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STATEMENT OF ENVIRONMENTAL EFFECTS



4 KING GEORGE PARADE, FORSTER
Erection of a Jetty

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25 April, 2025

Contents

1 Introduction	3
2 Site Analysis	4
2.1 The Locality	4
2.2 Site Description	4
2.3 Existing Character and Context	5
2.4 Surrounding Road Network	5
3 Details of the Proposal	6
4 Planning Controls	7
4.1 Biodiversity Conservation Act 2016	7
4.2 Great Lakes Local Environmental Plan 2014 (GLLEP 2014)	8
4.2.1 Objectives	8
4.2.2 Other LEP Provisions	10
4.3 State Environmental Planning Policy (Resilience and Hazards) 2021	13
4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021	17
4.5 Great Lakes Development Control Plan (GLDCP)	19
5 Planning Assessment	20
5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)	20
5.1.1 Micro Climate Impacts	20
5.1.2 Water & Air Quality Impacts	20
5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)	20
5.2.1 Impact on the Areas Character	20
5.2.2 Privacy, Views & Overshadowing Impacts	20
5.2.3 Aural & Visual Privacy Impacts	20
5.2.4 Environmentally Sustainable Development	21
5.3 Assessment of the Site Suitability – 4.15(1)(c)	21
5.3.1 Proximity to Service and Infrastructure	21
5.3.2 Traffic, Parking & Access	21
5.3.3 Hazards	21
5.4 The Public Interest – 4.15(1)(e)	21
5.4.1 Social and Economic Impact	21
5.4.2 The Public Interest	21
6 Conclusion	22

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for John Clark and forms part of a development application to MidCoast Council for the erection of a jetty at 4 King George Parade, Forster and over the adjoining waterway lot.

The new jetty is intended to replace the existing jetty in generally the same position and will provide for a highly functional recreational area that includes excellent amenity outcomes for both the residents and adjoining properties. The materials and improved finishes ensure the proposal will result in a modern built form to contribute positively to the surrounding context and waterfront 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;

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 4km south of the Forster town centre and is located within the Local Government Area (LGA) of MidCoast.



FIGURE 1: LOCATION PLAN (NSW EXPLORER)

2.2 Site Description

The subject site is a standard lot located on the southern side of King George Parade within the Forster Keys estate and is known as 4 King George Parade, Forster or Lot 2 in DP 255649.

The site is irregular in shape, generally flat, has a frontage to the Sailfish Waterway and contains a total area of 705.4m², which is typical for residential properties in the area.

The site currently contains a single storey dwelling, slipway and jetty. It should be noted that the site also includes the adjoining waterway, which constitutes a drainage reserve known as lot 248 DP 593704.

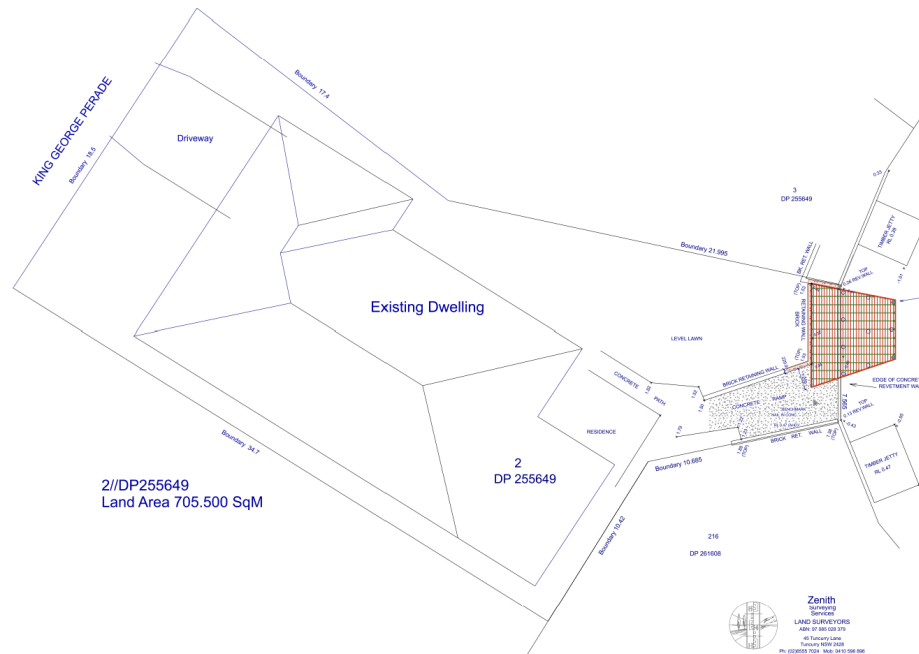


FIGURE 2: SITE PLAN (RAP DRAWING)

2.3 Existing Character and Context

The surrounding area is predominantly low density residential, characterised by single dwellings arranged around the Forster Keys canal estate.

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 King George Parade. King George Parade is a two lane sealed road that connects locally through to The Lakes Way, which provides access to the north back to Forster. King George Parade is not identified as a Classified Road in accordance with the Roads Act 1993 with MidCoast Council the designated roads authority. However, no works are proposed or necessary within the road reserve to facilitate the proposal.

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;
- Great Lakes Local Environmental Plan 2014 (GLLEP 2014);
- Great Lakes Development Control Plan (GLDCP);
- State Environmental Planning Policy (Resilience & Hazards) 2021; and
- State Environmental Planning Policy (Biodiversity & Conservation) 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 Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The subject site is zoned R2 – Low Density Residential and W2 Recreational Waterways under Council’s GLLEP 2014 (see Figure 5). *Jetties* are permissible with consent in the R2 and W2 zone and the proposal is considered to generally satisfy the relevant objectives of the zone.



FIGURE 5: EXTRACT FROM ZONING PLAN
(SOURCE: GREAT LAKES LEP 2014)

4.2.1 Objectives

The relevant objectives for Zone R2 are stated:

1. *To provide for the housing needs of the community within a low density residential environment.*

Comment: The proposal will improve the functionality of the site for the existing dwelling and therefore provide for the housing needs of the local community.

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

Comment: The proposal is for an ancillary jetty, which will not impede other land uses from being considered in the area.

Additionally, the relevant objectives for Zone W2 are stated:

1. *To protect the ecological, scenic and recreation values of recreational waterways.*

Comment: The jetty is replacing the existing jetty generally like for like and will not result in any additional impacts beyond those already occurring.

2. *To allow for water-based recreation and related uses.*

Comment: The replacement jetty will facilitate the continued use of the site for water-based recreational uses in a practical manner.

3. *To provide for sustainable fishing industries and recreational fishing.*

Comment: The jetty is replacing the existing jetty generally like for like and will not result in any additional impacts beyond those already occurring.

4. *To enable development that does not detract from the visual qualities of the natural foreshore.*

Comment: The jetty is replacing the existing jetty generally like for like and will not result in any additional impacts beyond those already occurring.

5. *To enable development that supports the viability of adjoining land-based development.*

Comment: The replacement jetty will facilitate the continued use of the site for low density residential purposes.

In our opinion the proposal is consistent with the relevant objectives of both the R2 Low Density Residential zone and W2 Recreational Waterways zone as detailed above. The proposal is intended to facilitate a replacement jetty in a generally like for like fashion only.

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 – Great Lakes Local Environmental Plan 2014
Site Area : 705.4m ²

LEP Provisions	Complies/Comments
4.3 Height of buildings A maximum building height of 8.5m is prescribed for the site.	The proposed development is set generally at ground level (existing).
4.4 Floor space ratio A maximum floor space ratio of 0.5:1 is prescribed for the site.	The proposal will not contribute any additional floor space to the site as the structure is of an unenclosed nature.
5.7 Development below mean high water mark This part of the LEP requires that any works below the mean high watermark receive development consent.	The entire jetty, including those parts below the mean high water mark, is the subject of this development application.
5.21 Flood planning This part of the LEP provides numerous controls ensuring that works within the flood planning area are undertaken appropriately with regards to numerous considerations.	<p>The subject site is located within the flood planning area in accordance with Council's flood constraint mapping.</p> <p>The structure will be readily capable of being able to be designed to withstand the forces of flooding. It is expected that details concerning this can reasonably be provided at the construction certificate stage.</p>
7.1 Acid sulfate soils The site is identified as class 1 and 2 on the ASS lands mapping.	<p>No works to the ground levels are proposed with the pylons to be driven into the ground below water level.</p> <p>Subsequently, no ASSMP is considered necessary.</p>
7.10 Limited development on foreshore area	
(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	The proposal is for a replacement jetty in a generally like for like manner with no additional impacts upon the foreshore area expected.
(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes— (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	The proposal is for a jetty, which satisfies (c).

<p>(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</p>	
<p>(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land is located, and</p> <p>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development will not cause environmental harm such as—</p> <p>(i) pollution or siltation of the waterway, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns, and</p> <p>(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</p> <p>(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change has been considered.</p>	<p>Refer to the comments in the LEP discussion above. The proposal is considered to readily achieve the objectives of both the R2 and W2 zones.</p> <p>The jetty is of a comparable size to that of the existing jetty and will incorporate the use of hardwood timbers throughout, ensuring compatibility with other minor jetty structures in the immediate area.</p> <p>The pylons are to be driven into the ground and will not result in any impacts associated with siltation or the like. The footprint of the jetty is generally the same as existing and will not result in any additional coverage of the water or marine environment.</p> <p>The jetty is of a comparable size to that of the existing jetty and will not create any additional crowding or congestion in the immediate area.</p> <p>No public access currently exists or is anticipated in the vicinity of the site.</p> <p>The site does not include any areas of significant value as noted in this clause and the proposal will therefore not result in any impact upon such values.</p> <p>The replacement jetty is not considered to have any adverse impact upon the amenity or aesthetic appearance of the foreshore in the immediate area given the context of the site and the presence of similar surrounding structures.</p> <p>The jetty is not expected to contribute to, or be affected by, climate change impacts.</p>

(4) In this clause, foreshore area means the land identified as "Foreshore Area" on the Foreshore Building Line Map.	Noted.
7.11 Development on the foreshore must ensure access	
<p>In deciding whether to grant consent for development on the foreshore, the consent authority must consider whether and to what extent the development would encourage the following—</p> <p>(a) continuous public access to and along the foreshore through or adjacent to the proposed development,</p> <p>(b) public access to link with existing or proposed open space,</p> <p>(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,</p> <p>(d) public access to be located above mean high water mark,</p> <p>(e) the reinforcing of the foreshore character and respect for existing environmental conditions.</p>	No public access currently exists or is anticipated in the vicinity of the site.
7.21 Essential services	<p>All essential services associated with a residential location are already available and connected to the site.</p> <p>These are not expected to be affected by the proposal.</p>

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.

Chapter 2 of the SEPP contains provisions concerning development within the coastal zone. The subject site is identified as being within the Coastal Use Area and Coastal Environment Area. The relevant provisions of this SEPP have been addressed below demonstrating that the proposal has been suitably designed to respond to the site context within the coastal zone and suitably avoid or minimise environmental impacts.

TABLE 2: PROJECT COMPLIANCE – SEPP (Resilience & Hazards) 2021, Chapter 2	
Clause	Complies/Comments
Part 2.2, Division 3 - Coastal Environment Area	
2.10 Development on land within the coastal environment area (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following— (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes,	The proposed works are minor in nature and consist of replacement works only. The foreshore area is associated with the artificial canal only and not directly associated with Wallis Lake. Subsequently, no impacts associated with coastal processes, the ecological environment, marine vegetation, aboriginal cultural heritage and the like are expected as a result of the proposed development.

<p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	
<p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>N/A. No significant impacts are identified that would require any further design considerations.</p>
<p>(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</p>	<p>N/A</p>
<p>Part 2.2, Division 4 - Coastal Use Area</p>	
<p>2.11 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<p>The proposed works are minor in nature and consist of replacement works only. The foreshore area is associated with the artificial canal only and not directly associated with Wallis Lake.</p> <p>Subsequently, no impacts associated with foreshore access, overshadowing, view loss, scenic qualities, cultural heritage and the like are expected as a result of the proposed development.</p> <p>No further design considerations are considered necessary to be addressed with the proposal in keeping with the</p>

<p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>residential nature of the Forster Keys area.</p>
<p>(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</p>	<p>Noted.</p>
<p>Part 2.2, Division 5 - General</p>	
<p>2.12 Development in coastal zone generally—development not to increase risk of coastal hazards</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</p>	<p>The proposal is not considered likely to increase the risk of any coastal hazards associated with Wallis Lake.</p>
<p>2.13 Development in coastal zone generally—coastal management programs to be considered</p> <p>Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.</p>	<p>A coastal management program does not apply to the land.</p>
<p>2.14 Other development controls not affected</p> <p>Subject to section 2.5, for the avoidance of doubt, nothing in this Part—</p> <p>(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or</p>	<p>Noted.</p>

(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.	
<p>2.15 Hierarchy of development controls if overlapping</p> <p>If a single parcel of land is identified by this Chapter as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—</p> <p>(a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.</p>	Noted.

4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site is zoned R2 Low Density 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 jetty. 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 jetty. Subsequently, no impact upon koala feed species will occur and no further consideration of Chapter 4 of this SEPP is necessary.

4.5 Great Lakes Development Control Plan (GLDCP)

The Great Lakes DCP came into force on 4 April 2014. The DCP applies to the site and the proposed development. There are no specific controls relating to jetties within the DCP, however the proposal is considered to generally satisfy the objectives and intent of the DCP throughout the various sections.

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 a replacement structure of a minor nature.

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 waterfront 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 King George Parade. As the site has already been created, electricity, water, sewer, internet and telephone are also readily available.

5.3.2 Traffic, Parking & Access

The proposal will have no implications with regards to parking and traffic.

5.3.3 Hazards

The site is identified within the flood planning area. However, given the context of the proposal it is expected the replacement jetty can be constructed without creating any significant impacts with regards to flooding.

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 GLLEP 2014 and GLDCP and will not set any undesirable planning precedents.

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 R2 Low Density Residential Zone and W2 Recreational Waterways Zone under the Great Lakes LEP 2014 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 replacement jetty providing superior amenity for the future occupants. The proposal is generally compliant with the provisions of the GLDCP, 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.