Environmental Impact Statement
for
Residential Accommodation
comprising three
Residential Flat Buildings
&
Associated Torrens, Stratum and Strata Title Subdivision & Upgrade to Existing Golf Club Carpark

LOT 1 DP1234229 & LOT 1 DP868540

Sanderling Avenue

HAWKS NEST

Prepared by

TATTERSALL LANDER PTY LTD

DEVELOPMENT CONSULTANTS

March 2026

DECLARATION

Project Details	
Project Name The Sanderling	
Application Number SSD-82066472	
Address of the land in respect of which the development application is made	
Sanderling Avenue, Hawks Nest	
Applicant Details	
Applicant Name – Tattersall Lander Pty Ltd	
Applicant Address – 2 Bourke Street, Raymond Terrace, NSW 2324	
Details of person by whom this EIS was prepared	
Name Bob Lander	
Address - 2 Bourke Street, Raymond Terrace NSW 2324	
Professional Qualifications – BSurv (Hons)	
Declaration by registered environmental assessment practitioner	
Name	Shaun Taylor
Registration Number	R80022
Organisation registered with	Certified Environmental Practitioner (Impact Assessment)

Declaration	The undersigned declares that this EIS:
	• has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021;
	• contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;
	• does not contain information that is false or misleading;
	• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;
	• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;
	• has been prepared having regard to the Department's State Significant Development Guidelines – Preparing and Environmental Impact Statement;
	• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;
	• contains a consolidated description of the project in a single chapter of the EIS;
	• contains an accurate summary of the findings of any community engagement; and
	• contains an accurate summary of the detailed technical assessment of the impacts of the project in a single chapter of the EIS;
	• contains an accurate summary of the findings of any community engagement; and
	• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.
Signature	
Date	17 March 2026

Document Information

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TERMS & ABBREVIATIONS

ADG	Apartment Design Guidelines
AHD	Australian Height Datum
APZ	Asset Protection Zone
ASS	Acid Sulfate Soils
ASSMP	Acid Sulfate Soils Management Plan

BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act
CEMP	Construction Environmental Management Plan
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DCP	Development Control Plan
Development footprint	The extent of ground disturbance works contained within Lot 1 DP 1234229 and Part Lot 1 DP 868540 and the adjoining section of Sanderling Avenue
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FPL	Flood Planning Level
Golf club site	Area defined by Lot 1 DP 868540 proposed to contain integrated and associated works
HDA	Housing Delivery Authority
LEP	Local Environmental Plan
LGA	Local Government Area
NMP	Noise Mitigation Plan
NorBE	Nil or Beneficial Effect
The project	Development of a residential flat building called The Sanderling, that includes a 104-apartment building complex with three separate residential flat buildings.
SBDAR	Streamlined Biodiversity Development Assessment Report
SEARs	Secretaries Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
SSD	State Significant Development
UFP	Unexpected Finds Protocol
VIA	Visual Impact Assessment
WSUD	Water Sensitive Urban Design
Residential flat building site	Area containing the three residential flat buildings and associated facilities located within Lot 1 DP 1234229

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APPENDICES

APPENDIX 1 – Planning Secretary's Environmental Assessment Requirements

APPENDIX 2 – Detailed Maps and Plans

APPENDIX 3 – Statutory Compliance

APPENDIX 4 – Mitigation Measures

APPENDIX 5 – Engineering and Site Servicing Plans

APPENDIX 6 – Landscaping Plans

APPENDIX 7 – Public Engagement

APPENDIX 8 – Streamlined Biodiversity Development Assessment Report

APPENDIX 9 – Social Impact Assessment

APPENDIX 10 – Landscape & Visual Impact Assessment

APPENDIX 11 – Traffic Impact Assessment

APPENDIX 12 – Noise and Vibration Impact Assessment

APPENDIX 13 – Odour Assessment

APPENDIX 14 – Stormwater Management Report

APPENDIX 15 – Bushfire Threat Assessment

APPENDIX 16 – Disability Access Report

APPENDIX 17 – Geotechnical Investigations

APPENDIX 18 – Infiltration Investigations
APPENDIX 19 – Acid Sulfate Soils Investigations
APPENDIX 20 – Proposed Torrens Subdivision, Stratum and Strata Subdivision Plans
APPENDIX 21 – Estimated Development Cost
APPENDIX 22 – Coastal Risk Assessment
APPENDIX 23 – Contamination
APPENDIX 24 – Cultural Heritage
APPENDIX 25 – Hydraulic Assessment
APPENDIX 26 – Basix Certificates
APPENDIX 27 – Clause 4.6 Exceptions to Development Standards
APPENDIX 28 – Apartment Design Guidelines Assessment
APPENDIX 29 – Design Excellence Report
APPENDIX 30 – Arborist Report
APPENDIX 31 – BCA Compliance Report
APPENDIX 32 – Site Waste Minimisation and Management Plan
APPENDIX 33 – MidCoast Council Pre-Lodgement Meeting Minutes
APPENDIX 34 – Preliminary Site Investigations
APPENDIX 35 – Public Domain Plan
APPENDIX 36 – Notice of Determination

EXECUTIVE SUMMARY

It is proposed that there would be a residential flat building development, called The Sanderling, that includes a 104-apartment building complex with three (3) separate residential flat buildings ('the project') to be built on the land at Lot 1 DP1234229, Sanderling Avenue, Hawks Nest (herein 'residential flat building site'). This project would also undertake some integrated and associated works on Lot 1 DP 868540 (Hawk Nest Golf Club) (herein 'golf club site') and Sanderling Avenue, details are provided in a Public Domain Plan in **APPENDIX 35**. The residential flat building site, golf club site and the upgrades to Sanderling Avenue are collectively referred to as the 'project site'.

These associated works relate to the reorganisation of a new access, an integrated and upgraded electrical servicing for the Golf Club and additional water quality treatment for the Golf Club Carpark.

A separate external façade, carpark reorganisation and amended landscaping upgrades for the Golf Club has been approved by MidCoast Council on 12 August 2025 under DA 2025/0294 (**APPENDIX 36**). It is proposed that some of these Golf Club DA works would be undertaken in conjunction with the proposed building works being undertaken on The Sanderling.

It is also possible that Stages 2 & 3 would be combined and that decision would be subject to sales demand and future management decisions.

The project site of the Sanderling residential flat building development would have a temporary and minor coordinated impact on Golf Club operations with some of the proposed works but it is expected, and it would be designed so that the Golf Club would continue operations at all times and any disruptions would be minimised and insignificant. There would be no expected impact of the road upgrades to Sanderling Avenue on the general public's access to Bennetts Beach to the east.

From a construction point of view, the first of the residential flat buildings would be constructed as well as the whole of the basement carparking. As part of Stage 1 of the construction works, a sewer pump station that adjoins Sanderling Avenue would be constructed and the electrical substation that would replace the current pole mounted overhead supply to the Golf Club would be replaced by a ground mounted electrical kiosk adjoining the pump station.

Upgrades to the MidCoast Council water main along Sanderling Avenue, Mungo Brush Road and Kingfisher Ave would also be undertaken in the Stage 1 construction activities.

The key benefits of the project can be summarised as follows:-

- The residential flat buildings would deliver high-quality residential dwellings in a convenient, accessible and naturally beautiful location. Future residents would be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The project provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Hawks Nest.

- The project would capitalise on the urban capabilities of MidCoast Council's Strategic Plan for the area. The residential flat building site which adjoins the Hawks nest Golf Club would complement the area, provide substantial support for the Golf Club and modernise in a practical way, the type of accommodation that is needed to provide for the needs of the community.

- The project is of high-quality design and would positively contribute to the local streetscape whilst occupying a previously underdevelopment parcel of land. The residential flat buildings have been designed to be consistent with the coastal locality and the vision for a vibrant medium density development that has no equal in the locality.

- The project would boost local employment during the construction and operational phases.

- The value of the project would also provide the opportunity for significant contributions (through s7.11 contributions and VPA) towards local infrastructure.

The project site is strategically unique both in its coastal location and in its proximity to the magnificent Hawks Nest Golf Club. It has highly sought-after qualities which are currently unavailable in the locality. The project leverages these qualities in a sympathetic manner through an exceptionally well-designed series of integrated buildings and impact mitigation to unlock the project site's potential and provide significant community, local and regional social, and economic benefits. In view of the above, we submit that the project is in the public interest and that the SSDA should be approved subject to appropriate conditions.

1 INTRODUCTION

1.1 General

Tattersall Lander Pty. Ltd has been engaged by Core Property Developments Pty. Ltd, the Leric Group Pty Ltd (the Applicants) to prepare and lodge an Environmental Impact Statement for the development of land at Sanderling Avenue, Hawks Nest, in the MidCoast Local Government Area (LGA). The project would see a residential flat building development, called The Sanderling, that includes a 104-apartment building complex with three (3) separate residential flat buildings built on the land at Lot 1 DP1234229, Sanderling Avenue, Hawks Nest (herein 'residential flat building site'). This project would also undertake some integrated and associated works on Lot 1 DP 868540 (Hawk Nest Golf Club) (herein 'golf club site'). Additionally, some upgrades within the Sanderling Avenue Road reserve are also proposed. Details of the Sanderling Avenue upgrades are provided in the Public Domain Plan in **APPENDIX 35**. The residential flat building site, golf club site and road corridor upgrades are collectively referred to as the 'project site', refer **Figure 1**.

The associated works located within the road reserve relate to the reorganisation of a new access, an integrated and upgraded electrical servicing for the Golf Club and additional water quality treatment for the Golf Club Carpark.

This Environmental Impact Statement (EIS) discusses the project site and analyses the project in relation to the locational context and relevant legislation and planning instruments.

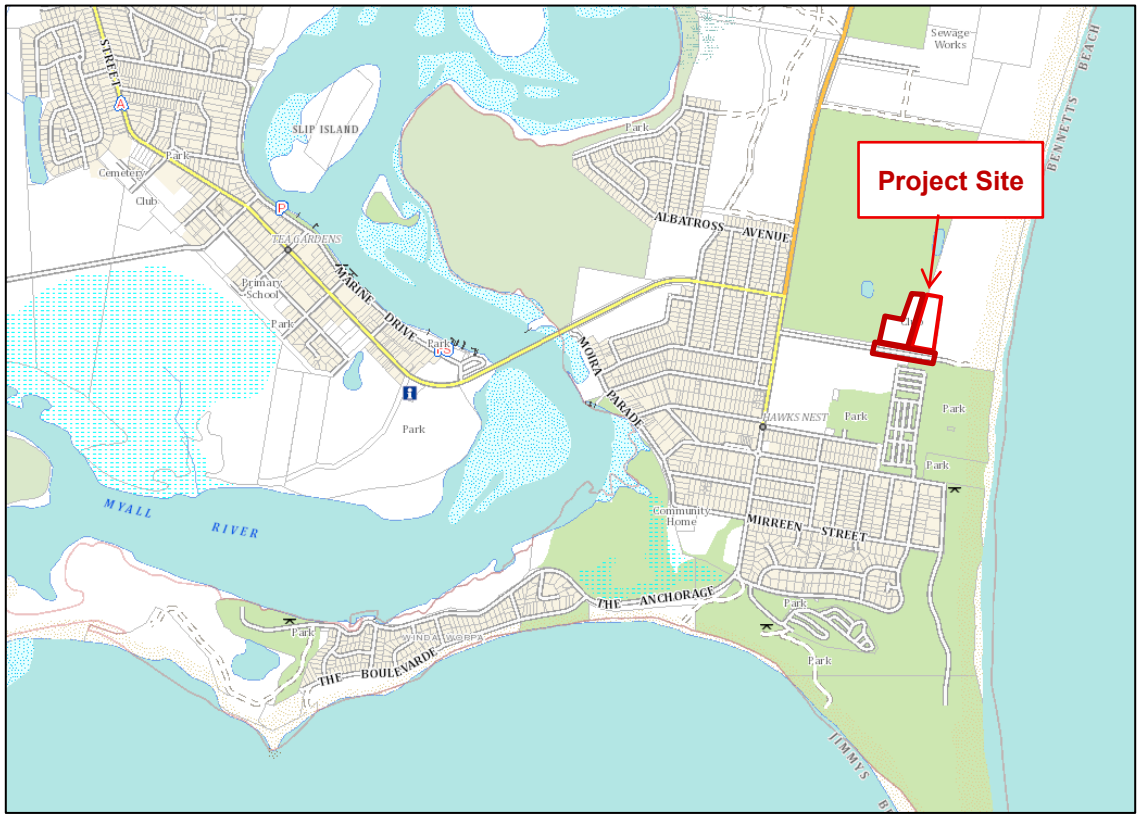

Figure 1-1 - Site Location (Source – NSW Explorer)

1.2 Site Description and Characteristics

The project site (**Figure 1-2**) is identified as the 'residential flat building site' (Lot 1 in DP 1234229) and the 'golf club site' (Lot 1 in DP 868540) in Sanderling Avenue, Hawks Nest (the project site). The project site encompasses a total area of 3.354 Ha, with Lot 1 DP 1234229, the land that would contain the residential flat buildings/unit/apartment development containing 1.487Ha and Lot 1 DP 868540 of 1.867Ha containing the existing Golf Club facilities.

Surrounding the development is a caravan park development (south) on land zoned RE1 Public Recreation, a Golf Course (north and west) on land zoned RE2 Private Recreation, Low Density Residential R2 and not developed (south west) and undeveloped land zoned Public Recreation RE1 (east). Further to the east is Bennetts Beach and the South Pacific Ocean.

Access to the project site is via Sanderling Avenue, which is a two-way, approximately 6.2m wide bitumen sealed road. The eastern part of Sanderling Avenue east of the Golf Club entrance/exit driveways is an unsealed road.

Figure 1-2 - Site (Source – SDT Explorer)

The project site (Golf Club and Residential Flat Building Site) is zoned R3 Medium Density Residential and Sanderling Avenue is zoned in part R2 Low Density Residential and RE1 Public Recreation pursuant to the provisions of Great Lakes Local Environmental Plan 2014 (LEP) (refer map LZN_010D). See **Figure 1-3**.

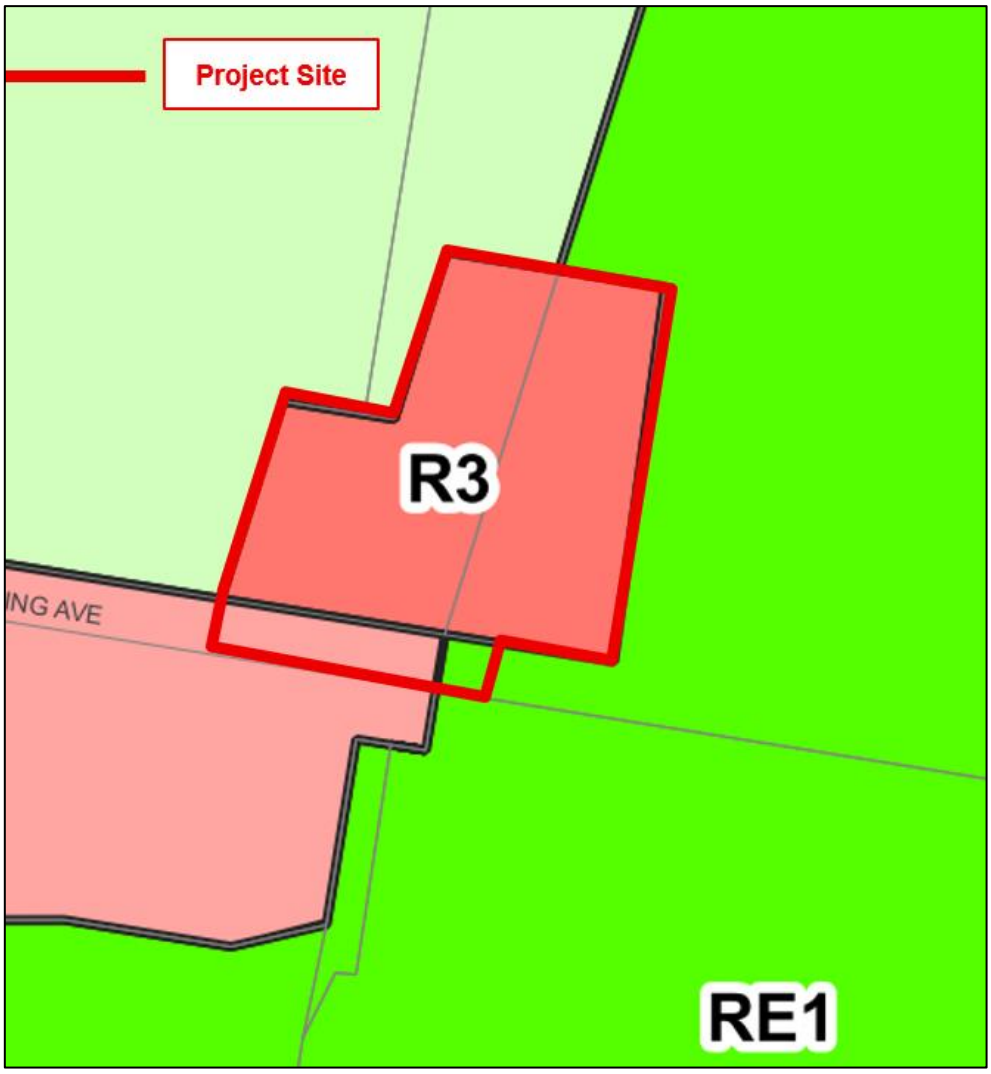

Figure 1-3 - Zoning Map (Source – Planning Portal)

1.3 The Project

The project is for:

1. The development and construction of Residential Accommodation incorporating three (3) residential flat buildings on Lot 1 DP 1234229.

   The residential flat buildings comprise 104 units in four (4) storeys and incorporate an underground excavated carpark, communal ground level open space including swimming pools and gyms and substantial landscaping within Lot 1DP 1234229; and

2. The upgrade of the adjoining Golf Club carparking including new access arrangements on Lot 1 DP868540 together with an Integrated Water Quality treatment device; and

3. The stratum and subsequent strata subdivision (3x) of the proposed residential development on proposed Lot 1DP1234229; and

4. The Torrens subdivision of the proposed Sewer Pumping Station for transfer to MidCoast Council (herein 'Council').

Architectural and relevant subdivision plans are included in **APPENDIX 2** and **APPENDIX 20**.

Works on the Hawks Nest Golf Club site and the adjacent Sanderling Avenue Road reserve are ancillary to the Residential Flat Building Site and only relevant specialist reports, address these ancillary works as necessary and appropriate.

It is noted that the finer detail of the strata subdivision plan may alter prior to its registration. A copy of the proposed draft strata subdivision is included in the **APPENDIX 20**.

The project incorporates all required utilities and services, including, sewer, water, electrical and communications. The upgrade for trunk connections to the existing services is also included in the submission.

A summary of the key statistics of the project is provided in **Table 1**:-

Table 1 - Project Summary Table

Project Element	**Summary of Project**	
Total Project Site Area	3.354Ha	
	Residential Flat Buildings Site	Golf Club Site
Individual Site Area	1.487Ha	1.867 Ha
Site Description	Lot 1 DP 1234229	Lot 1 DP 868540
Gross Floor Area	14,124.8m^2	N/a
Residential Apartments	104	N/a
Maximum Height	15.25m	N/a
Total Parking Spaces	161	N/a
Trailer Parking Spaces	13	N/a
Cycle Parking	104	N/a
Communal Open Space	3,828m^2 (25.7% of site area)	N/a

Whilst the project would be expected to be undertaken in the following Stages, it could be undertaken as a single construction activity. Construction stages are proposed in **Table 2**:-

Table 2 - Development Stages

Construction Stage	Details	Unit Production Rates				
1	Underground Carpark and Residential Flat Building 1 including all associated services, waste water pump station, bulk earthworks and Golf Club integration works	Studio	1 Bed	2 Bed	3 Bed	4 Bed
		3		18	9	4
2	Residential Flat Building 2			3	9	2
3	Residential Flat Building 3	9	6	30	8	3

1.4 Land Ownership

Lot 1 DP 1234229 is owned by Core Property Developments Pty. Ltd. and Leric Group Pty Ltd, and Lot 1 DP 868540 is owned by the Hawks Nest Golf Club Limited. The relevant authority has been provided to enable the lodgement of the Development Application. Sanderling Avenue is a public road owned by MidCoast Council.

1.5 Meeting with Council Development Assessment Panel

An earlier Development Assessment Panel (DAP) Meeting was held at Council on 20 December 2022. The DAP Meeting sought Council's advice in relation to the development of the land for the purposes of a residential flat building. A copy of the notes provided by Council in relation to the meeting are attached (**APPENDIX 33**).

Council originally advised that the proposed residential flat building being proposed in the R3 Medium Density Residential zone is likely not to be supported if it varies from any development standard.

Council further advised that the relationship between the project and adjoining development needs to be considered and analysed. Council also referred to the project being five (5) storeys in height and having minimal street setbacks, alluding to potential impacts on streetscape and amenity of the area. Bulk and scale considerations were also highlighted as important considerations in the preparation of the application.

A decision was made in April 2025 to proceed with the state significant development (SSD) pathway with an application made to the Housing Delivery Authority (HDA) for determination as an SSD and the issue of the Secretary's Environmental Assessment Requirements (SEARS). SEARS for the project were issued on 15 April 2025. As part of the SSD public engagement process Council was consulted as a key stakeholder in preparation of the EIS, details of this consultation is presented in section 5.

Matters raised by Council in the initial discussions and subsequent consultation have been considered as part of the development application documentation, associated plans, this Environmental Impact Statement and specialist reports.

1.6 Declaration of Project as State Significant Development

Following the Ministerial Order declaring the project as State Significant Development, the Secretary of the Department of Planning, Housing and Infrastructure (DPHI) issued the environmental assessment requirements (SEARs) on the 15 April 2025. A copy of the SEARs is included in **APPENDIX 1** and all matters raised by the DPHI form part of the development application documentation, associated plans, this Environmental Impact Statement and specialist reports.

The project is generally consistent with the nominated project that was presented to the Department for the declaration of the project status as an SSD. The original details provided with the status application for the involvement of the HDA are provided in the attached **Table 3** and comparison with this SSD Application is addressed:-

Table 3 - Comparison of the Alignment of SSD Status to SSD Application

Criteria	SSD Status	SSD Application (assessed by this document)
Key EPI relevant to proposed development	Great Lakes LEP, SEPP (Resilience and Hazards) 2021, SEPP (Planning Systems) 2021, Great Lakes DCP	Great Lakes LEP, SEPP (Resilience and Hazards) 2021, SEPP (Planning Systems) 2021, SEPP (Housing) 2021 Great Lakes DCP
Description of Proposal	Residential Accommodation comprising three residential flat buildings & associated Torrens, Stratum and Strata Subdivision & upgrade to existing Golf Club carpark	Residential Accommodation comprising three residential flat buildings & associated Torrens, Stratum and Strata Subdivision & upgrade to existing Golf Club carpark
Number of Dwellings	103	104 (Caretakers Residence now identified as a dwelling)
Additional Information – existing consent	N/a	N/a
Have you made contact with the relevant Council (pre-lodgement meeting or	Yes	Details of the original Prelodgement meeting are contained in the attached **APPENDIX 33**.

Criteria	SSD Status	SSD Application (assessed by this document)
discussion on infrastructure regarding the proposal		
Provide details	Original proposal was subject of a Pre Lodgement meeting in December 2022. Infrastructure contributions not discussed but accepted that they would be levied as per Council Contributions Plan. Project is also required to pay VPA costs under the Urban Release requirements	Matters addressed within Sections 4.4 and 4.5.
Provide details of any offsite infrastructure requirements associated with the development proposal	There would be a need to construct a sewer pumping station adjacent to the development and there would be a need to upgrade a section of the water main in Hawks Nest as well	Details of the infrastructure upgrades is discussed in the EIS and details provided in **APPENDIX 5**.
What type of residential accommodation is the residential component of the development	Residential flat building	Residential flat building
Is the development cost of the residential development	Equal to or greater than $30 million elsewhere	Estimated Development Cost is ~$101M, details are provided in **APPENDIX 21**.
Is the project currently prohibited by an EPI but accompanied by a suitable proposal	No	No
Are you proposing to vary any applicable development standard	Yes	Yes – Clause 4.3 – Height of Building
Demonstrate ownership or option to purchase for all land to which the proposal applies	Land is already acquired and approvals from the adjoining Golf Club for work on their site are already available	Land is already acquired and approvals from the adjoining Golf Club for work on their site are already available
Demonstrate that contributions would be paid	Contributions would be paid as part of the costs for the	Contributions would be paid as part of the costs for the

Criteria	SSD Status	SSD Application (assessed by this document)
as per Councils' existing contributions plan	release of the Subdivision Certificate. VPA contributions would be paid as required.	release of the Subdivision Certificate. VPA contributions would be paid as required.
Is the proposed development based on a previously refused proposal	No	No
Proposal site has good access to transport and services	Elsewhere, land is within 800 m walking distance of land in a relevant zone, or	Elsewhere, land is within 800 m walking distance of land in a relevant zone, or
Add any additional information about the proposed development site	Project site is 727m from the Hawks Nest Shopping Village via the shortest route	Project site is 727m from the Hawks Nest Shopping Village via the shortest route
Is the land identified as bushfire prone land	Affected by bushfire but has designed compliance with layout	Refer **APPENDIX 15** for the Bushfire Threat Assessment
Demonstrate how the proposal has adequate capacity in enabling infrastructure such as water, sewer and access	Upgrades to water and sewer systems discussed with MidCoast Council. Final details to be agreed with detailed designs.	Details of the infrastructure upgrades is discussed in the EIS and details provided in **APPENDIX 5**.
Demonstrate how the proposal will contribute to the supply of affordable housing (as defined in s1.4(1) of the EP&A Act)	Project would provide residential flat units from 1-4 bedrooms. Whilst the project is not an affordable development the single bedroom units would be priced accordingly.	Project would provide residential flat units from 1-4 bedrooms. Whilst the project is not an affordable development the single bedroom units would be priced accordingly.
Are you proposing a concurrent rezoning	No	No
Are you proposing significant changes to development standards	No	No

2 STRATEGIC CONTEXT

2.1 Hunter Regional Plan 2041

The project provides high consistency with the *Hunter Regional Plan 2041* (HRP 2041). Whilst the rezoning of the land was undertaken under the *Hunter Regional Plan 2036*, the adoption of the *Hunter Regional Plan 2041* repealed the 2036 version.

The Hawks Nest project sits within the Coastal District context of the HRP 2041 that has the following Planning Priorities:-

- *Prioritising growth in existing urban areas and supporting sustainable communities* – The project is within a high scenic amenity location that adjoins the premier recreational activity of the area being the Hawks Nest Golf Club. The project site is clearly within the existing urban boundaries of Hawks Nest that has been identified by local strategic planning investigations and the project would promote the distinct character of Hawks Nest. The project avoids physical constraints, natural hazards and protects the environmental and landscape values of the location.

- *Offering more diverse housing choices* – the project would provide alternative housing stock to the residential market and provide a quality of product that has not been developed at any location in the area. The development provides residential apartments that are adaptable and which can be adapted to cater for older residents. With the range of apartment styles, the option for studio, single bedroom and up to four-bedroom apartments would provide a range of accommodation types that would have significant market support.

  The local planning rules support the development of this type of project and confirms that the project would complement the desired local character and natural setting of the area.

- *Establishing coastal walks between comm*unities – The project would provide some of the necessary funds that are provided through the s7.11 Contributions that would be paid to fund the objective for the enhancement of coastal walks.

- *Enhancing coastal environments* – Whilst the project is not identified as being exposed to any coastal hazards, there is a need to confirm a Nil or Beneficial Effect (or NorBE) test for the control of stormwater into the groundwater. The project has attained this goal.

- *Supporting the NSW Koala Strategy* – consistency has occurred with this priority with compliance with the *MidCoast Koala Conservation Strategy 2024* and proposed mitigation of potential impacts,

- *Considering historical paper subdivisions* – Not relevant.

- *Planning for the Forster-Tuncurry regionally significant growth area* – Not relevant.

2.2 MidCoast Housing Strategy 2020

The *MidCoast Housing Strategy* (herein 'Strategy'), Council, had identified the project site as a potential Medium Density Site that would significantly support the adjoining Golf Club. As the rezoning of the land was achieved, the Council endorsed that a substantial development met the balance, in this location, of the integration of the natural environment with substantial medium density development.

This Strategy reinforced the view that development needed to produce high quality access and built form that can support local businesses and the production of apartment living to create a diversity in housing that can be adapted to the changing needs of its occupants over their lifecycle.

The project achieves all of the stated goals of the Strategy with a superior architectural design as provided in this application. The requirements of at least 10% of the units being adaptable has been met.

2.3 Project and Conservation Consistent with Council Strategic Direction

The intended residential accommodation proposed on Lot 1 DP1234229 is consistent with Council's strategic vision demonstrated through inclusion of the land intended to be developed for this purpose within the R3 Medium Density Residential zone. Changes to existing social characteristics of the Hawks Nest are, therefore, pre-empted as part of the growth of this locality consistent with Council's documented direction. Council's intended strategic direction would create a positive alteration to the physical, economic and social characteristics of the existing Hawks Nest locality from that of a low-density urban environment.

2.4 Development Contributions and Urban Release Contributions

The project would be required to pay the relevant s7.11 developer charges as per the MidCoast s7.11 Contribution Plan. Given the substantial nature of these fees, it is requested that they be levied at the release of the Strata Subdivision Plan stage. No Voluntary Planning Agreement is proposed or is needed to address any additional requirements for or on behalf of the development.

Contributions to DPHI for the Urban Release payments are to be organised after the formal lodgement of this application with DPHI. This is a separate process that requires the formal registration of an application as well as the majority of the documentation requirements lodged as part of compliance with the SEARs.

3 PROJECT DESCRIPTION

3.1 SITE AND SURROUNDING CONTEXT

The following provides details of the site:-

- The project site is known as Sanderling Avenue and it includes the Residential Flat Building Site, the Hawks Nest Golf Club and part of the adjoining Sanderling Avenue Road reserve, and is located within the MidCoast Council LGA.

- The project site is legally described as being Lot 1 in DP1234229 and Lot 1 in DP 868540. Associated entrance works are to be carried out within the Sanderling Avenue Road reserve.

- The project site has an area of 3.354Ha with the residential flat buildings being constructed on Lot 1 DP 1234229 with an area of 1.487 Ha. Lot 1 DP 868540 is the site of the existing Hawks Nest Golf Club and it has an area of 1.867 Ha.

- An aerial view of the project site is provided by **Figure 1-2**.

The residential flat building site is currently vacant and is partly occupied by an informal arrangement for the Golf Club carparking. The eastern part of the residential flat building site contains degraded native vegetation.

Current access to the project site is via the current Hawks Nest Golf Club main entrance off Sanderling Avenue.

Apart from the adjoining Hawks Nest Golf Club and its associated carparks to the west, the adjoining and surrounding development is a caravan park development (south) on land zoned RE1 Public Recreation, a Golf Course (north and west) on land zoned RE2 Private Recreation, Low Density Residential R2 and not developed (south west) and undeveloped land zoned Public Recreation RE1 (east). Further to the east is Bennetts Beach and the South Pacific Ocean.

3.2 DEVELOPMENT PROPOSAL

The project comprises the development of the project site as outlined in the following sequences. It would be expected that physical commencement of the construction phase including site establishment, vegetation clearance and earthworks would be undertaken initially in early Q2 2027 with building and development works commencing mid to late Q2 2027 and be completed in Q2 2029. Worker numbers for the initial 1 month's preparatory works would be around 30 workers, building up to 100 workers if all three (3) residential flat buildings are being completed together. Peak construction workforce would begin in Q3 2027 and extend for the full construction period. Construction traffic is expected to be up to 5 bidirectional trucks movements to and from the project site per day for deliveries raising to up to 15 bidirectional trucks movements per hour for major concrete pours. Where feasible,

worker vehicles during the initial non-peak construction period, comprising typically utes, would be contained on site and would be located around the building footprint that is not under active construction. Given the location of the project, workers would be expected to typically travel together. Given the number of workers required in peak construction off-site management during peak period would occur when parking cannot be provided on site. The contractor will investigate an off-site layover parking area and suitable shuttle service prior to construction.

The majority of building works, excluding the associated entrance works, will be fully contained within the residential flat building site and details will be included in the usual Construction Environment Management Plan (CEMP) that will be prepared for the building works. This CEMP will also include the following management plans:-

- Noise and Vibration Management Plan
- Soil and Water Management Plan
- Dust and Air Quality Management Plan
- Biodiversity Management Plan
- Tree Management Plan
- Traffic Management Plan
- Waste Management Plan
- Unexpected Finds Protocol – Contamination
- Unexpected Finds Protocol – Aboriginal Heritage
- Community Engagement Plan

Following the approval of the relevant construction certificate for the building works and the preparation of the CEMP, the following construction activities will be undertaken:-

- General clearing of all vegetation from the residential flat building site utilising on site bobcats, excavators, mulchers and truck and dog transports. Site shed establishment will be incorporated within construction and security fencing.
- Excavations and bulk earthworks to a depth of approximately 2.5m AHD to accommodate the basement car park level. This excavation would include the installation of piling to support the surrounding lands. On site equipment requirements include excavators, drum rollers, truck and dog transports, piling hammers.

- Construction of Residential Flat Building No 1, all of the basement carparking and all associated services. On site equipment requirements include excavators, drilling rigs, concrete pumps, agitators and concrete and steel handling equipment. Given that footings have yet to be designed, and the proximity of the Hawks Nest Golf Club building to the basement excavation works, it is likely that screw piles will be adopted to anchor the building. Implementation of the monitoring and management measures described in Section 6.12 and **APPENDIX 12** would mitigate the potential vibration impacts.

- Construction of the adjoining waste water pump station. On site equipment requirements include excavators, drilling rigs, concrete pumps, agitators.

- Reorganisation of the Golf Club's electrical main supply.
- Upsizing of the MidCoast Council water main along Sanderling Avenue, Mungo Brush Road and Kingfisher Avenue.
- Construction of Residential Flat buildings 2 and 3. Note that subject to demand, these structures may be constructed consecutively or together.

Proposed hours of construction are :-

- Monday to Friday – 7am to 6pm.
- Saturday – 8am to 1pm
- No work is proposed on Sundays and Public Holidays

Arrangements legalising the Rights of Way by the Residential Flat Buildings over the Golf Club's entranceway and a similar arrangement for the Golf Club's requirement for additional access widths adjoining the Club have been negotiated and are indicated on the Stage 1 Plan of Subdivision, refer **APPENDIX 20**.

Project Statistics are presented in **Table 4**:-

Table 4 - Project Statistics Table

PLANNING CONTROLS	**DETAILS**
Zoning:	R3 medium density residential
R3 Zoning Building Height:	12m
HDA Building Height:	**14.4m (12m + 20%)**
Maximum Height (project site low point):	**15.25m**
PLANNING DATA	
Project site Area:	14,875m²
Gross Floor Area Per Level	
Ground Floor:	4,034.5m²
First Floor:	3,652.5m²
Second Floor:	3,652.5m²
Third Floor:	2,785.3m²
Total Gross Floor Area:	**14,124.8m²**

PLANNING CONTROLS	DETAILS
Allowable FSR:	1:1 (14,875m²)
Proposed FSR:	**0.95:1 (14,124.8m²)**
Communal Open Space Required (DCP):	1,040m² (10m² Per Unit)
Communal Open Space Required (ADG):	3,718.75m² (25% Of Residential Flat Building Site Area)
Communal Open Space Provided:	**4562m² (30.66% of the residential flat building site area)**
Landscaped Area Required:	5,950m² (40% of site area)
Landscaped Area Provided:	**6,650m² (44.70% of residential flat building site area)**
Deep Soil Zone Required (DCP):	2090m² (14.5% of site area)
Deep Soil Zone Required (ADG):	1,041.25m² (7% of site area)
Deep Soil Zone Provided:	**1514 (10.17% of residential flat building site area)**
Number Of Apartments:	104
Required Adaptable Units:	11 (10% of apartments)
Provided Adaptable Apartments:	12
APARTMENT MIX	
Number Of Apartments:	104
Studio:	12
1 Bed:	6
2 Bed:	51
3+ Bed	35

PLANNING CONTROLS	DETAILS
Apartment Mix Percentage	
Studio:	11% (maximum 15%)
1 Bed:	6% (maximum 15%)
2 Bed:	49% (minimum 40%)
3+ Bed:	34% (minimum 15%)
PARKING	
Required Residential Car Parking:	133 Spaces
Provided Residential Car Parking: (Including 12 adaptable, 2 of which are dedicated accessible)	**140 Spaces**
Required Residential Accessible Parking:	0
Provided Residential Accessible Parking:	**2 Spaces (Included In Calculations)**
Required Visitor Parking:	21 Spaces (0.2 Per Dwelling)
Provided Visitor Parking:	**21 Spaces (including 1 accessible)**
Required Total Parking:	154 Spaces
Provided Toal Parking:	**161 Spaces**
Required Trailer Parking:	13 Spaces (1 per 8 dwellings)
Provided Trailer Parking:	**13 Spaces**
SOLAR ACCESS	
Required Apartments to Receive ≥3hrs:	73 (70%)
Achieved Apartments to Receive ≥3hrs:	**76 (73.07%)**
Required Maximum Apartments to Receive 0hrs:	15 (15%)
Achieved Maximum Apartments to Receive 0hrs:	**15 (14.42%)**
CROSS VENTILLATION	
Required Apartments to Receive Cross Ventilation:	63 (60%)

PLANNING CONTROLS	DETAILS
Achieved Apartments to Receive Cross Ventilation:	**65 (62.50%)**

3.3 ESTIMATED DEVELOPMENT COST

The estimated development cost (EDC) for the residential flat development is $100,870,000 and is attached as **APPENDIX 21**.

3.4 BUILDING LAYOUT AND DESIGN

The project would be 4-storey buildings with underground carparking, comprised of three residential flat buildings that incorporate significant communal open space, swimming pools and indoor and outdoor gyms. The project site would be accessed from a redesigned access driveway that provides access to the Hawks Nest Golf Club off Sanderling Avenue, Hawks Nest. A mix of Studio, 1-, 2-, 3- and 4-bedroom dwellings are proposed to provide the different needs of the community.

A Design Excellence Report has been prepared by EJE Architects and is included in **APPENDIX 29**.

3.5 LANDSCAPING

A landscape plan has been prepared by Terras Landscape Architects, refer **APPENDIX 6**. Extensive landscaping has been proposed along the interface with the Hawks Nest Golf Club and around the communal areas, pools and gyms. The project would maintain a canopy coverage of 2,025m^2 or 13.61% of the residential flat building site containing a total shrub cover of 575m^2 or 3.87%. Maximum allowed coverage for this vegetation types is compliant with bushfire calculations that specify 15% and 10% respectively. A copy of the landscape plan is shown in **Figure 3-1**.

Figure 3-1 - Landscape Plan by Terras Landscape Architects

4 STATUTORY CONTEXT

Relevant statutory requirements of the project are considered in **Table 5**:-

Table 5 - Statutory Context

Statutory reference	Pre-condition	Relevance	Section in EIS
Rural Fires Act 1997 section 100B	(1) The Commissioner may issue a bush fire safety authority for— (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or (b) development of bush fire prone land for a special fire protection purpose. (2) A bush fire safety authority authorises development for a purpose referred to in subsection (1) to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire. (3) A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1). (4) Application for a bush fire safety authority is to be made to the Commissioner in accordance with the regulations.	A bushfire assessment has been undertaken and the Application is nominated Integrated development. RFS concurrence is being sought via a request for a s100B Authorisation.	**APPENDIX 15** and Section 4.1.2 and Section 6.16
Biodiversity Conservation Act 2016 – section 7.14	**6.7 Minister may establish biodiversity assessment method** The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister	A Streamlined Biodiversity Development Assessment Report (SBDAR) has been	**APPENDIX 8** and Section 4.1.3 and Section 6.15

Statutory reference	Pre-condition	Relevance	Section in EIS
	may (but is not required to) further consider under the Act, the likely impact of the proposed development on biodiversity values.	undertaken and has determined the relevant biodiversity impacts.	
National Parks and Wildlife Act 1974	**Division 3 Aboriginal Cultural Heritage Advisory Committee** **27 Aboriginal Cultural Heritage Advisory Committee** (1) There is to be an Aboriginal Cultural Heritage Advisory Committee. (2) Schedule 9 has effect. **28 Functions of Committee** The Aboriginal Cultural Heritage Advisory Committee is to advise the Minister and the Secretary on any matter relating to the identification, assessment and management of Aboriginal cultural heritage, including providing strategic advice on the plan of management and the heritage impact permit process, whether or not the matter has been referred to the Committee by the Minister or the Secretary.	A Cultural Heritage Assessment has been undertaken and has concluded that no further investigations are needed to be undertaken.	**APPENDIX 24** and Section 6.11
Environmental Planning and Assessment Regulation 2021 – Section 193 – Principles of Ecological	**193 Principles of ecologically sustainable development** (1) The principles of ecologically sustainable development are the following— (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity,	An assessment of the Principles of Ecological Sustainable Development with respect to this project has been	EIS – Introduction and Section 6.5

Statutory reference	Pre-condition	Relevance	Section in EIS
Sustainable Development	(d) improved valuation, pricing and incentive mechanisms. (2) The precautionary principle is 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. (3) In applying the precautionary principle, public and private decisions should be guided by— (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (b) an assessment of the risk-weighted consequences of various options. (4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. (5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration. (6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as— (a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and	undertaken and detailed in the EIS.	

Statutory reference	Pre-condition	Relevance	Section in EIS
	(c) established environmental goals 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.		
State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Section 3 Koala Habitat Protection) 2020	This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline— (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in conservation zones.	As part of the SBDAR, consideration of the impacts of the project on Koala Habitat was undertaken, together with recommendations for the mitigation of impacts.	**APPENDIX 8** and Section 4.3.2, Section 4.6, Section 6.15
State Environmental Planning Policy (Housing) 2021 – Chapter 4 – Design of residential apartment development	**Chapter 4 Design of residential apartment development** **142 Aims of chapter** (1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes— (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—	An assessment under the Apartment Design Guidelines as well as an assessment under the relevant disabled codes.	**APPENDIX 16** **APPENDIX 28** and **APPENDIX 3**

Statutory reference	Pre-condition	Relevance	Section in EIS
	(i) providing socially and environmentally sustainable housing, and (ii) being a long-term asset to the neighbourhood, and (iii) achieving the urban planning policies for local and regional areas, (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces, (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community, (d) to better satisfy the increasing demand for residential apartment development, considering— (i) the changing social and demographic profile of the community, and (ii) the needs of a wide range of people, including persons with disability, children and seniors, (e) to contribute to the provision of a variety of dwelling types to meet population growth, (f) to support housing affordability, (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies. (2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.		

Statutory reference	Pre-condition	Relevance	Section in EIS
	143 Land to which chapter applies This chapter applies to the whole of the State, other than land to which *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 4 applies. **144 Application of chapter** (1) In this policy, development to which this chapter applies is referred to as ***residential apartment development***. (2) This chapter applies to the following— (a) development for the purposes of residential flat buildings, (b) development for the purposes of shop top housing, (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter. (3) This chapter applies to development only if— (a) the development consists of— (i) the erection of a new building, or (ii) the substantial redevelopment or substantial refurbishment of an existing building, or (iii) the conversion of an existing building, and		

Statutory reference	Pre-condition	Relevance	Section in EIS
	(b) the building is at least 3 storeys, not including underground car parking storeys, and (c) the building contains at least 4 dwellings. (4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2). (5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the *Building Code of Australia*. (6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 or Chapter 6 applies may also be residential apartment development under this chapter. (7) In this section— ***underground car parking storey*** means a storey used for car parking that is— (a) below ground level (existing), or (b) less than 1.2m above ground level (existing). **148 Non-discretionary development standards for residential apartment development—the Act, s 4.15** (1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		

Statutory reference	Pre-condition	Relevance	Section in EIS
	Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. (2) The following are non-discretionary development standards— (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide. **149 Apartment Design Guide prevails over development control plans** (1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— (a) visual privacy, (b) solar and daylight access,		

Statutory reference	Pre-condition	Relevance	Section in EIS
	(c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.		
State Environmental Planning Policy (Resilience and Hazards) 2021 – section 2.11 Development of land within the coastal use area	**Division 4 Coastal use area** **2.11 Development on land within the coastal use area** (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority: (a) has considered whether the proposed development is likely to cause an adverse impact on the following: (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Impact assessment has been undertaken within the EIS as the land is within the Coastal Use Area.	Section 4.3.3

Statutory reference	Pre-condition	Relevance	Section in EIS
	(iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and (b) is satisfied that: (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
Great Lakes LEP 2014	Objectives and land uses of the R3 Medium Density Residential zone • Part 4 – Principal development standards • Part 6 – Urban Release areas • Part 7 – Additional local provisions		Section 4.4

Statutory reference	Pre-condition	Relevance	Section in EIS
Great Lakes DCP	• Part 2 – Introduction • Part 4 – Environmental considerations • Part 6 – Residential Apartment Buildings, Mixed Use Developments and Business Premises • Part 9 – Subdivision • Part 10 – Car Parking, Access, Alternative and Active Transport • Part 11 – Water Sensitive Design • Part 13 – Landscaping and Open Space • Part 14 – Waste Management • Part 15 – Advertising and Signage		Section 4.5

Section 4.15 of the Environmental Planning & Assessment Act, 1979 Assessment

Provisions of any environmental planning instrument

4.1 Relevant Acts

4.1.1 Environmental Planning and Assessment Act 1979 –

The EP&A Act is the main governing Act to govern the planning and assessment of development projects in New South Wales, including this proposed Residential Accommodation which requires development consent.

4.1.2 *Rural Fires Act 1997*

This Act requires concurrence from the Rural Fire Service (RFS) as an Integrated Agency to undertake the project. A 100B Authorisation would need to be issued as part of the approval process. A Bushfire Threat Assessment has been undertaken and is included as **APPENDIX 15**.

It is noted that the bushfire protection measures shall be applied consummate with the risk. The project site is located adjacent to the coast, with the only fire direction under easterly wind influence. Fire behaviour under an easterly influence would significantly suppress due to the increased humidity resulting in a lower Forest Fire Danger Index (FFDI) than applied within Planning for Bushfire Protection (PBP) 2019. Although the location is within 100m of vegetation that would burn, it is not exposed to a fast-moving high intensity landscape fire event that would possess a significant bush fire threat to the building or occupants. Recommendations provided in the Bushfire Report, provided in **APPENDIX 15**, to mitigate impacts have been adopted as commitments of the Project, refer **APPENDIX 4**.

4.1.3 *Biodiversity Conservation Act 2016*

This Act provides that the environmental impacts are appropriately assessed and quantified. The BCA requires that a Biodiversity Development Assessment Report (BDAR) is to be undertaken to accompany the Application if the clearing threshold is exceeded. Given the size of the land is between 1Ha to <40Ha, the clearing threshold of 0.5Ha is exceeded with the requirement for the removal of 1.24Ha of native vegetation. A Streamlined BDAR (SBDAR) has been undertaken and is included as **APPENDIX 8**. The native vegetation present on residential flat building site has been identified and contains two (2) Plant Community Types (PCTs). These PCTs are :-

- PCT 3544 – *Coastal Sands Apple-Blackbutt Forest*
  - 0.38Ha in moderate condition: and,
  - 0.07Ha in Severely Degraded – Canopy only.
- PCT 3555 – *Lower North Sand Swale Banksia Woodland* (0.78Ha)

Fauna species recorded were typical of those expected in this locality and in this type of remnant habitat with existing connection to larger patches of habitat offsite. Threatened species previously recorded (AEP 2018) within the residential flat building site included New Holland Mouse (*Pseudomys novaehollandiae*), Grey-headed Flying-fox (*Pteropus poliocephalus*), Little Bentwing-bat (*Miniopterus australis*), and White-bellied Sea- Eagle (*Haliaeetus leucogaster*) which was recorded flying adjacent to the residential flat building site. However, as no breeding habitat is present within the project site or the locality, there is no requirement for further assessment of referral in accordance with the EPBC Act.

To offset residual impacts of the project upon identified biodiversity values, the project would require retirement of a total of;

- 32 x PCT 3555 credits (or equivalent).

4.1.4 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

A protected Matters Search of an area of 5km radius of the residential flat building site was conducted in February 2025 for Matters of Environmental Significance as relevant to the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The following Matters of National Significance are considered in this assessment:-

- **World Heritage Properties –** The project site is not a World Heritage place and is not in close proximity to any such area.

- **National Heritage Places –** The project site is not a National Heritage place, and is not in close proximity to any such place.

- **Wetlands of International Significance (declared Ramsar wetlands)** – From a search of the EPBC Act Protected Matters database, there is one (1) Wetland of International Significance within 10km's of the project site – Myall Lakes National Park. The study area is not within nor adjacent to the wetland, nor any waterbody upstream of the wetland. Therefore, the development is not likely to have an impact on the Wetland.

- **Great Barrier Reef Marine Park** – The project site is not part of, or within a close proximity to, the Great Barrier Reef Marine Park.

- **Commonwealth Marine Areas** – The project site is not part of, or within close proximity to, any Commonwealth Marine Area.

- **Threatened Ecological Communities** – From a search of the EPBC Act Protected Matters database, seven (7) listed Endangered Ecological Communities (EEC's) were considered likely to occur within a 5km radius of the Study Area:-

- *Coastal Swamp Oak (Casuarina Glauca) Forest of New South Wales and South East Queensland ecological community;*
- *Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland;*
- *Littoral Rainforest and Coastal Vine Thickets of Eastern Australia;*
- *Lowland Rainforest of Subtropical Australia;*
- *Posidonia australis seagrass meadows of the Manning-Hawkesbury ecoregion;*
- *Subtropical and Temperate Coastal Saltmarsh; and*
- *Subtropical eucalypt floodplain forest and woodland of the New South Wales Coast and South East Queensland bioregions.*

Two (2) Vegetation Communities were ground truthed as present on site; PCT 3544 – Coastal Sands Apple-Blackbutt Forest and PCT 3555 – Lower North Sand Swale Banksia Woodland. Neither PCT are associated with the above EEC's.

- **Threatened Species –** The EPBC Act Protected Matters database search found 98 listed threatened species recorded with a 5km radius of the Study Area. Threatened species listed under the EPBC Act considered likely to occur on site were assessed through field inspections/surveys, Bird Data and using the BioNet Atlas search tool with a 5km search radius to the Study Area. Fauna species recorded were typical of those expected in this locality and in this type of remnant habitat with existing connection to larger patches of habitat offsite. New Holland Mouse (*Pseudomys novaehollandiae*), was recorded within the residential flat building site. Little Bent-winged Bat (*Miniopterus australis*), Grey-headed Flying-fox (*Pteropus poliocephalus*) and White-bellied Sea eagle (*Haliaeetus leucogaster*) were also recorded within the residential flat building site; however, no breeding habitat is present within the residential flat building site or the locality. Therefore, there is no requirement for further assessment of referral in accordance with EPBC Act.

- **Migratory Species** – A number of EPBC listed migratory species have potential to utilise the site on an irregular basis. The limited number and sporadic nature of records close to the Study Area appear to reflect opportunistic rather than regular use of any habitat considered of importance to any threatened species.

  It is not considered that the development of the land is likely to significantly affect the availability of potential habitat for such mobile species, or disrupt migratory patterns.

- **EPBC Act Assessment Conclusion** – No Matters of National Environmental Significance (specifically in this instance threatened species, threatened ecological communities or listed migratory species) are expected to be impacted upon significantly as a result of the proposal, therefore an EPBC Act Referral is not required.

4.1.5 *Water Management Act 2000*

The Department of Climate Change, Energy, Environment and Water (Water) administer the *Water Management Act 2000* (WM Act) and is required to assess activities carried out on waterfront land. An object of the WM Act is to provide for the sustainable and integrated

management of the water sources of the State for the benefit of both past and future generations, and in particular:

- To protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality;
- To recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources; and
- To encourage best practice in the management of use of water.

There are no hydrolines mapped throughout the project site. Two 1st order streams are approximately 1.1km to the west of the project site and ocean front approx. 200m to the east, however, these natural structures do not intersect the project site. In addition, the project does not occur on waterfront land.

This Act also requires that an Aquifer Interference Licence be obtained if groundwater is to be intercepted. Sections 89, 90 and 91 of the WMA apply. Advice contained in the geotechnical investigations, refer **APPENDIX 17,** indicate that groundwater is unlikely to be intercepted given the basement level of the carpark is at 2.5m AHD and recorded ground water levels varying between RL 0.85m AHD and RL 1.4m AHD hence no further assessment or commentary is required in relation to this matter.

4.1.6 *National Parks and Wildlife Act 1974*

This Act requires the consideration of the Aboriginal cultural heritage and the protection of Aboriginal sites. A Preliminary Cultural Heritage Assessment has been undertaken and was accepted for the rezoning of the land, refer **APPENDIX 24**, and the assessment has concluded that post the rezoning of the project site that no further intensive archaeological assessment is required. Therefore, no further assessment or commentary is required.

4.2 Regulations

4.2.1 *Environmental Planning and Assessment Regulation 2021*

This regulation provides for the assessment of a development application and also provides the for requirements specifically relating to *Chapter 193 Principles of ecologically sustainable development.*

193 Principles of ecologically sustainable development

(1) The principles of ecologically sustainable development are the following—

(a) the precautionary principle,

(b) inter-generational equity,

(c) conservation of biological diversity and ecological integrity,

(d) improved valuation, pricing and incentive mechanisms.

(2) The precautionary principle is 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.

(3) In applying the precautionary principle, public and private decisions should be guided by—

(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(b) an assessment of the risk-weighted consequences of various options.

(4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

(5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

(6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—

(a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and

(b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and

(c) established environmental goals 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.

Comment – A precautionary principle approach has been achieved for the site's development and this was undertaken with the initial ecological assessment, stormwater management, servicing, traffic impact, bushfire, building designs and studies that were undertaken prior to the rezoning of the project site through to the detail design that is presented for final approval. At all steps in this design process, the applicants have constantly reverted to the specialists to confirm constraints, on the design, to ensure that at no time was there a likelihood of committing a serious and irreversible environmental impact.

All specialist reports have appropriately and comprehensively quantified all potential impacts and offered mitigation recommendations to ensure that the existing community and future generations would be provided with a development that is superior in design and respectful of the adjoining neighbours. **APPENDIX 29** provides a Design Excellence Report on the buildings. Mitigation measures adopted by the project are provided in **APPENDIX 4**.

The original design prepared in 2022 was presented to MidCoast Council and received significant negative responses for being too big and dominant in the location. Project specialists held meetings to discuss responses to Council's concerns with the owners of the project and basically the plans presented with this Application are a result of a very vigorous and retrospective design process to address Council's concerns.

With respect to intergenerational equity, the project has sought to improve the current existing environmental conditions. Initially, the development of the residential flat building site failed to achieve the Council's water quality targets, mainly due to the site being a sand site. A proactive solution to the failure of the water quality guidelines, resulted in the inclusion of the Golf Club carpark, presently not treating their stormwater impacts, with water quality biofilters. The resultant stormwater assessment has shown significant improvement to the existing situation. Improvements to the quality of stormwater being discharged to groundwater from the project site are to be improved with the stormwater treatment upgrades and the reuse of stormwater within the residential flat development site. **APPENDIX 14** and Section 4.5 (11.0) and Section 6.8 of this EIS provide detailed commentary on water quality impacts.

Ecologically, it has been determined through the SBDAR investigations that SAII impacts are not triggered and with the current site being identified as not functionally significant due to its isolation and fragmentation from other known suitable koala habitat, compensatory proactive landscaping and signage, would further minimise impacts to koala habitat. The SBDAR in **APPENDIX 8** assesses the impacts and the Landscaping Plans and **APPENDIX 6** provides the necessary design response to minimise potential impacts.

Upgrades to the water reticulation system would have improved serviceability impacts on many residents in Hawks Nest with the enlargement of water mains to service the project. From an electrical reticulation point of view, the pole mounted service to the existing Golf Club would be replaced with a more sustainable ground mounted and underground electrical service. **APPENDIX 5** provides the advice on the proposed upgrades to servicing the project site.

Visually, the residential flat building site would be contained with limited impacts to surrounding view corridors. The project would not be seen from the adjoining Bennetts Beach, along the majority of Sanderling Avenue or from the surrounding public areas and recreational areas.

The project is considered unique in its location, adjoining a Golf Club and adjacent to a beach. The project has made a conscious decision, in consultation with the Golf Club executive, that the Golf Club would provide the entertainment venue and services for the project. This then provides a strong financial support for the Golf Club and its activities. Increased patronage of the Golf Club is a desired outcome and support for its role in Hawks Nest as the premium social venue would be secured into the future.

Waste from the construction of the project would be minimal with most of the material generated from clearing existing vegetation being able to be reused in landscaping, and excess soils (following confirmation it is suitable under the NSW EPA *Waste Classification Guidelines*) would be relocated within the local area on other development sites that need sand fill material. Waste generated during the operations of the residential flat buildings would

typically be sorted into waste streams and recycled as appropriate. Waste collections would be undertaken with external contractors. The intent of the Regulation was to ensure that an SSD that produced significant waste as part of its operations or legacy need to account for it. In this particular application the burden of waste quantification and cost not transferred to future generations and is not a significant aspect of this project.

All services provided to the project would be appropriately transferred to the respective owners of the individual units.

4.3 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 2.75 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) specifies as follows in relation to exempt development being particular land subdivision:

(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:

a) widening a public road,

b) a realignment of boundaries:

i. that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and

ii. that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and

iii. that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and

iv. that will not adversely affect the provision of existing services on a lot, and

v. that will not result in any increased fire risk to existing buildings, and

vi. if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and

vii. if located in any other zone—that will not result in a change in the area of any lot by more than 10%,

c) (Repealed)

d) rectifying an encroachment on a lot,

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.

Comment – If it was being considered in isolation, the proposed lot for the creation of a sewage pumping station could be considered as exempt development under the Codes SEPP.

4.3.2 *State Environmental Planning Policy (Biodiversity and Conservation)* – Chapter 3 – Koala Habitat Protection) 2020

BC SEPP 2021 aims to encourage the conservation and management of areas of native 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. As the project site is >1Ha and does not have an approved koala plan of management, BC SEPP 2021 applies.

Additional assessments were then undertaken to satisfy the Development Assessment Process and the following seven (7) planning principles were addressed:-

Principle 1 – Understand koala habitat values

Principle 2 – Avoid intensifying land use in koala habitat areas through appropriate landscape planning and site selection.

Principle 3 – Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

Principle 4 – Minimise potential direct impacts to koalas through koala sensitive design.

Principle 5 – Implement best practice measures for the management of identified risks to koalas.

Principle 6 – Use compensatory measures only where they can be shown to better promote the aim of the SEPP.

Principle 7 – Use adaptive management strategies to monitor, evaluate and deliver appropriate planning outcomes for koalas.

Comment - Given the criteria addressed in the above Principles, it is considered that the project has taken adequate steps to mitigate, avoid and compensate the potential impacts to Koalas and Koala habitat.

4.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The land is subject to Chapter 2, Divisions 4 and 5 of State Environmental Planning Policy (Resilience and Hazards) 2021. The land is the subject of the coastal use area (subclause 2.11).

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

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

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

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

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

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

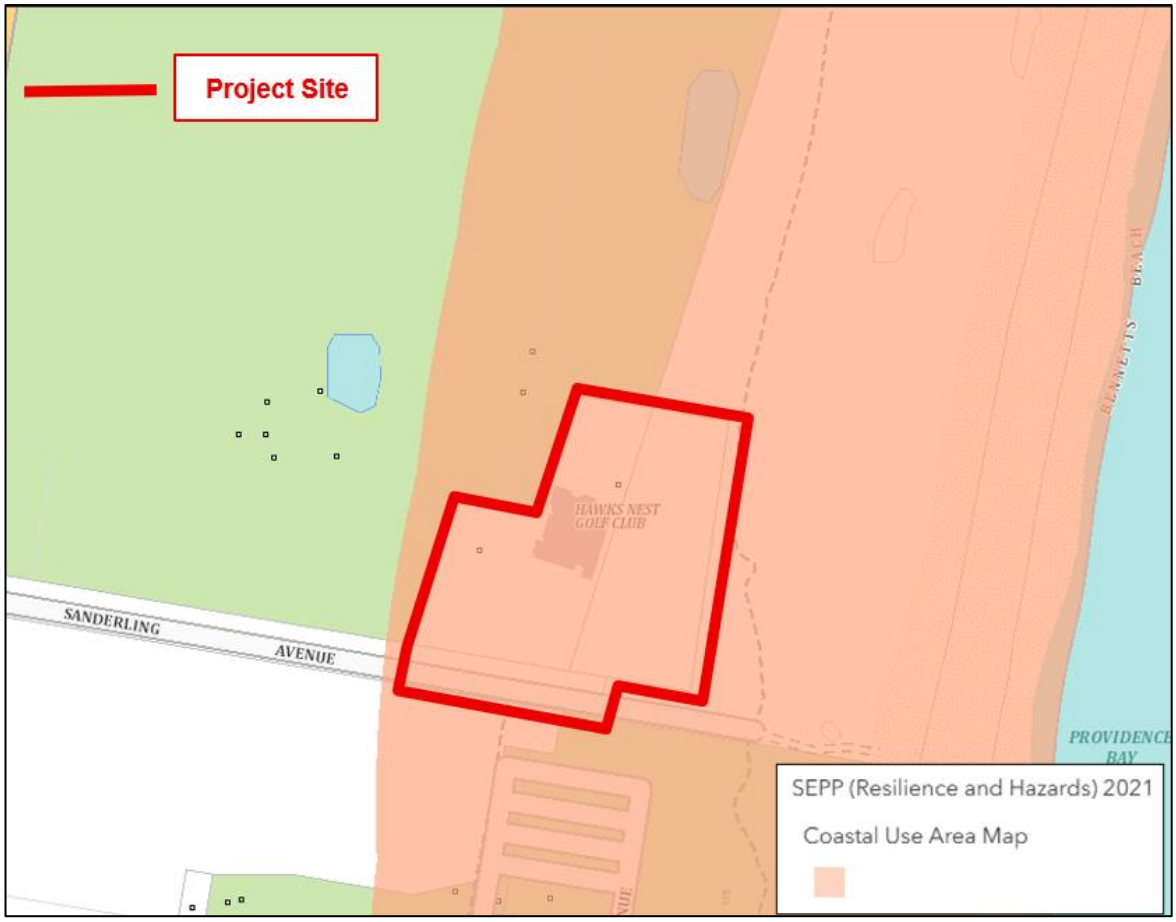

Figure 4-1 - Coastal Use Area (Source – Planning Portal)

Comment – The project is sited within the Coastal Use Area and has been designed to satisfy the requirements of clause 2.11 of the SEPP (Resilience and Hazards) 2021. Relevant attached specialist reports support this view with the following being relevant:-

- **APPENDIX 5** – Engineering and Site Servicing Plans indicating the improvements to Sanderling Avenue and the extensions to public pathways.
- **APPENDIX 2** – Architectural Plans indicating that overshadowing has been minimised.
- **APPENDIX 10** – Landscape and Visual Assessment indicating that the development cannot be seen from the beach and is only impacting immediately adjoining views.
- **APPENDIX 24** - Preliminary Cultural Heritage Assessment that indicates that it is unlikely that any archaeological evidence exists within the project site and development is unlikely to impact potential archaeological evidence.

In general, the project would not impact on any visual amenity or any public access areas on the foreshore. As evidence of compliance and consideration of the bulk and scale of the project, the allowable FSR is 1:1 or 14,875m^2 and the proposed FSR is 0.95:1 or 14,124.8m^2.

There would be no overshadowing of the public foreshore. The project would not impact on Aboriginal cultural heritage, practices and places, refer **APPENDIX 24** for details.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment –The project would not cause any increased risk of coastal hazards to the land or to any other land. The residential flat building site is outside of the Coastal Risk Map, refer **APPENDIX 22** contains previous advice that the proposed residential flat building site is landward and outside of the 2100 coastal hazard lines and confirms that the project is consistent with Ministerial Direction 9.1 (section 2.2 Coastal Management), within the Coastal Management Act (2016).

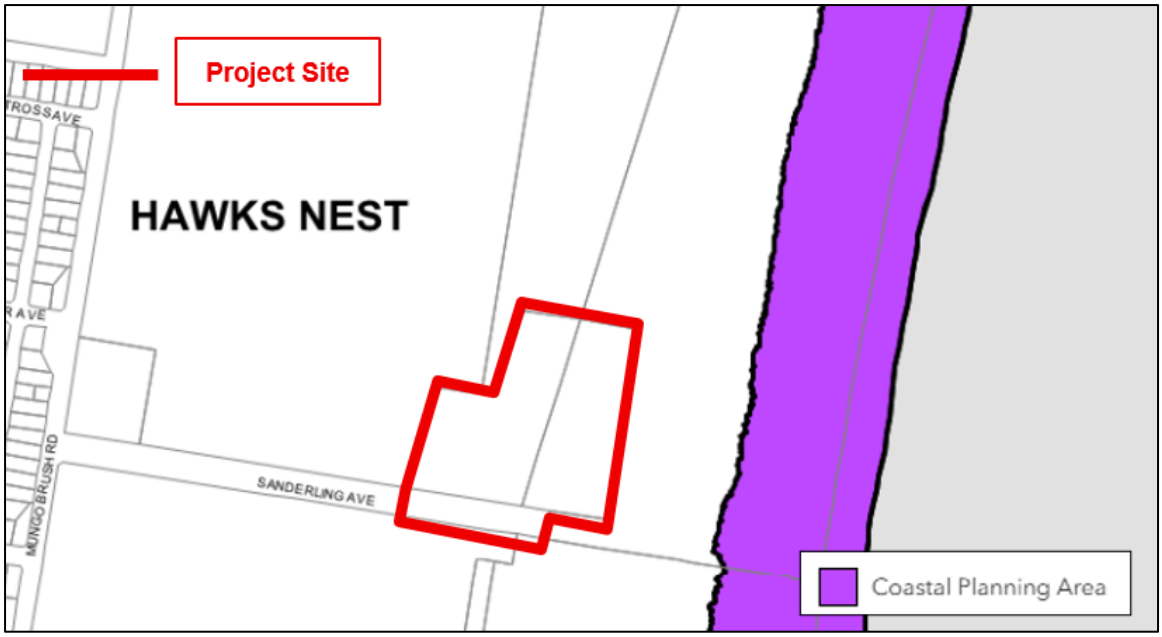

Figure 4-2 - Coastal Risk Planning Map (Source – Planning Portal)

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment – there are no certified coastal management programs that apply to the land.

2.14 Other development controls not affected

Subject to section 2.5, for the avoidance of doubt, nothing in this part –

(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or

(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

Comment – The method by which approval is sought is via a Development Application, hence development consent is being sought and the project is not prohibited development under any environmental planning instrument.

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

(a) the coastal wetlands and littoral rainforests area,

(b) the coastal vulnerability area,

(c) the coastal environment area,

(d) the coastal use area.

Comment – The project satisfies the provisions of both clauses 13 and 14. To this extent, no inconsistency applies.

4.3.4 State Environmental Planning Policy (Industry and Employment) 2021

SEPP (Industry and Employment) 2021 applies to all signage that:

(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and

(b) is visible from any public place or public reserve, except as provided by the policy.

Comment - The project is to include high quality building identification, as indicated on the relevant Architects Plans, **APPENDIX 2** and temporary apartment selling advertising relating to the sale of the proposed residential development.

It is intended that the advertisement would be consistent with the objectives of the policy pursuant to clause 3.6 and with relevant assessment criteria in Schedule 5.

4.3.5 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and regional development

Part 2.1 Preliminary

2.1 Aims of Chapter

The aims of this Chapter are as follows—

(a) to identify development that is State significant development,

(b) to identify development that is State significant infrastructure and critical State significant infrastructure,

(c) to identify development that is regionally significant development.

Comment – The proposed application for a Residential Accommodation development comprising three (3) residential flat buildings has been determined by the NSW Housing Delivery Authority (HDA) to be of State Significance and it has been allocated as SSD82066472. Matters relating to Regionally Significant Development are set aside by the Planning Secretary's declaration of SSD status and the issuance of SEARs.

4.3.6 State Environmental Planning Policy (Housing) 2021

142 Aims of Chapter

(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—

(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—

(i) providing socially and environmentally sustainable housing, and

(ii) being a long-term asset to the neighbourhood, and

(iii) achieving the urban planning policies for local and regional areas,

(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,

(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,

(d) to better satisfy the increasing demand for residential apartment development, considering—

(i) the changing social and demographic profile of the community, and

(ii) the needs of a wide range of people, including persons with disability, children and seniors,

(e) to contribute to the provision of a variety of dwelling types to meet population growth,

(f) to support housing affordability,

(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,

(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.

(2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

Comment – **APPENDIX 28** provides an assessment of compliance with the relevant Apartment Design Guidelines (ADG). Specific compliance with the guidelines is also tabulated in **APPENDIX 3**.

4.4 Great Lakes Local Environmental Plan 2014

(References to LEP Clauses are provided in brackets)

(1.2) Aims of Plan

The aims of the *Great Lakes Local Environmental Plan 2014* (the LEP) are:

(a) to facilitate the orderly and sustainable economic development of land,

(b) to promote the health and well-being of the population,

(c) to protect and enhance environmental, scenic and landscape assets,

(d) to facilitate cultural activities that will benefit the community,

(e) to promote the equitable provision of services and facilities for the community,

(f) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities or services,

(g) to promote public transport patronage and encourage walking and cycling,

(h) to ensure that development has regard to the capability of the land so that the risk of degradation is minimised,

(i) to minimise land use conflict,

(j) to ensure that development meets any local water quality objectives adopted by Council in relation to groundwater, rivers, estuaries, wetlands and other waterbodies,

(k) to protect, enhance and provide for the long-term management of native biodiversity, including habitat linkages, threatened species populations and endangered ecological

communities, and to identify and protect biodiversity links or corridors throughout the landscape.

Comment – The project is consistent the aims of the LEP. The development of the project site is well designed and predictably integrated with the operations of the Golf Club and the surrounding public access to Bennetts Beach. The project would provide for upgrading of services to the Golf Club and improved access for the public to the Golf Club with the addition of on-road parking at the Golf Club entrance.

The upgrading of the Golf Club car park with water quality treatment biofilters would further improve water quality. Native plantings on the southern side of the project have been allocated to minimise impacts and supplement koala habitat feed trees.

The site is zoned R3 – Medium Density Residential pursuant to the provisions of the LEP and as illustrated in **Figure 1-3**.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To achieve increased population density in locations that support the business centre.*

Comment – The proposed residential accommodation would comprise three (3) residential flat buildings inclusive of 104 units in four (4) residential storeys and an underground carpark. There would need to be a stratum subdivision of the basement carpark and services area to support the individual strata subdivisions. The subsequent strata subdivision (3x) within proposed Lot 1 DP 1234229 is a permissible land use with consent. The proposed residential (built) development on the land is wholly contained within proposed Lot 1 which is zoned R3 Medium Density Residential. Details of the Stratum and Strata Subdivisions are contained in **APPENDIX 20**.

Other relevant clauses of the LEP are addressed below.

(4.1) Minimum Subdivision Lot Size

(1) The objectives of this clause are as follows:

(a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,

(b) to ensure that lots are of a sufficient size and shape to accommodate future development.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land:

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

Comment – The R3 Medium Density Residential zone for this site has a minimum lot size of 10,000 square metres. Lot 1 DP 1234229 is 14,870 square metres, well above Council's minimum lot size requirement. The strata subdivision of the project is excluded from the controls.

The proposed subdivision of the proposed sewage pump station is for a public purpose and relevantly, SEPP (Exempt and Complying Development Codes) 2008 can be utilised to permit the subdivision of this land and subsequently transfer this land to Council.

(4.3) Height of Buildings

(1) The objectives of this clause are as follows:

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,

(b) to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use and the consent authority is satisfied that:

(a) internal lift access will be provided to all levels in the building, and

(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

Comment – The Great Lakes LEP map provides that the maximum building height in this location is 12 metres (refer **Figure 4-3)** but as the building provides lifts to all floors and is adaptable, the LEP Height of Buildings is adopted at 13.2m. However, the HDA has advised that it would accept a variation of the Height of Building control of +20% above the Great Lakes LEP 2014 of 12m. Practically, this means that most of the proposed building is to be below 14.4m (12m + 2.4m (20%)). For any variations above the 12m Height of Building control, a Clause 4.6 LEP Exceptions to development standards is needed to justify the variation and this is provided below.

A specific Architect's Plan, refer **APPENDIX 2**, sheet 22 has been prepared to indicate the extent of the building design that exceeds the 14.4m agreed HDA height limit. This plan describes the land formation of three (3) small depressions in the topography that cause the exceedance and only 7.95% of the total roof area of the project is involved with this exceedance. It should be noted that the average exceedance above 14.4m is only 0.26m in height over the total exceeding roof area of 1,123m^2.

The proposed residential flat building on proposed Lot 1 has a maximum height of 15.25 metres.

The height of the proposed building extends by 2.05 metres over the LEP height maximum allowance of 13.2m. This represents a 13.4% increase above Council's LEP height prescription.

This proposed exceedance of the building height is addressed below (refer 4.6 Exceptions to Development Standards, **APPENDIX 27**).

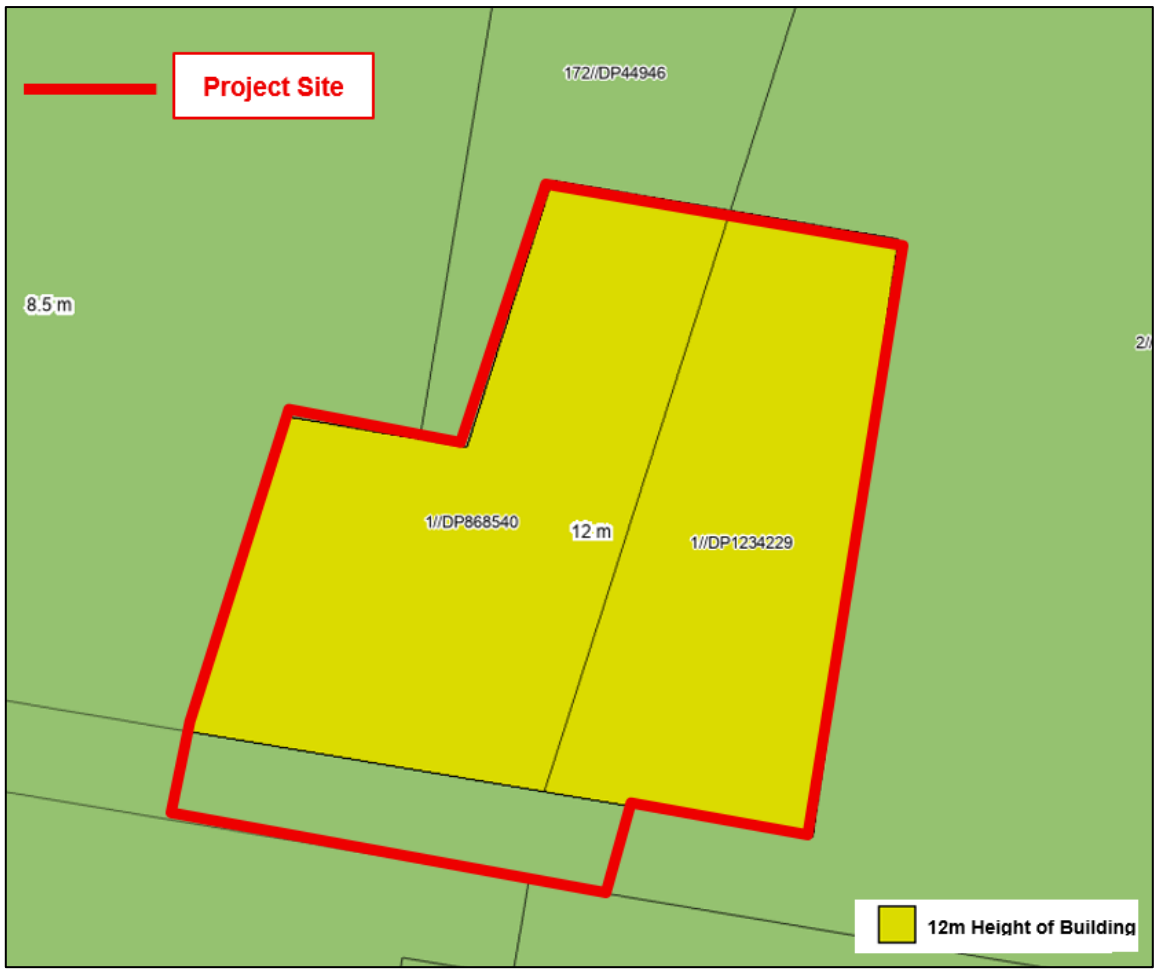

Figure 4-3 - Height of Buildings (Source – Planning Portal)

(4.4) Floor Space Ratio

(1) The objectives of Council's LEP are as follows:

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,

(b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,

(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,

(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Development consent must not be granted for development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the development includes commercial premises with a floor space ratio of at least:

(a) for land in Zone B1 Neighbourhood Centre—0.3:1, and

(b) for land in Zone B2 Local Centre—1:1.

(2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone B4 Mixed Business may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by 10% if the consent authority is satisfied that:

(a) lift access will be provided to each level in the building, and

(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

(2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Comment – The stipulated maximum Floor Space Ratio for this location is 1:1 (refer **Figure 4-4**), however, clause 4.4 (2B) allows for a 10% increase as the project is located in an R3 Zone and would have a lift access provided to each level and the design of the building would be consistent with *AS4299-199 Adaptable Housing.*

The Floor Space Ratio of the project is 0.95:1 and satisfies Council's LEP requirements.

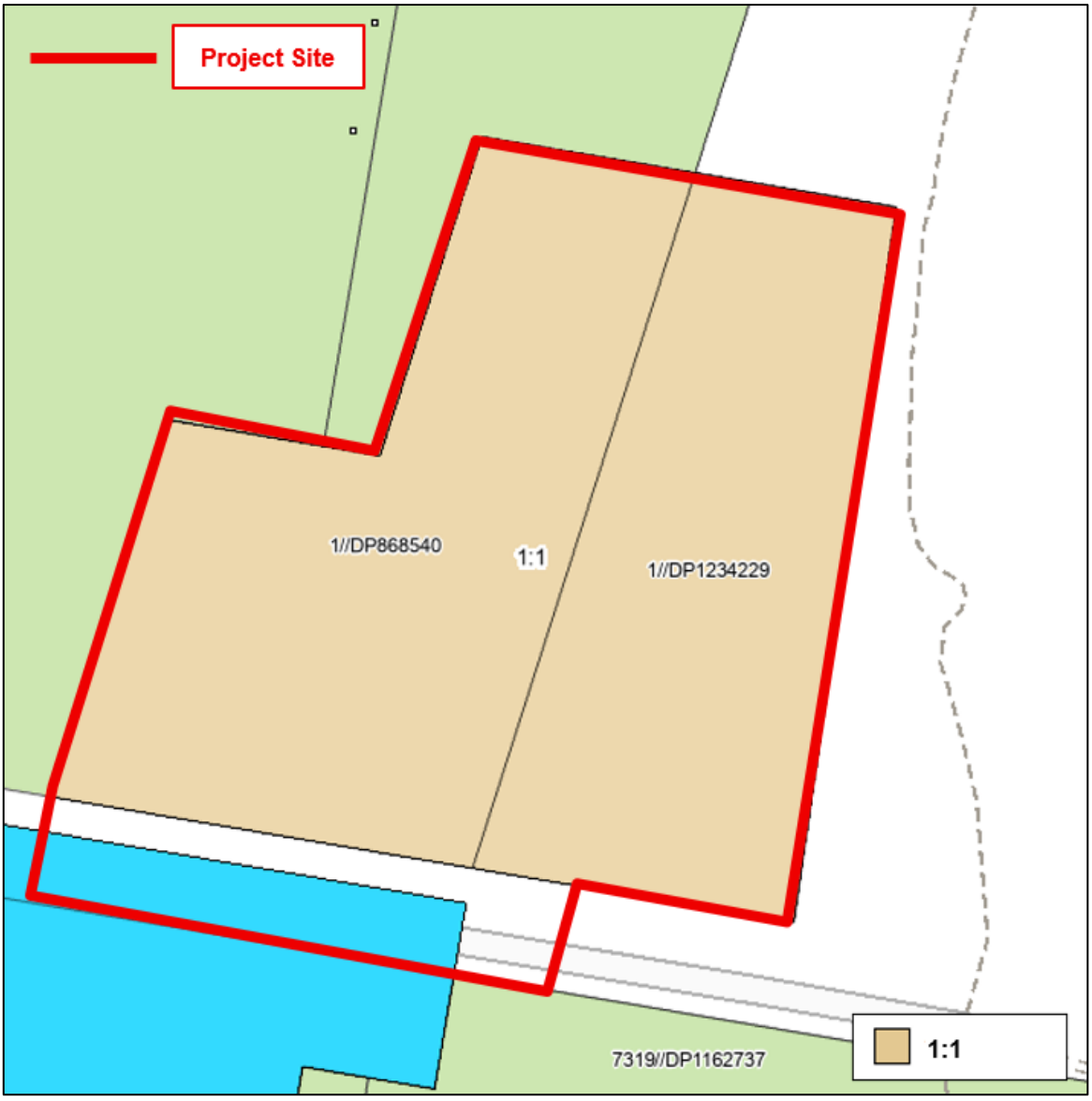

Figure 4-4 - Floor Space Ratio (Source- Planning Portal)

(4.6) Exceptions to Development Standards

(1) The objectives of LEP clause 4.6 are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or

any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(jj) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.1, 6.2 or 6.3.

Comment – A formal written request is made for an exemption to the 12m maximum height development standard pursuant to clause 4.3 of Great Lakes LEP 2014. The formal written request is provided as **APPENDIX 27**. In summary, small sections of the roof structure on all parts of the easternmost building structures exceed the adopted 14.4m HDA nominated height limit, details are included in the exemption request.

(Part 6) Urban Release Areas

Division 1 General

(6.1) Arrangements for Designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) 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.

(3) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).

(6.2) Public Utility Infrastructure

(1) 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 it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

(6.3) Development Control Plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) 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.

(3) The development control plan must provide for all of the following—

(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,

(d) a network of active and passive recreation areas,

(e) stormwater and water quality management controls,

(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,

(g) detailed urban design controls for significant development sites,

(h) measures to encourage higher density living around transport, open space and service nodes,

(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

(4) Subclause (2) does not apply to development for any of the following purposes—

(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,

(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,

(c) a subdivision of land in a zone in which the erection of structures is prohibited,

(d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

(6.4) Relationship Between Part and Remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Comment – An Application for a State Voluntary Planning Agreement would be made to the Department of Planning, Housing and Infrastructure (DPHI) after the HDA issues a formal

notification of the acceptance of this Application. It is noted that Clauses 6.1 and 6.2 are relevant to this Application and Clause 6.3 is effectively replaced with the details contained in this Development Application. Matters relating to contamination are addressed in an attached Contamination Testing Report undertaken by Douglas Partners with the conclusion that the residential flat building site is not contaminated, refer **APPENDIX 23** and **APPENDIX 34**. With respect to Clause 6.2, the installation of a sewage pump station on the residential flat building site would resolve the sewer servicing of the land and discussions for the extension and upgrading of the water main to the site has already been flagged in meetings with MidCoast Water Services and is contained in the Site Servicing Plans, refer **APPENDIX 5**.

(7.1) Acid Sulfate Soils

The objective of this LEP clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Comment – The residential flat building site is identified as containing Class 4 Acid Sulfate Soils (ASS), refer **Figure 4-5**.

LEP requirements state that development consent is required for Class 4 ASS if works are proposed more than two metres below the natural ground surface or the works are likely to result in a lowering of the water table more than 2 metres below the natural ground surface.

A geotechnical report has been prepared by Douglas Partners, refer **APPENDIX 19**. The report addresses the issue of acid sulfate soils and it has been determined that the presence of AASS (Actual Acid Sulfate Soils) or PASS (Potential Acid Sulfate Soils) is unlikely and therefore a site specific ASSMP (Acid Sulfate Soils Management Plan) is not required. The geotechnical report also discloses that the water table is between 0.85m -1.05m AHD and at this level would not be intercepted by any proposed works.

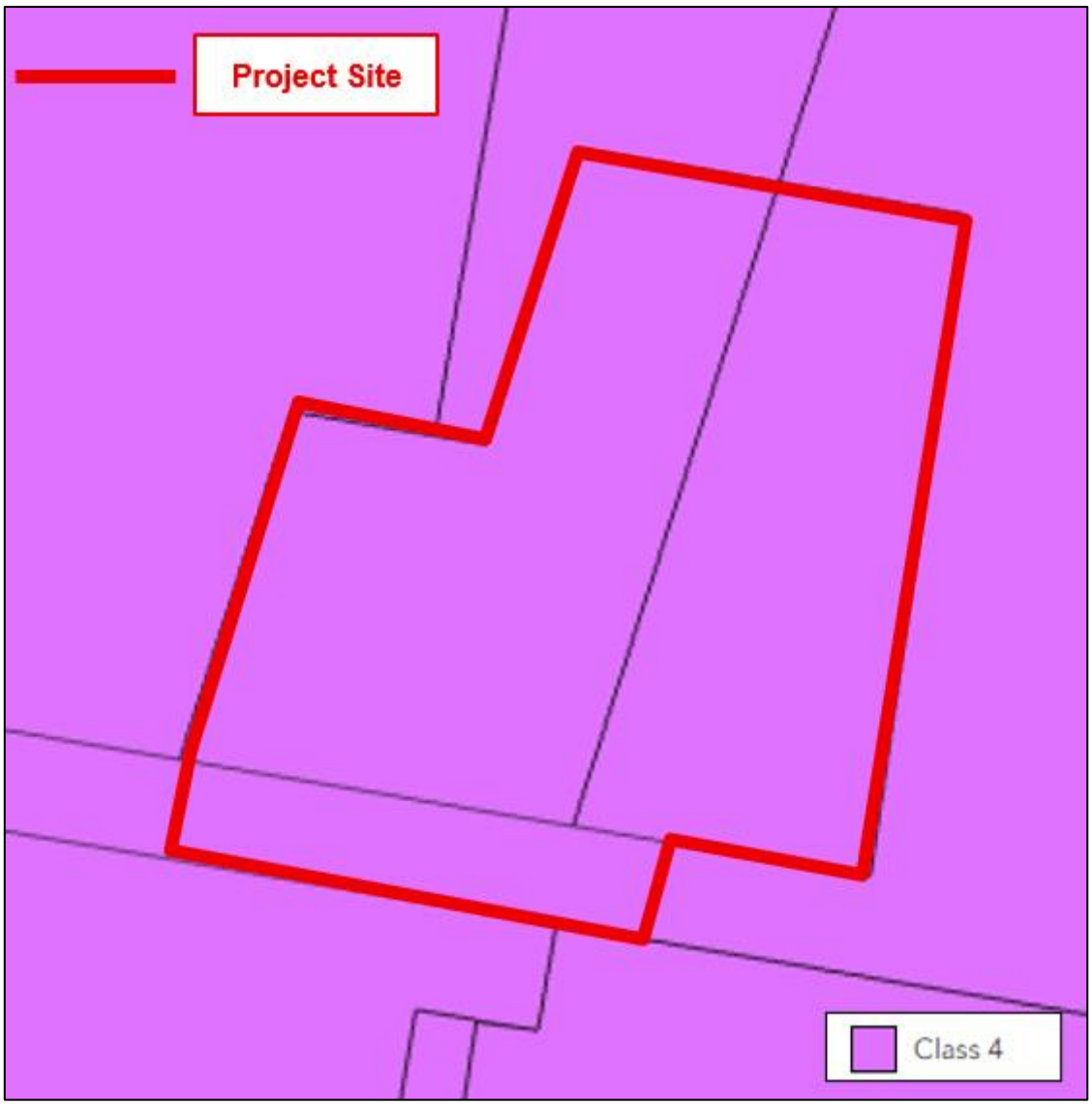

Figure 4-5 - Acid Sulfate Soils (Source- Planning Portal)

(7.2) Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

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

***Note —** The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.*

Comment – Earthworks are ancillary to the project the subject of this application and it is noted that:-

- Earthworks would be required over the whole of the development footprint;
- Most of the earthworks would be required for the excavations of the basement carpark;
- The proposed earthworks would not have any detrimental effects on drainage patterns or soil stability;
- Excavated material would be classified as VENM;
- The proposed earthworks would have no impact on adjoining properties or their amenity.
- It is unlikely that relics would be disturbed;
- There would be no impact on any waterway, drinking water catchment or environmentally sensitive area.

(7.4) Coastal Risk Planning

(1) The objectives of this clause are as follows—

(a) to avoid significant adverse impacts from coastal hazards,

(b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,

(c) to enable the evacuation of land identified as coastal risk in an emergency.

(2) This clause applies to the land identified as "Coastal Risk Planning area" on the Coastal Risk Planning Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

(a) is likely to be adversely affected by the impacts of coastal hazards, and

(b) is likely to cause detrimental increases in coastal risks to other development or properties, and

(c) is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and

(d) incorporates appropriate measures to manage risk to life from coastal risks, and

(e) avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the 2060 hazard line, and

(f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks.

(4) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.

(5) In this clause —

***2060 hazard line** means the landward extent of erosion, recession and stability hazards consistent with the projected 2060 sea level rise of 0.5 metres above the 1990 mean sea level.*

***coastal hazard** has the same meaning as in the Coastal Management Act 2016.*

Comment – The issues raised with coastal risk planning are addressed under SEPP (Resilience and Hazards) 2021 above.

(7.5) Stormwater Management

(1) The objective of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters.

(2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development—

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and

(c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and

(d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and

(e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

(f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Comment – The project would increase impermeable surfaces. A Stormwater Management Plan, refer **APPENDIX 14**, has been prepared addressing this issue. The management plan concludes that with the appropriate ameliorative measures, the project would result in a positive outcome regarding stormwater.

(7.21) Essential Services

Council requires that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Comment – All essential services can be made available to service the project, refer Site Servicing Plan in **APPENDIX 5**.

4.5 Great Lakes Development Control Plan 2014

(References to DCP Clauses are provided in brackets)

(2.0) Introductory

The Great Lakes Development Control Plan (DCP) was adopted by Great Lakes Council at the Strategic Committee Meeting on 12 November 2013.

The DCP was made effective on the date of publication of Great Lakes Local Environmental Plan 2014 in New South Wales Legislation 4 April 2014.

The DCP stipulates that variation to DCP controls may be permitted by Council if the applicant can demonstrate and outline in a Statement of Environmental Effects:

- *the proposal is consistent with the LEP zone objectives; and*
- *the proposal is consistent with the LEP development standards; and*
- *the proposal is consistent with all relevant clauses of the LEP; and*
- *the proposal achieves all relevant objectives of the DCP; and*
- *the development control/s subject of the variation are identified; and*
- *the objectives of that control are identified and achieved; and*
- *why the control should not apply to the proposed development; and*
- *why and how the development will not have a greater adverse impact on existing or approved adjoining development than if compliance was achieved; and*
- *why and how compliance with the development control/s is inappropriate or unreasonable in the particular circumstances of the case.*

The sections of the DCP relevant to the project are addressed below.

The overriding aim of the DCP is to create and maintain a high level of development and environmental quality throughout the Great Lakes.

The objectives and controls within the Plan aim to:

- *ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *ensure new development creates a unified landscape and contributes to the streetscape.*
- *ensure development reinforces the importance of pedestrian areas and creates an attractive design outcome.*
- *inspire design innovation for residential, commercial and industrial development.*
- *provide a high level of access to and within development.*
- *protect environmentally sensitive areas from over-development or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*
- *achieve environmentally, economically and socially sustainable development for the community of the Great Lakes.*

Comment – The project of the land is generally consistent with the aim, objectives and controls of Council's DCP.

Relevant architectural and site plans are included with the application, refer **APPENDIX 2** and **APPENDIX 5**.

(2.5.2) Site and Context Analysis

A Site and Context Analysis is required for applications for multi-unit residential accommodation and is included in the architectural plans in **APPENDIX 2**.

(2.5.3) Additional Information

Relevant additional information, including specialist reports, is included with the application.

(2.5.3.1) Landscape Plan

Refer **APPENDIX 2**.

(2.5.3.2) Shadow Diagram

Refer architectural plans in **APPENDIX 2**.

(2.5.3.4) Aboriginal Cultural Heritage

Refer **APPENDIX 24**.

(2.5.3.5) Drainage and Reticulation Plan

Refer Engineering and Site Servicing Plans in **APPENDIX 5** and the Stormwater Management Plan in **APPENDIX 14**.

2.5.3.6 Buildings with three or more storeys

Refer architectural plans in **APPENDIX 2**.

2.5.3.7 Traffic Report

Refer **APPENDIX 11**.

2.5.3.10 Geotechnical Report for cut and fill

Refer **APPENDIX 17**.

(4.0) Environmental Considerations

(4.1) Ecological Impacts

The DCP states the following objective:

"To ensure that development is designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities".

Comment – The proposed residential flat buildings on the site, zoned R3 Medium Density Residential would have a measured impact on local vegetation and associated ecology that will require the offsetting of 32 x PCT 3555 credits (or equivalent) to mitigate the removal of native vegetation. Specific details of the assessment of the residential flat building site and an analysis of the ecological impact of the project including mitigation of any negative impacts is addressed above and in the SBDAR in **APPENDIX 8.**

(4.2) Flooding

Comment – The residential flat building site is not identified as being within a Flood Development Control Area by Council's LEP Flood Mapping – see **Figure 4-6** . The residential flat building site is located approximately 800m outside the mapped flood extents.

The most relevant flood study in relation to the project site is the *Lower Myall River and Myall Lakes Flood Study* (June 2015, BMT WBM). It identifies the critical 2100 1% AEP design Flood Event at Hawks Nest as 2.3m AHD, a resulting Flood Planning Level of 2.8m AHD, and an 'Extreme' flood level (not including 2100 sea level rises) of 2.2m AHD, see **Figure 4-8**.

Council has provided a letter of advice that they have no flood level data relevant to the project site, and that they consider the site free from any flood affectation – see **APPENDIX 4** of the Stormwater Management Report in **APPENDIX 14**. Council's letter states they have no relevant flood data for the project site not because the flood impacts are unknown, but because the site is located well above the estimated flood extents.

A site survey has identified that the height of the existing ground level, whilst variable, is approximately 5m+ AHD as a minimum. The proposed finished ground floor level of the residential accommodation is 5.7m AHD. Both these levels are well clear of flood estimates identified above. While the proposed basement level of 2.5m AHD is below the Flood Planning Level, it is well protected from any flood impacts by the significant extent of elevated lands between the residential flat building site and the flood extents.

It is understood that Council does not provide data on a Probable Maximum Flood levels in Hawks Nest because there is no PMF flood event determination available. The Lower Myall River and Myall Lakes Flood Study assessed an 'Extreme' flood event rather than a PMF, see **Figure 4-8.** BMT WBM explains that this is due to the significantly long (7 day) duration of the critical flood event in the lower Myall River system, which exceeds the longest (72 hour) duration available under the Generalised Southeast Australian Method for Probable Maximum Precipitation estimation. BMT WBM determines that the Peak Extreme Event design flood level at Tea Gardens (Hawks Nest) would reach 2.24m AHD. It is noted that this is lower than the 2100 1% AEP flood level – this is due to the significant upstream storage capacity in the Myall River catchment, making the Hawks Nest area more sensitive to downstream tailwater impacts than rare / extreme rainfall intensities.

Figure 4-6 - Great Lakes Flood Development Control mapping

Figure 4-7 - Hybrid Overlay of BMT WBM (2015) 0.9m SLR 1% AEP Flood Event mapping

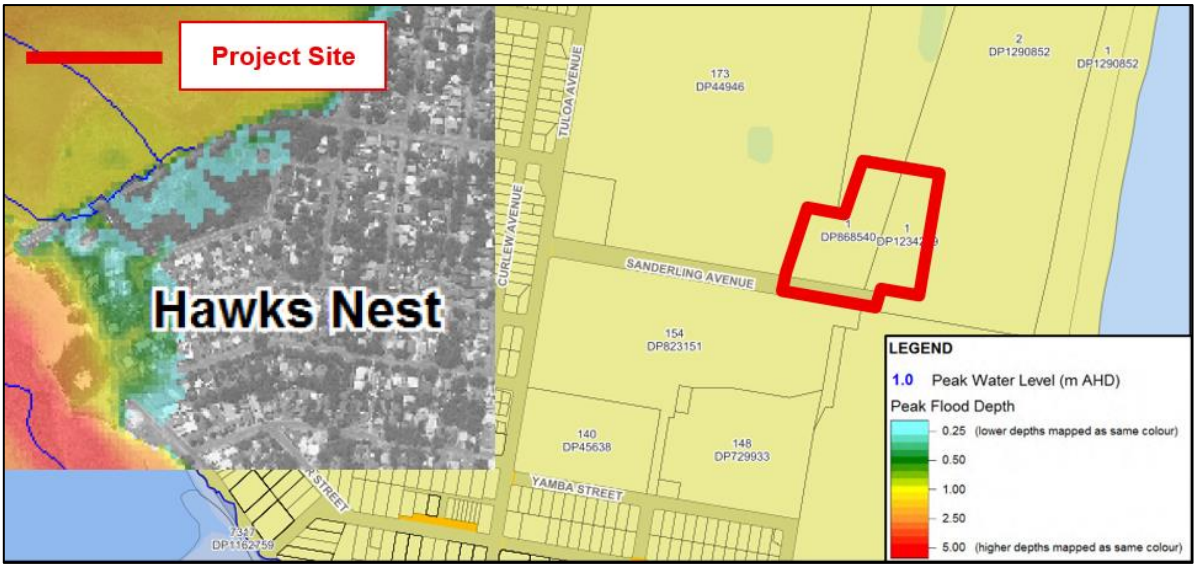

Figure 4-8 - Hybrid Overlay of BMT WBM (2015) Extreme Catchment Event mapping

(4.3) Coastal Planning Areas

Comment – The land is not affected by the requirements of the Coastal Risk Planning Map.

(4.6) Contaminated Land

The objective of the DCP is:

- *To ensure previous land uses do not impact on the health and well-being of the public.*

Comment – The residential flat building site has been further investigated by Douglas Partners in an attached Contamination Testing Report, refer **APPENDIX 23**. It has been concluded that the residential flat building site is not contaminated and that the site is suitable for the project.

(4.7) Bush Fire

The objective of the DCP is

- To ensure new development is designed with regard to bush fire hazards.

Comment – A search of the Planning Portal has revealed that the site is identified as being bush fire prone. A site investigation by Bushfire Environmental Management Consultancy has revealed that this is accurate and has prepared an appropriate Bushfire Threat Assessment, refer **APPENDIX 15**, for assessment by the RFS.

(6.0) Residential Apartment Buildings, Mixed Use Development and Business Premises

(6.1) General Building Design

The objectives of the DCP are:

- *Design medium and high-density residential development to respond to the streetscape character.*
- *Complement and enhance the visual character of the street and neighbourhood through appropriate building scale, form and detail.*
- *Reduce the visual dominance of garages as viewed from the street.*
- *Promote high quality architectural design that is contemporary and innovative.*
- *Ensure corner sites are developed as visually significant elements to promote a strong and legible character.*
- *Provide an identifiable and desirable street address to each building and dwelling.*
- *Define the street edge by creating a clear transition between private and public spaces along the street frontage.*
- *Allow for outlook and surveillance towards the street and the public domain.*

Comment – The proposed project positively satisfies the relevant objectives of the DCP. This is also evident in the ability to satisfy the relevant building and design controls further provided by the DCP with details being provided in the Statutory Compliance Table in **APPENDIX 3**.

(6.2) Pedestrian Amenity

Council's DCP states the following:

"Pedestrian amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. The pedestrian amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in public spaces. The pedestrian environment provides people with their primary experience of and interface with the towns and villages of Great Lakes.

This environment needs to be safe, functional and accessible to all and needs to take account of the significant proportion of elderly people residing in Great Lakes and the seasonal tourist influx. It should provide a wide variety of opportunities for social and cultural activities. The pedestrian environment is to be characterised by excellence of design, high quality materials and a standard of finish appropriate to the established character of the area".

Comment – Pedestrian amenity in the circumstances relevant to the proposed residential flat buildings within the development of the land are limited to the integrated pedestrian access to the adjoining Golf Club and to a secondary extent, areas of visitor car parking.

The project positively satisfies Council's requirements for high quality design, functionality, accessibility and safety including compliance with the relevant DCP controls as detailed in the Statutory Compliance Table in **APPENDIX 3**.

(6.3) Building Configuration

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.4) External Building Elements

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.5) Building Amenity

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.6) Building Performance

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**. Basix Certificates are included in **APPENDIX 26**.

(6.8) Building Depth and Bulk

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.9) Primary Street Setbacks

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.10) Side and Rear Setbacks

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(6.11) Ground Level Uses

The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.0) Subdivision

(9.1) Objectives

The DCP incorporates the following general objectives for subdivision:

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

- *Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision.*

The following additional objectives are prescribed for residential subdivision:

- *To minimise the extent of excavations works and/or fill required for establishing a suitable building envelop and associated infrastructure.*
- *To consider the design of roads and allotments so as to create variety and interest in the streetscape, and to preserve significant natural features.*
- *To ensure each allotment has sufficient area and dimensions to enable a dwelling and ancillary outbuildings; the provision of private outdoor space and convenient pedestrian and vehicle access.*
- *To prevent access points to battle-axe allotments becoming a dominating feature of the street and one which inhibits on-street parking,*
- *To encourage variety and choice in housing forms by providing allotments for a broad range of dwelling sizes, regardless of project size.*
- *Strike a balance between cost effectiveness and recurrent costs to Council and the community.*
- *Provide an appropriate level of amenity for new and existing residential areas.*
- *To preserve and enhance the unique characteristics of existing areas by adopting sympathetic subdivision design principles.*
- *To create pleasant street environments and take advantage of any views or outlook.*
- *To enable, where practicable, the application of energy conservation principles.*

Comment – As previously identified, the proposed subdivision components of the application are threefold:

1. Transfer of the sewage pump station to MidCoast Council.
2. The stratum subdivision of the basement carpark.
3. The strata subdivision of the project by three (3) separate Strata Subdivisions.

The proposed subdivision supports both the relevant general and residential subdivision objectives of the DCP.

(9.2) General Requirements for Subdivision in all Zones

(9.2.1) Design Principles

Criteria advised by the DCP includes:-

- *Hazards and Constraints;*
- *Protection and enhancement of natural features;*
- *Infrastructure and surrounding development; and*
- *Future land uses and development.*

Comment – No hazards or significant constraints apply to the proposed subdivision of the land. Vegetation is to be enhanced with active rehabilitation as per the Landscaping Plan, refer **APPENDIX 6**. The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.2.2) Site Design

The DCP's subdivision site design objectives are:

- *To preserve mature trees and significant landscape elements;*
- *To limit stormwater runoff and incorporate water sensitive design;*
- *To ensure heritage conservation objectives are met for both European and Aboriginal heritage; and*
- *To avoid degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine areas, and coastal lakes and areas.*

Comment – Stormwater runoff would be accommodated via the attached stormwater management plan. The project would have no impact upon any heritage items or areas, nor would there be any adverse impact upon unique or sensitive environments. The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.2.3) Services

The DCP's subdivision services objectives are:

- To provide public utilities to each allotment in a manner that is efficient and cost-effective;
- To maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves; and
- To ensure that rural, residential, industrial and commercial areas are adequately serviced in a manner that is timely, cost-effective, coordinated and efficient.

Comment – All required services are available to the proposed development of the land, consistent with Council's DCP objectives. The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.2.4) Landscaping

DCP subdivision landscaping objectives are:

- *To maintain and enhance existing streetscape and landscape character.*
- *To enhance the setting of buildings and provide for acoustic and visual privacy.*
- *To provide shade, wind and weather protection for buildings and areas of open space.*
- *To preserve mature trees and significant landscape elements.*

Comment – The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.2.5) Drainage

DCP subdivision drainage objectives are:

- *To prevent stormwater damage to the built and natural environment;*
- *To provide overflow paths to convey large stormwater flows to trunk drainage systems;*
- *To reduce nuisance flows to a level that is acceptable to the community;*
- *To provide a stormwater system which can be maintained economically;*
- *To provide a stormwater system which utilises open space in a manner compatible with other uses;*
- *To protect sensitive waterways and environments from urban stormwater pollutants;*
- *To prevent both short and long term inundation of development;*

- *To maintain environmental flows where possible and maximise the use and effectiveness of existing and natural drainage systems; and*

- *To stabilise land forms to prevent soil erosion and sedimentation.*

Comment – The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(9.3.9) Public Open Space

Comment – There is no opportunity to provide public open space within the project site.

(9.6) Additional Information

Strata Title

For strata title subdivisions Council must also have regard to those issues specified in Section 37(1) of the Strata Titles Act 1973 (or as amended).

Comment – Refer **APPENDIX 20** for relevant Strata Subdivision Plans.

Section 94 Contributions (now referred to as s7.11 Contributions)

Comment – A section 7.11 contribution would be required to be paid.

(10.0) Car Parking, Access, Alternative and Active Transport

(10.1) Objectives

The DCP objectives of this clause are:

- *To ensure that there is adequate and safe provision for access, manoeuvring and parking within the development;*

- *To restrict vehicular access to buildings in a manner that is compatible with pedestrian movements and safety;*

- *To integrate vehicle access and parking facilities without compromising street character, active street frontages or landscape;*

- *To promote alternative and active transport for both commuting and recreational transport;*

- *To provide an adequate level of on-site parking based upon anticipated occupancy rates and proximity to alternate and active transport, such as walking and bicycling;*
- *To ensure that parking requirements are met without imposing an undue burden on developers or an additional liability on the present and future ratepayers; and*
- *To ensure adequate space is provided in non-residential development for safe vehicle manoeuvring so that vehicles enter and exit the site in a forward direction.*

An additional objective is relevant for the purposes of the proposed residential flat building development, viz:

- *To integrate the siting, scale and design of basement parking into the site and building design.*

Comment – The proposed residential flat buildings on the land is consistent with these objectives. The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(10.2) Discounts

Comment – Not Applicable

(10.3) Car Parking Rates

Council's DCP requires the following car parking rates for the project (residential apartment building):

- *one (1) car parking space for each one (1) bedroom dwelling*
- *1.2 car parking spaces for each two (2) bedroom dwelling*
- *1.5 car parking spaces for each three (3) or more, bedroom dwelling*
- *0.2 visitor car parking spaces per dwelling*
- *1 trailer space per eight (8) dwellings*

Car parking requirement calculations are required to be rounded up to the nearest whole number.

Table 6 - DCP Car Parking Requirements

Type of Apartment & Other Requirements	Number	Rate	Spaces Required
1 bedroom/Studio	18	1.0	18
2 bedroom	51	1.2	62

3+ bedroom	35	1.5	53
Visitor	103	0.2	21
Trailer	103	0.125	13
Accessible Parking Space			0
TOTAL REQUIRED			154
TOTAL PROVIDED			161
Bicycle Parking	104	1.0	104

Comment – Proposed car parking spaces exceed Council's requirements. Car parking design, vehicle access and driveways are provided consistent with Council's DCP requirements. The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(10.4) Alternative and Active Transport

The objectives of this part of the DCP are:

- *To promote alternative and active transport for both commuting and recreational transport.*
- *To reduce the barriers to cycling by ensuring bicycle parking is available within the town centres.*
- *To encourage cycling by providing end of trip bicycle parking facilities.*
- *To ensure requirements to install bicycle parking do not impose an unreasonable cost burden on developers.*
- *To allow flexibility in how bicycle parking is provided in small destination developments, while ensuring the needs of cyclists are met.*
- *To ensure bicycle parking is safe, secure, convenient and meets the needs of a wide range of cyclists.*

Comment – The location and nature of the project is such that there is adequate opportunity for walking and cycling. Public transport in Hawks Nest is limited, however, the location of the project is such that what public transport does exist, it can be utilised to its maximum potential. Secure bicycle storage is adequately available within the Basement carparking arrangements.

(11.0) Water Sensitive Design

Comment – The proposed project has been designed having regard to water sensitive design principles. Refer **APPENDIX 14** for the Stormwater Management Report.

(13.0) Landscaping and Open Space

(13.2.1) Open Space

Relevant DCP objectives for landscaping and open space are:

- *To provide residents and other users with passive and active recreational opportunities.*
- *To provide areas on site for soft landscaping and deep soil planting.*
- *To ensure communal and private open space is consolidated, configured and designed to be accessible, useable and attractive.*
- *To ensure balconies and terraces are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for unit residents.*
- *To ensure that balconies and terraces are integrated into the overall architectural form and detail of a building.*
- *To provide a pleasant outlook, both from internal spaces and from streets and other areas of the public domain.*
- *To contribute to the safety and liveliness of the street by allowing passive surveillance and street address.*

Comment – The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(13.2.2) Landscape Design

Comment – The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(13.2.3) Deep Soil Zones

Comment – The specifics of compliance with the relevant DCP controls are contained in the Statutory Compliance Table in **APPENDIX 3**.

(14.0) Waste Management

Council's DCP objectives are:

- *To ensure that waste and recyclables storage areas within the property are designed for suitable ease of use, amenity and the movement and handling of waste for the life of the development.*

- *To encourage source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities for waste and quality design of waste facilities.*
- *To maximise reuse and recycling of materials.*
- *To minimise waste generation.*
- *To ensure appropriate collection and storage of waste.*
- *To minimise the environmental impacts associated with waste management.*
- *To encourage appropriate waste disposal and avoid illegal dumping.*

Comment – A Waste Management Plan has been prepared utilising Council's standard format. The development of this project would result in minimal waste. Accurate ordering of materials would ensure that any construction waste produced in this regard is kept to an absolute minimum and during construction, the waste produced would generally be recyclable.

Individual residential apartments would be provided with and have adequate scope for waste disposal, including the provision for recycling and green waste. Relevant and specific waste disposal bins are located in nominated positions within the basement. A waste management plan has been included in the Architects Plan Set (**APPENDIX 2**).

(15.0) Advertising and Signage

(15.1) Application of Design Guidelines

Objectives

- *To provide opportunities for businesses, facilities and services to effectively and equitably communicate with the general public;*
- *To provide for directional signs to meet the needs of visitors and residents in finding facilities, places and services;*
- *To provide for effective advertising for the area's tourist attractions, commercial facilities and services;*
- *To ensure that advertising signs do not detract from the visual environment;*
- *To ensure that advertising signs do not have any adverse effects on road safety;*
- *To provide for an orderly display of advertising;*
- *To ensure that business performance is not detrimentally affected by inappropriate advertising signs which create visually chaotic environments; and*
- *To ensure that businesses and sign maintenance have a clear understanding of Council's objectives and policies in relation to advertising signs.*

Commercial Sign

Means an advertisement which contains only:

(1) A reference to:
(a) The identification or description of the building or place.

(15.2.3) Signs for Buildings or Places of Tourist Interest

Definition:

Means a sign that advertises and directs the travelling public or place having landscape, historic, educational or other unique qualities that may be of interest to tourists.

Assessment Criteria:

(1) Tourist interest is defined as (a building or place) having landscape, historic, educational or other unique quality(s) that may be of interest to tourists.

(2) These signs must not include any commercial references.

(3) Provisions of the Roads and Traffic Authority and Tourism New South Wales Tourist Signposting document (as amended) are to be applied when the proposed sign is to be located within a road reserve.

Comment – It is intended that a building identification sign as indicated in the architectural plans within **APPENDIX 2** would be provided. In addition, signage would be required for the advertising of the apartments for sale.

4.6 ADOPTED STRATEGIES

MidCoast Koala Conservation Strategy (2024)

The MidCoast Koala Conservation Strategy (MCKCS) (MidCoast Council, 2024) outlines key targets and threats for the conservation of this Critically Endangered species within the MidCoast LGA. These are considered below.

Figure 1-7 within the MCKCS provides a map indicating Koala habitat within the MidCoast LGA. Mapped Koala habitat is classed into two categories;

- *Occupied – habitat derived from plant community types containing 15% koala food trees AND known to contain koala records from the last 3 koala generations (18 years i.e. generational persistence); and*
- *Likely – habitat derived from plant community types containing 15% koala food trees. (N.B. some of this mapping category contains recent survey records, however 'occupancy over time or generational persistence' was yet to be established).*

The project site is not mapped to contain either category of Koala habitat. Habitat within the golf course, to the west of the residential flat building site, is mapped as being Occupied. *Eucalyptus piluaris* is listed as a secondary / supplementary habitat tree within the MCKCS. As this species is present within the residential flat building site, targeted searches for Koala, including the use of a koala detection dog were carried out within the residential flat building

site, refer **APPENDIX 8**. The targeted searches and koala detection dog surveys found no evidence of koala within the residential flat building site.

Section 2.6 of the MCKCS outlines the following key threats that are relevant to this project with the following discussion of each key threat being extracted from Appendix K of the SBDAR provided in **APPENDIX 8**.

2.6.1 – Habitat Destruction, Fragmentation and Degradation

As discussed above, the project contains minimal Koala habitat. Koala habitat occurs to the west of the residential flat building site, in areas mapped as occupied. The project would act to reduce the extent of the connective corridor between native vegetation in the west and the hind-dune ecosystem; however, it would not result in fragmentation or isolation of any patch of native vegetation. The location of the project is such that it currently provides a small part of the coastal hind-dune system, which provides limited habitat for Koala. The removal of *Eucalyptus piluaris* within the residential flat building site reflects the removal of secondary Koala habitat. This would not fragment, degrade or destroy Koala habitat in a significant way. Furthermore, planting Koala habitat trees in landscaped areas and as street trees along the southern Boundary would maintain connection between potential Koala habitat to the west and the hind-dune ecosystem through the residential flat building site.

2.6.2 Vehicle Strike

The project is expected to increase the flow of traffic in the area. It is not located on, or within proximity to any notable or priority roads listed under the Conservation Strategy. However, vehicle strike has been considered as an area of concern for this project due to the potential impacts on Koala within the area. The CEMP considers pre, during and post construction mitigation measure to reduce both direct and indirect impacts such as vehicle strike. As is already implemented throughout Hawks Nest, signage would be installed along access roads to the project to raise awareness and minimise the chance of vehicle strike in the area.

2.6.6 Domestic Dog Attack

Due to the lack of evidence of Koala within the residential flat building site, the occurrence of a domestic dog attack is unlikely. However, fencing around the project would be required to restrict potential for interactions between domestic dogs and native animals, especially at night.

2.6.10 Drowning Risks

The presence of pools within the project poses a low risk to native wildlife, including Koalas. Human safety measures are sufficient in order to isolate koalas from accessing residential pools. Mitigation measures, such as appropriate fencing and landscaping surrounding the project to restrict incursion from native wildlife into areas that contain the pools, as well as the required fencing surrounding pool areas restrict the likelihood of occurrence.

As no evidence of Koalas were identified within the residential flat building site, the project is not expected to pose a significant risk to the Koala population within the locality. Mitigation measures are in place to restrict the potential threats outlined within the MCKCS, refer **APPENDIX 4**. As such, the project is not expected to have a significant impact on Koalas. Additionally, the project would enhance existing habitat values by landscaping with Koala use trees, connecting the western habitat to the wildlife corridor in the hind-dunes, and raising awareness with the implementation of koala warning road signs. Therefore, it would not hinder the targets outlined in the MCKCS and as such, no further consideration is required.

5 COMMUNITY ENGAGEMENT

Engagement has been undertaken in accordance with SEARs Item 4 and DPHI's *Undertaking Engagement Guidelines for State Significant Projects* (DPHI, 2024). An Engagement Outcomes Report has been prepared by Mara Consulting and is attached as **APPENDIX 7** in support of the project.

Engagement activities for the project included the following contact arrangements and details of these consultation activities are included in **Table 7**:-

- applicant-led stakeholder meetings
- letterbox drops to nearby residents and businesses
- emails to stakeholders
- online survey
- community drop-in session in Hawks Nest
- phone and Microsoft Teams interviews with stakeholders
- project information available online.

Stakeholder identification and engagement included in the consultation plan and based on their geographic proximity to the project as well as to potential impacts identified (including noise, traffic and visual impacts) included:-

- residents, businesses and community groups who are within 1km of the project
- key stakeholders such as government agencies and authorities, Council, and the adjacent golf club.

Table 7 - Consultation tools utilised to maximise stakeholder contact

Tools	Description	Stakeholder groups
Briefing	Meeting with key stakeholders to discuss the project and seek feedback.	MidCoast Council, TfNSW, other relevant agencies
Drop-in session	On-site meetings to understand the scale, location and potential issues and opportunities	Residents, businesses and community groups within 1 km of project
Webpage	Online platform providing project information and collecting feedback on issues and opportunities (live from August 2025)	MidCoast Council, TfNSW, DPHI, Hawks Nest Golf Club, Residents, businesses and community groups within 1 km of project (herein 'all stakeholders')
Contact methods – phone, web, email	Dedicated channels for stakeholders to ask questions or provide feedback. Details included on all project communication	All stakeholders

Tools	Description	Stakeholder groups
Communication materials	Factsheets, FAQs, emails and letterbox drops to provide project information	All stakeholders
Phone calls	Direct contact with stakeholders to answer questions and capture feedback	All stakeholders

Table 8 - Contacts made with stakeholders (Community Members and Impacted Neighbours) between September and October 2025

Activity	Number of contacts
Website visitors	478
Unique visitors to website	290
Emails (in and out)	68
Attendance to community drop-in sessions	51
Feedback forms	3
Letterbox drop (properties) up to 1 km from project site	Approximately 700
Phone calls	2
Survey responses	246
Interviews	1
Submissions	43

Table **9** – SIA Summary of Issues and Responses**Stakeholder**	**MidCoast Council**
Issue	**Response**
Short-term rental accommodation Council sought clarification on whether the apartments could be used for short-term rental accommodation	The proposed development on Sanderling Avenue is designed to provide long-term housing for permanent residents, not short-term holiday accommodation. While the R3 – Medium Density Residential zoning under the MidCoast Local Environmental Plan (LEP) allows a range of residential uses, the project has been purposefully planned to deliver stable homes for permanent residents. This focus supports the NSW Government's housing strategy, which seeks to increase the supply of long-term rental and owner-occupied housing in areas where demand is high. The intent is to strengthen the local community by creating more permanent housing opportunities rather than short-term stays.
Proposed building height and LEP consistency Council raised concern that the EIS does not clearly acknowledge the adopted Draft LEP and Draft Housing Policy height limits. Council noted that while the proposal may meet State planning controls, the EIS currently states compliance with the LEP, which Council considers may be misleading.	The EIS addresses all applicable planning controls, including the adopted height limits and the relationship between State planning pathways and local controls and any variations or departures from these planning controls.
Rezoning Voluntary Planning Agreement Council confirmed that the Rezoning Voluntary Planning Agreement remains current and noted that it is not addressed in the EIS	The VPA relates to the project site's rezoning. The funds have been provided to Council and the proponent's obligations have been met.

Turning paths and vehicle manoeuvring Council requested that turning paths be clearly demonstrated, particularly at the end of Sanderling Avenue. Council also requested demonstration of two car and trailer combinations passing, indicative holding areas and vehicle movements at ramp pinch points.	Engineering Plans (**APPENDIX 5**) have been updated to achieve compliance with relevant standards and requirements.
Traffic modelling assumptions Council requested that SIDRA modelling be undertaken using 100% occupancy rather than the 50% allowance currently applied in the report.	Updated traffic modelling presented in the TIA (**APPENDIX 11**) using full occupancy assumptions confirms that the surrounding road network continues to operate safely and efficiently under conservative traffic scenarios.
Upgrade of Sanderling Avenue Council advised that Sanderling Avenue may need to be upgraded to full width in accordance with Council AUSSPEC standards.	The TIA (**APPENDIX 11**) prepared as part of the EIS confirmed that upgrades would not be required to Sanderling Avenue.
Visual Impact Assessment – water-based viewpoints Council identified a potential gap in the Visual Impact Assessment, specifically relating to views from waterways. Council requested consideration of additional viewpoints including from Broughton Island, further along the beach and from the water within the Coastal Use Area under SEPP (Resilience and Hazards) 2021.	The Visual Impact Assessment Report viewshed diagram on page 17 quite clearly demonstrates locations that have sheltered and clear views of the proposed development. Therefore, it is considered that the detailed view analysis presented within the reports provides a clear coverage of all areas that are considered visual receptors. Furthermore, views from waterways including Broughton Island are not considered to be critical view receptor points as boat transport is generally transient or short term. In addition, Broughton Island is approximately 12kim from the development site and therefore would not be considered as a critical view receptor point, as a viewpoint analysis is generally limited to a radius of 5km.

Biodiversity and offsets Council noted that earlier pre-DA biodiversity concerns, including koala presence, had been addressed. Council also expressed a preference for biodiversity offsets to be delivered locally to achieve local environmental outcomes.	The SBDAR has been prepared in accordance with the requirements of the Biodiversity Conservation Act. All offsets measures identified within the report will also be implemented in accordance with this legislation.
Tuncurry Midge Orchid Council queried whether investigations have been undertaken for the Tuncurry Midge Orchid.	The SBDAR has considered the impact of the proposed development on all know and potentially occurring threatened species and ecological communities that have the potential to occur on site.
Stormwater management and infiltration systems Council requested additional detail regarding maintenance of infiltration tanks, including blockage and overflow scenarios.	Full details of the stormwater management system have been provided in **APPENDIX 14**
Geotechnical stability Council requested confirmation that infiltration systems located near building footings will not compromise soil stability.	A report provided by Douglas Partners (**APPENDIX 17**) on 12 March 2026 has confirmed that the original geotechnical and contamination reports can still be relied upon to inform to inform the project design
Water infrastructure and fire services Council advised that the internal water main is to be private, with boundary meters and valves installed. Council also requested identification of a suitable location for the fire booster assembly.	The Engineering and Servicing Plans (**APPENDIX 5**) have been updated to reflect this request.
Land contamination Council raised concerns regarding potential land contamination and indicated that further detail will be provided in Council's formal minutes.	The contamination assessment (**APPENDIX 23**) was completed as part of the EIS. It includes management measures where required. Note: the contamination report was previously accepted by Council as part of the rezoning of the land phase. A report provided by Douglas Partners (**APPENDIX 17**) on 12 March 2026 has confirmed that the original geotechnical and contamination reports can still be relied upon to inform project design

Public Domain Plan Council officers indicated general support for the Public Domain Plan concepts, subject to internal referral from the Assets team.	The Public Domain Plan (**APPENDIX 35**) will continue to be refined in consultation with Council to align with asset, maintenance and operational requirements.
Acoustic report and Asset Protection Zone Council provided positive feedback on the acoustic report and the proposed Asset Protection Zone design	Council's comments are noted. The acoustic assessment (**APPENDIX 12**) and APZ report (**APPENDIX 15**) have been completed as part of the EIS.
Stakeholder	**Community members and impacted neighbours**
Issue	**Response**
Proposed building height and project design (scale/density) There was a high number of concerns around the proposed building height and suggestions to reduce the number of storeys. There was also concern around the building scale and density.	The HDA would accept an application for a building height up to 20% above the Great Lakes Local Environment Plan (LEP) 2014. This means a maximum height of 14.4 metres (12m + 20%). The design keeps most of the buildings under this height. For any variations above the 12 metres the application would need to justify the variation. Only a very small part of the roof goes above 14.4 metres due to the natural landform (3 small depressions in the residential flat building site). This affects less than 8% of the total roof area, with the highest section being just 64m² — or 0.004% of the total building footprint.
Infrastructure strain Concerns were raised around the current level of infrastructure in the Hawks Nest/Tea Gardens area. Issues on current levels of strain were noted including lack of medical and shopping facilities.	The project has been designed to align with the strategic planning framework for Hawks Nest and to contribute to the orderly and sustainable growth of the township, as identified in the *MidCoast Local Housing Strategy* (MidCoast Council, 2021) and *Hunter Regional Plan 2041* (Department of Planning and Environment, 2022). The population growth associated with the project is expected to occur at a rate that can be accommodated by Council's existing infrastructure and service planning. The project team has consulted with MidCoast Council to confirm that essential services such as water, sewer and road networks can accommodate the project, subject to standard service augmentation and connection requirements. Further detail on infrastructure capacity and service provision is included in engineering and site services plans.
Traffic and road amenity The increase of traffic was raised many times with the community concerned about the increases in traffic to the	The traffic generated by the project has been carefully assessed and is well within the capacity of the local road network, even during peak summer holiday periods. Sanderling Avenue has been reviewed against Austroads

area. Some suggestions were made that the bridge should be widened to accommodate the increased traffic. There were also concerns around the increased traffic leading to further degradation on the already poor-quality roads surrounding the area.	national guidelines and is considered appropriate and safe at its current width. A new shared access configuration would serve the golf club and the project. While this configuration reduces the number of entry points on the main road, it may concentrate traffic at the shared access during peak periods. Traffic impacts and safety at this location would be monitored to ensure efficient operation for all. The apartments are expected to generate around: • 22 vehicle trips in the morning peak hour/per hour • 31 vehicle trips in the evening peak hour/per hour • 287 vehicle trips per day This represents a modest increase compared to existing traffic in Hawks Nest. Local roads have capacity to handle this increase without causing delays or congestion, refer **Section 6.6** and **APPENDIX 11**.Full SIDRA Modelling has been undertaken and this additional Report is attached to the TIA.
Resident Parking Concerns raised over an increased need for resident parking as well as caravan and jet ski storage.	Council's parking rates require 153 car spaces for a development of this size. The project provides 161 spaces, including resident, visitor and adaptable parking. This is more than required, meaning all parking demand can be contained within the project site. All resident car parking is underground and screened from view. Bicycle spaces and electric vehicle charging are included. Vehicle access is separated from pedestrian pathways for safety.
Community character Feedback commonly raised showed concerns about how the development could negatively impact the existing village atmosphere/character, identity and natural beauty of the local area. There is a sentiment that this development will incur a precedent risk to the area.	The buildings are designed to complement the surrounding neighbourhood, with setbacks, landscaping, and articulation that reduce bulk and integrate with the coastal setting. The proposed material palette draws inspiration from the history and heritage of the project site and it's coastal setting. It encourages natural textures and colours to evoke the warmth of sandy beaches. Use of brickwork on the entry wall draws upon the residential architectural style and its setting contrasted with a sandstone boulder making reference to the Worimi people. Using plants and materials that fit with the landscape would assist to soften to project on the surrounding landscape.
Visual impact There is a high concern that the height of the development will impact the pristine beach sightlines and change the coastal character entirely.	Views of the buildings would be limited due to existing vegetation and topography. Clear views would occur mainly from: • the golf club (car park and Hole 17) • Sanderling Avenue • the informal beach car park nearby From most other public areas, views are filtered or negligible. The project would not be visible from the beach. Several design features would help the buildings blend into the landscape:

	• upper-level setbacks and gaps between buildings to reduce bulk and allow for views and greenery • a coastal-inspired material palette, including: • curved brickwork at lower levels • light finishes on middle levels • darker concrete tones on the top level to reduce visibility • planter boxes with cascading greenery to soften the street view • landscaping with native and tropical trees to create a green buffer, especially on the southern and eastern sides. These elements help the project sit comfortably within the existing vegetated coastal setting.
Biodiversity Concerns over the local flora and fauna impacts. Koalas should be reintroduced to the area and dingoes use the area as a feeding area. Preservation of the surrounding bush trails and walking tracks was raised. Suggestions were made to ensure that all gardens were planted with local flora.	The project has been designed to minimise environmental impacts, and the project design accords with all Council LEP and DCP requirements. The design includes rain gardens, solar panels, and water-sensitive features to manage stormwater and minimize environmental impacts. Landscaping would use native species to support the local setting. New planting as part of the overall landscape plan would use native canopy and understory species where possible to reinforce the coastal setting and provide habitat, including koala feed trees. There would be no impact to the existing walking trails. Some clearing of vegetation and habitat loss would occur. These "residual impacts" are addressed through biodiversity credits and compensatory planting. The SBDAR (**APPENDIX 8**) concludes that adequate steps have been taken to avoid, minimise and offset impacts. The existence of dingoes has not been identified by the SBDAR (**APPENDIX 8**) within the project site.
Affordable housing Concerns raised over the affordability of the apartments and that they would not be priced in a bracket accessible to young families/professionals looking to move to the area.	The mix of apartments from studios to penthouses provides for a varied cross section of apartment design and price points. The overall range of apartment choice provide purchase options for everyone who may be considering a home in Hawks Nest.
Coastal impacts (sea level rise, sand dunes, erosion) There were concerns raised that the location of the development is not suited to the coastal environment and that the apartments should be set further back to help with erosion.	This issue of coastal impacts was considered as part of the original planning proposal for the project site. The project is consistent with the R3 zoning for the project site. Further consideration on coastal impacts has been assessed within Section 6.10 and **APPENDIX 22** and within the multiple design meetings that resulted in the final designs for the residential flat buildings.

Concerns also raised about climate change and location choice with rising sea levels. Further concerns around proximity to the ocean and insurability over time.	
Short-term rentals Concerns raised over the apartments being used for short-term rentals and Airbnb's rather than permanent housing.	The project on Sanderling Avenue is designed to provide long-term housing for permanent residents, not short-term holiday accommodation. While the R3 – Medium Density Residential zoning under the MidCoast Local Environmental Plan (LEP) allows a range of residential uses, the project has been purposefully planned to deliver stable homes for permanent residents. This focus supports the NSW Government's housing strategy, which seeks to increase the supply of long-term rental and owner-occupied housing in areas where demand is high. The intent is to strengthen the local community by creating more permanent housing opportunities rather than short-term stays.
Stormwater management Concerns raised over how the project will manage stormwater drainage and protect water quality.	The project has been designed to carefully manage drainage and protect water quality. Stormwater would be collected on the project site, reused where possible, and treated through a system of rain gardens, gross polluting traps and cartridge filters and large stormwater harvesting tanks before being released to groundwater in a way that mimics natural conditions. Native landscaping would also help reduce runoff and improve filtration. Modelling shows the system meets or exceeds long-term "neutral or beneficial" water quality targets for pollutants such as sediments and litter.

Summary of changes based on consultation

- The design of development has been carefully reviewed in response to the concerns raised. Through this process, the design has been reviewed against relevant reports to ensure the development appropriately address matters relating to scale, visual amenity, and site integration with the existing landscape.
- The technical reports have been reviewed to ensure they provide adequate responses to the identified issues. Overall, it is considered that the design and supporting reports satisfactorily respond to the concerns raised during the assessment process.
- Several of the changes to this EIS and associated reports as documented above respond to consultation with Council as part of the stakeholder engagement strategy, and feedback from the HDA based on the adequacy review of the draft EIS.

The Applicant would provide ongoing updates to key stakeholders and the community at key project milestones. A Community Engagement Plan (CEP) would be developed prior to construction to provide a proactive access community conduit for the project. Aspects of the CEP would include:-

- **proactive information sharing** through newsletters, project web updates and letterbox notifications outlining the construction timeline, potential high-impact activities (noise, vibration, traffic, pedestrian changes) and contact details for inquiries or complaints.
- **briefings or meetings with neighbouring properties**—including the Hawks Nest Golf Club and Reflections Holiday Park, to discuss timing, access arrangements and expected impacts.
- **development of an inquiry and complaint-management process** that logs, tracks and reports responses to community concerns.
- **establishing a local contact point** for questions, feedback and escalation during construction.
- **building relationships** with local community groups and businesses to support two-way communication and identify opportunities for local participation.

6 ASSESSMENT AND MITIGATION OF IMPACTS

6.1 Height, Scale and Massing

The maximum permitted height of building on the land under the Great Lakes LEP is 12m. As the project is for the purposes of a residential flat building and would provide, under Clause 4.3 (2A):-

(a) internal lift access would be provided to all levels in the building, and
(b) the design of the building is consistent with AS 4299–1995*, Adaptable housing*

The maximum height of a building is 13.2m (12m + 10%).

Under guidelines issued by the HDA, the maximum height of a building is 12m+20% or 14.4m.

Minor parts of the land have small depressions of up to 0.75m lower than the general level of the land that has been adopted for the designs of the project. The maximum height of the project is 15.25m. A Clause 4.6 Exceptions to Development Standards, refer **APPENDIX 27**, has been prepared that supports the variation to the LEP height with those parts of the roof and plant structure above the 14.4m level equating to <8% of the total roof area, with the majority of this roof and plant area being recessed as part of the top floor treatments to reduce the massing impacts. None of the height exceedances can be viewed from the Golf Club or any public areas.

Justifications have been provided that:-

(a) The project would promote the social and economic welfare of the community, through the provision of housing in a location close to employment, shops, services and outdoor public recreational spaces. The proposed built form also provides more opportunities for functional communal open space areas and allows for complying daylight access to adjoining development and public domain areas, producing a better environmental outcome and making adequate solar access available.

(b) The project has been architecturally designed to respond to the site's characteristics. The height variation would promote a better built form outcome for the project consistent with the principles of the ADG, including having regard to neighbour impacts.

(c) Improving urban design outcomes is a relevant environmental planning ground. The proposed height variation allows the FSR to be achieved consistent with the ADG. The project would provide a superior outcome as it has been designed to respond to the ADG including reducing impacts on neighbouring properties. The project has been designed in three (3) modestly scaled discontinuous buildings noting that with increasing height, the setbacks increase.

(d) It is not possible to design a residential flat building on this site which comprehensively complies with all of Council's development standards and DCP requirements (because of the numerical equational relationship between development standards and DCP numeric requirements there is necessarily some requirement to seek variation of a component of the project). The building has been designed so that it largely complies with the requirements in the DCP.

g) The project site is strategically located with excellent access to the Hawks Nest local business centre including shops and services as well in close proximity to a number of recreation and entertainment venues (including surrounding beaches, the surf club and National Parks).

The proposed height would achieve a better housing yield on the site, that more closely reflects the desired density for the site.

Achieving higher residential densities in strategic locations is vital to realising urban consolidation and ESD objectives.

From a strategic planning perspective there are strong reasons to encourage and achieve as much development in this location as is reasonably possible.

Floor Space Ratio – the allowable FSR is 1:1 (14,875m^2) and the proposed FSR is 0.95:1 (14,124.8m2). Given that the proposed residential flat buildings have been designed below the allowable FSR, the mass of the overall structure is compliant and the overall layout has permitted improved communal open space and resident amenity.

6.2 Overshadowing and Solar Access

Relevant overshadowing plans have been prepared, refer **APPENDIX 2**, for times 9:00am – 3:00pm June 21, the winter solstice. Only the servicing areas of the adjoining Golf Club are impacted at only 9:00am. Small sections of adjoining lands are impacted to the south (Sanderling Ave) but not the Beach Access Road.

Solar access between buildings within the project is maintained and the Golf Club is not adversely impacted. Givern that the eastern side of the Golf Club is the service side of club operations, there is no significant impact on the Club and the amenity of the club's operations and compliance with a 2-hour minimum access to sunlight between 9:00am and 3:00pm has been achieved.

6.3 Social Impacts

A Social Impact Assessment (SIA) has been undertaken by Marra Consulting in accordance with the DPHI *Social Impact Assessment Guideline* (2023), which requires that a Social Impact Assessment should consider the likely changes to the following social elements of value to people. Impacts and mitigation are discussed below with this assessment provided at **APPENDIX 9**. This section provides a summary of the SIA findings.

The SIA considered the following potential impacts of the project:

- way of life
- community
- accessibility
- culture
- health and wellbeing
- surroundings
- livelihoods
- decision-making systems.

The SIA found that overall, the project is expected to deliver long-term social benefits by increasing the supply of well-designed, permanent housing that supports ageing in place and aligns with regional housing and growth strategies. The residual social impacts of the project are expected to be low once the proposed measures are in place. However, ongoing communication, monitoring and responsive management will be essential to maintain community confidence and address any unanticipated issues that may arise.

Most adverse impacts are short-term and relate to the construction phase, including noise, dust and temporary traffic or access changes. These will be managed through the Construction Management Plan, Community Engagement Strategy and other targeted measures as detailed within **APPENDIX 4**. Once implemented, residual impacts are expected to be low and manageable.

A summary of the key positive outcomes and issues requiring continued management by the project are included in **Table 10**:-

Table 10 – Summary of SIA social changes likely to result from the project

Key Positive Outcomes of the Project include:- • Delivery of new, accessible housing suited to a range of residents. • Local employment and procurement opportunities during construction. • Enhanced pedestrian links and improved local amenity. • Long-term investment consistent with Council's housing and regional planning strategies.
Key issues requiring continued management: - • Temporary noise, dust and vibration during construction. • Short-term changes to traffic, parking and pedestrian access • Maintain the towns coastal character and minimising visual impacts. • Ensuring homes remain available and affordable for permanent residents rather than short-term holiday use.

The SIA considered the likely changes to the following social elements of value to people. How potential impacts and community concerns have been identified.

- **Way of life**

  WL-1: Construction amenity (noise, vibration, temporary disruption)

  Construction would create temporary noise, vibration and access changes for people near the site, mainly visitors at Reflections Holiday Park (≈80 m south) and users of the golf course (Tier 1 social locality). Residents of the Tier 2 host community, more than 500 m

away, may notice low-level noise but little direct disturbance. People closest to the project site (Sanderling Ave residents, golfers, holiday-park guests) would notice daytime noise, occasional vibration and short-term access changes, especially during earthworks and concrete pours. With a median age of 61 and many people at home during the day, tolerance for persistent noise can be lower. However, the closest residential neighbour is within tier 2 – host community and more than 500m away.

While noise was not a main theme from the survey or consultation (noise noted in 2 survey comments and 4 submissions), concern was present: “Development of this scale will … increase … noise” (survey).

Muller Acoustic predicts temporary exceedances without management. The Construction Noise and Vibration Management Plan provides standard hours with respite windows, quieter plant, task-specific barriers, vibration safe-working distances, advance notices and a same-day contact point.

Pre-mitigation rating: High B3.

Residual rating: Low C2.

WL-2: Temporary access changes during works

During construction there would be short-term changes to local movements as trucks enter and exit the project site and as traffic control or temporary footpath management is put in place. These changes may occasionally delay pedestrians and vehicles using Sanderling Avenue, the golf club entrance and access to the beach. Hawks Nest residents rely heavily on private vehicles and walking, so even short disruptions are noticed, particularly during holiday periods when visitor numbers increase.

Access issues were mentioned in 47 survey comments and 33 submissions, often alongside traffic and parking concerns. Typical comments included: “There needs to be clear access for the golf course and beach users during the build” and “Don’t block the shared path.”

The Construction Traffic Management Plan will clearly define heavy-vehicle routes and scheduling, require workers to use designated parking or off-site layover with a shuttle on peak days, and maintain the shared-path continuity or provide a safe, signed detour whenever works occur near pedestrians or cyclists.

Pre-mitigation rating: Low C2.

Residual rating: Low D2.

WL-3: Day-to-day living benefits after completion

Pools, gyms and shaded communal spaces on level, accessible routes, plus the new shared-path connections, support daily routines and social contact for an older population with higher volunteering (18.4%) and informal care (12.9%).

Several respondents supported “more accessible homes close to paths and shops,” noting benefits for ageing in place.

Pre-mitigation rating (benefit): High B3.

Residual rating (benefit): High A3.

WL-4: Workforce accommodation placing pressure on local housing supply

Construction may generate temporary housing demand where non-local workers seek short-term accommodation in nearby towns. In smaller coastal communities with limited rental supply, even modest increases in demand can place pressure on housing

availability and affordability. There is a significant number of short-term rental accommodation options available in the Hawks Nest area and high vacancy rates outside peak times.

For this project, the construction workforce is expected to be largely sourced from the Newcastle-Hunter region, which is within commuting distance of Hawks Nest. As a result, most workers are expected to travel to and from the site daily rather than requiring local accommodation.

A small number of workers may choose to access existing rental accommodation in Hawks Nest or Tea Gardens during the construction period. However, this would occur on an individual basis and is unlikely to result in a concentrated or organised workforce accommodation demand.

Local housing pressure was not a major theme in consultation, however raised by government agencies. However, the potential for construction workers to occupy local rentals is relevant in a community with a relatively constrained housing market and a large proportion of holiday accommodation.

Mitigation measures are expected to further reduce the likelihood of workforce accommodation impacts. The appointed construction contractor is anticipated to prioritise recruitment from the Newcastle-Hunter labour market and implement workforce management measures such as coordinated transport to and from the site and designated off-site parking areas with shuttle transport. These measures reduce the need for workers to stay locally during construction.

Given the proximity of the regional labour market, the absence of a dedicated workforce accommodation facility and the expected use of coordinated transport arrangements, the project is unlikely to generate substantial additional pressure on the local housing market. Any increase in rental demand during construction would likely be minor and temporary.

Pre-mitigation rating: Low C2

Residual rating: Low C2

- **Community**

COM-1: Change in character and cohesion.

Three four-storey buildings would change the look and feel near the golf frontage and street. This was a major theme (visual/height/scale raised in 35 survey comments and 30 submissions).

Views from Bennetts Beach were a common worry: “It will be a visual eye sore from the beach” (survey). Terras’ LVIA finds views are localised and filtered by vegetation and landform, and not visible from Bennetts Beach; visual effects reduce quickly with distance. Design responses, curved forms, upper-level setbacks, darker top level, non-reflective finishes, and street-edge greening, address bulk and scale. Delivering regular notifications to the surrounding community would help support cohesion.

Pre-mitigation rating: Medium C3 →

Residual rating: Low C2.

COM-2: Housing choice and inclusion (benefit).

The project would provide 104 dwellings designed for accessibility and comfort, including adaptable apartments, lifts and step-free access throughout. These features broaden

local housing choice and directly support ageing in place—allowing older people to remain in their community as their mobility and health needs change.

The Housing SEPP Design Quality Report (EJE Architecture, 2025) confirms that the design meets the *State Environmental Planning Policy (Housing) 2021* and the *Apartment Design Guide*, providing adaptable units and accessible paths that "enable residents to remain in their homes as their needs evolve." The Access Report (Purple Apple Access, 2025) similarly notes that the project "meets all accessibility requirements" with step-free circulation, accessible parking and lifts to every level, making the homes suitable for people of all ages and abilities.

This design response matches local needs. Baseline data shows that Hawks Nest has an older population (median age 61, with more than one-third aged 65 and over and 34.6 per cent lone-person households). Many residents are retired and downsizing while staying close to familiar services, friends and the coast is an option.

Community feedback supported this intent. Comments included:

- "This will give older locals the chance to downsize without leaving Hawks Nest."
- "We need more housing that's easy to get around for people with walkers or scooters."
- A number of submissions asked that new dwellings remain affordable and not be converted to short-term rentals.

By combining adaptable layouts, lift access, accessible communal facilities and on-site recreation, the project aligns with NSW Government and MidCoast Council policy directions for diverse, accessible housing that supports ageing in place.

Pre-mitigation rating: Benefit Very High A4.

Residual rating: Benefit Very High A4.

COM-3: Holiday rentals and community stability.

A key concern raised through the consultation was that the new apartments could be used primarily as short-term holiday rentals, rather than as homes for permanent residents. This theme appeared in over 60 survey comments and 27 written submissions, making it one of the most frequently mentioned social issues. Comments included:

- "It will just be more Airbnbs – no benefit for locals."
- "We already have enough holiday units; we need homes for people who live here year-round."
- "Holidaymakers don't contribute to the community the way residents do."

Hawks Nest's social fabric is shaped by a small permanent population and a large seasonal influx. The baseline data shows that the township's population swells during holidays, with many dwellings unoccupied outside peak periods. The local age profile (median age 61, one-third aged over 65) and high rates of volunteering (18.4%) reflect a stable, community-minded population that values neighbourly connections and quiet coastal character. Increased short-term letting could weaken these ties by reducing year-round occupancy and introducing a higher turnover of visitors.

While the planning framework under the *Housing SEPP* allows residential use, the community's perception of loss of local identity and reduced cohesion is genuine. To address this, the applicant can:

- commit to long-term residential leasing of a substantial proportion of dwellings

- incorporate by-laws or strata controls discouraging short-term letting
- provide clear information about occupancy management during operation.

These measures would help ensure the new community integrates with Hawks Nest's permanent population and contributes positively to local life.

Pre-mitigation rating: High B3.

Residual rating: Low C2.

COM-4: Perceived cumulative development and town identity.

Some submissions compared Sanderling Avenue to other multi-storey proposals, fearing "over-development" and loss of the village feel. While objective impacts are limited, perception of cumulative change can erode trust in planning. A Neighbourhood Design Integration Statement should be developed at detailed-design stage to demonstrate how landscaping and materials reflect Hawks Nest's low-scale coastal identity.

Pre-mitigation rating: High B3.

Residual rating: Low C2.

- **Accessibility**

ACC-1: Construction works for the proposed development would impact on access to the local area.

Construction would bring truck movements, deliveries and worker vehicles around Sanderling Avenue and the golf entry. Hawks Nest is highly car-dependent and public transport use is near zero, so short delays and driveway conflicts are felt more strongly than in larger centres.

SECA Solution confirms the local network operates well with capacity, but people still worry about holiday peaks and beach access. This was one of the most frequently raised issues (traffic mentioned in 47 survey comments and 33 submissions; parking in 5 survey comments and 13 submissions). Typical comments included: "The proposed development … will cause strain on surrounding services and street traffic" (survey) and "Very little mention has been made of the … parking area at the end of Sanderling Ave" (submission).

The Construction Traffic Management Plan (CTMP) will set heavy-vehicle routes via Tea Gardens/Myall Street bridge, schedule deliveries outside local peaks, keep the shared path open or provide safe detours, and use off-site worker parking with a shuttle on peak days.

Pre-mitigation rating: Low C2.

Residual rating: Low D2.

ACC-2: Access and parking once occupied.

Operation is expected to add ~287 daily vehicle trips, which SECA finds is within capacity.

The design provides 161 basement spaces (including visitor bays), 28 new on-street spaces near the relocated golf entry, and 104 secure bicycle spaces. Given Hawks Nest's older age profile (median age 61, high lone-person households), short, legible paths from parking to entries and lifts matter.

Concerns focused on visitor parking and servicing windows; one submission asked, "Will access be retained along with the current large car parking area?" Wayfinding to visitor bays, safe sight lines at the crossover and reasonable servicing windows address these points.

Pre-mitigation rating: Low D2

Residual rating: Negligible D1.

ACC-3: Walking and cycling connections (benefit).

The basement link to the golf car park and shared path extension along Sanderling Avenue provide continuous, lit, step-free access to shops on Tuloa Avenue and recreation. In a place where 6.4% walked to work, PT use is negligible, and many residents are older or live alone, these links support daily independence. Several respondents welcomed "safer paths and lighting" to the shops and beach. Enhancements include tactile indicators, rest points under shade and bike rails near entries.

Pre-mitigation rating (benefit): Medium B2.

Residual rating (benefit): Medium A2.

- **Culture**

CUL-1: The development would impact on the cultural heritage of the site.

Due diligence and the ACHA indicate no recorded sites and low archaeological potential within the footprint. One survey respondent identified as a Traditional Custodian and sought better involvement and information. The project will keep works within the assessed boundaries, apply a stop-work protocol for any unexpected finds or human remains, include culturally appropriate inductions and acknowledgement of Worimi Country at the entry.

Pre-mitigation rating: Negligible E1.

Residual rating: Negligible E1.

CUL-2: Cultural recognition and interpretation (benefit).

Stakeholders supported visible acknowledgement of Worimi Country. A cultural design and interpretation could be incorporated during detailed design and developed with local Aboriginal representatives to incorporate language and artwork at the entry.

Pre-mitigation rating (benefit): Medium B2.

Residual rating (benefit): Medium A2.

- **Health and wellbeing**

HWB-1: Dust and emissions from construction activity would negatively impact the surrounding residents.

Wind-blown dust and diesel exhaust from machinery have the potential to affect comfort and air quality on busy construction days. The closest sensitive receiver is the Reflections Holiday Park, located approximately 80 metres south of the project site within the Tier 1 locality. Other permanent residents are located more than 500 metres away in the Tier 2 host community. Given these distances, and the absence of schools or medical facilities within the immediate locality, potential impacts on the wider community are limited to temporary nuisance rather than health risk.

Hawks Nest has an older population—median age 61 with many retirees—but local health data indicate asthma and respiratory disease rates below the LGA average (PHIDU 2025; HealthStats NSW 2024). This means overall community vulnerability to dust-related effects is moderate, though older residents and holiday-park guests may still notice changes in air quality during dry or windy periods.

A small number of comments raised concern about dust and emissions (one survey comment and seven submissions), typically from people worried about nearby recreation areas and caravan-park guests.

In response, the project will use standard erosion and sediment controls, water carts and covering of load to manage dust. A no-idling policy will limit emissions from machinery and stationary plant or generators will be positioned away from the southern boundary wherever possible. A clear complaints process will ensure any concerns are logged, investigated and resolved quickly.

Pre-mitigation rating: Low D3.

Residual rating: Low D2.

HWB-2: Construction noise and stress.

Sustained noise, even within guideline levels, can cause annoyance or stress for people at home during the day.

Muller identifies the noisiest stages of work and recommends measures such as scheduled respite periods, quieter equipment and temporary noise barriers. Nearby residents will receive clear advance notice of high-noise activities and have a single contact point for quick responses to any concerns.

Pre-mitigation rating: High B3.

Residual rating: Low C2.

Given the management measures, the **residual impact** is assessed at **Low C2.**

HWB-3: Noise from operations disturbs surrounding residents.

Noise modelling shows that equipment, resident activity and waste collection will comply with the required criteria. Servicing may occasionally be heard but would be short-lived. Using low-noise equipment, locating bins away from neighbouring properties where possible and avoiding very early collections will help prevent ongoing disturbance.

Pre-mitigation rating: Low D2.

Residual: Negligible D1.

- **Surroundings**

  SUR-1: Visual change.

  Visual change was among the top issues (coastal/Beach/visual raised in 69 + 35 survey comments and 37 + 30 submissions). Common concerns were visibility from the beach and the coastal character:

  - "The visibility from the beach will make it an eyesore for those trying to enjoy nature" (survey)
  - "Future developments of this scale would replace Hawks Nest with another Nelson Bay" (submission).

  Terras' LVIA confirms the project will not be visible from Bennetts Beach and that effects are localised. Mitigation includes darker top levels, non-reflective materials, substantial street-edge greening, perimeter canopy planting and minimising light spill.

  Pre-mitigation rating: Very High A4.

  Residual rating: High A3.

  SUR-2: Stormwater, flooding and groundwater.

  Drainage concerns came up (stormwater in 11 survey comments and 19 submissions), often framed with coastal change:

  - "Area is already having trouble with beach erosion" (survey).

  Tattersall Lander and Bewsher confirm that stormwater will be captured, treated and absorbed on site through raingardens, tanks and infiltration cells. The design ensures there will be no increase in flooding for neighbouring properties, and any required nutrient offsets will be managed through the golf car park raingarden.

  Pre-mitigation rating: Low D2.

  Residual rating: Negligible D1.

  SUR-3: Bushfire interface.

  A smaller but notable theme (bushfire in 1 survey comment and 9 submissions) sought clarity on evacuation and perimeter management:

  - "This would create an escape route in times of bushfire/flooding" (submission).

  BEMC recommends asset protection zones, emergency access, hydrants and material controls; a Bushfire Emergency & Evacuation Plan will be prepared.

  Pre-mitigation rating: Medium C3.

  Residual rating: Low D2.

- **Livelihoods**

  LIV-1: Construction jobs and local spend (benefit).

  Construction would create jobs for trades, suppliers and service providers and boost local spending in shops and accommodation, particularly outside the main tourist season. With

many Hawks Nest residents working in construction and unemployment lower than the LGA average, much of this work can be sourced locally.

These short-term economic benefits would also support nearby cafés, fuel stations and small businesses.

Pre-mitigation rating (benefit): Low C2.

Residual rating (benefit): Medium A2.

LIV-2: Ongoing roles and local spend (benefit).

Once operational, the project will provide ongoing employment in facilities management, maintenance and resident services. It would also generate steady local spending from residents, visitors and suppliers. Several respondents acknowledged these economic benefits while emphasising the need to maintain the town's year-round amenity and balance between residents and tourists.

Pre-mitigation (benefit): Medium C3.

Residual (benefit): Medium B2.

- **Decision making systems**

DEC-1: Ineffective engagement with surrounding community increasing complaints.

Clear communication during construction and operation is essential to maintain community trust. Without timely updates, misinformation and complaints can increase, particularly during busy holiday periods.

Some respondents asked for more transparent information, including independent environmental checks and clearer details about beach access and parking.

A community engagement plan should be developed to manage the construction phase. The CEP should include clear, practical measures to keep the community informed and reduce potential conflict. Plain-English updates on upcoming works, give advance notice of disruptive activities and establish a single point of contact for questions or feedback are recommended for inclusion.

The project team should meet regularly with the golf club and holiday park to share schedules, respond to concerns and coordinate any changes that may affect visitors or neighbours.

Pre-mitigation rating: Low D2.

Residual rating: Negligible D1.

DEC-2: Construction-fatigue risk.

Extended or repeated works could cause community fatigue. Engagement activities should be adjusted based on feedback and sentiment monitoring.

Pre-mitigation rating: Medium C3.

Residual rating: Low D2.

6.4 Visual Impacts

A Landscape and Visual Impact Assessment (VIA) has been prepared by Terras Landscape Architects, refer **APPENDIX 6**. This section provides a summary of the VIA.

Impacts on the visual landscape environment of the project varies from NEGLIGIBLE to MODERATE with the moderate impact only occurring within proximity of the project site. Most of the viewpoints attribute a low or negligible visual impacts and mitigation would be assisted with landscape plantings alongside the access driveway and along the southern boundary of the project. Specific locations from Curlew Avenue, midway up the Yacaaba Headland Walking Trail and outside the Reflections Caravan Park in Booner Street have been assessed as being a negligible impact. Views from Bennetts Beach are non-existent and have been given a Not Applicable status.

As part of the VIA, the potential impacts of post development operation lighting on the environment and locality have been investigated. The VIA advises that Crime Prevention Through Environmental Design (CPTED) requires adequate lighting for safety at night. Critical impacts of light spillage need to be considered and undertaken with the final construction designs, commitments to complete these assessments have been included within **APPENDIX 4**.

Impacts on threatened and endangered species and unique biota needs to be minimised. A site-specific assessment considering the impact to threatened or endangered species and unique biota will be complemented consistent with the *National Light Pollution Guidelines for Wildlife* (Department of Climate Change, Energy, the Environment and Water, 2023) prior to construction.

Recommendations in accordance with *AS/NZS 4282:2023 'Control of the obtrusive lighting effects of outdoor lighting'* will be utilised and employing methods such as:-

- Eliminating upward spill lighting by directing light downwards
- Shielded fittings
- Energy-efficient bulbs
- Asymmetric beams
- Direction of light from reflective surfaces
- Warm-white colours, where afforded
- Curfew switches off for decorative lighting
- Motion detector control lighting

It is concluded that the project would provide moderate impacts only from close proximity from the Golf Course (Hole 17), the Golf Club carpark, Sanderling Avenue and the informal beach carpark to the east of the project. All other viewpoints are considered low or a negligible visual impact due to the integration with the existing landscape character and viewed landscape and with the proposed built form being set back from Sanderling Avenue, the opportunity for substantial landscape plantings to be established at the front entrance is a critical design element that has been implemented.

On the matter of reflectivity, reflective materials have been minimised where possible. A high proportion of solid materials have been incorporated within the proposed design. Further detail regarding reflectivity is provided in the Design Report at **APPENDIX 29**. Design responses have utilised curved forms, upper-level setbacks, darker top level, non-reflective finishes, and street-edge greening.

6.5 Ecologically Sustainable Development

A precautionary principle approach has been achieved for the project and this was undertaken with the initial ecological assessment, stormwater management, servicing, traffic impact, bushfire, building designs and studies that were undertaken prior to the rezoning of the project site through to the detail design that is presented for final approval. At all steps in this design process, the applicants have constantly reverted to the specialists to confirm constraints, on the design, to ensure that at no time was there a likelihood of committing a serious and irreversible environmental impact.

All specialist reports have appropriately and comprehensively quantified all impacts and offered mitigation recommendations to ensure that the existing community and future generations would be provided with a development that is superior in design, positive in all impacts and respectful of the adjoining neighbours.

The original design prepared in 2022 was presented to MidCoast Council and received feedback from Council regarding the size and dominance of the design for this location. Project specialists held meetings to discuss responses to Council's concerns with the owners of the project and the current plans for the project are a result of a very vigorous and retrospective design process.

As part of the stakeholder engagement strategy during preparation of the EIS Council was provided the opportunity to comment on the proposed design. These comments have been incorporated into the overall design where possible. In addition the draft EIS was subject to an adequacy review by the HDA, with the feedback appropriately considered in finalising the overall design, the EIS and supporting documents.

With respect to intergenerational equity, the project sites development has sought to improve the current existing water quality conditions. Initially, the development of the residential flat building site failed to achieve the Council's water quality targets, mainly due to the site being a sand site. A proactive solution to the failure of the water quality guidelines (the NorBE test), resulted in the inclusion of the Golf Club carpark, presently not treating their stormwater impacts, with water quality biofilters. The resultant stormwater assessment has shown significant improvement to the existing situation. Improvements to the quality of groundwater are designed to be improved with these stormwater treatment upgrades.

Ecologically, it has been determined through the SBDAR (**APPENDIX 8**) investigations that SAII impacts are not triggered and that with some proactive landscaping and signage, koala corridor habitat will be maintained.

Upgrades to the water reticulation system would have improved serviceability impacts on many residents in Hawks Nest with the enlargement of water mains to service the development. From an electrical reticulation point of view, the pole mounted service to the existing Golf Club will be replaced with a more sustainable ground mounted kiosk and underground electrical service.

Visually, the project site will be contained with very limited impacts to surrounding view corridors. The project will not be seen from the adjoining Bennetts Beach, along the majority of Sanderling Avenue or from the surrounding public areas and recreational areas.

The project is considered unique in its location, adjoining a Golf Club and adjacent to a beach. The project has made a conscious decision, in consultation with the Golf Club executive, that

the Golf Club would provide the entertainment venue and services for the development. This then provides a strong financial support for the Golf Club and its activities. Increased patronage of the Golf Club is a desired outcome and support for its role in Hawks Nest as the premium social venue would be secured into the future.

Waste from the construction of the project would be minimal with most of the green waste generated from clearance of the existing vegetation available for reuse in landscaping, and excess soils will be relocated (following confirmation it is suitable under the NSW EPA *Waste Classification Guidelines*) would be relocated within the local area onto other development sites that need sand fill material. Waste generated during the operations of the residential flat buildings will be typically sorted into waste streams and recycled as appropriate. Waste collections will be undertaken with external contractors. The intent of the Regulation was to ensure that an SSD that produced significant waste as part of its operations or legacy need to account for it. In this particular application the burden of waste quantification and cost not transferred to future generations and is not a significant aspect of this project.

All services provided to the project will be appropriately transferred to the respective owners of the individual units.

6.6 Traffic and Transport

A Traffic Impact Assessment has been prepared by SECA solution to accompany this EIS, refer to **APPENDIX 11**. A summary of the Traffic Impact Assessment has been provided in this section.

The Traffic Impact Assessment considered the project to have a minimal and acceptable impact upon the road network. The existing width of Sanderling Avenue has been assessed against the Austroad Guidelines and is considered appropriate and safe. Access to Bennetts Beach via Sanderling Avenue would not be obstructed by the project, with access maintained throughout construction and operations. To minimise potential traffic impacts, a traffic management plan will be development and implemented throughout construction. Traffic mitigation measures committed to by the project have been detailed in **APPENDIX 4**.

Construction

The impact of construction traffic is expected to be limited. Construction traffic incorporating semi-trailers and truck and dog configurations are expected to be initially up to 5 trucks per day with deliveries raising to 10-15 trucks per hour for excavated material and major concrete pours. Worker's vehicles would initially see around 30 arriving and exiting the project site daily with this number increasing to 100 workers if all buildings are being constructed together or at final fit out time.

Apart from the works associated with the new access driveways, all works can be contained within the residential flat building site with no impacts on the external road networks.

Given the location of the site workers would be expected to typically travel together to reduce travel costs. Whilst the site area is large, parking demands associated with construction workers will require off-site management during peak periods when sufficient parking cannot be provided on site. At these times the contractor will investigate an off-site layover parking area and suitable shuttle service.

The development flows were determined as being up to 287 vehicles per day with adequate capacity within local roads to accommodate these demands.

Offsite parking and a worker shuttle will reduce the number of vehicle movements associated with workers during these peak times. These movements as well as those associated with the daily comings and goings can be catered for within the local road network given the non-permanent nature of construction coupled with the spare capacity within the local road network. Absolute peak days (eg concrete pours) are temporary and do not reflect the daily demands of the construction site. Whilst construction is not seasonal, sites typically shut down over Christmas through to early January which also coincides with the absolute peak demand for traffic in Hawks Nest. This reduces the impact of construction traffic during this busy period.

Whilst construction is not seasonal, sites typically shut down over Christmas through to early January which also coincides with the absolute peak demand for traffic in Hawks Nest. This reduces the impact of construction traffic during this busy period.

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A Construction Traffic Management Plan will be prepared by by the contractor once appointment to reflect construction methodology and staging. The Construction Traffic Management Plan will be prepared by a suitably qualified person and be approved by the road authority prior to construction.

Operations

The project would supply 161 car parking spaces within the basement carpark and storage for 104 bicycles.

The potential impact on daily traffic flows along Sanderling could see total vehicle movements increase up to 930 vehicles per day during operation. Daily flows along Tuloa Avenue (north of Sanderling Avenue) could increase by up to 200 vehicles to 3,400 vehicles per day (vpd), increasing to 4,200 vpd over a summer weekend. In Kingfisher Avenue, daily flows would increase to 3,200 vpd.

The Guide to Transport Impact Assessments published by TfNSW provides guidance for assessment of the capacity of a road based on peak hour traffic flows. The maximum capacity for Tuloa Avenue as a local collector road would be 500 vehicles per hour. Peak flows along Tuloa Avenue are in the order of 380 vehicles in the summer and with the project adding another 20 vehicles, the environmental capacity of the road is not reached and there would be no adverse impact.

Sanderling Avenue operates as a local street, without any residential traffic and therefore has a greater hourly capacity. Traffic flows are considerably less than those on Tuloa Ave and therefore the project has an acceptable impact on this road.

With respect to the impacts on local intersections, traffic flows on local roads are low and within the capacity of the road network. The key intersections of Sanderling Avenue and Tuloa, together with Tuloa Avenue/Kingfisher Avenue/Mungo Brush Road have been modelled with SIDRA to confirm that both intersections currently operate with a Level of Service A classification and post development, would remain at this level. The full SIDRA Modelling results have been attached to the TIA at **Appendix 11.**

6.7 Accessibility

The proposed residential flat buildings have been assessed by Purple Apple Access to confirm compliance with the current accessibility legislation. The Report concludes that the development drawings generally comply with all statutory requirements and **Table 10** provides a summary of the results of the assessment:-

Table 10 - Accessibility Compliance

Number/Standard	Design Element	Compliance
Disability Standards		
5.1	Access Code	Refer BCA commentary
5.2	New Work & The Affected Part	N/a
Access and Approach		
6.1	Allotment Boundary to Entrance	Compliant
6.2	Access Carparking to Entrance	Compliant
6.3	Link Between Associated Buildings	Compliant
6.4	Accessways (Pathways Generally)	Capable of compliance
6.5	Accessible Carparking	Compliant configuration
6.6	Accessible Ramps	Compliant configuration
6.7	Stairs	Compliant configuration
6.8	Accessible Entrance	Compliant configuration
Interior		
7.1	Extent of Access Generally	Compliant
7.2	Circulation Areas	Compliant
7.3	Doorways	Compliant configuration
7.4	Exempt Areas	None specified
7.5	Floor Finishes	To be addressed during detailed design
7.6	Carpet	To be addressed during detailed design
7.7	Controls	To be addressed during detailed design
7.8	Visual Indication to Glazing	To be addressed during detailed design

Number/Standard	Design Element	Compliance
7.9	Tactile Indicators	To be addressed during detailed design
7.10	Signage	To be addressed during detailed design
7.11	Access to Swimming Pool	To be addressed during detailed design
Sanitary Facilities		
8.1	Distribution	Compliant
8.2	Accessible Toilets	Capable of compliance
Vertical Circulation		
9.1	Lifts	Capable of compliance
9.2	Fire Isolated Egress Doors	Capable of compliance
Adaptable Housing		
Pre Adaption Requirements		
10.1	Accessible Entrance	Compliant configuration
10.2	Visitable Toilet	Compliant configuration
10.3	Accessible Path to Travel	Compliant configuration
Post Adaption Requirements		
10.4	Car Accommodations	Compliant configuration
10.5	Letterbox	Compliant
10.6	Doorways	Compliant configuration
10.7	Internal Corridors	Compliant
10.8	Bathroom	Compliant configuration
10.9	Kitchen	Compliant configuration
10.10	Bedroom	Compliant configuration
10.11	Living Area	Compliant configuration
10.12	Laundry	Compliant configuration
10.13	Floors Generally	To be addressed during detailed design
10.14	Ancillary Items	To be addressed during detailed design

6.8 Flooding, Stormwater and Water Quality

As discussed in Section 4.5, the residential flat building site is not identified as being within a Flood Development Control Area by Council's LEP Flood Mapping – see **Figure 4-6**. The residential flat building site is located approximately 800 metres outside the mapped flood extents. Therefore, no further assessment outside of the information provided in Section 4.5 has been undertaken.

A Stormwater Management Report was prepared for the project and is provided in **APPENDIX 14**. This section provides a summary of the Stormwater Management Report.

Stormwater control and discharge from the development has been designed with infiltration as the primary discharge method, in keeping with the existing site hydrology and the fact there is no formal public drainage available in Sanderling Avenue. The system has been sized so that all runoff up to the 1% AEP is contained and infiltrated on the site, with significant additional emergency capacity within the landscaping areas for more extreme events or failure/blockage scenarios.

Stormwater runoff quality has been addressed on-site via a treatment train that includes large scale stormwater harvesting tanks, the construction of biofiltration raingardens and use of native landscaping. The results from modelling of these measures indicate that long term water quality Neutral or Beneficial targets are met or exceeded for Total Suspended Solids, Total Phosphorus and Gross Pollutants. While the modelling suggests the Total Nitrogen NorBE target cannot be adequately addressed within the project alone, this is primarily due to the existing sandy site condition and resultant very low pre-development nutrient levels. Whilst the Groundwater Dependent Ecosystems (GDE) Atlas Map: Water Information: Bureau of Metrology maps the area as having a high potential for GDE, the Stormwater Management Report, refer **APPENDIX 14** has indicated there are no existing ecosystems adjacent or downstream of the development that are particularly sensitive to groundwater condition, the exceedance of the TN targets is considered acceptable in this instance.

In addition, when considered concurrently with the proposed raingarden inclusion with the re-construction of the adjacent Golf Club carpark, the modelling indicates that NorBE water quality targets are achieved by the overall project. Refer to **APPENDIX 14** for full details.

An operation and maintenance plan would be development prior to operation of the project with consideration to the Stormwater Management Report.

6.9 Arborist Impact Assessment

An Arborist Impact Assessment has been undertaken by Anderson Environment and Planning, refer **APPENDIX 30**. A summary of the Arborist Impact Assessment has been provided in this section. The Arborist Report has only considered the impacts on trees outside the footprint of the development and within the Public Domain Plan (**APPENDIX 35**). Removal of trees within the Public Domain Plan have been discussed with MidCoast Council and details are in the Minutes of the meeting prepared by Mara Consulting (**APPENDIX 33**)

The methodologies utilised in this assessment included:-

- A visual tree assessment as described by Mattheck and Breloer (1994);
- Characteristic features for each tree were recorded;

- Structural Root Zone (SRZ) and Notional Root Zone (NRZ) using methods of calculation as outlined in AS 4970 – 2025; and
- Landscape Significance Rating (LSR) and Retention Values as outlined by Morton (2006).

A total of 53 trees identified within close proximity surrounding the residential flat building site were assessed. Observations were made for each assessed tree**.** The condition of the assessed trees includes 23 in poor or dead condition, 22 in fair condition and eight (8) in good condition.

The following landscape significance ratings (LSRs) have been applied to the assessed trees

- Four (4) 'High', due to their canopy size greater than 100m^2 and good health and as representatives of the original vegetation of the area;
- Nine (9) 'Moderate' due to their canopy size greater than 40m^2 and moderate visibility within the landscape, or having minor deviations from typical form; and
- 40 'Low' or 'Very Low' as trees with a small canopy of low visibility or amenity value, or trees with major deviations from typical form or Dead trees.

With consideration of the estimated life expectancy for each tree, Retention Values were assigned to each tree within the residential flat building site. This identified the following;

- Four (4) 'High';
- 18 'Moderate';
- 26 'Low'; and
- Five (5) 'Very Low' Retention Value Trees.

A total of nine (9) assessed trees will require removal, refer **Figure 6-1**, due to the proposed access road, and driveway development works including;

- Eight (8) trees located within the access road;
- One (1) tree which would have encroachment into the SRZ by the driveway;

The remaining 44 trees can be retained within close proximity to the development footprint, refer **Figure 6-2**. Of these, 25 trees can be retained using standard tree protection measures in accordance with AS 4970-2025, including fencing, exclusion zones, and site access management. The remaining 19 trees will be retained within close proximity to the development footprint with the implemented of design modifications, enhanced arboricultural practices, and implementation of strict construction control methodology. Impacts on tree removal within this report have been considered within the SBDAR discussed in **Section 6.15.**

Mitigation measures that would be implemented by the project have been detailed in **APPENDIX 4.**

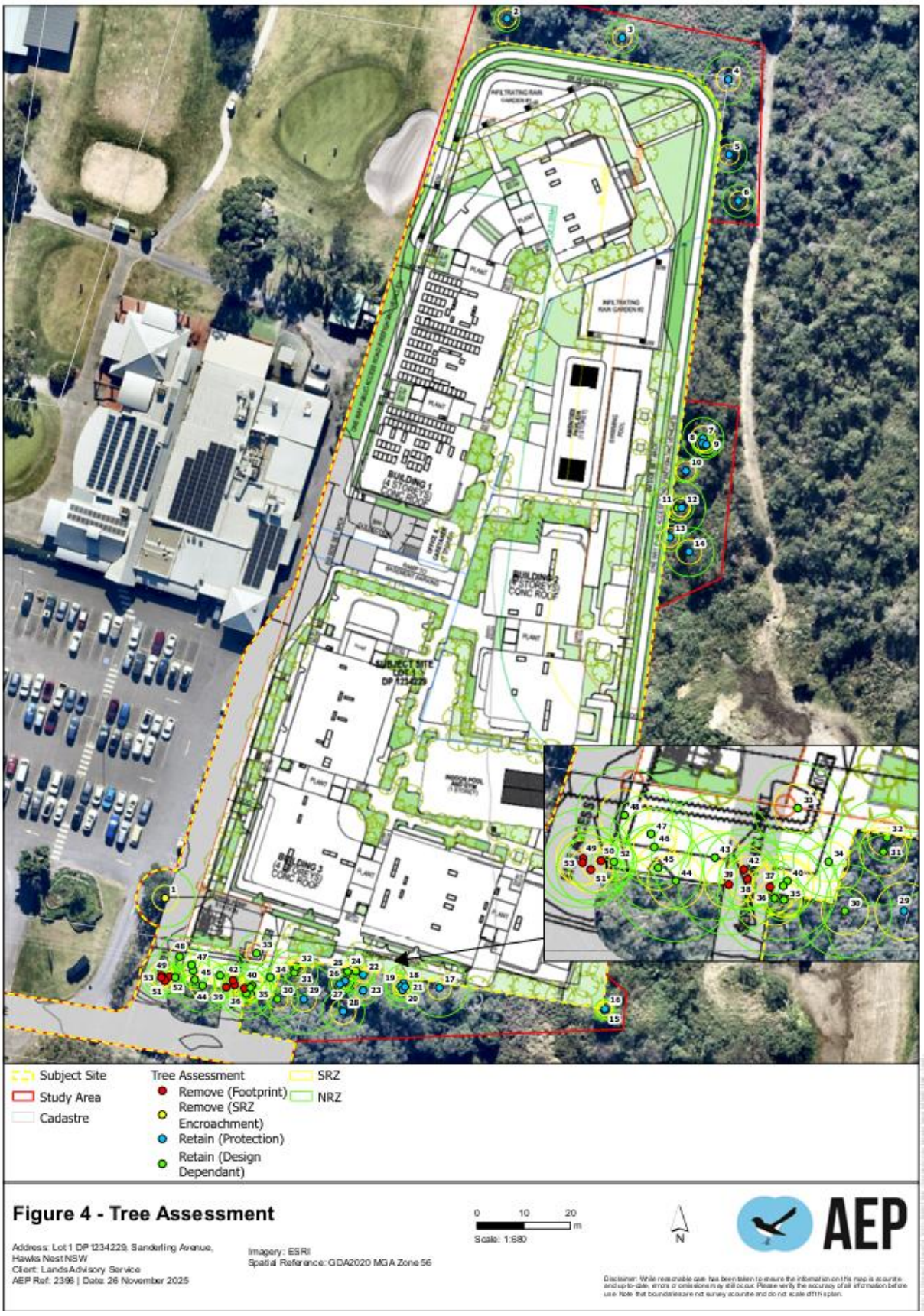

Figure 6-1: Trees adjacent to the project to be removed and retained. Source: APPENDIX 30

Figure 6-2: Trees adjacent to the project to be retained. Source: APPENDIX 30

6.10 Coastal Risks

A Coastal Risk Assessment was prepared by SMEC in 2020 to support the application for the rezoning of the project site and has been provided in **APPENDIX 22**. The Coastal Risk Assessment supports the original findings of the SMEC Great Lakes Coastal Study (2013). The project site is not subjected to any expected coastal risks and is landward of the 2100 coastal hazard lines, refer **Figure 6-3**. The project is consistent with the Coastal Management Act 2016, refer **APPENDIX 22**.

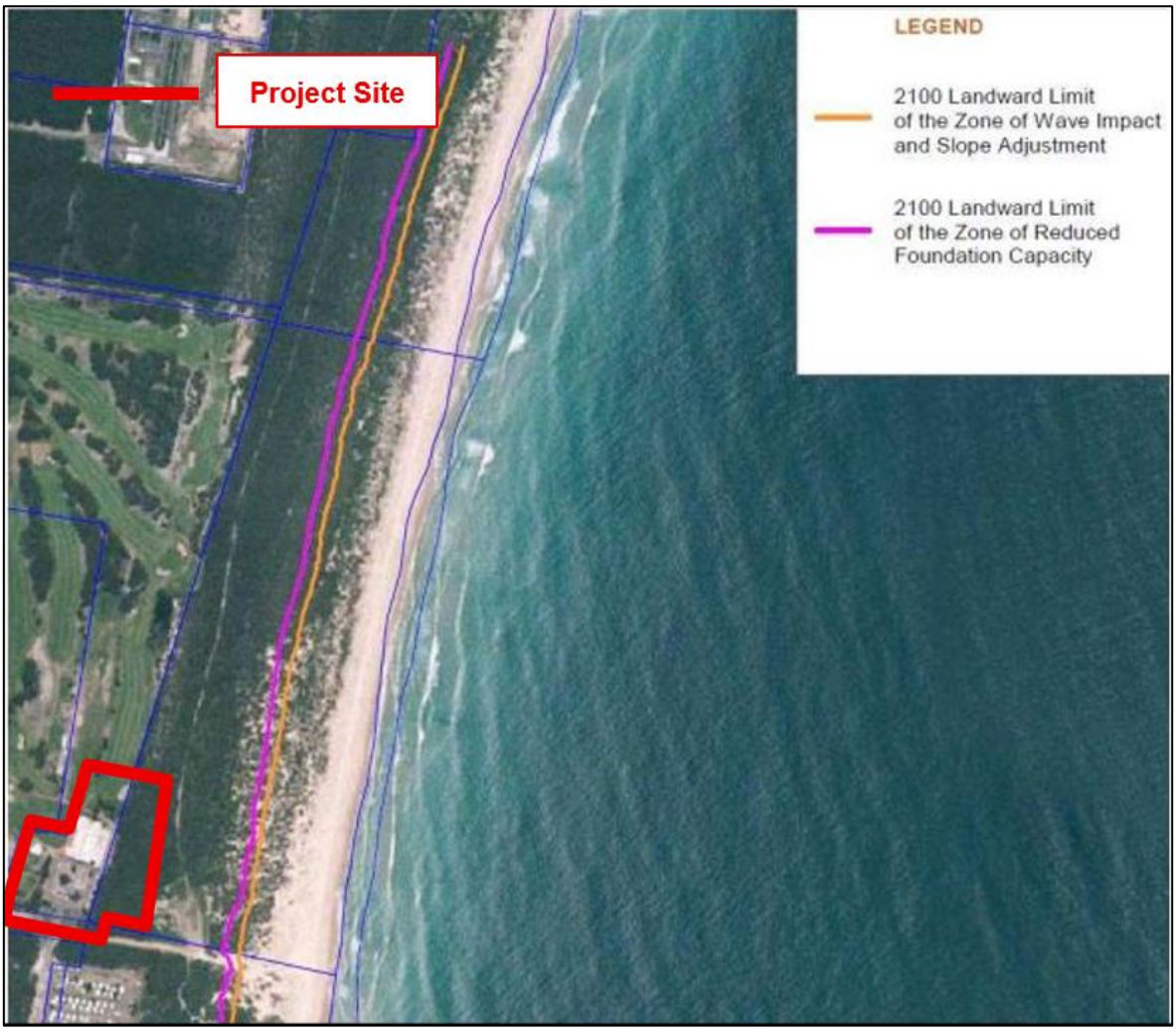

Figure 6-3 – Location of 2100 Coastal Hazard Line (SMEC 2020)

6.11 Aboriginal Cultural Heritage

A Preliminary Cultural Heritage Assessment (PCHA) of the residential flat building site was prepared in 2018 by the Karuah Local Aboriginal Land Council for the rezoning of the project site, refer **APPENDIX 24**. This PCHA was accepted and adopted as part of the rezoning process.

The project site has been historically used as an informal carpark, spoil dump by MidCoast Council and previous sand mining. As such it has been subject to historical disturbance.

The Assessment concluded that based on the historical disturbance of the project site, and the cultural knowledge of the area, there is a low potential for artefacts to be present, and therefore no further intensive archaeological work is required to be undertaken to determine the actual likelihood of significant evidence of Aboriginal occupation.

An 'Unexpected finds protocol' would be included within the CEMP which would include stop work requirements if a suspected Aboriginal item is found.

6.12 Noise and Vibration

A Noise and Vibration Impact Assessment (NVIA) has been prepared by Muller Acoustic Consulting, refer **APPENDIX 12**. A summary of the NVIA findings is provided in this section.

Construction

Modelled noise emissions from construction activities identified that predicted noise emissions are above the applicable construction management levels at several receivers. Received noise levels are expected to exceed the Noise Management Levels (NMLs) during the worst case scenario construction works modelled at receivers PRCP01 (Reflections Holiday Park) and C01 (Hawks Nest Golf Club) during all construction scenarios modelled, and R01, R02 (the closest western and southern residences monitored) and AR02 (hole 18) during two of the construction scenarios. Modelled construction noise emissions are shown in **Figure 6-4** to **Figure 6-7**. Recommended mitigation measures provided by the NVIA have been adopted by the project to reduce the potential impact of construction noise and vibration on surrounding receivers, refer **APPENDIX 4**.

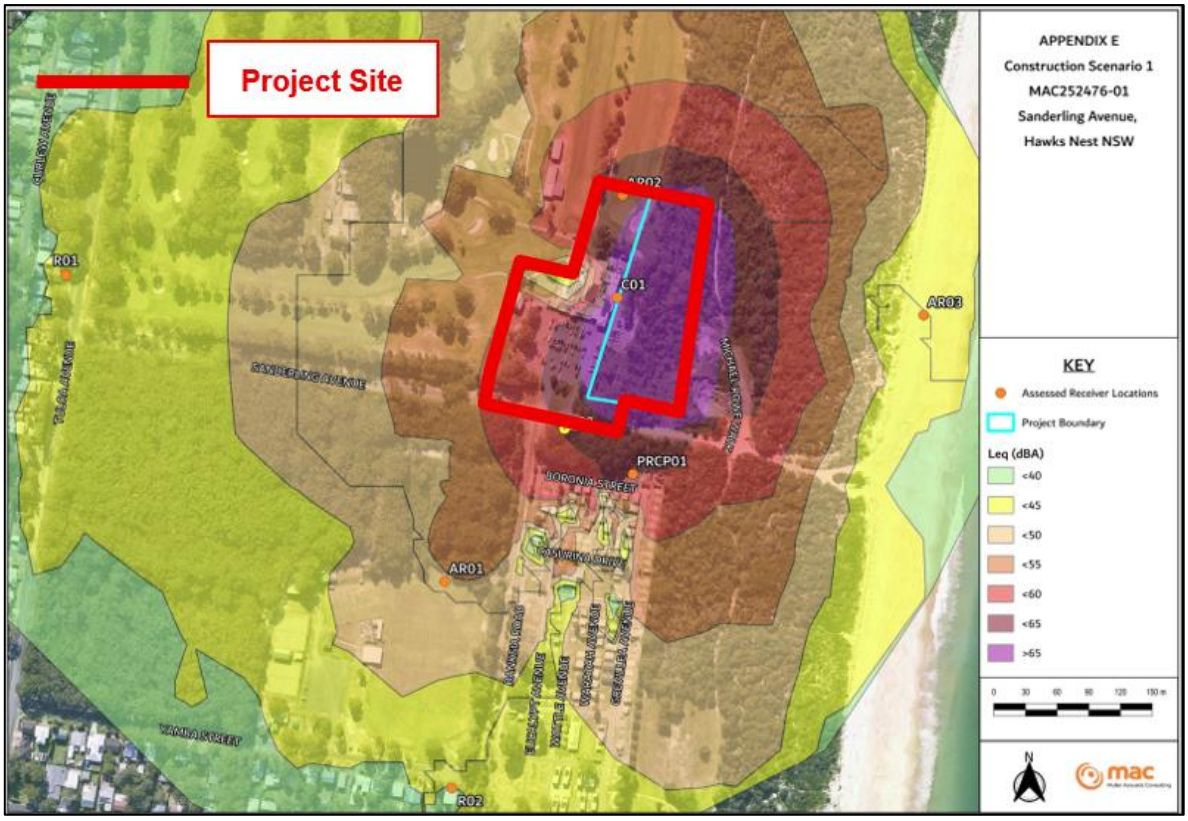

Figure 6-4: Noise emissions modelled for construction scenario 1 (preparation of surfaces). Source: APPENDIX 12

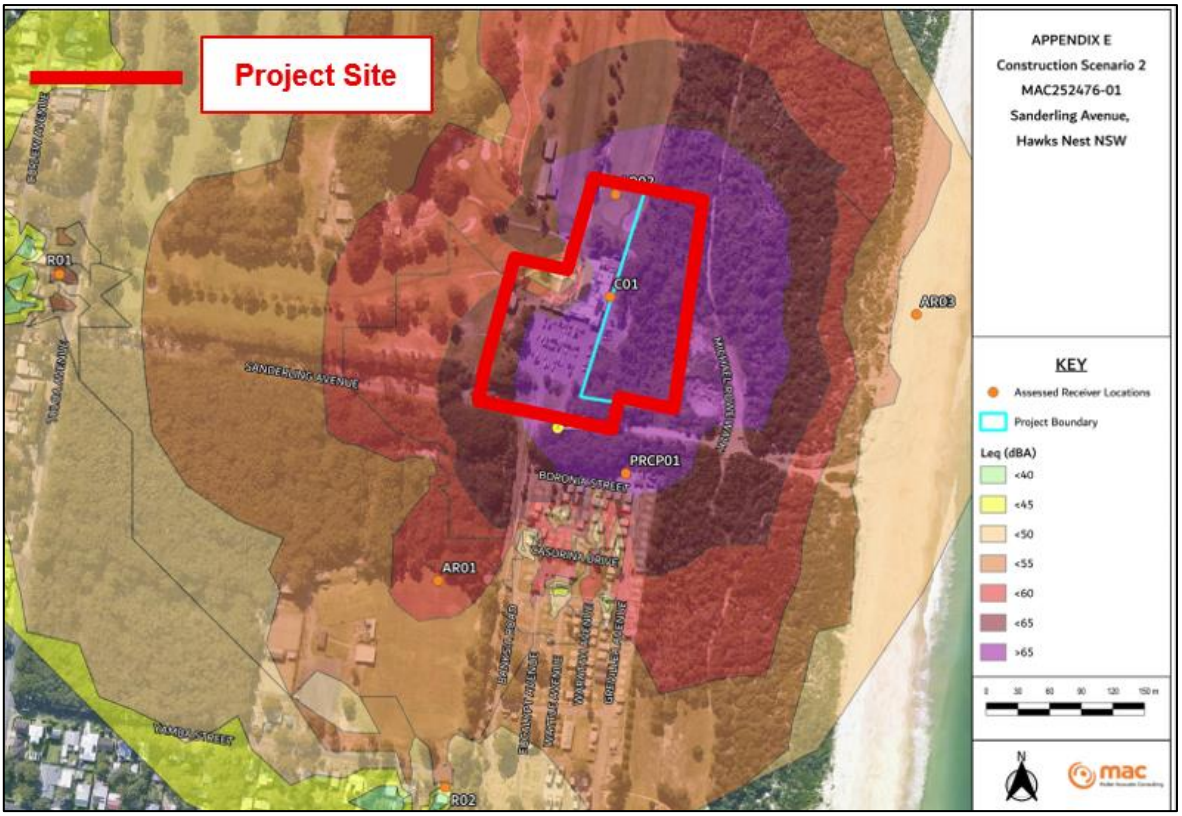

Figure 6-5: Noise emissions modelled for construction scenario 2 (pouring concrete driveway slabs and general building construction). Source: APPENDIX 12

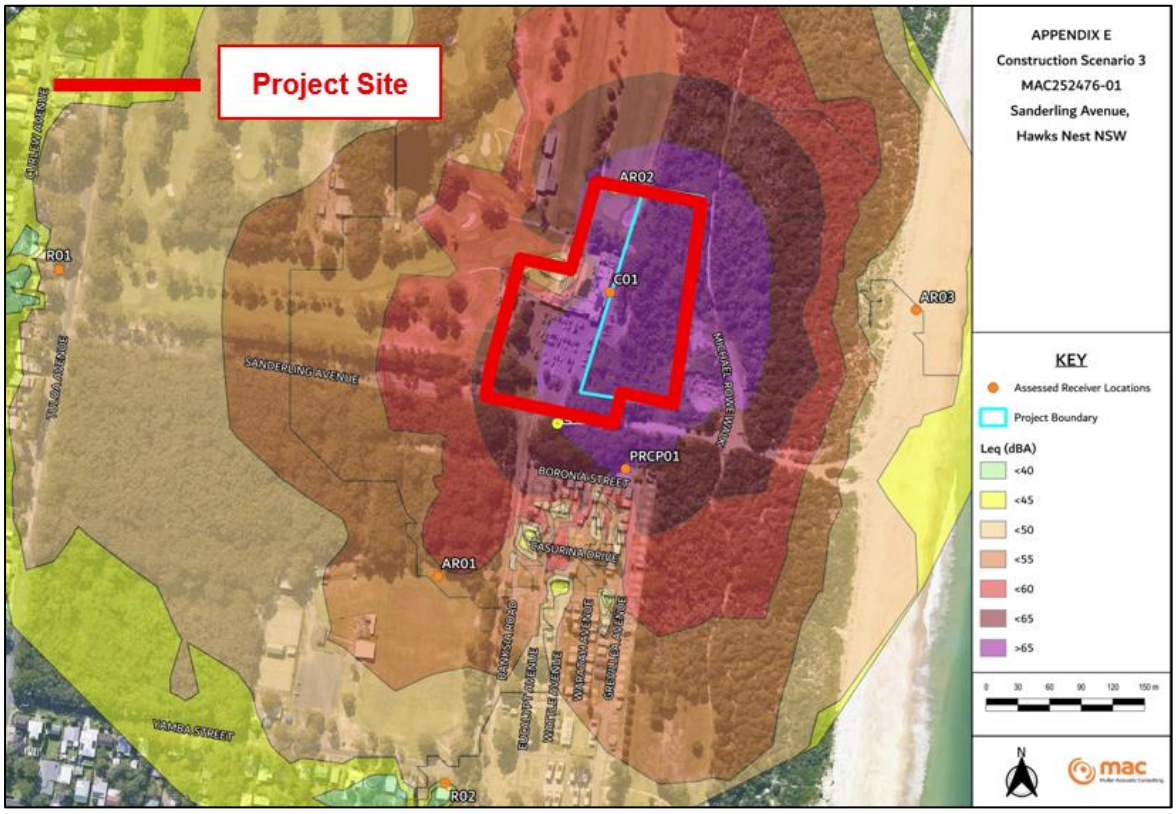

Figure 6-6: Noise emissions modelled for construction scenario 3 (installation of new roof and mechanical plant). Source: APPENDIX 12

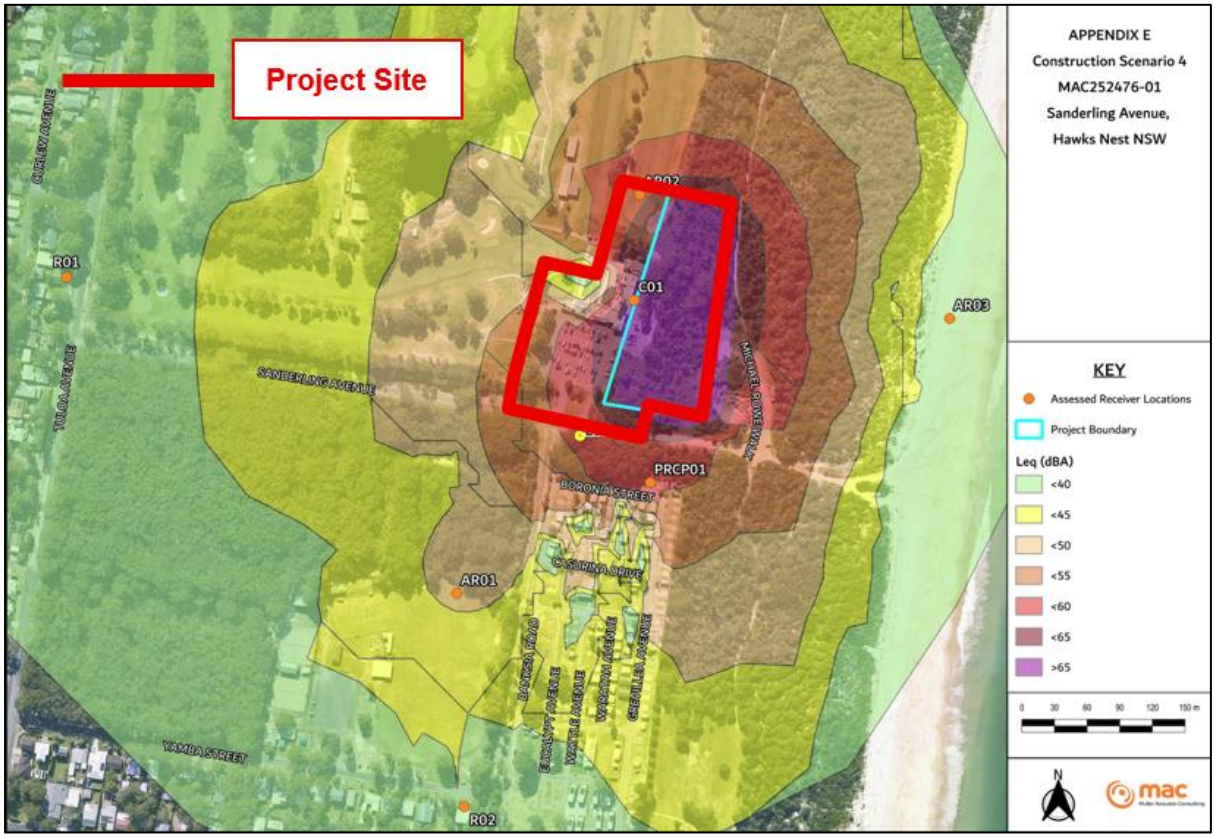

Figure 6-7: Noise emissions modelled for construction scenario 4 (internal fit out). Source: APPENIDX 12

Operation

Operational noise emissions such as mechanical plant, onsite residential traffic, waste collection and recreational activities were modelled for the project. The NVIA results demonstrate noise emissions from operation would satisfy the relevant project noise trigger levels at all assessed receivers for all assessment periods once noise controls for the project are implemented.

While sleep disturbance is anticipated to exceed the Noise Policy for Industry (EPA, 2017) maximum noise trigger levels at receiver PRCP01 (Reflections Holiday Park), a detailed maximum noise level assessment was undertaken and demonstrated that sleep disturbance impacts on all assessed receivers would be negligible.

The following project commitments are provided:-

- Construction activities will meet Noise Management levels within the allowable hours of construction as far as practicable. Noise monitoring is to be undertaken.

- Where noise levels are above Noise Management Levels, reasonable and feasible best practice noise controls will be implemented to minimise noise emissions and/or exposure duration at affected receivers. The following noise mitigation measures will to be implemented:-

- Scheduling of construction activities to minimise the number of work fronts and simultaneous activities occurring along the boundary to minimise noise levels;
- Wherever possible, subject to feasibility and reasonability, the quietest plant and equipment should be utilised in combination with management measures to minimise noise impacts;
- Where vehicle queuing is required, for example due to safety reasons, engines are to be switched off to reduce their overall noise impacts on receivers;
- Notification of OOH works; and
- Conduct noise monitoring to validate noise emissions are within NMLs.

- Where the use of best practice noise controls does not adequately address exceedance of Noise Management Levels, adopt alternative measures to minimise impacts on the community by undertaking:-
  - Use mobile noise screens (which can achieve noise reductions of up to 8dBA),
  - optimise the positioning of plant and equipment to minimise line of site to
  - receivers or substitute noisy equipment to reduce the noise level at nearby
  - receivers for these activities;
  - Conduct noise monitoring to validate noise emissions are within NMLs;
  - Respite periods; and

Potential temporary alternative accommodation. All reported complaints are to be addressed by the responsible contractor and the details of the complaints handling procedure are:-

- Provide a readily accessible contact point.
- Have a documented complaints process, including an escalation procedure so that if a complaint is not satisfied there is a clear path to follow.
- Document all community complaints and record:-.
  - Date and time of complaint
  - Means by which complaint was made
  - Any personal details of the complainant that are provided.
  - Nature of the complaint

- Actions taken to resolve complaint including follow contact with complainant.

- If no action taken, the reason why.

- Community complaints are to be allocated to a responsible contractor's representative immediately to facilitate the implementation of corrective actions. The complaint would also be circulated to the applicable construction personnel for action, where required.

Vibration impacts are likely on the Golf Club and restrictions are proposed as well as commitments for monitoring include:-

- Attended vibration monitoring during the initial construction before vibratory activities such as piling and rolling are conducted within 25m of the Golf Club.

- Installation of an unattended vibration monitor during the initial phase of construction works while vibration activities such as piling and vibratory rolling occur.

6.13 Odour

An Odour Impact Assessment has been prepared by Ramboll Pty Ltd, see **APPENDIX 13**, to assess the potential impact of the Sewerage Treatment Plant (STP) on the residential flat building site. The STP is being significantly upgraded with new facilities and this results in an overall reduction in odour emissions. The STP is approximately 790m north of the project site and the impact assessment criteria for complex mixtures of odorous air pollutants applicable to the development is conservatively adopted at 2 Odour Units (OU) which is appropriate for urban communities.

Figure 6-8 – Location of the STP with respect to the residential flat building site (SDT Explorer)

The assessment has identified that the expected odour impact is 0.16 OU at the worst case which is well below the criteria of 2 OU.

Results of this assessment based on the modelling results, have concluded that it is unlikely that adverse amenity odour impacts from the STP would impact the Residential Flat Buildings development and no mitigation measures are required to be undertaken.

6.14 Geotechnical, Contamination and Acid Sulfate Soils

Relevant contamination and geotechnical reports were completed for the project and include the following: A Preliminary Site Investigation (**APPENDIX 34**), Contamination Testing (**APPENDIX 23**), Acid Sulfate Soils Investigation (**APPENDIX 19**), and Geotechnical Assessment (**APPENDIX 17**) and Infiltration Investigation (**APPENDIX 18**) A high level summary of the findings for each report has been provided in this section. An additional plan has been attached to the Geotechnical Investigations Report to indicate the relationship of these historical reports to the current development footprint. An additional report has been obtained from Douglas Partners, the authors of the original geotechnical investigation and contamination reports, confirming that the existing reports can be relied upon to inform the current building design, this report is appended to APPEDIX 17.

Contamination

Contamination testing was completed by Douglas Partners in 2019 (**APPENDIX 34**) and 2022 (**APPENDIX 23**) as part of the residential flat building site re-zoning. The report identified that the residential flat building site was possibly used as a storage area for the adjacent sand mining operations. Minor fill areas associated with track and car park construction and storage of excess soils by Council were observed along with minor dumped rubble/rubbish and localised filling, generally comprising quarry gravel, brick and concrete fragments within the residential flat building site. The dumped rubble/rubbish was generally localised and comprised an area less than 2 metres in diameter. Potential on-site and off-site contamination sources were identified with potential for gross contamination at the residential flat building site considered to be low.

All contamination concentrations in tested soils were within the adopted human health site assessment criteria for residential land use with accessible soils. Site observations, subsurface investigations and laboratory testing of soil and groundwater suggested the absence of gross contamination, including the absence of asbestos-containing material. Slightly elevated hydrocarbon concentrations, likely to be associated with near-surface dumped rubbish/fill, were encountered in the western portion of the site, with concentrations marginally above the adopted ecological investigation limits. Localised removal of dumped rubbish and impacted soils, followed by validation of the removal of impact will occur during initial site preparation works. Additionally, slightly elevated groundwater concentrations were observed for copper and zinc within the residential flat building site. Based on Douglas Partners experience in the area and the general absence of gross metal contamination in the soil samples tested, the concentrations of metals in groundwater are considered likely to be attributed to the background/regional concentrations. The analytical results suggest that groundwater beneath the site has not been significantly impacted as a result of on-site or off-site activities.

Soil salinity and acidity test was not undertaken on the initial advice of the geotechnician due to the consistency of the sand profile at all depths. An Unexpected Finds Protocol (UFP) will be instigated during the construction phase in the event that potentially contaminated soils or materials are unearthed. Recommendations of the report have been adopted as a mitigation measures by the project, refer **APPENDIX 4**.

Acid Sulfate Soils

An Acid Sulfate Soils Investigation report,(**APPENDIX 19**) was prepared as part of the original rezoning application. The investigation completed screening tests on 80 soil samples and detailed testing on six soil samples. While some (27 of 80 samples) exhibited a pH drop equal to or greater than one unit, none of the sand samples exhibited pH after oxidation of less than 3.5 and detailed testing indicated the absence of ASS conditions within the depth assessment (7.5 metres below the ground surface). Therefore the report concluded that the general absence of ASS and provided a recommendation that the development of the site would not require the preparation of a site-specific acid sulfate soil management plan, refer **APPENDIX 19** and **APPENDIX 23**

The contamination report (**APPENDIX 23**) did conclude that the presence of trace sulfidic soils in acid sulfate soil testing undertaken would preclude the classification of the soils as VENM or ENM for reuse at another site.

Geotechnical assessment including infiltration

An additional Geotechnical Assessment to determine the residential flat building site infiltration rates at two proposed basin location, has been undertaken by Regional Geotechnical Solutions Pty Ltd, refer **APPENDIX 18**. The infiltration investigation calculated an infiltration rate of 4.69 x 10^{-4} metres per second at site 1 and 8.81 10^{-4} metres per second at site 2. The report recommended adopting the results of site 1 for the topsoil and areas of silty sand as indicated in the Douglas Partners Pty Ltd report (**APPENDIX 17**) and site 2 for aeolian sand. The infiltration rates were specifically investigated to advise the Stormwater Management Report, refer **APPENDIX 14**, with respect to the infiltration rates from the water quality basins and the control of stormwater from the development.

6.15 Biodiversity

A Streamlined Biodiversity Development Assessment Report (SBDAR) has been prepared by Anderson Environment and Planning, refer **APPENDIX 8**, for the project at Sanderling Avenue.

The report has been prepared to meet the requirements of the *Biodiversity Assessment Method 2020* (BAM) established under Section 6.7 of the *Biodiversity Conservation Act 2016*. This assessment utilises methods applicable to the "Small Areas" module, detailed within the BAM Order 2020 to identify biodiversity and ecological communities and quantifies impacts of the project upon these values.

The residential flat buildings development requires the clearing of approximately 1.30Ha of native vegetation in varying condition as well as 0.30Ha of cleared/exotic vegetation hence the project triggers entry into the Biodiversity Offset Scheme (BOS).

The native vegetation within the residential flat building site contains two (2) Plant Community Types (PCTs), refer **Figure 6-9,** which are present in two condition classes as follows:-

- PCT – *Coastal Sands Apple- Blackbutt Forest*
    - 0.43Ha in moderate condition; and
    - 0.08Ha in Severely Degraded – Canopy only.
- PCT – *Lower North Sand Swale Banksia Woodland* (0.79Ha)

The project would require the removal or modification of approximately 1.60ha of native vegetation whereby significant disturbance has occurred on the residential flat building site resulting in the absence of mature hollow bearing trees and encroachment of exotic species.

Fauna species recorded were typical of those expected in this locality and in this type of remnant habitat with existing connection to larger patches of habitat offsite. Threatened species previously recorded include New Holland Mouse *(Pseudomys novaehollandiae)*, Greyheaded Flying-fox *(Pteropus poliocephalus)*, Little Bentwing- bat *(Miniopterus australis)* and the White-bellied Sea Eagle *(Haliaeetus leucogaster)* which was recorded flying adjacent to the residential flat building site.

To offset residual impacts of the project on identified biodiversity values, the project would require the retirement of a total of 32 x PCT 3555 credits (or equivalent).

Assessment of the project under other relevant environmental policy instruments including:-

- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Biodiversity and Conservation – Chapter 4 – Koala Habitat Protection) 2021;*
- *EPBC Act;*
- *Water Management Act 2000;*
- *Fisheries Management Act 1994.*
- *MidCoast Koala Conservation Strategy (2024)*

was undertaken and is included in the Assessment Report.

No prescribed impacts are relevant to the residential flat building site. Serious and Irreversible Impacts were surveyed and assessed but not found to be present as the residential flat building (SAII) site did not include any breeding habitat for the fauna species recorded at the Site.

Future Vegetation Integrity Scores for PCT 3555 and PCT 3544 would be zero for all impacted areas.

Species Credit is not required as no suitable habitat is present within the residential flat building site or the surrounding area for any species credit species identified.

Application of the BAM against the project has quantified current biodiversity values within the residential flat building site and calculated offset requirements for residual impacts following avoid and mitigation measures. The vegetation within the residential flat building site was found to be commensurate with PCT 3555 and PCT 3554. The project would impact approximately 0.79Ha of native vegetation described as PCT 3555 and 0.51Ha of PCT 3544 in varying condition. As a result, a total of 32 Ecosystem Credits would be required to offset the residual impacts to native vegetation to achieve a no nett loss standard.

A series of management measures will be implemented to minimise potential biodiversity impacts as further detailed in **APPENDIX 4**:-

- Landscape plantings utilising endemic species including Koala habitat trees.
- Best practice erosion and sediment control during construction.
- Incorporation of water sensitive urban design principles for the treatment and control of stormwater.
- Operate the development within a low vehicle speed zone.
- Control of noise impacts within an approved CEMP.
- Suitable fencing to restrict interaction with threatened species and retained lands.
- Control and monitor dust.

- Control the spread of weeds.

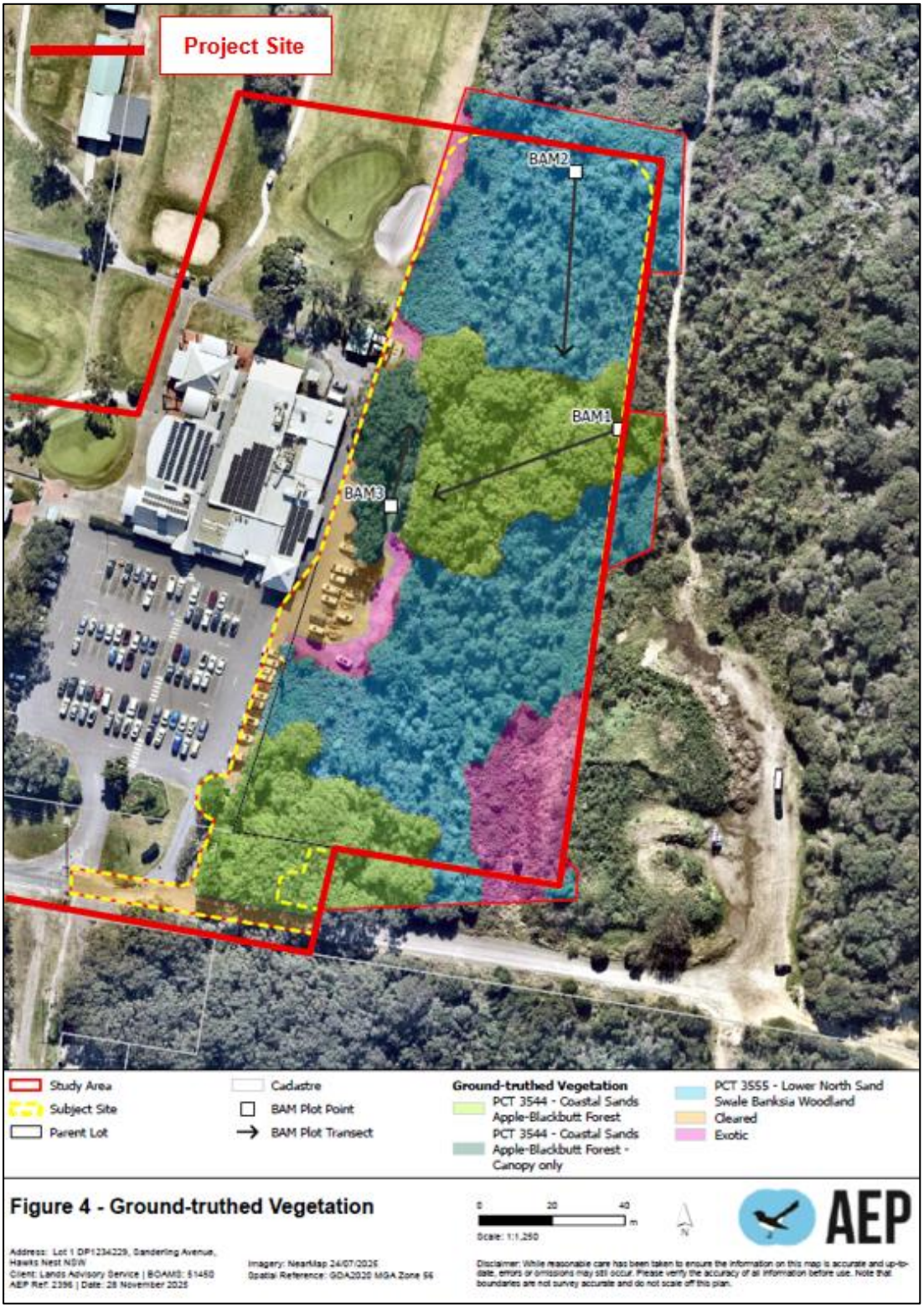

Figure 6-9: Plant Community Types mapped on the residential flat building site. Source: APPENDIX 8

6.16 Bushfire

A bushfire assessment has been completed by Bushfire and Environmental Management Consultancy Pty Ltd, refer **APPENDIX 15**. An additional letter has been attached to the original report that clarifies that the reinforced grass treatment of the all weather surface of the perimeter road is acceptable. The assessment initially notes that bushfire protection measures shall be applied consummate with the risk. The project site is located adjacent to the coast, with the only fire direction being under an easterly wind influence, refer **Figure 6-10**. Fire behaviour under an easterly influence would significantly suppress due to the increased humidity resulting in a lower Fire Danger Index (FDI) than applied within PBP 2019. Although the location is within 100m of vegetation that would burn, it is not exposed to a fast moving, high intensity landscape fire event that would possess a significant bush fire threat to the buildings or occupants.

Figure 6-10 – Bushfire Impact Areas (BEMC 2025)

The project will implement the following mitigation and management measures as detailed within **APPDENIX 15**:-

1. **Asset Protection Zones, Landscaping and Construction**
   - A 16.5m APZ contained within Lot 1 DP1234229 will be provided to the north and east of buildings A, B and C.
   - The entire Lot 1 DP1234229 will be managed as an APZ in accordance with **APPENDIX 4** of PBP 2019.
   - Construction of Buildings A, B and C will comply with Section 3 and Section 6 (BAL 29) Australian AS3959-2018 Construction of buildings in bush fire prone areas of NASH Standard National Standard Steel Framed Construction in Bushfire Areas – 2021 as appropriate and Section 7.5 of PBP 2019.

- The glazing on the 3rd and 4th floor of the northern and eastern sides of Buildings A, B and C will be constructed to BAL 40.
- All doors on the 3rd and 4th floor of the northern and eastern sides of Buildings A, B and c will be metal fitted with a self-closing mechanism to ensure they remain closed.
- By-laws established to ensure that no combustible elements are stored or located on the balconies of the 3rd and 4th floor of the northern and eastern sides of Buildings A, B and C.

2. Access

The perimeter road shall meet the following requirements:-

- Two-wheel drive, all weather roads.
- Minimum width of 4m and 4m vertical clearance.
- Any traffic management devices that are constructed are not to prohibit access by emergency services vehicles.
- Maximum grads for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- All roads are through roads.
- Dead end roads are not recommended, but if unavoidable, are not more that 200m in length, incorporate a minimum 12 metres outer turning circle and are clearly sign posted as a dead end.
- Where kerb and guttering are provided on perimeter roads, roll top kerbing should be used to the hazard side of the road.
- Designed parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.
- The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- Hydrants are provided in accordance with the relevant clauses of AS2419.1:2021 – Fire hydrant installations System design, installation, and commissioning within 4m of vehicle access.

3. Water Supply

The project will meet water performance criteria through the acceptable solutions with the implementation of the below elements:-

- Fire hydrant, spacing, design and sizing complies with AS2419.1:2017
- Hydrant located outside carriageway and carparking, within 70m of unobstructed access to the furthest elevation of the proposed building.
- Hydrants be positioned associated with the perimeter road along the northern and eastern perimeter road.

4. Electricity Services

Electricity supply will be placed underground.

5. Gas Services

If bottle gas services are provided, layout plans shall indicate they are positioned on the west side of the development and comply with gas requirements of PBP 2019.

6. Emergency Management

A Bush Fire Emergency Management and Evacuation Plan will be prepared that complies with the requirements of Table 6.8d within PBP 2019 prior to the issuing of an occupation certificate and a copy of the Bush Fire Emergency Management and Evacuation Plan will be provided to the Local Emergency Management Committee for its information.

6.17 Waste

Bin storages for operational use of the resident flat buildings have been appropriated located within the basement layouts, refer Architectural Plans in **APPENDIX 2.** External waste contractors will be contracted to service the operational needs of the buildings. The determination of the overall buildings requirements have been calculated utilising Guidelines for Waste Management in New Developments- City of Sydney bin estimator and this calculation has been attached to the Site Waste Minimisation and Management plan (**APPENDIX 32**).

Initial waste minimisation arrangements for the project site preparations are addressed in the Site Waste Minimisation and Management Plan (SWMMP) at **APPENDIX 32** and this Plan details that the following waste streams are to be addressed in the CEMP:-

- Excavation material – generally sand – material to be confirmed as ENM and relocated to other local development seeking sand fill material.
- Greenwaste – generated by the mulching of the existing native vegetation. To be stockpiled and reused on site for landscaping purposes.

Construction waste will be addressed in the CEMP developed for the building construction activities. Building wastes will be separated into specific recycling streams minimising waste being directed to landfill and ensuring that building supplies bought to the site are suitably packaged.

As noted in **Section 6.14,** the Acid Sulfate Soil Investigation (**APPENDIX 19**) did conclude that the presence of trace sulfidic soils in acid sulfate soil testing undertaken would preclude the classification of the soils as VENM or ENM for reuse at another site. As per the Contamination report (**APPENDIX 23**), an application to the NSW EPA could be considered should off-site reuse of excess soils be considered. Further assessment of soils, to the density of testing and for all parameters (i.e. including foreign materials) as required by (NSW EPA, 2014), would be required to confirm the waste classification and re-use opportunities for fill/soils likely to be surplus to the proposed development. It is recommended that this further assessment is conducted as part of early construction activities, if required. a waste

classification for the project would be required to be undertaken and has been included within **APPENDIX 4**.

6.18 Cumulative Impacts of the Project

The site is located adjoining and to the east of the Hawks Nest Golf Club. The project is well located and within walking distance of the Hawks Nest Local Centre. The project has been specifically designed to generally comply with relevant statutory requirements and with input from key stakeholders including government. Impacts of the project are anticipated and expected for the site and the surrounding locality and are acceptable on balance.

Overarchingly, the National Housing Accord requires NSW to construct some 377,000 new well-located dwellings by June 2029. The project is necessary to meet this strategic target. The cumulative impact of concurrent and future development in this locality must therefore be considered in this broader context. Impacts during construction and operation of the project can be appropriately minimised and mitigated through design interventions and reporting as demonstrated throughout this EIS, and will ensure that the area surrounding the site can be retained to its existing context that will ensure the ongoing amenity of residents, visitors and businesses in and around Hawks Nest.

Economic, environmental and social impacts of the project are considered in Section 7.

7 JUSTIFICATION OF THE PROJECT

The project has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the project site and the naturally beautiful location. In terms of its justification, the following aspects are relevant:-

7.1 Consistency with the Objects of the EP&A Act

The project is consistent with the objects of the EP&A Act, in particular:-

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

The project provides a wide range of apartment types to cater for the individual needs of the community in a location that provides access to essential services, recreational opportunities and the natural environment. Potential impacts are either mitigated and/or minimised to the extent that there is a positive contribution to the overall community's wellbeing. The following aspects of community benefits include:-

- Economic and patron support for the adjoining Hawks Nest Golf Club;
- Upgraded parking facilities for overflow visitors to Bennetts Beach.
- Increased business opportunities for businesses that will build and then service the residents of the residential flat buildings.
- Upgraded water supply mains.
- Increased economic benefits to the Hawks Nest Neighbourhood Centre.
- Improvements identified in the Social Impact Assessment.
- Improved stormwater management.

b) To facilitate ecological development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.

The project is supported by an ESD review at **Section 6.6** and will incorporate ecologically sustainable development into the design, construction and ongoing use of the building. The project meets or exceeds all BASIX and NatHERS requirements.

c) To promote the orderly and economic use and development of land,

The current residential flat building site is vacant but partly occupied by overflow parking from the Hawks Nest Golf Club. The current use of the land is not the highest and best use of the site which is inconsistent with the economic and strategic importance of the zoning. The residential flat buildings will maximise the potential of the residential flat building site whilst also ensuring the future orderly and economic use of the adjoining Golf Club development.

d) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

To offset residual impacts of the project on identified biodiversity values, the project would require the retirement of a total of 32 x PCT 3555 credits (or equivalent).

No prescribed impacts are relevant to the project site. Serious and Irreversible Impacts were surveyed and assessed but not found to be present as the residential flat building site did not include any breeding habitat for the fauna species recorded at the site.

Application of the BAM against the project has quantified current biodiversity values within the residential flat building site and calculated offset requirements for residual impacts following avoid and mitigation measures. The project would impact approximately 0.79Ha of native vegetation described as PCT 3555 and 0.51Ha of PCT 3544 in varying condition. As a result, a total of 32 Ecosystem Credits would be required to be to offset the residual impacts to native vegetation to achieve a no nett loss standard.

e) To promote good design and amenity of the built environment,

The residential flat buildings have been designed by EJE Architects. The final project promotes and celebrates good design principles and amenity of the built environment by maximising internal and external amenity with regard to solar access, minimising overshadowing, and providing significant communal open space for residents and visitors to use.

f) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The project will comply with the requirements and performance standards of the NCC and all relevant Australian Standards, refer the Disability Access Report at **APPENDIX 16** and the BCA Compliance Report at **APPENDIX 31.**

g) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

This SSDA seeks to collaborate and share responsibility between level of government to deliver well located housing in Hawks Nest and adjacent to the Hawks Nest Golf Club in line with relevant Federal, State and Local government strategic policy.

7.2 Consistency with Environmental Planning Instruments

As demonstrated in **Section 4.0** and the Statutory Compliance Table, the project is complaint with the applicable environmental planning instruments.

7.3 Consistency with Regional and Local Strategic Planning Policies

The project neatly fits the aims and objectives of the *Hunter Regional Plan 2041* with the provision of increasing the density of living opportunities on zoned land close to services, mixed use neighbourhood shopping, recreational opportunities and within a walkable coastal village. The project provides and supplies a housing mix that is not provided within the locality and at a quality level that has never been locally achieved.

The *MidCoast Housing Strategy 2020* paid reference to the need for communities to embrace the greater diversity of housing types with the provision of more compact settlements and

better designed outcomes. The protection of the natural environment is a continuing theme within the strategy. The proposed residential flat development is a high design quality development providing apartments with the highest amenity and inclusions that are not available in the area.

7.4 Economic Impacts of the Residential Flat Buildings

The project would have a positive economic impact. The existing residential flat building site is vacant and does not contribute to the local economy or the region more generally. The project would:-

- Provide new well-located housing close to a Local Centre, social infrastructure recreational opportunities and natural bushlands and beaches.

- Create additional short and long-term employment in preconstruction, construction and operation.

7.5 Environmental Impacts of the Project

It is not anticipated that the residential flat buildings would have unreasonable or significant consequential impacts on the natural or built environment. The project has been designed to minimise environmental impacts to future residents, the adjoining Hawks Nest Golf Club, the locality and the environment more generally.

To maximise amenity on the residential flat building site, reduce environmental impacts to the Golf Club and natural environment and mitigate the perceived bulk and scale from an immediate and locality context, the following approach to built form and urban design has been adopted:-

- The project is setback from Sanderling Avenue and the Hawks Nest Golf Club. The individual flat buildings are separated to provide reasonable solar access at the winter solstice and minimisation of overshadowing.

- The proposed building height is generally consistent with the HDA allowances with the exception of 3x minor depressions in the existing topography. A Clase 4.6 Exceptions to development standards have been provided at **APPENDIX 27**, to justify the minor exceedances.

- The designed reductions of the top floor of the residential flat buildings ensures that the bulk and scale of the buildings are proportional to the adjoining development and the local area.

- All carparking requirements are met and/or exceeded in an underground carpark.

- The project incorporates significant landscaping and plantings at ground level to improve the amenity of the development and the interface with the Hawks Nest Golf Club.

With regard to other environmental impacts, the following mitigations have been proposed:-

- Ecological – mitigated with the payment of 32 x PCT 3555 credits (or equivalent).
- Stormwater – an improvement to the existing stormwater treatment train has been proposed.
- Odour – the residential flat buildings are not expected to be impacted by odour impacts from the STP to the north.
- Overshadowing – The residential flat buildings do not significantly impact other lands.

7.6 Social Impacts of the Project

It is considered that the project would have an overall positive social impact and after mitigation measures negative impacts are mainly in the low to moderate range with only one high range impact. Positive benefits are in the medium - high range.

Item 18 of the SEARs requires that a Social Impact Assessment be undertaken and with this residential flat building development, compliance has been achieved with key controls, mitigation measures and practical responses to concerns addressing all issues and impacts.

Categorisation of impacts has been tabulated in **Table 11**:-

Table 11 – SIA Impact Categorisation

Category	Detail	Residual Rating after Impact Minimisation
Way of life		
Construction Amenity (noise, vibration, temporary disruption)	All aspects of the noise, vibration and disruption have been assessed and found to be able to be mitigated with proactive construction controls	Low C2
Temporary access changes during works	Short-term changes would be undertaken that is not expected to restrict the accessibility of the visitors to the Hawks Nest Golf Club or Bennetts Beach to the east.	Low D2
Day-to-day living benefits after completion	Communal facilities are of a superior quality with high accessibility	High A3
Community		
Change in character and cohesion	The change in the look around the Hawks Nest Golf Club would be significant but views of the	Low C2

	development from Bennetts Beach would not exist	
Housing choice and inclusion (benefit)	Given the high accessibility of the residential flat buildings and the range of apartment sizes, significant housing choice is being made available	Benefit Very High A4
Holiday Rentals and community stability	The residential flat buildings would be substantially long-term residential properties	Low C2
Perceived cumulative development and town identity	The design of the building with specific materials and its integrated landscaping need to be prepared for the education of the community via a Neighbourhood Design Integration Statement at detailed the design stage	Low C2
Accessibility		
Construction works for the proposed development will impact on access to the local area	Perceived conflicts with construction traffic and beach access have been raised. Impacts on the beach access are not expected and construction traffic will be managed by a CTMP.	Low D2
Access and parking once occupied	Underground parking will fully address all parking requirements. Signage will direct visitors to appropriate spaces.	Negligible D1
Walking and cycling connections (benefit)	Basement link to the Hawks Nest Golf Club and carpark with enhanced shared path along Sanderling Ave will be provided	(benefit) Medium A2
Culture		
The development will impact on the cultural heritage of the site	A Preliminary ACHA concluded that no further investigations are required or are necessary. An unexpected finds protocol will apply to the construction activities. Acknowledgement of Worimi Country is to be coordinated with landscaping elements.	Negligible E1
Cultural recognition and interpretation (benefit)	Visual acknowledgement of Worimi Country within landscaping elements	(benefit) Medium A2

Health and wellbeing		
Dust and emissions from construction activity will negatively impact the surrounding residents	Standard construction controls as part of the CEMP will address and minimise dust and exhaust emissions from the construction activity	Low D2
Construction Noise and stress	Sustained noise can cause stress. Nearby residents will receive advanced notice of any high noise activities and have a single point of contact for quick responses to any concerns	Low C2
Noise from operations disturbs surrounding residents	Noise modelling indicates that operational equipment, resident activity and waste collection will comply with relevant criteria.	Negligible D1
Surroundings		
Visual Change	Visibility of the development from Bennetts Beach would not exist. The coastal character of Hawks nest would change	High A3
Stormwater, flooding and groundwater	Drainage concerns and coastal erosion a have been assessed as not adversely impacting adjoining properties	Negligible D1
Bushfire interface	Appropriate APZ's designed and appropriate hydrants located.	Low D2
Livelihood		
Construction jobs and local spend (benefit)	Construction would create local jobs and boost local spending. Short-term benefits to local cafes and small businesses.	(benefit) Medium A2
Ongoing roles and local spend (benefit)	Operationally, the development would provide ongoing employment in facilities management, maintenance and resident services. It would also increase local spending from residents	(benefit) Medium B2

Decision-making systems		
Ineffective engagement with surrounding community increasing complaints	A Community Engagement Plan (CEP) is to be developed to engage the community and the adjoining Hawks nest Golf Club	Negligible D1
Construction - fatigue risk	Extended or repeated works could cause community fatigue. CEP to monitor impacts	Low D2

In summary, the SIA has shown that with mitigation, adverse social impacts are minimised the development provides generally a positive social change.

7.7 High Standard of Architectural Design

The design of the residential flat buildings provides a very modern coastal image of excellence in residential accommodation in a stunningly beautiful, accessible and natural location.

The setback of the highest levels provides important building scale relief. Minor intrusions above the height limits are limited to parts of the eastern side of the development. The highest quality of communal facilities with indoor and outdoor swimming pools and a gym would make this facility a most sought-after residential destination.

7.8 Suitability of the Site

The project is suitable for the project site as it:-

- Is development that is permitted with consent under the Great Lakes LEP and Housing SEPP;
- Directly responds to the strategic vision and directions for the local area as established in state and local strategic frameworks;
- Would deliver additional housing as aligned with the National Housing Accord;
- Provides new well-located housing adjoining the Hawks Nest Golf Club;
- Proposes an appropriate scale, height and built form that is commensurate with surrounding area and that does not present any unreasonable environment impacts that cannot be appropriately managed and mitigated;
- Has been designed to be developed in a built form that minimises impacts on its surroundings and local community, and

- Meets the objectives of the R3 Medium Density Residential zone, as demonstrated in **Table 12**.

Table 12 - Objectives of the R3 Zone

Objectives of Zone	Comment
To provide for the housing needs of the community within a medium density residential environment	The 104 apartments provided in the three (3) residential flat buildings provide a range of apartment sizing's from Studio, 1-bed, 2-bed, 3-bed and 4-bed apartments consistent with MidCoast Council's DCP requirements. All apartments have direct lift access from the secured basement carpark.
To provide a variety of housing types within a medium density residential environment	The 104 apartments provided in the three (3) residential flat buildings provide a range of apartment sizing's from Studio, 1-bed, 2-bed, 3-bed and 4-bed apartments consistent with MidCoast Council's DCP requirements.
To enable other land uses that provide facilities or services to meet the day to day needs of residents	The facilities provided in the basement allow for the servicing of the development with particular attention to waste disposal, stormwater detention and car and bicycle parking. Ground level has been designed to provide the high amenity pools and gyms for residents' enjoyment.
To achieve increased population density in locations that support the business centre	The residential flat buildings are to be located adjoining the Hawks Nest Golf Club and is near the Hawks Nest Local Centre. The development would provide significant economic and activity support to both locations.

7.9 Public Interest

The project is in the public interest for the following reasons:-

- The proposed residential flat buildings would facilitate the development of vacant land adjoining the Hawks Nest Golf Club, to deliver 104 new apartment residences.

- The project would deliver the new apartments to meet the needs of existing and future residents of Hawks Nest and is aligned with state and federal housing targets and strategic planning frameworks of state and local governments.

- The project would provide tangible economic opportunities to the adjoining Hawks Nest Golf Club and the Hawks Nest Local Centre for local businesses or services and new ongoing employment.

- The project promotes sustainable urban development by maximising development opportunities on land zoned R3 Medium Density Residential adjoining the Hawks Nest Golf Club.

- The project is demonstrably compliant with all relevant planning controls and is of an appropriate bulk and scale as anticipated by the relevant environmental planning instruments that apply. The potential impacts of the proposed residential flat buildings have been assessed in this EIS and are considered reasonable and can be mitigated where required.

8 CONCLUSION

This Environmental Impact Statement is submitted to the Department of Planning, Housing and Infrastructure on behalf of Core Property Developments Pty. Ltd, the Leric Group Pty Ltd and the Hawks Nest Golf Club Limited, pursuant to Part 4 of the Environmental Planning and Assessment Act 1979. This EIS supports a State Significant Development Application to develop land in Sanderling Avenue, Hawks Nest for the purposes of Residential Accommodation, comprising three (3) residential flat buildings.

This EIS has had regard to and addressed all matters in the Secretary's Environmental Assessment Requirements received 15th April 2025, SSD-82066472.

The project is State Significant Development as the project:-

- Has been determined by the Minister as being State Significant;
- Provides > 100 dwelling units, and
- Has an EDC >$100M per the EDC Report in **APPENDIX 21**.

The project is for three (3) residential flat buildings containing 104 new apartments adjoining the Hawks nest Golf Club and being close to recreational activities, the Hawks Nest Local Centre and adjoining services. The project would contribute to the National Housing Accord target and would deliver housing within the Accord period.

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act 1979, Section 175 of the EP&A Regulation 2021, DPHI's *State Significant Development Guidelines- preparing an environmental impact statement* and the Secretary's Environmental Assessment Requirements (SEAR's) received for the preparation of this EIS. This EIS should be read in conjunction with all supporting technical documentation and plans attached as appendices, accompanying this statement.

On balance, the environmental impacts of the residential flat buildings are reasonable and acceptable given the sites urban context and the strategic objectives and priorities of the local and state governments. Where required, mitigation measures are proposed to reduce any potential impacts on the surrounding area and existing neighbourhood developments. The project is generally compliant with the maximum permitted height permitted by the HDA, meets the objectives of the R3 zone, is suitable of the project site and is in the public interest. The assessment of the project has demonstrated that the development would not result in any unreasonable environmental impacts that cannot be adequately and appropriately managed consistent with the relevant planning controls for the project site.

For these reasons, the proposed residential flat building development has demonstrated strategic merit and having considered all of the relevant matters, is recommended for approval subject to relevant conditions of consent.

9 REFERENCES

Department of Planning and Environment. (2022). *Hunter Regional Plan 2041.*

DPHI. (2023). *Social Impact Assessment Guideline .*

DPHI. (2024). *Undertaking Engagement Guidelines for State Significant Projects.*

EPA. (2017). *Noise Policy for Industry .*

MidCoast Council. (2021). *MidCoast Local Housing Strategy .*

MidCoast Council. (2024). *MidCoast Koala Conservation Strategy .*

NSW EPA. (2014). *Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the ENvironmen Operations (Waste) Regulation 2014, The excavated natural material exemption 2014.* NSW Environment Protection Authority.

SMEC. (2013). *Great Lakes Coastal Study.*

APPENDIX 1 - Planning Secretary's Environmental Assessment Requirements (SEARS)

Table 13 - Key Issues and Supporting Documentation

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
1.	**Statutory Context**	If required:	
•	Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars.	Clause 4.6 Variation Request (for any non-compliances with applicable development standards) – **APPENDIX 27**	Section 4 Statutory Context
•	Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.		Section 4 Statutory Context and **APPENDIX 27**
•	Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences.		Section 1.6 Introduction
•	Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from Gateway determination.	Historically, the residential flat building site was Crown Land, then transferred to Local Aboriginal Land Council via a Land Claim, sold to Core Leric and then rezoned to R3.	N/A
•	Provide an accurate summary of the detailed assessment of the impacts of the project and integrate the findings and recommendations of technical reports into the justification and evaluation of the project as a whole.		Section 6 Assessment and Mitigation of Impacts
•	If affordable housing is being proposed, provide the name and ABN of the registered community housing provider that will be responsible for managing the affordable housing component, along with documentation confirming the provider's agreement to this responsibility		Not part of Project
2.	**Estimated Development Cost and Employment**		
•	Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report.		Section 3.3 Project Description, **APPENDIX 21**
•	As applicable, the EDC Report must separately specify the EDC of:		

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
	○ the residential component of the development.		Section 3.3 Project Description, **APPENDIX 21**
	○ the tenant component of the built-to-rent development.		Not part of Project
	○ the seniors housing component of the development.		Not part of Project
3.	**Contributions and Public Benefit**		
•	Address the requirements any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, declaration of land and/or works-in0kind agreement, and include details of any proposal for further material public benefit.		Section 2.4
•	Where a voluntary planning agreement is proposed, prepare a draft planning agreement in accordance with the *Planning agreements – Practice note- February 2021*.		Not part of Project
4.	**Engagement**		
•	Demonstrate that engagement and consultation activities have been undertaken in accordance with the *Undertaking Engagement Guidelines for State Significant Projects* and identify how issues raised, and feedback received have been considered in the design of the project.		Section 5 and **APPENDIX 7**
	○ If the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.		Not part of Project
5.	**Design Quality**	Design Excellence Strategy (where design excellence is required by an EPI)	Section 4.4, 4.5, 6.1, 6.2, 6.5 & Design Excellence Report at **APPENDIX 29** and the ADG at **APPENDIX 28**
•	Demonstrate how the development will achieve:		
	○ design excellence in accordance with any applicable EPI provisions		
	○ good design in accordance with the seven objectives for good design in Better Placed.		
•	Demonstrate that the development:	Competition Report (where a competitive design process has been held)	
	○ where required by an EPI or concept approval, or where proposed, has been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence Strategy; or		Not part of Project
	○ in all other instances, has been reviewed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams.	Design Review Report (where the project has been	Not part of Project

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
•	Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement.	reviewed by the SDRP)	Not part of Project
6.	**Built Form and Urban Design**		
•	Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. Where relevant explain and illustrate the application of any bonuses under an EPI.	Design Report Survey Plan Schedule of Colours, Materials and Finishes	Section 4.4, 4.5, 6.1, 6.2, 6.5 & Design Excellence Report at **APPENDIX 29** and the ADG at **APPENDIX 28**
•	If relevant, provide an assessment of the development against:		
	○ the design principles for seniors housing set out in Schedule 8 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and the *Seniors Housing Design Guide*.	Design Verification Statement	Not part of Project
	○ the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the *Apartment Design Guide* (ADG). This should include a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria.		**APPENDIX 3**, **APPENDIX 28**
•	If affordable housing is proposed, provide a floorplan outlining the gross floor area and dwellings that are provided as affordable housing.		Not part of Project
7.	**Environmental Amenity**	Shadow Diagrams	
•	Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.	Chapter 4 Housing SEPP Assessment (ADG) If required:	**APPENDIX 2** – Architects Plans **APPENDIX 28** - ADG
•	Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during winter solstice) at hourly intervals between 9am and 3pm, comparing the proposed development, existing situation and where applicable, a development with no bonuses applied.	View Impact Analysis	**APPENDIX 2** – Architects Plans
8.	**Visual Impact**	Visual Impact Analysis	
•	Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.	If required:	Section 6.4 and **APPENDIX 10**

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
•	If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.	Visual Impact Assessment	Section 6.4 and **APPENDIX 10**
9.	**Transport**	Transport Impact Assessment If required:	
•	Provide a Transport Impact Assessment (TIA) in accordance with the processes and methodology recommended in the *Guide to Transport Impact Assessment* (GITA) published by TfNSW.		Section 6.6 and **APPENDIX 11**
•	If the construction of the development would cause interruptions to regular pedestrian and transport routes (including public transport, active transport or general traffic), a preliminary Construction Traffic (or Transport) Management Plan (CTMP) should be prepared as part of the TIA to mitigate any such impacts.	Preliminary Construction Traffic (or Transport) Management Plan	N/A
10.	**Noise and Vibration**	Noise and Vibration Impact Assessment	
•	Provide a noise and vibration impact 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.		Section 6.12 and **APPENDIX 12**
11.	**Water Management**	Integrated Water Management Plan	
•	Detail the proposed drainage design and servicing infrastructure to be incorporated as part of the development (stormwater and wastewater).		Section 6.8 and **APPENDIX 14**
•	Demonstrate how the development complies with Council's drainage requirements and identify proposed stormwater treatment and water quality management measures to minimise adverse environmental impacts.		Section 6.8 and **APPENDIX 14**
12.	**Ground and Groundwater Conditions**	Geotechnical Assessment If required: Groundwater Impact Assessment Salinity Management Plan	
•	Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site and including soil erosion.		Section 6.14 and **APPENDIX 17** **APPENDIX 18** **APPENDIX 19**
•	Where required provide a Groundwater Impact Assessment in accordance with relevant Groundwater Guidelines. If the proposed development is on land identified as having high salinity or acid sulfate soil potential in an EPI provide a Salinity Management Plan or Acid Sulfate Soil Management Plan that includes appropriate management measures and strategies.		N/A

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
		Acid Sulfate Soils Management Plan	N/A
13.	**Contamination and Remediation**	Preliminary Site Investigation Report If required: Detailed Site Investigation	
•	In accordance with Section 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development.		Section 6.14 and **APPENDIX 17** and **APPENDIX 34**
		Remedial Action Plan Preliminary Long-term Environmental Management Plan	N/A
14.	**Trees and Landscaping**	Landscape Plan	
•	Provide a landscape plan, that:	If required: Arboricultural Impact Assessment	
	○ details the proposed site planning, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).		Section 6.9 and **APPENDIX 30** Arborist Report, **APPENDIX 6** Landscaping Plan
	○ provides evidence that opportunities to retain significant trees have been explored and/or inform the plan.		Section 6.9 and **APPENDIX 30** Arborist Report
•	If the proposal involves impacts to trees, provide an Arboricultural Impact Assessment that assesses the number, location, condition and significance of trees to be removed and retained including:		Section 6.9 and **APPENDIX 30** Arborist Report
	○ any existing canopy coverage to be retained on-site.		Section 6.9 and **APPENDIX 30** Arborist Report
	○ Tree root mapping, if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant.		N/A
15.	**Ecologically Sustainable Development**	ESD Report	
•	Identify how ESD principles (as defined in section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development.	Basix Certificate	Section 6.6

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
•	Where relevant, provide an assessment of the development against the standards for non-residential development set out in Chapter 3 of *State Environmental Planning Policy (Sustainable Buildings) 2022.*		N/A
16.	**Biodiversity**	Biodiversity Development Assessment Report or BDAR waiver	
•	Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the *Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020*.		Section 4.1, 6.15 and **APPENDIX 8**
	OR		
•	The development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.		N/A
17.	**Waste Management**	Waste Management Plan	
•	Provide the measures to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.		Section 6.17 and **APPENDIX 2** Architectural Plans, **APPENDIX 32** for the SWMMP
•	Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site.		Section 6.17 and **APPENDIX 2** Architectural Plans
18.	**Social Impact**	Address in EIS	
•	The EIS must consider social impacts and, should any significant social impacts be identified, a Social Impact Assessment must be prepared in accordance with the *Social Impact Assessment Guideline for State Significant Projects*.	If required: Social Impact Assessment in accordance with the guidelines	Section 6.3 and **APPENDIX 9**
19.	**Flood Risk**	If required:	
•	Identify the flood planning area and level as set out in the relevant EPI and other supporting documents to determine:	Flood Impact and Risk Assessment (FIRA)	Section 6.8 and **APPENDIX 14**
	○ the flood extent and velocity up to the Probable Maximum Flood and risk on-site having regards to adopted flood studies and, floodplain risk management studies and plans;		Section 6.8 and **APPENDIX 14**

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
	○ the site access and egress routes;		Section 6.8 and **APPENDIX 14**
	○ the potential effects of climate change;		Section 6.10 and **APPENDIX 22**
	○ any relevant provisions of the *NSW Flood Risk Management Manual*, and any other relevant guidelines		N/A
•	Where the development is occurring on flood prone land a flood impact and risk assessment (FIRA) must be prepared having regard to the *Flood Impact and Risk Assessment – Flood Risk Management Guide LU01*. When determining the scope and category of the FIRA the requirements outlined in the guide must be considered.		N/A
•	Detail any flood risk management measures that are to be incorporated as part of the development having regard to relevant guidelines (including any design solutions, flood modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).		N/A
20.	**Bush Fire Risk**	If required:	
•	If the development is on mapped bush fire prone land, or a bush/grass fire threat is identified on or adjoining the site, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with *Planning for Bush Fire Protection*.	Bush Fire Assessment	Section 4.7, 6.16 and **APPENDIX 15**
21.	**Aboriginal Cultural Heritage**	If required:	
•	Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by:	Aboriginal Cultural Heritage Assessment Report	Section 6.11 and **APPENDIX 24**
	○ Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or		Section 6.11 and **APPENDIX 24**
	○ Providing an initial assessment of the potential impacts.		Section 6.11 and **APPENDIX 24**
•	If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which:		Section 6.11 and **APPENDIX 24**
	○ Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site.		Section 6.11 and **APPENDIX 24**
	○ Is prepared in accordance with relevant guidelines.		Section 6.11 and **APPENDIX 24**
22.	**Environmental Heritage**	If required:	
•	Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage	Statement of Heritage Impact	N/A

Issue and Assessment Requirements		Supporting Documentation	Where Addressed in the EIS
	Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.	Archaeological Assessment	
23.	**Public Space**	<u>If required:</u>	
•	If public space is proposed as part of the development, demonstrate how the development:	Public Space Plan	N/A
	○ maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department.		N/A
	○ provides accessible public space.		N/A
	○ maximises permeability and connectivity.		N/A
	○ maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection.		N/A
	○ maximises street activation.		N/A
	○ minimises potential vehicle, bicycle and pedestrian conflicts.		N/A
24.	**Hazards and Risks**	<u>If required:</u>	
•	If the development is affected by above ground dangerous goods storages from the surrounding developments and/or underground high-pressure dangerous goods pipelines in the vicinity of proposal location:	Hazard Analysis	N/A
	○ Report on any consultation outcomes with operators.		N/A
	○ Consider whether the development would cause these storages non-compliance with *Australian Standards*.		N/A
•	Where applicable, provide a Hazard Analysis in line with relevant guidelines and planning circular.		N/A
25.	**Additional Assessment Requirements**		
•	The site is in the vicinity of an existing sewerage treatment plant located to the north of the site.	Odour Impact Assessment	Section 6.13 and **<u>APPENDIX 13</u>**

APPENDIX 2 - Detailed Plans

Including

Architectural Plans

By

EJE Architects

APPENDIX 3 - Statutory Compliance

Table 14 - Statutory Compliance Table

Number/Standard	Design Element	Compliance
Disability Standards		
5.1	Access Code	Refer BCA commentary
5.2	New Work & The Affected Part	N/a
Access and Approach		
6.1	Allotment Boundary to Entrance	Compliant
6.2	Access Carparking to Entrance	Compliant
6.3	Link Between Associated Buildings	Compliant
6.4	Accessways (Pathways Generally)	Capable of compliance
6.5	Accessible Carparking	Compliant configuration
6.6	Accessible Ramps	Compliant configuration
6.7	Stairs	Compliant configuration
6.8	Accessible Entrance	Compliant configuration
Interior		
7.1	Extent of Access Generally	Compliant
7.2	Circulation Areas	Compliant
7.3	Doorways	Compliant configuration
7.4	Exempt Areas	None specified
7.5	Floor Finishes	To be addressed during detailed design
7.6	Carpet	To be addressed during detailed design
7.7	Controls	To be addressed during detailed design
7.8	Visual Indication to Glazing	To be addressed during detailed design
7.9	Tactile Indicators	To be addressed during detailed design

Number/Standard	Design Element	Compliance
7.10	Signage	To be addressed during detailed design
7.11	Access to Swimming Pool	To be addressed during detailed design
Sanitary Facilities		
8.1	Distribution	Compliant
8.2	Assessible Toilets	Capable of compliance
Verticle Circulation		
9.1	Lifts	Capable of compliance
9.2	Fire Isolated Egress Doors	Capable of compliance
Adaptable Housing		
Pre Adaption Requirements		
10.1	Accessible Entrance	Compliant configuration
10.2	Visitable Toilet	Compliant configuration
10.3	Accessible Path to Travel	Compliant configuration
Post Adaption Requirements		
10.4	Car Accommodations	Compliant configuration
10.5	Letterbox	Compliant
10.6	Doorways	Compliant configuration
10.7	Internal Corridors	Compliant
10.8	Bathroom	Compliant configuration
10.9	Kitchen	Compliant configuration
10.10	Bedroom	Compliant configuration
10.11	Living Area	Compliant configuration
10.12	Laundry	Compliant configuration
10.13	Floors Generally	To be addressed during detailed design
10.14	Ancillary Items	To be addressed during detailed design

Acts and Regulations	
Design Element	Compliance
Rural Fire Act 1997	Compliant
Biodiversity Conservation Act 2016	Compliant
Water Management Act 2000	Compliant
National Parks and Wildlife Act 1974	Compliant
Environmental Planning and Assessment Regulation 2021 Chapter 193 Principles of Ecological Sustainable Development	Compliant
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Compliant
State Environmental Planning Policy (Biodiversity and Conservation) – Chapter 3 – Koala Habitat Protection) 2020	Compliant
State Environmental Planning Policy (Resilience and Hazards) 2021	Compliant
State Environmental Planning Policy (Industry and Employment) 2021	Compliant
State Environmental Planning Policy (Planning Systems) 2021	Compliant
State Environmental Planning Policy (Housing) 2021	Compliant

Housing SEPP - Chapter 4 - Apartment Design Guidelines		
OBJECTIVE	**COMPLIES**	**COMMENTS**
SITE ANALYSIS		
3A-1 Site analysis illustrates that design decisions have been based	Yes	Refer **APPENDIX 2**, Site View Analysis Drawing (A08)

OBJECTIVE	COMPLIES	COMMENTS
on opportunities and constraints of the site conditions and their relationship to the surrounding context		Refer to **APPENDIX 2**, Site Analysis Plan Drawing (A09)
ORIENTATION		
3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	Yes	The project has been designed to best respond to the southern street frontage, and deep site. The project addresses the street frontage of Sanderling Avenue through ground floor apartments with direct links to the street, prominent resident access points, and distinct building articulation across the street elevation. Buildings have been sited to best respond to site constraints such as bushfire setbacks and site opportunities such as views, whilst achieving compliant solar access into rooms and communal open spaces.
3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	Yes	The siting, orientation, massing, and setbacks minimise any overshadowing impacts. Additionally, there are no adjacent residential properties, with a public street to the south, golf club and car park to the west, and RE1 Public Recreation to the north, east and south. Refer to **APPENDIX 2**, Shadow Diagrams. Drawing (A23-A25)
PUBLIC DOMAIN INTERFACE		
3C-1 Transition between private and public domain is achieved	Yes	Secured pedestrian access is provided to the development from pathways along Sanderling Avenue.

OBJECTIVE	COMPLIES	COMMENTS
without compromising safety and security		Recesses which allow for concealment are avoided. The proposed pedestrian links through circulation cores/lobby's breaks open at either end increasing sight lines, while well considered fencing elements allow for increased casual surveillance. Balconies and windows on all elevations allow for casual surveillance to the public domain.
3C-2 Amenity of the public domain is retained and enhanced	Yes	Car parking is located below ground, though landscaping elements are still utilised to soften any hard elements. Mailboxes are provided in the basement of the development, as per Australia Post requirements for a development of this size. Basement areas are directly accessible by lift and stairs from all 3 buildings. Basement carparking ventilation is not visible from the principle public domain. Service areas are located out of view. Plant rooms are proposed in the basement car park. Plant decks to building rooftops are screened and set back from building edges. A pump station is proposed to the southern boundary, though is concealed within perimeter walls, serving as a signage and wayfinding element. Level changes are minimised and designed in such a way to respond to the natural slope of the land. Ramps and stairs are

OBJECTIVE	COMPLIES	COMMENTS
		integrated into the landscape design and are used to accentuate building entries. Robust and resilient materials are employed at the street interface.
COMMUNAL & PUBLIC OPEN SPACE		
3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	Yes	30.66% of the site has communal open space. Refer Communal Open Space (A23) The communal space is consolidated into well-defined spaces offering several appropriately sized areas. Communal Open Space is provided at ground level. Communal Open Space is achieved within the site.
3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Yes	Common areas are provided with a variety of facilities to enhance the communal open space, such as two pools, an indoor and outdoor gym, BBQ's and seating areas.
3D-3 Communal open space is designed to maximise safety	Yes	
3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Yes	Due to the shorter length of the Street boundary, the sites southern aspect, the immediately adjacent road, and existing pattern of the surrounding area, public open space is unsuitable along this frontage. The development however provides greenspaces along this frontage and a positive street address. Pedestrian paths are proposed outside of the site, linking to existing networks and connecting to the adjacent Hawks Nest Golf club with plentiful

OBJECTIVE	COMPLIES	COMMENTS
		public open space and recreation opportunities. Communal open space is provided centrally to the site, with clear pedestrian links through circulation cores to Sanderling Avenue and proposed pedestrian path network.
DEEP SOIL ZONES		
3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	Yes	**10.17%** of the site area has been allocated as Deep Soil zone – 1,514m^2 when assessed against the ADG criteria Deep soil zone has been provided in excess of the ADG criteria. Appropriate stormwater management systems are also proposed.
VISUAL PRIVACY		
3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	Yes	Compliant separation exists between all apartments, other than between 2.G01 and 3.G01, where larger ground floor terraces have been provided. This is being effectively managed through a combination of raised planters and solid privacy screening to mitigate any potential impact on amenity. The subject area is also not between two primary terraces. All other separation between boundaries satisfies the objectives and concessions as set out in Great Lakes Development Control Plan.

OBJECTIVE	COMPLIES	COMMENTS
3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Yes	Communal areas are separated from private open spaces with semi solid screens and landscaped garden beds. Building and glazing orientation helps to direct views for upper-level apartments, with operable screening elements provided where possible to rooms along western boundary facing the golf club and car park. Landscaping elements are proposed throughout to carefully manage privacy and solar access.
PEDESTRIAN ACCESS & ENTRIES		
3G-1 Building entries and pedestrian access connects to and addresses the public domain	Yes	The development contains three residential buildings. One building fronts Sanderling Avenue with multiple pedestrian entry points which are double sided, linking through to the pedestrian pathway network when exiting the lobby on the other side. A pedestrian pathway network runs from the main boundary throughout the site, connecting all three buildings.
3G-2 Access, entries and pathways are accessible and easy to identify	Yes	The proposed planning is simple and logical, and all building access areas are clearly visible and accessible from the communal open spaces and pedestrian pathway network. Level changes are minimised and designed in such a way to respond to the natural slope of the land. Ramps and stairs are integrated into the landscape design and are used to accentuate building entries. Electronic access is provided to all lobbies.

OBJECTIVE	COMPLIES	COMMENTS
3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	Yes	A clear and logical pedestrian network system effectively links all building entry points with communal open spaces, main street, and therefore the facilities beyond. Pathways are well lit, and located such that passive surveillance can occur from habitable spaces.
VEHICULE ACCESS		
3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Yes	The proposed basement car park is discretely located within the site rather than on the street elevation, with a singular consolidated vehicular entry. Site entry is via adjacent lot, forming part of a separate application. The provided car parking is securely located and separated from public access through a combination on boom gates and security doors. Lift and stair access are provided centrally to the building to avoid conflict with vehicular movements. Primary garbage rooms are located in the basement, with lifts up to car park entry for convenient collection. Adjacent ground floor rooms are provided with visual landscaped buffers.
BICYCLE & CAR PARKING		
3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Yes	

OBJECTIVE	COMPLIES	COMMENTS
3J-2 Parking and facilities are provided for other modes of transport	Yes	Secured bicycle parking is provided in the development. Electric Vehicle charging stations are provided throughout the car park.
3J-3 Car park design and access is safe and secure	Yes	Supporting facilities are in easily accessible locations throughout the basement carpark. All spaces will be well lit with clear and simple circulation paths. Lift lobbies are clearly defined.
3J-4 Visual and environmental impacts of underground car parking are minimised	Yes	The car park layout is efficient, and ramp entry and levels are designed to minimise excavation. Natural Ventilation is provided to the basement car park where possible. Mechanical ventilation will be provided to meet any additional ventilation needs.
3J-5 Visual and environmental impacts of on-grade car parking are minimised	Yes	No on grade parking is proposed. An at grade drop-off space is provided near the office for any short period requirements.
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	Yes	Basement carparking is proposed, rather than at grade car parking, so visual impact is not applicable.
DESIGNING THE BUILDING		
DAYLIGHT & SOLAR ACCESS		
4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Yes	73.07% achieve a minimum of 3 hours of sunlight across the development. 14.42% receive no direct sunlight in mid-winter across the development. The overall design maximises the northern aspect. The number of single aspect south

OBJECTIVE	COMPLIES	COMMENTS
		facing apartments is minimised and living spaces are located to the North where possible. Design criteria is achieved.
4A-2 Daylight access is maximised where sunlight is limited	Yes	As the site is south facing, the southern-most rooms cannot receive direct reflected light from an opposing building, though light-coloured internal materials and finishes are proposed to these rooms to assist with internal amenity. 3 Bedrooms across the development have primary windows with an increased sill height of 1,800mm to effectively manage privacy, though this is compensated with full room width glazing.
4A-3 Design incorporates shading and glare control, particularly for warmer months	Yes	The majority of exposed windows are provided with balconies, external screening, window hoods or external louvres to moderate summer solar penetration.
NATURAL VENTILATION		
4B-1 All habitable rooms are naturally ventilated	Yes	All habitable rooms support natural ventilation. Louvre windows and sliding doors to habitable spaces are primarily used to increase air movement.
4B-2 The layout and design of single aspect apartments maximises natural ventilation	Yes	All single aspect units are designed with an open plan layout, with 3 out of 4 levels having increased ceiling heights of 3.0m for habitable and 2.7m for non-habitable to improve air flow.
4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	Yes	62.5% of all units are naturally cross ventilated.

OBJECTIVE	COMPLIES	COMMENTS
CEILING HEIGHTS		
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	Yes	The project achieves a minimum of 2.7m to habitable rooms and 2.4m to non-habitable rooms, with the ground floor, first floor and penthouse levels all providing in excess of this; 3.0m for habitable and 2.7m for non-habitable.
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Yes	
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	N/A	
APARTMENT SIZE & LAYOUT		
4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Yes	The apartment sizes are compliant with the minimum internal areas, and in many cases are in excess of the minimum criteria.
4D-2 Environmental performance of the apartment is maximised	Yes	All apartments are designed with an open plan layout, which provides for an increased room depth of 3X ceiling height as per Figure 4D.3 of Apartment Design Guide.
4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	Yes	2 Bed type A, due to its trapezoidal floor plan, has a small portion that is <4m width, though only for a distance of 1.5m. This does not impact on the functionality of the space. 2 Bed type A is a cross-through apartment style. Due to its trapezoidal floor plan, there is a small portion that is <4m width through the living areas, though only for 1.5m. This does not impact on the functionality of the

OBJECTIVE	COMPLIES	COMMENTS
		space. The total minimum width of the apartment however is 8.9m. All other cross-through apartment styles are in excess of the minimum 4m width. Where practically possible, and in the vast majority of rooms, access into bedrooms, bathrooms and laundries occurs off dedicated circulation corridors. In 2 Bed room type C, the master bed entry is via the living area, however is through own walk in robe joinery, creating a privacy corridor. In the 3 Bed room type A, B & D, the master bed entry is via the living area, however is through own dedicated circulation corridor/walk in robe.
PRIVATE OPEN SPACE & BALCONIES		
4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Yes	The majority of ground floor apartments achieve a minimum depth of 3m, and in excess of 15m^2. Apartments 1.G04 and 1.G06 however achieves a depth of 2.68m, though provides a private open space with an area of 26m^2. Apartment 2.G04 however achieves a depth of 2.5m, though provides a private open space with an area of 49m^2. Although only three apartments do not achieve the 3m minimum depth for ground floor apartment terraces, there is an

OBJECTIVE	COMPLIES	COMMENTS
		increase in area provided over the minimum of 15m2 to offset this. Communal Open Space is provided in accordance with 3D-1.
4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	Yes	The vast majority of apartments have private open spaces and balconies predominantly facing north, east or west. There are however a small number of south facing apartments with subsequently south facing private open spaces.
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Yes	The vast majority of balustrades at ground level and first level are solid, or partially solid, to assist with visual privacy from Sanderling Avenue, communal areas & the neighbouring Golf Club. Upper-level balconies are more visually transparent to maximise views and increased passive surveillance. Operable screening is provided at areas requiring additional privacy or solar access control. Landscaped planters are also used to increase privacy but to also soften the building and provide visual interest.
4E-4 Private open space and balcony design maximises safety	Yes	There are no changes in levels in private open spaces. Any level changes throughout the development are minimised, with appropriate circulation and access provided. Balconies have been designed to comply with the NCC, and as such, inherently avoid opportunities for climbing and falls.
COMMON CIRCULATION & SPACES		

OBJECTIVE	COMPLIES	COMMENTS
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	Yes	Corridors are approx. 1500mm wide. All residential lobbies have access to natural ventilation and daylight. Windows are located near stairs and lift core. The majority of apartments are accessed directly from the lift core/lobby areas that service them. Any areas where corridors area required are less than 12m from the lobby space. Corridors are provided with either access to natural light at the end or linked to lobby areas provided with access to natural light and/or larger spaces. 68% of apartments are dual aspect or cross over apartments. No unit primary windows open onto common circulation spaces. A Small number of apartments have a secondary living room window opening to a lobby entry, though is controlled through screening elements and landscaping.
4F-2 Common circulation spaces promote safety and provide for social interaction between residents	Yes	Simple linear lobby layouts provide a safe environment. All apartments are directly accessed from singular lobbies. A flexible office/community room off communal open space is provided in the office/caretaker pavilion, centrally located in the development. In addition to this, the immediately adjacent golf club provides ample amenity and spaces conducive to communal gatherings.
STORAGE		
4G-1 Adequate, well designed storage is provided in each apartment	Yes	The internal apartment storage requirements of this standard are met via a combination of: • Full height built in dedicated storage cupboards

OBJECTIVE	COMPLIES	COMMENTS
		• Full height built in joinery components • Storage co-located with laundry joinery • Wardrobes in excess of minimum requirements
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Yes	
ACOUSTIC PRIVACY		
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Yes	Window and door openings are generally avoided near building lobby entries.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Yes	
NOISE & POLLUTION		
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Yes	A small number of apartments along the southern edge of the western boundary, are orientated toward the golf club car park. A series of landscaped areas, on both the residential and golf club land, provide a element of buffering for both vision, sound and air pollution. Ground level Apartments in this area are also set down from street level with landscaped planting areas, providing a further buffer. Most apartments along this elevation are also provided with operable screening for both solar control and privacy.

OBJECTIVE	COMPLIES	COMMENTS
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Yes	Apartments facing the golf club car park, are provided with external operable screening. Acoustic glazing or double glazing, and acoustic seals are proposed to rooms facing potential noise sources.
APPARTMENT MIX		
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	Yes	A mixture of Studio, 1, 2, 3 & 4 bedroom apartments are provided in accordance with DCP.
4K-2 The apartment mix is distributed to suitable locations within the building	Yes	
GROUND FLOOR APARTMENTS		
4L-1 Street frontage activity is maximised where ground floor apartments are located	Yes	All ground floor apartments have direct access from private open spaces. Although the site is zoned residential, the ground floor (including first floor and penthouse levels) have been provided with increased ceilings heights; 3.0m for habitable spaces and 2.7m for non-habitable spaces. Small Office Home Office not appliable to this development.
4L-1 Design of ground floor apartments delivers amenity and safety for residents	Yes	Tall windows are provided throughout the development where appropriate to maximise solar access. Planting has been selected appropriate to the coastal setting, as such providing filtered light to northern and western edges, whilst maintaining privacy to the adjacent golf club car park.
FACADES		

OBJECTIVE	COMPLIES	COMMENTS
4M-1 Building facades provide visual interest along the street while respecting the character of the local area **4M-2** Building functions are expressed by the facade	Yes	The façade is composed of various materials and textures, whilst utilising articulated massing to effectively reduce the visual bulk and scale of the development. The resulting building provides visual interest to the street and communal areas. All building services are concealed within facade elements. The building fronting Sanderling Avenue is south-facing, and as such has limited ability to create visual interest through shadowing. The resulting design however is well articulated through balcony design. The articulation of the building corners provide a strong urban design built form to the development.
ROOF DESIGN		
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Yes	A flat roof structure with curved elements provides visual interest from the street and from within the development. The curved roof forms also respond effectively to corner elements of the building, whilst recessive materiality aids in reducing overall bulk and scale of the development.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	Yes	Habitable roof space is provided in the forms of penthouse apartments with openable skylights and generous associated private open space.
4N-3 Roof design incorporates sustainability features	Yes	Skylights allow for solar penetration to the south facing living spaces and bathrooms of penthouse apartments. Awnings above

OBJECTIVE	COMPLIES	COMMENTS
		terraces provides effective solar access control during summer months.
LANDSCAPE DESIGN		
40-1 Landscape design is viable and sustainable	Yes	The landscaping design responds to the site conditions and provides interest and softens the building form. The plant selection complements the buildings material finishes and represents the surrounding context. Refer landscape architects' documentation
40-2 Landscape design contributes to the streetscape and amenity	Yes	The central communal areas contain large landscaped garden beds to increase privacy and amenity for apartments facing this space. Refer landscape architects' documentation
PLANTING ON STRUCTURES		
4P-1 Appropriate soil profiles are provided	Yes	Appropriate plant selections have been made with regard to the site context and constraints. Refer landscape architects' documentation
4P-2 Plant growth is optimised with appropriate selection and maintenance	Yes	Appropriate plant selections have been made with regard to the site context and constraints. Refer landscape architects' documentation
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Yes	Refer landscape architects' documentation
UNIVERSAL DESIGN		

OBJECTIVE	COMPLIES	COMMENTS
4Q-1 Universal design features are included in apartment design to promote flexible housing	Yes	Units have been designed to allow for 20% silver level compliance. Apartments are provided with: • a 1428.1 compliant entry and path of travel from the street and car park levels • oversized corridors and bathrooms • Bathrooms that contain a hob less shower recess • No internal stairways
4Q-2 A variety of apartments with adaptable designs are provided	Yes	10% of apartments required to be adaptable (11 apartments), with the development providing for 12 adaptable apartments. Refer Access Report
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Yes	All apartments are designed with open plan living spaces, and the vast majority of two- and three-bedroom apartments are provided with two bathrooms for greater long-term flexibility for different lifestyles.
ADAPTIVE REUSE		
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	N/A	
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	N/A	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	N/A	

OBJECTIVE	COMPLIES	COMMENTS
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	N/A	
AWNINGS & SIGNAGE		
4T-1 Awnings are well located and complement and integrate with the building design	Yes	There is no existing pedestrian pattern to respond to, i.e. shopfront continuous awning, and as such, deep awnings are provided at pedestrian building entry points, and are integrated into the overall aesthetic and design of the building.
4T-2 Signage responds to the context and desired streetscape character	Yes	Signage will be located in accordance with the requirements of this standard.
ENERGY EFFICENCY		
4U-1 Development incorporates passive environmental design	Yes	Apartments are designed to maximise access to natural light and cross ventilation for habitable rooms.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Yes	The project has been designed to optimise thermal mass in order to normalise day/night temperature variations. Insulation and glazing will be selected to meet BASIX energy efficiency requirements. Refer BASIX Assessment for details.
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Yes	All apartments have been designed to maximise access to natural ventilation. Refer Architectural Plans.

OBJECTIVE	COMPLIES	COMMENTS
WATER MANAGEMENT & CONSERVATION		
4V-1 Potable water use is minimised	Yes	The project will meet BASIX requirements for potable water consumption. Refer BASIX Assessment
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Yes	Appropriate WSUD measures will be integrated into the development.
4V-3 Flood management systems are integrated into site design	Yes	Refer to Civil Drawings.
WASTE MANAGEMENT		
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Yes	Waste storage is appropriately sized with safe, discreet access located within the basement area, with a lift provided to the at grade collection point.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Yes	Integrated waste and recycling storage will be provided in all apartment kitchens. Communal waste and recycling chutes are located at every lobby area, at every level.
BUILDING MAINTENANCE		
4X-1 Building design detail provides protection from weathering	Yes	Expressed slab edges of terraces are designed to shield glazed openings, and building entry points. Finishes include robust materials with integral surface colours where possible to minimise maintenance and protect against weathering.
4X-2 Systems and access enable ease of maintenance	Yes	The roof is accessible for maintenance only with the provision of safe access systems to comply with Australian Standards and WH&S regulations.
4X-3 Material selection reduces ongoing maintenance costs	Yes	Natural, well-weathering materials with

OBJECTIVE	COMPLIES	COMMENTS
		integral surface colours have been selected where possible to reduce ongoing maintenance costs. Robust materials and finishes have also been selected for common areas.

Great Lakes Local Environmental Plan 2014		
OBJECTIVE	**ACT/REGULATION**	**COMMENTS**
1.2	Aims of Plan	Consistent
4.1	Minimum Lot Size	Compliant
4.3	Height of Building	Non-Compliant, refer to 4.6 Variation Request
4.4	Floor Space Ratio	Compliant
6.1	Arrangements for Designated State Public Infrastructure	Will be made Compliant with lodgement of Application
7.1	Acid Sulfate Soils	Compliant
7.2	Earthworks	Compliant
7.4	Coastal Risk Planning	Compliant
7.5	Stormwater Management	Compliant
7.21	Essential Services	Compliant

Great Lakes Development Control Plan 2014		
OBJECTIVE	**ACT/REGULATION**	**COMMENTS**
2.0	Introductory	Compliant
2.5.2	Site and Context Analysis	Compliant
2.5.3.1	Landscaping Plan	Compliant
2.5.3.2	Shadow Diagram	Compliant

OBJECTIVE	ACT/REGULATION	COMMENTS
2.5.3.4	Aboriginal Cultural Heritage	Compliant
2.5.3.5	Drainage and Reticulation Plan	Compliant
2.5.3.6	Buildings with three or more storeys	Compliant
2.5.3.7	Traffic Report	Compliant
2.5.3.10	Geotechnical Report for cut and fill	Compliant
4.1	Ecological Impacts	Compliant
4.2	Flooding Impacts	Compliant
4.3	Coastal Planning Areas	N/a – Compliant
4.6	Contaminated Land	Compliant
4.7	Bush Fire	Compliant
6.1	General Building Design	Compliant
6.2	Pedestrian Amenity	Compliant
6.3	Building Configuration	Compliant
6.4	External Building Elements	Compliant
6.5	Building Amenity	Compliant
6.6	Building Performance	Compliant
6.8	Building Depth and Bulk	Compliant
6.9	Primary Street Setbacks	Compliant
6.10	Side and Rear Setbacks	Compliant
6.11	Ground Level Uses	Compliant

OBJECTIVE	ACT/REGULATION	COMMENTS
9.1	Subdivision Objectives	Compliant
9.2.1	Design Principles	Compliant
9.2.2	Site Design	Compliant
9.2.3	Services	Compliant
9.2.4	Landscaping	Compliant
9.2.5	Drainage	Compliant
9.3.9	Public Open Space	N/a
s7.11	Contributions	Compliant
10.1	Car Parking – Objectives	Compliant
10.3	Car Parking Rates	Compliant
10.4	Alternative and Active Transport	Compliant
11.0	Water Sensitive Design	Current treatment train proposal includes GPT's and proprietary sub-surface cartridge filters. Modelling using Stormwater Australia's *Stormwater Quality Improvement Device Evaluation Protocol* (SQIDEP) has verified the required design parameters outcomes are achieved.
13.2.1	Landscaping – Open Space	Compliant
13.2.2	Landscape Design	Compliant
13.2.3	Deep Soil Zones	Non-Compliant; compliance is however achieved against the ADG's
14.0	Waste Management	Compliant
15.0	Advertising and Signage	Compliant

Adopted Strategies

OBJECTIVE	ACT/REGULATION	COMMENTS

	MidCoast Koala Conservation Strategy 2024	Compliant

APPENDIX 4 - Mitigation Measures

Table 15 - Mitigation Measures Table

Potential Impact	Specifics	Proposed Mitigation Measure
Building (construction)	Construction Environmental Management Plan	Environmental management will involve the preparation of a Construction Environmental Management Plan (CEMP) as part of the project's / client's Environmental Management System. The CEMP will include but will not be limited to: • environmental management and mitigation measures identified in this EIS • roles and responsibilities for environmental management • details of training and inductions required • monitoring and reporting requirements • complaints receival, recording and investigation procedures • incident and emergency response procedures • adaptive management mechanisms for continual improvement • Coordination of worker transport and parking arrangements to minimise local impacts, if required

		The requirements of the CEMP (and all associated sub-plans) will be implemented throughout construction and communicated to all staff and contractors via site induction.
Traffic (construction)	Traffic impacts on local road network	Preparation and implementation of a Construction Traffic Management Plan Construction vehicles, contractors and suppliers to be informed of the required access route to the project site. Develop and implement a Traffic Control Plan for Sanderling Avenue, including signage and temporary road closures where required. Where possible, ensure that all construction parking is contained on the residential flat building site or at the specified off-site layover parking area Prior to construction commencing, an off-site layover parking area will be identified and shuttle bus service investigated for use during peak construction period. Construction workers will not park in nearby beach carpark, vegetated or non-vegetated area surrounding the site, the Hawks Nest Golf Club carpark, or on the road-side of Sanderlings Avenue or local roads surrounding the project. Coordinate site deliveries to minimise traffic impacts. Hawks Nest Golf Club carparking capacity and vehicular access will be retained as agreed with Hawks Nest Golf Club during construction
Traffic (operation)		Retain existing Golf Club carparking capacity.
Noise and Vibration (construction)		A Construction Noise and Vibration Management Plan (CNVMP) will be prepared by a suitably qualified person and implemented throughout construction of the project. The CNVMP will be developed with reference to AS 2436-2010 and will include measures detailed in Table 29 of the Noise and Vibration Impact Assessment (**APPENDIX**

		12). Measures to be implemented via the CNVMP will include (but not be limited to):
		• Attended vibration monitoring during the initial phases of the construction period, before vibratory activities such as piling and rolling are conducted within the 25 m buffer zone of the nearest sensitive receiver (Hawks Nest Golf Club).
		• Installation of unattended vibration monitoring during the initial phase of construction while vibration activities such as piling and vibratory rolling occurs.
		• Table 28 of the Noise and Vibration Impact Assessment in **APPENDIX 12** will be used as a guide with consideration to distance to the Hawkes Nest Golf Club when selecting vibration emitting equipment.
		• The project will adopt the following hierarchical strategy:
		  ○ Ensure construction activities meet NML as far as practicable.
		  ○ Where noise levels are above NML, implement reasonable and best practice noise controls as per level 1 mitigation detailed in Table 29 of the NVIA (**APPENDIX 12**) to minimise noise emissions and/or exposure duration at affected receivers.
		  ○ Where best practice noise controls do not adequately address exceedance of NML, adopt alternative measures as per level 2 mitigation detailed in Table 29 of the NVIA (**APPENDIX 12**) to minimise impacts on the community.
		Nearby residents will be notified in advance of high-noise activities and have a single contact point for quick responses to any concerns.

		If compliance noise monitoring indicate exceedances of the noise criteria, a combination of comprehensive noise mitigation treatments (i.e. noise barriers, equipment enclosures, silencers, regular equipment maintenance, etc) and consultation with the local community will be considered on a case by-case basis to manage exceedances.
Noise (operation)	Operational noise	Noise attenuation measures will be incorporated into building materials during detailed design stage. Rooftop plant and equipment will be installed as per manufacturers specifications and tested by a suitably qualified acoustical engineer.
Dust and Vehicle Emissions (construction)	Windblown dust Vehicle emissions	A dust and air quality management plan will be developed by a suitably qualified person and implemented throughout the construction phase. The dust and air quality management plan will include but not be limited to the following: • Dust suppression measures • Minimisation of exposed areas where practical to reduce wind-blow dust • Water trucks and/or spray will be used for dust suppression at disturbed areas when required, such as if visible dust emissions are blowing offsite. Coverage of all vehicle loads entering and leaving the site. Water carts on site to contain site conditions. No idling of construction equipment or supply vehicles unless necessary.
Waste (construction)	Containment of waste	All construction wastes will be sorted into waste streams and recycled as appropriate.
Visual impacts (construction)	Landscape character	The setback within the southern and south-western corner of the residential flat development site will be retained to allow

	Light emissions	screening to this interface and soften the build form. Planting and maintenance of vegetation in accordance with the landscape plans as early in the construction phase as possible. The project will use varied treatment and use of dark, recessive colours to the facade to reduce its perceived mass and encourage integration into the existing landscape. Early works planting for vegetation will occur when feasible to enable species to establish in the early stage of the development Non-reflective surfaces will be used for materials visible from the exterior of the buildings. A site-specific assessment considering the impact to threatened or endangered species and unique biota will be completed by a suitably qualified person consistent with the National Light Pollution Guidelines for Wildlife (Department of Climate Change, Energy, the Environment and Water, 2023) prior to construction. Darkness will be protected where possible and the projects lighting design will consider the artificial impact and the management of all living things in accordance with (Australian Government Department of the Environment and Energy, 2020). An analysis of the existing limitations of the site will be conducted and the existing conditions account for such as but not limited to, the level of lighting existing in the area, the proposed times of operation and lighting technology proposed (Electrical Project Australia Pty Ltd, 2024).
Visual impacts (construction and operation)	Light emissions	Recommendations in accordance with *AS/NZS 4282:2023 'Control of the obtrusive lighting*

		effects of outdoor lighting' will be utilised and the following methods employed:- • Eliminating upward spill lighting by directing light downwards • Shielded fittings • Energy-efficient bulbs • Asymmetric beams • Direction of light from reflective surfaces • Warm-white colours, where afforded • Curfew switches off for decorative lighting • Motion detector control lighting.
Visual Privacy (operation)	Opportunities for casual overlooking	Fixed screening and dense plantings to communal open space areas.
Contamination (construction)	Site suitability for proposed use	An Unexpected Finds Protocol will be included in the CEMP. Site induction for employees and contractors undertaking earthworks activities would include information on the potential for contamination, and the relevant procedures of the Unexpected Find Protocol. In the event that potentially contaminated soils or material are unearthed, works in the vicinity of the item will cease, and the protocol will be implemented.
Aboriginal Heritage (construction)	Disturbance of an Aboriginal Relic	An Unexpected Finds Protocol will be included in the CEMP. Site induction for employees and contractors undertaking earthworks activities would include information on the potential Aboriginal relics that could be unearthed, and the relevant procedures of the Unexpected Find Protocol. In the event that a potential artefact or human remains are unearthed, works in the vicinity of the item will cease, and the protocol will be implemented.

Stormwater (construction)	Discharge to Groundwater	A soil and water management plan (SWMP) will be prepared and implemented throughout the construction phase. The SWMP will be prepared by a suitably qualified person in accordance with *Managing Urban Stormwater Soil and Construction* (Landcom, 2004). The SWMP will include but not be limited to: • requirements for erosion ad sediment controls to be established prior to ground disturbance and maintained until all surfaces have been fully restored • timing requirements for regular and event based inspection • measures for stockpiles as applicable, including locations, separation of waste types and sediment controls and stabilisations • CEMP to locate shaker bars on all construction traffic movements accessing onto Sanderling Avenue. Stormwater generated during construction will be pumped to an infiltration basin located to the east of Building 1.
Stormwater (operation)	Discharge to Groundwater	Stormwater generated at the site during operation will be captured and treated as per Stormwater Management Report in **APPENDIX 14**.
Biodiversity (construction)	Management of vegetation clearance Native vegetation	Biodiversity management plan (BMP) will be development by a suitably qualified person prior to construction. The BMP will include but not be limited to: • Clearing protocols, including pre-clearance surveys • Within 24 hours of commencing clearing of anyu vegetation, an ecologist will inspect the area for any signs of resident fauna requiring attention in particular nesting birds • Implement clearing protocols, including pre-clearance surveys to identify habitat and vegetation to be retained. Any fauna rescued during vegetation

		clearing is to be assessed for injuries, and subsequently released to a suitable nearby location; this may require holding fauna until dusk for release in accordance with relevant animal ethics licencing and standards. If any fauna is injured during vegetation clearing, they are to be taken promptly to a nearby veterinarian or suitable wildlife carer contact;
		• A staged approach to clearing will be undertaken to provide fauna the opportunity to disperse outside the area of impact. Staging to include;
		  ○ Phase 1 Clearing: Under scrubbing;
		  ○ Phase 2 Clearing: Removal of non-habitat trees; and
		  ○ Phase 3 Clearing: If habitat features are identified during pre-clearance surveys, removal of habitat trees must be undertaken 48 hours after clearing of other nonhabitat trees.
		• All clearing works (phase 1, 2 and 3) will be undertaken under the supervision of the Project Ecologist
		• Clearing should occur in a direction from previously disturbed lands towards retained vegetation.
		• If practical, all cleared vegetation is to be mulched on site and spread to help stabilise any exposed soil and minimise offsite movement of biomass. Fallen timber and hollow logs identified to be retained are to be relocated into areas of any retained vegetation.
		Where possible, vegetation clearing is to be timed to avoid extended cold weather periods. Cold weather is likely to make it difficult for resident hollow dependant fauna to successfully relocate. This is particularly relevant for low body-weight species such as microbats;

		The area of native vegetation to be cleared would be clearly delineated. Adjoining areas to be retained would be protected by temporary fencing. Landscape plantings will utilise endemic native species, including Koala habitat trees such as *Eucalyptus pilularis* which aids in maintaining vegetation cover in the area and mitigating vegetation removal. Installation of a fauna-protecting fence, including relevant signage, to create a fauna protection zone which coincides with the tree protection zone will be erected during construction. Fencing will be maintained between the development and the retained lands to prevent access and reduce potential interaction with threatened species throughout construction. A permanent fence will be installed once construction of the new development is complete. Water Sensitive Urban Design (WSUD) principles will be incorporated within stormwater infrastructure is to occur to minimise hydrology changes. Civil Construction staff to be inducted into pre-clearing and clearing protocols, and to identify environmental features for protection. Appropriate cleaning of all construction equipment will occur to limit the risk of weed seed and fragments to adjacent retained vegetation.
Biodiversity (construction)	Mitigation of native vegetation clearing	32x PCT 3555 credits (or equivalent to be acquired. Pool fencing is to be of a variety that either excludes koala from pool areas and where this is not possible suitable access and egress points in and out of pools and pool areas should be provided for koalas to avoid koalas drowning in poo ls or becoming stuck inside fenced areas;
Arborist (construction)	Removal of Trees	Trees designated for removal will be undertaken by an experienced contractor

		under supervision by a Level 5 Arborist and under the supervision of the site ecologist. The following clearing stages will be undertaken:- • Phase 1 – under scrubbing • Phase 2 – Removal of non-habitat trees • Phase 3 – if habitat features are identified, removal of habitat trees will be undertaken 48 hours after Phase 2 clearing.	
		Retention of Trees	Trees to be retained will be protected with appropriate construction Tree Protection Measures as per **APPENDIX 30** Of the 19 trees assessed as 'retain (design dependant)' in figure 4 of the Arborist Impact Assessment 2025, the following will be undertaken to determine and enable their retention: • Prior to construction, non-destructive root investigations (air-spade or vacuum excavation) will be undertaken to locate and assess significant roots, allowing the design and

		excavation footprint to be refined. • Where possible, civil works and services will be re-routed through areas of existing disturbance to avoid creating additional impact zones, and all underground services within the NRZ will be installed using non-destructive methods or trenchless methods such as directional boring at a minimum depth of 0.7 m. • Any necessary root pruning will be performed by an AQF5 Arborist using clean, perpendicular cuts on non-structural roots only. • Design and engineering changes include; re-position footpaths to minimise impacts within NRZ's, and specify permeable paving systems within impacted NRZ areas to reduce soil compaction and maintain water infiltration and gaseous exchange within the rootzones of trees. • Soil within affected NRZ areas will be remediated by removing any built-up fill or areas of

		compaction, methodology includes air-spading to restore soil structure and de-compact, irrigating, and applying 75 - 100 mm of AS 4419–compliant mulch. • Ground protection measures; including mulch, geotextile fabric, timber bog mats or heavy-duty mats will be used wherever machinery must operate near retained trees and will be tracking across the soil surface, while minor branch pruning may be undertaken to prevent damage to the canopy structure. Throughout construction, tree health will be supported through ongoing hydration and stem protection. If trees identified as 'Retain (design dependent)' in figure 4 of the Arborist Impact Assessment 2025, require to be remove, consultation with Council and the applicable land holder will be undertaken to determine if any further approvals are required.
	Project Arborist	At the commencement of the development a Project Arborist shall be appointed, holding a minimum of AQF level 5 in Arboriculture and

		with experience on site clearance work of trees. The Project Arborist (PA) shall communicate with the project manager and site supervisor prior to commencement of construction. The PA shall identify the trees to be retained and set out on ground the positions of tree protection fence panels to be installed. Prior to commencement of earthworks, the PA shall inspect the fences and ensure the trees are adequately protected, then issue an email stating compliance with tree protection fence placements has occurred. Trees will be inspected at the final stage of earthworks. The inspection will identify any changes in tree health due to impacts from the development or environmental factors. A compliance certificate will be issued. Will conduct staged monitoring during excavation, service installation, practical completion.
	Tree Protection Measures	All tree maintenance and pruning works should be carried out by a qualified tree worker in accordance with AS4373 –2007 Pruning of Amenity Trees. A continuous TPZ fence should be installed for

		retained trees as displayed in Figure 5 of the Arborist Impact Assessment 2025. The TPZ shall be delineated by a 1.8m interlocking chain wire fence located around trees designated to be retained within close proximity to the Works, in accordance with AS 4687. Appendix D of the Arborist Impact Assessment 2025 details tree protection fencing that will be implemented. TPZ fencing must be installed before the commencement of any construction works. The fencing will not be removed or altered until after the completion of construction. All Contraction workers working in close proximity to the TPZ of Trees to be retained will be briefed as to the requirements of the Tree Protection Zone. The TPZ fencing and zone will be certified by the project arborist before construction commences. Tree health and condition will be monitored by the project arborist at regular stages during construction, at practical completion of construction, and after completion. The following activities will be avoided within the TPZ of trees to be retained where practicable:

		• Machine excavation of soil including trenching; • Operation of heavy equipment; • Stockpiling of soils; • Storage of heavy or other equipment; • Parking of vehicles; • Wash down and cleaning of equipment; • Excavation for silt fencing; • Dumping of waste; • Change of soil level or gradient; and • Covering with concrete, impermeable, or compacted surfaces. Where works are required that encroach into TPZ of trees to be retained, additional protection measures, which include trunk and low branch guards, and ground protection measures will be implemented following guidance in Australian standard AS 4970 – 2025 Protection of trees on development Sites (**Appendix D** of the Arborist Impact Assessment 2025). These works will only be conducted under supervision of the project arborist. The use of “soft” construction methods including manual and vacuum removal of soils will occur for works conducted within the TPZ of Trees to be retained.

			Vehicles and construction equipment will utilise designated entry and egress points to avoid potential of impacts on Trees to be retained.
Community Engagement (construction and operation)	Ongoing Information Sharing	A Community Engagement Plan (CEP) will be developed by an appropriately qualified person prior to construction and will be implemented throughout the construction and operational phases. The CEP will be developed to incorporate the recommendations and mitigation and management measures detailed in the Social Impact Assessment (Mara, 2025) The CEP will guide day-to-day implementation of social mitigation, monitoring and reporting across the project lifecycle, link to the operational management plan and will include: • How and when the community will receive updates on the project • Details on how the community can make project enquiries or complaints • Specifics around the project team meeting regularly with the golf club and holiday park to share schedules, respond to concerns and coordinate any changes that may affect visitors or neighbours • Engagement activities will be adjusted based on feedback and sentiment monitoring... The CEMP will provide a clear method for members of the public and adjoining owners to complain to the building contractors, and how these complaints will be documented and managed. The complaints handling procedure will include but not be limited to the following: • escalation procedure so that if a complainant is not satisfied there is a clear path to follow; • records of all community complaints will be maintained in up-to-date	

	Complaints handling procedure	complaints register. The records will include: ○ date and time of the complaint; ○ the means by which the complaint was made (telephone, mail or email); ○ any personal details of the complainant that were provided, or if no details are provided, a note to that effect; ○ the nature of the complaint; ○ any actions taken by the site supervisor/construction contractor in relation to the complaint, including any follow up contact with the complainant and the timing for implementing action; and ○ if no action was taken by site supervisor/construction contractor in relation to the complaint, the reason why no action was taken. ○ community complaints will be allocated to a responsible contractor's representative immediately to facilitate the implementation of corrective actions. The details of the complaint will also be circulated to the applicable construction personnel for action, where required. A community liaison office or contact point will be established to collect feedback on living conditions improvements and address any residual issues throughout operations. An inquiring and complaint-management process will be development and communicated to construction and operation personnel. Opportunities for use of local contractors, suppliers, and service providers will be investigated.

Bush Fire Risk (construction and operation)	Emergency Management	A Bush Fire Emergency Management and Evacuation Plan will be prepared as per the requirements of PBP 2019 and will cover both construction and operational phases of the project.
Bush Fire Risk (operation)	APZ and Landscaping Access Water Supply	Bush fire measures will be developed and maintained in accordance with the PBP 2019, and will include but not be limited to the following: • APZ will be maintained with appropriate landscaping • Minimum road widths will be 4m wide with 4m vertical clearance • Hydrants will be provided along northern and eastern boundary
Golf Club Access (construction)	Upgrading current entrance	Access to the Hawks Nest Golf Club to be maintained. In the event that any temporary access restrictions to the Golf Club may be required, these will be scheduled in consultation with the Golf Club to minimise impacts on operations.