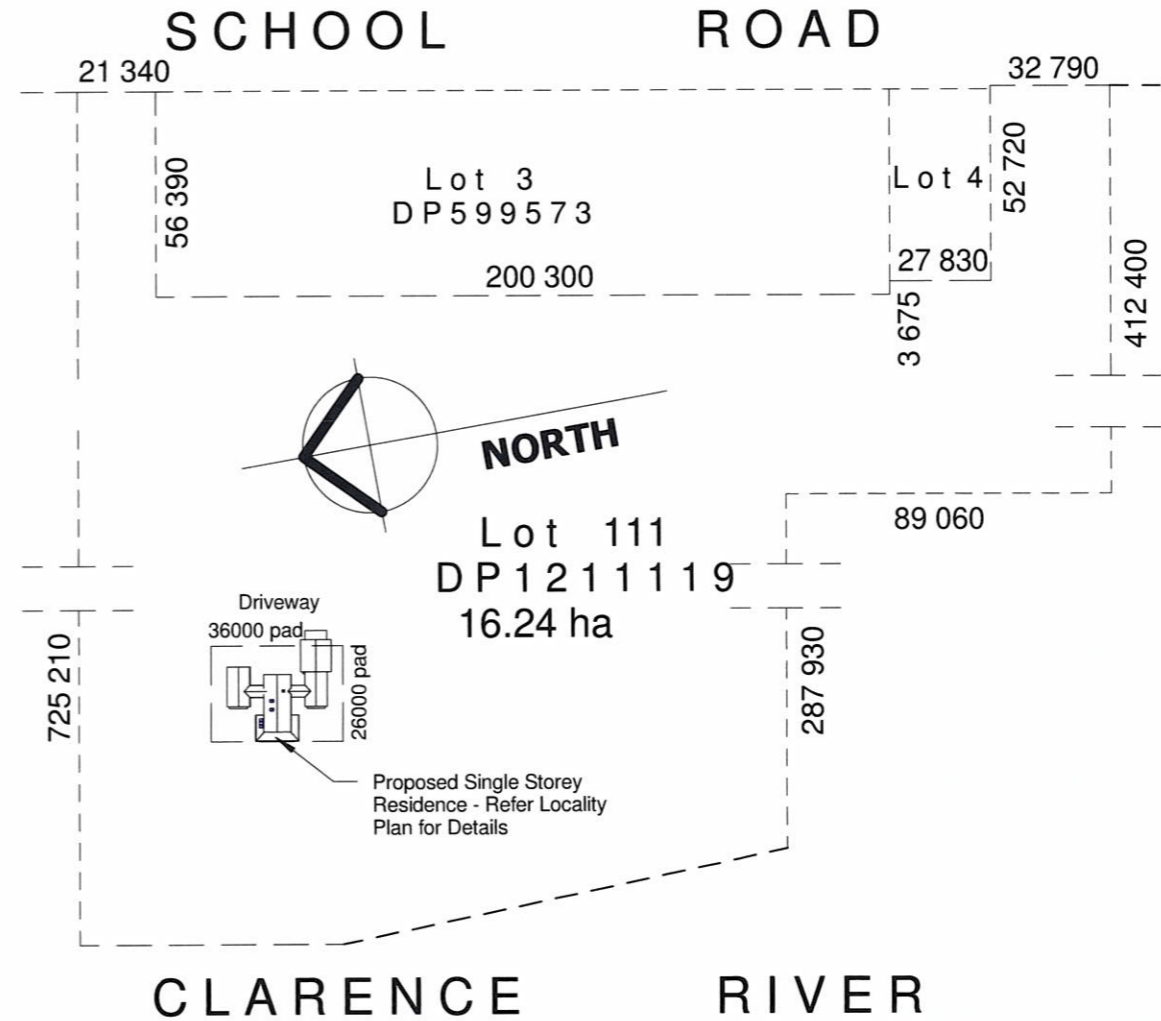


1 Locality Plan
1 : 200



2 Site Plan
1 : 2000



Sediment and Erosion Control

- All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.
- All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
- Disturbance of the site must be minimised.
- A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site. Sediment fencing is to be trenched in at least 150mm and buried with the ends turned upslope.
- Where catchment area is more than 0.5Ha direct up slope runoff around the site, by use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
- Vehicular access is to be restricted to one stabilised access point which is to be constructed of 40mm crushed stone aggregate or recycled concrete 150mm deep, 2.5m wide and extend from the kerb line to the slab or building line or for at least 15m on rural allotments.
- Stockpiles of erodable materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
- Stockpile material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
- Immediately following installation of the roof cladding, all guttering and downpipes are to be connected to the stormwater system. Inspection of the frame is not to be arranged until this completed.
- All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
- All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.
- All disturbed areas are to be made erosion resistant by revegetation (i.e. min. 70% coverage), turfing or stabilised by paving on completion of works and prior to occupation and/or use of the building or, all necessary erosion and sediment control devices are to be left in place.

Drawing List				
Sheet Number	Sheet Name	Sheet Issue Date	Designed By	Checked By
DA01	Cover Sheet & Site Plan	12/07/21	A.B.	A.B.
DA02	Ground Floor Plan	12/07/21	A.B.	A.B.
DA03	Garage Floor Plan & Door Schedule	12/07/21	A.B.	A.B.
DA04	Window Schedule	12/07/21	A.B.	A.B.
DA05	Elevations Sheet 1	12/07/21	A.B.	A.B.
DA06	Elevations Sheet 2	12/07/21	A.B.	A.B.
DA07	Section & Notes	12/07/21	A.B.	A.B.
DA08	3D Views	12/07/21	A.B.	A.B.
DA09	Perspectives	12/07/21	A.B.	A.B.
DA10	Shadow Diagrams - June 21	12/07/21	A.B.	A.B.
DA11	Shadow Diagrams - March/Sept 21	12/07/21	A.B.	A.B.
DA12	Shadow Study - June 21	12/07/21	A.B.	A.B.
NP01	Notification Plan	12/07/21	A.B.	A.B.

P. & M. Dougherty
Proposed New Residence at Lot 111, DP 121 1119, 135 School Road, Palmers Island 2463

No.	Description	Date
A	Issue for Council	12/7/21

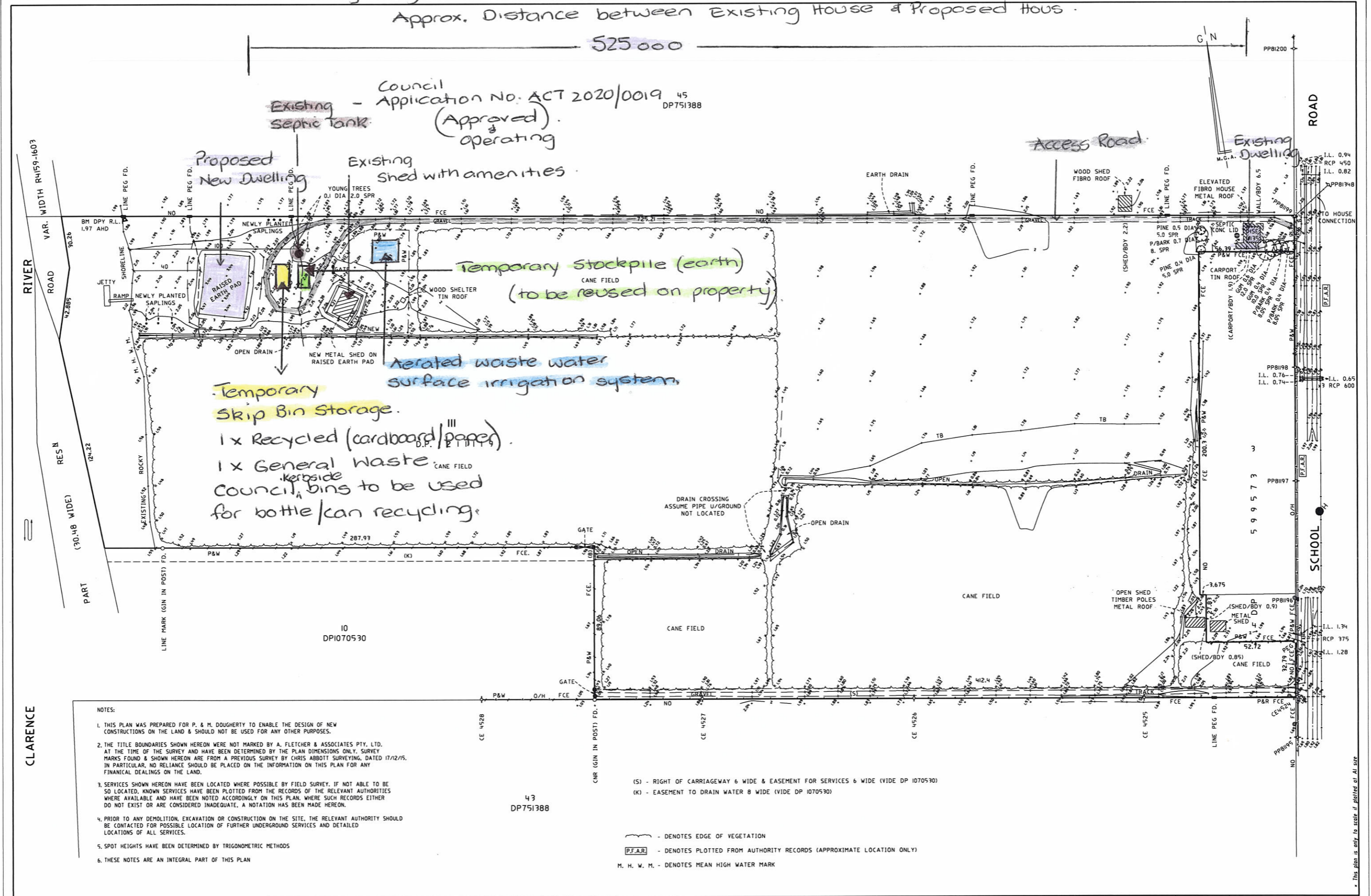
YAMBA DESIGN & DRAFTING
ARCHITECTURAL & STRUCTURAL DRAFTING
23 Admiralty Court, Yamba NSW 2464
Ph 6646 3140 Mob 0411 193 021
Email: bolte23@bigpond.com

Cover Sheet & Site Plan		
Project number	20-107	DA01
Date	12/7/21	
Drawn by	A. Bolte	ScaAs indicated (A3)
Checked by	A. Bolte	

Approx. Distance between Existing House & Proposed Hous.

525.000

Existing - Application NO. ACT 2020/0019 45
 (Approved) DP751388
 Council operating



Proposed New Dwelling

Existing Shed with amenities

Temporary Stockpile (earth) (to be reused on property)

Aerated waste water surface irrigation system

Temporary Skip Bin Storage.

1 x Recycled (cardboard/paper) bins

1 x General Waste bins

Council kerbside bins to be used for bottle/can recycling

- NOTES:
- THIS PLAN WAS PREPARED FOR P. & M. DOUGHERTY TO ENABLE THE DESIGN OF NEW CONSTRUCTIONS ON THE LAND & SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
 - THE TITLE BOUNDARIES SHOWN HEREON WERE NOT MARKED BY A. FLETCHER & ASSOCIATES PTY. LTD. AT THE TIME OF THE SURVEY AND HAVE BEEN DETERMINED BY THE PLAN DIMENSIONS ONLY. SURVEY MARKS FOUND & SHOWN HEREON ARE FROM A PREVIOUS SURVEY BY CHRIS ABBOTT SURVEYING, DATED 17/12/15. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS ON THE LAND.
 - SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE SO LOCATED, KNOWN SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF THE RELEVANT AUTHORITIES WHERE AVAILABLE AND HAVE BEEN NOTED ACCORDINGLY ON THIS PLAN. WHERE SUCH RECORDS EITHER DO NOT EXIST OR ARE CONSIDERED INADEQUATE, A NOTATION HAS BEEN MADE HEREON.
 - PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.
 - SPOT HEIGHTS HAVE BEEN DETERMINED BY TRIGONOMETRIC METHODS
 - THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN

(S) - RIGHT OF CARRIAGEWAY 6 WIDE & EASEMENT FOR SERVICES 6 WIDE (VIDE DP 1070530)

(K) - EASEMENT TO DRAIN WATER 8 WIDE (VIDE DP 1070530)

--- DENOTES EDGE OF VEGETATION

[P.F.A.R.] DENOTES PLOTTED FROM AUTHORITY RECORDS (APPROXIMATE LOCATION ONLY)

M. H. W. M. - DENOTES MEAN HIGH WATER MARK

CLARENCE

KEY - TOPOGRAPHICAL		KEY OF COMMON SERVICES DESIGN	
Property Boundary	---	ELECTRICITY	—
Top Bank	---	TELSTRA	—
Bot. Bank	---	SEWER	—
Fence	---	WATER	—
Permanent Survey Mark	□	DRAINAGE	—
Bench Mark	△	INTERALLOTMENT DRAINAGE	—
Survey Mark	△		

REV.	DATE	DRN.	CHK.	DESCRIPTION

A. FLETCHER & ASSOCIATES Pty Ltd
 Land and Engineering Surveyors
 Development Consultants
 86 Victoria Street, P.O. Box 1213, Grafton, 2460
 Ph: (02) 6642 3300, Fax: (02) 6642 5590
 Email: a.fletcher@afletch.com.au

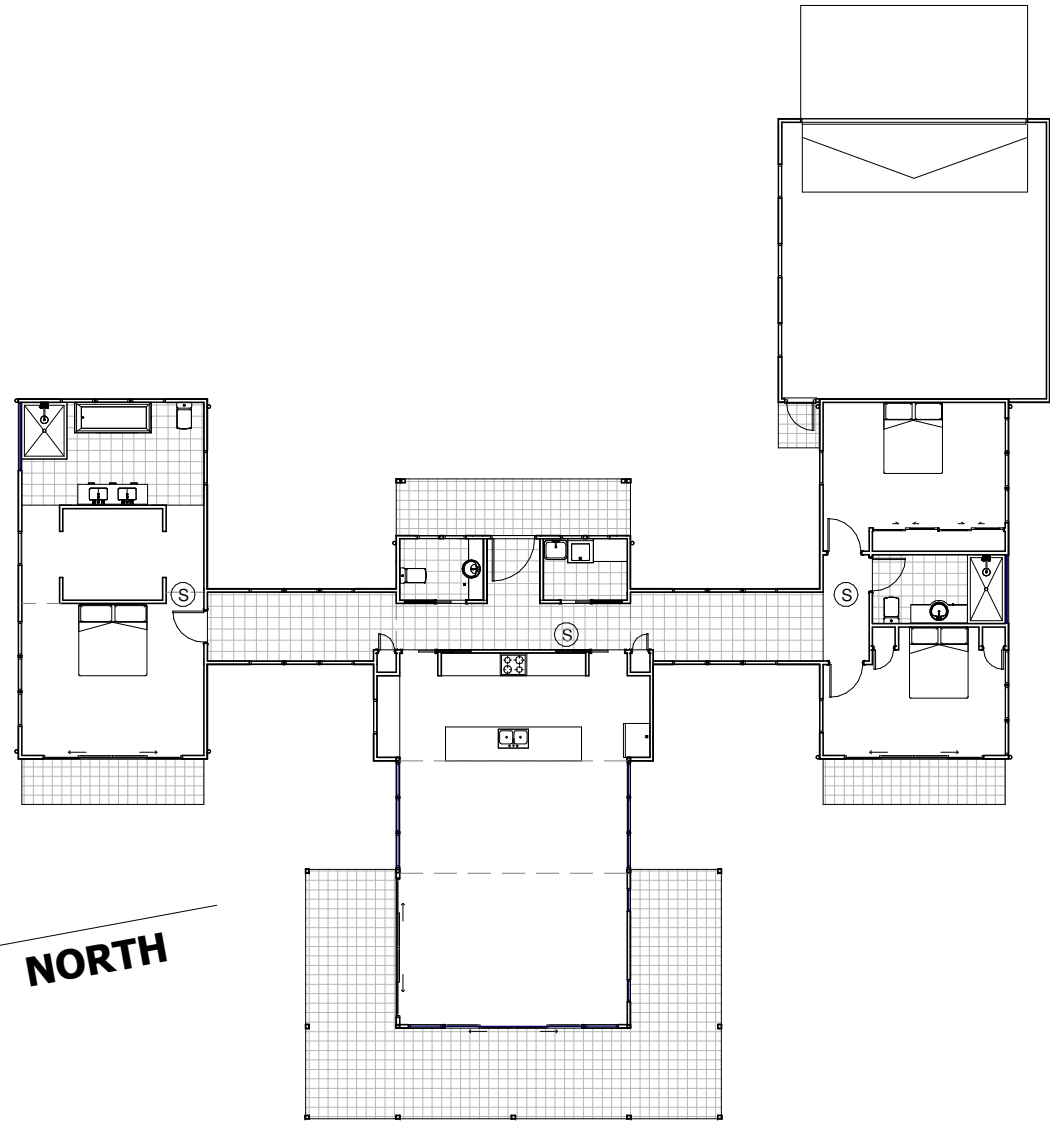
PLAN OF DETAIL SURVEY OF LOT III DPI21119
 135 SCHOOL ROAD, PALMERS ISLAND

CLIENT: P&M DOUGHERTY

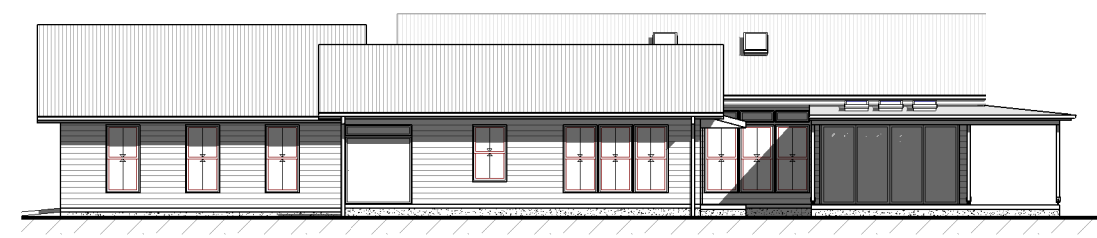
SURVEY: AW	DRAWING No. 9306 DET
DESIGN: PM 67076	ORIGIN: PM 67076
DRAWN: RT	R.L. 1546 AHD
DATE: 08/06/2018	C.I. 1m
SCALE: 1:1000	
CAD REFERENCE: Z:\9306\09\9306DET.DGN	Revision:

WATER	SEWER	U/G DRAINAGE	TELECOM	GAS	ELECTRICITY
CHKD	CHKD	CHKD	CHKD	CHKD	CHKD

This plan is only to scale if printed at A1 size



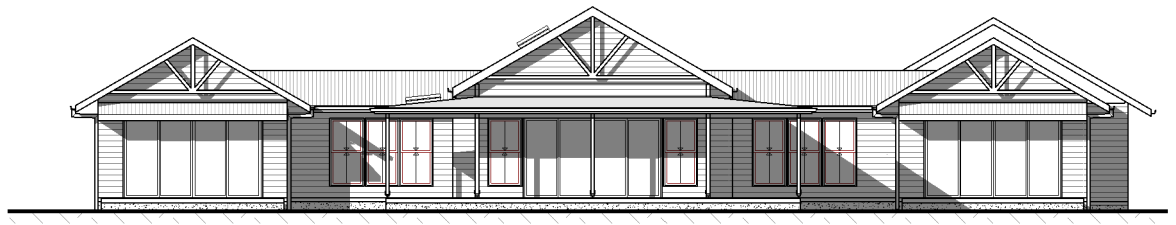
1 Site Notification Plan
1 : 200



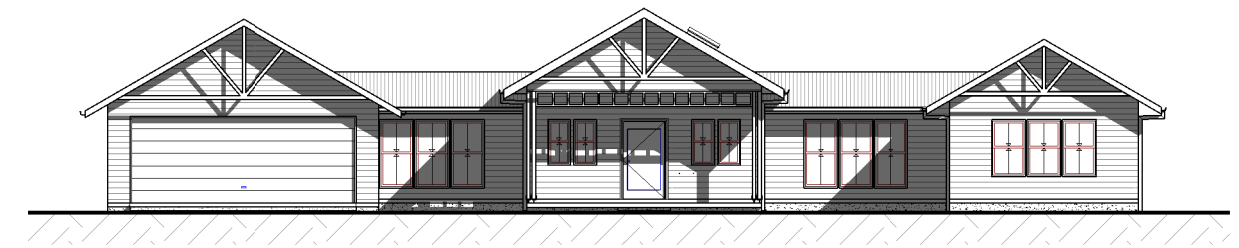
3 North Elev.
1 : 200



4 South Elev.
1 : 200



2 West Elev.
1 : 200



5 East Elev.
1 : 200

P. & M. Dougherty
Proposed New Residence at Lot
111, DP 121 1119, 135 School
Road, Palmers Island 2463

No.	Description	Date
A	Issue for Council	12/7/21

YDB
YAMBA DESIGN & DRAFTING
 ARCHITECTURAL & STRUCTURAL DRAFTING
 23 Admiralty Court, Yamba NSW 2464
 Ph 6646 3140 Mob 0411 193 021
 Email: bolte23@bigpond.com

Notification Plan		
Project number	20-107	NP01
Date	12/7/21	
Drawn by	A. Bolte	
Checked by	A. Bolte	
		Scale 1 : 200 (A3)

SECTION 4.15 EVALUATION FOR DA2021/0782
- Lot 111 DP 1211119- 135 School Road PALMERS ISLAND NSW 2463

Proposal: Construction of one (1) additional single storey dwelling to create a detached dual occupancy, located on an existing pad.

- The dwellings are proposed to have the same access point to the connecting road.
- There will be two on-site sewer management systems, being one for each dwelling.
- The additional dwelling consists of three (3) bedrooms, dining, kitchen, a bathroom, ensuite, living area, entry/ porch, two (2) hallways, two (2) porches adjoining the north western bedrooms, a porch adjoining the living room and a double garage.

(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 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.*

The subject land contains two (2) existing pads which were approved 27 January 2016 under DA2016/0012. Planning files on record and information provided by the Applicant from the certifying engineers indicate material used to fill the site has generally come from suitable sources. The site historically has been used for crop growing, under previous ownership this included sugar cane until 2018 when released from assignment by the New South Wales Sugar Milling Co-operative Limited in the letter dated 24 July 2018. The site contains an existing residential dwelling fronting School Road. Historical imagery indicates that the historical use of the land has been crop growing for sugar cane with the exception of the existing house for residential purposes. Mapping does not identify any cattle dip sites in close proximity to the subject land. The location of the additional dwelling has been converted from the surrounding farmland to a filled pad. Therefore, it is deliberated the subject land is suitable for the proposed construction of an additional dwelling as a detached dual occupancy and continued mixed use of residential and agriculture (tea tree).

State Environmental Planning Policy (Coastal Management) 2018

The subject land is located within the coastal zone, coastal use area and coastal environment area under the SEPP.

Coastal Environment Area are land adjacent to coastal waters, estuaries, coastal lakes and coastal lagoons where impacts of development on the use and enjoyment of the beaches, foreshores, dunes, estuaries, lakes and the ocean needs to be considered.

Clause 13 – Development on land within the coastal environment area

The development is not considered 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 development is designed, sited and will be managed to avoid / minimise any adverse impact referred to above.

The proposal is for an additional dwelling as a detached dual occupancy on Lot 111 DP 1211119 and is approximately 400m from the Clarence River foreshore with the benefit of direct frontage and access to the river, also being utilised by the existing pontoon approved 8 April 2016 under DA2016/0034. The proposal is considered to not impact the coastal environment area identified under the SEPP, the lot is not located near any headland and will not change public foreshore access. The proposal is suitable subject to appropriate conditions and management of the site during works and will not impact the coastal environment.

Clause 14 - Development on land within the coastal use area

The proposal does not have direct frontages to any foreshore, beach, headland or rock platform available to the public. Therefore, it is not likely to adversely impact on public access to the abovementioned coastal use areas.

Clause 15 - Development in coastal zone generally—development not to increase risk of coastal hazards

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land. The development is not inconsistent with the coastal management plans applying to the land.

Clause 16 - Development in coastal zone generally—coastal management programs to be considered

The proposed development is not considered to be inconsistent with relevant policies adopted by Council.

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* (herein referred to as "the LEP"). The proposed construction of an additional dwelling to create a dual occupancy upon the land is permissible with consent in the zone. The proposed development is consistent with the 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.*

The proposal provides for the housing needs of the community and is consistent with the character of development in rural zones. Additionally, the development is deemed suitable for the land and sustainably utilises existing services and the existing building pad which was approved under DA2016/0012.

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

The minimum lot size for the subject RU1 zoned land is 40ha and the lot size consists of 16.24ha which is under the minimum lot size, the land contains an existing dwelling and is considered to have entitlement for the additional dwelling as a detached dual occupancy.

Clause 4.2D: Erection of dual occupancies (detached) and secondary dwellings in Zones RU1, RU2 and R5:

The proposed development will utilise a single driveway access to the Council maintained road and the additional dwelling is setback 555m from the front boundary and the additional dwelling is situated within 580m of the existing dwelling, to reduce adverse impacts on the surrounding development and the agricultural viability of the land. The applicant has applied for a Clause 4.6 Variation to vary the maximum 100m distance applicable to detached dual occupancies, see further discussion below. There is adequate area identified for the effluent disposal. While the surrounding lots predominately contain single dwelling houses, the proposal is not considered to be out of character with the surrounding development and does not present any adverse impacts on scenic amenity. Land within the locality to the south has been extensively developed into a holiday park containing many buildings and adjacent land to the east contains boarding kennels and cattery, in addition to a dwelling, these land uses are considered in the characteristics of surrounding development.

Clause 4.3: Height of Buildings:

The subject land does not have a maximum building height under the Clarence Valley Local Environmental Plan 2011. The proposed dwelling is not considered out of character with the surrounding development being a single dwelling on a filled pad. The proposed development is

not considered to impact on privacy or overshadowing. The development is considered to be generally consistent with the objectives of the clause.

Clause 4.6: Exceptions to development standards:

The applicant has proposed to vary the 100m maximum separation distance between rural detached dual occupancy dwellings under Clause 4.2B. The proposed additional dwelling is to be located approximately 580m from the existing dwelling on an existing approved pad on the property which does not experience flooding in a 1 in 100-year flood. The remaining area across the allotment is flood prone and the existing dwelling is raised.

Locating the additional dwelling within 100m of the existing dwelling has been reviewed by the applicant and deemed unsuitable as outlined in their justifications below. The applicant has highlighted the following matters in justifying their request to vary the 100m maximum distance between rural detached dual occupancy dwellings for the subject land as follows:

- a. Our application to construct a new dwelling to create a dual occupancy meets the objectives of Clause 4.2D and RU1 Primary Production zone, except for one, 4.2D(2)(c) 'any dwellings will be situated within 100 metres of each other.
- b. It would seem unreasonable and unnecessary in our circumstances, to build within the 100 metres of the existing cottage, as it would require removing existing tea tree crops and would also render the existing council approved house pad useless.
- c. The other alternatives, to meet the requirement, would be to either to build another flood free house mound and move the existing cottage to within 100 metres of the proposed secondary dwelling or decommission the existing cottage, rendering it useless as a much sought-after rental property or farm workers accommodation. Both these alternatives also seem unreasonable and unnecessary.
- d. The objectives of Clause 4.6 'Exceptions to development standards', is to provide an appropriate degree of flexibility in applying certain development standards to a particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. We believe, this objective of Clause 4.6 applies to our circumstance.
- e. The objectives of 4.2D and Zone RU1 Primary Production, in our circumstances, would be better met by utilising existing infrastructures such as the existing house pad and access road and therefore, limiting the impact on the primary production potential, rural character, and environment.
- f. Although the property is flood prone, the site chosen for the proposed dwelling is physically suitable as it will be built on an existing council approved flood mound, with existing road access. The rural character will remain intact, as it is in keeping with properties on either side of our property and along this section of the island. Adequate distance from neighbouring properties means the development will not impact on their amenity.
- g. The development will not impair the use of the land or any adjoining land for agriculture or rural industries as the site chosen is existing. The balance of the property is used for tea tree farming as are the neighbouring properties. The site chosen will have tea trees growing on three sides of the dwelling with the river on the 4th side.

- h. Both the existing cottage, existing farm shed, and the proposed new dwelling will use the same existing vehicular access to and from School Road. In addition, an existing council approved septic system is located between the farm shed and the proposed new dwelling.
- i. Utilising existing council approved infrastructure seems the most reasonable and sensible solution in addressing the objectives of the Clarence Valley Local Environment Plan 2011 and the Zone RU1 Primary Production.

Comment:

The request to vary the *Clarence Valley Local Environmental Plan* 100m maximum separation distance between detached dual occupancy dwellings on rural land has been assessed on its merit, taking into account the above discussion and points raised by the applicant it is considered there are suitable planning grounds to allow the proposal to proceed. Due the flood prone constraint of the site highlighted above by the Applicant, the proposed building site has been located on an existing constructed pad approved by DA2016/0012 that is not impacted by a 1 in 100 year flood event. The Applicant has suitably addressed the siting of the dwelling in response to constraints and the building site is appropriate for on-site effluent disposal. All the subject land is below the applicable planning flood level of 3.32metres AHD, except for the existing approved pad. However, the pad is located 580 metres from the existing dwelling, therefore the Applicant is seeking a variation to Clause 4.2D (2)(c) of the LEP. Furthermore, the location of the new dwelling within 100metre would impact on the agricultural viability of the land through removal of existing commercial crops.

Therefore, it is recommended that the variation to the 100m maximum separation distance between detached dual occupancy dwellings on rural land be supported to allow a 580m distance between the existing dwelling and the proposed dwelling for the purposed of a detached dual occupancy on the site.

Clause 5.10: Heritage Conservation:

The subject land is not within a heritage conservation area or in proximity to a heritage item. An AHIMS search on 12 October 2021 of the property did not reveal any items or areas of Aboriginal significance within a 200m radius of the site.

Clause 5.16: Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones:

The proposed development includes the erection of an additional dwelling and it is not considered to adversely impact on the surrounding preferred land uses. Existing and approved land uses that surround the subject site are mixed agricultural and residential, also adjacent are a holiday park and boarding kennels & cattery, which are deemed to influence the characteristics of the surrounding area. Therefore, it is considered the proposed development will not adversely impact on the surrounding rural character and is not deemed incompatible with surrounding land uses.

Part 6: Urban Release Areas:

The subject land is not located within an urban release area.

Clause 7.1: Acid Sulfate Soils:

The subject land is identified as being Class 1 & 3 land under the Acid Sulfate Soils map.

- Class 1: Acid sulfate soils in a class 1 area are likely to be found on and below the natural ground surface.

- Class 3: Acid sulfate soils in a class 3 area are likely to be found beyond 1 metre below the natural ground surface.

The works are not located in the Class 1 soils; therefore, works below 1m of the ground surface require an acid sulfate management plan. No significant earthworks are proposed as part of the development. The development is not considered to result in disturbance of these soils and the proposed development is not considered to be inconsistent with the objectives of the clause.

Clause 7.2: Earthworks:

There are no significant earthworks proposed as a result of this proposal. Sediment control fences will be required on-site to minimise the transport of sediment off-site and onto adjoining land for the duration of works. It is considered that the proposal is consistent with the objectives of the zone.

Clause 7.4: Floodplain risk management:

The subject site is identified as being flood prone. The proposal does not require fill to be imported to the site as it has previously been filled for two (2) pads approved under DA2016/0012. Therefore, this development is not considered to impact on the behavior or intensity of a flood event. All floor levels will be above the flood level 3.32metres AHD which is expected not to increase potential risk to human life or property. The proposed development is generally not inconsistent with the clause.

Clause 7.8: Essential Services:

The subject site has access to reticulated water, electricity and has an existing onsite wastewater system for the additional dwelling. Storm water will be dispersed across the site, as the site has been deemed to have adequate drainage for subsequent runoff produced by the land as per comments from Council's Development Engineer. The site has access to School Road, 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**

There are no draft environmental planning instruments that impact on the proposed development.

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

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

Clause	Control	Complies
C4: Assessment considerations in determining Development Applications	Impact on primary production, adjoining land, vegetation values, water, riparian areas, heritage values and visual rural character. Constraints and access.	The proposal has minimal 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 proposed dwelling is not considered to adversely

Clause	Control	Complies
		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 such as flooding, see LEP comments.
C5: Setbacks	Front setback of 10m, rear and side setback of 3m and a setback of 1.5m from services.	Yes the proposed setbacks comply, the front setback is 555m and the side setbacks are 133m and 20m. The dwelling is approximately 40m setback from the river boundary.
C7: Energy efficiency	Minimum requirements apply. Insulation for walls and roof/ceilings, glazing and hot water system.	A BASIX certificate has been submitted to address water and energy efficiency. A condition of consent to comply with all requirements of the certificate will be imposed.
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. The lot has frontage to a Council maintained road. There is an existing on-site sewer management system under ACT2020/0019.
C9: Development on flood liable land	Comply with Part D of the DCP	See comments under LEP 7.3 and Part D.
C11: Development of land with Acid Sulfate Soils	Minimise disturbance to acid sulfate soils	Yes - see comments under LEP above.
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 D: Floodplain management controls		The proposed development is considered not to adversely impact on flooding conditions. Additionally, the proposed finished floor level is above the required level.
F2: Number of parking spaces	Identified land use as Dual occupancy. 1 covered space per dwelling, located behind the building setback line.	Yes – 2 additional covered car spaces proposed.
Part G: Sustainable water controls	Minimise impact on water quality and hydrology. 3 star	A BASIX certificate has been issued and includes all fixtures having a 3

Clause	Control	Complies
	rated fixtures and dual flush toilets.	star rating.
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 been conditioned as such.
Part P: Palmers Island Riverbank Controls		Do not apply to the development, outside the identified area.
Part R: Biodiversity and habitat controls	Minimise impact on biodiversity and habitat	No clearing is required as part of the proposed development.

- (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 considered to be inconsistent with the prescribed matters, *Environmental Planning and Assessment Regulation 2000* – Clause 92.

- (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.**

There is no clearing or major earthworks proposed for the development, furthermore sediment and erosion controls will be implemented during the construction phase on-site which will help maintain water quality. The proposed development is not considered to impact on natural waterways or biodiversity.

The natural and built environment will change over time as the land is developed and used for agricultural purposes. The proposal is consistent with other structures in the surrounding locality. The development is deemed to sustainably utilise the existing infrastructure and services.

The proposed development is not considered to result in significant economic activity or employment generation. The construction of an additional detached dwellings will assist in providing additional housing to meet the needs of the community without compromising the agricultural viability of the land. There may be minor economic benefits if local labour and material are used for construction works. The development is not considered to impact on social wellbeing or cohesion. The detached dual occupancy will result in an additional residential dwelling being constructed to service the community.

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

The proposal is considered to be in accordance with development in the surrounding area and is providing one additional residential dwelling, which is additional housing to meet the needs of the

community that have access to relevant utilities and services. The flood prone constraints of the land have been addressed by locating the additional dwelling on the existing approved pad. It is deliberated that the subject site is considered to be suitable for the proposed development.

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

The proposed development was notified to adjoining landowners and advertised in accordance with the Community Participation Plan (CPP), and one (1) submission was received regarding the proposal during the exhibition period.

The submission raised the issues listed below:

- a) *Distances to boundaries not provided on the plan*
- b) *Dams have been dug and filled dispersed over the property, which are not indicated on the plans.*
- c) *Soil build up causing drainage issues, and subsequent deterioration of access roads.*
- d) *Reasons provided for the additional dwelling are not factual and subjective.*
- e) *Earthworks for existing dam and previous stockpiling of material onsite and being potential acid sulfate soils.*
- f) *Alternation of existing water flows draining off the land.*
- g) *Construction of the additional dwelling will impact the environment and keeping the existing dwelling in its current location does provide a reason to support the variation.*
- h) *The question "Is there any other relevant information to be considered to justify variation of the development standard(s)?" has not been adequately addressed in the Pre-DA form.*
- i) *The date for page 2 of the plans has not been updated with amendments and does not include existing works undertaken. Noting an extension to the existing 2 pads.*
- j) *Address impacts of acid sulfate soils on flora and fauna including run off into drains and channels.*
- k) *Existing stormwater is not adequate and causing localised flooding due to a redirection of onsite flows.*
- l) *Waste management plan provided is subjective and not factual.*

Comment:

The above issues were provided as a summary to the Applicant in Council's additional information request dated 5 October 2021 and a response was received which is outlined below. Consequently, further justification for the variation being sought was requested by Council and provided by the Applicant.

A copy of the approved plans for the two (2) pads under DA2016/0012 was provided to the submitter with the acknowledgement letter dated 5 October 2021, as the approved plans indicated the existing setbacks from the pad to boundaries.

The land is mapped as class 3 acid sulfate soils and in a class 3 area are likely to be found beyond 1 metre below the natural ground surface. The proposal is for construction of an additional dwelling and will not require disturbance of these soils, concerns raised about works on the land relate to the existing agricultural use of the land for tea tree plants. An onsite inspection highlighted an access road to the adjoining property via a right of carriageway had received recent works, however, had to drainage pipe which would cause overland stormwater flows to pool until it overtopped the raised access road. Existing drains were available onsite from the previous agricultural use of the land for sugar cane.

Applicant response in letter dated 6 October 2021.

Some of the points in the submission are not relevant to the Development Application for a dual occupancy, however the matters that have been addressed as part of this assessment:

a - Distances on the boundary are on another plan and have been emailed by council to the persons concerned.

b, e, f, j and k. These issues are not relevant to the DA but to allay concerns, any works carried out on our property have been surveyed and completed by professional contractors to improve existing stormwater drainage and natural flood water flows from neighbouring properties and our property. To improve stormwater flows, two dams have been created from existing ponding areas. Council have inspected these. We have grown crops over the areas of concern and have had absolutely no issues with the supposed acid sulphate soil in question.

d. and h. Council have asked for additional information, which has now been submitted.

i. Council are satisfied with the Waste Management Plan.

Council staff are satisfied the matters raised in the submission have been adequately addressed where relevant. The request to vary the 100metre separation distance has been adequately justified and has been discussed in detail under Clause 4.6 of the LEP considerations above.

(e) the public interest.

The public interest has been considered as part of this application. On balance the development is not inconsistent with the following objectives of the Act:

- (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 promote the protection, conservation and enhancement of native animals and plants, ecological communities and their habitats,*
- (f) to promote good design and amenity of the built environment,*
- (g) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (h) to provide increased opportunity for community participation in environmental planning and assessment.*

The public interest is maintained by the proposal as it is generally consistent with the relevant policies adopted by Council.

Officer: Alex Clark, Trainee Planner

Date: 12 October 2021