

**Statement of
Environmental Effects
for
Demolition of existing
dwelling, construction of an
attached dual occupancy
and strata subdivision**

**32 Palm Road,
Forster (Lot 25
DP 22922)**

October 2024

Contents

| | | |
|-----|--|----|
| 1 | Introduction | 3 |
| 1.1 | Purpose of this Statement of Environmental Effects..... | 3 |
| 1.2 | Ownership..... | 3 |
| 2 | Site and Context | 3 |
| 2.1 | Site Particulars | 3 |
| 2.2 | The Site | 3 |
| 3 | Proposed Development..... | 4 |
| 3.1 | Summary..... | 4 |
| 4 | Statutory Assessment..... | 4 |
| 4.1 | Environmental Planning and Assessment Act 1979..... | 4 |
| 4.2 | Integrated Development..... | 5 |
| 4.3 | Environmental Planning and Assessment Regulation 2021..... | 5 |
| 4.4 | State Environmental Planning Policies..... | 5 |
| 5.6 | Great Lakes Local Environmental Plan 2014..... | 5 |
| 5.7 | Draft Environmental Planning Instruments | 7 |
| 5.8 | Great Lakes Development Control Plan 2014..... | 7 |
| 5.9 | Developer Contributions..... | 13 |
| 5 | Likely Impacts of the Development..... | 13 |
| 5.1 | Environmental Impacts..... | 13 |
| 6 | Suitability of the Site | 14 |
| 7 | Submissions..... | 14 |
| 8 | Public Interest..... | 14 |
| 9 | Conclusion | 14 |

1 Introduction

1.1 Purpose of this Statement of Environmental Effects

This Statement of Environmental Effects (SEE) has been prepared on behalf of Mrs R Penman and accompanies a Development Application lodged to Mid Coast Council pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for demolition of existing dwelling, construction of an attached dual occupancy and strata subdivision.

1.2 Ownership

The site is owned by Mr P Penman.

2 Site and Context

2.1 Site Particulars

The following describes the site, location, zoning and context;

| | |
|--------------------------|------------------------------|
| Lot/DP | Lot 25 DP 22922 |
| Address | 32 Palm Road, Forster |
| Area | 553.28m ² |
| Zoning | R2 – Low Density Residential |
| Consent Authority | Mid Coast Council |
| Current Use | Dwelling house |

2.2 The Site

The site is known as 32 Palm Road, Forster (Lot 25 DP 22922) and is shown in **Figure 1**. The subject site is a standard rectangular shape lot and has an area of approximately 553.28m². The site includes an existing split-level dwelling and slopes from the west to the east at 16.6%. All services are available to the subject site. The surrounding area is largely characterised by low density residential dwellings, however medium density development, such as dual occupancies are becoming more prominent within the locality, including on the adjoining property at 34 Palm Road.

The site is zoned R2 – Low Density Residential under the Great Lakes Local Environmental Plan 2014 (GLLEP 2014) and is located in an established residential area. The subject site is not identified as containing flood prone or bushfire prone land.



Figure 1 Aerial view of development site (32 Palm Road)

3 Proposed Development

3.1 Summary

The proposed development is for demolition of the existing dwelling, construction of an attached dual occupancy and strata subdivision. The proposed development can be summarised as follows;

- Demolition of the existing split level dwelling;
- Construction of a split level attached dual occupancy. Each unit has a gross floor area of 249.2m² and comprise 3 bedrooms, 3 bathrooms, kitchen, meals/living area, multi-purpose room, alfresco and double garage; and
- Two lot strata subdivision.

The architectural plans have been uploaded to the NSW Planning Portal.

4 Statutory Assessment

4.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

The following considerations have been made under section 4.15(1)(a):

- Environmental planning instruments, proposed instruments and development control plans that are relevant to the site or development are considered below.
- There are no known planning agreements applicable to the site; and
- The Environmental Planning and Assessment Regulation 2021 (the Regulation 2021) has been considered below.

The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are considered within sections 5, 6, 7 and 8 of this Statement.

4.2 Integrated Development

The proposed development is not integrated development.

4.3 Environmental Planning and Assessment Regulation 2021

This Statement has been prepared to address the requirements of Part 3 of the EP&A Regulation 2021.

4.4 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

4.4.1 State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP (Sustainable Buildings) 2022 incorporates the BASIX commitments relating to thermal performance and energy efficiency standards and applies to all residential developments (excluding alterations and additions less than \$50,000). The Policy applies to the proposed development and is supported by a BASIX Certificate, provided in the supporting documents.

4.4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the SEPP applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site has historically been utilised for residential purposes. The likelihood of the site being contaminated is considered low. All demolition works and removal of asbestos if uncovered, will be undertaken in accordance with AS2601: The demolition of structures. To this extent, the subject site is considered suitable for the proposed development.

5.6 Great Lakes Local Environmental Plan 2014

The Great Lakes Local Environmental Plan 2014 (GLLEP 2014) outlines planning provisions which apply to the proposed development. The relevant provisions of the GLLEP 2014 are assessed below.

| Clause | Comments | Complies |
|--|---|----------|
| Clause 2.3 – Zone objectives and land use table | <p>The site is zoned R2 – Low Density Residential. Dual occupancies are permitted with consent in the zone.</p> <p>The proposed development satisfies the objectives of the zone by increasing housing diversity and meeting the housing needs of the community within a low density residential environment.</p> | Y |
| Clause 2.7 Demolition requires development consent | Development consent is being sought for the demolition of the existing dwelling. | Y |
| Clause 4.1 – Minimum subdivision lot size | <p>The minimum lot size is 450m². The proposed development does include the subdivision of land (strata subdivision), which will result in two lots being created less than the prescribed minimum lot size (278.7m² each).</p> <p>However, pursuant to clause 4.1(4)(a) the minimum lot size does not apply to a strata subdivisions.</p> | Y |
| Clause 4.3 – Height of Buildings | The maximum height of buildings is 8.5m. The submitted architectural plans demonstrates the proposed development does not exceed a height of 8.5m. | Y |
| Clause 4.4 – Floor Space Ratio | <p>The Floor Space Ratio is 0.5:1. The proposed development results in a FSR of 0.52:1.</p> <p>A variation to this development standard is requested and is considered justified in these circumstances. A clause 4.6 request is attached in Appendix A.</p> | N |
| Clause 4.6 – Exceptions to Development Standards | A variation to the prescribed FSR is requested. A clause 4.6 request is attached in Appendix A . | - |
| Clause 7.1 – Acid Sulfate Soils | The site is identified as having acid sulfate soil class 5 conditions. The proposed development does not involve works more than 5m below the natural ground surface nor are the works proposed likely to lower the water table. | Y |
| Clause 7.2 – Earthworks | The proposed development includes earthworks to facilitate the development, however it is not considered these will have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. | Y |
| Clause 7.5 – Stormwater Management | The proposed development includes underground Onsite Detention (OSD) tanks to ensure stormwater discharge is at pre developed flows. All roof waters will be directed to the OSD and piped stormwater drainage as shown in the submitted stormwater management plan. This is to reduce the likelihood of impacts on downstream properties. The detention system also include retention for use as an alternative supply to mains water. | Y |

| | | |
|----------------------------------|---|---|
| Clause 7.21 – Essential Services | The subject site and existing dwelling includes connection to reticulated water and sewer infrastructure, stormwater, telecommunications and electrical infrastructure. This existing infrastructure is suitable to service the proposed development. | Y |
|----------------------------------|---|---|

5.7 Draft Environmental Planning Instruments

The Draft Mid Coast Local Environmental Plan (Draft MCLEP) was placed on public exhibition between April – July 2024. Under the Draft MCLEP the subject site will retain its existing R2 – Low Density Residential zone and dual occupancies will continue to be permissible with consent. All other planning controls will remain unchanged with the exception of floor space ratio which will not apply to the subject site.

5.8 Great Lakes Development Control Plan 2014

Great Lakes Development Control Plan 2014 outlines (GLDCP 2014) the design controls which will apply to this proposal. The GLDCP 2014 controls which only apply to this development have been considered below.

| Part 5: Single Dwellings, Dual Occupancies, Villas and Townhouses | | |
|---|---|----------|
| Control | Comment | Complies |
| 5.1 – Solar access and overshadowing | <p>The adjoining property (34 Palm Road) to the south is currently vacant, however it is noted that a development application for a dual occupancy development was approved on 19 January 2024. Therefore, shadow diagrams have been submitted in support of the application.</p> <p>The northern elevation of 34 Palm Road includes a garage, dining room, staircase and deck. The shadow diagrams demonstrate that the dining room window will be overshadowed for more than 2 hours on the winter solstice. Whilst this is a departure to the DCP, it is not considered to significantly impact the adjoining property as this area forms part of the wider living area and deck which enjoy an uninterrupted easterly aspect which will ensure suitable sunlight. All other internal and external areas receive at least 2 hours of sunlight during the winter solstices. All other surrounding properties are not shadowed by the development.</p> | Y |
| 5.2 – Views and privacy | <p><u>Privacy</u></p> <p>The design includes a highlight window and privacy shutters on the upper-level deck on the south-east and north-east elevation to reduce privacy concerns. The floor to ceiling window on the same elevation is in the hallway which is a non-habitable room. It is not considered the development will result in any unreasonable privacy issues for adjoining properties.</p> | Y |

| | | |
|-------------------------------|---|---|
| | <p><u>View Sharing</u></p> <p>In assessing the visual impact of the proposal, direction has been taken from the planning principles adopted by the Land and Environment Court of NSW. Specifically, the judgment of <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> and the four step process for assessing impacts on views.</p> <p>The proposed development has been designed in such a way to not impact on the primary views of any adjoining property. The surrounding area is characterised by ocean views to the east with the low profile of the development not reducing the primary views of dwellings located to the west. Furthermore, the site is directly opposite the intersection of Palm Road and Grove Street which further reduces the number of potential impacted landholders.</p> <p>The property to the south is currently vacant but has recently had a dual occupancy development approved. The proposal will not impede the primary view corridor to the east. This is reinforced by the design of the adjoining dual occupancy orientating balconies and living spaces to the east to the primary view. The proposal will result in minor view loss to the north; however, the extent of the impact is considered minor. This is based on the fact the existing highly valued views and vistas to the east will remain uninterrupted.</p> <p>The property to the north will retain its primary view to the east while will have minor view loss to the south. Similar to above, the existing highly valued views and vistas to the east will remain uninterrupted. It is noted the property to the north is also owned by the applicant.</p> | |
| 5.3 – Energy efficiency | A BASIX Certificate has been submitted with the application, which demonstrate compliance with SEPP (Sustainable Buildings) 2022. | Y |
| 5.4 – General building design | <p>The building design includes a variety of building materials, including timber cladding, rendering and stone to provide visual interest. The design includes building articulation to provide visual interest and to reduce the impact on the adjacent properties in terms of bulk, privacy and overshadowing.</p> <p>The building is setback 6.6m from the front building line. The garage is located 0.75m behind the front building line which is a minor variation to the GLDCP. The front façade design includes a mixture of building materials, low roof profile, timber batten flush mount garage doors and a feature tree to provide visual interest from the public way. This minor variation is considered acceptable and it will not unreasonably impact on the streetscape.</p> | N |

| | | |
|----------------|--|---|
| | <p>The building design has been stepped to follow the contours of the site rather than requiring extensive cut and fill. This enables a front landscaped area which makes use of the northern aspect.</p> <p>A departure from the GLDCP is sought from garage doors not exceeding 50% width of the building elevation. The design includes flush mount timber batten garage door units, rather than colorbond, to soften the front elevation and not detract from the streetscape. Furthermore, the garages sit below Palm Road which further reduces any perceived visual impact of garage doors forming greater than 50% of the building elevation. In this instance, it is considered the variation should be supported.</p> | |
| 5.5 - Setbacks | <p><u>Front Setback</u></p> <p>The building is setback 6.8m from the front boundary. The entry porch within the articulation zone which is setback 5.4m from the front boundary. The dwelling entry to each dwelling fronts the street. The front setback complies with the GLDCP requirements.</p> <p><u>Side and Rear Setback</u></p> <p>The building is setback 4.2m from the rear boundary which is compliant. A departure from the GLDCP is sought for the side setback. The rear component of the building is greater than 3.8m in height, therefore the GLDCP requires a setback of 2m where the proposed setback is 1.5m. The following justification is provided;</p> <ul style="list-style-type: none"> • The side elevation includes highlight windows to reduce the opportunity for overlooking into adjoining properties. The only floor to ceiling window is located in the hallway a non-habitable space; • The alfresco areas include privacy screens to reduce the opportunity for overlooking into adjoining properties; • The front portion of the building complies with the side setback control with the building stepped in to increase separation between the boundary and building; • The design incorporates a low-profile roof and a mixture of building materials to provide visual relief and soften the external appearance of the building; and • The recently approved adjoining dual occupancy at 34 Palm Road only provides a setback of 1m where based on the height of the wall requires a setback of 1.8m. The | N |

| | | |
|---|--|---|
| | <p>proposal is seeking a side setback of 1.5m. Whilst no objection is raised to this departure, it demonstrates a precedence where reduced side setbacks are suitable if the building is designed in a sympathetic manner to reduce bulk and scale and privacy issues.</p> <p>In summary the 0.5m departure is considered minor and does not unreasonably impact on the privacy or amenity of adjoining landowners.</p> <p><u>Articulation Zone</u></p> <p>The open style porch is located within the articulation zone. The porch projects 2.3m from the front façade where the GLDCP permits a maximum of 1.5m. In this regard, the porch itself projects forward 2.3m, however the roof only extends 1.2m from the front façade and incorporate open style timber paneling on the exterior. Furthermore, the building is set well below the street level and behind the front fence, therefore it is considered this minor variation should be supported.</p> | |
| 5.6 – Building heights | The building height does not exceed 8.5m above the natural ground level. | Y |
| 5.7 – Cut and fill | <p>The building design has been stepped to follow the contours of the site rather than requiring extensive cut and fill.</p> <p>Visually exposed retaining walls and terraces do exceed 0.6m in height on the street frontage, however these will only be visible internally. This is a common design feature on these types of sloping blocks when considering driveway grades, building heights and landscaped areas. The retaining wall will not be visible from the public way.</p> | N |
| 5.8 – Private outdoor areas | The primary private open space area on the upper level is located directly off the main living area. | Y |
| 5.9 – Fencing and walls | The DCP requires an open style maximum front fence height of 1.2m, where the development proposes an open style fence at 1.5m. The proposed fence incorporates rendered brick pillars and timber battens and is a minimum 50%. The front fence will contribute to the streetscape and allows for passive surveillance. The predominate open style fencing is not considered to adversely impact on the streetscape and is considered appropriate in size and style. It is therefore, considered the variation should be supported. | N |
| 5.11 – Development on lots under the minimum lot size | The proposal development includes construction of a dual occupancy and strata subdivision. A full set of design plans has been submitted with the development application to ensure a comprehensive merit assessment be completed. The specific | Y |

| | | |
|--|--|---|
| | matters for integrated development have been considered as part of the assessment of this proposal against the GLDCP 2014. | |
| Part 9: Subdivision | | |
| 9.1 - Objectives | The proposed seeks consent for a strata subdivision. The proposed development provides variety and choice in housing in a locality close to services. Each lot has sufficient dimensions to cater for the development. All services are available to each lot. | Y |
| 9.2.2 – Site design | The subdivision requires limited cut and fill and has been stepped to follow the contours of the site rather than requiring extensive cut and fill. The site does not contain any mature trees and is not flood affected. | Y |
| 9.2.3 - Services | The subject site is currently serviced. These services can readily cater for the proposed development. | Y |
| 9.2.4 – Landscaping | The subject site does not contain any cabbage tree palms. A landscape plan has been submitted in support of the proposal. | Y |
| 9.2.5 - Drainage | A stormwater management plan has been submitted in support of the proposal. Stormwater management comprise onsite detention to reduce stormwater to pre developed flows to ensure no impacts on downstream infrastructure or properties. It is intended to run the stormwater infrastructure through Lot 26 DP 22922 and connect into an existing stormwater pipe located on adjoining Lot 16 DP 22922 to discharge to the kerb and gutter in Underwood Road. This will require creation of an easement over adjoining Lot 16 DP 22922 and Lot 26 DP 22922. Owners consent from the owners of Lot 16 DP 22922 and Lot 26 DP 22922 has been submitted with this application supporting the development and the creation of the drainage easement. | Y |
| 9.3.1 – Allotment dimensions | The proposed allotment dimensions are considered adequate and provide opportunity to cater for each dwelling while generally compliant with the GLLEP 2014. | Y |
| 9.3.2 – Allotment orientation | The existing lot is on an east-west orientation. | Y |
| 9.3.3 – Sloping sites | The site slopes 16.6% from the south-west to the north-east. The development provides suitable area for water sensitive design. The driveways and parking comply with the Australian Standard. | Y |
| 9.3.6 – vehicle access design considerations | Direct access will be provided by Palm Road which is a public road. The development does not involve the construction of a new road. | Y |

| | | |
|--|--|---|
| 9.3.7 – Lots smaller than the minimum lot size | <p>The minimum lot size is 450m². The proposed development does include the subdivision of land (strata subdivision), which will result in two lots being created less than the prescribed minimum lot size (278.7m² each). This development forms part of an integrated housing development as consent is sought for an attached dual occupancy and strata subdivision.</p> <p>However, pursuant to clause 4.1(4)(a) the minimum lot size does not apply to a strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>.</p> <p>All services are readily available to the subject site, the proposal is for an attached dual occupancy where services are readily available and the design incorporates visual and aural privacy and suitable natural light to all habitable spaces.</p> <p>Further matters for consideration of lots less than the minimum lot size has been considered as part of the assessment of this proposal against the GLDCP 2014.</p> | Y |
| 9.6 – Additional information | <p>The proposal seeks consent for a strata subdivision. The strata subdivision will comply with the requirements of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015.</p> <p>Development contributions may be levied on this development in accordance with Council's Development Contribution Plan.</p> | Y |
| Part 10: Carparking, access, alternative and active transport | | |
| 10.3.1.1 – Dual occupancy parking rates | Two parking spaces are provided onsite for each unit in accordance with the GLDCP 2014. | Y |
| 10.3.2.1 – Dual occupancy parking design controls | Each unit includes a 6m x 5.6m (33.6m ²) double garage which complies with the GLDCP 2014. | Y |
| 10.3.3.1 – Dual occupancy vehicle access and driveways | The driveway has been designed to comply with AS2890. A single driveway will service the dual occupancy development. | Y |
| Part 11: Water Sensitive Design | | |
| 11.4.1.3 – Serviced sites | The submitted stormwater design includes an underground onsite detention tank (9m ²) and rain garden (5m ²) for each dwelling which comply with the requirements of Council's DCP. | Y |
| Part 13: Landscaping and open space | | |
| 13.1 – Landscaping | The development includes 33% landscape area across the site, 92m ² deep soil zone and 1.5m min landscape strip in | Y |

| | | |
|--|---|--|
| | adjacent to the driveway in compliance with the GLDCP 2014. | |
|--|---|--|

5.9 Developer Contributions

Development contributions will be calculated in accordance with the Forster District Development Contributions Plan.

5 Likely Impacts of the Development

5.1 Environmental Impacts

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

5.1.1 Design, context and visual impact

The proposed development will be compatible in terms of height, bulk and scale with surrounding developments within the area. The building design includes a variety of building materials and articulation to provide visual interest and to reduce the impact on the adjacent properties in terms of bulk, privacy and overshadowing. It is not considered the proposed development will dominate any perceived views enjoyed by others.

5.1.2 Noise and vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged occur during construction.

5.1.3 Waste

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

5.1.4 Economic

The construction of the proposed development will provide employment opportunities in the locality and support the local building industry. This will create direct monetary input to the local economy and support employment in the locality.

There are no anticipated adverse economic impacts as a result of the proposed development.

5.1.5 Social

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site. Additional residential development on the site will help to further enhance the passive surveillance and may contribute to increased safety and security in the area.

There are no anticipated adverse social impacts as a result of the proposed development.

6 Suitability of the Site

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The proposed development is permissible within the R2 Low Density Residential zone and is compatible with the objectives of the zone.
- The proposed development contributes to a mixture of housing diversity within the locality which is well located to services.
- The development can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

7 Submissions

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood this development application will be notified.

8 Public Interest

This section addresses the development in accordance with section 4.15(1)(e) of the Act. This development is considered in the public interest as it is consistent with the desired future character of the locality, will not result in adverse environmental impacts and will contribute to the delivery of alternate forms of housing within the locality.

9 Conclusion

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is permissible and consistent with the applicable policies and plans. The proposed development is recommended for approval.