

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-458 – DA2025 - 424.1
PROPOSAL	Staged 88 Lot Torrens Title Subdivision and the construction of 55 Dwellings and Associated Infrastructure
ADDRESS	Formerly Lot 53 DP 1312158 and currently Lot 78 DP 1316696 - Carlie Jane Drive, Thrumster
APPLICANT	Hopkins Consultants Pty Ltd
OWNER	PM Land Pty Ltd
DA LODGEMENT DATE	4 August 2025
APPLICATION TYPE	Development Application (Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development has an estimated development cost of more than \$30 million.
CIV	\$31,086,000 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	• State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Primary Production) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Port Macquarie-Hastings Local Environmental Plan 2011
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	No submissions.

DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects Plans Bushfire Assessment Road Traffic Noise Impact Assessment Traffic and Access Assessment Report Aboriginal Heritage Assessment Development Control Plan Assessment Geotechnical Assessment Waste Management Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	18 May 2026
PLAN VERSION	Subdivision Plans - Revision B dated 5 November 2025 Architectural Dwelling Plans various
PREPARED BY	Ben Roberts
DATE OF REPORT	4 May 2026

EXECUTIVE SUMMARY

The development application (DA2025 - 424.1) seeks consent for a staged 88 lot Torrens title subdivision and the construction of 55 dwellings and associated infrastructure.

Specifically, the proposal involves:

- Torrens title subdivision to create 88 residential lots.
- Construction of 55 dwellings on nominated lots.
- Civil works including provision of roads, water, sewer and stormwater infrastructure.

The subject site and development are proposed on the property currently recognised as Lot 78 DP 1316696 and which comprises 56.4 hectares in area. The site is vacant land however is subject to civil and infrastructure works associated with DA2024/734 being an approved residential subdivision comprising the creation of 111 lots, including the creation of a large central development lot which is the site of this proposed development.

The site is located approximately 800m from the Thrumster Town Centre to the north and approximately 350m to a small local centre established within the residential subdivision adjoining to the west of the site.

The site has undulating topography with a ridge connecting the two western and eastern high points in the northern portion of the site. The site comprises established stands of native vegetation primarily in the northern and southern extents. The site comprises environmental zoned land in the northern and southern portions with an environmental habitat corridor connecting these areas along the western portion of the site.

The proposed development incorporates a staged residential subdivision incorporating 88 lots, associated infrastructure and construction of housing on 55 lots.

Subdivision of the land is permissible with consent under clause 2.6 of the Port Macquarie-Hastings Local Environmental Plan 2011.

The application is integrated development and General Terms of Approval received from the following agencies under the relevant legislation:

- NSW Rural Fire Service - Section 100B of the Rural Fires Act 1997

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied:

- Section 4.8 of the Biodiversity and Conservation SEPP requiring that Council's determination of the application must be consistent with the approved koala plan of management that applies to the land.
- Section 2.27 of Primary Production SEPP for potential impact on oyster aquaculture;
- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated;
- Section 2.1 of Sustainable Buildings SEPP being satisfied the embodied emissions attributable to the development have been quantified using an approved BASIX system;
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to consultation for development in proximity to electricity infrastructure;
- Section 2.120 of the Transport and Infrastructure SEPP in relation to impact of road traffic noise or vibration on non-road development.
- Clause 2.3 of the LEP regarding permissibility and zone objectives.
- Clause 4.1 of the LEP regarding minimum lot size provisions.
- Clause 4.1A of the LEP regarding exceptions to minimum lot sizes for certain residential development.
- Clause 6.1 of the LEP regarding satisfactory arrangements for state public infrastructure.
- Clause 7.5 of the LEP regarding mapped Koala habitat and demonstrating consistency with approved KPoM.
- Clause 7.9 of the LEP and the acoustic controls map and ensuring occupants not subject to excessive road traffic noise.
- Clause 7.13 of the LEP and ensuring adequate arrangements for the provision of essential services for the development.

The application was placed on public exhibition from 13 August 2025 to 26 August 2025 and no submissions were received.

The application is referred to the Northern Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as the development has an estimated development cost of more than \$30 million.

Key issues are discussed in Section 5 of this report and have been addressed through amendments to the design, submission of specialist reports, and/or the recommended conditions of consent.

Having considered the matters under Section 4.15(1) of the EP&A Act, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2025 - 424.1 is recommended for approval subject to the conditions contained in **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is vacant and primarily located on current Lot 78 DP 1316696 which comprises 56.4 hectares in area.
- The site is located approximately 800m from the Thrumster Town Centre to the north and approximately 350m to a small portion of local centre zoned land in the established residential subdivision adjoining to the west of the site.
- A location map, aerial photograph, and site photographs are included below.

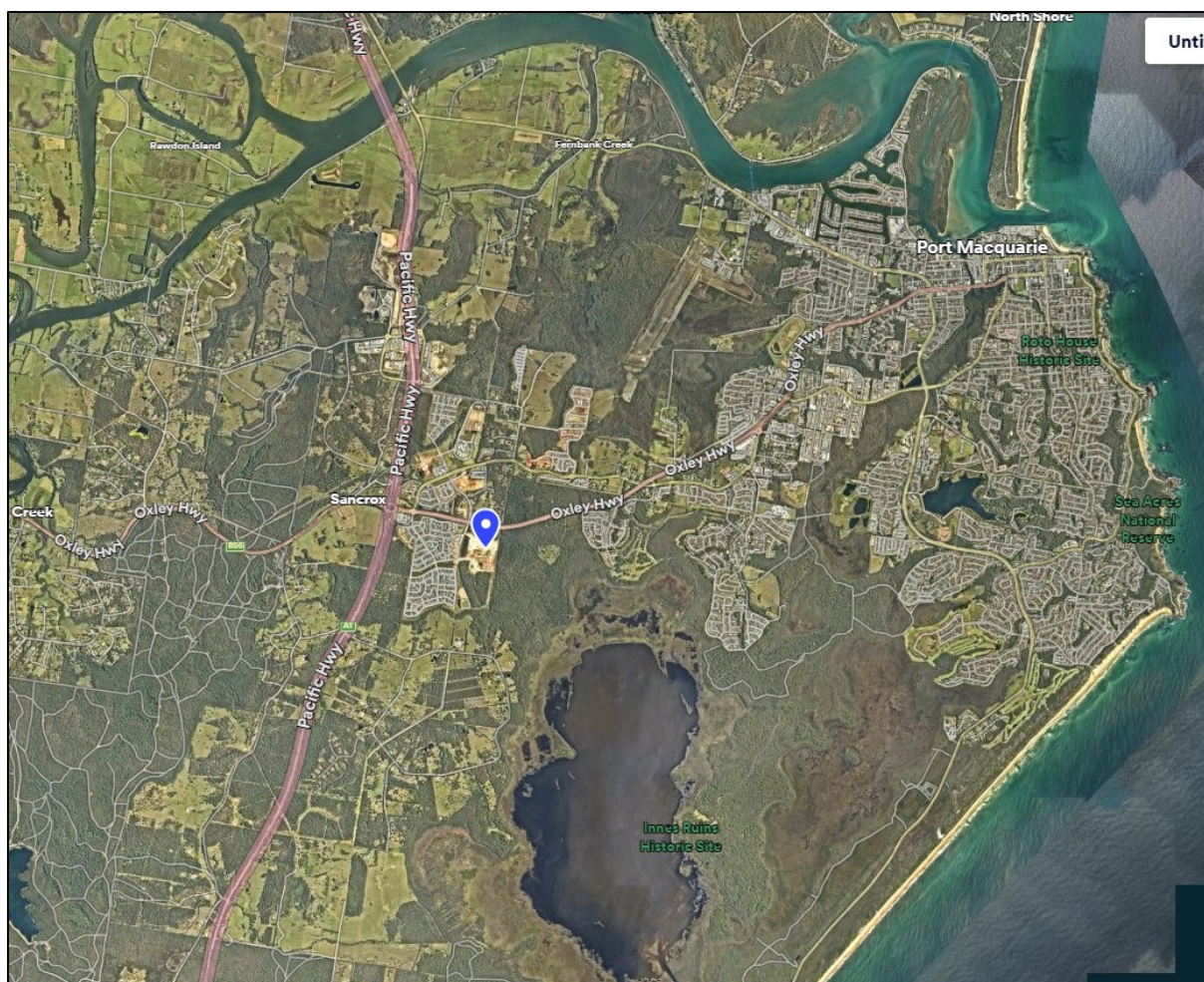


Figure 1 - Location Map



Figure 2 - Aerial Photograph of site

1.2 The Locality

- The site is located approximately 800m from the Thrumster Town Centre to the north and approximately 350m to a small portion of local centre zoned land in the established residential subdivision adjoining to the west of the site.
- Adjoining the site to the north is the Oxley Highway with vacant undeveloped residential land immediately beyond. Adjoining the site to the east is vegetated rural zoned land. Adjoining the site to the west is recently subdivided residential land predominantly containing single and two storey dwelling houses and parklands. Adjoining the site to the south is Karikaree Creek with rural land comprising lifestyle lots beyond.
- The site will be serviced by public transport (buses) and is within close proximity to commercial town centre and associated services.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for a staged 88 lot Torrens title subdivision, construction of 55 dwellings and associated infrastructure.



Figure 3 - Extract of Site Plan

The key development data is provided in **Table 1** below.

Table 1: Development Data

Control	Proposal
Minimum lot size	All proposed lots comply.

Koala Plan of Management	The Area 13 Koala Plan of Management applies to the site.
Voluntary Planning Agreements	The Sovereign Hills Estate Planning Agreement 2025 dated 25 September applies to the site.

2.2 Background

A pre-lodgement meeting was held on 17 August 2023 with Council staff. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Koala Plan of Management consistency. The application has demonstrated consistency with the approved Koala Plan of Management.
- Traffic impact assessment - An adequate traffic impact assessment has been submitted with the application.
- Bushfire - An adequate bushfire assessment report has been submitted within the application and referred to the NSW Rural Fire Service.
- Road Traffic Noise impacts - An adequate road traffic noise impact assessment has been submitted with the application.
- Architectural plans and BASIX certificates for integrated housing component. Plans and certificates have been submitted with the application.

The development application was lodged on 4 August 2025. A chronology of the development application since lodgement is outlined below.

Table 2: Chronology of the DA

Date	Event
13 August 2025 to 26 August 2025	Exhibition of the application.
7 August 2025	DA referred to relevant Council subject matter experts and to external agencies - NSW RFS and Essential Energy.
11 August 2025	Essential Energy comments received.
19 September 2025	NSW RFS Bushfire Safety Authority conditions received.
23 October 2025	Additional information request - copy of traffic and access assessment report omitted, road traffic noise report specific to the development, cut and fill plan, variations to DCP for number of dwelling design not supported, omitted BASIX and NatHERS certificates.
28 October 2025	Traffic and access assessment report provided.

27 November 2025	Email to applicant chasing up outstanding additional information.
9 December 2025	Part additional information provided - some amended dwelling design plans providing DCP compliance, BASIX and NatHERS certificates.
17 December 2025	Additional information provided - Further amended dwelling design plans providing DCP compliance with amended BASIX certificates.
21 April 2026	Draft conditions provided to applicant for comment.
22 April 2026	Feedback on draft conditions with some suggested minor changes undertaken.
1 May 2026	Development specific road traffic noise impact assessment provided.

2.3 Site History

- A development consent (DA2021/697) exists that provides for temporary stockpiles and haulage road on the land up until 10 December 2027. This stockpiled soil is being used for the civil works currently being undertaken on the site.
- A development consent (DA2023/258) exists for filling of a portion of the land. This filling work is underway as part of the current civil works. The fill is not located within this development site.
- A development consent (DA2024/932) exists that provides for additional temporary stockpiles on the land up until 18 February 2028. This stockpiled soil is being used for the civil works currently being undertaken on the site.
- A development consent (DA2024/734) exists that provides for a residential subdivision comprising the creation of 111 lots, including the creation of a large central development lot which is the site of this proposed development.
- A development consent (DA2025/664) exists that provides for ancillary estate entry signage on the edge of the lead in road off Carlie Jane Drive which is not located within this development site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Port Macquarie-Hastings Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these environmental planning instruments are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021 Clause 4.8 consistency with approved Area 13 Koala Plan of Management	Y
State Environmental Planning Policy	Chapter 2: State and Regional Development	Y

(Planning Systems) 2021	Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6.	
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development Division 4 - Consideration of effects of proposed development on oyster aquaculture.	Y
SEPP (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Section 4.6 - Potential contamination and remediation has been considered.	Y
SEPP (Sustainable Buildings) 2022	Chapter 2: Standards for residential development - BASIX Section 2.1 - embodied emissions attributable to the development have been quantified using an approved BASIX system	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure - Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. - Section 2.120 Impact of road noise or vibration on non-road development.	Y
Proposed Instruments	No compliance issues identified.	Y
Port Macquarie-Hastings Local Environmental Plan 2011	- Clause 2.3 – Permissibility and zone objectives - Clause 2.6 - Subdivision - Clause 4.1 - Minimum subdivision lot size - Clause 5.10 - Aboriginal heritage conservation - Clause 6.1 - Satisfactory arrangements certification for State infrastructure - Clause 6.2 - Arrangements for public infrastructure - Clause 6.3 - Development control plan in place - Clause 7.2 - Earthworks - Clause 7.5 - Koala habitat map - Clause 7.9 - Acoustic controls map - Clause 7.13 - Essential services	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2021

Chapter 4 applies to the proposal and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The land is subject to the Area 13 Koala Plan of Management (KPoM). All vegetation has been removed from the site under development consent (DA2024/734). The proposed development does not propose any additional vegetation removal.

The relevant general working provisions/measures of the Area 13 Koala Plan of Management are addressed as follows:

3(E) Swimming pools

(i) all new swimming pools installed on land to which the plan applies must display a stout rope (minimum 50mm diameter), one end of which must be secured to a stable poolside fixture, the other end of which must trail in the pool at all times.

Comment: A condition is recommended requiring a title restriction be applied to all lots advising prospective purchasers of this requirement for any future swimming pools.

3(J) Community Education

Appropriate promotional and educational measures will be undertaken throughout Area 13 in relation to dog ownership and koala habitat management.

Comment: A condition has been recommended to require appropriate promotional and educational measures be undertaken for the development in relation to dog ownership and koala habitat management. Educational signage is proposed on both entrance roads to this subdivision under DA2024/734 to warn motorists of the presence of Koalas.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as the development has an estimated development cost of more than \$30 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2 Primary production and rural development

Pursuant to clause 2.27 and having regard to the location and nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing priority oyster aquaculture areas.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

Clause 2.7 - Development on certain land within coastal wetlands and littoral rainforest area.

The north-western corner of current Lot 78 DP 1316696 contains mapped coastal wetland. See figure 4 below showing the location and extent of mapped coastal wetland. The heavy blue is the mapped wetland and hatched blue the proximity area surrounding the wetland.



Figure 4 - Location and extent of mapped coastal wetlands and proximity area.

No development is proposed in the mapped coastal wetland and no impacts are proposed.

The north-western corner of current Lot 78 DP 1316696 as illustrated in figure 4 is mapped as proximity area to the coastal wetlands (hatched blue). The proposed development is not located within the proximity area to coastal wetlands.

The underlying development consent (DA2024/734) considered the impacts upon adjacent coastal wetlands which indicated that no substantial changes are likely to occur and 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 and that the quality and quantity of surface and ground water flows to and from the adjacent coastal wetland will not be significantly impacted.

Chapter 4: Remediation of Land

The provisions of Chapter 4 have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider 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.

The site is not identified on Council's contaminated land mapping and a preliminary investigation at zoning stage did not identify any contamination on the site. The site has historically been used for low-intensity cattle grazing and storage of soil in the form of

temporary stockpiles. The applicant has indicated that the stockpiled soil is material obtained from adjoining subdivision developments and consists of natural soils. There is no reason to suspect the soil is contaminated however if the stockpiled soil is intended to be used it is recommended that it be tested to confirm suitability for residential use.

Subject to the implementation of the recommendation consent conditions the land is considered to be suitable for the proposed residential use.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2: Standards for residential development - BASIX

Section 2.1 - The proposal incorporates the construction of dwellings on 55 of the lots being created. The dwellings are recognised as BASIX development and development consent must not be granted to development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified using an approved BASIX system. BASIX certificates have been submitted for each of the 55 dwellings demonstrating that the development will comply with the requirements of this policy. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage for each dwelling.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The development is in proximity to electricity infrastructure and has been referred to Essential Energy in accordance with Clause 2.48. The electricity authorities provided the below advice:

“Strictly based on the updated documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- 1. As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy’s standard easement terms current at the time of registration of the plan of subdivision;*
- 2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- 3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- 4. All Torrens lots must have access and frontage to a public road as per Service and Installation rules this is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development.*
- 5. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;*
- 6. In addition, Essential Energy’s records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*

7. *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);*
8. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”*

As per the above, Essential Energy have no specific safety concerns regarding the development but have provided some general advice. The advice received from Essential Energy has been forwarded the applicant for consideration.

Clause 2.120 - Impact of road noise or vibration on non-road development. This clause applies to residential accommodation that is on land in or adjacent to a freeway, tollway or transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary.

If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The site adjoins the Oxley Highway, and the application is supported by a road traffic noise impact assessment that considers the Development Near Rail Corridors and Busy Roads - Interim Guideline 2008 issued by the Department of Planning. The report recommends that category 1 building construction measures be implemented on all lots as to ensure the above noise criteria are achieved. A consent condition is recommended requiring a title restriction be applied to all lots advising of the building construction category required and that details be illustrated on the construction certificate plans for dwellings.

The development does not trigger any of the traffic generating development thresholds of Clause 2.122. Referral to the NSW Roads and Maritime Services (RMS) is not required.

Port Macquarie-Hastings Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Port Macquarie-Hastings Local Environmental Plan 2011* (‘the LEP’). The aims of the LEP include:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to protect, conserve and sustainably manage the ecological biodiversity and natural environment of the Port Macquarie-Hastings area,*

- (b) to facilitate a strong and diverse local economy within the Port Macquarie-Hastings area,*
- (c) to manage and coordinate the orderly, equitable and economic use and development of land within the Port Macquarie-Hastings area,*
- (d) to facilitate the provision and coordination of community services and facilities within the Port Macquarie-Hastings area,*
- (e) to facilitate adaptive planning for natural hazards and risks, including flooding, erosion, inundation, land stability, bush fire risk and acid sulfate soils within the Port Macquarie-Hastings area,*
- (f) to reinforce the role of the Port Macquarie-Hastings area's settlement hierarchy, centred on Port Macquarie and supported by its surrounding towns and villages,*
- (g) to ensure the effective management of public assets within the Port Macquarie-Hastings area,*
- (h) to provide a land use framework for development within the Port Macquarie-Hastings area that is safe, inclusive and equitable, and caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
- (i) to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery,*
- (j) to identify and protect features of environmental, cultural or visual importance within the Port Macquarie-Hastings area,*
- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,*
- (l) to facilitate efficient use of urban land and infrastructure by appropriate staging of development and ensuring appropriate density of development,*
- (m) to provide effective and efficient connectivity and movement corridors within and between subdivisions.*

The proposal is consistent with these aims for the following reasons:

- The development will not result in adverse impact on the ecological biodiversity and natural environment.
- The proposal appropriately responds to the natural hazards applicable to the site.
- The proposal will facilitate release of residential land and infrastructure at an appropriate density to provide for future housing opportunity.

Zoning and Permissibility

Current Lot 78 DP 1316696 is zoned R1 General Residential, C2 Environmental Conservation and C3 Environmental Management. Pursuant to Clause 2.2 of the LEP the proposed development is confined to the R1 General Residential zoned portion of the site. Refer to figure 4 below



Figure 5 - Zoning Map

The objectives of the R1 General Residential include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 is considered to be consistent with these zone objectives for the following reason:

- The development will provide for housing needs of the community and platform for variety of housing types and densities.

Clause 2.6 - Subdivision - Consent requirements

2.6(1) provides that land to which this plan applies may be subdivided, but only with development consent. Development consent is sought under this application.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	450m ² for R1 zone	There are 88 residential lots proposed. 33 of the lots are 450m ² or greater in area. 55 lots are less than the minimum 450m ² lot size. Refer to below.	Yes
Exceptions to minimum lot sizes for certain residential development (CI 4.1A)	Applies to development that is both of the following— (a) the subdivision of land into 2 or more lots, (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision.	The proposal incorporates the creation of 55 undersized lots with the erection of a dwelling on each of the 55 lots.	Yes
Heritage conservation (CI5.10)	Consent required for subdivision of land on which an Aboriginal place of heritage significance is located. Consider the effect of the proposed development on the heritage significance of the place.	Development consent is sought for the subdivision. An Aboriginal Heritage Information Management System (AHIMS) search supports the application which revealed 10 Aboriginal sites recorded in or near the site. 3 of the sites are located in the development footprint. A copy of the Aboriginal Heritage Assessment prepared by Archaeologist Jacqueline Collins dated September 2005 for the land rezoning supports the application. The report identifies these 3 items as being previously destroyed by land clearing. The development is not expected to impact on any Aboriginal items. However, a consent condition has been recommended	Yes

		advising works cease immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974 if unexpected Aboriginal objects are exposed or discovered.	
Flood Planning (CI5.21)	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development: (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable	Current Lot 78 DP 1316696 is partly mapped as flood prone land however the development site is located well above and outside the mapped flood prone land.	Yes

	erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.		
Satisfactory arrangements for State infrastructure in Urban Release Area (CI 6.1)	Development consent must not be granted for subdivision of land in an Urban Release Area unless the Director-General has certified that satisfactory arrangements have been made to contribute to the	There is a state infrastructure VPA in place for Sovereign Hills which includes this site and a copy of the Satisfactory Arrangement Certification (SAC) has been provided from the Director-General for the proposed subdivision development.	Yes

	provision of designated state public infrastructure.		
Public utility infrastructure in Urban Release Area (CI 6.2)	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.	Adequate arrangements are proposed and required for provisioning of the necessary public utility infrastructure to serve the development. Consent conditions have been recommended to re-enforce these arrangements and requirements.	Yes
Development control plan in Urban Release Area (CI 6.3)	Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.	A development control plan has been developed for the land.	Yes
Acid sulfate soils (CI 7.1)	Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	Current Lot 78 DP 1316696 contains part class 3 and 5 acid sulfate soils. The proposed development is located well clear of these areas.	Yes
Earthworks (CI 7.2)	Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development	Earthworks in the form of cut and fill with retaining walls up to 2.5m on lot boundaries is proposed as illustrated on sheet 5 of the plan set. In relation to the earthworks proposed: the application has demonstrated that the works will not lead to any adverse impact upon existing drainage patterns, soil stability of the site or	Yes

	on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality; - the works will not adversely affect but rather facilitate future landuses on the site; - the existing soil quality and structure will not present a constraint to the construction of the proposal on the site; - Any fill to be imported or used shall be certified clean fill; - the likely change in levels associated with the proposed development will not have an adverse effect on the amenity of adjoining/adjacent properties to the site; - the proposal will not impact on any known items of aboriginal or other cultural significance; - appropriate conditions of consent are proposed to manage the impact of the works.	
Airspace operations (CI 7.7)	If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	The proposed development will not penetrate the Limitation or Operations Surface. However, a consent condition has been recommended advising that a controlled activity approval may be required from the airport operator for any cranes intended to be used during construction that may penetrate the OLS.	Yes
Acoustic Controls Map (CI 7.9)	Road traffic noise levels meet acceptable levels for the development	Application has demonstrated that future occupants will not be	Yes

		subject to excessive road traffic noise subject to building construction category being implemented on all lots. Conditions have been recommended requiring a title restriction on the lots and details to be provided with construction certificate applications for dwellings.	
Essential services (CI 7.13)	Essential infrastructure to be provided to development	Essential services existing or proposed to be provided as detailed in the recommended conditions.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments applicable to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Port Macquarie-Hastings Development Control Plan 2013* ('the DCP')

The key controls are discussed below, and a full DCP assessment table is included in **Attachment B**.

- Part B - General Provisions
- Part C1 Low Density Residential Development
- Part C5 - Subdivision
- Part D - Locality Specific Provisions - D4 Thrumster - South Oxley

Cut and Fill Regrading - (Objective 4)

The proposed development incorporates 25 retaining walls exceeding 1m in height. Three of the retaining walls are up to 2.5m in height. The proposed retaining walls are a result of topography and providing workable grades on lots as to facilitate residential housing and maximising density. The proposed walls in excess of 1m are considered acceptable on merit as they are functional and will not adversely impact upon the streetscape and suitable consent conditions are recommended to ensure structurally certified designs are applied.

Road Design to be in accordance with Aus-spec design specification - (Objectives 22 and 146)

Proposed roads No 5 and 6 will be a local road with a 9.7m carriageway and 5.5m wide traffic control narrowings within 16m road reserve, the narrowings are a variation from standard AUS-SPEC requirements. The variation will not result in any adverse impact or reduction to the road hierarchy and function envisaged for these local roads.

Ground floor side setback (Objective 47)

Ground floor setback of dwellings to be a minimum 900mm. The proposal incorporates a ground floor side setback to the garage for dwellings on proposed lots 218 and 40 of 445mm and 890mm respectively. The variation for proposed lot 40 is a 1cm deviation from the standard which equates to a 1% variation. It is very minor and will result in no perceivable impact and considered acceptable on merit. The variation for proposed lot 218 is 445mm and represents a 50.5% deviation from the standard. There are no apparent site constraints or context behind the variation, and it appears a compliant side setback could readily be achieved with a revised dwelling design. The variation is not supported. Subsequently the dwelling design on proposed lot 218 would not be provided for under this consent and because proposed lot 218 is 300m² in area it would not meet the minimum lot size provision of 450m² if created as a vacant residential lot. Consent conditions have been recommended advising lot 218 and its dwelling design do not form part of the consent and that proposed lot 218 needs to be amalgamated with adjoining vacant lot 219 as to create a single vacant residential lot of 750m² in area.

First floor wall articulation (Objective 47)

For dwellings the first floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required. The proposal incorporates first floor walls within 3m and greater than 12m in length as follows:

- Lot 86 west side 900mm setback with a 17.9m unarticulated wall length.
- Lot 43 east side 2.835m setback and west side 2.1m setback with unarticulated wall lengths of 14.35m and 13.35m respectively.
- Lot 41 east side 2.1m setback and west side 2.835m setback with unarticulated wall lengths of 14.35m and 13.35m respectively.
- Lot 108 east side 2.95m setback with unarticulated wall length of 14.25m.

The unarticulated walls typically incorporate material changes/cladding and various sized window placements which reduce overbearing and perceptions of building bulk on adjoining properties. The unarticulated wall lengths greater than 12m in length will not result in any visual and acoustic privacy impact between dwellings and considered acceptable on merit.

Allotment width - Objective 140

A minimum lot width of 15 metres is required for subdivisions creating residential Torrens title allotments. While a minimum 15 m width is achieved for the vacant residential lots proposed a minimum lot width of 10m is proposed for the integrated housing lots. The integrated housing lots have dwellings designs demonstrating general compliance with the relevant planning controls with the reduced lot width. The proposal will provide for a mixture of lot sizes and variety of dwelling designs and the variation is considered acceptable on merit.

Lot yields - Objectives 145 and 278(e)

Specifies subdivision applications close to urban centres should achieve a high-medium population yield (>35 dwellings per hectare). The proposal provides for a yield of 19 dwellings per hectare. The proposal will result in higher dwelling yield with the incorporation of smaller lots and integrated housing component than that of a conventional subdivision. The proposal incorporates appropriate pedestrian connections and the variation is considered acceptable on merit.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

At the Ordinary Meeting held on 21 August 2025, Council resolved to enter into the Sovereign Hills Planning Agreement 2025 and revoke the four previous Planning Agreements, being:

- The Sovereign Hills Estate Planning Agreement
- The Area 13 Environmental Land Management Planning Agreement
- The Area 13 Environmental Land Management Planning Agreement for Lot 71 in Deposited Plan 1061516
- The Sovereign Hills Estate Highway Works Planning Agreement

The key provisions of these now revoked planning agreements include the following:

- Maintenance of environmental land for 20 years.
- Dedication of land for sporting fields
- Construction and Dedication of Local Parks
- Construction and dedication of Sovereign Green and Lakes
- Construction of collector roads
- Dedication of land and construction works related to Community Centre and Library
- Payment of roads, environmental land management, community, cultural and emergency services and open space contributions.

The Sovereign Hills Planning Agreement 2025 was executed on 25 September 2025 and has been entered into between Council and Lewis Developments Pty Ltd as trustee for the Lewis Developments Trust and PM Land Pty Ltd.

The intent of the Sovereign Hills Planning Agreement 2025 is to:

- Require monetary Development Contributions of a specified minimum amount to be made towards community, cultural and emergency services, open space and roads and administration.
- Require the carrying out of specified works by the Developer for the purposes of providing community and cultural facilities and services, open space, roads and other public purposes.
- Require the dedication of specified land to Council by the Owner on which some works will be situated.
- Allow offsets against specified monetary Development Contributions, in consideration of the material public benefits provided to Council by the Developer and the Owner under the agreement.
- Require Council to apply monetary Development Contributions made under the agreement towards the specified purpose for which they were made and at the location, consistent with the principles of s7.11 contributions, where identified in the Planning Agreement.
- Impose obligations on the Developer in relation to the carrying out of specified works, the handing over of those works to Council and the rectification of defects in those works.
- Requires the Developer and Owner to provide Council with security for legal costs, if Council were required to enforce the terms of the agreement.
- Requires the Developer and Owner to grant Council a charge over specified land as security for the performance of the agreement.

- Require the agreement registered on the title to the land.
- Impose restrictions on the parties transferring the land or part of the Land or assigning an interest under the agreement.
- Provide two dispute resolution methods for a dispute under the agreement, being expert determination and mediation.
- Provide that the agreement is governed by the law of New South Wales.
- Provide that the A New Tax System (Goods and Services Tax) Act 1999 (Cwlth) applies to the agreement.

The development contributions to be provided by the developer under the Sovereign Hills Planning Agreement 2025 include:

- land and works for public roads (including local, link and collector roads), intersections and footbridges.
- land and works for community centre and carpark.
- land and works for district sporting fields.
- land and works for public recreation and parks.

The location of these works and land to be dedicated are shown in the Appendix to the Sovereign Hills Planning Agreement 2025, including:

- Inclusion of a pedestrian footbridge over partridge creek to connect College Rise to the district sporting fields.
- Relocate Barton Valley Park west of Carlie Jane Drive to better serve the existing residential development.

An estimate of development contributions payable is provided as Attachment F to this report.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

No additional matters prescribed by the regulations apply.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and Setting** - The site is vacant residential zoned land and is currently under development for the purpose of the surrounding subdivision development. The site is located approximately 800m from the Thrumster Town Centre to the north and approximately 350m to a small portion of local centre zoned land in the established residential subdivision adjoining to the west of the site.

The proposed development is considered appropriate for the site and will fit into the local context and character envisaged for the area.

- **Access and traffic** -

The application includes a Traffic Impact Assessment from Positive Traffic dated September 2023. Findings of the study determined:

1. The potential traffic impacts of the proposal have been fully accounted for in approved area wide modelling of the precinct.
2. Intersections surrounding the development would continue to operate at levels of service to that which currently occurs and into the future following full development of the Sovereign Hills Precinct as a whole along with known surrounding development proposals. These include the key intersections serving the development of Oxley Highway / John Oxley Drive and John Oxley Drive / Carlie Jane Drive.
3. The site is served by existing indented northbound and southbound bus bays adjacent to the northern side frontage of Carlie Jane Drive.
4. The proposed internal road network complies with the minimum requirements of the DCP and reflects road cross sections approved within other now constructed residential subdivisions within North and South Oxley precincts.

The report and its findings have been reviewed by PMHC Engineers and there are no disputes with the report. Key issues or recommendations to be addressed by conditions.

- **Roads -**

The site has road frontage to proposed roads 3, 5 & 6 being constructed under the residential subdivision surrounding the site via DA2024/734.

Adjacent to the site, road 3 is proposed to be a 16m wide public road under the care and control of Council. Road 3 will be a local road with a 7m carriageway within 16m road reserve, this is consistent with AusSpec requirements. Roads 5 & 6 are proposed to be a 16m wide public road under the care and control of Council. Roads 5 & 6 will be a local road with a 9.7m carriageway and 5.5m wide traffic control narrowings within 16m road reserve, this is a variation from the standard AusSpec requirements but is supported as it provides greater parking opportunities in an area that will have significant density.

- **Site Frontage & Access**

Vehicle access to the lots and dwelling sites are proposed through individual driveways to the proposed public roads. Details have been proposed for the individual driveway locations at the road narrowings and they are considered satisfactory. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

- **Public Domain** - The development proposes construction of a public road network and pedestrian linkages to the surrounding and adjoining residential development to the west of the site. Connection to the established park and open space will be provided as envisaged in the provisions of Port Macquarie Hastings Development Control Plan 2013.
- **Water Supply Connection** - The site has access to water supply infrastructure, including recycled water and is capable of being connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and raised no concerns. Conditions of consent have been recommended to obtain a section 306 Notice of Requirements to confirm the ultimate water supply infrastructure arrangements and a

section 307 certificate of compliance to ensure compliance with the requirements under the *Water Management Act 2000*.

- **Sewer Connection** - The site has access to sewer infrastructure and is capable of being connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and raised no concerns. Conditions of consent have been recommended to obtain a section 306 Notice of Requirements to confirm the ultimate sewer supply infrastructure arrangements and a section 307 certificate of compliance to ensure compliance with the requirements under the *Water Management Act 2000*.
- **Stormwater** - The development application is supported by a preliminary stormwater management plan which demonstrates conceptually how stormwater is to be managed and disposed of.

The site naturally grades towards both southerly and northerly directions and is currently not serviced. The surrounding residential subdivision via DA2024 - 734.1 will provide stormwater drainage to service the proposed development and provide the legal a point of connection.

End of line stormwater basins are proposed in the overarching subdivision (DA2024 - 734.1) design to treat water quality prior to discharge to natural watercourses.

A detailed site stormwater management plan will be required to be submitted for assessment prior to release of the with the subdivision works certificate. In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities
- Water quality controls
- Provision of interallotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit

Appropriate consent conditions are recommended in this regard.

- **Utilities** – Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision of services to the development will be required prior to works commencing.
- **Heritage** – Refer to comments under clause 5.10 of the Port Macquarie-Hastings Local Environmental Plan 2011 within this report. No adverse impacts are anticipated however as a precaution, a condition of consent has been recommended that works are to cease in the unexpected event items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the item.
- **Other land resources** – The proposed development is located within residential zoned land envisaged for future urban development and will not sterilise any significant mineral or agricultural resource.
- **Water Cycle** - The proposed development will not have any significant adverse impacts on water resources and the water cycle.
- **Soils** - The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity. A consent condition has been recommended requiring a detailed soil and water management plan be approved

before commencement of any earthworks. Subject to the implementation of this plan (including erosion and sediment control measures) prior to and during construction no adverse impact are anticipated.

- **Air and Microclimate** - The construction and operation of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site and dust management condition recommended.
- **Waste** – Appropriate frontage is available to each lot to facilitate kerbside waste collection.
- **Energy** - The proposal includes measures to address energy efficiency and will be required to comply with the requirements of that nominated in the BASIX certificates. Appropriate consent conditions have been recommended.
- **Noise and vibration** – The site adjoins the Oxley Highway, and the application is supported by a Road Traffic Noise Impact Assessment prepared by SLR Consulting and dated 1 May 2026 that considers the Development Near Rail Corridors and Busy Roads - Interim Guideline 2008 issued by the Department of Planning. The report recommends that category 1 building construction measures be implemented on all lots to ensure the acceptable internal noise criteria are achieved. Consent conditions are recommended requiring a title restriction be applied to the lots advising of required building construction category and details to be illustrated on construction certificate plans for dwellings.

Construction noise impacts can be managed by restricting work to the standard construction hours, as recommended in the consent conditions.

- **Bushfire** – The site is mapped as bushfire prone land as per figure below.

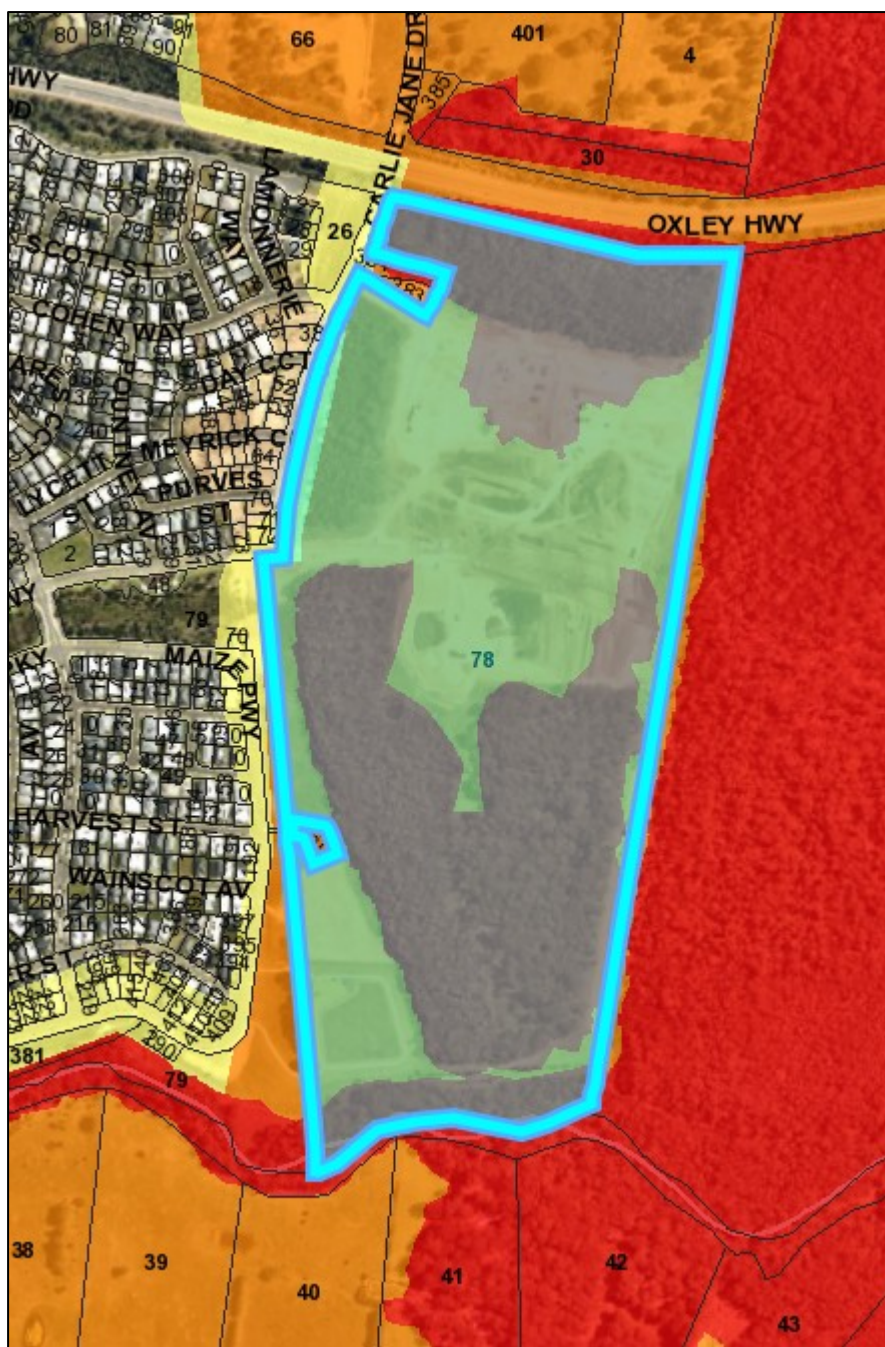


Figure 6 - Bushfire prone land mapping (as published 28 November 2025).

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. The application includes a Bush Fire Assessment Report prepared by Building Certification and Environmental services and dated 10 June 2025. The application and report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which have been incorporated into the recommend consent conditions.

- **Safety, security and crime prevention** – The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

- **Social impact** – Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts. The use will provide for further interaction between members of the community.
- **Economic impact** – The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.
- **Site design and internal design** – The proposed development design has had regard to bushfire constraint and satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.
- **Construction** – Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.
- **Cumulative impacts** – The proposed development is consistent with the relevant planning controls and is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

Subject to the dwelling design for proposed lot 218 not being supported due to an unjustified variation and subsequent amalgamation of proposed lot 218 with 219 to create a single vacant residential lot of 750m² in area, the application will have adequately demonstrated the site is suitable for the proposed development. The proposal will fit into the locality and is consistent with that envisaged in the adopted area-based planning controls for the site.

3.4 Section 4.15(1)(d) - Public Submissions

No public submissions were received during exhibition of the application.

3.5 Section 4.15(1)(e) - Public interest

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest. The provision of appropriately located housing opportunities is considered to be in the public interest, as is a subdivision design that adequately responds to the relevant constraints affecting the land. These outcomes are considered to have been achieved by the proposal.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,

- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the manmade development and the environmental impacts. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any risks associated with climate change.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Essential Energy	Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021	No concerns or safety risks identified.	Y
Integrated Development (S 4.46 of the EP&A Act)			
NSW Rural Fire Service	S100B - Rural Fires Act 1997 bush fire safety for subdivision of land that could lawfully be used for residential purposes.	Bushfire safety authority received with number of conditions which form part of the recommended consent conditions.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined below in **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Stormwater engineer	The development application is supported by a preliminary stormwater management plan which demonstrates conceptually how stormwater is to be managed and disposed of. Council staff are satisfied that stormwater can be managed as indicatively suggested. A detailed stormwater management plan is required as part of the subdivision works certificate to provide specific details prior to construction and appropriate conditions are recommended in this regard.	Yes
Development Engineer	The submitted Traffic Impact Assessment has been reviewed by Councils staff and the conclusions and recommendations are considered appropriate for the development. Appropriate consent conditions have been recommended in relation to expected road design standards to ensure they satisfy relevant engineering standards.	Yes
Water and Sewer	Water and sewer infrastructure is available, and the development is capable of being connected. Council's Water and Sewer Team have reviewed the proposal and provide recommended consent conditions to confirm infrastructure servicing arrangements and compliance with the requirements under the <i>Water Management Act 2000</i> .	Yes
Ecology	The environmental impacts for this site have been addressed through the DA2024 - 734.1. It is recommended to ensure the conditions pertaining to DA2024 - 734.1 that relate to the biodiversity offset requirements and environmental management of the site are adhered to prior to commencement of the works associated with this proposed development.	Yes
Environmental Health	The submitted road traffic impact assessment has been reviewed by Council's Environmental Health Officer and the findings and conclusions supported in principle. Appropriate consent conditions have been recommended to ensure the mitigation measures are implemented.	Yes
Development Contributions	Development contributions and obligations under the executed Voluntary Planning Agreement (VPA) apply. Consent conditions have been recommended requiring payment of development contributions and fulfilment of VPA obligations.	Yes

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from

13 August 2025 until 26 August 2025. The notification included the following:

- Notification letters sent to adjoining and adjacent properties; and

The Council received no submissions during the exhibition period and has received no submissions up until the date of this report.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Traffic and Transport Impacts

A traffic impact assessment undertaken by Positive Traffic and dated September 2023 supports the application, in which the surrounding road network was assessed as being adequate to accommodate the likely additional traffic generation associated with this development.

Resolution: Residential development of the site has been envisaged under the adopted planning controls and the traffic impact assessment concludes that the surrounding road network is adequate to accommodate the likely additional traffic generation associated with the development. Consent conditions have been recommended in Attachment A, requiring new roads to be designed in accordance with relevant engineering standards.

5.2 Bushfire

The site is identified as being bushfire prone. The application includes a Bush Fire Assessment Report prepared by Building Certification and Environmental services and dated August 2023 which indicates the proposed development meets the Planning for Bushfire Protection Guidelines 2019. The proposed development is integrated development under Section 100B - *Rural Fires Act 1997* as the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes.

Resolution: The NSW Rural Fire Service have reviewed and issued a Bushfire Safety Authority consisting of a number of conditions for the proposed development, which has been incorporated into the recommend development consent conditions in Attachment A.

5.3 Road Traffic Noise Impacts

The site adjoins the Oxley Highway, and the application is supported by a road traffic noise impact assessment that considers the Development Near Rail Corridors and Busy Roads - Interim Guideline 2008 issued by the Department of Planning. The report recommends that category 1 building construction measures be implemented on all lots to ensure the acceptable internal noise criteria are achieved.

Resolution: Road traffic noise impacts are resolved through implementation of specific building construction category 1 for all lots and dwellings within the proposed development. The recommended consent conditions in Attachment A require a restriction on title for the lots advising of required building construction category and that details be illustrated on construction certificate plans for dwellings.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

Overall, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended consent conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2025 - 424.1 (PPSNTH-458) for a Staged 88 Lot Torrens Title Subdivision and the construction of 55 Dwellings and Associated Infrastructure at Formerly Lot 53 DP 1312158 and currently Lot 78 DP 1316696 - Carlie Jane Drive, Thrumster be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: DCP Compliance Table
- Attachment C: Subdivision Plans
- Attachment D: NSW RFS Bushfire Safety Authority conditions
- Attachment E: Contribution Estimate
- Attachment F - Combined Architectural Dwelling Plans