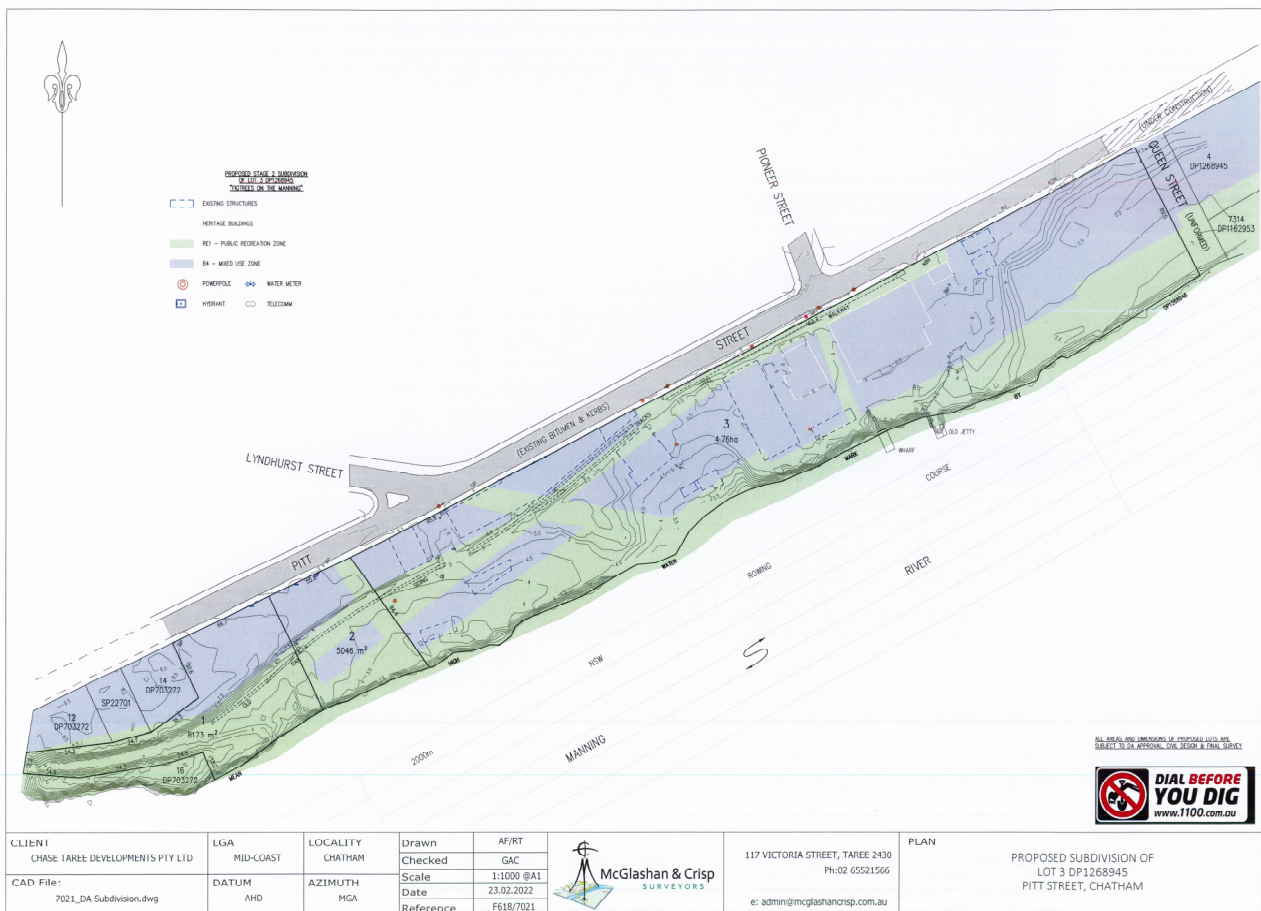


# STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED FOR LAING  
3 LOT SUBDIVISION OF  
LOT 3 DP1268945  
PITT STREET, TAREE

OCTOBER 2021 – VERSION 2 FEBRUARY 2022 – REF; F618/7021



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## ***APPENDIX LIST***

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# 1. SUMMARY OF PROPOSAL

'Figtrees on the Manning' is a development project that obtained Concept Approval from NSW Planning and Infrastructure in May of 2011 under application number MP08\_0039. The development is a joint venture between Council and 3 major landowners. As required by this concept approval the creation of a Planning Agreement between Council and the 3 landowners was required, and was completed and signed in December of 2010.

The initial subdivision plan required under *Schedule 1-A-Stage 1 Subdivision Plan* of this Planning Agreement was completed and registered as DP1220309 by NSW Land Registry Services on the 8<sup>th</sup> November 2016. This plan created 3 lots consistent with the holdings of the 3 major landowners. This proposal is for the land owned by Chase Taree Developments only. The land owned by Chase Taree Developments when created within the stage 1 Subdivision plan was registered as Lot 1 within DP1220309, following a subsequent plan registration required for the road widening of Pitt Street and is now registered as Lot 3 DP1268945.

In accordance with the Planning Agreement the creation of 'Stage 2 Lots' as shown within the *Schedule 1-B-Stage 2 Subdivision Plan* is required. This application seeks to simply create the 3 'Stage 2 lots' approved under the concept approval and owned by Chase Taree Developments, shown in yellow on the plan within the Planning Agreement and in Figure 1 below. Under the planning agreement once these Stage 2 Lots have been created, they will be subject to individual Development Applications that are required to comply with the development outlines of the Planning Agreement, relevant Local Environment plan, Development Control Plan & Concept Approval and the Local Area Plan/Master Plan prepared by Suters Architects Pty Ltd.

The proposed subdivision will provide an opportunity to commence the Figtrees on the Manning project that has the potential to provide the region with a '*high quality mixed-use development of board regional significance*' (Suters, p.4).

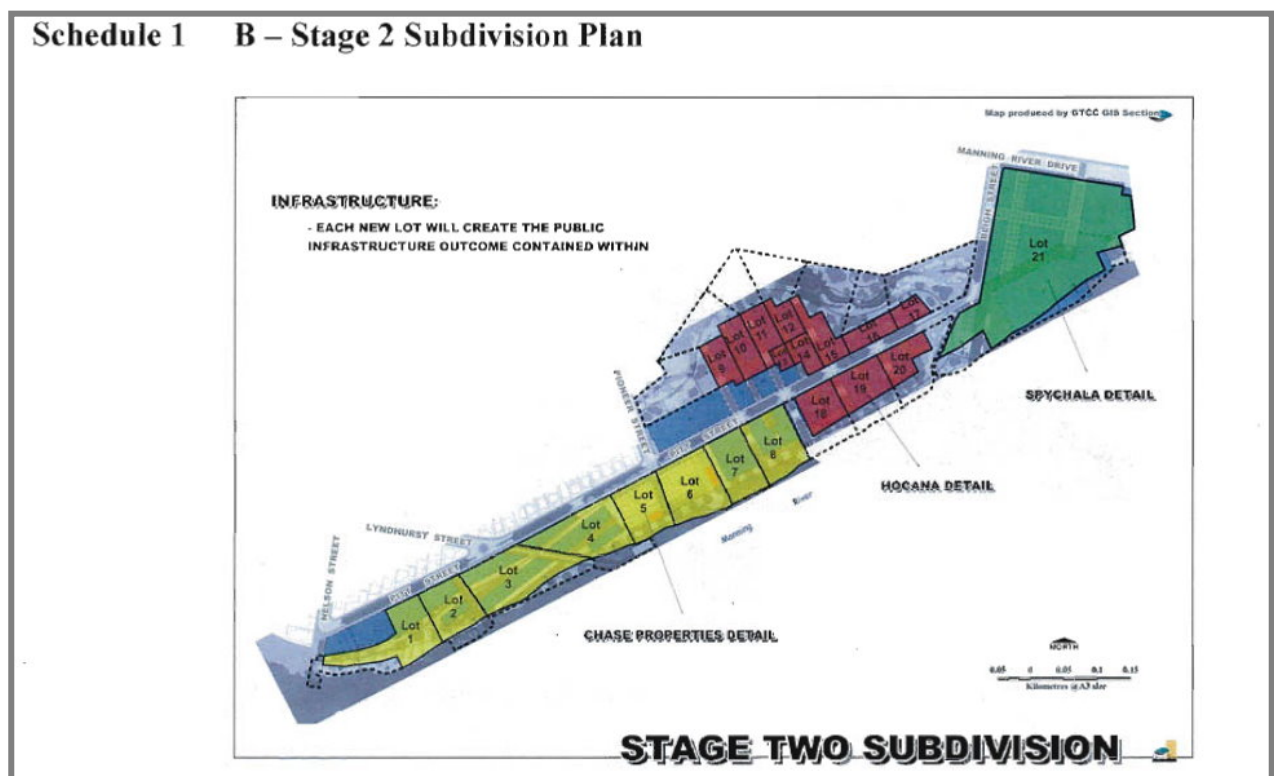


Figure 1 – Stage 2 Subdivision plan ([www.midcoast.nsw.gov.au](http://www.midcoast.nsw.gov.au))



## 2. PROPERTY DETAILS & DESCRIPTION OF SITE

The subject lot is in the Parish of Taree with numerous existing direct accesses to the Pitt Street, Taree, as shown in the aerial view provided in Figure 1 below. The existing zoning of the land is B4 Mixed Use and RE1 Public Recreation, as shown in the zone mapping provided in Figure 3 below. The land has no lot size applicable, however the proposed lot sizes are consistent with the Concept Approval, Planning Agreement and Local Area Plan/Master Plan. It is not expected that dedication of the RE1 Public Recreation land will be required under this application. The proposed 3 “Stage 2 lots” will be required to embellish this land under future applications and approvals in accordance with the requirements of the relevant legislations and in particular the details set out in the Local Area Plan/Master Plan.



Figure 2 – Location/aerial view of subject lot  
([www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

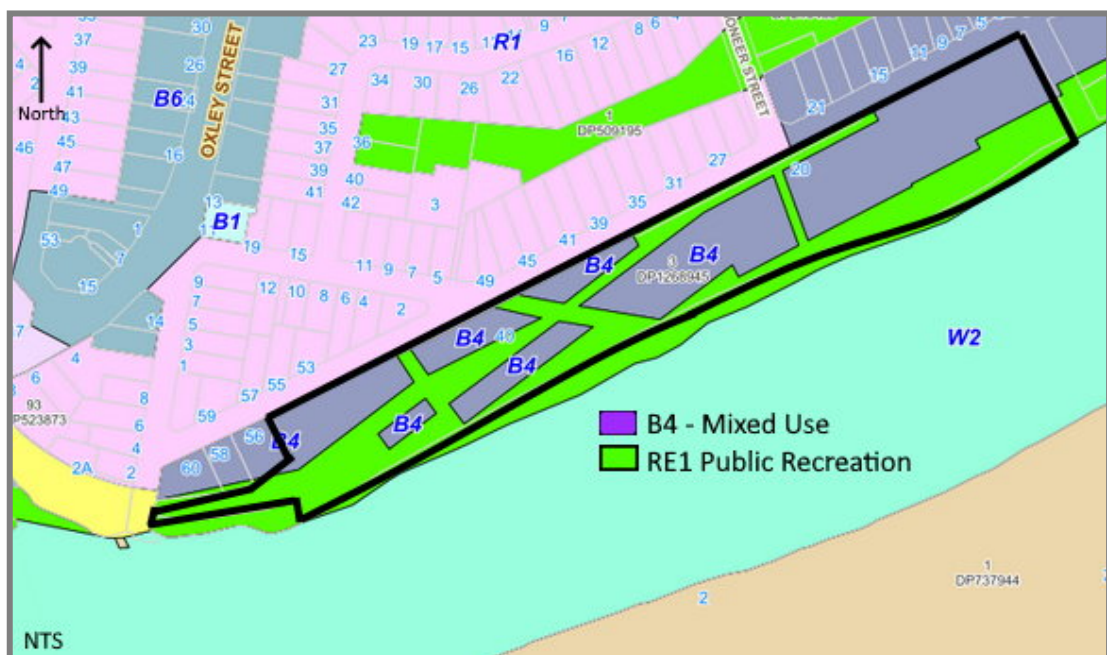


Figure 3 – Mid-Coast Council Zoning  
(<http://maps.gtcc.nsw.gov.au>)



## 2. DESCRIPTION OF THE PROPOSAL

As discussed above the proposal is to simply subdivide the lot to create the required 3 'Stage 2 lots' to enable the future development, as shown in Figure 4 below. The proposed lots range in size from 5,046m<sup>2</sup> to 4.76ha in accordance with the Planning Agreement, Concept Approval and Local Area Plan/Master Plan.

The nominated heritage buildings will be retained within each relevant lot. The proposed subdivision plan provides a visual of the future development outlined within the Planning Agreement together with the heritage buildings to be adapted/re-used and the outline of existing structures that will be demolished at the building construction stage of each of the 'Stage 2 lots'. As stated, the existing buildings will be retained and any demolition will be part of future Development Applications, no demolition, construction, or adaptation is proposed in this DA.



Figure 4 – Proposed subdivision plan

### 3. SUITABILITY OF THE SITE

The land is suitable for the proposal as the proposed subdivision is in response to the Planning Agreement, Concept Approval and future potential of the land.

### 4. PLANNING ISSUES

#### A. GREATER TAREE LOCAL ENVIRONMENT PLAN 2010

Greater Taree Local Environment Plan 2010 (GTCC LEP 2010) applies to all development in the Manning Region of Mid-Coast Council Local Government Area. In accordance with GTCC LEP 2010 the existing lots are zoned B4 Mixed Use and RE1 Public Recreation, and we seek consent under Clauses 2.6 and 4.1 Greater Taree LEP 2010.

In accordance with GTCC LEP 2010;

- ***Clause 2.6 Subdivision Consent Requirements***

the subdivision of the land is permissible with consent.

The proposed subdivision is consistent with the aims of Greater Taree LEP 2010 RU1 Primary Production.

#### ***1.2 Aims of Plan***

##### ***(2) The particular aims of this Plan are as follows:***

##### ***(a) to promote and encourage the ecologically sustainable development of Greater Taree City,***

The proposal will have minimal impact on the ecological development of Greater Taree as it incorporates highly modified land.

##### ***(b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,***

The main aim of the application is to respond to the planned management, development and conservation of the area that has been outlined in the Planning Agreement.

##### ***(c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,***

This proposal will not have any impact or alter the existing use of the land at this point in time, therefore will not create any new land use conflict.

*(d) to facilitate the provision and co-ordination of community services and facilities*

The proposed 3 lots are currently being utilised for mixed used purposes and this proposed subdivision will not change the existing use, so there will be minimal impact on the existing provision of community services and facilities.

*(e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats.*

This proposed subdivision will have minimal impact on native animals & plants, threatened species or endangered ecological communities and their habitats, as the land is highly modified.

*(f) to minimise the exposure of development to natural hazards and natural risks*

No additional exposure to natural hazards or risks is being created.

*(g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development.*

The application has the ability to provide adequate and appropriate infrastructure to the 8 proposed lots in relation to sewer, water supply, electricity & NBN subject to confirmation during the DA process.

*(h) to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generation.*

The proposed subdivision is simply for 8 lots and will continue to enable the lands existing ability to meet aims of the B4 zone.

## ***Zone B4 Mixed Use***

### ***1 Objectives of zone***

- To provide a mixture of compatible land uses.*

The exiting ability of the land to provide a mixture of compatible land uses will remain the same.

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The subdivision is in response the Planning Agreement which has both outlines and considered all the objectives outlined above. This proposed subdivision will provide the area with an increased opportunity to achieve the aims. In fact, the funding obtained as part of the overall 'Figtrees on the Manning' project has already created additional walking and cycling paths for the community including the extension of the existing riverfront path to the subject land via the newly constructed footbridge.



## 1 Objectives of zone

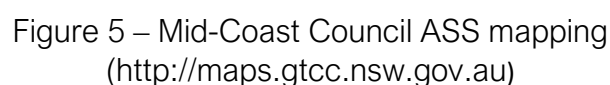
- The resultant proposed 3 lots will retain the lands existing ability to be used for public open space or recreational purposes. As this proposed subdivision is part of the procedural requirements of the area it will provide future opportunities for the embellishments to public open space and recreation, as each of the lots are developed in accordance with the requirements outlined by the Local Area Plan/Master Plan to be implemented.

- The proposed subdivision of the 3 lots will continue to provide the existing range of settings, activities, or land uses. However, as stated above will provide future opportunities for the embellishments to public open space and recreation outlined within the Local Area Plan/Master Plan to be implemented.

- The proposed subdivision will continue to protect the existing environment for recreational purposes

- The proposed subdivision is not proposing any change to the current usage however will allow for an increase to the range of uses for the community into the future.

The land is mapped as Class 3 and Class 5, GTCC LEP 2010 Acid Sulfate Soils (ASS), as shown in Figure 5 below.



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

This proposal will not disturb, expose or drain acid sulfate soils as the proposal is for the subdivision of land only, with no works proposed. Any future development within the 8 lots will be required to address ASS.

- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

The land is mapped as Class 3 and 5 in accordance with Council's Acid Sulfate Soils Map, as shown in Figure 5 above.

No works are proposed below the natural ground, no disturbance of soil is proposed, and the subdivision is unlikely to lower the watertable. Therefore, in accordance with subclause 6 development consent in relation to ASS is not required for the proposed subdivision.

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—*  
*(a) the works involve the disturbance of less than 1 tonne of soil, and*  
*(b) the works are not likely to lower the watertable.*

### **C. GREATER TAREE DEVELOPMENT CONTROL PLAN 2010**

Greater Taree Development Control Plan (DCP) applies to all the land in the Manning Region of Mid-Coast Council Local Government Area. The subdivision has considered all environmental and man-made constraints in the overall design together with the requirements outlined within the Planning Agreement. The lots will be suitably proportioned, physically capable of supporting their existing and intended uses, are provided with practical and legal access and will have minimal impact on the existing environment and amenity of the area.

The relevant issues raised within the DCP are discussed below:

#### **C3. General Requirements**

##### **C3.1 Site hazards**

In considering the potential hazards outlined within Council's DCP the land has been identified as mapped flood prone land, as shown in Figure 6 below which has been addressed on pages 10 and 11 of this Statement of Environmental Effects.

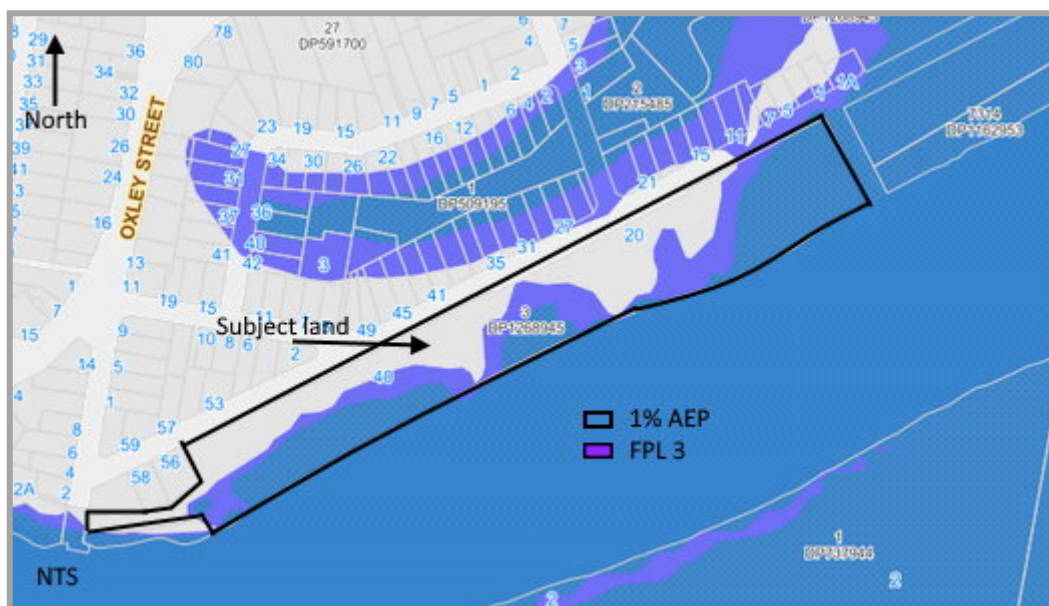


Figure 6 – Mid-Coast Council Flood Mapping  
([www.maps.gtcc.nsw.gov.au](http://www.maps.gtcc.nsw.gov.au))

### ***C3.2 Road design and construction***

There are a number of existing access points from Pitt Street to the subject lots which will be retained. No road construction is proposed as each lot will have a kerb and bitumen frontage.

### ***C3.3 Filling and levelling Site hazards***

No filling or levelling is proposed or required.

### ***C3.4 Services***

Water, sewer, electricity and telecommunication services are adjacent and available for connection in accordance with the individual authorities requirements.

### ***C3.5 Drainage***

The application is for the subdivision of land only and will have no impact on the existing drainage.

### ***C3.6 Existing development and heritage***

All existing development will be retained within the proposed lots for the subdivision and no demolition is proposed or required. The land is mapped as having a Heritage Item located within its boundaries as shown in Figure 7 below. The subdivision will not impact these listed items as they will be retained within the proposed new subdivision boundaries.





Figure 7 – Mid-Coast Council Heritage Mapping  
([www.maps.gtcc.nsw.gov.au](http://www.maps.gtcc.nsw.gov.au))

### ***C3.7 Environmental protection***

There is minimal clearing required, because of the subdivision. The new boundaries traverse through cleared highly modified lands, no new buildings are proposed so no additional clearing is required as part of this subdivision.

### ***C3.8 Landscaping***

No landscaping is proposed.

### ***Part E Flooding Requirements***

The land is mapped as flood prone land and therefore Part E of GTCC DCP 2010 is applicable, as shown in Figure 6 above

### ***E4.3 Subdivision***

#### ***Hydraulic Hazard Category***

- *No subdivision is to occur on land wholly inundated by flooding up to FPL2 event, unless it is demonstrated that the risk of flooding can be effectively and appropriately mitigated without impacting the adjacent floodplain.*

The lot is not wholly inundated by up to FPL2 event which 0.5m lower than the FPL3 level provided in figure 6 above.

- *Subdivision proposed in residential zones where partly inundated by flooding up to FPL2 may be considered where it can be demonstrated that all resultant lots are able to provide adequate flood free land suitable for future development and effluent disposal (if applicable) Mounds are not considered suitable for this type of subdivision.*

The land is not in a residential zone.

## ***Flood Effects***

- *Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to:*
  - *Loss of flood storage.*
  - *Changes in flood levels, flows and velocities caused by alterations to the flood conveyance.*
  - *The cumulative impact of multiple potential developments in the floodplain.*

There are existing buildings located on the lots and no change to this existing status quo is proposed. Therefore, we propose that no Engineers report is required for this subdivision as there will be no loss of flood storage, change in levels, flows or velocities caused by the proposed subdivision as the proposal is not creating any potential development in the floodplain.

## ***Part L Local Area Plans***

### ***L9 Figtrees on the Manning***

#### ***L9.1 Introduction***

This proposed subdivision is outlined in the planning agreement as one of the required steps to create the 'Stage 2 Lots' for future development of the area. Following the completion of this proposed subdivision there will be 2 'Stage 2 Lots' for future development that have the ability to create the *'vibrant mixed-use development that will help to consolidate Taree as a major regional centre'* outlined within this portion of the DCP. The old dairy factory buildings on the site are being retained within the lots to ensure that their future reuse, outlined within the Planning Agreement and Landscape & Infrastructure Concept Plan, can be achieved when future Development Applications are lodged 'Stage 2 Lots'.

The proposed subdivision one of the steps required to achieve the redevelopment of the area outlined within this portion of the DCP, Planning Agreement and Landscape & Infrastructure Concept Plan.

#### ***L9.2 Relationship to other parts***

The relevant provisions of DCP still apply to the land within this area and therefore have been addressed within this Statement of Environmental Effects.

#### ***L9.3 Boundaries of the site***

As shown yellow in Figure 1 above the proposed subdivision is within the boundaries of the site.

#### ***L9.4 Principle Objectives for the site***

As addressed above this proposed subdivision is one of the steps required by the Planning Agreement to create the 'Stage 2 lots'. The Planning Agreement then outlines what is proposed for the 'Stage 2 lots' when future development applications are lodged. It is within these applications that the specific objectives of the site are to be achieved. Whilst the specific objectives of the site are not being met directly by this application, this application is the nominated method by which they can be achieved and is in fact a requirement under the Planning agreement to achieve the objectives.

#### ***L9.5 Performance Criteria***

The Appendices referred to under the Performance Criteria are the Concept Approval and Master Plan. This application complies with the requirements outlined within both the appendices.

#### ***D. Biodiversity Conservation Act 2016 and Regulation 2017***

The Biodiversity Conservation Regulation sets out threshold levels to establish if the Biodiversity Offset Scheme 2017 is being triggered by a local development application. There are 2 components within Sections 7.1 to 7.3 of the Biodiversity Conservation Regulations 2017 that need to be considered to establish if the Biodiversity Offset Scheme is being triggered:

1. The amount of Native Vegetation being cleared in relation to total lot size, and,
2. Whether the subject land is mapped on the Biodiversity Map.

The Biodiversity Offset Scheme Entry Threshold Tool provides a tool to calculate the area of impact that any future buildings, clearing, access roads and driveways, asset protection zones, clearing associated with any infrastructure required and any fencing. In relation to the above components and this local development application:

1. The proposed subdivision is occurring on highly modified land with no clearing being required for buildings, fencing or boundaries.
2. The Biodiversity Values Map and Threshold Report mapping confirms that there is no mapped land within the boundaries of the proposed subdivision, as shown in Figure 8 below.

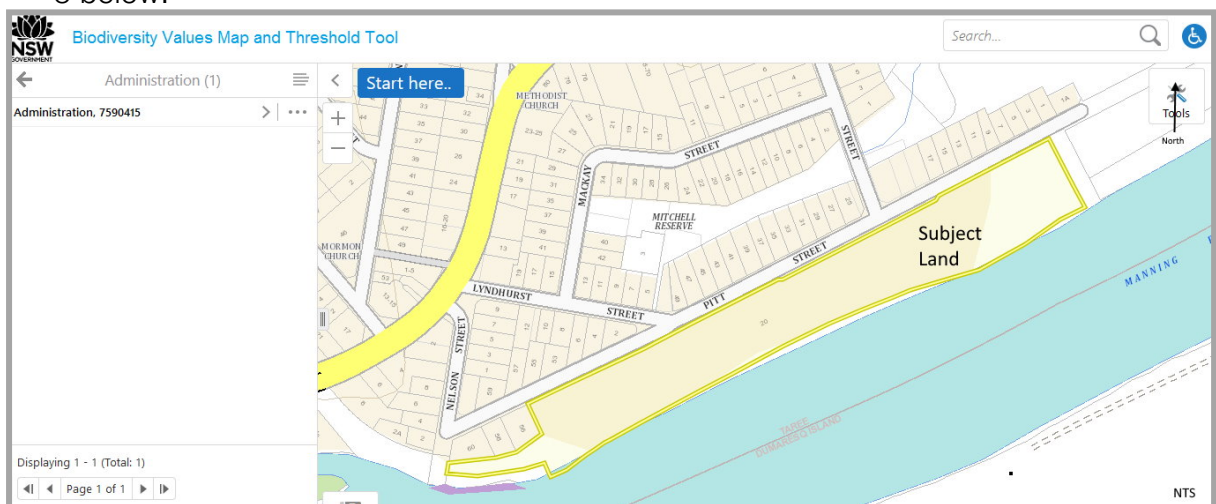


Figure 8 – Biodiversity Mapping ([www.lmbc.nsw.gov.au](http://www.lmbc.nsw.gov.au))



We therefore submit that the proposed subdivision does not require a BDAR report as it does not exceed the threshold.

Section 7.30 of the Biodiversity Conservation Act 2016 provides a test for determining whether this local development application is likely to significantly affect threatened species or ecological communities, or their habitats.

Therefore, in accordance with the 5 points of this test this local development application;

- 1) will not place any species at risk of further extinction,
- 2) will have no impact on any endangered ecological communities,
- 3) no critical habitat is being removed,
- 4) will not have an impact on any declared area of outstanding biodiversity value as the land is not mapped as Biodiversity Value land,
- 5) is not or is not part of a key threatening process nor will it increase the impact of a key threatening process.

#### *E. State Environmental Planning Policy (Koala Habitat Protection) 2020*

The land is more than 1 hectare therefore SEPP (Koala Habitat Protection) 2021 applies to this application. The proposed subdivision requires minimal clearing as the new boundaries are traversing through highly modified cleared lands.

The proposed subdivision will have low to no direct impact on koalas and their habitats;

- The proposed subdivision does not require any clearing of native vegetation within Koala habitat.
- As addressed above the threshold is under the BC Act
- No Native vegetation is being removed as part of this development application.
- The development will not impede movement between Koala habitats
- Adequate mitigation measures as listed in the Table below can be implemented if deemed necessary by Council;

We therefore submit that the proposed subdivision is permitted under the SEPP with no requirement for a Koala Plan of Management as there will be *Low or no direct impact* on Koalas or their habitat.

## REFERENCE LIST

Home - MidCoast Council. (2020). Retrieved 27 February 2021, from <https://www.midcoast.nsw.gov.au>

SIX Maps. (2020). Retrieved 27 February 2021, from <https://maps.six.nsw.gov.au>

NSW Government, Biodiversity Values Map and Threshold Tool, Retrieved 27 February 2020, from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>