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Variation to LEP

Re: DA Application for Second Dwelling at 135 School Road, Palmers Island, 2463

Reason for Variation of LEP: The Distance from Existing Dwelling to the Proposed New Dwelling approximately 580 metres.

Reasons for building the second dwelling in this area:-

1. To take advantage of the Clarence River views and enjoy the balance of rural and riverfront lifestyle.
2. When we purchased the property there was an existing house pad that we hope to utilise.
3. It is conveniently close to the existing farm shed.
4. We would rather live closer to the river than the road.

The environmental effects of a second dwelling will be relatively the same regardless of the distance between the existing dwelling and the proposed new dwelling as all the services required for the secondary dwelling are currently in place including the access road, town water, off grid electricity and septic tank. These services are currently used for the farm shed that is in the same vicinity as the proposed secondary dwelling. The existing services for the farm shed will also be utilised for the secondary dwelling. Tank water for the secondary dwelling is part of the Development Application.

We do not want to have the existing dwelling decommissioned, demolished or relocated as we believe it to be unnecessary and unreasonable for the following reasons:-

1. The dwelling currently has long term tenants residing there. As there is a shortage of rental accommodation in the Clarence Valley it seems criminal to have the property decommissioned.
2. The existing house is a typical farm cottage with heritage style street appeal. It has been renovated to a high standard with the installation of solar panels.
3. There are no extra services required by keeping the existing dwelling apart from town water which will be compensated by utilising tank water.
4. The process of demolition would have an adverse effect on the environment.
5. The existing house is not suitable for our needs. It would be more environmentally friendly to keep the existing house where it is currently located and build a second dwelling, then go through the process to relocate it.

Please contact me if you require further information.

Paul Dougherty

27th August, 2021

6th October, 2021

Clarence Valley Council

Att: Alex Clark

Application No: DA2021/0782
Development Proposal: Construction of a new dwelling to create dual occupancy
Property Address: 135 School Road, Palmers Island NSW 2463
Legal Description: Lot 111 DP 1211119

Re: Request to vary Clause 4.2D(2)(c) of the Clarence Valley Local Environmental Plan 2011 'any dwellings will be situated within 100 metres of each other'.

Background Information:

1. The property has an existing cottage that fronts onto School Road, Palmers Island.
2. Our property and other properties throughout this area, are flood prone.
3. A house pad/flood mound was approved by Clarence Valley Council in 2017 – DA2016/0012 in order, to build a dwelling, out of flood.
4. The house pad is situated approximately 580 metres from the existing cottage.
5. An existing farm shed is located approximately 540 metres from the cottage and 40 metres from the house pad.
6. We purchased the property on the 26th March, 2018 with the existing council approved house mound.
7. We farm tea trees on the remaining section of the property.

Our application to construct a new dwelling to create a dual occupancy meets all the objectives and conditions of Clause 4.2D and Zone RU1 Primary Production, except for one condition 4.2D(2)(c) condition 'any dwellings will be situated within 100 metres of each other.

However, 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.

The other alternatives, to meet the condition, 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.

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.

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.

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.

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.

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.

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.

Paul Dougherty

Development Application submission



Submission date: **1 October 2021, 12:10PM**
 Receipt number: **61**
 Related form version: **21**

Contact details

First name **Suzanne**

Last name **Prosser**

Email

Phone number

Address

Suburb **Palmers Island**

State **NSW**

Postcode **2463**

Submission details

Development Application on exhibition **DA2021/0782 - 135 School Road Palmers Island**

Comments **I have sought Council Town planning advice and information regarding this submission to ensure that I was asking appropriate questions.**

Summary

All distances have not been provided from all boundaries

dams that have been dug and fill dispersed over property have not been represented. Soil built up on neighbour's fence lines so that drainage occurs into their property. Access Road to 109 School Road has been redone at our cost due to all the soil level movements (not due to general farming) and subsequent deterioration of our access road. Reasons for 2nd building entitlement are not factual and are of a subjective nature.

Statement for Sediment and Erosion Control Document.

The proponent has already dug two large dams and stockpiled the acid sulphate soil over the previous two years with no control measures. This fill was then distributed all over the property, altering the water fall so that it drained into our place and washed out our access road on a regular basis. The distribution of the contaminated soil was done in 40km/h winds so coated our freshly painted house and caused a large clean up. The proponent was notified and failed to do anything about it.

How is Council going to enforce the sediment and erosion control for this DA proposal as they haven't enforced previous works?

How often is Council going to inspect this site to ensure that further issues do not occur?

If Council is unable to qualify and answer these questions then this is an objection to the DA.

Variation to the LEP

Whilst I have read the letter that purportedly addresses why the proponent wants to add another entitlement to the property the statements as to why the old dwelling should be kept are not based on fact. Statements such as "it seems criminal to have the

property decommissioned....” Is not a factual reason to add an entitlement to the property.

Considering point 5 – “It would be more environmentally friendly to keep the existing house where it is currently located” - does not factually argue the case. If the statement more environmentally friendly was to be put forward then the 2nd building entitlement to build another house would be mute.

General pre-DA form document

Relevant information to be considered.... This question has not been addressed by the subjective response.

Page 2 of the plans is out of date and incorrect. It does not represent the works that have already been undertaken - extension of both the existing house pad and the shed/house pad.

Statement of environmental effects document

Environmental considerations - sediment control has been shown to be poorly attended to with the digging and distribution of acid sulphate soil in the last 2 years. The impact would need to be assessed by qualified people on flora and fauna as run off has occurred into drains and channels.

Is the land subject to flooding - yes that is correct. Is the house mound that is to be modified going to meet with the new height regulations for flood mitigation as the pad was originally built some time ago.

Storm water - as a neighbour we already have to deal with the redirected storm water from this property causing localised flooding and road wash out so saying existing farm drains and dams is not appropriate.

the distance of neighbouring boundaries has not been included and guessing the distance to the neighbouring houses is not appropriate.

Waste management plan - construction design commentary is subjective and not based on factual; critical discussion.

Whilst I am not opposed to development applications I want to see a modicum of effort to provide good factual information for affected residents to adequately consider a future resubmission of this DA.

Supporting documents

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

Disclaimer

I agree