

NOTES & LEGEND: -

- 5.99 DENOTES SPOT HEIGHT
- ← INDICATES DIRECTION OF OVERLAND FLOW

SITE PLAN

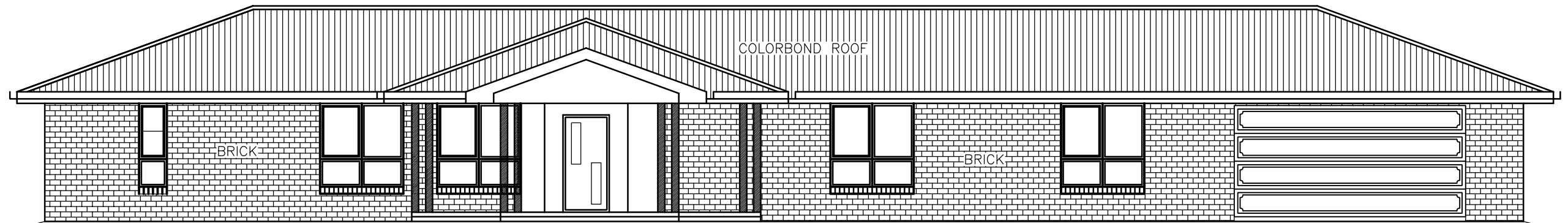
GENERAL SCALE, 1:1000

NOTE;
DWELLING TO HAVE A FLOOR
LEVEL OF R.L.7.60

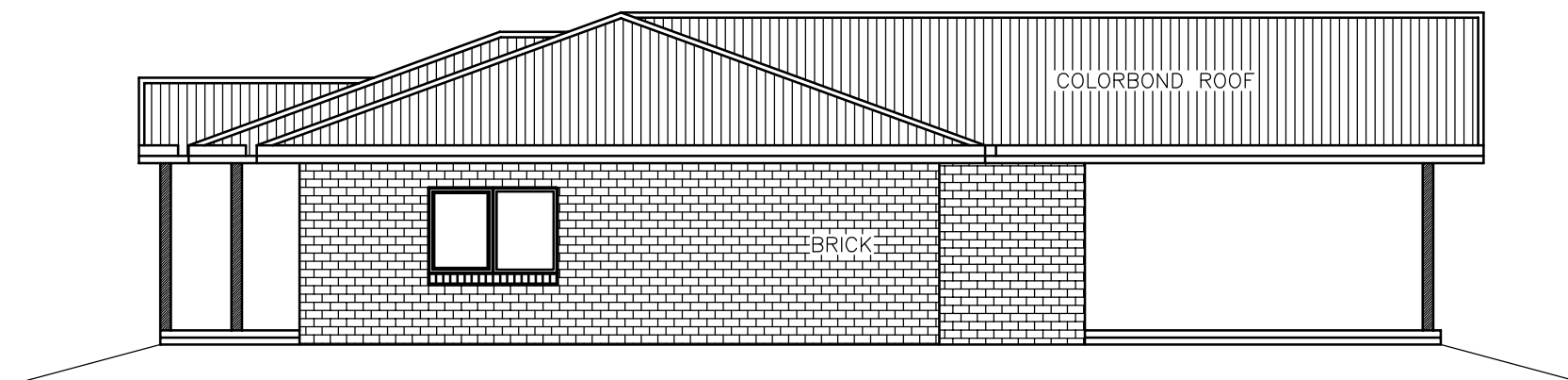
PROPOSED BRICK VENEER DWELLING (CONCEPT PLAN ONLY) FOR
RENAE JOHSTON GREEN, BACK LANE, JUNCTION HILL

SHEET 2

NOTE,
ALL MEASUREMENTS, LEVELS TO BE THOROUGHLY CHECKED
BEFORE CONSTRUCTION COMMENCES, PLEASE DO NOT
SCALE OFF PLANS, IF IN DOUBT, PLEASE CHECK OR ASK.
21st AUGUST, 2020, P.J. DOUGHERTY, 11 BANKSIA STREET, GRAFTON. 2460. PHONE: 0266424521. MOBILE: 0437 424521. EMAIL ADDRESS, peter@pddrafting.com.au



FRONT (BACK LANE, EASTERN) ELEVATION



END (NORTHERN) ELEVATION

GENERAL NOTES

- BRICK VENEER
- METAL ROOF
- 20° PITCH
- 600mm EAVE
- CONC. SLAB ON A MOUND
- CEILING HEIGHT 2.44m

LEGEND

- ☼ SMOKE DETECTOR
- TO COMPLY WITH AS3786
- CONNECT TO CONSUMER MAINS
- INSTALL IN CEILING
- T-TILES
- C-CARPET
- DP-DOWN PIPE
- FW FLOOR WASTE

VENTILATION NOTES

- PROVIDE EXHAUST FAN IN E/SUITE & BATHROOM
- KITCHEN CANOPY TO BE VENTED THROUGH ROOF

TOTAL AREAS

- TOTAL AREA (FOOTPRINT) 376m2

NOTE;
DWELLING TO HAVE A FLOOR
LEVEL OF R.L.7.60

PROPOSED BRICK VENEER DWELLING (CONCEPT PLAN ONLY) FOR
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SHEET 4

Attachment B

From: Clarence Valley Council
Sent: Fri. 23 Oct 2020 12:54:09 +1100
To:
Subject: DA Submission - DA2020/0536 Back Lane Junction Hill NSW 2460 - Carol McDonald
Attachments: Attachment A-watercourse b.png, Attachment B-heavy rain impact.jpg

Hi,

Thank you for your submission on DA2020/0536 Back Lane Junction Hill NSW 2460 via our online Development Application Submission form. Please find below the details of your submission for future reference:

Your Reference : S-2020-00081

Timestamp : Friday, October 23 2020 at 12:54:08 PM

Submission Details:

Item on public exhibition :

DA2020/0536 Back Lane Junction Hill NSW 2460

Comments:

I own a property in Pine Street, Carrs Creek (Junction Hill) which is to the north of the proposed development. I object to the proposed DA in its present form, as it does not address the hydrological impact on the surrounding area.

As the subject land is low-lying, it provides a natural watercourse for stormwater to the north of the subject land, including Barnier Park, that then flows towards Koolkhan Creek. The proposal does not address the impact on the existing watercourse and the consequential change to the waterflow, during both heavy and flood rains.

During heavy rain, Pine Street (between Back Lane and the rail line) floods to a depth of approximately 300mm and is inaccessible to normal vehicles due to the inability of the water to flow to Koolkhan Creek in a timely manner. During flood rains, Pine Street has been closed to all traffic.

To enable the proposed building envelope to support habitable buildings, then the floor level must be at least 500mm above the 1% flood level or even higher to be above Probable Maximum Flood (PMF). Since the DA has provided for a very large building envelope/footprint, it is not unreasonable to expect this will be built-up with land fill to support habitable buildings. A significant amount of landfill will be required to achieve this, and this will change the existing waterflow.

Since the proposed access is from Back Lane, then to achieve all weather access, additional fill will be required which will have a further negative impact on the natural watercourse.

The impact on the natural watercourse by the proposal, causing the slowing of the waterflow, will have a detrimental impact on the road and other properties to the north of the subject land. As the DA does not address this significant issue, I believe the Council would be remiss to approve the proposal.

Attachments

- A: Map showing 1% flood level and natural watercourse
- B: Photo of Heavy rain causing minor flooding

You have indicated you have not made a political donation or gift to a Clarence Valley Council employee or councillor in the last 2 years.

Contact details:

Name: Carol McDonald

Email:

Contact number:

Address:

Additional supporting documents:

Additional supporting document-1 : Attachment A-watercourse b.png

Additional supporting document-2 : Attachment B-heavy rain impact.jpg





BACK LANE

BARNIER
PARK

**MINOR FLOODING RESULTING FROM HEAVY RAIN
(NOT FLOOD RAIN)**

PINE
STREET

From: Clarence Valley Council
Sent: Fri, 23 Oct 2020 12:07:32 +1100
To:
Subject: DA Submission - DA2020/0536 Back Lane Junction Hill NSW 2460 - Vicki Alvos
Attachments: Clarence Valley Council submission DA20200536.pdf, Pine Street cnr Back Lane - marshy area.jpg

Hi,

Thank you for your submission on DA2020/0536 Back Lane Junction Hill NSW 2460 via our online Development Application Submission form. Please find below the details of your submission for future reference:

Your Reference : S-2020-00080

Timestamp : Friday, October 23 2020 at 12:07:32 PM

Submission Details:

Item on public exhibition :

DA2020/0536 Back Lane Junction Hill NSW 2460

Comments:

Attention James Hamilton - as discussed yesterday I have attached my submission plus two photos.

I also want to make note that when the initial development notice was sent to me it showed the closing date as 2 October. I was only alerted to the new closing date by a neighbour who saw the sign on the fence which had been almost obscured behind long grass in what appeared an attempt to conceal it.

You have indicated you have not made a political donation or gift to a Clarence Valley Council employee or councillor in the last 2 years.

Contact details:

Name: Vicki Alvos

Email:

Contact number: -

Address:

Additional supporting documents:

Additional supporting document-1 : Clarence Valley Council submission DA20200536.pdf

Additional supporting document-2 : Pine Street cnr Back Lane - marshy area.jpg



Clarence Valley Council
Environment, Development & Strategic Planning Section
Attention: James Hamilton

Re: DA2020/0536 Lot 2 DP 816125

Dear James

I spoke to you yesterday regarding the above application. While I don't have a direct objection to the building envelope application I do have an objection to the total area that has been indicated on the plan I was sent.

It is my belief the only suitable area for a building to be erected is in the south west corner of the block as the north east section has a natural waterway running through it as can be seen when looking at the block. There is a pipe runs under Pine Street between Back Lane and the North Coast Railway line that allows for the flow of water which not only runs through the block but also runs under Back Lane, feeds into land owned by Don Morgan, then continues on to adjoining properties.

It is my concern the quality and use of agricultural land downstream of this flow would be dramatically impeded. It would also cause a back-up of run-off water into property owned by Chris McDonald on the northern side of Pine Street.

I believe there is an environmental risk involved with allowing a building development approval on any part of the land that is affected by this waterway which is invaluable during rainfall periods for water to be allowed to follow its natural course and fill dams further downstream. During the recent drought the dams were reduced to puddles the size of a dinner plate (or dried completely) – it would be tragic if that was allowed happen (and become the normal state of these dams) because of human intervention.

I request full environmental assessment is undertaken by your environment and planning teams before this DA is allowed to progress further and that if a building entitlement is permitted it is in a very limited section of the block .

Vicki Alvos

From: Clarence Valley Council
Sent: Thu, 22 Oct 2020 19:42:07 +1100
To:
Subject: DA Submission - DA2020/0536 Back Lane Junction Hill NSW 2460 - Keith Payne

Hi,

Thank you for your submission on DA2020/0536 Back Lane Junction Hill NSW 2460 via our online Development Application Submission form. Please find below the details of your submission for future reference:

Your Reference : S-2020-00079

Timestamp : Thursday, October 22 2020 at 7:42:06 PM

Submission Details:

Item on public exhibition :

DA2020/0536 Back Lane Junction Hill NSW 2460

Comments:

Hi Guys

Just wondering how this small portion of land is classified Rural being the size it is where primary production is very limited as a business.

Being a local there is a very active water coarse running through the low point of that block in heavy rain events that needs to be maintain with no impact of flow.

Local rain water "run off " already over tops Back Lane and Pine Streets in heavey rain events and this issue may needs councils improvements to help overcome any problems if any development is engaged on this property as it may adversely contribute to ongoing flow and erosion problems.

A dwelling should be allowed as per every Australian dream

You have indicated you have not made a political donation or gift to a Clarence Valley Council employee or councillor in the last 2 years.

Contact details:

Name: Keith Payne

Email:

From: Donald Morgan
Sent: Thu, 22 Oct 2020 11:03:24 +1100
To: Council Email
Cc:
Subject: Submission re Notice of Development Application DA2020/0536 at Back Lane, Junction Hill

Att: James Hamilton

Dear Sir/Madam,

Re: DA2020/0536
Proposed Development: Building Envelope at Back Lane, Junction Hill (Lot 2 DP816125)

We are the owners of 8 Coval Drive, Junction Hill

The subject property to which the Development Proposal relates forms part of an unnamed water course. Water flows from the area west of Barnier Park and the Pine Street Athletics Fields, crossing Pine Street and then through the property to cross Back Lane, into our property and the other agricultural properties further downstream. We have a dam in the watercourse, which forms an integral part of our primary production activities, and is fed through this system. Any pollution or other environmental hazard would be detrimental to this entire watercourse.

At present, water drains through the culvert under Back Lane. During periods of very heavy rain, this water will (at present) back up into the subject property and onto the traffic road way as it drains away. If the water flow is impacted by development, this may cause the water to back up further and in turn cause even more impact the Back Lane traffic safety.

As neighbours to the proposed development, we ask that Council undertake steps to ensure due diligence and consideration be given to safeguarding that water flow and quality in the watercourse is not adversely affected by any proposed development.

Thank you for the opportunity to make a submission on the proposal.

Best regards,
Don & Margaret Morgan

SECTION 4.15 EVALUATION FOR DA2020/0536
- Lot 2 DP 816125- Back Lane JUNCTION HILL NSW 2460

Proposal: Development Application DA2020/0536 was lodged for a concept DA at Back Lane, Junction Hill with Stage 1 establishing abuilding envelope and Stage 2 being a separate DA for the dwelling. The lot does not have dwelling entitlement as it does not meet the minimum 40 hectare lot size required for the erection of a dwelling under Clause 4.2B Council received advice from NSW Department of Planning Industry and Environment that Clause 4.6 cannot be used for a concept DA and that Concurrence would not be granted unless the Applicant amended the DA to be for a dwelling. The Applicant has sought a Clause 55 amendment to the existing application to now propose a dwelling and provided all necessary supporting for a dwelling.

(1) Matters for consideration – General

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 the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy No. 55 Remediation of Land

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development in 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.*

No change of use to the lot is proposed. The land is considered suitable for the proposed development. After carrying out the initial evaluation there is sufficient information demonstrating that the land is suitable for the proposed use in accordance with the Policy. No further investigation is required and the application can be determined in the normal way.

State Environmental Planning Policy (Coastal Management) 2018

The subject land is not located within the Coastal Zone

Clarence Valley Local Environmental Plan 2011

The subject land is zoned RU1 Primary Production under the provisions of the Clarence Valley Local Environmental Plan 2011. The proposed development is not inconsistent with the following objectives of the zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To prevent dispersed rural settlement.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure development is not adversely impacted by environmental hazards.*

Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones

The subject site does not have a dwelling entitlement by virtue of advice given under SCH2013/0065. The lot does not meet the minimum lot size of 40ha for the site. Refer to clause 4.6 variation below.

Clause 4.3 Height of Buildings

No maximum building height applies to the site.

Clause 4.6 Variation to Development Standards

Lot 2 does not have dwelling eligibility by virtue of the size of the land. The land is in the RU1 zone which requires a minimum lot size of 40 hectares for the construction of a dwelling on the subject site. The land is 2.6 hectares. Clause 4.2B of the LEP states that development consent must not be granted for erection of a dwelling house on land unless the lot is:

- (a) *a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#),*
or
- (b) *a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement,*
or
- (c) *a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (d) *an existing holding, or*
- (e) *a lot created under clause 4.1A(4), or*
- (f) *a lot created following a boundary adjustment, but only if a dwelling house or dual occupancy could be erected on the lot immediately before that boundary adjustment under paragraph (a), (b), (c), (d) or (e).*

The applicant has provided a written request to vary a development standard pursuant to Clause 4.6 of the LEP, that being the 40ha minimum lot size for a dwelling on the subject site under Clause 4.2B (3) (a). The objectives of Clause 4.6 are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Subclause 4.6 (3) requires that:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided the following justification for Council to consider their request to vary the minimum lot size for a dwelling:

- There are suitable areas to build on the lot above the 1 in 100 year flood height,
- The proposed dwelling is in keeping with the locality and will utilise existing infrastructure therefore not placing an unreasonable increase in demand,
- The locality of the site means it will have limited impact on the natural environment,
- The primary production and agricultural viability of the land has been compromised by the previous subdivision of the land.
- The proposal does not lead to fragmentation or alienation of resource lands,
- Supporting a dwelling on the land will not result in land use conflict due to the existing land use and subdivision pattern of the locality,
- The proposal does not result in dispersal of the rural settlement given its proximity to Junction Hill, and
- The erection of a dwelling will not be impacted by natural disasters.

Comment

In accordance with Clause 4.6(4)(a) of the LEP, Council staff consider that the written request adequately addressed the matters required to be considered under Clause 4.6(3). The applicant has demonstrated that the development standard is unreasonable or unnecessary in the circumstances, there are sufficient environmental planning grounds to justify contravening the development standard and no precedent will be set for the following reasons:

- The development site shares a boundary with the adjoining residential zone.
- There is suitable road access and public utilities to adequately service the site and the development is unlikely to result in an unreasonable demand for public services or facilities.
- The size of existing Lot is considered too small to be agriculturally viable in its own right and will not lead to rural land fragmentation.
- The development is not inconsistent with the Clarence Valley Settlement Strategy in that the land adjoins a residential zone which helps reinforce the identity of Junction Hill as a "vibrant and self reliant village".
- The development will result in the creation of a large residential lot for dwelling purposes which is consistent and of an appropriate character to the surrounding area and subdivision patterns within the vicinity of the development.
- The location of the proposed dwelling is located on flood free land.
- The development is not inconsistent with the objectives of the RU1 zone.

The concurrence of the Department of Planning, Industry and Environment has also been granted in this instance under the provisions of Clause 4.6(4)(b) for the following reasons:

1. The proposal does not raise any matters of State or regional planning significance; and
2. There is minimal public benefit in maintaining the 40 hectare minimum lot size development standard given the existing surrounding rural residential and rural lifestyle land uses.

Therefore, it is recommended that a variation to the 40ha minimum lot size for the subject site be supported to allow the proposed dwelling on a 2.63ha lot.

Clause 5.10 Heritage Conservation

The subject site is not within a heritage conservation area and is not in proximity to any heritage items. An AHIMS search did not reveal any items of significance within 200m of the subject site.

Clause 7.1 Acid Sulfate Soils

The subject site contains Class 4 potential Acid Sulfate Soils, due to the nature of the site and works proposed no excavation is proposed therefore acid sulfate soils will not be disturbed.

Clause 7.2 Earthworks

The proposed development does include importation of some fill to create a mound for the dwelling in order to raise above flood heights. It will be necessary that fill used is suitable for the purpose and conditions are included that sediment and erosion controls be implemented until grass cover can be established.

Clause 7.3 Flood Planning

The subject site is within the flood planning area, the refined building location with the revised proposal has located the building outside of the 1 in 100 year flood event, as are all works associated with the fill to be imported. It is therefore deliberated that the proposed development will not have a detrimental impact to flood behaviour, events or increase risk to property.

Clause 7.8 Essential Services

The subject site has access to water and electricity, there is suitable area on-site for an OSM, further the site has frontage to a Council maintained road.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

Nil.

- (iii) **any development control plan, and**

The Rural Zones Development Control Plan applies to the subject site.

Clause	Control	Complies
C4: Assessment	Impact on primary	The proposal has minimal

Clause	Control	Complies
considerations in determining Development Applications	production, adjoining land, vegetation values, water, riparian areas, heritage values and visual rural character. Constraints and access.	impact on the agricultural values of the land, it is not considered to significantly impact on the adjoining land, vegetation, and water. There are no identified riparian areas; the AHMIS search reported no items of significance. The proposal is not considered to adversely impact on the visual rural character of the area. The site has suitable access from a Council road and the proposal has addressed the site constraints and topography.
C5: Setbacks	Front setback of 10m, rear and side setback of 3m	Front setback of 60m and side setbacks of 15m and 42m.
C8: Provision of essential services	Access to electricity, and a Council road. The site does not have access to sewer, or stormwater management.	Yes - the lot has access to telecommunications, electricity and no on-site detention will be required. Suitable area is available on-site for an OSM system. The lot has frontage to a Council maintained road.
C14: Waste management	Dispose of waste suitably	Yes - the proposed waste management plan is acceptable and has been conditioned to be complied with, additionally, during the occupation phase of the dwelling the site will be serviced by Council's waste service.
Part G: Sustainable water controls	Minimise impact on water quality and hydrology. 3 star rated fixtures and dual flush toilets.	Not applicable to lots over 1ha
Part H: Erosion and sediment control	Prevent land degradation and soil erosion	Yes - the submitted erosion and sediment control plan is deemed to be acceptable and has

Clause	Control	Complies
		been conditioned as such.
Part R: Biodiversity and habitat controls	Minimise impact on biodiversity and habitat	No clearing proposed.

- (iii) **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, and**

N/A.

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The proposed development is not inconsistent with the prescribed matters.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The proposed development is not likely to impact on the built environment of the locality as the building will largely be in accordance and is generally located at the rear of the property therefore is not considered to dominate the streetscape or rural character. It is expected that there will be minimal impact on the natural environment as no major earthworks or vegetation removal are proposed.

Socially and economically, the proposed development will have a positive impact through the creation of an additional dwelling allotment in a rural character within close proximity to the village.

Biodiversity Conservation Act 2016

The proposed development does not require any clearing over the threshold and is not mapped on the values map.

- (c) the suitability of the site for the development,**

The applicant has provided the following justification for Council to consider their request to vary the minimum lot size for a dwelling:

- There are suitable areas to build on the lot above the 1 in 100 year flood height,
- The proposed dwelling is in keeping with the locality and will utilise existing infrastructure therefore not placing an unreasonable increase in demand,
- The locality of the site means it will have limited impact on the natural environment,
- The primary production and agricultural viability of the land has been compromised by the previous subdivision of the land.
- The proposal does not lead to fragmentation or alienation of resource lands,
- Supporting a dwelling on the land will not result in land use conflict due to the existing land use and subdivision pattern of the locality,
- The proposal does not result in dispersal of the rural settlement given its proximity to Junction Hill, and

- The erection of a dwelling will not be impacted by natural disasters.

(d) any submissions made in accordance with this Act or the regulations,

The Application was advertised and notified between 7 October and 23 October 2020, 4 submissions were received. The initial application included only a dwelling envelope which was shown as being over the rear half of the site as shown below in Figure 2. The main issues raised in the first notification period related to the hydrological impact of the dwelling on the natural flow and movement of water through the locality. Other issues such as dwelling type, appearance and location of the dwelling have been resolved as a result of amending the application in response to the Departments advice. Revised Plans show the dwelling as brick dwelling on a raised mound in the north western corner of the site. Subsequently no submissions were raised during the second notification period.

Comment

Submissions received for this development noted concern regarding the potential impact of stormwater flows in peak events. Revised plans have been submitted refined the proposed building location and indicate fill for the dwelling to achieve the nominated floor level, up to 1m of fill will need to be imported. Generally, stormwater flows through the site are defined within a small gully, from the northern boundary on Pine Street falling to the eastern boundary on Back Lane. The property is also affected by the 100-year flood event, though it is noted that the proposed dwelling location (and fill footprint) is situated outside of the affected areas of the site. The development does not appear to influence the local stormwater issues or be affected by major flooding.

(e) the public interest.

As stated above, there is no public benefit in maintaining the 40 hectare development standard in this instance as the land is already fragmented into lots of significantly less than 40 hectares.

Officer: James Hamilton, Development Planner

Date: 9/08/2021