

# Statement of Environmental Effects

Proposed New Dwelling, Shed and Retaining Walls

5 Chant Place, Tinonee NSW 2430

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## I.0 Introduction

This Statement of Environmental Effects has been prepared on behalf of the applicant, to accompany a development application to MidCoast Council for the erection of a single storey dwelling, detached ancillary shed, and retaining walls. **Figure 1** indicates the location of the site (in red) that is the subject of the DA.

This report is structured to facilitate an understanding and assessment of the proposal against the relevant State and local planning instruments and policies. In addition, this report describes and justifies any departures from the relevant provisions.

This Statement examines the context of the site by describing its location, existing character and uses of the local area in which it is situated, describes the development proposal, assesses the planning context by examining its conformity with the relevant planning controls, and summarises the environmental effects of the proposed development in accordance with the *Environmental Planning and Assessment Act 1979*.



**Figure 1** Location Plan

## 2.0 Site and Context

### 2.1 Site Description

The subject site is located within the recently constructed, large lot residential subdivision in Deposited Plan Tinonee.

The primary street is Chant Place, where access is proposed to be gained from. This adheres to the terms of restriction on the subject allotment identified as 3.2 in the relevant 88b instrument:

*“3.2 Direct vehicular access is denied to Alpine Drive for Lots 8, 9 and 10”*

The subject site (Lot 10) is a regular-shaped lot with an area of 1.5 Ha. The proposed building site is cleared of all improvements and vegetation. It is gently sloping (~10%) across the entire site.

### 2.2 Local Area Context

The site is located within a newly constructed rural-residential subdivision, surrounded by a mix of medium to large land holdings. The subject site is located less than one kilometre to the north-west of the township of Tinonee.

The new subdivision has created a new area of large residential allotments. The proposed development would be compatible form of residential development in the context of its surrounds.

### 2.3 Site Opportunities

The site is subject to bushfire hazards. Accordingly, the proposed land use, dwelling position, and building design presented with this proposed development optimises the most appropriate use of the site. The key opportunities of the site are identified as follows:

- The site is well located in terms of access to local and regional roads.
- The lot size allows for an appropriately designed development without resulting in adverse impacts on the surrounding rural residential uses or the natural environment.

## 3.0 Development Proposal

As shown in the plans, the proposed development involves the erection of a single-storey dwelling, detached shed, and retaining walls. The proposed building design comprises a modern design home comprising of the following elements:

### **Dwelling layout and building finishes**

The ground floor level of the dwelling comprises the living and entertaining areas. On this level are the entry, open plan dining, kitchen, and living room with direct access to a covered deck and uncovered, outdoor private open space. This floor comprises the bedrooms and bathrooms, as well as internal access to the double garage.

To ensure appropriate finishes for the locality and subject setting, the proposed external finishes for the dwelling are a combination of weatherboard cladding and steel roofing.

The roof line is articulated at the outdoor living (principal street view) to break monotony and improve aesthetics.

The proposed shed will be metal construction, portal frame supplied by a local shed manufacturer.

Both the shed and dwelling will be slab-on-ground construction.

As previously mentioned, vehicular access to and from the dwelling is proposed to be from the newly constructed Chant Place.

The proposed development has been specifically positioned and designed to reduce the bulk and scale of the development, improve visual amenity, minimise earthworks where possible, and provide for the most appropriate orientation and siting for the intended land use.

## 4.0 Planning Controls

### 4.1 Greater Taree Local Environmental Plan 2010

The Greater Taree Local Environmental Plan 2010 (LEP) applies to the subject land. The relevant aims of the LEP are:

- *(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- *(a) to promote and encourage the ecologically sustainable development of Greater Taree City,*
- *(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,*
- *(c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,*
- *(d) to facilitate the provision and co-ordination 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,*
- *(f) to minimise the exposure of development to natural hazards and natural risks,*
- *(g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,*
- *(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 generations.*

The proposal is consistent with the relevant aims of the LEP as it will provide for the *orderly and economic use and development of land* in the region. The proposed development does not contravene the aims of the Greater Taree LEP.

The relevant sections of the LEP are discussed below.

#### 4.1.1 Zoning and Permissibility

The site is zoned R5 Large Lot Residential under the LEP. The objectives of the zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is consistent with the objectives of the zone as it lies within a subdivision of large residential lots that will not hinder future urban housing, and which will preserve existing environmentally sensitive locations and scenic quality.

The land use table for Zone R5 lists those uses that are permissible. “Dwelling houses”, such as the proposed, are a permitted use within the zone, with development consent. The ancillary structures proposed with the dwelling are not in contravention of the permitted land uses.

#### 4.1.2 Height of Buildings

The permitted maximum building height for this site is 8.5 metres. The proposed development complies.

#### 4.1.3 Acid Sulfate Soils

The site is not identified as containing Acid Sulfate Soils within the LEP.

### 4.2 Applicable State Environmental Planning Policies

#### 4.2.1 State Environmental Planning Policy (Sustainable Buildings) 2022

This Policy aims to ensure that certain development in NSW will reduce water consumption and energy consumption. A BASIX report will accompany the DA.

### 4.3 Local Planning Controls

#### 4.3.1 Greater Taree Development Control Plan 2010

Greater Taree Development Control Plan 2010 (DCP) (adopted October 2019) supplements the LEP by providing design and environmental Performance Criteria. Relevant parts of the DCP are addressed below in **Table 1** below:

Controls / Criteria	Response / Justification
<b>Part A – Preliminary information</b>	
<b>A1 Introduction</b>	
<b>A1.9 Can the controls (performance criteria of the DCP) be varied?</b>	Variation to DCP sought for development-inhibiting controls in section D3.1 – refer section 3.1 below for justification.
<b>Part B – Character statements</b>	
<b>B1 General</b>	
<b>B1.4.1 Tinonee</b>	COMPLIANT (not applicable). This section of the DCP is not yet developed.
<b>B1.6 Rural residential lands</b>	COMPLIANT (not applicable). This section of the DCP is not yet developed.
<b>Part D – Environmental requirements</b>	
<b>D3 Earthworks, erosion and sedimentation</b>	
<b>D3.1 Earthworks</b>	Non-compliant. Justification: The proposal involves excavating a building pad with a maximum cut of approximately 2000mm below natural ground level, with a maximum fill of 1120mm above natural ground. The proposed earthworks results in staggered retaining walls to contain the cut, whilst the fill be battered to rejoin the natural contours. Earthworks are required to create a level area for construction of the proposed development.



	<p>The proposed cut is located to the rear of the dwelling, with retaining walls being screened by the dwelling itself. It is suggested that, as there is no visual not environmental impact on the adjoining properties or passersby, enforcement of such restrictive controls would dissuade development of the site and not be within the public interest.</p>
<b>Part G – Car parking and access</b>	
<b>G1 Car parking and access</b>	
<b>G1.1 Location of driveways</b>	<p>COMPLIANT.</p> <p>As previously stated, there is:</p> <ul style="list-style-type: none"> <li>• suitable and adequate off-street parking facilities provided to accommodate vehicles generated,</li> <li>• safe entry and exit for vehicles and pedestrians from parking areas, and</li> <li>• adequate access and maneuverability for all vehicles, which are able to leave the site in a forward-facing direction</li> </ul> <p>The proposed design meets the required performance criteria.</p>
<b>G1.2 Service vehicle requirements</b>	COMPLIANT.
<b>G1.3 Parking requirements for specific land uses</b>	<p>COMPLIANT.</p> <p>Greater than 2 spaces provided behind the building line.</p>
<b>Part H – Residential requirements</b>	
<b>H2 Primary residential requirements</b>	
<b>H2.1 Site coverage and lot requirements</b>	<p>COMPLIANT.</p> <p>Site coverage does not exceed 65%.</p>
<b>H2.3 Building height</b>	<p>COMPLIANT.</p> <p>The proposed dwelling is single storey.</p>
<b>H2.4 Car parking and access</b>	<p>COMPLIANT.</p> <p>Proposal also complies with car parking controls detailed in Part G and Part H3.6.</p>
<b>H2.5 Private open space</b>	<p>COMPLIANT.</p> <p>The proposed private open space has a principal area of private open space shown on the architectural plans as a minimum 4m x 4m level area directly accessible from the main living area at the rear of the dwelling. However, the actual area of open space will be considerably larger.</p>
<b>H2.6 Solar access and overshadowing</b>	<p>COMPLIANT.</p> <p>Ample solar access to indoor and outdoor POS. Shadow diagrams have not been provided due the more than ample separation distance between this proposed dwelling and any proposed dwellings on neighbouring lots.</p>
<b>H2.7 Acoustic and visual privacy</b>	COMPLIANT.
<b>H2.8 Views</b>	<p>COMPLIANT.</p> <p>Due to the separation distance between this proposed dwelling and any proposed or existing dwellings on neighbouring lots (over 100metres) there is little to no opportunity for compromising available quality views. This is especially so as the proposed dwelling is one-storey.</p>



<b>H2.9 Safety, security and entrances</b>	COMPLIANT.
<b>H3 Controls for specific forms of residential accommodation</b>	
<b>H3.6 Dwellings in R5 zones</b>	COMPLIANT. The proposed dwelling is compliant with all necessary setbacks. The nearest boundary setback is to the rear, achieving a distance in excess of 17m.
<b>H4 Ancillary development</b>	
<b>H4.1 Ancillary structures and outbuildings</b>	COMPLIANT.

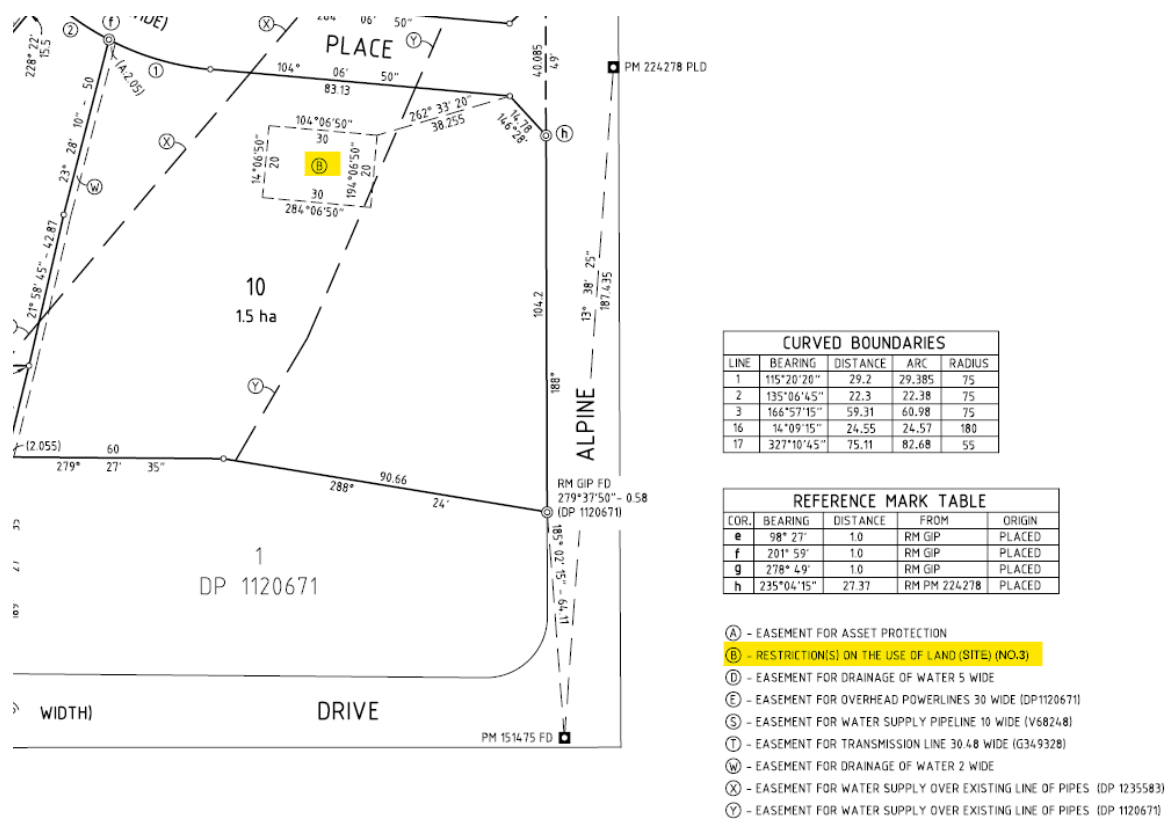
**Table 1 Relevant Controls in Greater Taree DCP 2010**

## 4.4 Deposited Plan and 88b Restrictions

Reference is made to the terms of restrictions on the title of Lot 10 DP 1301427.

It must be noted that, when viewing the 88b restrictions that are imposed on the land, the proposed development is in strict compliance with all covenants.

One major discrepancy is identified when cross-referencing the Plan with associated instrument. An easement highlighted (B) and referenced as item 3 in the plan is subject to consideration for the development (see **figure 2**).



**Figure 2 Deposited Plan (snippet)**

The terms in the 88b instrument, however, fail to make reference to an easement (B). There are no measurable or quantifiable criteria. The terms of the restriction read:

***Terms of restriction on the use of land numbered 3 in the plan.***

*2.1 The nominated building envelope designated as (R) on the plan. No clearing of native vegetation is permitted outside of the building envelopes without the prior written approval of Council*

Hypothetically, if the Plan is erroneous in its referencing and the easement should be designated (R) as the instrument suggests, the terms of the restriction can be applied as a measurable criterion where compliance must be achieved. As the term indicates, outside of the area designated (R), no clearing of native vegetation is permitted without prior consent of Council.

There is no vegetation, native or otherwise, inside nor outside of the identified easement that is being removed as part of this development. Regardless of the erroneous reference, when the controls are applied to be proposed development, the proposal strictly conforms with the terms of the easement.

## 5.0 Environmental Effects

Under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

### 4.15(1)(a) the provisions of:

- (i) ***any environmental planning instrument***  
The key relevant planning instrument is the LEP. The proposal supports the aims of the LEP and is in accordance with all other relevant provisions of the LEP, as discussed in Section 4. The proposal has also been assessed against all other relevant planning instruments and is found to generally comply.
  - (ii) ***any proposed instrument***  
There are no draft environmental planning instruments relevant to the site
  - (iii) ***any development control plan***  
The proposal has been assessed against the relevant development control plans within Section 4 and was found to generally comply with all relevant controls.
  - (iiia) ***any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4***  
The site is not the subject of a planning agreement.
  - (iv) ***the regulations***  
There are no relevant matters prescribed by the Environmental Planning and Assessment Regulation 2000.
-

**4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality:**

<b>4.15(1)(b) Likely Impacts</b>	<b>Response</b>
<i>Context and Setting</i>	The surrounding development presently, and is proposed to, include similar dwellings. The bulk and scale of the development is very much in context with the development within the surrounding neighbourhood. The proposed development, due to its design, will not adversely impact on the amenity of the area and rather improve the area with the quality design and sympathetic treatments. Therefore, the proposed development is appropriate and will not result in any land use conflicts.
<i>Access, Transport and Traffic</i>	The site is located on the corner of the newly constructed Chant PI and Alpine Dr, which are connected to Tinonee Rd. This location provides easy vehicular access to and from the site, as well as to the township of Tinonee.
<i>Public Domain</i>	The proposal will not result in any adverse impacts to the public domain.
<i>Utilities</i>	The site will be connected to the mains power and water and sewerage services will be addressed on-site, in accordance with standard practices.
<i>Heritage</i>	None Present
<i>Other Land Resources</i>	The proposed development will assist with large residential lands consolidation and limit the demands on other lands.
<i>Water Quality</i>	Stormwater disposal will be controlled during construction and for the life of the development.
<i>Soils</i>	The site is not mapped as Acid Sulfate Soils.
<i>Air and Microclimate</i>	The development involves no activity that would directly impact on the air or microclimate.
<i>Ecological</i>	There is no vegetation on the proposed building envelope site.
<i>Waste</i>	Only domestic waste will be generated, and waste collection and recycling services are presently available.
<i>Energy</i>	The design will be required to meet the relevant energy efficient standards.
<i>Noise and Vibration</i>	Other than during construction, where the impacts are controlled by the terms of the Development Consent, the only impact will be of a domestic nature.
<i>Natural Hazards</i>	The subject site is mapped as not flood prone. However, the site is designated as having a bushfire hazard rating of BAL-Low. A Bushfire Threat assessment is submitted with the application. The assessment states that the development conforms to the relevant specifications and requirements of Planning for Bushfire Protection 2019, as long as the recommendations contained within this report are duly considered and incorporated.
<i>Technological Hazards</i>	None Present
<i>Safety, Security and Crime Prevention</i>	The design of the proposal allows for simple security measures within the building, and visual awareness for security at the street frontage.
<i>Social Impact in Locality</i>	The social impacts will be positive as the proposal provides on-going housing in an appropriate setting.
<i>Economic Impact in Locality</i>	The development will result in additional short-term construction jobs during the construction stages of the development. The proposed development will enable the site to continue to provide for long-term housing.
<i>Site Design and Internal Design</i>	For the reasons detailed within this SoEE, the proposal provides a modern designed building, as demonstrated within the drawings provided. Further, the building orientation has been designed to provide for maximum use of usable private open space with adequate solar access.

<i>Construction</i>	The methods of construction and likely timeframe are typical of residential development in this area. Potential impacts during the construction stage would be managed in accordance with a Construction Environmental Management Plan.
<i>Cumulative Impacts</i>	Cumulative impacts are generally positive. The design of the building uses quality, modern materials, and landscaping to ensure the development does not visually detract from the streetscape.

#### **4.15(1)(c) the suitability of the site for the development**

The proposed dwelling is permissible within the R5 Large Lot Residential zone and is compatible with other surrounding residential developments. The site is of a size and location that is suitable for this type of residential development and will not be inconsistent with the landscape and character of the locality. The site is therefore suitable for the proposed development.

#### **4.15(1)(d) any submissions made in accordance with this Act or the regulations**

Not known at this stage.

#### **4.15(1)(e) the public interest**

There are no public interest issues that should interfere with approval of the proposal

## 6.0 Conclusion

The proposed development is a permissible form of residential development that meets the objectives within the statutory framework applying to the site under the LEP.

Further, the proposed development provides positive social and economic impacts to the area, as well as the amenity of the surrounding environment. The site is considered to be highly suitable for the proposed purpose, as discussed throughout this document. The development design provides building form that is sympathetic to the constraints of the site and consistent with the relevant objectives and performance criteria suggested in the DCP.

Whilst a minor variation to Part D3.1 of the DCP is sought, the resulting proposal does not contravene the objectives of the controls.

In conclusion, the proposal meets all relevant Objectives within the DCP, and it is considered that a merit-based approval would provide a logical planning outcome that represents an efficient and orderly development of the land and is in the public interest.