

Statement of Environmental Effects

Lot 551 DP 635385
17A Pacific View Drive, Hallidays Point.

Proposal

Alterations to existing dwelling (commenced)
Cut and fill (commenced)

Background

- On the 10 March 2025, Council issued a Stop Work Order with directions as follows:

- (1) *Stop all building works carried out in contravention of the Act*
- (2) *Stop all subdivision works carried out in contravention of the Act.*

Particulars:

- (a) stop carrying out all building works associated with the dwelling on the premises.*
- (b) stop carrying out all earthworks on the premises.*

All works were immediately ceased in accordance with the Order.

- On 18 March 2025 Council issued a Notice of Intention to Issue an Order.
- On 12 May 2025 a meeting was held between the owner and Council. An email from Council's Compliance Officer dated 14 May advised as follows:

*"As per Direction (1) of the Restore Works Order (EN2025/0269), Council approves the following works only, as identified in the Soil and Water Management Plan by LSW Surveyors (dated 19/03/2025). These works must be completed by **Monday 9 June 2023** and must be completed in accordance with the erosion and sediment control noted outlined in the plan.*

- Construct 'west upslope diversion drain' and re-establish batter.*
- Construct 'east upslope diversion drain' and re-establish batter.*

As discussed, the works approved above do not completely satisfy Direction (1) of the Restore Works Order which requires all elements of the unlawful earthworks to be addressed. Given your intention to lodge a development relating to the outstanding unlawful works, Council will grant an extension to the timeframe under the Restore Works Order as follows:

PERIOD OF COMPLIANCE WITH THE ORDER (s27 of Part 11 of Schedule 5 of the Act)

*The order is to be complied with in full by 5.00pm **Monday 16 June 2025.**"*

This Development Application is lodged as per discussions with Council's Compliance Officer.

Site Details:

- ◆ Lot 551 DP 635385
- ◆ 17A Pacific View Drive, Hallidays Point.
- ◆ Area: 1.034 hectares
- ◆ Current use: dwelling house
- ◆ Local Environmental Plan: Greater Taree Local Environmental Plan 2010
- ◆ Zone: R5-Large Lot Residential

The site is a battle-axe allotment located on the southern side of Pacific View Drive, Hallidays Point. The battle-axe handle is currently unformed. It is expected that Council will require this access to be formed if consent is granted to a proposed subdivision Development Application No. 2025/0370. A dwelling with detached garage is located on the site.

Discussions with a neighbour identified that the dwelling, to their knowledge, has not been occupied for at least 20 years. Vegetation had grown both over the roof and into the dwelling. To ensure no further water damage into the building the roof has been replaced. Internal gyprock was covered in mold and has been removed.

Consent is sought for the following:

◆ **Alterations to existing dwelling (commenced)**

The following works have been carried out:

- Removal of non load bearing single brick wall dividing living area from kitchen
- Reposition non load bearing frame between the living area bedroom 1 by one (1) metre

It is proposed to:

- Remove and replace all existing timber framed windows and sliding doors with aluminium windows and doors. The laundry door to be replaced with a glass door and the front door with a new timber door.
- Refurbish the bathroom, ensuite, kitchen and laundry.

All new gyprock will be installed on the walls and ceiling within the dwelling.

There are no changes to the external facade and all internal changes are non-structural. It is not intended to alter the internal sewer.

◆ **Cut and fill (commenced)**

In relation to the cut and fill the following has been carried out:

- Cut area 400 Sqm approx. along northern boundary. It is intended to retain the cut with a rockwall and batter. At the bottom of the cut 100ml agline will be installed to dispose of all water behind the rockwall.
- Fill area adjacent to proposed new subdivision boundary. The fill provides an area

that gently slopes from the rear of the dwelling. It is intended to batter this area providing a mowable area.

A plan is submitted detailing cut and fill including batter to fill and sedimentation fence. All cut-fill material is obtained from and retained on site.

A Stormwater Strategy (LSW, 2025) has been prepared to accompany this DA. The stormwater strategy includes drainage works and construction of a landscaped berm around the benched area and existing dwelling. The strategy has been lodged with the plans for this application.

The Stormwater Strategy assesses pre and post development water quality using MUSIC stormwater modelling.

The stormwater will be treated by a combination of traditional drainage measures – as well as water sensitive urban design (WSUD) techniques to achieve Council's Stormwater Quality Management objectives for the site.

The strategy includes roof water from the existing dwelling and shed to be captured by a 20kL rainwater tank utilised for part re-use and stormwater detention.

There is an existing on-site site septic tank that will be decommissioned and connected to new sewer main.

Adjoining landuses

Similar large lot residential development to the north, east and west contain established dwellings. Land to the southern boundary includes an unformed road reserve with a fire trail.

Services

Electricity, sewer and reticulated water are connected to the site.

Bushfire

Councils' records indicate that the land is bushfire prone. The majority of the site is Bushfire Prone Buffer with a small section in the south-eastern section Bushfire Prone Vegetation Category 1.

A Bushfire Report utilising the NSW Rural Fire Service 'Building in Bush Fire Prone areas Single Dwelling Application kit is lodged with this application. It is determined that the existing dwelling construction requirements is BAL-19. Notwithstanding, it is proposed to install new aluminium windows including glass up to BAL-29 with aluminium mesh screens. Further to this Development Application No. 2025/0370 for a two (2) lot subdivision recommends, specifically in relation to the existing dwelling, that the dwelling be upgraded to improve ember protection.

The Statement of Environmental Effects for the subdivision also recommends, amongst other matters, that the existing driveway be upgraded in accordance with the acceptable solutions of BPB, including provision of a turning head at the existing dwelling.

Local Environmental Plan

The land is zoned R5 Large Lot Residential under the provisions of Greater Taree Local Environmental Plan 2010 (LEP).

The proposal is for alterations to an existing dwelling and cut and fill and is permitted with consent pursuant to Clause 2.6 of the LEP.

Clause 2.3(2) of the LEP provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R5 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 not considered to be contrary to the objectives of the zone. The proposal does not impact upon environmentally sensitive locations or scenic quality. The proposal does not hinder the proper and orderly development of urban areas in the future. The development does not increase the demand for public services or public facilities. The proposal does not create conflict between land uses within the zone or land uses within adjoining zones.

Part 7 Additional local provisions

7.3 Earthworks

(1) The objectives of this clause are as follows -

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without separate development consent.

2) Development consent is required for earthworks unless - (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been	(a) The work is not exempt development under this Plan or another applicable environmental planning instrument. (b) the work is not ancillary to other development.
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given.	
<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters -</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>(a) subject to the installation of suitable drainage and construction of the retaining wall the proposal will not impact upon drainage patterns or soil stability in the locality.</p> <p>(b) the cut and fill will not create an adverse impact on the likely future use or redevelopment of the land. The cut will provide increased amenity to the use of the land giving access to the yard and stop rainwater from pooling at the side of the house.</p> <p>(c) the fill used was sourced from the excavation on the site.</p> <p>(d) the development will not create an adverse impact on the amenity of adjoining properties. The fill has been wholly contained with the existing site. The neighbour to the north has indicated that he is in favour of the excavation.</p> <p>(e) the excavation material from the site was used to fill.</p> <p>(f) An AHIMS search dated 17 May 2025 has shown 0 aboriginal sites recorded or aboriginal places declared in or near the subject site.</p> <p>(g) There are no mapped watercourse in the locality of the site. The cut and fill will not create an adverse impact upon drinking water catchment or environmentally sensitive area.</p>