

2 June 2025

The General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

Dear Sir,

SUBJECT: STATEMENT OF ENVIRONMENTAL EFFECTS
PROJECT: PROPOSED CONSTRUCTION OF MULTI DWELLING
39 JAMES FOSTER DRIVE, HALLIDAYS POINT (LOT 57 DP 1072968)

1. Introduction

This Statement of Environmental Effects applies to the construction of a Multi Dwelling at 39 James Foster Drive, Hallidays Point (Lot 57 DP1072968). The proposed development is to be located is shown in **Figure 1**.

Figure 1a - Site Location

N ^ - Source: Midcoast Council Online Mapping



The decision-making process for the proposed development falls under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The Council, in deciding whether consent should be granted, must examine and take into account relevant matters for consideration. This report is intended to assist in this decision making process and to provide information that satisfies the requirements of Section 4.15 of the EP&A Act as addressed in **Table 1**.

Table 1 Section 4.15 Matters

(a) the provisions of: (i) any environmental planning Instruments;	All relevant provision of the <i>Greater Taree Local Environmental Plan 2010</i> has been considered within this report.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	Draft Midcoast LEP will come into effect later this year. The proposed development is permissible under the provisions of the Draft LEP.
(iii) any development control plan	The relevant provisions of the Greater Taree Development Control Plan 2010 are addressed within Section 4 of this report.
(iiia) and 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 subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	Not Applicable.
(v) (Repealed)	-
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and	See below.

social and economic impacts in the locality;	
- context and setting	The subject land is in a residential precinct in the Hallidays Point locality. The proposed development is considered consistent with the general context and setting in the locality.
- Access, transport, and traffic	The proposal is consistent with the scale of development indicated in Council's planning policies and is not expected to adversely impact on the function of the local road network.
- Utilities	The subject land is serviced by all essential services.
- Heritage	Not applicable.
- Flora and Fauna	The proposed does not require the removal of any significant vegetation to facilitate the development.
- Natural Hazards	The subject site is mapped as bushfire prone land and no other natural hazards are present that would preclude its development. A bushfire assessment for the proposed development concludes that the development can comply with the requirements of Planning for Bushfire Protection 2019 (RFS, 2019).
- Site Design and Internal Design.	Site design and Internal design is considered appropriate.
(c) The suitability of the site for the development	
Does the proposal fit within the locality?	The proposal is compatible with existing and likely future developments within the surrounding locality.
Site attributions conducive to the development	The site attributions are conducive to development for multi dwelling housing.
(d) Any submissions made in accordance with this Act or the regulations;	For Council consideration.

The proposed development is not integrated development. This SEE provides and assessment of the impacts of the proposed multi-dwelling development.

The proposed development concept was presented to Councils Development Assessment Panel on 11 June 2024. A copy of the minutes of that meeting are attached. The matters raised by Council at the meeting have been addressed within this Statement.

2. Development Permissibility

The land is zoned R1 General Residential under the provisions of Greater Taree Local Environmental Plan 2010 and the proposed development, being multi dwelling housing, is permissible with Council consent.

The R1 Land Use Table in LEP 2010 is as follows:

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Advertising structures; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings;

The relevant objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

It is submitted that the proposed development is wholly consistent with, and will meet, the above-mentioned objectives of the R1 zone.

Multi-dwelling housing is permissible in the R1 zone with Council consent.

An assessment against the principal development standards and local provisions of LEP 2010 is provided below.

Clause 4.3 Height of buildings max limit of 8.5m high

- The dwellings are double storey and the height is below 8.5m.

Clause 4.4 Floor space Ratio max 0.6:1

- Proposed FSR is 0.29:1.

Clause 5.1 Heritage Conservation

- The subject site has no items of environmental heritage.

Clause 7.1 Acid sulphate soils

- The subject site is identified as partly containing Class 5 potential acid sulphate soils. The proposed development will not impact on ASS.

Clause 7.11 Essential Services

- The site is connected to essential services including suitable road access, reticulated water, sewerage and power.

3. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 updates and consolidates into one integrated policy SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

An integrated and coordinated approach to land use planning is promoted by the SEPP. It defines the four coastal management areas in the Act through detailed mapping and specifies assessment criteria that are tailored for each coastal management area. Councils and other consent authorities must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The four coastal management areas are:

- Coastal wetlands and littoral rainforests area; areas which display the characteristics of coastal wetlands or littoral rainforests that were previously protected by SEPP 14 and SEPP 26.
- Coastal vulnerability area; areas subject to coastal hazards such as coastal erosion and tidal inundation.
- Coastal environment area; areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included.
- Coastal use area; land adjacent to coastal waters, estuaries and coastal lakes and lagoons.

Each coastal management area has differentiated objectives under the Act, which respond to their social and environmental values and key threats. The objectives for each management area are to be achieved using both strategic and site-specific approaches. When considering individual development proposals, councils and other consent authorities will give effect to the Act's objectives by applying the development controls in the new planning policy.

The subject land is identified within the Coastal Environment Area. The relevant provisions of the SEPP are addressed below.

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,

(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,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(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,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

The proposed development will impact on any items listed above.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The siting of the proposed development is considered appropriate to ensure that any impacts identified in subsection (1) are avoided.

4. The Proposed Development

The proposed development includes:

- the construction of a seven (7) unit multi- dwelling development each comprising 3 bedroom with double garage;
- Five visitor parking spaces;
- Concrete driveway with access to James Foster Drive; and
- Associated stormwater infrastructure, water quality treatment areas and landscaping.

Lot 57 has a site area of 3895m². The site is slopes slightly from north to south. The site is connected to reticulated water, sewerage, stormwater, power and telecommunications. There is no waterway that traverses the site.

The architectural plans accompanying the Development Application were prepared Tim Cross Building Design and are attached to the Development Application.

The proposed development utilises a building form that is characteristic of the low-density residential area surrounding the site. This includes the use of a mixture of materials and colours, cladding and typical house roof form. As such, the proposed development will appear from James Foster Drive as being residential in character.

There are no existing trees to be protected during construction. The landscaping will have no negative impact on flora and fauna and may provide a new habitat for bird life. Indigenous species natural to the local area will be given preference over other species. The species chosen will be sun hardened and drought tolerant to prevent excessive water usage. The landscaping will not disturb any local utility services or cause damage to any structural components of the dwellings. The garden base will be mulched to help prevent weeds. The plantings will be kept low to maintain surveillance and reduce crime. The plantings will help reduce heat and glare from the built hard surfaces.

5. Development Control Plan 2010 Assessment

Part H of Council's Development Control Plan 2010 outlines the requirements for residential development on appropriately zoned residential in the Taree area. Part H states:

The Greater Taree LGA features a range of residential zones which permit a variety of residential accommodation types and densities within existing urban areas and future release areas. This chapter establishes the objectives, principles and controls which will guide the design of residential development in the LGA.

The objectives of Part H are as follows:

- *Encourage a variety and choice of housing types and sizes in localities;*
- *Ensure new housing integrates with the surrounding scale and character of the locality;*
- *Ensure that the impact of new housing on the amenity of surrounding properties is minimised.*

The proposed development is wholly consistent with the objectives of Part H of DCP 2010.

An assessment against the relevant performance provisions of Part H2 and H3.4 is provided below.

H2.1 Site coverage – max 65% - proposed development site coverage is 40.2%.

H2.3 Building Height – max 8.5m - proposed development height is less than 8.5m, being 7.3m.

H.2.4 Private Open Space - 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. 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. The proposed development complies with this requirement.

H2.6 Solar Access - 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 proposed development complies with this requirement.

H2.7 Acoustic & Visual Privacy- The proposal is single storey and with the main living areas of all dwellings being located on the ground level to ensure the privacy and noise levels between neighbours will be acceptable. No adverse acoustic or visual impact to neighbours will occur.

H2.8 Views- No substantial loss of views is evident due to the surrounding land being relatively flat there are no prominent landforms visible to be obscured.

H2.9 Safety, security & entrances- All dwellings will have their entrances facing the common driveway to provide security and privacy to the front doors. All dwellings have windows facing the driveway to allow surveillance of approaching traffic. External security lighting will be provided to entrances to all dwellings.

H2.10 Fencing – All boundary fences will be constructed with colourbond fencing of a colour that is suitable in a town setting.

H3.4 Lot Size - Lot 57 has an area of 3895m² which is less than the minimum 1000m² required lot size for multi-unit housing. A variation to this requirement is sought on the basis that the proposed development complies with all other development controls contained within DCP 2010.

H3.4 Setbacks. – The setback from Wingham Road is greater than 7 metres.

The minimum side and rear required setback is calculated using the formula: 2.25m + H/4 - Where H = the height of the ceiling of the topmost storey above any point along the line indicating unexcavated level of the land. On this basis setbacks of 3.62m would be required. The development does comply with the required setbacks to the eastern boundaries with a 6m setback being provided.

H3.4 Car Parking & Driveways -All car parking and driveways comply with DCP requirements.

H.3.4 Private Open Space –

The useable private open space per ground level dwelling should not total less than 35m², where:

- *The minimum dimension in any direction is 4m.*
- *The open space contains an area not less than 16m² with a minimum dimension of 4m and is directly accessible from the living room of the dwelling.*

The open space areas are shown on the Development Plans. They achieve the area and dimension requirements and are directly accessible from the living areas of the dwelling.

H3.4 Storage –

Storage of 6m² is required and provided as shown on the Development Plans.

6. Environmental Assessment

There will be no adverse environmental impacts from the proposed development as outlined below.

Vegetation

There is no native vegetation to be removed for the proposed development.

Contamination

The subject land is identified as not potentially contaminated on Council's mapping.

Acid Sulfate Soils

The site is classified as Class 5 Acid Sulfate Soils under the provisions of GTCC LEP 2010. There will be no impact on acid sulfate soils from the proposed development.

Aboriginal Heritage

There are no known Aboriginal heritage items on the land.

Bushfire

The subject land is classified as bushfire prone buffer on Council's mapping as shown in Figure 2. A Bushfire Assessment is included with the Development Application and demonstrates compliance with Planning for Bushfire Protection 2019.

Figure 2 – Bushfire Mapping

N ^ - Source: Midcoast Council Online Mapping



Traffic and Access

The proposed development will generate additional traffic movements on James Foster Drive. It is submitted that James Foster Drive has the capacity to cater for the increase in traffic and the proposed development will have no adverse traffic impact. Access arrangements are considered appropriate and comply with the requirements of DCP 2010.

Flooding

The subject land is not classified as flood prone buffer on Council's mapping.

Stormwater and Water Quality

A Stormwater Management Plan and Report for the proposed development has been prepared by Hay Consulting and Engineering in accordance with MidCoast Councils' Site Stormwater Drainage Guidelines (2024).

This plan is included with the Development Application and demonstrates that the management and treatment of stormwater from the proposed development can be effectively achieved.

7. Conclusion

Information presented in this Statement of Environmental Effects indicates that the construction of a Multi Dwelling Housing Development at 39 James Foster Drive, Hallidays Point, (Lot 57 DP1072968), is consistent with the relevant Local and State planning instruments. The potential impact of the proposed development has been examined in detail and the environmental impacts have been found to be acceptable or able to be managed so that there are no detrimental impacts. The proposed development will not adversely impact upon the surrounding environment.

Yours faithfully

Midcoast Planning

A signed copy can be provided upon request.

TONY FISH

Town Planner