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# STATEMENT OF ENVIRONMENTAL EFFECTS



**16B THE SADDLE, TALLWOODS**

**Erection of a Dwelling House**

**17 March, 2025**

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Jordan and Tyla Juraschek and forms part of a development application to MidCoast Council for the erection of a new dwelling at 16B The Saddle, Tallwoods.

Overall, the new dwelling will provide for a highly functional residential development that includes excellent amenity outcomes for both the residents and adjoining properties. The articulation, modulation, materials and finishes ensure the proposal will result in a modern built form to contribute positively to the surrounding context and locality.

The proposal is generally in accordance with the relevant zone objectives contained in the Greater Taree Local Environmental Plan 2010 (GTLEP 2010) and satisfies the relevant objectives and controls of the Greater Taree Development Control Plan 2010 (GTDCP 2010) or can be justified on merit.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE.

- Architectural Plans;
- Geotechnical Report;
- BASIX Certificate.

## 2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

### 2.1 The Locality

The subject site is located approximately 4.2km north-west of the Black Head village centre and is located within the Local Government Area (LGA) of MidCoast.



FIGURE 1: LOCATION PLAN (SixMAPS)

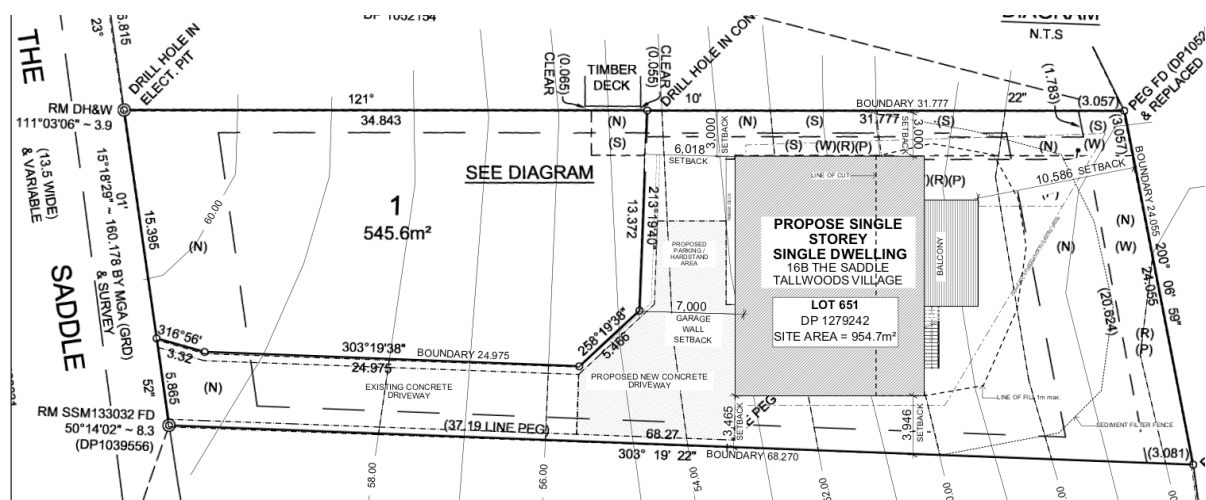
### 2.2 Site Description

The subject site is a battle-axe lot located on the eastern side of The Saddle within the Tallwoods Village estate and is known as 16B The Saddle or Lot 2 in DP 1279242.

The site is irregular in shape, steeply sloping away from the street frontage and contains a total area of 954.7m<sup>2</sup>, which is typical for residential properties in the area.

The site is currently vacant with the exception of the driveway that has been previously constructed within the battle-axe handle.





## 2.3 Existing Character and Context

The surrounding area is predominantly low density residential, characterised by single dwellings arranged around the Tallwoods Golf Course.

The outcome of the development is considered to be in keeping with the character of the residential area in that it will have no unreasonable impacts upon the function, environmental criteria or the residential amenity of the locality.

## 2.4 Surrounding Road Network

As indicated, the site has frontage to The Saddle. The Saddle is a two lane sealed road that connects locally through to Black Head Road, which provides access to the east back to Black Head village. The Saddle is not identified as a Classified Road in accordance with the Roads Act 1993 with MidCoast Council the designated roads authority. However, no new driveways are proposed and a concurrent 138 approval for works within the road reserve is not required in conjunction with this application.

# 3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Erection of a new split level dwelling containing 3 bedrooms, open plan living/dining/kitchen area, alfresco deck and a double garage.

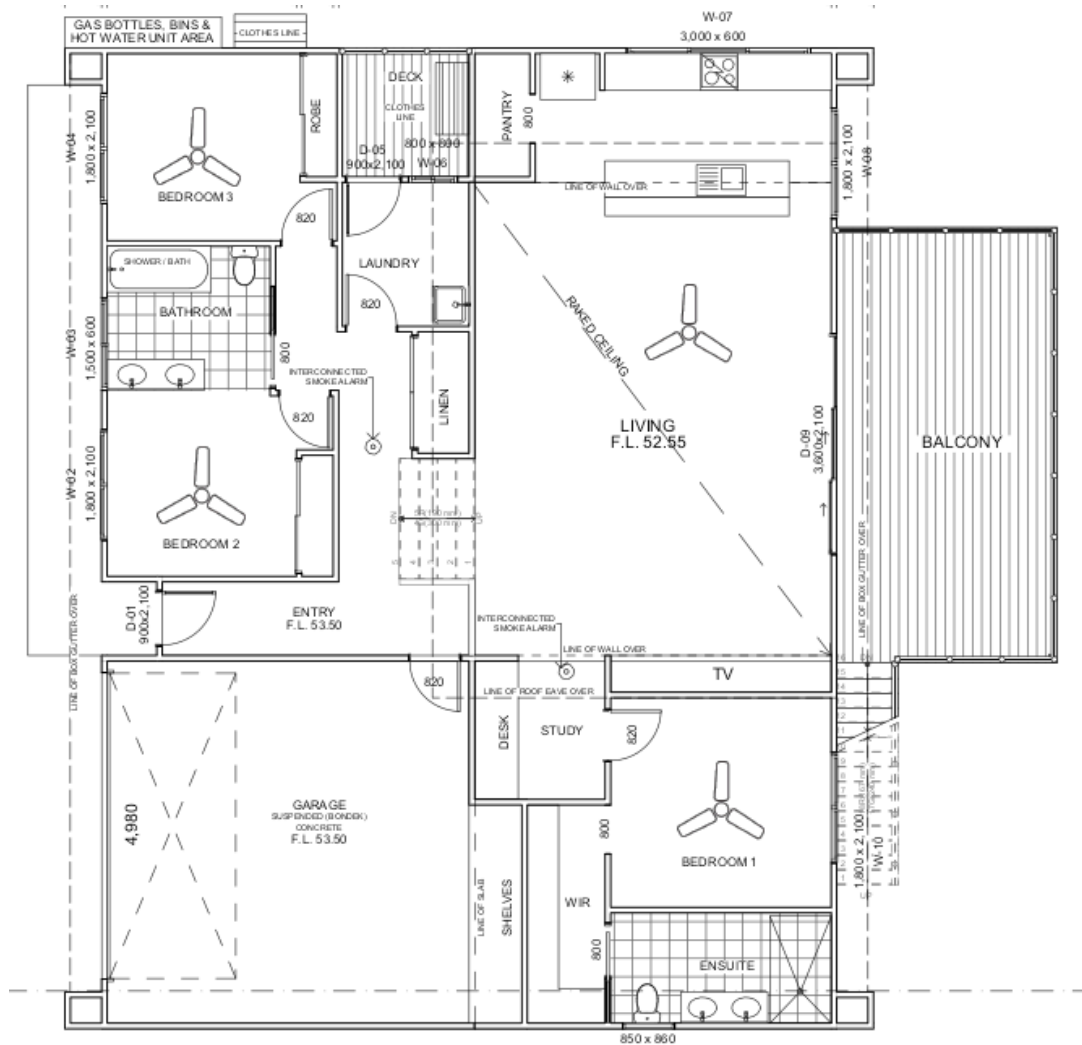


FIGURE 3: PROPOSED FLOOR PLANS (JD PARVIN DRAFTING)

The proposal will result in a modern and appealing development that sits comfortably within the surrounding low density residential neighbourhood with good solar access and amenity for future occupants.

# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess compliance with the planning controls applicable to the site pursuant to the relevant heads for consideration. The relevant controls include:

- Biodiversity Conservation Act 2016
- Greater Taree Local Environmental Plan 2010 (GTLEP 2010);
- Greater Taree Development Control Plan 2010 (GTDCP 2010);
- State Environmental Planning Policy (Biodiversity & Conservation) 2021; and
- State Environmental Planning Policy (Resilience & Hazards) 2021.

## 4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

1. The amount of native vegetation being cleared exceeds a threshold area.

or,

2. When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

No part of the site is mapped on the Biodiversity Values map and the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.

## 4.2 Greater Taree Local Environmental Plan (GTLEP) 2010

The subject site is zoned R1 – General Residential under Council's GTLEP 2010 (see Figure 5). *Dwelling house* is permissible with consent in the R1 zone and the proposal is considered to generally satisfy the relevant objectives of the zone.

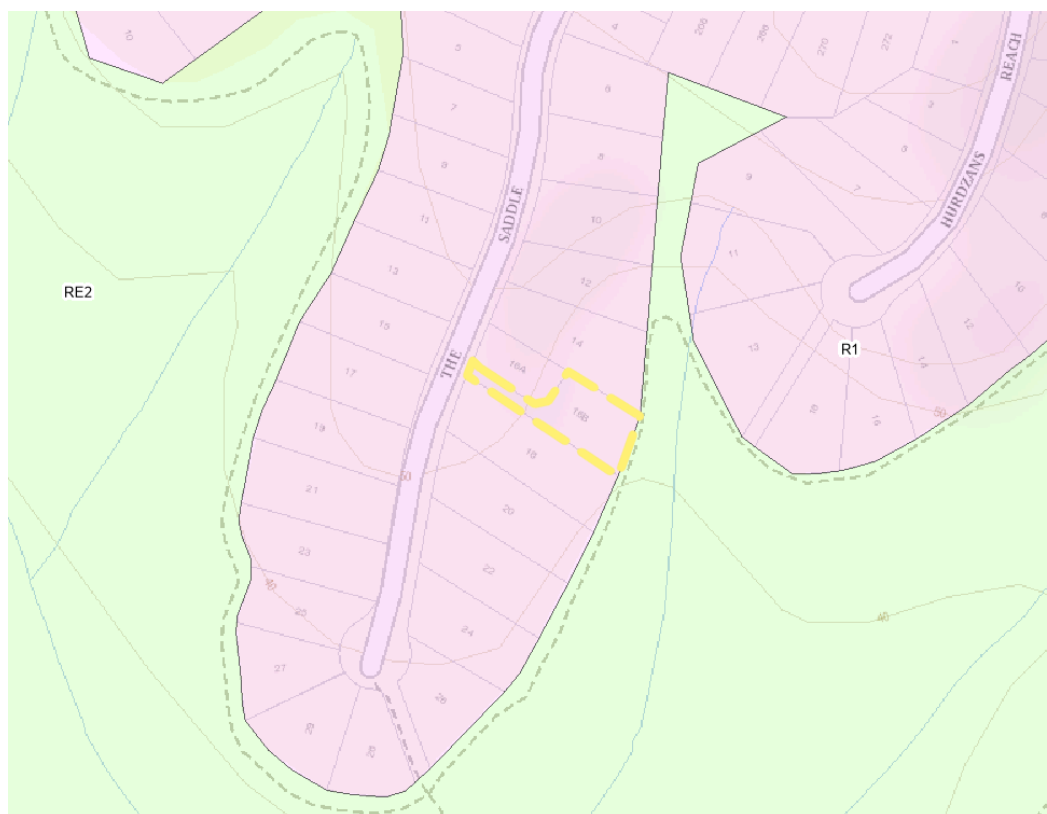


FIGURE 5: EXTRACT FROM ZONING PLAN  
(SOURCE: GREATER TAREE LEP 2010)

### 4.2.1 Objectives

The relevant objectives for Zone R1 are stated:

1. *To provide for the housing needs of the community.*

**Comment:** The proposed dwelling will contribute to the needed housing stock in the low density residential environment.

2. *To provide for a variety of housing types and densities.*

**Comment:** The proposal will facilitate a single dwelling development in the locality of Tallwoods where a variety of housing types is needed.



3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:** The proposal is for a single dwelling, which will not impede other land uses from being considered in the area.

In our opinion the proposal is consistent with the relevant objectives of the R1 General Residential zone as detailed above. The proposal is intended to facilitate additional housing stock within the Tallwoods area within close proximity to existing services and amenities.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

#### 4.2.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Greater Taree Local Environmental Plan 2010	
Site Area : 954.7m <sup>2</sup>	
LEP Provisions	Complies/Comments
<b>4.3 Height of buildings</b>  A maximum building height of 8.5m is prescribed for the site.	The proposed development achieves a maximum height of 7.11m above ground level (existing).
<b>4.4 Floor space ratio</b>  A maximum floor space ratio of 0.6:1 is prescribed for the site.	The proposal will result in a floor space ratio of 0.2:1.
<b>Part 6 Urban release areas</b>  This Part of the LEP incorporates numerous considerations around infrastructure provision, staging and the like.	The subject site is not located within an urban release area.
<b>7.1 Acid sulfate soils</b>  The site is identified as class 5 on the ASS lands mapping.	The subject site is not identified as containing acid sulfate soils.
<b>7.11 Essential services</b>	All essential services associated with a residential location are already available and connected to the site.  These are not expected to be affected by the proposal.

## 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework and to ensure appropriate development is undertaken within the coastal zone.

Chapter 4 of the SEPP requires the consent authority (MidCoast Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

**Comment:** No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

## 4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site is zoned R1 General Residential.

Clause 2.6 of the SEPP prescribes as follows:

### ***2.6 Clearing that requires permit or approval***

*(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.*

*(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.*

*(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.*

*(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.*

*(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.*

*(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling additions. Subsequently, no further consideration of Chapter 2 of this SEPP is necessary.

Additionally, Clause 4.9 of the SEPP prescribes as follows:

***4.9 Development assessment process—no approved koala plan of management for land***

*(1) This section applies to land to which this Chapter applies if the land—*

*(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*

*(b) does not have an approved koala plan of management applying to the land.*

*(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*

*(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

*(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to*

*grant consent to the development application, take into account a koala assessment report for the development.*

*(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—*

*(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*

*(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or*

*(ii) is not core koala habitat, or*

*(b) information the council is satisfied demonstrates that the land subject of the development application—*

*(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*

*(ii) includes only horticultural or agricultural plantations.*

*(6) In this section—*

*koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling additions. Subsequently, no impact upon koala feed species will occur and no further consideration of Chapter 3 of this SEPP is necessary.

## **4.5 Greater Taree Development Control Plan 2010 (GTDCP)**

The Greater Taree DCP 2010 came into force on 25 June 2010. The DCP applies to the site and the proposed development. Part H 'Residential Requirements' of the GTDCP 2010 is the predominant part of the DCP that relates to the proposal. Part D 'Environmental Requirements' also provides additional controls regarding earthworks. All other parts of the DCP have been addressed as generally discussed throughout this report.

The following table provides an assessment against the relevant controls, as they relate to the specific proposed development.

TABLE 3: PROJECT COMPLIANCE – Greater Taree DCP 2010	
Relevant sections applicable to this proposal.	
DCP Provisions	Complies / Comments
<b>H 2.1 Site coverage and lot requirements</b>	
The maximum site coverage for all residential development is 65%.	The proposal incorporates a site coverage of 27%.
<b>H 2.2 Building setbacks</b>	
This section prescribes numerous performance criteria where a zero lot line is proposed	The proposal does not include any works associated with a zero lot line.
<b>H 2.3 Building height</b>	
The lowest floor level of all development shall not be greater than 1m above natural ground levels at any point.	<p>The lowest level has a maximum floor level of 3.48m above ground level (existing).</p> <p>However, the excessive slope and intent to minimise earthworks has directed the proposed design. Subsequently, the design is considered suitable, on balance.</p>
In areas mapped as having a permitted building height of 8m or 8.5m, development shall contain not more than two storeys at any given point.	The works involve single storey development only.
In areas mapped as having a permitted building height of 8m or 8.5m, the maximum height to the point of intersection of wall and eaves lines is to be 6m above the corresponding lowest storey at any point along the line of external walls.	<p>N/A. The proposal is single storey incorporating an open subfloor area.</p> <p>The wall mass is therefore considered appropriate.</p>
In areas mapped as having a permitted building height of 11.5m, development shall contain not more than three storeys at any given point.	<p>N/A.</p> <p>Site is mapped as having an 8.5m maximum building height.</p>
In areas mapped as having a permitted building height of 11.5m, the maximum height to the point of intersection of wall and eaves lines is to be 9m above the corresponding lowest storey at any point along the line of external walls.	<p>N/A.</p> <p>Site is mapped as having an 8.5m maximum building height.</p>
Rooftop balconies, terraces and the like are to be considered as a storey.	<p>N/A.</p> <p>None proposed.</p>
<b>H 2.4 Car parking and access</b>	



Garages and driveways do not dominate the street facade of the development.	As the site is a battle-axe lot there is not expected to be any impact upon the streetscape of The Saddle.
Long straight driveways are to be avoided.	N/A. Existing.
Hardstand areas should be minimised and, where soil conditions permit, be substantially constructed using semi-pervious materials to reduce water run-off and increase soil absorption.	Hardstand areas have been restricted to just those areas necessary to facilitate practical vehicular and pedestrian access, including visitor parking.
<p>Design for vehicle access and parking should in every instance take into account:</p> <ul style="list-style-type: none"> <li>• The size and number of dwellings proposed</li> <li>• The provision of on-site car parking that is easily accessible by visitors</li> <li>• The effect of sloping land in reducing parking opportunities</li> <li>• The safety of pedestrians, cyclists and vehicles</li> <li>• Efficient use of car spaces and access ways including manoeuvrability for vehicles between the street and the lot.</li> </ul>	<p>The double garage is commensurate with the size of the dwelling and expected number of occupants.</p> <p>Vehicles are able to enter and exit in a forward direction.</p>
Driveways in all cases are to be at least 3m wide and include an internal radius of 4m at the point where there is a change in direction.	N/A. Existing.
Special consideration will be given to particular site conditions such as existing vegetation, site drainage, steep access etc.	N/A.
Where land has a frontage to a main road all development shall provide sufficient area on site to allow vehicles to enter and leave the site in a forward direction.	N/A. Existing.
<b>H 2.5 Private open space</b>	
Each dwelling shall be provided with quality, useable private open space (POS)	<p>The dwelling incorporates a principal POS area in the form of a covered deck extending from the main living area.</p> <p>The deck then provides a direct connection to the rest of the backyard via a set of external stairs.</p>

The POS area of each dwelling is to have a principal private open space (PPOS) directly connected to a living zone of the dwelling.	The PPOS extends directly from the living area on the first floor.
POS is to be no steeper than 1:10 gradient. On steeper sites open space is to be terraced to provide useable space. A front POS forward of the building line will only be considered where the allotment is predominantly north facing.	POS is contained within the balcony area with additional access provided lower to the site via external stairs.
<p>Sunlight must reach at least 50% of the POS of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9:00am and 3:00pm on 21 June.</p> <p>POS that has a southerly orientation (shaded by the dwelling and/or adjacent dwelling) may require an increase in its area to compensate for the shaded POS.</p>	<p>The balcony, together with the rear yard, will receive ample sunlight throughout the year, as able for a site of this nature.</p> <p>The dwelling footprint has been positioned with an excessive southern setback of 3.46m to minimise any overshadowing over the adjoining site to the south.</p>
At least one principal living area of a dwelling must face predominantly north.	<p>North-west facing clerestory windows have been provided to the kitchen/living area to provide ample solar access in the winter months.</p> <p>Additionally, a north facing window to the kitchen has also been provided to supplement the clerestory windows.</p>
The POS shall be adequately screened for privacy from adjacent dwellings and passers-by.	<p>The POS areas are adequately separated from adjoining dwellings, as able for a steep locality. It is expected all dwellings will continue to benefit from outlook to the east to the views of the surrounding bushland available with minimal passive overlooking across the sites north/south.</p> <p>Both dwellings positioned either side of the subject site incorporate minimal windows into the side elevations, are excessively setback and are not expected to be significantly impacted with regards to visual and acoustic privacy concerns.</p> <p>Notwithstanding this, the proposed deck includes a southern and northern boundary setback of 10m and 6m respectively.</p>
Any dwellings which cannot be provided with private open space at ground level (i.e. residential flat buildings, shop top housing) shall instead be provided with a balcony.	As discussed above, given the slope of the site and the design intent for the dwelling, there is no scope for POS at ground level.

Enclosing screen walls or fences should be designed to ensure privacy, for the dwelling and for adjoining communal open space or access ways and for other dwellings and their yards.	Appropriate fencing is existing between the dwelling and other surrounding properties.
Part of the private open space should be capable of enabling an extension of the function of the dwelling for relaxation and recreation, and be directly accessible from the living area of a dwelling. Its location should take into account: outlook, natural features, continuity with open space and the location of adjoining dwellings. Its orientation should provide for maximum year round use.	The deck is a full extension of the living area and is capable of including a bbq area and outdoor furniture commensurate with the limited smaller floor area of the dwelling and expected occupancy rates.
Planting should not obscure or obstruct dwelling entries, adjoining public space, paths or streets in a way that reduces actual or perceived personal safety.	No planting will be undertaken which obscures the identification of the site or surrounding areas.
Proposed tree locations and species are to be selected so as not to adversely impact upon the amenity of adjoining properties or interfere with adjoining structures.	Landscaping will be appropriately undertaken.
<b>H 2.6 Solar access and overshadowing</b>	
Shadow diagrams are to be submitted with all new development applications for 2 storeys or greater. The shadow diagrams are to be professionally prepared and based on a survey of the relevant site and the adjoining development / properties. Shadow diagrams are to take into consideration existing vegetation.	Proposal is for a single storey development and shadow diagrams are not considered necessary given the context and orientation of the surrounding area.
All new dwellings are to be designed to ensure that the predominant living spaces and the key private open space maximises northern or eastern sun.	As noted above, the living spaces and POS are orientated to the north and the east for excellent solar access.  The incorporation of the clerestory windows ensures solar access is optimised.
The proposed development is to demonstrate that a minimum of 3 hours solar access is achieved between 9:00am and 3:00pm on 21 June to at least 50% of the private open space and to the principle living, dining, family and rumpus room(s) of the proposed dwelling and the adjoining dwellings/properties. Where this cannot be achieved, applicants are to demonstrate that the design maximises solar access.	The balcony, together with the rear yard, will receive ample sunlight throughout the year, as able for a site of this nature.  The dwelling footprint has been positioned with an excessive southern setback of 3.46m to minimise any overshadowing over the adjoining site to the south.

Buildings must be sited and/or designed to avoid overshadowing on adjoining properties should be addressed, including, but not limited to, increasing setbacks, articulation, variations in roof forms and/or reducing building bulk or minimising height.	No additional measures are considered necessary given the negligible impacts proposed.
<b>H 2.7 Acoustic and visual privacy</b>	
Windows and balconies should be designed and oriented to minimise overlooking of main living areas and private open space. Effective design is preferred to the use of screening devices, high sills or obscured glass.	<p>The deck extends from the living area and is positioned to take advantage of the eastern outlook with minimal overlooking across the adjoining sites expected.</p> <p>The northern and southern side facing windows have all been minimised as able and positioned to achieve excessive setbacks to adjoining sites.</p>
Dwellings are to be sited and designed to limit the potential for noise transmission to the living and sleeping areas of adjacent dwellings.	The dwelling has been appropriately positioned to minimise noise transmission.
Shared common walls and floors between dwellings must be constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.	N/A. No common walls proposed.
Where landscape plantings can assist in visual privacy, evergreens must be used and they must be of a size that will visually screen the noise source within 3 years.	No additional landscaping is anticipated to be necessary given the minimal impacts expected.
Careful consideration should be given to the location of noise generating activities/items such as air-conditioning units, swimming pool equipment, recreation areas, driveways and car spaces to minimise the impact on the amenity of adjoining properties.	The dwelling has been appropriately positioned to minimise noise transmission.
A minimum line-of-sight separation of 3m is required between parking areas/streets and all bedroom windows.	Separation is readily achieved.
Where any wall openings of adjacent dwellings are opposite each other, a minimum separation of 3m is required.	Separation is readily achieved.
All opposing windows and doors on adjacent lots must be offset	Separation is readily achieved.

<p>A minimum of 9m is required between the windows of habitable rooms of facing dwellings that abut a public or communal area. This distance should be increased to 12m for windows above first-floor level. Direct views between living area windows of adjacent dwellings must be screened or obscured where:</p> <ul style="list-style-type: none"> <li>• Ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwellings. An area so defined is described as a privacy sensitive zone.</li> <li>• Other floor windows are within a privacy sensitive zone described by a 12m radius.</li> </ul>	<p>N/A. The site does not abut a public or communal area.</p>
<p>Overlooking of ground level private open spaces, from upper levels is to be avoided, for example through the use of setbacks, level changes, landscaping and/or pergolas.</p>	<p>The dwelling has been orientated to take advantage of the excellent outlook to the east. Subsequently, no overlooking impacts are expected across side boundaries.</p>
<p>Overlooking between units is to be avoided, for example through dividing fins, louvers and other design detail.</p>	<p>N/A.</p>
<p>The windows and doors of proposed dwellings that provide direct view into the living area/bedroom windows of an adjoining dwelling should:</p> <ul style="list-style-type: none"> <li>• Be located out of alignment with the windows of adjoining dwellings, or</li> <li>• Have fixed obscure glazing to a minimum height of 1.7m above floor level, or</li> <li>• Use another form of screening to the satisfaction of Council.</li> </ul>	<p>No significant overlooking results from the proposed layout that is beyond what is expected for steeply sloping areas.</p>
<p>The outlook from a proposed dwelling into the private open space of another dwelling does not require screening where:</p> <ul style="list-style-type: none"> <li>• Windows are in bathrooms, toilets, laundries, storage rooms or other non habitable rooms.</li> <li>• Windows have a minimum sill height of 1.5m above floor level or translucent glazing to a minimum height of 1.5m above floor level.</li> <li>• Windows and balconies of upper level dwellings are purpose designed to prevent overlooking of more than 50% of the private</li> </ul>	<p>Suitable window treatments have been incorporated throughout the dwelling as discussed above.</p>



open space of a low-level or neighbouring dwelling.	
A roof top balcony, terrace and the like on residential developments and outbuildings is not suitable where it compromises privacy and amenity.	N/A. No rooftop elements proposed.
<b>H 2.8 Views</b>	
Provision of a view analysis as a component of a site analysis to indicate that a proposed development reflects the desirability of protecting known views and the principles of view sharing. The view analysis of surrounding development is required to indicate the position of the proposal on its site, the location of adjoining buildings and the degree of view loss, if any, resulting from the proposal.	Both adjoining dwellings to the north and south are expected to retain their relevant view corridors to the east directly over the rear boundaries to the bushland beyond.
Council may require the erection of a height profile structure certified by a registered surveyor on the site prior to determining an application.	Noted.
<b>H 2.9 Safety, security and entrances</b>	
Buildings are designed to face the street, with at least one habitable room window which can overlook streets and other public areas to provide casual surveillance of the public domain.	<p>The site is a battle-axe allotment and cannot provide passive surveillance of the street.</p> <p>However, the design does provide for optimal passive surveillance of the golf course area to the rear given the elevation and orientation of the dwelling.</p>
The site layout should ensure that the front entrance to a dwelling is easily identified by visitors and emergency services through design and conspicuous house numbering and that adequate privacy is maintained between individual entrances.	The front entrance is readily identifiable.
Separate and covered pedestrian entry should be provided to each dwelling. In the case of dual occupancy, entries should be either oriented to the street and/or separated from driveways and communal areas by a transition zone (e.g. a porch or front verandah).	Front entrance proposed as suitably covered.
Front fences, garages and landscaping elements are to be designed not to obstruct casual surveillance to and from the dwelling to permit safe access by residents and visitors to the dwelling.	Casual surveillance of the area between the front entrance and the driveway is readily available.

Lighting to the exterior is to be provided to enhance the amenity and security around the dwelling, however, light spill must not adversely impact on adjoining properties.	Capable of compliance.
Buildings should be detailed or articulated in a manner that identifies the entry and expresses individual dwellings to the street frontage where possible.	The front entrance is recessed into the front facade to make identification readily achievable.
<b>H 2.10 Front fencing</b>	
Fencing should not block views from a dwelling towards the street or similarly obscure the visibility of the front entrance of a dwelling.	N/A. No fencing proposed.
Where front boundary fencing is required, it is to be no taller than 900mm if solid and no taller than 1.5m if the fence has openings which make it at least 50% transparent. Fence materials and detail design is to be consistent with those of the character of fencing in the immediate locality.	N/A.
The distance between modulating elements (indentations, posts, or engaged piers), should not be greater than 2.5m.	N/A.
Front fences must not exceed 10m in length without some articulation or detailing to provide visual interest, i.e. fence posts, engaged piers etc.	N/A.
In locations (such as Crowdy Head), where front fences are not common, front boundary definition shall be achieved by hedging or other methods common to the local area.	N/A.
All fencing behind the line of the dwelling/building façade, side and rear fences, may be a maximum of 1.8m.	N/A.
Side fences which project forward of the front building line should step down to the adjoining front fence.	N/A.
Expansive flat and blank surfaces to street frontages are to be minimised to reduce the opportunity for graffiti.	N/A.
<b>Private Open Space Fencing</b>  Where front fencing is utilised to provide screening to private open space it must be no higher than 1.5m if located on the front boundary. If proposed higher than 1.5m the	N/A.

fence must be located at least 1.2m from the property.	
Private open space fencing must demonstrate its adequacy for providing privacy to the development. Design treatments such as articulation, panelling, hedging, etc can be engaged to provide both privacy and contribute to the visual amenity of the streetscape.	N/A.
<b>H 3.1 One and two storey single detached dwellings</b>	
<b>Performance criteria</b>	
<b>Setbacks</b>	
The minimum primary street boundary setback is 5m. However, where adjacent residential development is closer to the front boundary, Council may consider a setback equal to that of whichever neighbouring dwelling/building most closely meets the required setback. Where adjacent development is set further back than the minimum requirement, Council may require a greater setback than the minimum permissible	N/A. The site is a battle-axe lot.
The minimum required setback from a secondary frontage (on corner allotments) is 3m. Where adjacent residential development is closer to the boundary, Council may consider a reduced setback. The minimum setback in these locations must be 2m. Likewise, where adjacent development is set further back, Council may require a greater setback than the minimum permitted.	N/A.
The garage door (regardless of the frontage of the site) shall achieve a minimum setback of 5m from the relevant street frontage.	N/A. The site is a battle-axe lot.
Side and rear setbacks are to be a minimum of 900mm for single storey development.	A minimum side setback of 3m to the north and 3.46m to the south has been achieved for both levels of the dwelling.
Where the rear property boundary adjoins a public reserve, a minimum 3m building setback is required.	A minimum rear setback of 10.58m is proposed to the rear public reserve to the east.
Two storey developments are to be set back a minimum of 1600mm from side and rear boundaries.	A minimum side setback of 3m to the north and 3.46m to the south has been achieved for both levels of the dwelling.

Where site conditions warrant and provided that there is no unreasonable adverse impact on the privacy or solar access of adjoining properties, and is consistent with the existing streetscape of the locality, Council may allow side or rear walls without windows to be built to the boundary (zero lot line).	N/A.
Projections permitted into setback areas include: eaves, sunhoods and vertical sun screens, gutters, downpipes, flues, light fittings, electricity or gas meters and aerials. These can project 450mm (where the setback is 900mm) or to the boundary, whichever is less.	Noted.
<b>Car parking</b>	
Car parking is to be provided at the rate of 2 off-street parking spaces behind the Council specified building line.	The dwelling proposes two parking spaces within the double garage.
The combined garage and driveway space for each dwelling must be long/wide enough to accommodate two vehicles behind the street boundary.	Two vehicle spaces provided within the property boundary.
With the exception of corner lots, vehicular access to all residential developments is to be achieved by way of a single driveway crossing.	No changes proposed to the existing driveway arrangement.
<b>Private open space</b>	
A minimum of 80m <sup>2</sup> of private open space directly linked to the principal living areas, with minimum dimensions of 6m x 4m is to be provided.	A total of 21.3m <sup>2</sup> is provided to the deck area that extends from the principal living area.  Refer to comments at the end of this table.
Where Private Open Space is to be terraced one (1) level must wholly contain the 6m x 4m area. This area must be located adjacent to the dwelling living rooms.	N/A
<b>D3.1 Earthworks</b>	
<b>General</b>	
Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill (i.e. for steep land houses will need to be of a split level design or an appropriate alternative and economical solution.)	The dwelling has incorporated a split level design to ensure cut/fill has been minimised where possible.

Subdivision and building work shall be designed to ensure minimal cut and fill is required for its construction phase.	Site is existing.
<b>Cut and Fill and Retaining Walls – Residential Development</b>	
The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.	Max cut: 600mm Max fill: 1m (outside of the building footprint)
Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.	Noted.
The use of a deepened edge beam shall not exceed 1m above natural ground level.	The proposal does not utilise any deep end edge beams.
Where filling is required alongside a driveway, it shall be retained by a retaining wall.	Any fill will be able to be readily contained within a retaining wall rather than batter.
Council will consider permitting greater cut for basement garages and split level designed development on steeply sloping sites.	Noted. Minimal cut proposed to facilitate the design.
All retaining walls proposed are to be identified in the development application. Excavations affecting adjoining properties are to be retained or shored immediately. All other approved retaining walls are to be in place prior to the issue of an occupation certificate.	Refer to architectural plans under separate cover.
<b>Steep/Unstable Land</b>	
Development on land having a natural gradient of 1:6.7 (15%) or greater shall not be approved unless a geotechnical study, including guidelines for structural and engineering works on the land has been considered by Council.	Refer to geotechnical study prepared by others and lodged under separate cover.
<b>Use of Virgin Excavated Natural Material (VENM)</b>	
All land forming operations should involve the use of clean fill (also known as Virgin Excavated Natural Material or VENM). The VENM must also meet the same salinity characteristics of the receiving land. Council may consider alternatives to VENM on merit.	Capable of compliance. It is expected Council can address this requirement through a condition of development consent.

## Elevated Floor Level

The steep slope has resulted in a design with an exacerbated subfloor area and elevated height, which is typical for sites throughout the Tallwoods Village estate. The design response has ensured that minimal earthworks are necessary for the dwelling



and that practical access to the existing driveway within the battle-axe handle can be achieved.

The dwelling incorporates a notably small footprint and has been designed to accommodate a couple/small family only. It is expected that re-development of the site in the future to accommodate more residents can readily be achieved lower on the site and within the subfloor area.

The objectives of the DCP as they relate to the dwelling design are still considered to be achieved with the design an optimal outcome that has minimal impact upon the streetscape and surrounding properties.

## **POS Discussion**

The proposal includes the provision of 21.3m<sup>2</sup> of private open space to the dwelling contained within the deck that measures 7.1m x 3m.

However, this area is considered appropriate in providing a suitable POS area for the residents throughout the year with ample room still available for cooking and dining whilst taking advantage of the outlook to the east.

The expectation that the dwelling is only capable of supporting a couple/small family, given the minimal floor area and provision of only 3 bedrooms, ensures that the deck is large enough to support the needs of the occupants.

The steep slope is not conducive to facilitating additional POS that is practical in relation to the dwelling design being proposed. It is expected that should future development on the site, to increase floor area and accommodate a family orientated design, will be able to readily incorporate additional POS to the rear of the site and accessible from a storey positioned lower on the site.

# 5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

## **5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)**

### **5.1.1 Micro Climate Impacts**

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

### **5.1.2 Water & Air Quality Impacts**

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality given it is positioned within a new subdivision.

Stormwater will be disposed of to the stormwater network and will incorporate rainwater tanks where necessary.

## **5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)**

### **5.2.1 Impact on the Areas Character**

The surrounding built environment comprises a mix of single dwellings in a low density residential environment. The proposal will not impact this character as discussed throughout this report.

### **5.2.2 Privacy, Views & Overshadowing Impacts**

The proposed development will not impede the existing privacy of the subject or surrounding lots as discussed throughout this report. The development will not provide overshadowing within the subject or adjoining lots that is unreasonable or detrimental.

### **5.2.3 Aural & Visual Privacy Impacts**

The proposed development, being within a standard residential area and generally compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties.

### **5.2.4 Environmentally Sustainable Development**

The proposal will have minimal impact with regards to ESD.

## **5.3 Assessment of the Site Suitability – 4.15(1)(c)**

### **5.3.1 Proximity to Service and Infrastructure**

As outlined, the site is accessible via The Saddle. As the site has already been created, electricity, water, sewer, internet and telephone are also readily available.

### **5.3.2 Traffic, Parking & Access**

The development will provide for one additional dwelling in the area, as permissible and expected in the R1 zone. It is expected that the current road network is capable of supporting the additional traffic movements, which is minimal.

The proposal complies with the parking provisions contained within the GTDCP 2010.

### **5.3.3 Hazards**

The site is not identified as bushfire prone land or flood prone in accordance with Council's mapping.

## **5.4 The Public Interest – 4.15(1)(e)**

### **5.4.1 Social and Economic Impact**

The proposal will make a positive contribution to the MidCoast Region by facilitating the improvement of housing stock and the creation of employment.

### **5.4.2 The Public Interest**

The proposal is in the public interest as it satisfies the objectives of the GTLEP 2010 and GTDCP 2010 and will not set any undesirable planning precedents that cannot be justified on merit as discussed within this report.

## 6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the R1 General Residential Zone under the Greater Taree LEP 2010 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of a new modern dwelling afforded with superior amenity for the future occupants. The proposal is generally compliant with the provisions of the GTDCP 2010 except where discussed and justified in this report, with the proposal considered reasonable for the circumstances of the site and on balance with all other considerations.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.