

The General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

Dear Sir,

SUBJECT: STATEMENT OF ENVIRONMENTAL EFFECTS
PROJECT: PERMANENT OCCUPANCY – PROPOSED 2 NEW BEACH HOUSES
2 AND 4 WHALES PARADE DIAMOND BEACH, NSW
(LOT 2 AND LOT 3 DP 286697)

Introduction

This Statement of Environmental Effects applies to the Proposed Permanent Occupancy of two (2) Beach Houses at number 2 and 4, Whales Parade Diamond Beach (Lot 2 and 3 DP 286697).

The lot on which the proposed development is to be located is shown in **Figure 1**.

Figure 1 - Site Location

N ^ - Source: Midcoast Council Online Mapping



STATEMENT OF ENVIRONMENTAL EFFECTS

PERMANENT OCCUPANCY – PROPOSED 2 NEW BEACH HOUSES
2 AND 4 WHALES PARADE DIAMOND BEACH, NSW
(LOT 2 AND LOT 3 DP 286697)

This SEE provides an assessment of the impacts of the proposed dual occupancy and subdivision. The land is zoned SP3 Tourist under the provisions of Greater Taree Local Environmental Plan 2010 and the proposed development is permissible with Council consent.

The relevant objectives of the SP3 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

It is submitted that the proposed development is wholly consistent with, and will meet, the above-mentioned objectives of the SP3 zone.

The decision-making process for the proposed development falls under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Council, in deciding whether consent should be granted, must examine and take into account relevant matters for consideration. This report is intended to assist in this decision making process and to provide information that satisfies the requirements of Section 4.15 of the EP&A Act.

The Proposed Development

On 30 March 2016 Council approved two tourist units on the subject land by way of a staged concept approval. This approval included the concept approval for permanent occupancy of those units. (Approval attached).

The units have been constructed, and the Occupation Certificate has been issued (OC attached).

The proposed development is the permanent occupancy of those units.

Environmental Assessment

The land has reticulated water, sewer and electricity. There will be no adverse environmental impacts from the proposed development as outlined below.

Vegetation

There is no vegetation required to be removed for the proposed development.

Acid Sulfate Soils

The subject land is classified as Class 5 ASS land under the provisions of GTCC DCP 2010. The proposal does not involve the disturbance of any soils.

Contamination

The subject land is identified as not potentially contaminated on Council's mapping.

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(LOT 2 AND LOT 3 DP 286697)

Aboriginal Heritage

There are no known Aboriginal heritage items on the land.

Bushfire

The provisions of Planning for Bushfire Protection are not relevant to the proposed permanent occupancy and the land is not bushfire prone.

Traffic and Access

The proposed development will have no adverse traffic impact.

Flooding

The subject land is not classified as flood prone buffer on Council's mapping.

Conclusion

Information presented in this Statement of Environmental Effects indicates that the proposed Permanent Occupancy of two (2) Beach Houses at number 2 and 4, Whales Parade Diamond Beach (Lot 2 and 3 DP 286697) is consistent with the relevant Local and State planning instruments. The potential impact of the proposed development has been examined in detail and the environmental impacts have been found to be acceptable or able to be managed so that there are no detrimental impacts. The proposed development will not adversely impact upon the surrounding environment.

Yours faithfully

Midcoast Town Planning

A signed copy can be provided upon request.

TONY FISH

Town Planner

17 January 2023

Mr Steven Sequeira
squizzasequeira@gmail.com

Our Reference: MOD2022/0294
Contact: Arnna Fotheringham

Notice of Determination Modification of Development Consent

Issued under the Environmental Planning and Assessment Act 1979

DEVELOPMENT DETAILS

MODIFICATION CONSENT NO: MOD2022/0294

Determination: Approved

Date determined: 17 January 2023

Property Details: Lot 2 DP 286697 & Lot 3 DP 286697
(Previously known as Lot 4 DP 270544) &
Lot 1 DP 270544 (Community Land)
2 – 4 Whales Parade Diamond Beach NSW 2430

Development Details: **Staged Development**
Concept Approval: Tourist Accommodation (2units) and
Permanent Occupancy

Stage 1: Tourist Accommodation (2 units) and Permanent
Occupancy

Original Consent No: 253/2016/DA

Local Environmental Plan: Greater Taree Local Environmental Plan 2010

Date of Original Determination: 30 March 2016

Date Consent operates from: 30 March 2016

Date Consent lapses: 30 March 2021

Modified Conditions of Consent

In accordance with Section 4.55 of the Environment Planning and Assessment Act 1979, Development Consent No. 253/2016/DA is modified by:

- **Amend “property Details” to read:**

Lot 2 DP 286697 & Lot 3 DP 286697
(Previously known as Lot 4 DP 270544) &
Lot 1 DP 270544 (Community Land)
2 – 4 Whales Parade Diamond Beach NSW 2430

Concept Approval modifications

- **Amend Condition 1 to read:**

The development is to be carried out in accordance with the details submitted with application 253/2016/DA and the modified stamped plans dated 17 January 2023 (as amended by the following conditions).

Stage 1 modifications

- **Amend Condition 1 to read:**

The development is to be carried out in accordance with the details submitted with application 253/2016/DA and the modified stamped plans dated 17 January 2023 (as amended by the following conditions).

Reasons for Conditions

The modified conditions have been imposed in order to safeguard the present and likely future amenity of the locality and to ensure a satisfactory standard of development.

Section 8.9 of the Environmental Planning and Assessment Act confers on an applicant for modification of consent who is dissatisfied with the determination of the application by the consent authority a right of appeal to the Land and Environment Court.

Enclosed for your information is the amended plan (where applicable) and consent.

Please note that modification of this consent under Section 4.55 of the Environmental Planning and Assessment Act may require amendment to any Construction Certificate for this development (if a Construction Certificate has been previously issued). It is recommended that you check with your Principal Certifying Authority.

Yours faithfully



Arinna Fotheringham
Development Planner

Encl. Schedule 1 – Conditions of Development Consent No. 253/2016/DA (as modified)



SCHEDULE 1

Conditions of Development Consent No. 253/2016/DA (as modified)

Concept Approval – Tourist Accommodation & Permanent Occupancy:

(253/2016/DA/A - Modified 22 June 2018)

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the details submitted with application 253/2016/DA and the modified stamped plans dated 22 June 2018 (as amended by the following conditions).

(253/2016/DA/A - Modified 22 June 2018)
(MOD2022/0294 – Modified 17 January 2023)

2. Pursuant to Section 80(5) of the EP&A Act the Applicant shall obtain further development consent for Stage 2 of the development. Location plans shall be submitted with the development application and shall be accompanied by a statement of environmental effects and other relevant supporting documentation.

Stage 1 – Tourist Accommodation:

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the details submitted with application 253/2016/DA and the modified stamped plans dated 22 June 2018 (as amended by the following conditions).

(253/2016/DA/A - Modified 22 June 2018)
(MOD2022/0294 – Modified 17 January 2023)

2. At the commencement of building works and in perpetuity Lots 2 & 3 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

(253/2016/DA/A - Modified 22 June 2018)

3. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
4. Landscaping of the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
5. All building works must be carried out in accordance with the provisions of the Building Code of Australia.

Prior to the Issue of the Construction Certificate

The following conditions of consent must be complied with prior to the issue of the Construction Certificate.

6. The consent issued for development application 330/2009/DA must be surrendered. Council must be formally notified in writing and the notification must include the signatures of all owners to which that consent relates.

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

7. A Construction Certificate is to be issued by an Accredited Certifier prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
8. Soil erosion and sediment control measures are to be provided on the development site in accordance with Council's Development Control Plan 2010.
9. Signage is required to be erected in a prominent position on the work site. The signage shall indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

During Construction Works

The following conditions of consent must be complied with during the construction stage of the development.

10. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the principal certifying authority or an officer of the Council.
11. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.



Prior to Issue of the Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

12. An application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
13. The building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.
14. The automatic fire detection and alarm system installed in the building must be certified by a suitably qualified person certifying compliance with the Building Code of Australia, Volume 2 part 3.7.2 and AS3786.
15. A driveway crossing extending to the concrete edge strip of the right of access must be constructed by the applicant at each approved vehicle entry location at no cost to Council in accordance with Council Standard Drawings.
16. Any damage caused to Council owned infrastructure, including the verge area, in connection with the construction works must be rectified in accordance with Council's current standards at no cost to Council.
17. Downpipes and the associated stormwater disposal system including overflow from rainwater tanks installed in conjunction with the development are to be suitably connected to the site stormwater connection point immediately after the guttering is positioned in order to prevent erosion of the site from roof water runoff. The stormwater is then to be disposed of to the existing stormwater disposal system servicing the allotment.
18. The Registered Proprietor of Lots 2 & 3 DP 286697 is to obtain registration of positive covenants pursuant to the provisions of Section 88e of the Conveyancing Act 1919 to the following effect and these instruments are to be recorded in the Register kept under the Real Property Act 1900:
 - a. The Registered Proprietor shall take all necessary, adequate and sufficient steps to demolish or remove any building and its associated infrastructure located on the land, if the coastline continues to recede and advice is received from Greater Taree City Council that the dwelling is at imminent risk of collapse.
 - b. The Registered Proprietor shall promptly carry out all actions that are identified or required by the Risk Management Plan incorporated into Development Consent 253/2016/DA.
 - c. In addition to any powers vested in Greater Taree City Council pursuant to statute, that Council:
 - i) for the purpose of ensuring observance of any covenant above, may, by its employees, agents, contractors or persons authorised by it or its General Manager, enter upon the land after giving notice to the registered proprietor or its authorised officer or representative and view the condition of the land and anything upon it;
 - ii) where the covenant is breached, the Council may do such things including the carrying out of work or demolition by its employees, agents, contractors or persons authorised by it or its General Manager as may be reasonably necessary to remedy the breach;
 - iii) may recover from the registered proprietor in a court of competent jurisdiction, any expense reasonable incurred by it in exercising any power authorised by a) and b) above.



Table of Amendments:

1. 253/2016/DA/A – Modified 22 June 2018
2. MOD2022/0294 – Modified 17 January 2023



FINAL OCCUPATION CERTIFICATE - 19-182-4

Issued under Part 4A of the Environmental Planning and Assessment Act 1979 Sections 109C(1)(C) and 109H (Occupation/Use of a New Building)

APPLICANT DETAILS

Applicant: Steven Sequeira Pty Ltd
Address: 7 Harris Road, Dural NSW 2158

RELEVANT CONSENTS

Local Government Area: MidCoast Council
Development Applications: 253/2016/DA, 253/2016/DA/A, MOD2022/0294
Construction Certificates: 19-182-1, 19-182-2, 19-182-3

PROPOSAL

Address of Development: 2 & 4 Whales Pde, Diamond Beach NSW 2430
Title Particulars: Lot 2 DP286697 and Lot 3 DP286697
Building Classification: 1a, 10a
Scope of Building Works Covered by this Notice: Two (2) new dwellings Lot 2 (No.4) Lot 3 (No.2) Whales Parade.

PRINCIPAL CERTIFYING AUTHORITY

Certifying Authority: Tim Stenning
Accreditation Body: NSW Fair Trading
BDC 0392

DETERMINATION

Approval Date: 05 March 2025

I, Tim Stenning, as the certifying authority, certify that:

- The health and safety of the occupants of the building have been taken into consideration where an Interim Occupation is issued.*
- A current Development Consent or Complying Development Certificate is in force for the building.*
- If any building work has been carried out, a current Construction Certificate has been issued with respect to the plans and specifications for the building.*
- The building is suitable for occupation or use in accordance with its classification under the Building Codes of Australia.*
- Where applicable, a Fire Safety Certificate has been issued for the building and a report from the Fire Commissioner has been considered.*



Tim Stenning
05/03/2025