed, detailed designs commenced'.

CARRIED: 6/0

FOR: Edwards, Intemann, Lipovac, Maltman, Roberts and Sheppard

AGAINST: Nil"

This resolution directly impacts the proposal in a favourable manner and will allow Area 15 to proceed without delay in regard to sewer.

3.3.7 Electricity

Electricity connection will be available to the site via Woodlands South when approved. All electricity connections are proposed to be located underground with detail to be provided at SWC stage. There is an existing overhead power line connection from the southwest corner of the site to the existing dwelling on the site. This connection will be removed prior to the commencement of works.

3.3.8 Landscaping

- Footpaths and shareways throughout and connections to approved future pedestrian infrastructure.
- Street trees throughout site.
- Public park to be dedicated to Council at the southern end of Stage 4.

See **Figure 17** and refer to plan at **Appendix G**.

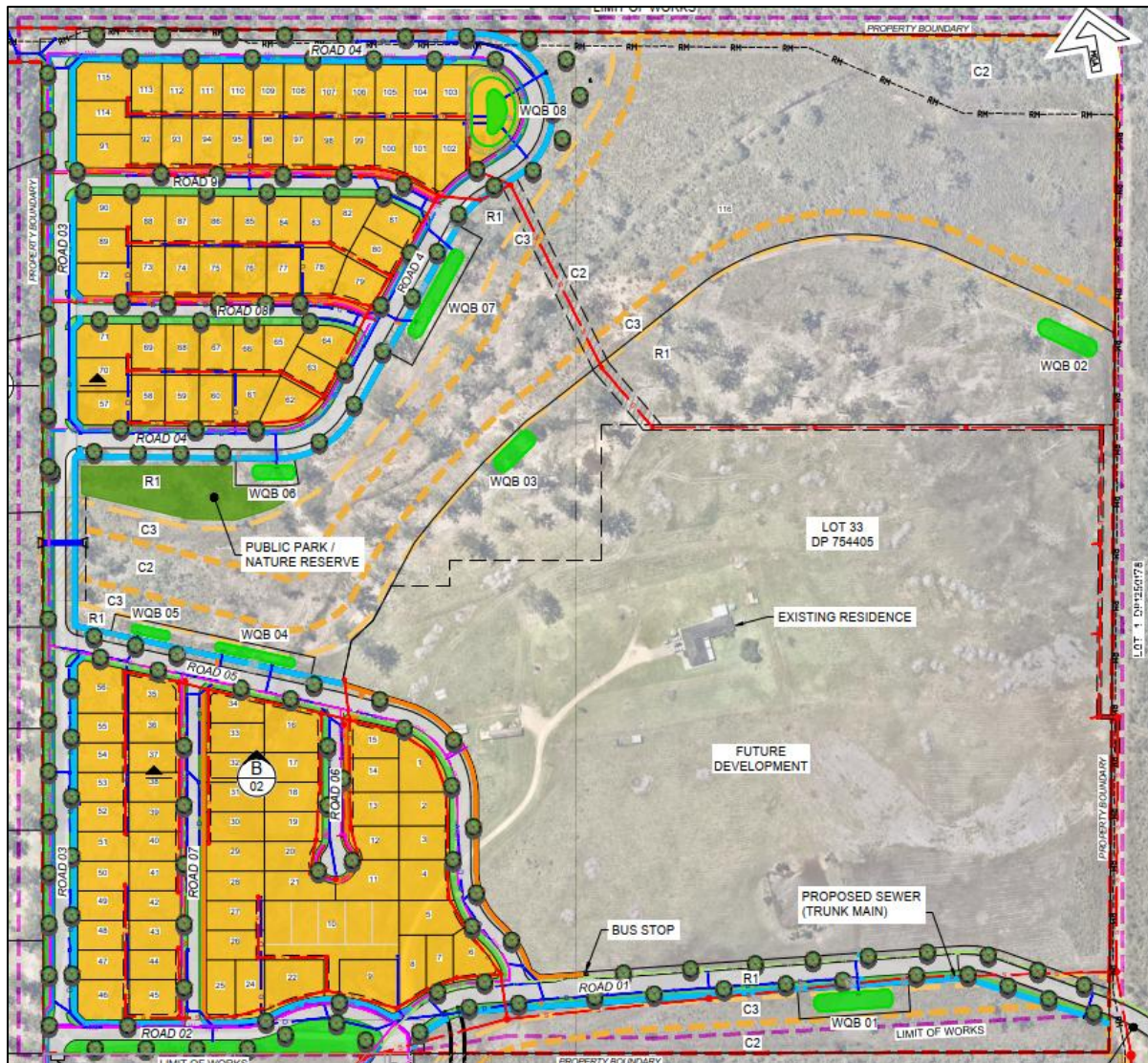


Figure 17: Proposed Amended Landscaping Plan

3.3.9 Dwelling

Lot 56 includes a four-bedroom single storey dwelling, no part of the dwelling is on mapped coastal wetlands however the northwest corner of the lot is partially mapped as coastal wetlands. See **Figure 18**.

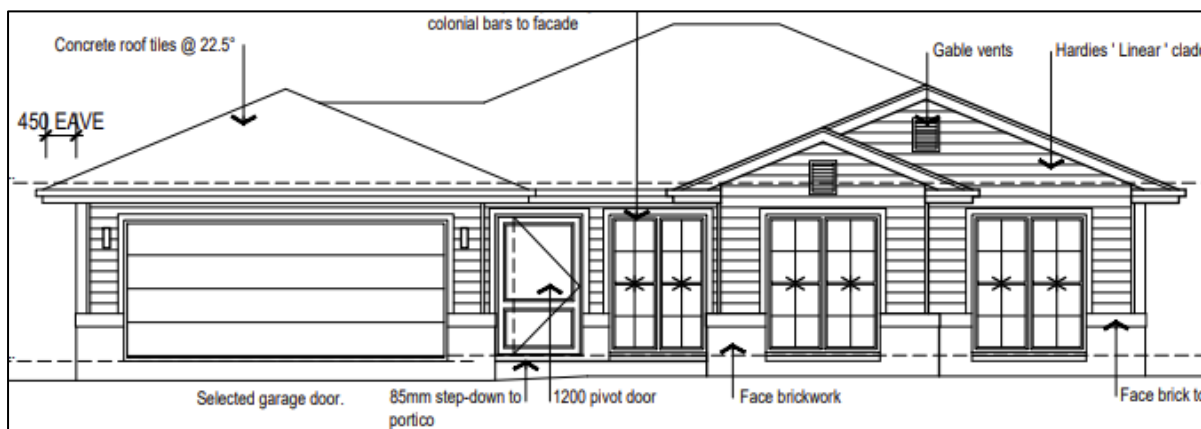


Figure 18: Lot 56 Proposed Dwelling

3.3.10 Temporary Stockpiles

A temporary stockpile is proposed on the site:

- Creation of a temporary stockpile for VENM from within the site and imported to the site.
- Stockpile to be used for up to five years.
- Maximum area of approximately 25,000m².
- Maximum length of approximately 148m.
- Maximum width of approximately 168m.
- Maximum height of 2-6m.
- Maximum stockpile volume of approximately 80,000m³.
- Stockpiled material will be used on site when the site is developed for residential subdivision in conjunction with works proposed under DA 2025/97.
- Stockpiled material will be used progressively once construction starts on site with the aim that the stockpile is managed at between 2 and 3 metres height.
- Haul material into the site from Tree Top View (Crown Road) on the western side.
- Trucks exit the site via Tree Top View to Ocean Drive.
- Sediment fencing north, east and west of the stockpile as shown on plans.
- Temporary sediment basin north of the stockpile.

3.4 Staging

- Stockpile stage - Temporary stockpile prior to subdivision works certificate.
- Stage One – 22 Torrens Title residential lots numbered from 1 to 22 (including the future five villa development lot), road network and infrastructure to service Stage One.
- Stage Two – Master lot numbered Lot 23 and infrastructure to service Stage Two.
- Stage Three – 33 Torrens Title residential lots numbered 24 to 56, road network and infrastructure to service Stage Three.
- Stage Four – 59 Torrens Title residential lots numbered 57 to 115, road network, public park and infrastructure to service Stage Four.

See **Figure 19**.

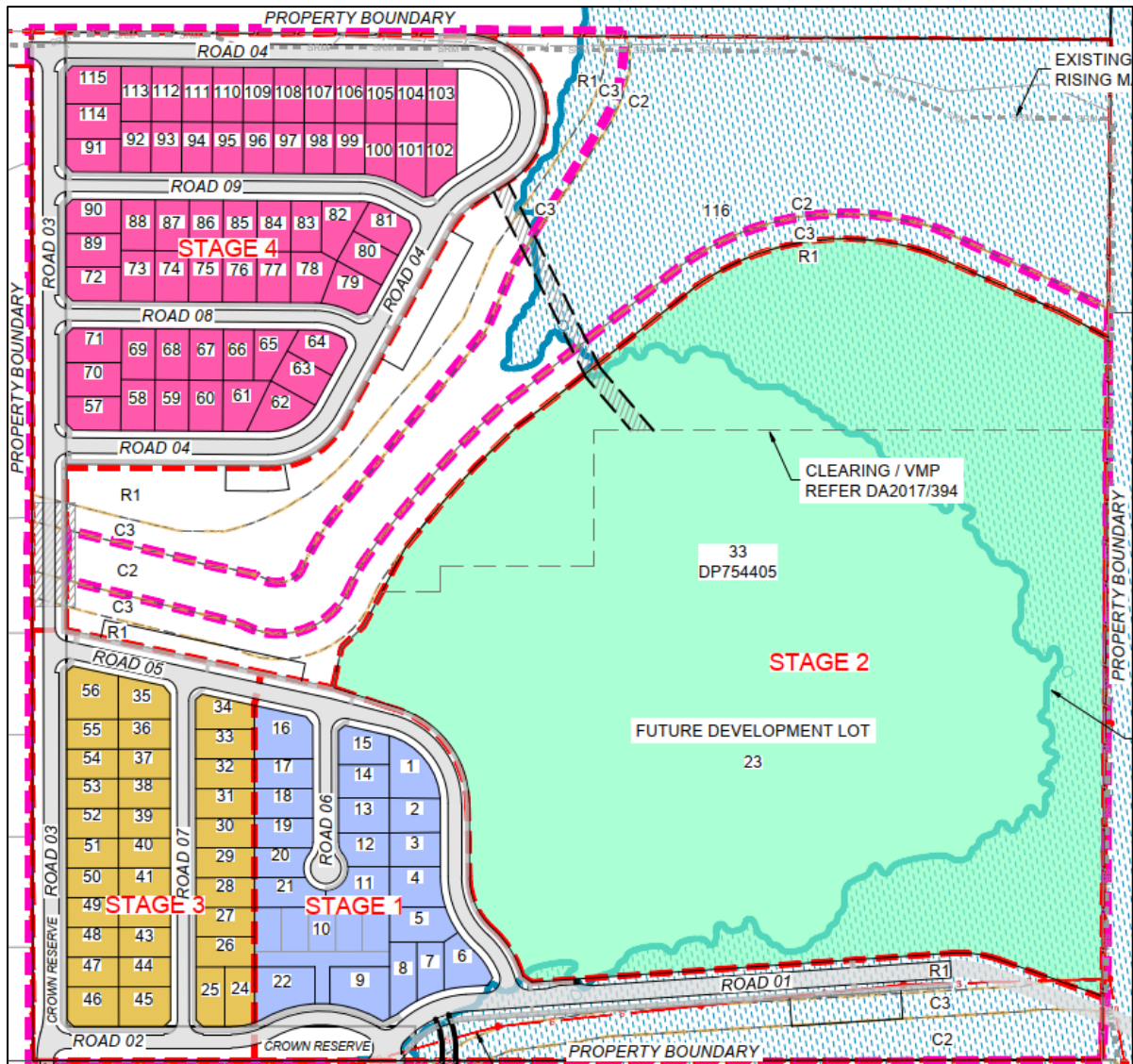


Figure 19: Proposed Staging

3.5 Extent of Works Within Mapped Coastal Wetlands

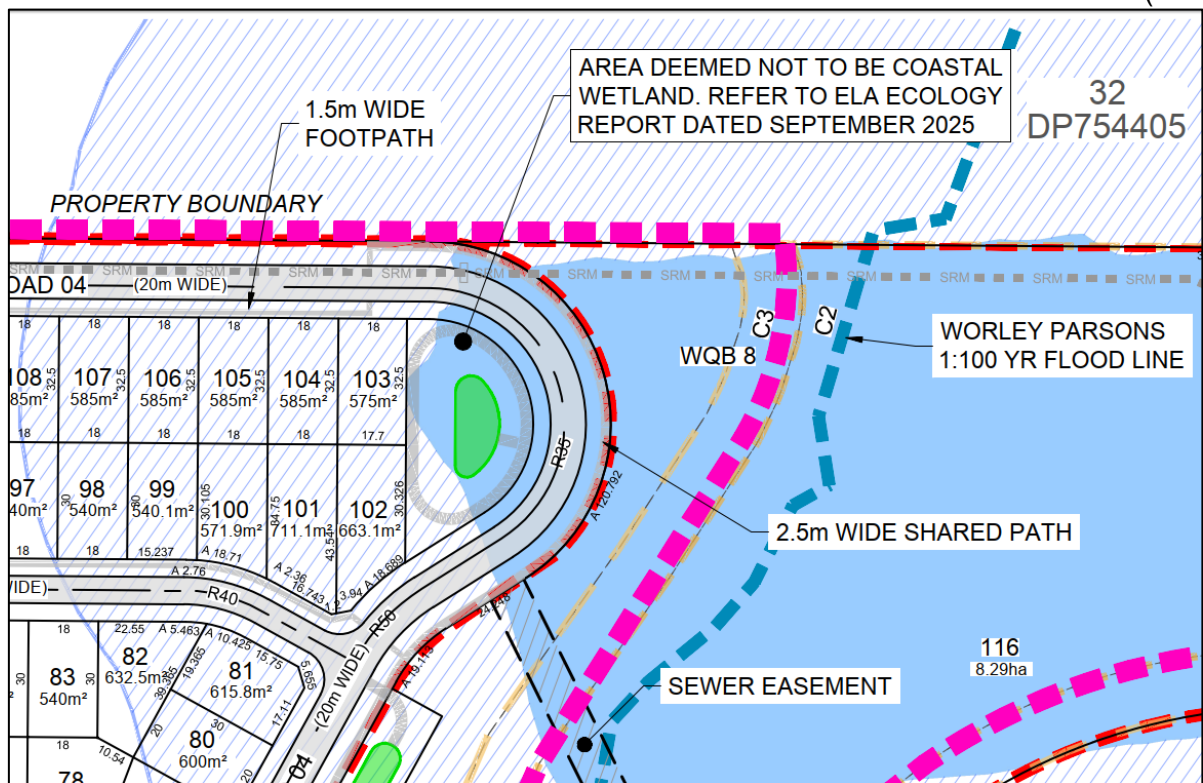
Works are proposed within mapped coastal wetland areas. These works are identified as Designated Development and triggered the requirement to obtain SEARs and prepare an EIS. SEAR 1794 was received on 7 August 2023. The works are as shown in **Figures 20-22** and include:

- Part of Road 3 which passes through coastal wetlands mapping on the western side of the site.
- The corner of Lot 56, the dwelling itself is not within coastal wetlands mapping and has been cleared with approval under DA 2017/394.
- The northernmost water quality basin adjacent to Lots 102 and 103.
- The northeastern corner of Road 4.

The proposed works within coastal wetlands mapping are considered acceptable as follows:

- The Flora and Fauna Assessment at **Appendix H** concludes that “the area of mapped coastal wetland in the development footprint did not meet the DPI definition of a coastal wetland.” See Section 4.3 and Table 8 of that report.

- A review of coastal wetland vegetation mapping, wetland community mapping updates and significance of impacts from proposed development footprint was undertaken by Greenloaning Biostudies in September 2025 and submitted to Council. The report concludes that the proposed development footprint does not extend into any wetlands which comply with the available definitions of 'coastal wetlands' under SEPP Resilience and Hazards.
- An Addendum to Review of Coastal Wetland Vegetation Mapping prepared by Greenloaning Biostudies dated December 2025 concludes that the vegetation on site does not meet the criteria to be mapped as coastal wetlands but is instead a groundwater dependent ecosystem.
- Roads in the northwest corner of Stage Three and northeast corner of Stage Four are mapped as coastal wetlands as shown in **Figures 20 and 21**. The area has been cleared under previous approval DA 2017/394.
- Road in the southeast corner of the site has been redesigned to be completely outside of the mapped coastal wetlands.
- One water quality basin is located in mapped coastal wetlands, however this land is not wetlands, is above the 1:100 year flood line and has been cleared. Existing contours show that the site of the basin is 1-2m higher than the land immediately to the east. It is very unlikely to be coastal wetlands just due to the topography. In any case, the presence of the waster quality basin will help to protect the coastal wetlands to the east from urban stormwater and is of a benefit (



- Figure 20).

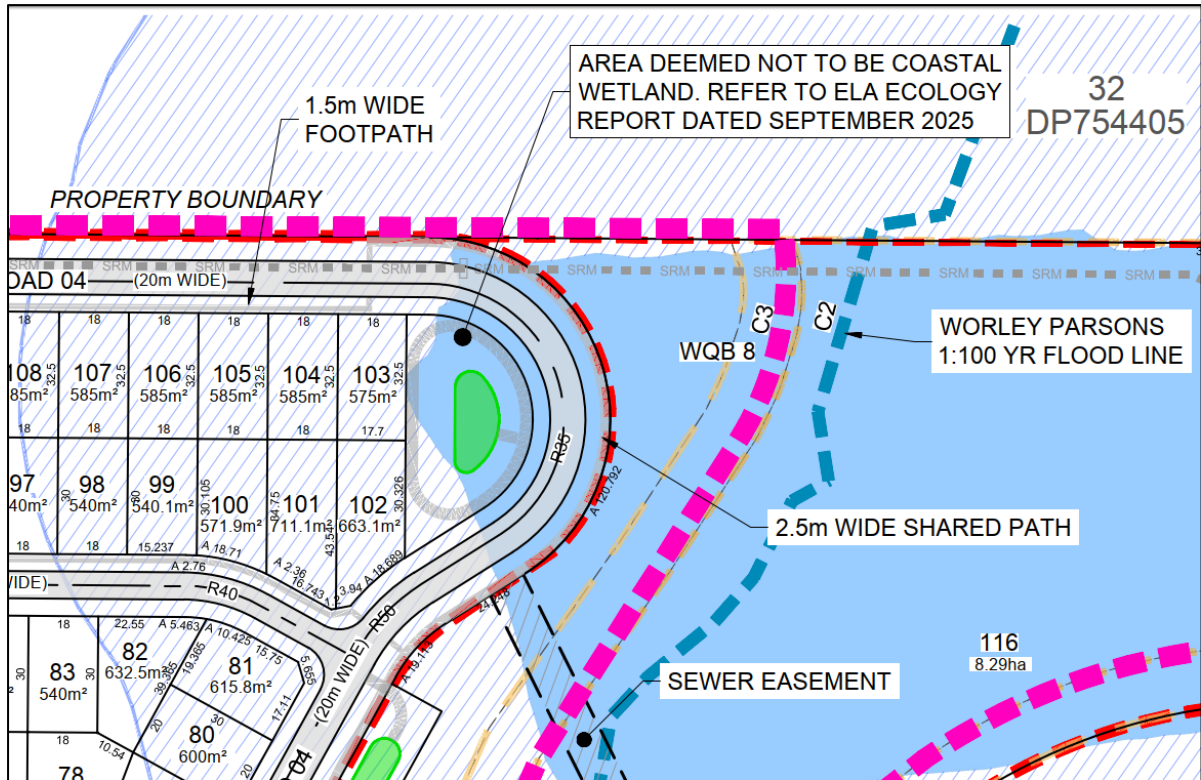


Figure 20: Road Infrastructure and Water Quality Basin Within Mapped Coastal Wetlands



Figure 21: Lot 56, Roads and Infrastructure Within Mapped Coastal Wetlands

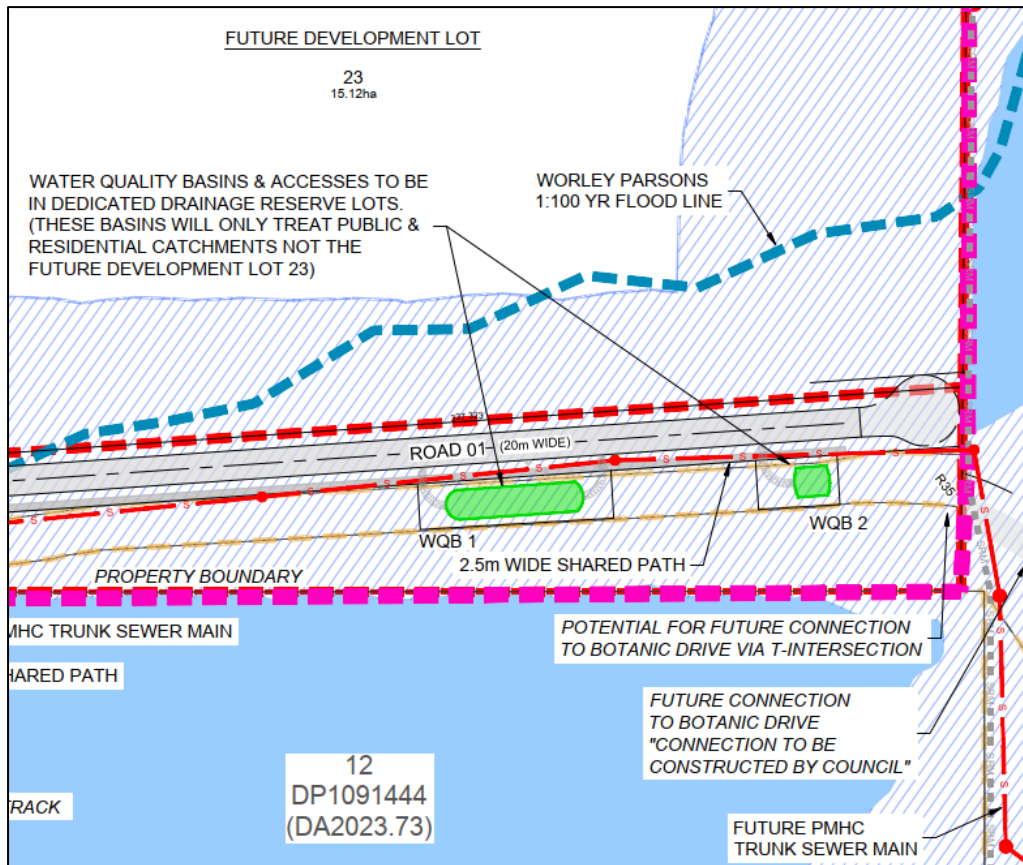


Figure 22: Road Infrastructure Redesigned to not impact Coastal Wetlands
3.5.1 Dwellings Proposed in Mapped Coastal Wetlands

There is one dwelling proposed on a lot partially mapped as coastal wetlands (see blue below in **Figure 23**).

Lot 56 is only affected by coastal wetlands mapping in the NW corner and the dwelling has been designed to ensure no works are proposed within the mapped coastal wetlands.

The development footprint has already been cleared with approval under DA 2017/394 and EPBC Act approval 2018/8296 from DAWE (now DCCEEW). The Flora and Fauna Assessment at **Appendix H** states that the area of mapped coastal wetlands within the development footprint does not meet the DPI definition of a coastal wetland. Therefore, the proposed dwelling does not have a material impact on mapped coastal wetlands.

A review of coastal wetland vegetation mapping, wetland community mapping updates and significance of impacts from the proposed development footprint was undertaken by Greenloining Biostudies in September 2025 and an Addendum in December 2025 and submitted to Council. The report concludes that the proposed development footprint does not extend into any wetlands which comply with the available definitions of 'coastal wetlands' under SEPP Resilience and Hazards, the land is instead a groundwater dependent ecosystem.

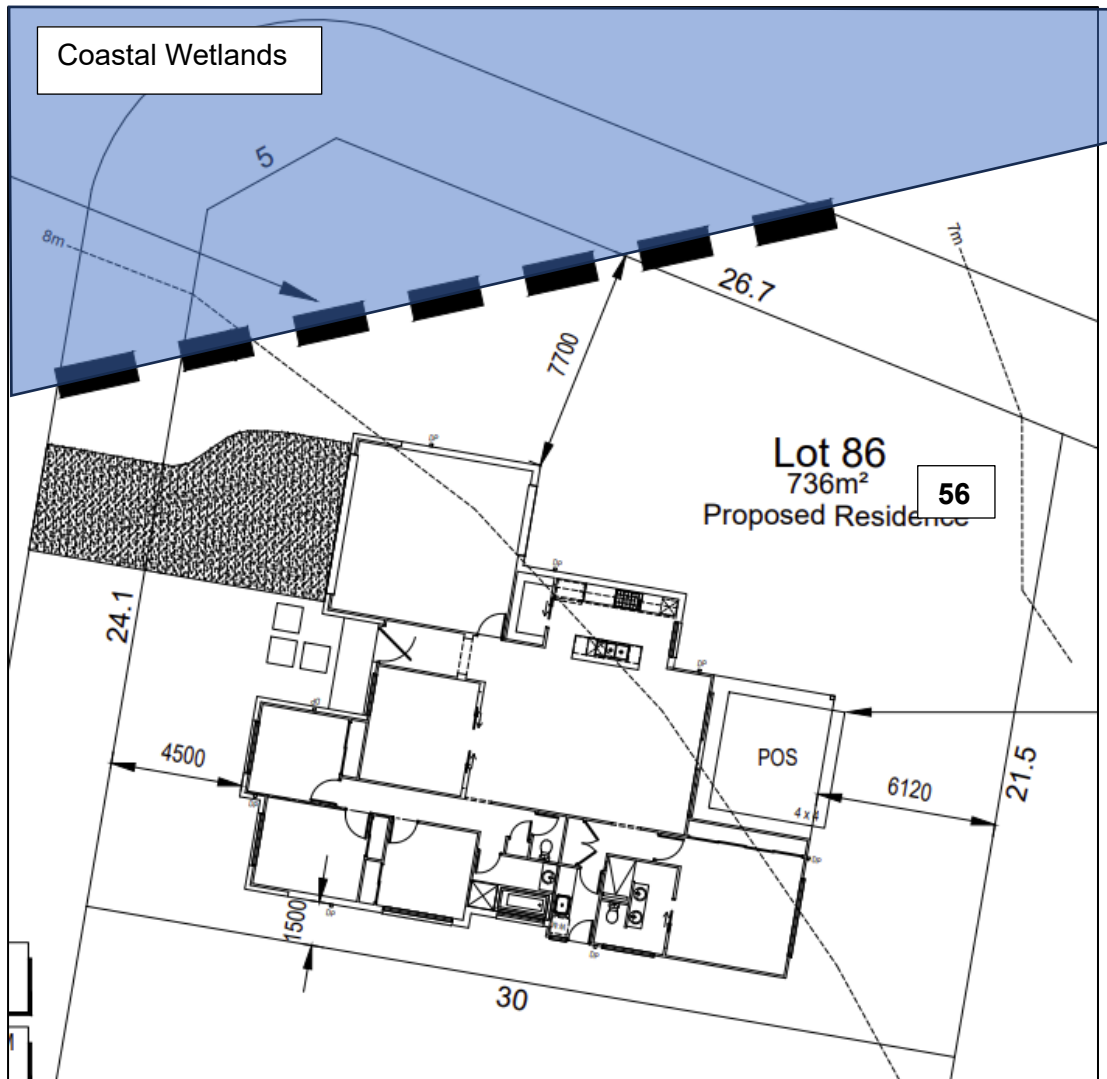


Figure 23: Lot 56 Proposed in Mapped Coastal Wetlands

3.6 Plans, Figures and Images

Plans, figures and images are provided throughout this EIS where relevant as per the list in the Table of Contents. The works are shown in detail on plans held at **Appendix F**.

4 PLANNING CONTEXT

4.1 Assessment Context

The Act and its associated regulations and instruments set the framework for development assessment in NSW. Development assessment provisions are contained in Part 4 of the Act. The proposed subdivision requires development consent under Section 2.6 of LEP 2011. The proposed residential use is permissible in the R1 zone under LEP 2011.

Section 4.12(8) of the Act requires Designated Development applications to be accompanied by an EIS prepared in accordance with the Regulation. This EIS is intended to meet the objectives and assessment requirements of the Act and the Regulation.

SEAR 1794 for the proposal was issued on 7 August 2023 (**Appendix A**). Section 5.1 outlines the SEARs and provides a cross reference to where each item is addressed within this EIS. This EIS complies with the SEARs and the environment assessment requirements contained in Schedule 2 of the Regulation.

4.2 Commonwealth Legislation

4.2.1 *Environment Protection and Biodiversity Conservation Act 1999*

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is a Federal Act which applies to matters of national environmental significance. The EPBC Act promotes Ecologically Sustainable Development (ESD) through conservation and ecologically sustainable use of resources. The proposal incorporates these principles into the design. The clearing of the site was approved by DA 2017/394 (**Appendix B**) and EPBC Act approval 2018/8296 issued by DAWE (now DCCEEW) (**Appendix C**).

4.3 NSW Legislation

4.3.1 *Environmental Planning and Assessment Act*

The development application for the proposal is made under Part 4 of the *Environmental Planning and Assessment Act 1979* and classified as Designated Development pursuant to SEPP (Resilience & Hazards) 2021. The proposal requires integrated development approval under the *Water Management Act 2000* and *Rural Fires Act 1997*.

Designated Development

Subsection 3.17 of the Act identifies that environmental planning instruments can identify certain classes of development as Designated Development. SEPP (Resilience & Hazards) 2021 identifies part of the subject land as Coastal Wetlands. The proposed subdivision works require consent under subsection (1) of Section 2.72. Subsection (2) of Section 2.72 of the SEPP declares:

- *Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.*

This Environmental Impact Statement (EIS) has been prepared as required under the Designated Development provisions.

Integrated Development

The application is Integrated Development as it requires approval under for Section 91(2) of the *Water Management Act 2000* for a controlled activity approval for works within 40m of a waterfront land. Refer to **Figure 27**. General Terms of Approval were issued by DCCEEW Water on 6 March 2026 (IDAS-2025-10154).

The application requires a S100B authority under the *Rural Fires Act 1997* for subdivision of the land, as part of the land is mapped as Bushfire Prone Land (**Figure 26**). The Bushfire Risk Assessment for this proposal is provided at **Appendix I** and recommends APZs in order to reduce bushfire risk to the site. The proposed APZs are shown on the plans at **Appendix F**. A Bushfire Safety Authority was issued by the RFS on 2 March 2026 (DA20250228000760-S38-3).

Reforms

Changes were enacted on 24 November 2025 under the *Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 (Reform)*. The commencement date has not yet been advised. The Bill changes DA lodgment requirements and the way there are assessed. The transitional provisions within the Bill mean that DAs which are lodged but not yet determined prior to the commencement of the reforms will be determined as if the reforms have not been implemented. This subject DA has been lodged prior to commencement of the reforms to the Act and therefore the reforms do not apply.

4.3.2 Biodiversity Conservation Act 2016

Approval for clearing of the site has previously been granted by DAWE under the EPBC Act 2018/8296 (**Appendix C**). Further assessment under the BioCon Act is not required.

4.3.3 Biosecurity Act 2015

The *Biosecurity Act 2015* provides a framework for the prevention, elimination and minimisation of biosecurity risks including weeds. The EIS provides for the control of priority weeds occurring within the development footprint.

4.3.4 Coastal Management Act 2016

The *Coastal Management Act 2016* (CM Act) establishes a new framework to manage the coastal environment of NSW in accordance with the principles of ecologically sustainable development for social, cultural and economic well-being. The CM Act defines the coastal zone and includes coastal wetlands. The site includes land that is mapped as coastal wetland. The EIS addresses impacts and mitigation measures to meet the management objectives for coastal wetlands.

4.3.5 Crown Land Management Act 2016

The Crown Land Management Act aims to ensure appropriate management of Crown Lands for the benefit of the public. There is a Crown Road managed by Council which adjoins the western and southern boundaries of the site (**Figure 24 and 25**). The proposal will see this section of the Crown Road sealed. The process to transfer part of the Crown Road from Crown Lands to Council is underway. Council has named the road Tree Top View.



Figure 24: Crown Land Adjacent to Site



Figure 25: Indicative aerial view of Crown Road

4.3.6 Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) regulates activities that pose a threat to aquatic habitats and threatened species. There are mapped coastal wetlands which contain water quality basins, road infrastructure, sewer and stormwater, as well as Lot 56. There are no mangroves or fishing resources within the development area. The Flora and Fauna report at **Appendix H** concludes in relation to the mapped coastal wetlands that “the area of mapped coastal wetland in the development footprint did not meet the DPI definition of a coastal wetland.” Refer to Section 4.3 of that report for further information.

The conclusion drawn by the FFA means that referral to DPI Fisheries is not considered necessary as there are no works to any land containing coastal wetlands in accordance with their own definition.

4.3.7 Heritage Act 1997

The Archaeological Investigation prepared for the Area 15 Structure Plan did not identify any heritage on the site. Refer to **Appendix M**.

4.3.8 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act aims to protect habitat, ecosystems, biodiversity, landforms, landscapes and natural features, including protection of Aboriginal heritage. No items or places of significance were identified however recommendations are made to stop works if an item of significance is uncovered during excavation works. Refer to Archaeological Investigation at **Appendix M**.

4.3.9 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO) contains a list of activities in Schedule 1 which require an Environment Protection Licence (EPL). The proposal does not include any scheduled activities and an EPL is not required.

4.3.10 Roads Act 1993

The Roads Act permits works in a public road with consent of the road authority. The proposal includes new public roads and will have a connection east to meet Botanic Drive, a connection west to meet Lake Ridge Drive, sealing of part of a Crown Road (Tree Top View currently being transferred to Council) and an unsealed emergency access through Woodlands South to the existing road network at Ocean Drive.

TfNSW were consulted during preparation of the SEARs and Council's Engineers were consulted at the pre lodgement meeting. A Traffic Report was subsequently prepared by Positive Traffic Solutions and is held at **Appendix J**.

The proposal will require a Section 138 approval under the Roads Act which will be obtained at SWC stage.

4.3.11 Rural Fires Act 1997

The site is identified as bush fire prone land as shown in **Figure 26**. The subdivision of land for residential occupation is identified under Section 100B as a type of development requiring referral to the RFS for a BFSAs. The RFS were consulted in preparation of the SEARs and

advised that a bush fire assessment report is required which addresses PBP 2019. A Bush Fire Report has been prepared by David Pensini and is held at **Appendix I**. A Bushfire Safety Authority was issued by the RFS on 2 March 2026 (DA20250228000760-S38-3).

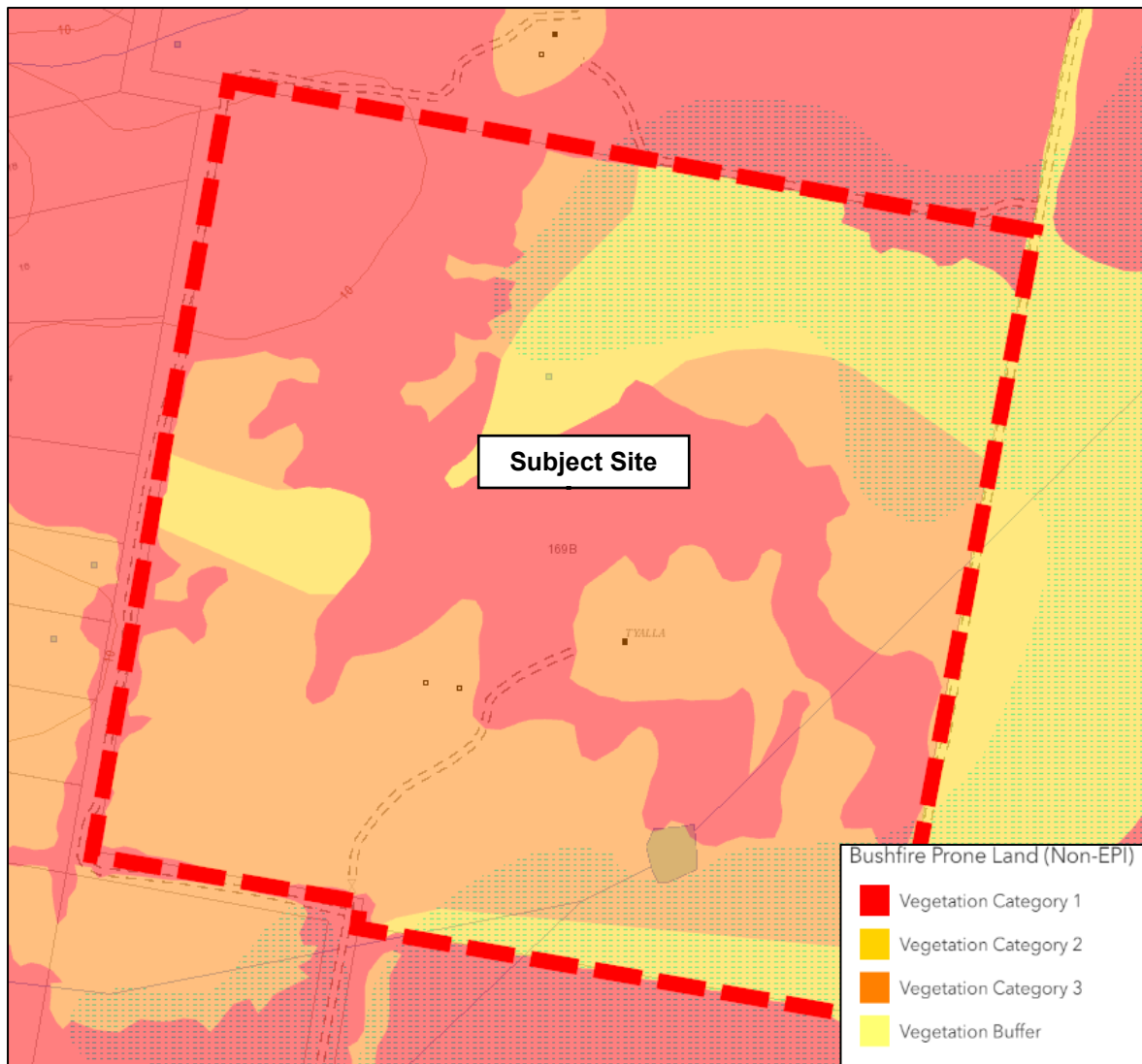


Figure 26: Bushfire Prone Land Map

4.3.12 Waste Avoidance and Resource Recovery Act 2001

The Waste Avoidance and Resource Recovery Act 2001 encourages efficient use of resources and recycling. A CWMP is to be prepared by the contractor when engaged. Operational waste for the subdivision will be household waste and management will be undertaken by Council.

4.3.13 Water Management Act 2000

The watercourses in the vicinity of the site are shown in **Figure 27**. Orders 1 and 2 streams traverse the south-eastern corner of the site. Land mapped as swamp is also in the north of the site. The proposal was referred to DCCEE Water during preparation of the SEARs however a response was not received. The proposal was referred to DCCEE Water as part of the assessment process.

On 23 May 2025 the following email was received from DCCEE Water:

“Thank you for your time this morning regarding the ‘Request for Information’ the Department issued on 20 March 2025, regarding Development Application 2025.97.1. As discussed, the Department has concerns regarding the proposal’s interaction with waterfront land, which includes wetlands.

In particular, there are three areas where the proposed subdivision layout and its basins may be encroaching on waterfront land i.e wetlands and watercourses and / or the buffers required by the Department’s Guidelines.

Area 1 – In the Northern part of the development area, proposed Lots 149 thru 151, Lot 24 appear to be encroaching within the wetland boundary. Further lots are also encroaching within the Department’s required 40m setback (measured from the edge of the wetland). Additionally, the proposed water quality basins are encroaching within the 40m (outer 50%), and possibly 20m (inner 50%), buffers of the wetland.

Area 2 – In the Western part of the development area, proposed roads, and lot 74 are encroaching on the wetland. As above, further lots are also encroaching within the Department’s required 40m setback.

Area 3 – In the Southern, and South-Eastern part of the development area, a proposed water quality basin may be encroaching within the Department’s required 40m setback. Similarly, the proposed road may also be within this setback area.

Following this morning’s meeting, the Department understands that you may wish to provide information demonstrating that portions of the development site within 40m of the mapped coastal wetland is not waterfront land, as the mapped coastal wetland does not meet the definition of a lake (i.e. wetland), or river, as defined by the Water Management Act 2000. Should such information be provided, the Department can reconsider the current or a modified subdivision layout plan. I encourage the information you return to make reference to the Department’s guidelines for controlled activity approvals.”

In response, a review of coastal wetland vegetation mapping, wetland community mapping updates and significance of impacts from proposed development footprint was undertaken by Greenloining Biostudies in September 2025 and submitted to Council. The report concludes that the proposed development footprint does not extend into any wetlands which comply with the available definitions of ‘coastal wetlands’ under SEPP Resilience and Hazards.

On 20 October 2025 the following response was received from DPE Water:

“Additional information requested:

Revised Site Plan -

The Department acknowledges the information provided on 13/01/2025 in response to the RFI issued on 15/11/2024.

However, in consultation with the Conservation Programs, Heritage and Regulations team, the identified wetland exists and is considered waterfront land.

Conservation Programs, Heritage and Regulations has advised:

“The review document prepared by Greenloining Biostudies dated 25 September 2025 indicates native vegetation consistent with plant community type (PCT) 4006 – northern paperbark - swamp mahogany saw-sedge forest occurs either within or adjoining the subject areas 1, 2 and 3.

Furthermore, despite significant disturbance of vegetation in many parts of the subject land, the residual and/or regenerating native vegetation in areas formerly containing intact PCT 4006 would still represent PCT 4006, despite being in a low condition or degraded state.

Therefore, given PCT 4006 is associated with forested wetlands, CPHR would consider the floristic assemblage to be wetland vegetation.”

As such the coastal wetlands require a 40m vegetated riparian zone (VRZ). With regards to determining the outer extent of the wetland vegetation, the top of the “high bank” of the wetland would be defined by the edge of the frequently wet area as indicated on the subject land by the change in vegetation type in accordance with Appendix 8 (Type 7 – wetland) of the DCCEE Waterfront Land tool.

The Department guidelines for riparian corridors indicate that encroachments into in the outer 50% of the VRZ can occur for certain works and activities, provided that there is equal offsetting.

Please provide revised site plans that remove encroachments into the inner 50% of the vegetated riparian zone and provide proposed offsets for outer VRZ encroachments.”

In response the proposed plans were amended to reduce the number of Lots to 115, to remove the proposed residential dwellings in the coastal wetlands and to move the proposed northernmost water quality basin to the western edge of the coastal wetlands. The impact to the mapped coastal wetlands has been significantly reduced from the original proposal by over 2,000m².

In regard to Road 03 and Road 05 passing through and adjacent to Coastal wetlands, this is unavoidable. This follows the existing Crown Road alignment. To the east is land included in the Federal DCCEE approval and VMP which cannot be developed. The VMP for the site is approved by Federal DCCEE under the EPBC Act and a copy has been provided with the DA. It is considered unnecessary to vary the approved VMP as the proposed DA complies with the requirements.

The basin and road located in the mapped coastal wetlands in the northeast of the footprint are located there due to the topography of the site. The area was approved for clearing under DA 2017/394 and has been cleared. The area is above the 1 in 100 flood line and would only be consistently wet during the most extreme flood conditions. Part of the area is also above the PMF. Because Council requires road access around the basin it is most efficient for the public road to encompass the basin. Basins and roads are permissible in the R1 zone and it is expected that a controlled activity approval will be required.

The removal of all encroachments from the coastal wetlands and the outer 50% of the VRZ would result in the loss of at least 59 lots because Road 03 would not be able to link to the northern part of the development. It would prevent Council from constructing their road link east to Botanic Drive. It would prevent the road connection from the site to the southwest to link with approved DA 2017/1059. The entire development would not be viable and proper access would not be able to be provided.

Environmental offsets for the site are specified in the Area 15 Planning Agreement and the required 25ha of Environmental Offset Land has been purchased and dedicated by the proponent to NSW NPWS. Clearing of the site was also approved by Federal DCCEE under EPBC permit 2018/8296 which required an additional 25% of the developable R1 zoned land on Woodlands North (Lot 33) to be sterilised for VMP offset plantings. The proposed MHE will compensate for the loss of developable R1 land by increasing the density of residential development in accordance with Council’s Housing Strategy.

The site is burdened by the Area 15 Planning Agreement executed under s93F of the Environmental Planning and Assessment Act 1979 (now Division 7.1) which applies to both the land and the development. The Planning Agreement forms part of the statutory planning framework for the assessment of the application and establishes a complete and enforceable offset regime addressing biodiversity and environmental impacts associated with the site.

The Planning Agreement (Clause 16.2.3) expressly limits Council directions to those not inconsistent with the Agreement – this clause confirms that neither Council nor a concurrence

authority may seek to impose additional offsets that contradict or expand the specified environmental offset requirements. No further offsets should be required in relation to the site by Council or State government agencies.

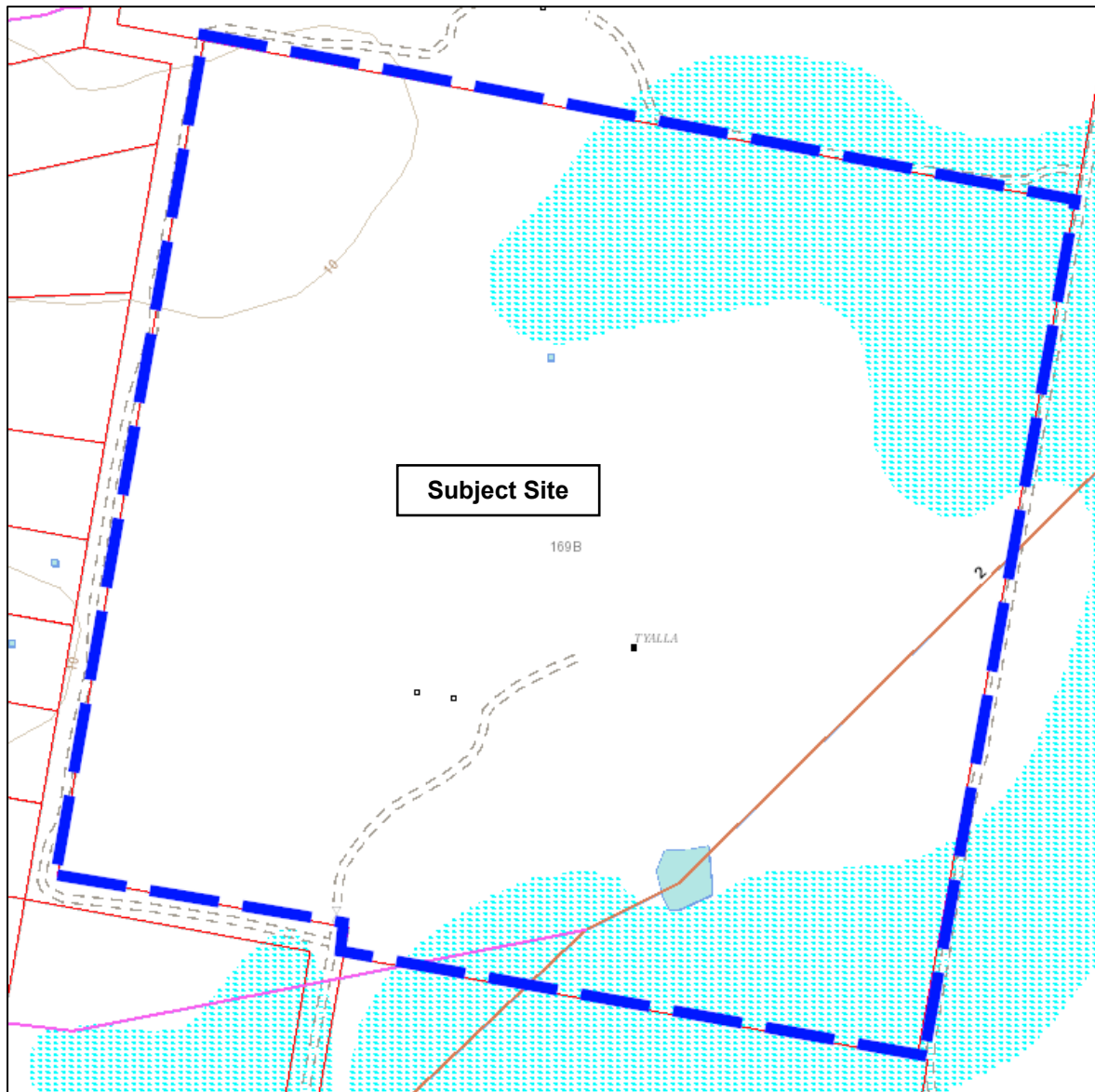


Figure 27: Watercourse Map

4.4 State Environmental Planning Policies

4.4.1 *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in Non-Rural Areas

All vegetation has been cleared from the site under DAWE approval EPBC 2018/8296 dated 19 November 2020 (**Appendix C**). Consideration of Chapter 2 is not required.

Chapter 4 Koala Habitat Protection 2021

All vegetation has been cleared from the site under DAWE approval EPBC 2018/8296 dated 19 November 2020 (**Appendix C**). Conditions were applied by DAWE to protect koalas.

Consideration of Chapter 4 is not required. Furthermore, no koalas have ever been recorded on the site.

4.4.2 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate is submitted for the proposed dwelling.

4.4.3 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 – State and Regional Development

Section 2.19 states that development specified in Schedule 6 is regionally significant. The Northern Regional Planning Panel is the determining authority for regionally significant development. Schedule 6 Section 8 states:

“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”*

There are 115 lots proposed. The land mapped as proximity to coastal wetlands is defined as being within the coastal zone and partly within a “sensitive coastal location”. The proposal is therefore regionally significant development. The proposal will be determined by the Northern Regional Planning Panel.

4.4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The SEARs requests:

“- clarification of what part of Section 2.7(1) in Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 makes the proposal designated development”

Section 2.7(1) states:

- (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—*
- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) the carrying out of any of the following—*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
 - (d) any other development.*

The proposal includes both earthworks as per 2.7(1)(c)(i) and other development under 2.7(1)(d) including construction of roads and other infrastructure and subdivision. The location of the road crossing from Woodlands South to North was approved under the EPBC Act for clearing for the service road. No additional clearing is required or proposed.

The BCD referral states:

“Portions of the development are proposed to be constructed within coastal wetlands mapped by the State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP) and stormwater from the development is proposed to be directed into the coastal wetland. The EIS should identify the existing hydrological functioning of the wetland and address the range of potential impacts including, construction impacts, changes to hydrology, any vegetation removal required for construction and/or maintenance, the impact off filling, flooding, stormwater runoff, activation of acid sulfate soils and the potential for waste and weeds species to be directed into the coastal wetland.”

The site is partially mapped under SEPP Resilience and Hazards as both coastal wetlands and land in proximity to coastal wetlands as shown in **Figure 28**. The works affected by coastal wetlands mapping under the SEPP (Resilience and Hazards) 2021 is shown in blue in **Figures 20-23**.

Prior to the application of this mapping, the subject land was not mapped as coastal wetlands under SEPP 14 Wetlands (it's immediate predecessor).

The mapping of parts of Lot 33 as coastal wetlands under the 2018 SEPP occurred, after and regardless of Council and DPIE having conducted a comprehensive Local Environmental Study and progressed the rezoning of land to R1 General Residential. Further, the mapping occurred despite the 2018 OEH certification as a *Relevant Planning Arrangement* under the Biodiversity Conservation Act, transitional arrangements.

The 2018 coastal wetland mapping has resulted in this subdivision, in a planned urban release area, being classified as Designated Development.

Section 2.7(2) of the Coastal SEPP states that any works including earthworks and native vegetation removal within land identified as coastal wetlands is designated development. The proposed works in the coastal wetlands area are for a water quality basin, roads, stormwater, sewer and water infrastructure. Three dwelling lots are partially affected by mapped coastal wetlands.

Section 2.7(4) of the Coastal SEPP states:

A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

Section 2.8(1) of the Coastal SEPP states that:

Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

- *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The proposal satisfies the requirements as follows:

- The proposed FFA at **Appendix H** refers to Lot 33 and concludes that “the area of mapped coastal wetland in the development footprint did not meet the DPI definition of a coastal wetland” and further information in this regard is provided in Section 4.3 and Table 8 of that report. The ecological integrity of the coastal wetlands will therefore not be impacted.
- DAWE approval (**Appendix C**) has been granted to clear the area of mapped coastal wetlands where works are proposed and the clearing is complete.
- A review of coastal wetland vegetation mapping, wetland community mapping updates and significance of impacts from proposed development footprint was undertaken by Greenloaning Biostudies in September 2025 and submitted to Council. The report concludes that the proposed development footprint does not extend into any wetlands which comply with the available definitions of ‘coastal wetlands’ under SEPP Resilience and Hazards.
- The hydrological integrity of the coastal wetlands will be protected through rehabilitation of the wetlands as per the VMP.
- Stormwater from the site is proposed to be directed into water quality basins. Water quality basins will improve water quality, minimise stormwater impacts to the site and will be vegetated by local natives that provide habitat for local fauna.
- The quality and quantity of the surface flows will be managed by the stormwater strategy.
- The proposed development will not significantly impact on the coastal wetlands or water flows. Coastal wetlands are within the areas proposed to be rehabilitated under the VMP.
- Road 03 and 05 pass through the mapped coastal wetland where the existing Crown Road passes through. This is unavoidable to service the northern part of the site as the road route is through the only area approved for clearing. Without passing through the mapped coastal wetlands the proposal cannot comply with the PMH DCP road strategy or the EPBC Act approval and VMP for the site.
- Road 01 cul de sac has been redesigned to avoid the coastal wetlands mapping and is only within the proximity to coastal wetlands mapping.
- Road 01, 02, 03, 04, 05, 07, 08 and 09, five water quality basins and 49 residential lots are within the area mapped as proximity to coastal wetlands. These areas have been cleared of all vegetation already. The amount of the site covered would totally sterilise the site if these areas were avoided. The land is proposed to have formal stormwater to protect the mapped coastal wetlands from urban runoff. There is not considered to be an impact to the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands.
- A review of coastal wetland vegetation mapping, wetland community mapping updates and significance of impacts from proposed development footprint was undertaken by Greenloaning Biostudies in September 2025 and submitted to Council. The report concludes that the proposed development footprint does not extend into any wetlands which comply with the available definitions of ‘coastal wetlands’ under SEPP Resilience and Hazards.
- An Addendum to Review of Coastal Wetland Vegetation Mapping prepared by Greenloaning Biostudies dated December 2025 concludes that the vegetation on site does not meet the criteria to be mapped as coastal wetlands but is instead a groundwater dependent ecosystem.
- Road in the southeast corner of the site has been redesigned to be completely outside of the mapped coastal wetlands.
- The northernmost water quality basin is located in mapped coastal wetlands, however this land is not wetlands, is above the 1:100 year flood line and has been cleared. Existing contours show that the site of the basin is 1-2m higher than the land immediately to the east. It is very unlikely to be coastal wetlands due to the topography. In any case, the

presence of the waster quality basin will help to protect the coastal wetlands to the east from urban stormwater and is of a benefit (**Figure 20**).

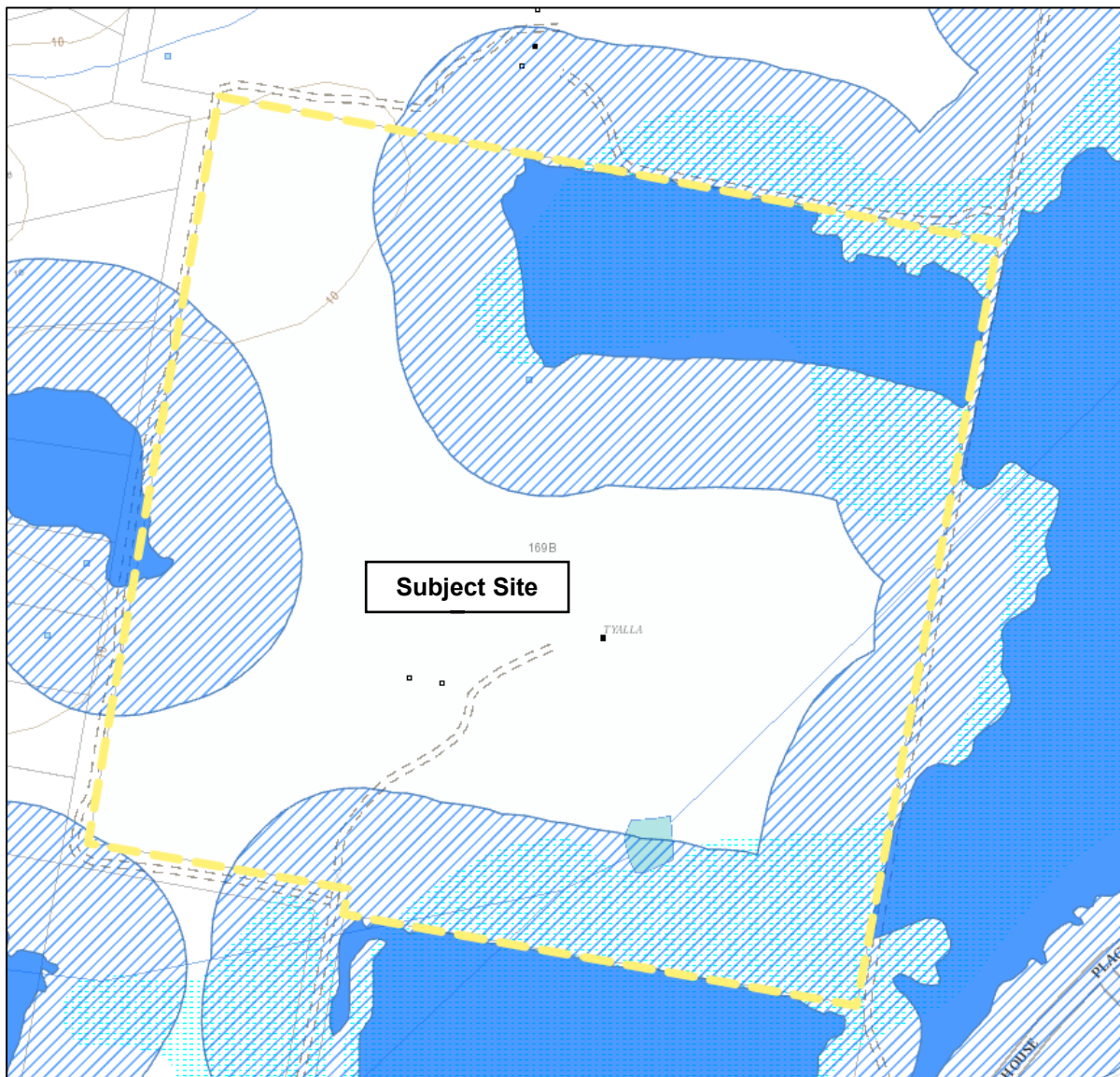


Figure 28: Coastal Wetlands Map
Source: NSW Planning Portal

Chapter 4 Remediation of Land

The SEARs requests:

“characterisation of the nature and extent of any contamination on the site and surrounding area against the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 4) and confirmation that the site is suitable (or will be suitable, after remediation) for the development.”

The provisions of *SEPP (Resilience & Hazards) 2021 – Chapter 4 Remediation of Land* applies. Section 4.6 of Chapter 4 requires that:

- A consent authority must not consent to the carrying out of any development on land unless-
- it has considered whether the land is contaminated, and

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

The LES and rezoning process included a preliminary Contaminated Land Review, dated July 2007 which considered the potential for land contamination across the Area 15 lands as a whole. This review identified one parcel as requiring further investigation due to its former orchard use. The results of that assessment are reflected in the Area 15 area based DCP provision 370. The subject land, Lot 33 is not identified in DCP figure 252 as requiring any further contaminated land assessment. Refer to **Figure 29**.

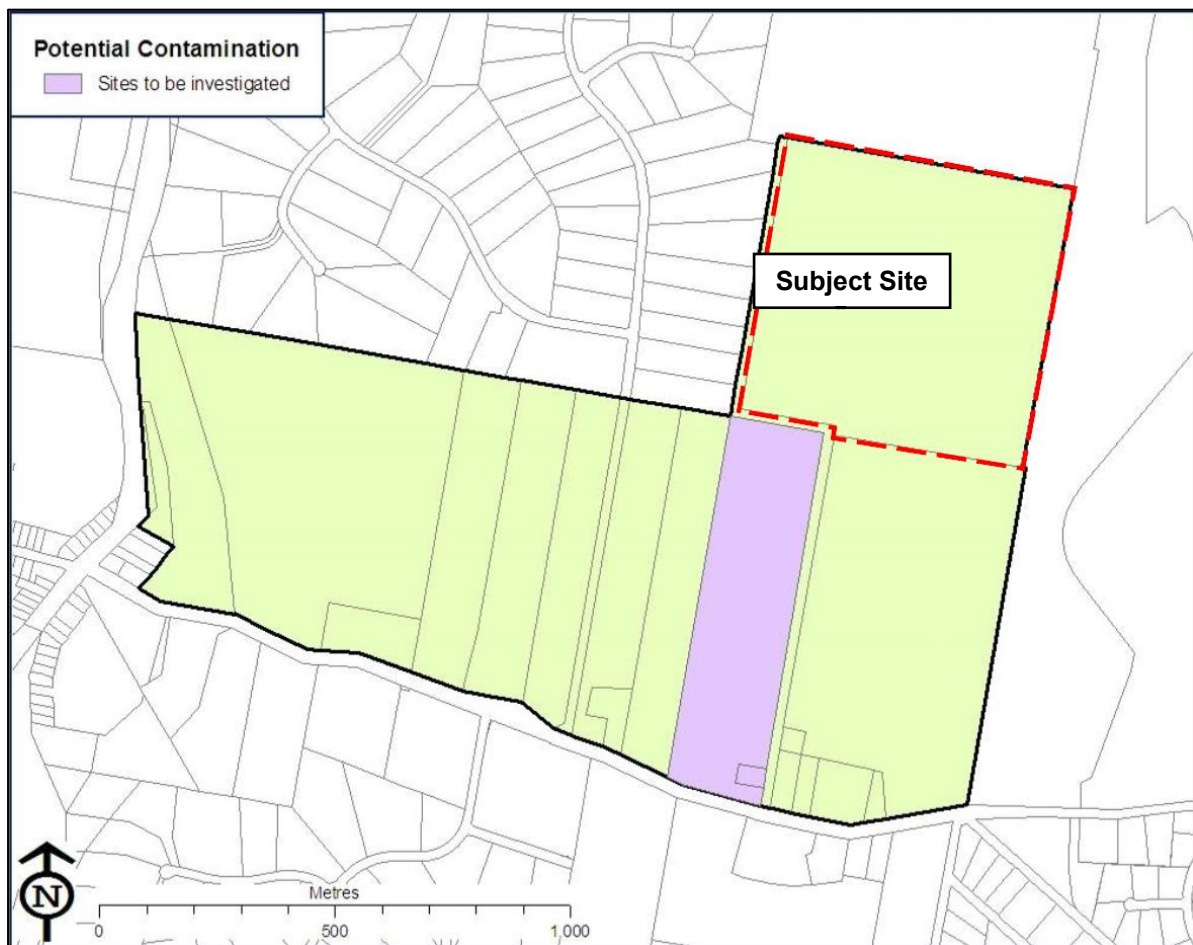


Figure 29: DCP Potential Contamination Sites
Source: DCP 2013

4.4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Traffic Generating Development

The site does not have a frontage to a classified road and Section 2.119 in relation to development with a frontage with a classified road does not apply.

The site is not adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles. Section 2.120 does not apply.

Section 2.122 addresses potential traffic generating development. Pursuant to Schedule 3, Column 3 of the Policy, referral to TfNSW for comment is not required as the development does not have direct access to Ocean Drive. The Traffic Impact Assessment for this proposal is provided at **Appendix J**.

Stormwater Management Systems

Stormwater management systems are proposed (seven water quality basins and associated outflow pipes) in the C3 zone. Pursuant to Section 2.138 stormwater management systems are permitted to be carried out by any person with consent on any land.

4.5 Port Macquarie-Hastings Local Environmental Plan 2011

The SEARs requires:

“detailed justification that the proposed land use is permissible (for each part of the proposal), including consideration of alternatives and ‘do nothing’ option”

Zoning

Pursuant to the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) the site is subject to a number of zonings. An extract of the LEP’s relevant zone map is included below in **Figure 30**. The relevant zonings are considered in **Table 6**.

Table 6: Zoning

Zone	Objectives	Compliance with Objectives
R1 General Residential	• To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal will provide 115 lots for housing. This is a significant contribution to the housing needs of Kew. Lots proposed are for standard dwellings, though many are of ample size to accommodate a varied housing mix through dual occupancies and secondary dwellings. This allows for a variety of housing types and densities. The subject development does not propose or require any other land uses that provide facilities or services for residents. Lakewood shops are nearby to the site, as well as the township of Kew, for the needs of residents.
C2 Environmental Conservation	• 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. • To protect coastal wetlands and littoral rainforests.	The approved VMP provides the detail for protection and restoration of the land which has high ecological value. Restoration works have already commenced and DAWE has given their sign off for Year One. With the proposed measures and Council’s standard conditions, the

	• To protect land affected by coastal processes and environmentally sensitive land. • To prevent development that adversely affects, or would be adversely affected by, coastal processes. • To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.	development will not have a material adverse effect on land of ecological value. Works have been minimised in the coastal wetlands. The proposed development will not be affected by coastal processes, subject to the proposed filling of the site.
C3 Environmental Management	• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. • To provide for a limited range of development that does not have an adverse effect on those values.	The approved VMP provides the detail for protection and restoration of the parts of the C3 zoned land which has ecological value. Seven water quality basins are proposed in the C3 zone. These are permissible under SEPP (Transport and Infrastructure) Section 2.138.

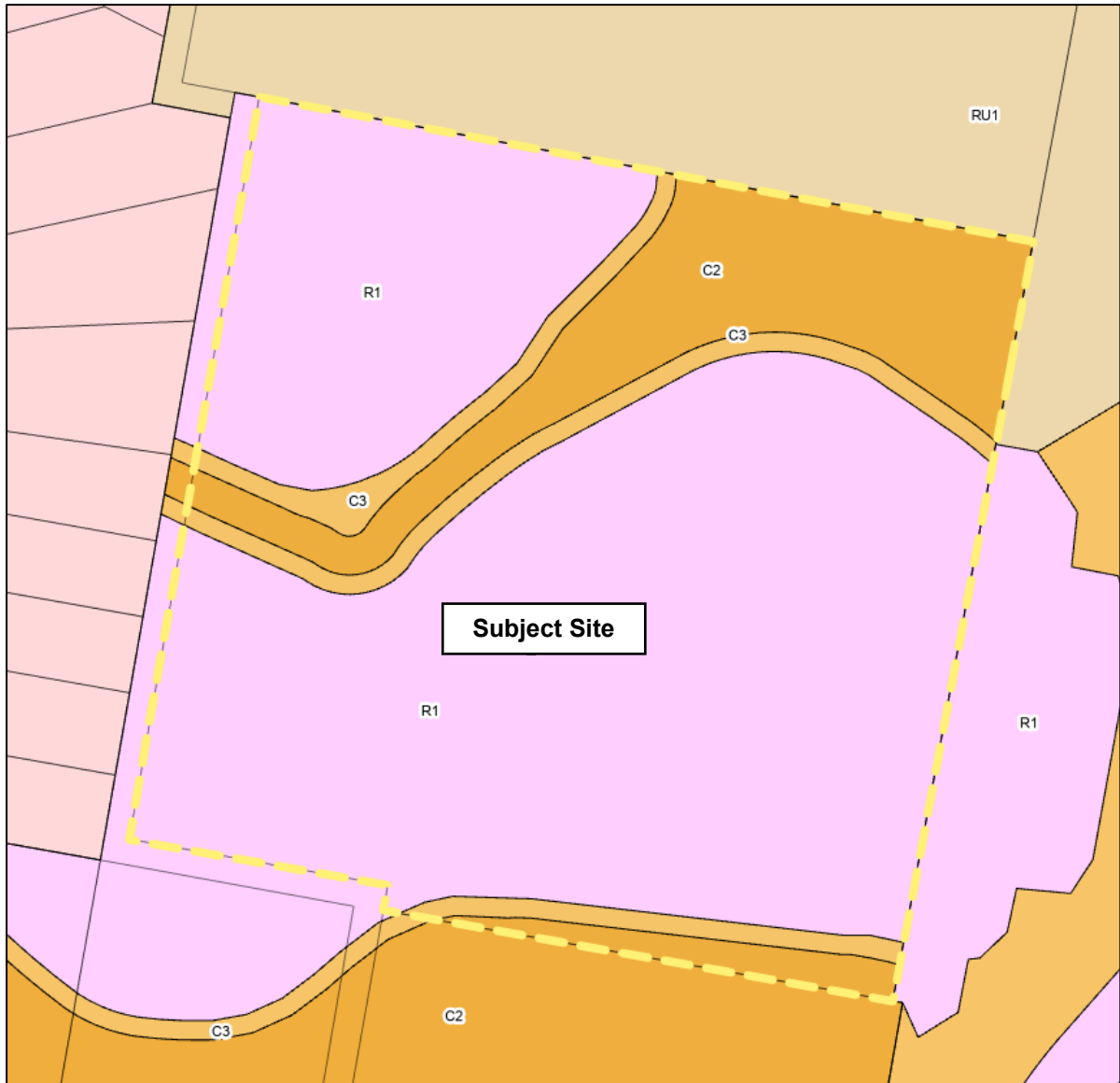


Figure 30: Land Zoning Map
Source: LEP 2011

Permissibility

The intended future use of the subdivision is for residential development, which is permissible in the R1 zone. There is no residential development proposed in the C2 or C3 zone. Infrastructure is permissible in the C2 and C3 zones, including pipelines and water quality basins.

Subdivision

Subdivision may be carried out only with development consent pursuant to Section 2.6.

Minimum Subdivision Lot Size

Pursuant to Section 4.1 of LEP 2011 the site is subject to minimum lot sizes of 450m² and 40ha as shown in **Figure 31**. All proposed residential lots are contained within the 450m² area and all proposed residential lots comply as shown in **Table 7**.

The area containing the VMP plantings and water quality basins has an area of 11.8ha where a 40ha MLS applies. It is intended that this land will eventually be dedicated to Council. The proposed residue connects to a wider area, including Woodlands South. Under Section 2.75 of SEPP (Exempt and Complying Development Codes 2008, such subdivision is exempt development:

“2.75 Specified Development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code—

(e) creating a public reserve,

(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.”

A Clause 4.6 variation is not needed for the proposed residue lot.

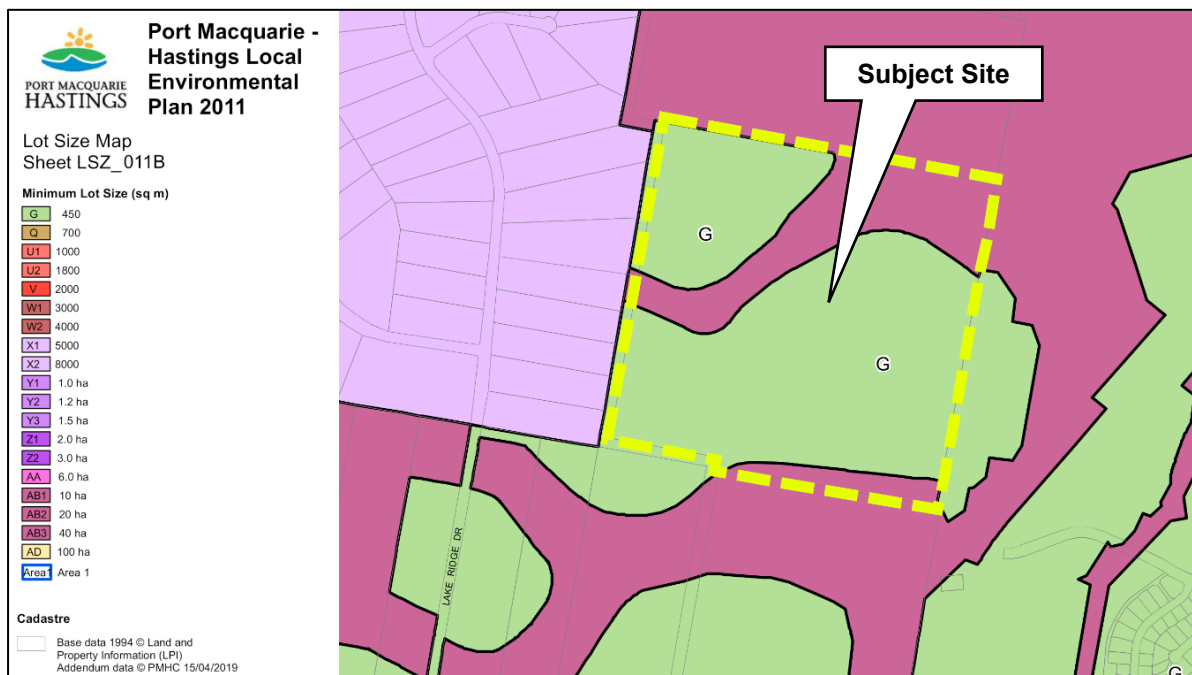


Figure 31: Minimum Subdivision Lot Size

Source: LEP 2011

Table 7: Proposed Lot Sizes

Lot	Area (m ²)	Lot	Area (m ²)	Lot	Area (m ²)
1	795.6	41	533.7	81	615.8
2	599.9	42	533.7	82	632.5
3	600	43	533.7	83	540
4	737.2	44	533.7	84	600
5	740.1	45	709	85	600
6	634.7	46	708	86	600
7	497.3	47	533.7	87	600
8	635.4	48	533.7	88	600
9	926.4	49	533.7	89	648.1
10	2,978	50	533.7	90	648.5
11	754.4	51	533.7	91	636.6
12	562.1	52	533.7	92	540
13	600	53	533.7	93	540
14	600	54	533.7	94	540
15	603.2	55	533.7	95	540
16	946	56	871	96	540
17	603.7	57	631.7	97	540
18	603.7	58	600	98	540
19	603.2	59	600	99	540.1
20	532.9	60	600	100	571.9
21	671	61	634.5	101	711.1
22	913.3	62	685.2	102	663.1
23	11.8ha	63	600	103	575
24	595.9	64	598.4	104	585
25	598.6	65	547.3	105	585
26	603.8	66	540	106	585
27	603.6	67	600	107	585
28	603.8	68	600	108	585
29	603.7	69	600	109	585
30	603.7	70	648.1	110	585
31	603.7	71	648.6	111	585
32	603.7	72	631.8	112	585
33	603.7	73	600	113	585
34	599.1	74	600	114	648.3
35	668	75	600	115	725.7
36	533.7	76	600		
37	533.7	77	600		
38	533.7	78	679.6		
39	533.7	79	650.1		
40	533.7	80	600		

Height of Buildings

The R1 zoned portion of the site has a maximum building height of 8.5m pursuant to Section 4.3. Refer to **Figure 32**. The proposed dwellings are all single storey and comply with the building height standard.



Figure 32: Height of Buildings Map
Source: LEP 2011

Floor Space Ratio

The R1 zoned portion of the site has a maximum FSR of 0.65:1 pursuant to Section 4.4. Refer to **Figure 33**. The proposed dwellings all comply with the FSR standard.

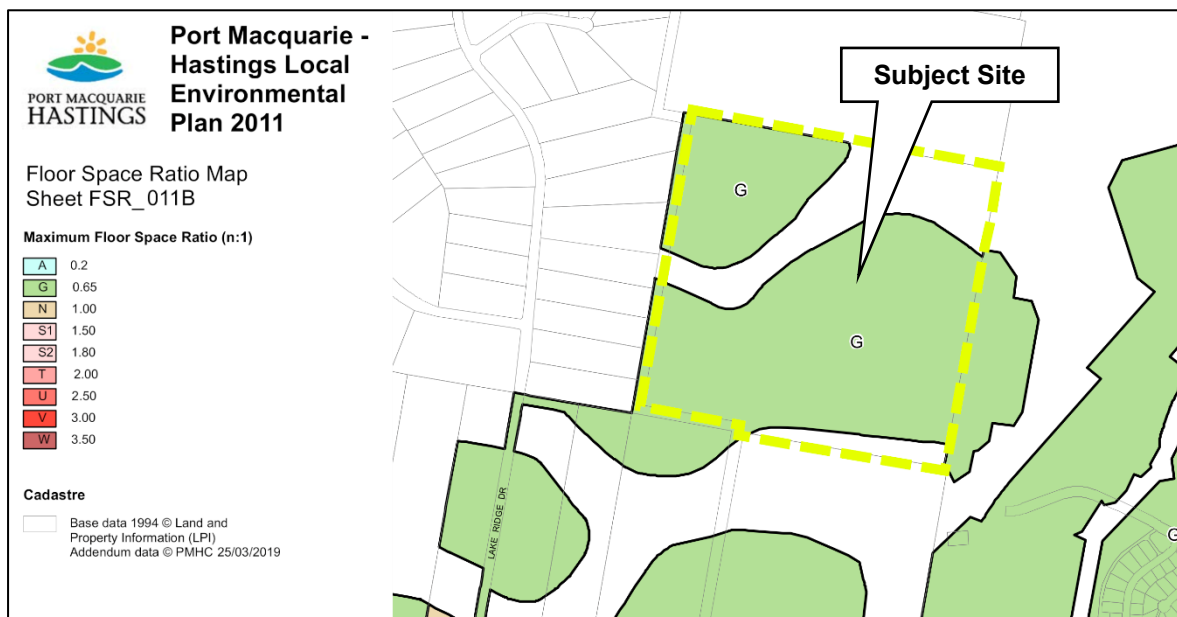


Figure 33: Floor Space Ratio Map
Source: LEP 2011

Land Acquisition

The site is not identified in Section 5.1A of LEP 2011 as being for acquisition.

Heritage Conservation

The SEARs requires:

“- an assessment of Aboriginal Cultural Heritage and Environmental Heritage

- identify whether the site has significance in relation to Aboriginal cultural heritage and provide an assessment prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land.

- identify any other items of heritage significance and provide measures for conservation of such items.

- Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.”

The site is not identified as a heritage item in Schedule 5 of LEP 2011. There are no heritage items identified within the immediate vicinity of the site, the nearest items are in Kew village. An Archaeological Investigation was prepared in support of the Area 15 Structure Plan by John Appleton dated April 2007 (**Appendix M**). The report found that the site does not contain artefactual material.

As part of this investigation, Trevor Roberts of the Bunyah LALC was consulted and inspected the site on 19 April 2007. No indications of site significance were identified and the Bunyah LALC advised they have no objection to development of the site subject to standard condition to cease works should artefacts be identified. The clearing of the site was approved on this basis.

It is anticipated that Council's standard condition regarding unexpected archaeological finds will be applied to the consent.

Flood Planning

The site is identified as being partially flood affected under Section 5.21 of LEP 2011. The Flood Impact Assessment for Area 15 is held at **Appendix L**. The site is proposed to be filled to PMF as per Council advice in the Pre Lodgement Meeting. The site and roads will be free from inundation during a 1% AEP event.

The plans have been amended to show the flood levels and the proposed RLs throughout the site as well as the proposed evacuation routes. Flood free access will be available via the links to Lake Ridge Drive and Botanic Drive. Although, all lots and public roads will be above FPL2 and evacuation will not be necessary.

Arrangements for Designated State Public Infrastructure

The site is identified as being within an Urban Release Area subject to Section 6.1. Section 6.1(2) states:

- *Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements*

have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

The site is located in an Urban Release Area. An application for Satisfactory Arrangements Certification will be lodged to DPE following DA lodgement. SAC was approved for Woodlands South as having been satisfied on the basis of the 25ha transfer of land to NPWS Estate.

Public Utility Infrastructure

Section 6.2(1) states:

- *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*

DA 2023/73 for Woodlands South triggered the construction of the Ocean Drive and Mountain View Drive roundabout as per the VPA and this has been completed. Council has committed to construct the sewer main and Council approved a sewer upgrade strategy at their meeting of 16 November 2023 (Item 13.13). All other infrastructure to service the site is proposed to be constructed.

The SEARs requires “*assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site.*” The existing infrastructure has been considered and connections are proposed where necessary. All existing infrastructure in the vicinity of the site has been identified on plans at **Appendix F**.

Infrastructure will be physically located on site prior to commencement of works and marked to protect that infrastructure.

Acid Sulfate Soils

The site is identified by Section 7.1 of LEP 2011 as partially affected by Class 3 and 5 acid sulfate soils. Areas of ASS are located within the low-lying C2 Environmental conservation and C3 Environmental Management zones as well as in the southeastern corner of Stage 4 in the R1 zone. Refer to **Figure 34**.

Part of Stage 4 is proposed within the Class 3 ASS in the southeast corner of the site. The Class 5 ASS are contained within the C2 and C3 zone. There are residential lots, roads, infrastructure and water quality basins proposed in Class 3 and 5 ASS. Fill is proposed in the eastern part of the site, rather than excavation which would disturb ASS. Trenches are also unlikely to disturb ASS.

The Coffey Geotechnics report dated 2007 Section 5 identifies the ASS area as having a shallow perched groundwater table at a minimum depth of 0.48m from the surface. Excavations in this area may lower the groundwater table and require dewatering. It is proposed to fill the site and then trench, making the disturbance of ASS unlikely. The report recommends sheet piling or similar during construction to reduce the zone of influence. A detailed ASS management plan will be submitted at CC stage, once final design is complete for the proposed landform and infrastructure. During preparation of engineering design, further geotechnical investigations would be undertaken to address these matters. A condition of consent is anticipated in that regard.

In addition to the above, the DCP provisions for soils (Clause 369) require:

Proposed excavations in Terrain Unit C and adjoining areas are to be assessed for potential impacts on groundwater and ensure reactive and sodic soils are managed during, and post, development phases

Terrain Unit C soils are identified in the location of the proposed subdivision. During preparation of engineering design, further geotechnical investigations would be undertaken to address these matters. A condition of consent is anticipated in that regard.

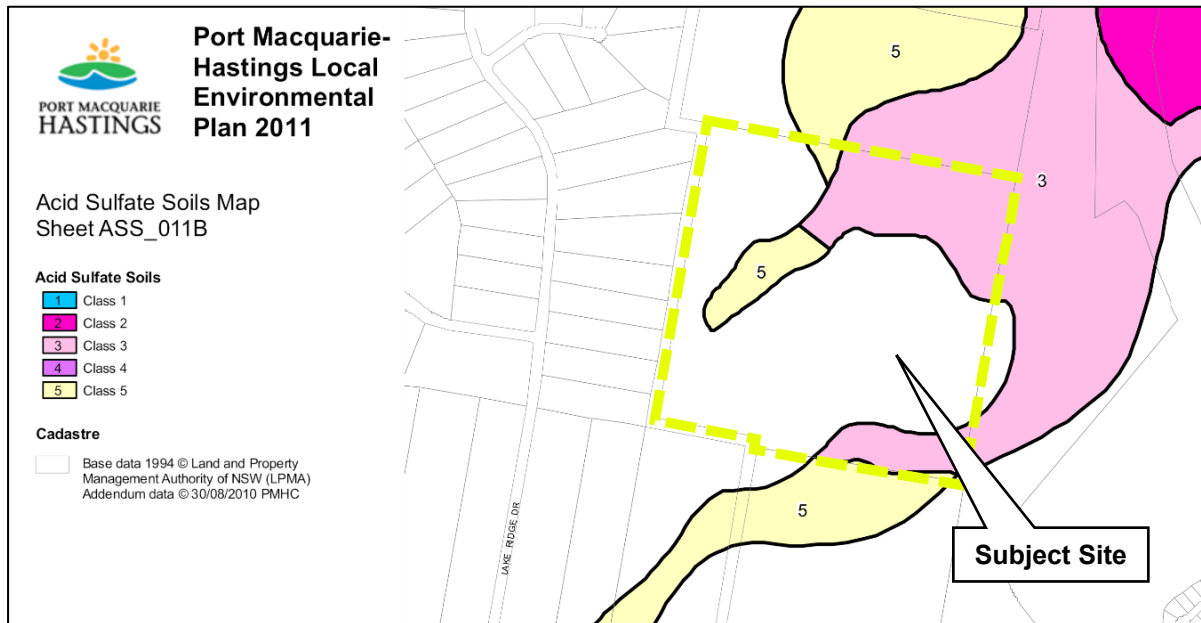


Figure 34: Acid Sulfate Soils Map
Source: LEP 2011

Earthworks

As outlined above geotechnical investigations of the soil hazards identified in DCP Clause 369 would be required as part of the detailed engineering design phase.

The natural surface of the site has an average grade of 8.6%. Earthworks are proposed to prepare the site for subdivision, including temporary stockpile of VENM, excavation for roadworks and infrastructure and regrading. The eastern part of the site is proposed to be filled to the PMF level. Level 1 fill is proposed throughout the low part of the site. Consent is required for the proposed earthworks.

The proposal is considered satisfactory in relation to Section 7.2(3):

- Satisfactory drainage will be provided and is supported by civil plans (**Appendix F**) and a Flood Impact Assessment (**Appendix L**).
- Soil stability will not be detrimentally affected by the proposal which is for Level 1 fill in the residential zone.
- The report prepared for Area 15 by Coffey Geotechnics dated 2007 concludes that the land is generally suitable for proposed urban use (**Appendix N**).
- Further site investigation and detailed design can be conditioned prior to Subdivision Works Certificate.

Floodplain Risk Management

Section 7.4 relates to works between the FPA and the PMF. The eastern part of the site is proposed to be filled to PMF which will mitigate risk to residential properties and the roads serving them. The plans have been amended to include Sheet 18 showing flood levels and site RLs as well as evacuation routes.

Koala Habitat

The R1 portion of the site has been completely cleared under EPBC approval 2018/8926 (**Appendix C**) and DA 2017/394 (**Appendix B**). There is no koala habitat remaining within the boundary of the proposed works area. There is no further clearing proposed.

Development Subject to Acoustic Controls

The site is not identified on the acoustic controls map as land subject to acoustic controls related to road noise under Section 7.9 of LEP 2011.

Essential Services

7.13 a) the supply of water

Potable Water supply

The subject site is proposed to connect to the existing 375mm AC water main in Ocean Drive. The number of ETs to the east of Lake Ridge Drive is limited to 800 ET for Area 15, before upgrade of the water reservoir needs to be in place. Council's C. Hawkins has advised that the reservoir has been upgraded. The proposed 137 residential lots will not bring the total ET for Area 15 lots (east of Lake Ridge Drive) past 800 ET in any case.

The Water Servicing strategy for the subdivision is provided in the plans at **Appendix F**.

Reclaimed Water (DCP Provision 377)

The subject site is not within the reclaimed strategy area but is within vicinity of the existing 200mm PVC reclaimed water main in Ocean Drive.

7.13 b) the supply of electricity

Electricity supply will be underground with details to be provided at CC stage.

7.13 c) the disposal and management of sewage

The LES & rezoning process for Area 15 established a Sewerage Servicing Strategy. PMHC have completed the construction of the Area 15 Sewer Pump Station and Sewer Rising Main connection to the Kew/Kendall Sewerage Treatment Plant. Access to the Area 15 Sewer Pump Station would, in accordance with the Area 15 Sewer Strategy, be via a 225 and 300 trunk main to join the residential zoned land in Lot 10 DP 1325766 to the Sewer Pump Station KKSPS11 located within Lot 10 DP 1250178 to the east.

In correspondence dated 21 July 2021, Council's Director Strategy and Growth, Jeffery Sharp, states:

Council's Infrastructure Division will now be progressing this matter, with a view to commence construction of the required trunk main network extending from the SPS as part of the 2022/23

Operational Plan. This timing aligns with the currently adopted Development Servicing Plan proposed construction timeframe.

Council have committed to construct the trunk sewer and it is included in this proposal for completeness. The letter is included in full at **Appendix S**.

Sewer trunk main alignment and mapped Coastal Wetlands

The alignment of the proposed 300mm diameter gravity main is in accordance with Council's 2015 Sewer Strategy. Subsequently, the 2018 introduction of the SEPP (Coastal Management), now the SEPP (Resilience & Hazards) 2021 results in the council trunk sewer alignment traversing through mapped Coastal Wetlands.

Owners Consent

The adjoining property to the east, referred to as Chevron veld in the VPA has connected to the Area 15 system, now a Manufactured homes estate known as *Laurieton Residential Resort*.

Sewerage Treatment Plant Capacity Constraints

The Kew-Kendall Sewerage Treatment Plant upgrade is yet to progress in accordance with Council's Development Servicing plan. Council's resolution of Item 13.13 at its meeting on 16 November 2023 resolved for a new sewer strategy (see Section 3.3.6 of this report).

Council has advised that no further subdivisions can progress to completion until the upgrade is completed. It is noted that Council has approved a subdivision of land within Area 15, DA 2017/1059 at 13 Tree Top View (167 Ocean Drive) in April 2019 in full knowledge of the sewage treatment plan limitations. The subdivision consent for 148 allotments was issued with the following condition:

(29) (E199) In accordance with the Area 15 Sewerage Servicing Strategy (August 2015), the Kew Kendal Sewer Treatment Plant shall be upgraded prior to the release of the Subdivision Certificates for Stages 2 to 11 inclusive. Consultation is required with Council's Water and Sewer Section regarding the estimated completion of works which is subject to the Capitol Works Program Schedule.

It is anticipated that a similar condition of consent would be applied to this proposal. Council's revised approved strategy to upgrade the sewer main east to Camden Haven STP is scheduled for completion in 2026-2027. The proposed lots are not expected to be released until 2027. No objection is raised to a condition that prevented lot release until after the STP works are complete.

7.13 d) stormwater drainage or on-site conservation (DCP Provision 366)

As part of the LES & rezoning process, the subject land was considered as part of a suite of reports prepared by Worley Parsons. The Worley Parsons assessments considered, Floodplain Encroachment, Flood Impact Assessment & Emergency Response and the Stormwater Management Plan.

The recommendations of the Worley Parsons reports form the basis for the Area 15 DCP provision 366.

Stormwater Management Strategy – summary

The stormwater strategy as depicted on submitted plans shows a network of piped inter-allotment and street drainage connected to seven basins located throughout the site. Site regrading proposed will serve to create a uniform fall in keeping with the overall natural surface slope. Both the piped drainage and basins will be designed and sized to convey flows directly to the adjacent riparian areas without any detention.

In sites such as this located at the bottom of catchments and directly adjacent receiving natural watercourses it has been agreed in principle by PMHC that detention is not practical nor needed.

The water quality strategy is for the 3 month storm event to be treated in the bio-swales and basins to reduce concentrations of TSS, TN & TP in accordance with AUSPEC. Basins and swales to be standard “dry” sand filter type structures.

These end of line systems achieve the water quality targets of PMHC.

The DCP figure 248 indicates Gross pollution trap to be provided at the intersect of the overland flow path in the residential land and the C3 Environmental Management area. This mechanism was proposed in absence of a final subdivision layout and the Gross pollutant trap is no longer considered necessary.

The proposed site re-grading and the design of the internal road pattern is such that stormwater is dispersed across a network of roads to the seven basins.

7.13 e) Suitable Road access (DCP Provision 372)

The Area 15 Planning Agreement and the Area 15 DCP provisions establish the location of the future collector roads and intersections. The proposal includes a Collector Road east to connect with Botanic Drive and west to connect to a future road on the adjoining site. The Collector Road network is in accordance with Figure 254 of the DCP.

4.6 Port Macquarie-Hastings Development Control Plan 2013

Sections B and C relate generally to the proposal. Section D10.2 relates specifically to Area 15 as shown in **Figure 35**. The objectives of Section D10.2 are:

- *To provide and plan for an efficient urban release area that will maximise the opportunities for urban development in a socially, economically and environmentally sustainable manner.*
- *To protect, maintain and enhance significant vegetation communities, habitat areas and wildlife corridors,*
- *To protect and maintain water quality in local streams and in downstream receiving waters of Queens Lake,*
- *To ensure environmental hazards are avoided and adequately managed,*
- *To ensure Aboriginal archaeological values are respected in the design of development and in the development process,*
- *To ensure adequate access and connectivity is provided to the future community of Area 15,*
- *To ensure future residents have adequate access to services and facilities,*
- *To enhance the character and liveability of future urban development.*
- *To create opportunities for local employment,*
- *To ensure retail development strengthens the hierarchy of retail centres,*
- *To ensure infrastructure is able to be provided at reasonable cost, and in time to serve growth,*
- *To ensure the provisions of infrastructure and services by Council do not place an unreasonable burden on the existing community.*

The proposal satisfies the objectives. Sections B, C and D10.2 of DCP 2013 are considered in **Appendix K**.

The proposal provides for future connection to the identified Collector Road leading east from the site to Botanic Drive which is to be constructed by Council. The proposal also includes linkage to the approved road to the west of the site which is to be constructed by other Area 15 landholders.

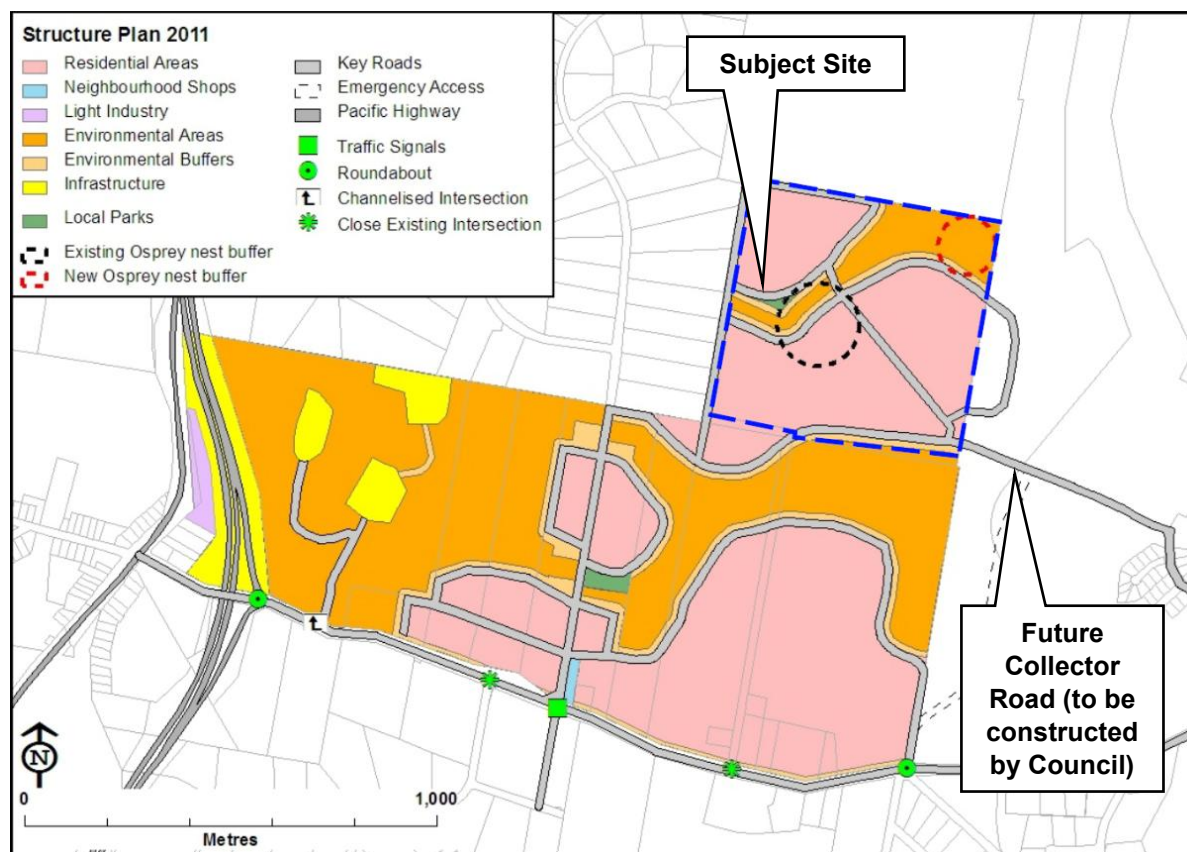


Figure 35: Area 15 Structure Plan
Source: DCP 2013

4.7 Heads of Consideration

Section 4.15 of the Act requires consideration of several matters when determining a DA. Refer to **Table 8**.

Table 8: Section 4.15 Heads of Consideration

Section	Provision	Comment
4.15(1)(a)(i)	Any environmental planning instrument.	All EPIs are considered in Section 4.4 and 4.5 of this EIS.
4.15(1)(a)(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred	There are no draft instruments relevant to the proposal.

	indefinitely or has not been approved).	
4.15(1)(a)(iii)	Any development control plan.	DCP 2013 is considered in Section 4.6 of this EIS and Appendix K .
4.15(1)(a)(iiia)	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	The Area 15 Planning Agreement applies to the site. The dedication of 25.43ha of koala habitat to Dooragan National Park is complete. DEECCW requires the proponent to complete certain works which can be accommodated under the flexible terms of the VPA. <i>The Area 15 Planning Agreement was executed under s93F EP&A Act (now Division 7.1) and:</i> • <i>applies to the land and development,</i> • <i>is registered and binding on successors,</i> • <i>forms part of the statutory planning framework.</i> <i>It comprehensively regulates:</i> • <i>environmental management land,</i> • <i>environmental offset land,</i> • <i>dedication obligations,</i> • <i>ongoing management contributions.</i> Key point: - <i>The Agreement was intended to exhaustively deal with environmental offsets arising from development of Area 15 land.</i> <i>Council may lawfully decline DCCEEWS request for further offsets where:</i> • <i>it would conflict with a registered planning agreement, and</i> • <i>DCCEEWS lacks statutory power to unilaterally expand offset obligations.</i> <i>Doing so is not a failure to consider concurrence advice, but a lawful exercise of Council's assessment discretion consistent with the EP&A Act.</i>
4.15(1)(a)(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph).	The proposal is capable of complying with all regulations, Australian Standards, NCC and BCA.
4.15(1)(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development have been considered in detail throughout this EIS. It has been demonstrated that with implementation of the recommended mitigation measures, the proposal will have reasonable environmental impacts.
4.15(1)(c)	The suitability of the site for the development.	The Area 15 Structure Plan considered in detail the suitability of the site for residential development.
4.15(1)(d)	Any submissions made in accordance with this Act or the regulations.	Consultation with agencies is considered in Section 5 of this EIS. Council will undertake

		neighbour and community consultation for not less than 28 days in accordance with The Act.
4.15(1)(e)	The public interest.	Residential development of R1 zoned land consistent with the NCRP, UGMS and Area 15 DCP is in the public interest.

4.8 Ecologically Sustainable Development

Ecologically Sustainable Development (ESD) requires social, economic and environmental considerations to be included in the decision-making processes. In NSW, the concept has been incorporated into applicable environmental legislation including the Act and the Regulation. This EIS incorporates ESD principles and the mitigation measures in Section 8 provide environmental management commitments. There are social, economic and environmental benefits which will result from the residential development of the site. An offset has already been purchased for the proposed development. It is considered that the proposal is sustainable within the context of ESD.

ESD principles and their relationship to the design, construction and ongoing operations of the proposal are identified in **Table 9**.

Table 9: ESD Principles

Principle	Comment
(a) The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequences of various options.	The precautionary principle has been adopted. Potential impacts have been identified and mitigation measures recommended where uncertainty exists. The potential worst case impacts have been considered.
(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.	The impacts of the proposed residential development are minor and local. The use of land and resources by the project is minimised and will not have a material impact on future generations. Future hazards from flooding, climate change and bushfire will not be materially increased as a result of the proposal.
(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.	The site has been cleared under DA 2017/394 (Appendix B) and EPBC Act approval 2018/8296 (Appendix C). An offset site has been purchased for the project, comprising 25.43ha of land which has been dedicated to NSW NPWS as part of Dooragan National Park south of Crows Nest Close. A VMP has also been approved under the EPBC Act (Appendix D). Refer to DAWE approval for conditions to satisfy conservation requirements.
(d) improved valuation, pricing and incentive mechanisms—namely, that environmental	

factors should be included in the valuation of assets and services, such as: (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	Pollution remediation costs will be borne by the proponent. Use of materials will be minimised to limit waste disposal. Environmental goals for the project can be achieved by adopting the mitigation measures in Section 8 of this report.
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4.9 Approvals and Licenses

The approvals and licence requirements for the proposal are summarised in **Table 10**. Any additional licences or approvals that may be required would be obtained prior to the commencement of relevant activities.

Table 10: Summary of Licenses and Approvals Required for the Proposal

Legislation	Authority	Approval Required
Environmental Planning and Assessment Act 1979	Council	Development consent
Roads Act 1993	Council	Section 138 Approval
Water Management Act	Council	Section 307 Certificate of Compliance
Environmental Planning and Assessment Act 1979	Council	Construction Approval
Water Management Act	DPE Water	Controlled Activity Approval

5 CONSULTATION

5.1 Secretary's Environmental Assessment Requirements

The proposal is Designated Development due to the presence of Coastal Wetlands identified by SEPP Resilience and Hazards 2021 on the site. SEARs were requested for the project on 19 June 2023 and SEAR 1794 was received dated 7 August 2023 (**Appendix E**).

The SEARs were received for 161 residential allotments, one master lot, roads, pathways, landscaping, services and infrastructure.

The SEARs have been addressed in detail throughout this report and its appendices as summarised in **Table 11**.

Table 11: SEARs Key Issues

Key Issue	Details	Location in EIS
Proposal Details	– the location and scope of the proposal and details of the surrounding environment;	Section 1.1
	– any operational details;	N/A
	– the proposed layout of the site and any staging and timing details;	Section 3.2
	– any relationship to other development proposals in the locality;	Section 1.7.3
	– any equipment proposed for use at the site;	Section 8
	– anticipated environmental impacts, both direct and indirect;	Section 8
	– a plan showing distribution of any threatened flora or fauna species and the vegetation communities on or adjacent to the subject site, and the extent of vegetation proposed to be cleared;	Appendix B
	– ownership details of any residence and/or land likely to be affected by the proposal;	N/A
	– maps/diagrams showing the location of residences and properties likely to be affected and other industrial developments, conservation areas,	Appendix F
	– wetlands, etc, in the locality that may be affected by the proposal;	Section Appendix F
Strategic and Statutory Context	– methods to mitigate unexpected environmental impacts of the proposal; and	Section 8
	– the anticipated level of performance in meeting required environmental standards	Section 8
	– detailed justification that the proposed land use is permissible (for each part of the proposal), including consideration of alternatives and 'do nothing' option	Section 4.5
	– clarification of what part of Section 2.7(1) in Chapter 2 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> makes the proposal designated development	Section 4.4.5
	– a detailed justification for the proposal and suitability of the site for the development	Section 4.7
	– a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies	Section 4
	– a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out	Section 4.9

Infrastructure and Utilities	– assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site. – identify any infrastructure required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained. – provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development – provide relevant infrastructure engineering plans, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development.	Section 4.5 Appendix F
Trees and Landscaping	– assess the number, location, condition and significance of trees to be removed and retained and note any existing canopy coverage to be retained on-site – provide a detailed site-wide landscape plan, that: ○ details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area). ○ provides evidence that opportunities to retain significant trees have been explored and/or informs the plan. ○ demonstrates how the proposed development would: ▪ contribute to long term landscape setting in respect of the site and streetscape. ▪ mitigate the urban heat island effect and ensure appropriate comfort levels on-site. ▪ contribute to the objective of increased urban tree canopy cover. ▪ maximise opportunities for green infrastructure, consistent with Greener Places and having regard to any bush fire risk.	The site has been completely cleared in accordance with DA2017/394 (Appendix B) and DAWE approval 2018/8296 (Appendix C). Landscape Plans are at Appendix G.
Bushfire	– an assessment of the risk of bushfire, including addressing the requirements of Planning for Bush Fire Protection 2019 (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers) – any other matters raised by the NSW RFS in Attachment A	Appendix I Section 6.1
Noise and Vibration	– provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented	Appendix O Section 4.5 Development Subject to Acoustic Controls Section 6.2

Soil and Water	– a description of local soils, topography, drainage and landscapes – an assessment of the potential impacts the proposed development on acid sulfate soils must be assessed in accordance with the relevant guidelines. – describe mitigation and management measures that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. – an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment – details of sediment and erosion controls – an assessment of potential impacts on the quality and quantity of surface and groundwater resources – details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts – address matters relating to water and soils raised in advice from Biodiversity and Conservation Division at Attachment A. – address any matters raised by DPE Water and NRAR during consultation. – consideration into required approvals from NRAR	Appendix N Section 6.3 Appendix L and P TBA at CC Stage Appendix F Section 6.3
Contamination	– characterisation of the nature and extent of any contamination on the site and surrounding area against the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 4) and confirmation that the site is suitable (or will be suitable, after remediation) for the development.	Section 4.4.5 Section 6.4
Flooding	– identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the NSW Floodplain Development Manual. – assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. – any flood risk assessment should determine (if relevant): ○ the flood hazard in the area and if the development is compatible with the hazard; ○ address the impact of flooding on the proposed development, and the and adjacent lands/properties; ○ whether the proposal incorporates appropriate measures to manage risk to life from flood; ○ whether the proposal is likely to result in unsustainable social and economic costs to the community as a consequence of flooding; ○ the implications of flooding over the full range of potential flooding, including the probable maximum flood level. This should include provision of: ▪ full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 years flood levels, and;	Appendix L and P Section 6.5

	▪ a sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable. – address flooding matters raised in the submission from Biodiversity and Conservation Division at Attachment A.	
Coastal Hazards and Coastal Management Area	– an assessment of potential effect of coastal process and coastal hazards including the impacts of sea level rise (on the proposed development itself and arising from the proposed development) – consideration of the effects of coastal processes and hazards (within the meaning of the Coastal Management Act 2016), impacting the site under the following scenarios: a. current sea level b. projected future climate change (including sea level rise) scenarios that have been peer-reviewed and widely accepted by scientific opinion. – document consistency with management objectives of Coastal Management Areas described in the Coastal Management Act 2016 and relevant development controls described in the State Environmental Planning Policy (Resilience and Hazards) 2021 – address matters relating to coastal processes and coastal hazards raised in the submission from Biodiversity and Conservation Division at Attachment A.	Section 6.7
Air Quality	– a description of all potential sources of air and odour emissions during construction – a description and appraisal of air quality impact mitigation and monitoring measures.	Section 6.8
Traffic and Transport	– a Traffic Impact Assessment addressing any potential transport related implications of the development, prepared in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments and relevant Austroads publications that: ○ considers the traffic related issues relevant to the development in 2 distinct phases as follows: i. Construction phase – the transport of materials and equipment/components for the construction of the proposed subdivision including the movement and parking of construction related vehicles including workers vehicles for each stage; and ii. Operational phase – the ongoing traffic generation from the completed development. – if the development is to be undertaken in stages, then details on the traffic impacts for each stage are required, including: ○ details of all traffic types (both heavy and light vehicles) and volumes, for each, likely to be generated including a description of heavy vehicle types and routes to be taken to and from the state road network ○ for heavy vehicles, details are required on their size and their associated carrying capacity ○ daily inbound and outbound traffic profile by time of day	Appendix J Section 6.9

	○ road safety assessment including the impact of the additional movements on pedestrian connectivity and cycling	
	○ intersection performance impacts for times of peak activity. This includes providing an assessment of the cumulative impact of traffic from this development that use the same access to and from the Pacific Highway, Ocean Drive and the roads anticipated for development for 201 Ocean Drive. ○ an assessment of the suitability of the local road connections with the state road network at each access point that will be used as well as details on any works required. Should it be identified that mitigation measures are needed please refer to the point below ○ details on any oversize and/or over mass vehicle (OSOM) movements associated with the proposal as well as any changes to the road network required to cater for OSOM movements – The total impact of existing and proposed development on the transport network with consideration for a 10-year horizon. This should include: ○ Identification of Annual Average Daily Traffic (AADT) volumes with the percentage of heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections. ○ Background traffic data from published sources and/or recent survey data. ○ The volume and distribution of existing and proposed trips generated by development. ○ The type and frequency of design vehicles accessing the development site. – Capacity analysis using SIDRA or other relevant application/s – An assessment of the increase in demand for travel by active and public transport modes, identifying any gaps in connectivity required to extend the existing networks. – a Construction Traffic Management Plan detailing predicted construction vehicle routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. ○ address the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.122 (Traffic-generating development) ○ details of how the road network design complies with the TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites ○ prepare a concept design for proposed works, if it is identified as part of preparing the EIS or during assessment of the application that mitigation measures are required that will impact a state/classified road ○ an assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A at identified intersections, identifying the existence of the minimum basic turn treatments,	

	and addressing the need for any warranted higher order treatments. ○ swept path analysis of the largest vehicles entering and leaving the development and moving in each direction through intersections.	
	○ a plan of subdivision demonstrating site access arrangements, internal/external access roads, servicing and car parking areas ○ address any additional matters raised in advice from Transport for NSW at Attachment A.	
Waste Management	– identify, quantify and classify the likely waste streams to be generated during construction – provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste – identify appropriate servicing arrangements for the site – the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Sustainable Materials Strategy 2041 – details of demolition and construction waste handling including, transport, identification, receipt, stockpiling and quality control including off-site reuse and disposal	Section 6.10
Visual Impacts	– Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. – Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.	Section 6.11
Heritage	– an assessment of Aboriginal Cultural Heritage and Environmental Heritage – identify whether the site has significance in relation to Aboriginal cultural heritage and provide an assessment prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land. – identify any other items of heritage significance and provide measures for conservation of such items. – Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.	Appendix M Section 4.5 Section 6.12
Cumulative Impacts	– the cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and NPWS Estate in accordance with the Environmental Planning and Assessment Act 1979 – The cumulative impacts, including both construction and operational impacts, of the proponent's existing proposals	Section 6.13

	and other proposals and associated infrastructure (such as access tracks etc.) as well as the cumulative impacts of the proposed development in the context of other proposals located in the vicinity	
Environmental Planning Instruments and other policies	– <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Chapter 2 Vegetation in Non-Rural Areas)</i>	Section 4.4.1
	– <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 2 Coastal Management and Chapter 4 Remediation of Land)</i>	Section 4.4.5
	– <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Chapter 2 Infrastructure)</i> – North Coast Regional Plan 2041 – Coastal Management Act 2016 – DPE Coastal Management Framework – The Port Macquarie-Hastings Local Strategic Planning Statement - <i>Shaping our Future</i> – Port Macquarie-Hastings Local Environmental Plan 2011 – Port Macquarie-Hastings Development Control Plan 2013 – relevant section 7.11 plans.	Section 4.4.6 Section 2.1.1 Section 2.1.4 Section 4.5 Section 4.6 Appendix K

5.2 Additional Consultation

SEAR 1794 also identified additional consultation requirements as addressed in **Table 12**.

Table 12: Additional Consultation

Stakeholder	Comment
Biodiversity and Conservation Division	BCD Provided detailed comment which accompanied the SEARs and is addressed in the FFA at Appendix H .
Water Group (DPE Water) and NRAR	A referral was sent to DCCEE Water as part of the DA process. General Terms of Approval were issued by DCCEE Water on 6 March 2026 (IDAS-2025-10154).
Environment Protection Authority	Schedule 1(35) of POEO Act requires an EPA licence for road construction where greater than 50,000 tonnes of material will be used in Port-Macquarie Hastings Council Area. The project does not exceed this threshold and an EPA licence is not required.
NSW Rural Fire Service	Bush Fire Report at Appendix I prepared in conjunction with discussions with the RFS. DA was formally referred to the RFS by Council. A Bushfire Safety Authority was issued by the RFS on 2 March 2026 (DA20250228000760-S38-3).
Transport for NSW	TfNSW SEARs comments are at Appendix E and the TIA is at Appendix J . Further referral to TfNSW is not required as per Schedule 3 of SEPP Transport and Infrastructure.
Bunyah Local Aboriginal Land Council	An Archaeological Investigation was prepared in support of the Area 15 Structure Plan by John Appleton dated April 2007 (Appendix M). The report found that the site does not contain artefactual material.

	As part of this investigation, Trevor Roberts of the Bunyah LALC was consulted and inspected the site on 19 April 2007. No indications of site significance were identified and the Bunyah LALC advised they have no objection to development of the site subject to standard condition to cease works should artefacts be identified. It is anticipated that a condition to this effect will be imposed by Council. No further consultation is necessary.
Port Macquarie-Hastings Council	Council were consulted by way of a pre lodgement meeting on 28 January 2020 which is addressed in Section 1.5 of this EIS.
Surrounding landowners and occupiers that are likely to be impacted	As the proposal is Designated Development Council notified affected landholders for no less than 28 days in accordance with the Act. This occurred from 6 March 2025 until 4 April 2025. No submissions were received at Council.

5.3 Community Consultation

Council undertook advertised public notification and neighbour notification for a period of no less than 28 days as required by the Designated Development process in the Act. This occurred from 6 March 2025 until 4 April 2025. No submissions were received at Council.

5.4 Commonwealth Government Consultation

DAWE issued consent under Section 130(1) and 133(1) of the EPBC Act “to construct a residential development of approximately 417 lots.” This was for both Woodlands South and North. A copy of the approval is held at **Appendix C**. No further consultation is required with the Commonwealth Government.

5.5 Service Provider Consultation

Existing utilities have been located prior to design and potential conflicts have been resolved. Consultation will continue throughout the detailed design and construction period.

5.6 Future Planned Consultation

The EIS was placed on public exhibition on Council’s website for 28 days from 6 March 2025 to 4 April 2025 as required for Designated Development under the Act. All affected stakeholders were individually notified. No submissions were received at Council.

6 KEY ISSUE ASSESSMENT

6.1 Bushfire

The site is bush fire affected (**Figure 15**) and the proposal is for residential subdivision which is Integrated development requiring a BFSa under Section 100B of the Rural Fires Act.

The SEARs requires:

*“- an assessment of the risk of bushfire, including addressing the requirements of Planning for Bush Fire Protection 2019 (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers)
- any other matters raised by the NSW RFS in Attachment A.”*

Attachment A states:

“The EIS shall address Planning for Bushfire Protection guidelines for residential subdivisions. This proposal relies on public road access from approved but not constructed residential subdivisions to the south and east of lot 33. The EIS should also identify a infrastructure plan for the locality addressing public road access and services to the site. Further proposed stage 7 will require a minimum 2 public road linkages, as it could be isolated from stage 6 by proposed revegetation of a riparian corridor.

A Bush Fire Assessment Report has been prepared (**Appendix I**). An amendment has also been prepared:

The updated report effectively consolidates and updates the submitted Bushfire Hazard Assessment (Feb 25) and incorporates the Bushfire Addendum. (Sep 25).

Key points addressed include:

- *updated for amended lot layout including the proposed reduction in subdivision yield (151 to 115 lots)*
- *clarification of compliant dual access and egress arrangements (incorporating the upgrade of Tree Top View) which directly address NSW RFS concerns that informed Condition 8 of the BFSa which requires deferral of Stage 4 pending Botanic Drive construction*
- *clarification there is nil reliance on the future Botanic Drive connection and it is **not required** to meet Planning for Bushfire Protection 2019 access objectives*
- *the updated risk assessment demonstrates compliance with Chapter 5 of Planning for Bushfire Protection 2019 without reliance on future infrastructure, supporting removal of RFS's Condition 8*
- *amended APZ on the eastern boundaries reflecting 10m wide existing fire trail and council feedback*
- *Reduced lot yield and consolidated development envelope:*
 - *Shortens hazard interfaces.*
 - *Improves APZ manageability.*
 - *Lowers evacuation load during bushfire events.*

Methodology

Slope, vegetation type, and distance from hazard, access/egress and fire weather have been considered. The assessment of slope and vegetation being carried out in accordance with Planning for Bushfire Protection, 2019.

Existing Environment

The site contains grasslands with scattered clusters of trees. Gentle downslopes to the watercourses are present with higher land in the centre of the site. Section 1.4 of the bushfire report contains further details.

Assessment

With the implementation of the recommendations, it is possible for the proposed residential subdivision development to meet the applicable acceptable solutions as provided for in NSW Rural Fire Service, Planning for Bushfire Protection, 2019. A Bushfire Safety Authority was issued by the RFS on 2 March 2026 (DA20250228000760-S38-3).

Mitigation Measures

The following mitigation measures are proposed in the bushfire report:

- APZs in accordance with report.
- VMP for the management of APZs.
- Positive covenant on all lots requiring management of all lots as IPAs.
- All roads to comply with PBP 2019.
- Road access from the site to Woodlands South.
- Turning heads on temporary road stubs for fire vehicles.
- Access road and bushfire upgrades to existing dwelling to be in accordance with PBP 2019 if continued occupation is proposed.
- Adopt landscaping principles in accordance with report.
- BAL to be determined via individual hazard assessments for each lot.

6.2 Noise and Vibration

The SEARs states:

“- provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.”

As part of the Area 15 Structure Plan and rezoning process a Traffic Noise Study, dated September, 2009 was prepared by Renzo Tonin & Associates (**Appendix O**). Council's Area 15 LEP zone map (amendment No.8) included the Acoustic Controls as part of the specific provisions for the Area 15 Urban Release. Council also zoned a 10m wide C3 Environmental Management setback along Ocean Drive for both acoustic & visual amenity purposes.

Consistent with the above study recommendations, Figure 256 of the Area 15 DCP Provisions, provides an illustration of an acoustic mound 'deemed to satisfy' the road traffic noise requirements in Woodlands South adjacent to Ocean Drive. The acoustic mound is proposed under DA 2023-73. Woodlands North is over 750m from Ocean Drive and there are no other noise sources within the vicinity of the site that would cause a material acoustic impact to any proposed residential lot.

During construction temporary impacts may occur to surrounding residential properties. These impacts can be mitigated by implementation of standard construction hours. These impacts are temporary and characteristic of impacts in new residential subdivisions. Further consideration of these impacts via a noise and vibration assessment is not considered necessary.

The proposed subdivision complies with these requirements and satisfies the intent of the LEP Section 7.9 Acoustic controls and the DCP provision 374 on Amenity.

6.3 Soil and Water

The SEARs requests:

- “- a description of local soils, topography, drainage and landscapes*
- an assessment of the potential impacts the proposed development on acid sulfate soils must be assessed in accordance with the relevant guidelines.*
- describe mitigation and management measures that will be used to prevent, control, abate or minimise potential impacts from the disturbance of acid sulfate soils associated with the proposal and to reduce risks to human health and prevent the degradation of the environment.*
- an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment*
- details of sediment and erosion controls*
- an assessment of potential impacts on the quality and quantity of surface and groundwater resources*
- details of the proposed stormwater and wastewater management systems (including sewage), water monitoring program and other measures to mitigate surface and groundwater impacts*
- address matters relating to water and soils raised in advice from Biodiversity and Conservation Division at Attachment A.*
- address any matters raised by DPE Water and NRAR during consultation.*
- consideration into required approvals from NRAR”*

The LES and rezoning process included a Geotechnical Assessment by Coffey Geotechnics dated 2007. The soil profile of the site has not changed in the interim. The report concludes that the site is generally suitable for residential development, subject to consideration of ASS and Terrain Unit C. Refer **Appendix N** and DCP Clause 369 (**Appendix K**). A site specific Geotechnical Assessment has been prepared by Regional Geotechnical Solutions (**Appendix Q**). The relevant recommendations of the reports will be followed and further detail can be provided at SWC stage.

The Land Capability Statement prepared by Coffey Geotechnics for Area 15 dated 2007 (submitted with the DA) has detail regarding ASS on the site in Section 5. The soil profile has not changed in the interim. It is considered that further detail at DA stage is not necessary and we would be happy to accept a condition requiring an ASS plan prior to SWC. Further, the site will be filled above FPL2 as required by Council and then trenches dug for services. In this instance it is unlikely that excavations will disturb ASS.

6.4 Contamination

The SEARs requires:

- “- characterisation of the nature and extent of any contamination on the site and surrounding area against the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (Chapter 4) and confirmation that the site is suitable (or will be suitable, after remediation) for the development.”*
- The LES and rezoning process included a preliminary Contaminated Land Review, dated July 2007 which considered the potential for land contamination across the Area 15 lands as a whole.

This review identified one parcel as requiring further investigation due to its former orchard use. The results of that assessment are reflected in the Area 15 area based DCP provision 370. The subject land, Lot 33 is not identified in DCP figure 252 as requiring any further contaminated land assessment. Refer to **Figure 18**.

It is not necessary to revisit this process.

6.5 Flooding

The SEARs requests:

*“- identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the NSW Floodplain Development Manual.
- assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required.
- any flood risk assessment should determine (if relevant):
- the flood hazard in the area and if the development is compatible with the hazard;
- address the impact of flooding on the proposed development, and the and adjacent lands/properties;
- whether the proposal incorporates appropriate measures to manage risk to life from flood;
- whether the proposal is likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- the implications of flooding over the full range of potential flooding, including the probable maximum flood level. This should include provision of:
- full details of the flood assessment and modelling undertaken in determining any design flood levels (if applicable), including the 1 in 100 years flood levels, and;
- a sensitivity assessment of the potential impacts of an increase in rainfall intensity and runoff (10%, 20% and 30%) and sea level rise on the flood behaviour for the 1 in 100 year design flood if applicable.
- address flooding matters raised in the submission from Biodiversity and Conservation Division at Attachment A.”*

The SEARs identified flooding as a key issue. A Flood Impact Assessment was prepared for the Area 15 Structure Plan by Worley Parsons (**Appendix L**). The provisions of the Area 15 Flood Impact Assessment have been combined into the LEP and DCP. Council has given advice regarding the flood level on site and the necessity to fill to the PMF level in Woodlands North.

Fill is proposed in the eastern side of the site to increase the level of the site to the PMF. The level of all roads and all residential lots has been designed to be above the PMF.

An additional plan Ssheet 18 has been prepared which includes the flood levels, RLs of the site and evacuation routes.

Methodology

The FIA methodology includes:

- Review of existing flood conditions;
- Review of proposed waterway crossing;
- Culvert blockage assessment; and
- Model predicted flood impact.

Existing Environment

The post development flooding scenario for Area 15 as developed by Worley Parsons was adopted as the base case by Advisian.

Assessment

No material upstream or downstream flooding impacts are proposed.

Mitigation Measures

Works to be completed in accordance with Flood Impact Assessments.

6.6 Hazards and Risk

There are no hazardous materials proposed to be used or stored on site.

6.7 Coastal Hazards and Coastal Management Areas

The SEARs requests:

*“- an assessment of potential effect of coastal process and coastal hazards including the impacts of sea level rise (on the proposed development itself and arising from the proposed development).
- consideration of the effects of coastal processes and hazards (within the meaning of the Coastal Management Act 2016), impacting the site under the following scenarios:
current sea level.
projected future climate change (including sea level rise) scenarios that have been peer-reviewed and widely accepted by scientific opinion.
- document consistency with management objectives of Coastal Management Areas described in the Coastal Management Act 2016 and relevant development controls described in the State Environmental Planning Policy (Resilience and Hazards) 2021.
- address matters relating to coastal processes and coastal hazards raised in the submission from Biodiversity and Conservation Division at Attachment A.”*

Coastal hazards and sea level rise were considered in the preparation of the LES and rezoning of the site. Council have requested the site be filled to PMF level which is adequate to mitigate any potential hazard or risk. Development applications have been approved on the adjoining sites at similar levels. Further analysis in this regard is not considered necessary.

6.8 Air Quality

The SEARs requests:

*“- a description of all potential sources of air and odour emissions during construction.
- a description and appraisal of air quality impact mitigation and monitoring measures.”*

Potential sources of air and odour emissions during construction are dust generated from earthworks and vehicle emissions.

The emissions can be managed in accordance with Council's standard conditions. Should any further detail be required it is considered appropriate to provide this at Construction Certificate stage.

6.9 Traffic and Transport

The SEARs requests:

*“- a Traffic Impact Assessment addressing any potential transport related implications of the development, prepared in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments and relevant Austroads publications that:
- considers the traffic related issues relevant to the development in 2 distinct phases as follows:
i. Construction phase – the transport of materials and equipment/components for the construction of the proposed subdivision including the movement and parking of construction related vehicles including workers vehicles for each stage; and
ii. Operational phase – the ongoing traffic generation from the completed development.*

- if the development is to be undertaken in stages, then details on the traffic impacts for each stage are required, including:
 - ~ details of all traffic types (both heavy and light vehicles) and volumes, for each, likely to be generated including a description of heavy vehicle types and routes to be taken to and from the state road network
 - ~ for heavy vehicles, details are required on their size and their associated carrying capacity
 - ~ daily inbound and outbound traffic profile by time of day
 - ~ road safety assessment including the impact of the additional movements on pedestrian connectivity and cycling
 - ~ intersection performance impacts for times of peak activity. This includes providing an assessment of the cumulative impact of traffic from this development that use the same access to and from the Pacific Highway, Ocean Drive and the roads anticipated for development for 201 Ocean Drive.
 - ~ an assessment of the suitability of the local road connections with the state road network at each access point that will be used as well as details on any works required. Should it be identified that mitigation measures are needed please refer to the point below
 - ~ details on any oversize and/or over mass vehicle (OSOM) movements associated with the proposal as well as any changes to the road network required to cater for OSOM movements
- The total impact of existing and proposed development on the transport network with consideration for a 10-year horizon. This should include:
 - ~ Identification of Annual Average Daily Traffic (AADT) volumes with the percentage of heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections.
 - ~ Background traffic data from published sources and/or recent survey data.
 - ~ The volume and distribution of existing and proposed trips generated by development.
 - ~ The type and frequency of design vehicles accessing the development site.
- Capacity analysis using SIDRA or other relevant application/s
- An assessment of the increase in demand for travel by active and public transport modes, identifying any gaps in connectivity required to extend the existing networks.
- a Construction Traffic Management Plan detailing predicted construction vehicle routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated.
- ~ address the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.122 (Traffic-generating development)
- ~ details of how the road network design complies with the TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites
- ~ prepare a concept design for proposed works, if it is identified as part of preparing the EIS or during assessment of the application that mitigation measures are required that will impact a state/classified road
- ~ an assessment of turn treatment warrants in accordance with the Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A at identified intersections, identifying the existence of the minimum basic turn treatments, and addressing the need for any warranted higher order treatments.
- ~ swept path analysis of the largest vehicles entering and leaving the development and moving in each direction through intersections.
- ~ a plan of subdivision demonstrating site access arrangements, internal/external access roads, servicing and car parking areas
- ~ address any additional matters raised in advice from Transport for NSW at Attachment A."

A TIA was prepared by Positive Traffic Solutions which is held at **Appendix J**. A copy of the SEARs was provided to Positive Traffic for reference when preparing the report. An Amended TIA has been prepared to accompany the amended plans.

Methodology

The report:

- Describes the existing traffic and parking conditions;
- Presents a review of historical reports relating to the development site;
- Reviews the potential traffic impacts of the proposal;
- Provides a road design compliance assessment; and

- Responds to the SEARs matters raised by TfNSW.

Existing Environment

The site is proposed to connect to the existing road network via Botanic Drive (connection to be constructed by Council) and via properties to the southwest when developed. The site does not have any direct link to Ocean Drive.

Assessment

The report concludes that the traffic impacts of the proposal are considered acceptable.

Mitigation Measures

The design of the east-west collector road accounts for capacity of the proposed subdivision. No further mitigation measures are required in terms of traffic.

6.10 Waste Management

The SEARs requests:

- “- identify, quantify and classify the likely waste streams to be generated during construction*
- provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste*
- identify appropriate servicing arrangements for the site*
- the measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Sustainable Materials Strategy 2041*
- details of demolition and construction waste handling including, transport, identification, receipt, stockpiling and quality control including off-site reuse and disposal”*

A preliminary Waste Management Plan (WMP) has been prepared and is held at **Appendix R**. The WMP has been prepared with reference to Council’s Waste Management Policy. Further detail, if required can be provided by the selected contractor prior to the commencement of construction.

Methodology

The WMP has been prepared in accordance with Council’s Developments, Public Place and Events – Waste Minimisation and Management Policy dated 2020.

Existing Environment

Waste from the site will be very minimal and can be categorised as:

- Any cut from earthworks will be reused on site.
- Vegetation has been cleared from the site already and no further clearing is proposed.
- Demolition waste from the dwelling will be transported from the site to Cairncross.
- Waste from infrastructure construction will be very limited as all materials will be ordered in the correct quantities. Leftover materials will be utilised on other projects.

Assessment

Waste generated by the project is not complex or contaminated and can be appropriately managed in accordance with a WMP.

Mitigation Measures

A preliminary WMP has been prepared with the DA and a final WMP can be prepared by the selected contractor prior to issue of CC.

6.11 Visual Impacts

The SEARs requires:

“- Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.

- Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.”

The site is not visible from any “key viewpoints” and does not have the potential for significant visual impact. The site is 750m from Ocean Drive and will only be visible from the Crown Road and properties on Lake Ridge Drive. The clearing of the site has already been completed. Future construction on the site will be limited to one and two storey dwelling construction.

The Area 15 LES was prepared with consideration of the visual impact of residential development of the site. The preparation of a visual analysis to support a subdivision application is not considered necessary.

6.12 Heritage

The SEARs requests:

“- an assessment of Aboriginal Cultural Heritage and Environmental Heritage

- identify whether the site has significance in relation to Aboriginal cultural heritage and provide an assessment prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land.

- identify any other items of heritage significance and provide measures for conservation of such items.

- Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.”

The Area 15 Archaeological Investigation (**Appendix M**) did not identify any Aboriginal artefacts or places on the site. Bunyah LALC were consulted during this process and confirmed that there were no artefacts or significant cultural places on site. Works are to cease if any artefacts should be uncovered on site.

6.13 Cumulative Impacts

The SEARs requires consideration of:

“- the cumulative impacts, including both construction and operational impacts, from all clearing activities and operations, associated edge effects and other indirect impacts on cultural heritage, biodiversity and NPWS Estate in accordance with the Environmental Planning and Assessment Act 1979

- The cumulative impacts, including both construction and operational impacts, of the proponent's existing proposals and other proposals and associated infrastructure (such as access tracks etc.) as well as the cumulative impacts of the proposed development in the context of other proposals located in the vicinity”

The cumulative impacts of clearing, construction and operation of the subject site and surrounding sites was considered in the preparation of the Area 15 LES and rezoning.

DA2017/394 (**Appendix B**) and DAWE 2018-8296 (**Appendix C**) approved the clearing of the subject site which has been completed. There is no further clearing proposed under this DA. Implementation of the approved VMP (**Appendix D**) is the approved mitigation measure to address the cumulative impact of clearing activities and edge effects on biodiversity.

The cumulative impacts on cultural heritage were considered in the Area 15 Archaeological Investigation at **Appendix M**, which concluded that there was no Aboriginal or European cultural heritage on site.

25ha of environmentally valuable land to the southeast of the site was purchased by the proponent and transferred to the NPWS Estate as part of Dooragan National Park. The net cumulative impact to the NPWS Estate is overwhelmingly positive.

The cumulative impacts of the proponents existing proposals and associated infrastructure as well as the cumulative impacts of the proposed development in the context of other proposals was considered in detail in the Area 15 LES and rezoning.

7 MITIGATION MEASURES

The mitigation measures discussed in Section 6 are summarised in **Table 13**.

Table 13: Impacts Assessment and Mitigation

Impact	Potential Impact	Approach	Residual Impact
Infrastructure and Utilities	Damage or conflict with existing utilities.	Locate and protect existing infrastructure during construction.	Nil
Trees and Landscaping	Damage to trees that are proposed for retention.	Erect tree protection where needed. Implement VMP (Appendix D)	Following implementation of the VMP the impact to trees and landscaping will be positive.
Bushfire	Bushfire risk to future dwellings and adjoining dwellings.	Bushfire risk will be managed in accordance with Bushfire Hazard Assessment Report at Appendix I .	If measures from bushfire report are implemented the residual risk will be acceptable.
Soil and Water	Lowering of ground water table during excavation in ASS zone.	Use of sheet piling or similar during excavation. As described in the Geotechnical Report at Appendix N .	Nil
Flooding	Inundation of site and access road from south.	Road to Woodlands South is only proposed to be used in bushfire emergency.	Nil flood impact to residential lots or road network during 1 in 100 year events.
Air Quality	Impact to surrounding properties during construction.	Council's standard conditions will be complied with in relation to air quality.	Minor and temporary dust generation during construction only.
Traffic and Transport	Impact to Ocean Drive and Woodlands South operation during construction as a result of truck movements.	CTMP to be prepared and submitted with CC in accordance with TfNSW advice.	Minor traffic delays during construction.
Waste Management	Waste generation on site.	Comply with CWMP at Appendix R . Selected Contractor to submit a detailed CWMP.	Nil
Aboriginal Heritage	Destruction of unidentified Aboriginal Heritage items.	Standard procedures in relation to stopping work if any Aboriginal heritage items are uncovered during works.	Nil

8 EVALUATION AND CONCLUSION

The proposal represents a sustainable development of the subject site at 84 Tree Top View (formerly known as 169B Ocean Drive), Kew (Lot 33 DP 754405). The proposal is for 115 Torrens Title lots, including one master lot and associated infrastructure.

The proposal is both Designated Development (Coastal Wetlands) and Integrated Development (Bushfire and Watercourse). SEAR 1794 was obtained with relation to the proposal and has been addressed within this report.

The proposal is generally compliant with all relevant Commonwealth and State legislation, LEP 2011 and DCP 2013. The Area 15 Structure Plan is complied with and the proposal represents a significant contribution to the housing target for Camden Haven.

Environmental offsets for the site are specified in the Area 15 Planning Agreement and the required 25ha of Environmental Offset Land has been purchased and dedicated by the proponent to NSW NPWS. Clearing of the site was also approved by Federal DCCEEW under EPBC permit 2018/8296 which required an additional 25% of the developable R1 zoned land on Woodlands North (Lot 33) to be sterilised for VMP offset plantings. The proposed MHE will compensate for the loss of developable R1 land by increasing the density of residential development in accordance with Council's Housing Strategy.

The site is burdened by the Area 15 Planning Agreement executed under s93F of the Environmental Planning and Assessment Act 1979 (now Division 7.1) which applies to both the land and the development. The Planning Agreement forms part of the statutory planning framework for the assessment of the application and establishes a complete and enforceable offset regime addressing biodiversity and environmental impacts associated with the site.

The Planning Agreement (Clause 16.2.3) expressly limits Council directions to those not inconsistent with the Agreement – this clause confirms that neither Council nor a concurrence authority may seek to impose additional offsets that contradict or expand the specified environmental offset requirements. No further offsets should be required in relation to the site by Council or State government agencies.

The proposal is considered worthy of support by Council.