

Statement of Environmental Effects

Proposed Development | **Use of Retaining Walls**

Property Address | **52 Paradise Drive SMITHS LAKE NSW 2428**

Property Owner | **Normon Lyons**

LOT & DP | **Lot 18 DP 806842**



1 May 2025

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1. Summary

1.1. Overview

This proposal seeks development consent for the ongoing use of existing retaining walls on the subject land, 52 Paradise Road Smiths Lake. The site contains an existing approved dwelling, however retaining walls have been constructed without the prior consent of Council.

1.2. Scope of Report

This Statement of Environmental Effects has been prepared to accompany the development application for the proposed development and provides information as required by the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assist in the assessment of the proposal. This document addresses matters that are to be considered by the consent authority under the provisions of clause 4.15 of the EP&A Act.

2. Site Description

2.1. Site Details & Description

Property Address:	52 Paradise Drive SMITHS LAKE NSW 2428
Land Description:	Lot 18 DP 806842
Zoning:	R5 –Large Lot Residential Zone
Site Area:	5010m ²
Owner:	N Lyons

The site comprises land described as Lot 18 DP 806842 and is located at 52 Paradise Drive Smiths Lake. The allotment is located in the coastal village of Smiths Lake, within the MidCoast Local Government Area.

The land is an irregular shaped lot, bound by Paradise Drive along its northern (front) boundary. Similar sized residential allotments contain existing dwellings adjoin the subject land to the west and east.

The land contains an existing approved dwelling comprising three (3) bedroom, two (2) bathrooms and open plan kitchen, living and dining area. The site also contains a detached shed and a series of retaining walls ranging in height from 1.0-2.5m

The landform contains a moderate slope of approximately 16.8%, falling from the southern to northern boundary across the allotment.

The allotment is zoned R5 Large Lot Residential zone under the provisions of the Great Lakes Local Environmental Plan 2014 and has a site area of approximately 5010m².

The subject land is classified as being bushfire prone, however is not identified as being flood prone land.

A locality map and landuse zoning map depicting the subject land is provided in Figures 1 and 2 below.



Figure 1 –Site Locality Plan

[source: Midcoast Council online mapping]

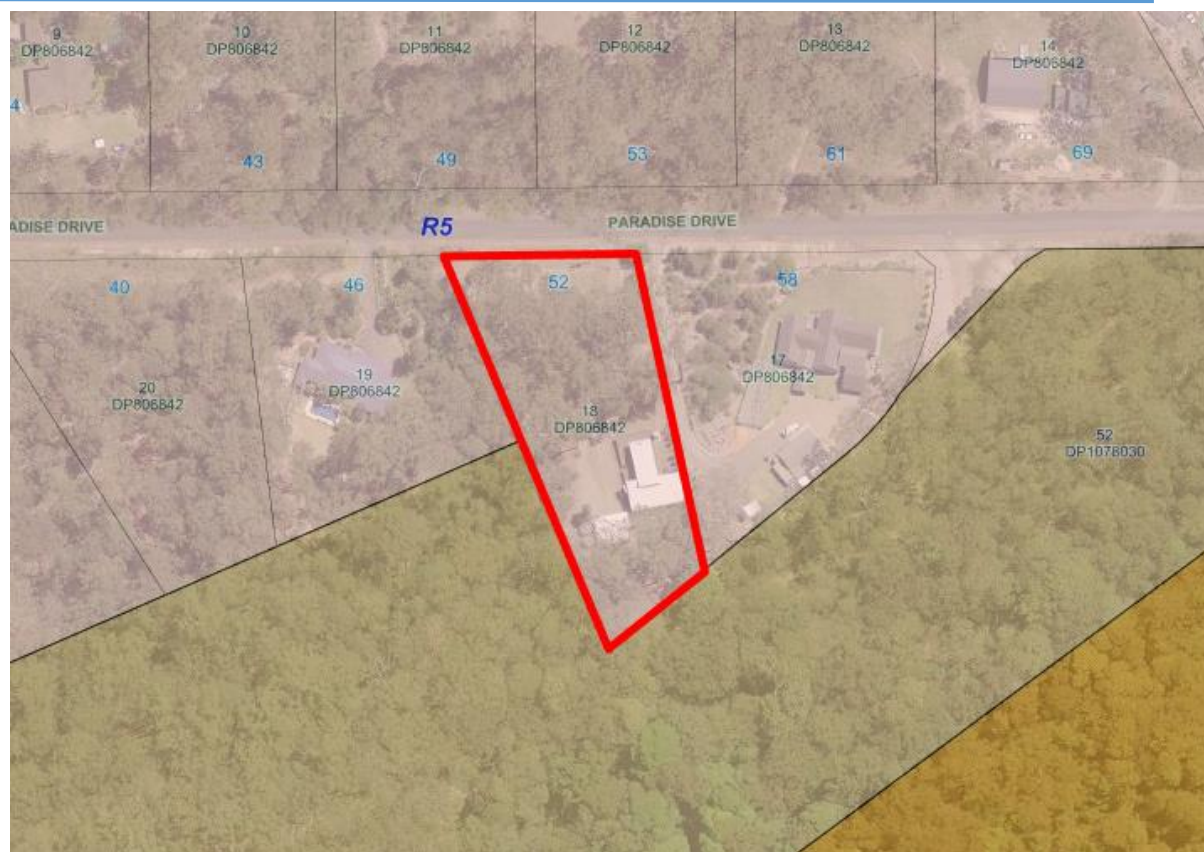


Figure 2 – Site Landuse Zoning Map

[source: Midcoast Council online mapping]

2.2. Site Context and Surrounding Area

Smiths Lake is a small coastal village located approximately 25 minutes' drive south of Forster, the nearest urban centre. The subject land is located within the northern portion of Smiths Lake village. The built form in this area consists predominantly of single dwellings on rural lifestyle lots up to 1 hectare in size. A small business precinct including food shops, real estate and a supermarket is located in the centre of the village.

The village is characterised by moderately sloping coastal hills associated with ridgelines that gently grade down to lower lying areas. The village area contains significant areas of modified remnant coastal forests characterised by tall eucalyptus trees with a coastal heath understorey.

The site has previously been disturbed to accommodate an existing dwelling and ancillary shed. The understorey has been cleared of vegetation and the ground level modified. Remnant regrowth trees comprising scattered eucalypt species remain. Plates 1 and 2 below depict the current site conditions.



Plate 1: Western Elevation of existing dwelling at 52 Paradise Drive Smiths Lake



Plate 2: Existing driveway facing north towards the street frontage

2.3. Topography and Soils Characteristics

The site is located on the northern aspect of a ridgeline located to the south of the property. The landform comprises a moderate slope, falling towards the northern boundary. The average slope across the site is approximately 9.4 degrees.

The site contains silty clay topsoils, with the subsoil material consisting of siltstone and silty clay soils. The land is not identified as containing potential acid sulfate soils.

2.4. Contaminated Land

The site is not known to be contaminated and is not known to have been previously used for potentially contaminating activities.

2.5. Essential Services

Reticulated water, sewer and electricity are available to the site. All services are provided from the Paradise Drive frontage. Powerlines are located underground.

2.6. Site Access

The site gains access directly from Paradise Drive. Suitable sight distances >80m are available in both directions from most points along the property frontage.

2.7. Easements and Restrictions on Title

The site is unburdened by any easement for sewer or water. The site is burdened by an easement for electricity transmission lines parallel with the front boundary.

2.8. Vegetation

Existing vegetation within the site comprises scatter trees and managed landscape gardens.

2.9. Hazards

2.9.1. Bushfire Hazard

The site is mapped as bushfire prone land on maps held by Council and the NSW Rural Fire Service. A map depicting the site within the bushfire prone area is provided in Figure 3 below.



Figure 3 – Bushfire Prone Map

[source: Midcoast Council online mapping]

2.9.2. Flooding

The site is not identified as being flood prone land.

2.10. Heritage

2.10.1. European Heritage

There are no items of European heritage listed as being present on the land or adjoining lands. The subject land is not located within a heritage conservation area.

2.10.2. Aboriginal Heritage

An AHIMS search for the site did not identify any Aboriginal sites or places on the land. The site is not known to be an area of significance for local indigenous people.

3. Proposed Development

3.1. Proposal overview

The proposed development seeks consent for the continued use of existing retaining walls on the property. A series of retaining walls have been constructed on the site without the prior consent of Council.

These walls have been constructed using large sandstone blocks (500mm x 2000mm) and range in height from 1.0-2.5m. Plans showing the existing retaining walls as built are provided in **Appendix A**. Plates 3-6 below contain images of the existing retaining walls.

These walls were constructed to delineate and retain the driveway, as well as retain fill associated with a level parking area for a caravan. Retaining walls have also aided the establishment of gardens and landscaping, and the provision of practical access to within the site which was otherwise inaccessible due to its sloping landform.

A structural engineer (Matrix Thorton) has recently undertaken an inspection of the existing walls. **Appendix B** provides a detailed assessment report and certification for the walls as built. This report confirms that the subject retaining wall are structurally adequate for their purposes

The majority of the retaining walls are located wholly within the property boundary as shown on the site survey in **Appendix C**. However retaining walls located on either side of the external driveway crossover extend outside the property boundary into Council's road reserve. These walls do not obstruct drainage or any other infrastructure within the road reserve.

It is requested that consent be granted to enable the existing retaining walls to remain in place.

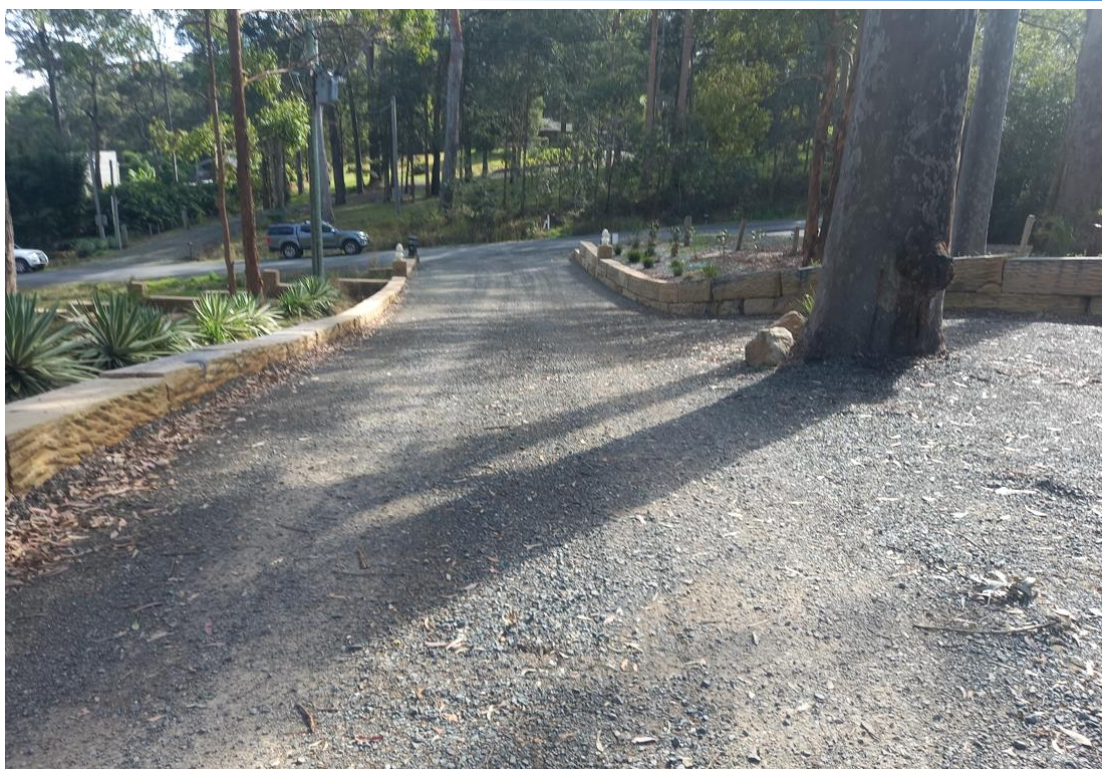


Plate 3: Retaining Wall located internally adjacent to driveway



Plate 4: Return of Retaining B, located adjacent to driveway and caravan parking



Plate 5: Retaining Wall C located internally adjacent to the western boundary



Plate 6: Retaining Wall A, located adjacent to the street frontage

4. Planning Controls & Environmental Assessment

4.1. Environmental Planning and Assessment (EP&A) Act 1979

The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is consistent with the objects of the EP&A Act, and will promote good design that is undertaken with careful consideration of the site's constraints. The assessment below provides justification for the development against the relevant matters that must be taken into consideration by the determining authority.

4.2. State Environmental Planning Policies

There are no SEPPs relevant to the proposed development or land.

4.3. Local Environmental Plan

4.3.1. Great Lakes Local Environmental Plan (LEP) 2014

The subject land is zoned R5 Large Lot Residential zone pursuant to the provisions of the Great Lakes Local Environmental Plan 2014 (LEP). The proposed development is consistent with the relevant objectives of the zone and demonstrates compatibility with the predominant land use in the surrounding area.

Detailed consideration of the relevant provisions of the LEP is provided below:

Development standard	Comments
4.7 Flooding	The subject land is not identified as being flood prone.
7.1 Acid sulfate soils	The site is not mapped as containing Potential Acid Sulfate Soils (PASS).
7.2 Earthworks	No addition earthworks are required for the continued use of the existing retaining walls. The proposed development will ensure no detrimental effect on soil stability or drainage patterns of the site.
7.5 Stormwater management	The existing walls do not result in stormwater being directed onto adjoining lands or have an adverse impact on groundwater, native bushlands, wetlands or receiving waters. Stormwater drainage associated with the walls disperses downslope towards the street frontage and open drainage culvert.
7.7 Riparian Land and Watercourses	The site does not contain a mapped watercourse or riparian land.
7.21 Essential services	The site is connected to all essential services including Council's water and sewer supply, and reticulated electricity.

4.4. Development Control Plan

4.4.1. Great Lakes Development Control Plan 2014

The Great Lakes Development Control Plan 2014 (DCP) makes detailed provisions which are applicable to proposed development. The proposed development is consistent with the objectives of the DCP and is generally compliant with relevant provisions.

Detailed consideration of the relevant provisions of the DCP is provided below:

4.4.1.1. Section 4 - Environmental Considerations

DCP Section	Comments
4.1 Ecological Impacts	The proposal will not result in any significant adverse ecological impacts.
4.2 Flooding	The site is not identified as being flood prone.
4.3 Coastal Planning Areas	The site is not identified as being land within a coastal planning area.
4.4 Effluent Disposal	The existing dwelling on the site is connected to Council's reticulated sewage infrastructure.
4.5 Poultry Farms	The site is not located within the vicinity of a poultry facility.
4.6 Contaminated lands	The site is not identified as being contaminated land. Historical land use does not indicate any evidence of likely contamination.
4.7 Bushfire	The site is identified as being prone to bushfire. The development is consistent with the objectives and requirements detailed in PBP 2019

4.4.1.2. Section 5- Single Dwellings, Dual Occupancies, Villas and Townhouses

DCP Section	Comments
5.7 Cut and Fill	
1) Visually exposed retaining walls and terraces shall not exceed 0.6m in height on the street frontage and 1.2m in all other areas.	The proposed development seeks to retain sandstone block walls. These walls are located within the front setback and characterised as visually exposed retaining walls. The walls range in height from 1.0m – 2.0m adjacent to the front boundary and adjacent to the driveway. As such a variation is

2) Cut and fill involving benched areas for landscaping shall be restricted to a maximum 25m ² per dwelling	<p>sought to this provision. The existing walls have been designed to follow the contours of the land and blend with the natural and built environment. The walls are low to the ground and do not visually dominate the surrounding building environment.</p> <p>The construction of the existing walls required >25m² of cut and fill for landscaping over the site. A variation to this provision is also sought given the scale of the site and requirement to retain part of the land for the driveway.</p>
5.9 Fencing and Walls	
<p>Fences within the front setback area from a primary road are to be a maximum 1.2m high and a minimum 50% open construction for the upper two thirds of the fence.</p> <p>Fences on corner lots with two road frontages should be constructed with an open form (e.g. pool type fencing) within 3m of a corner to assist with sight distance requirements for drivers.</p>	<p><u>No</u></p> <p>The proposed development includes fencing along the primary road frontage, having a height of 1.0-2.0m. The fence comprises masonry sandstone blocks, two tiers, being 1.0m high. A sandstone block with a vertical height of 2.0m is set at 4m intervals along the fence.</p> <p>A variation is sought to the design and height exceedance of the existing fence given the fence is not visually obtrusive and does not adversely impact the streetscape or amenity of the area. The existing fence is considered appropriate within the context and setting of the site.</p>

5. Likely Impacts

The proposal is for the ongoing use of existing retaining walls which were constructed without consent. The retaining walls have existing in place for more than 12 months and have not resulted in any significant adverse impacts to the amenity of the area or surrounding environment.

The likely social, environmental and economic impacts associated with the proposed continued use are expected to be minimal.

5.1. Environmental and Ecological Impact

The proposed development has been designed to minimise environmental disturbance by adopting effective safeguards to protect soil stability. The proposal will not result in the removal of any trees or additional earthworks.

The proposal will not have a significant impact on threatened species or endangered ecological communities.

6. Site Suitability & Public Interest

The site is considered suitable for allowing the continued use of the existing retaining walls. The proposal will not impact upon the environment or amenity of adjoining lands and is consistent with the objectives of all relevant legislative planning controls. The development is considered to be within the public interest.

7. Conclusion

Development consent is sought for the continued use of existing retaining walls on a large lot residential site in Smiths Lake. These walls were constructed without the consent of Council.

The walls have been surveyed, and a report has been prepared by a structural engineer which provides a detailed assessment confirming the structural adequacy of the subject retaining walls.

The proposal is compliant with the objectives and relevant provisions of the Great Lake LEP 2014 and generally consistent with the provisions of the Great Lakes DCP 2014. The proposal is compatible with the character of the local area and is unlikely to result in any adverse effects on adjoining lands.

As demonstrated by this document, the proposed development is unlikely to have any significant environmental impacts with regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Appendix A Plans for Retaining Walls (As Built)

See Attached

Appendix B Structural Engineering Report

See Attached

Appendix C Site Survey

See Attached