

24 May 2021

Kaan Hadimioglu
7 Carrington Street
Palmer's Island NSW 2463



Notice of a development Application Objection Submission

Application number: DA2021/0303
5 Carrington street PALMERS ISLAND NSW 24634

Please note this objection is purely based on the proposed location of the dwelling on the site. The owner is looking at having the dwelling built on the river side of the lot. I am requesting the dwelling be built in line with every other dwelling on Clarence street which is on the Clarence Street side of the lot. Reasons given are below.

- The proposed location of the dwelling will be looking directly into the backyard of our property. We will have no privacy and if screening was used the area will suffer from some shading.
- The dwelling will have a very large impact on our views. The river view and westerly direction is a 180 degree 'natural' view. With the proposed location we will have a dwelling taking a very substantial amount (almost half) of that view away.
- The proposed location plan has the effluent field and tank located next to our house. There are obvious reasons why this is unsuitable to us. Every other property has the septic system located on the river side of the property in line with other systems.
- Council should, I believe, look at the history of the village and note the period and reasons why all the river side properties were removed because of river erosion. See map T1, Part T 'PALMERS ISLAND VILLAGE CONTROLS' of the CVC DCP which shows the riverside lots which had all the dwellings removed.
- Re above, CVC's own DCP section T7 'Conditions for Precinct 2', point 2 clearly states "the dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site..." (basically, again, where every other dwelling is located on their lots).

Obviously, Council, in years past, had substantial reasons for removing riverside dwellings and current dwellings being located on the Clarence Street side of the properties. I would also strongly argue for council not to allow Septic systems to be located right next to existing homes.

Regards

Kaan Hadimioglu

24th May 2021

Clarence Valley Council

Attention: Scott Whitehouse

Objection to Development Application DA2021/0303

Proposed Development Dwelling at 5 Carrington St. Palmers Island

Dear Sir/Madam,

My name is Ross Allomes and my wife and I are the owners of 3 Carrington St, Palmers Island, which is a direct neighbour of the DA site.

I wish to present a submission to **OBJECT** to the development of a dwelling at 5 Carrington St. Palmers Island. DA2021/0303

My objection has 5 parts:

1. **The development directly contravenes the "Clarence Valley Local Environment Plan" which became NSW legislation on 23rd December 2011.**
2. **The development directly contravenes multiple sections of the "Residential Zones Development Control Plan" which came into force on 23rd December 2011.**
3. **The development has a detrimental effect on the amenity of our property at 3 Carrington St, Palmers Island and will harm our quality of life and future property value.**
4. **Alternative developments could be undertaken to allow construction of a dwelling at 5 Carrington St, without contravening the NSW legislated LEP, without contravening the local DCP, and with minimal harm to neighbours amenity.**
5. **Alternative Onsite Sewage Management Systems (OSMS) are available which are more appropriate to the area and would facilitate re-siting the dwelling proposed in the DA.**

Objection Part 1 Contravention of Clarence Valley LEP

The Clarence Valley Local Environment Plan (CVLEP) became NSW legislation on 23rd December 2011.

The mapping associated with the CVLEP also became effective from that date.

This mapping – (MAP SHEET CL1_011I) – clearly shows, (with yellow shading), that 5 Carrington Street is wholly within the “Riverbank Erosion Zone”.

CVCLEP states:

LEP - 7.6 Development on land subject to riverbank erosion

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

(a) to avoid significant adverse impacts on development and the environment as a result of riverbank soil erosion,

(b) to ensure land uses are compatible with riverbank erosion processes and risks.

(2) This clause applies to land identified as “Riverbank Erosion Area” on the [Riverbank Erosion Planning Map](#).

(3) Development consent must not be granted to the carrying out of any development on land to which this clause applies unless the consent authority is satisfied that—

(a) the proposed development is not likely to adversely affect, or be adversely affected by, riverbank erosion, and

(b) the development is designed, sited and will be managed to avoid any adverse environmental impact from exposure to riverbank erosion or, if that impact cannot be avoided, after having taken into consideration feasible alternatives, the development is designed, sited and will be managed to minimise that impact or to mitigate that impact if that impact cannot be minimised, and

(c) there is no immediate threat to any building from riverbank erosion, and

(d) provision has been made for the relocation, modification or removal of the development if required as a result of a threat to the development from riverbank erosion.

The proposed DA contravenes this section of the LEP.

The proposed development is sited at the extreme riverfront boundary and as close as possible to the riverbank erosion and hence directly contravenes (3) (b). This design and siting makes no attempt to avoid impacts from riverbank erosion.

Feasible alternatives to the design and siting of the dwelling are clearly possible.

It is important to note that Council has resolved to NOT carry out any works to protect the area from riverbank erosion!

In fact the dwelling is sited to maximise the possibility of adverse environmental impact from exposure to riverbank erosion.

Feasible alternatives do exist!

Please note: these requirements are not trivial and have largely come about because of events in the early 1990's. In that time homes in the riverbank erosion area were close to falling into the river.

Council initiated expert studies and reports. A key report "Palmer's Island: Bank Erosion and Management Plan" was prepared by consulting engineers Patterson Britton & Partners Pty Ltd. Several public meetings were held, submissions from the public were invited, and considered, and council met to formulate a plan.

This resulted in Council adopting a Palmer's Island Riverbank plan in 1995, and approximately 20 homes in the riverbank erosion zone being moved or demolished under a voluntary buyback scheme.

Council resolved; to take no action to reduce riverbank erosion, and to put in place development planning controls to minimise the impact of future erosion. These form the basis of the current DCP Part T.

I would urge you to discuss these matters with both Greg Mashiah (still employed at CVC?) and Ian Dinham (he was Director of Engineering Services at the time and is currently President of Flood Plain Management Australia) as these two people were involved at the time and would have a good insight into the significance of the issues and the reasons for the planning decisions since!

Objection Part 2 **Contravention of Clarence Valley DCP**

The following states the legal status of the DCP under the NSW EPA Act 1979

Section 4.15 of the Environment Planning and Assessment Act, 1979

4.15 Evaluation

- (1) *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, any development control plan.*

The Residential Zones Development Control Plan (DCP) came into force on December 23rd 2011. The development contravenes several clauses of the DCP. Including DCP Section C3, Section T2, Section T4 and Section T7.

DCP - C3. Site Assessment Requirements p14

The site assessment should be included as part of the development application. The site assessment should consider the existing characteristics, opportunities and constraints of the site and the surrounding area, which should form the basis for site layout and building design. An assessment of the impact of the proposed development on the surrounding area should also be made. This should address the site specific matters and the following:

- (a) *privacy.*
- (b) *views.*
- (c) *solar access.*
- (i) *the location and height of neighbouring buildings, including the location of facing windows and doors.*

As far as I am aware no site assessment has been submitted with the DA.

The proposed development is a substantial 2 storey building 8.45 metres tall and is sited in the extreme south western corner of the block which adjoins our block

Clearly the siting of the dwelling on 5 Carrington St will have a detrimental effect on our dwelling at 3 Carrington St and also the dwelling at 7 Carrington St.

The proposed development will have a significant impact on our privacy as the 2 storey building will have 5 windows and a full 18 metre long veranda directly overlooking our yard. This overlooked area is where we have, a clothes line, a vegetable garden, and a play area for our grandchildren.

The siting of the proposed development will significantly reduce our views. The proposed dwelling will reduce our view of the natural environment by over 30% and instead include an 8.45metre tall building.

The siting of the proposed dwelling will significantly reduce our solar access. The building is to be sited as close as possible to our northern boundary and as close as possible to its western boundary. This combination will result in severe overshadowing of our property. Shadow diagrams are not included in the DA but my calculations show an 8 metre shadow would be cast over my block at the winter solstice!! The area overshadowed includes a clothes line, vegetable patch, and children's play area, all of which have been developed in the knowledge that no dwelling development was allowed on that part of 5 Carrington St.

DCP - C3. Site Assessment Requirements p14

The potential impact on river views must be given consideration in assessing the impact of the proposed development and where applicable information regarding impact on river views submitted with a Development Application.

No information regarding impact on river views was submitted with the DA.

The dwelling proposed, does have very significant impact on the river views which currently exist from our dwelling at 3 Carrington St, and also from the other neighbour at 7 Carrington St.

I understand that no one owns a view, but this development I believe is very unfair, as it is a large 2 storey dwelling which is sited to maximise its views but no consideration is given to the harm done to our views!

I request that the assessing officer meet with me for a short meeting at my home (say limited to 15 minutes) to demonstrate this unfairness. I do not believe that viewing a plan or a site inspection can show this harm clearly enough.

Part T of the DCP – PALMERS ISLAND VILLAGE CONTROLS - pages 170-173.

To control development in Palmers island Village

DCP - Part T2 (page170)

The aims of the controls for Palmers Island village are:

- (a) To make provision for the orderly and economic development of land within the erosion zone of Palmers Island Village.*
- (b) To ensure that such development is carried out in a manner which does not adversely affect the riverbank erosion process and will not be adversely affected by riverbank erosion processes.*
- (c) To provide guidelines for the determination of development on lands subject to riverbank erosion, including land subject to immediate threat from riverbank erosion and land that may come under threat from riverbank erosion within 100 years.*

DCP - Part T4 (page 170)

Clause 7.6 Development on land subject to riverbank erosion in CV LEP 2011 requires consideration of a number of matters related to impacts of riverbank erosion, safeguards and measures to reduce risks and access before granting consent to development. In order for the consent authority to consider the matters required by clause 7.6 of the CV LEP 2011, a development application for land at Palmers Island subject to PART T of this DCP must include information on the following matters:

- (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, river bank erosion; and*
- (b) the need to relocate buildings or services; and*
- (e) safeguards and measures proposed or in place, to protect the environment and mitigate the risk of property damage or loss of life as a result of river bank erosion or flooding; and*
- (f) arrangements for access during a flood and after river bank erosion has occurred.*

This DA proposal does not provide for orderly development as required in T2(a). It is within Precinct 2 and it sets a precedent which would possibly allow further disorderly development (ie. The ignoring LEP and DCP rules) in the future.

This DA proposal brings the dwelling as close as possible to the active riverbank erosion and hence is more likely to be adversely affected by this process – contravening T2(b).

This DA does not (to my knowledge) provide information related to DCP PartT4 items (a),(b),(e) and (f) shown above.

DCP - Part T7 (page 171)

The following conditions will be imposed due to the possibility of riverbank erosion adversely affecting dwellings within the next 100 years.

- 1. The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.*
- 2. Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practising structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.*
- 3. The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.*

The DA does mention point 1, but does not include a description of the removal process.

The DA does not include a structural engineers report re easy dismantlement and ready removal.

The DA ignores the crucial requirement of point 3. The dwelling is not located to maximise the distance from the riverside boundary. In fact this DA very pointedly ignores the DCP requirement and locates the dwelling as close as possible to the riverside boundary of the site! So rather than maximise the distance to the riverbank erosion it actually minimises the distance!

Objection Part 3 **Effects on General Amenity**

The DCP sets out a number of requirements designed to protect the amenity of surrounding properties and the local community. These are included primarily in the DCP Part C General Development Controls for Residential Zones.

DCP - C3 – General Development Controls for Residential Zones p14

The site assessment should be included as part of the development application. The site assessment should consider the existing characteristics, opportunities and constraints of the site and the surrounding area, which should form the basis for site layout and building design.

The site assessment should identify;

(f) views (to and from the site).

(g) existing buildings (structures) on the site and adjoining land.

The DA does not include a site assessment.

The DA does not identify views from the site.

There are currently good river views from 3, 5, and 7 Carrington St.

This DA would maximise the views from 5 Carrington St, at the expense of the neighbours at 3 and 7 Carrington St.

No assessment of this is contained in the DA.

DCP - C3 Site Assessment Requirements p14

An assessment of the impact of the proposed development on the surrounding area should also be made. This should address the site specific matters and the following:

(a) privacy.

(b) views.

(c) solar access.

These matters of Privacy, Views and Solar Access are not addressed in the DA.

Privacy: The DA proposes a dwelling with serious privacy impacts on my property. The dwelling would have 5 first storey windows and an 18 metre first storey balcony positioned 1.5 metres from my northern boundary. These windows and balcony would directly overlook my yard and my grandchildren's play area. This dwelling would have a significant negative impact on my privacy.

Views: The DA proposes a dwelling situated on the extreme south-western corner of the block. The proposed dwelling is two storey with the roof gutter height of over 6 metres, extending almost to our boundary and a maximum roof height of 8.45

metres. This dwelling would totally block 30% or more of our views of parkland and river. This can only be appreciated with a site inspection from our property and I would request the assessing officer/s make time to inspect the impact of the proposed dwelling on our views and privacy.

Solar Access: The dwelling proposed and sited in the extreme south western corner of the block provides maximum reduction in our solar access. The dwelling overshadows our yard and in particular would shade our clothesline, vegetable patch, transpiration area, and children's play area for much of the year. The shadow cast over our yard at winter solstice would exceed 8 metres.

DCP - C3 Site Assessment Requirements p14

Building design and siting should seek to balance the benefits of views, solar access, prevailing breezes and vegetation. The building design should also seek to minimise adverse impacts on adjoining properties and adjacent land.

The DA proposes a secondary treatment effluent field at the front (Eastern side) of the dwelling. This effluent field is situated adjacent to our dwelling at 3 Carrington St and is even closer to the other neighbour at 5 Carrington St. This effluent field could have adverse effects as it could produce smells and secondary treated effluent overflows, particularly during extreme rain events and floods. The siting of this effluent field is directly next to our homes and would be far better placed at the western side of the dwelling which would align it with the treatment systems at 3 and 7 Carrington St.

DCP - C3 Site Assessment Requirements p14

The potential impact on river views must be given consideration in assessing the impact of the proposed development and where applicable information regarding impact on river views submitted with a Development Application.

The DA does not address the issue of river views at all. The DCP clearly states the DA should provide information regarding the impact on river views.

The siting of this 2 story dwelling in the extreme south-western corner of the block ensures the maximum detrimental impact on our river views. The impact of this development on our river views would be significant. I would estimate a loss of 30% or more, but this impact can only be assessed through an on-site inspection from our home. I request the assessing officer make this inspection.

The DA and siting of the dwelling not only will impact our amenity it is also likely to decrease the value of our property.

Objection Part 4 **Consideration of Alternative Developments**

My objections outlined above in Parts 1, 2 and 3 above are based on the fact that I believe this development contravenes the LEP, the DCP and public amenity issues.

I do not oppose any development, and would be pleased to see a development go ahead if it can meet the requirements of the LEP, DCP and amenity.

Most of these contraventions and hence objections would be resolved if the dwelling was to be sited more appropriately on the block.

I believe that the dwelling must be designed and sited as close as possible to Carrington St, as this would ensure that its western alignment is further from the riverbank erosion process to conform to the LEP and DCP.

If this alignment was equal to the neighbouring properties of 3 and 7 Carrington St then river views would be equally preserved for all three neighbours.

Further, this new dwelling siting would largely resolve the amenity issues of privacy and overshadowing.

The OSMS needs to be designed differently and located away from neighbours' dwellings.

This siting may require a redesign of the dwelling and/or the sewerage system, both of which are possible (see attached consultant report re OSMS).

For example, a smaller dwelling may allow compliance with the LEP and DCP, and/or an OSMS system providing tertiary level treatment could be located on the western side of the dwelling.

Note – a tertiary level treatment system has been approved and operates effectively at 2 Yamba St, Palmers Is. This is within the riverbank erosion zone. This is a mound system and is located about 30 metres from the river! I believe this OSMS has operated effectively for over 10 years and was approved to allow the dwelling to be moved away from the river as per LEP and DCP requirements!

Objection Part 5 Alternative OSMS Systems

The sewerage system proposed in the DA is within the "100 metre to river" buffer zone and would require special permission to be operated. The EPA system proposed in the DA takes up considerable space and only provides secondary level treatment. I have dug a soil profile and engaged a consultant to review this OSMS. The consultant's letter is included. It suggests the EPA bed system is not appropriate for the site and recommends an alternative system which would take up less space and provide tertiary level treatment.

I believe, the "choice", by the DA applicant, to include this large system cannot be then used as a reason to site the dwelling as close as possible to the river to when alternative, smaller, similar priced, and better systems are available!

I have commissioned a report on a possible alternative sewerage treatment system to demonstrate that this is possible. This report concludes that a mound system would be better, in that it would provide tertiary treatment, be better suited to the soil profile at Palmers Island and would require less space than the EPA bed system. A copy of this report is included with this letter and I have forwarded a copy to council officer Glen McPhee.

An alternative OSMS which provides tertiary level treatment could then be located at the western side of the dwelling. This would then align with the treatment systems at 3 and 5 Carrington St and would solve the issue of having a secondary treatment system adjoining the living areas of 3 and 5 Carrington St.

IN CONCLUSION

The DA proposes a dwelling which is designed and sited to be as close to the river as possible and to maximise the views obtained from that dwelling. This is a direct contradiction of the DCP which specifically states "***The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site***"

The plan includes a large, possibly ineffective, secondary treatment OSMS which is chosen by the applicant, when a smaller more effective system is available.

This DA flouts or ignores the LEP, DCP, and amenity of neighbours. No justification is given for the non-compliance with multiple specific sections of the LEP and DCP.

I believe the DA must be rejected.

Yours faithfully.
Ross Allomes.

Attention: Clarence Valley Council

24th of May 2021

Clarence Valley Council
River Street
Maclean NSW

Dear Assessing Officer,

RE: Inappropriate Onsite Sewage Management System - 5 Carrington Street Palmers Island

I have been engaged to assess the suitability of the Onsite Sewage Management System (OSMS) for Development Application (DA) for 5 Carrington Street Palmers Island.

The Site Plan details a Tank, assumed to be a secondary treatment system, discharging to three Evapo-Transpiration Beds totalling 60m² and located within a nominated Effluent Field of 196m² (see Figure 1).

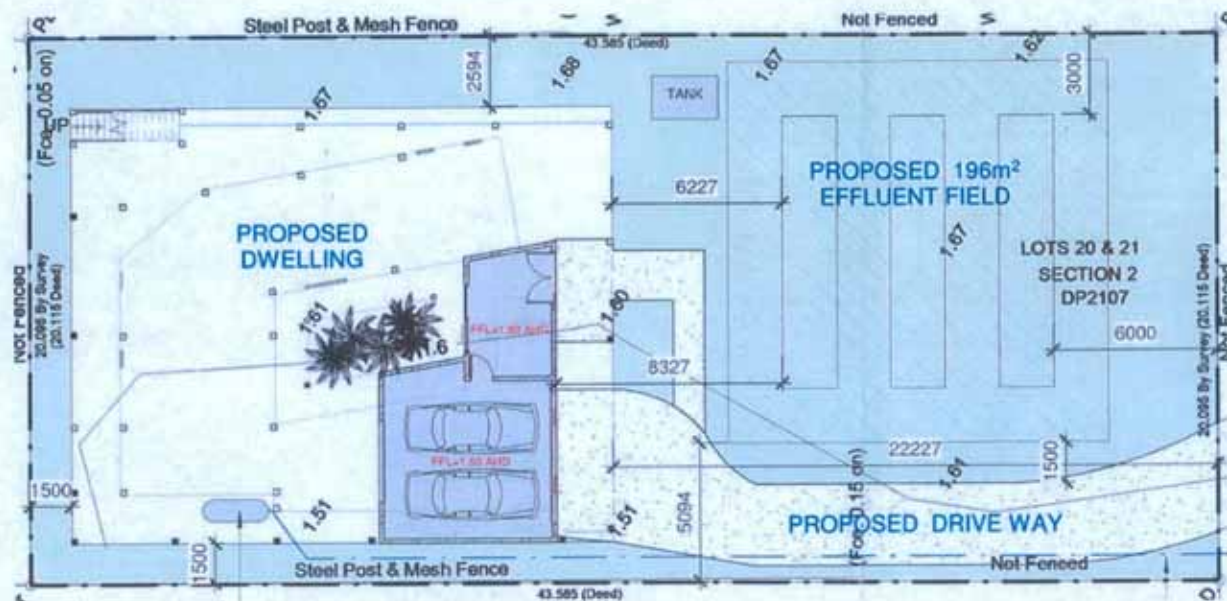


Figure 1: Site Plan, 5 Carrington Street Palmers Island.

A soil test pit was excavated 10 metres to the south of the nominated Effluent Field, (see Figure 2 & 3). The test pit identified sandy loam topsoil, overlying 600mm of loamy light clay, and grey sand from 900mm. Standing water was encountered at 950mm (see Figure 4). As the Standing Water Level (SWL) is less than one metre deep, effluent application poses a high risk to ground water.

The proposed Evapo-Transpiration Beds will require excavation to 450mm depth. This method of application will result in separation of only 450mm from the beds to ground water. Therefore, Evapo-Transpiration Beds are not favourable.

The design nominates a two metre area around the Evapo-Transpiration Beds as the Effluent Field. This is likely to address the Nutrient Balance area provide suitable area for nutrient uptake. Within loamy clays the main force is drainage rather than lateral movement. As SWL is only 450mm below Evapo-Transpiration Beds the Nutrient Area is redundant and completely ineffective.



Figure 2: Test Pit

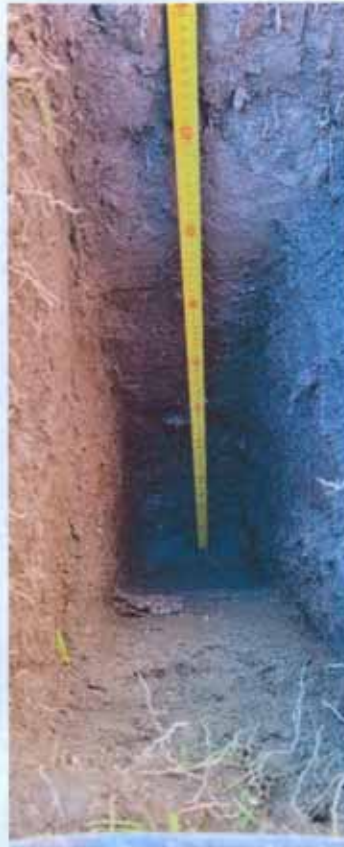


Figure 3: Excavation >1metre



Figure 4: SWL after 12hours

AS/NZS 1547:2012, Table K2 states Mounds and Irrigation Systems are preferred for sites with a Shallow Permanent Water Table.

Use of a Mound System for application of effluent would be most suitable. Use of a Mound for effluent application would:

1. Provide tertiary treatment of effluent, (*Total Nitrogen reduction of greater than 60%, and Total Phosphorus reduction of greater than 80%*).
2. Lessen the risk associated with poor maintenance, poor treatment, or failure of the secondary treatment plant.
3. Increase the separation between point of effluent application and permanent ground water by more than 1metre.
4. Lessen ground water quality risk.
5. Reduce the required Land Application Area to approximately 70m².
6. Ensure all buffers to boundaries can be maintained.

2a/19-21 Coldstream Street
 (PO Box 419)
 Yamba, NSW 2464
 M: 0418 123 976
 timberrydesign@bigpond.com

Tim Berry

Building Design & Drafting



28/06/2021

Greg McCarthy
 Clarence Valley Council
 Locked Bag 23
 Grafton, NSW, 2460

Re: DA2021/0303 - 5 Carrington St Palmer Island

Dear Greg,

In response to your email dated 21 June 2021, I would like to offer the following prior to this application being considered at a Development Assessment Panel Meeting:

1. CVLEP Clause 7.6 Development on land subject to riverbank erosion

Council cannot grant development consent for the dwelling unless it is satisfied that:

(3) *Development consent must not be granted to the carrying out of any development on land to which this clause applies unless the consent authority is satisfied that—*

(a) *the proposed development is not likely to adversely affect, or be adversely affected by, riverbank erosion, and*

COMMENT: The riverbank is currently approximately 65m from the rear boundary of the subject property and so currently does not adversely affect, or be adversely affected by, riverbank erosion. Should that change in the future the provisions of Part T, CV Residential Zones DCP may come into effect.

(b) *the development is designed, sited and will be managed to avoid any adverse environmental impact from exposure to riverbank erosion or, if that impact cannot be avoided, after having taken into consideration feasible alternatives, the development is designed, sited and will be managed to minimise that impact or to mitigate that impact if that impact cannot be minimised, and*

COMMENT: The property is not currently exposed to riverbank erosion, but as in (a) above, should that occur in the future, the owner is well aware of the actions that may be required to mitigate that impact.

(c) *there is no immediate threat to any building from riverbank erosion, and*

COMMENT: No immediate impact.

(d) *provision has been made for the relocation, modification or removal of the development if required as a result of a threat to the development from riverbank erosion.*

COMMENT: Yes, see details in this submission.

Clause 7.6 favours locating dwellings to the front of properties along Carrington St but it doesn't mandate it as the requirement to relocate dwellings if erosion gets within 18m is available as a mitigation measure.

2. CV Residential DCP Part T – Palmers Island Village Controls

Part T7 – This section imposes the following conditions on development in Precinct 2:

1. The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.

COMMENTS: Refer to attached drawing sheet **A11 – Relocation Plan** for description of the dwelling removal process. The ground floor is of masonry construction and so cannot be relocated and will need to be demolished. Accordingly, a variation to Part T7 (1) is sought on the grounds that it only forms a minor component of the dwelling (56.66m² out of total 211.6m²) and so demolition would not be expensive or onerous compared to relocation of a garage structure. Please see attached DPC Variation Application.

2. Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practising structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.

COMMENT: Noted – will be submitted with Construction Certificate Application.

3. The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.

COMMENT: This required the dwelling to be located as far as possible from the riverside boundary, which in this instance would be achieved by locating the dwelling at the street frontage. However this also states where practical and therefore accordingly, a variation to PartT7 (3) is sought on the following grounds:

- (a) Buffer Distances for Land Application Systems as per Truewater Australia dictate that the Land Application be more than 100m from the river and is therefore best situated closest to Carrington Street. The most practical site design is therefore placing the sewerage system at the front of the block and the house towards the back.
- (b) The owner (and any subsequent owners) will be fully aware of their obligation to relocate if the riverbank gets within 18m of the dwelling. If that should occur, they would have the opportunity to relocate the building. Again, this is accepted by the owner.

3. CV Residential DCP Part C – General Development Controls For Residential Zones

Clause C20 of the DCP requires a 50m² private open space area with a minimum 4.5m width and it is unclear where this can be provided.

COMMENT: Noted – attached revised drawings clearly indicate a 50m² private open space area with a minimum width of 4.5m. Additional privacy fencing has also been added to ensure privacy.

Objection Responses:

Many of the Objections received have been addresses in the above comments.

In response to objections regarding Effects on General Amenity to both immediate neighbours:

- Please see attached revised plans which include, shadow diagrams, proposed privacy screening and view lines to the River.
- The shadow diagrams clearly show that at least half the private open space adjacent to the two storey dwelling of adjoining property (No. 3 Carrington Street) receives direct sunlight between 10am and 2pm during mid winter. The remainder of this open space which extends to the river front boundary is not overshadowed at any time by the proposal.
- There is no overshadowing to No. 7 Carrington Street as it is located to the North of the proposed development. The objection claiming there will be potential over shadowing is not valid.
- The proposed dwelling has been amended to include privacy screening & Obscure Glazing to ensure there is no overlooking from habitable areas into the property at No. 3 Carrington Street. The proposed narrow walkway to the south of the proposed dwelling is for the location of services to ensure they are clear of flood waters. This walkway will also be used to access & maintenance. This is not proposed for a habitable area.
- The proposed dwelling has been amended to include privacy screening to ensure there is no overlooking from habitable areas into the property at No. 7 Carrington Street.
- Both existing dwellings at No.3 & No.7 Carrington Street have existing open views across their own properties down to the river. There are no buildings blocking this view. No 3. Carrington Street has some vegetation on their own land that could be pruned and maintained to improve this view.
- Both objections are concerned about the proposed development interfering with their current views. In assessing these impacts we are aware that no one can own a view across private property. However the principle of view sharing has been considered in respect to these views.
- View diagrams have been added to the attached drawings that give strong indication that both adjoining neighbours will still maintain large portions of views across the rear of the proposed development site. This is in addition to the views across their own properties.

In response to objections regarding the Onsite Waste Water Proposal:

- Please refer to the attached response from David Foley – True Water Australia dated 24/6/21.
- Please note that Clarence Valley Council have approved the current proposed On Site Sewer Management proposal. Refer to **ACT2021/0242** approved on 05/05/2021.

In additional response to all objections regarding the Proposal:

Please refer to the attached response from Gay Marsden – Owner of 5 Carrington Street, Palmers Island, dated 22/6/2021.

Please feel free to contact me regarding this matter.

Yours Sincerely

Tim Berry

Building Design & Drafting
Registered Building Practitioner (VBA) DP-AD-36211

DA2021/0303 Objection response

22 June 2021

Hi Greg

Received your email yesterday, thanks and we would like to submit comments in writing. Tim will forward the formal submission.

My response here is just to draw your attention to a few of the inaccuracies in the stated objections to my DA lodgement.

Regarding the objections of my neighbour from 3 Carrington St:

The objection raised on the basis of 'obstruction of view', has been this neighbour's issue from point of land sale, prior to any development submission. The river view from the western side of his dwelling, is largely impeded by his large tree. He therefore looks across my land to the river. What he refers to as 'parkland' is actually also my land (See photo 1 below).



Photo 1



Photo 2

The reduction in this neighbour's view (claimed 180° natural view) by the proposed location of my house will be very limited if at all (See Photo 2 above). He will retain his view across my front block to the river, and, for a more expansive view, he can remove his tree.

The suggestion that all houses currently align is also not substantiated (See photo 3 below), and it is of note that No 3's house and outbuildings, restrict his southern neighbour's view and limit solar access.



Photo 3

The additional claim that 'the alignment of all 3 houses (Nos 3, 5 and 7) would ensure his privacy', is inherently misleading. Neighbour No.3 claims this arrangement would prevent occupants from my house looking directly into his riverside yard. Aligning the houses (which all have their living areas on the western/river side), effectively creates a situation where each has unobstructed views of their neighbours' yard. Thus, this recommendation, claimed to be in the interest of privacy, is ineffective. Positioning my house forward of the other two, maximises privacy for all as my living area is on the western side and would not overlook their yards. I will also provide screening to ensure privacy where sections of their yards may be visible (See House Design). Privacy is equally important to me and I will be doing all that is required to ensure screening and vegetation achieve this.

Regarding the objections of my neighbour from 7 Carrington St:



Photo 4

The neighbour from 7 Carrington St also claims the proposed positioning of my dwelling will result in a reduction of his '180-degree natural, westerly view' and increase shading of his property. Photo 4 shows an aerial view of his riverside yard and clearly illustrates his current view is due-west and will in no way be affected by the positioning of my house. Also, given he is my northerly neighbour, no shading of his property will occur.

I would also like to refute the claim that the proposed position of my house 'impacts on development and the environment as a result of riverside soil erosion'. The extent and rate of erosion will not be accelerated do to the building process or the long-term presence of the building.

My building block is in the Precinct 2 zone, east of the immediate management line, which allows building, with the 'building consent to be removed if the riverbank comes within 18m of any building', at which point the building must be removed at my expense. I fully understand this and have positioned my house in full knowledge of this control measure. I am surprised that both my neighbours are showing undue concern for the potential relocation of my dwelling; as owners of the

adjoining properties, should the river bank become an active erosion zone and threaten our properties, we will literally be in the same boat.

In conclusion, I would like to highlight the fact that on two occasions, I contacted council regarding a building envelop or house location restrictions (September 2020); one meeting was face to face with the duty planning officer and the other by phone to the duty planning officer (perhaps these conversations are logged at council). I was told there were no restrictions on the location of house within the Precinct 2 portion of my land purchase and that privacy issues could be addressed with screening.

I am happy to provide more background information or answer any specific questions you may have in your review process.

Kind regards

Dr Gay Marsden (BSc, PhD)

24 June 2021

DA2021/0303- 5 Carrington Street Palmers Island
Response to Submissions Concerning Onsite Wastewater System Design

Council have received at least two submissions concerning, in part, the proposed onsite wastewater design for the above Development Application at the above property. It is apparent that the objections mostly concern the position of the proposed dwelling and onsite sewage system in relation to the neighbouring dwellings.

The proposed location of the onsite sewage land application is more than 100m from the Clarence River, as required where possible by Council's Onsite Sewage Management Strategy and local government regulations for new developments. The septic systems for neighbouring dwellings are less than 100m from the river with a different building and septic system layout. The contention raised in submissions appears to be that the new dwelling should have the same building-onsite layout as the existing dwellings, regardless of current regulations.

Disregarding the regulations would be an unfortunate precedent, as the current onsite sewage regulations were introduced in response to the public and environmental health failings of older septic systems in waterside areas such as Palmers Village.

Residential DCP

The common justification given for the objections is that the proposal 'does not comply with residential DCP clause T7 (3), dwelling located as far as practicable from the river side boundary'. However, in the submissions, relevant parts of the DCP clause T7(3), highlighted in bold below, appear to have been omitted.

*The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site **with due consideration given to subclause (a) above and to any relevant local government building regulations.***

The relevant local government building regulation in this instance would be the Clarence Valley Council Onsite Sewage Management Strategy 2019 (CVC OSMS). The first item of Table 1 from the CVC OSMS is reproduced below.

Table 1 Buffer Distances for Land Application Systems

System	Recommended Buffer Distances
All land application systems	100 metres to permanent surface waters (e.g. river, streams, lakes etc) 250 metres to domestic groundwater well 40 metres to other waters (e.g. farm dams, intermittent waterways and drainage channels, etc)

The proposed dwelling / onsite system has given due consideration to local government regulations. The proposed land application area is greater than 100m from the river in accordance with the first line of Table 1 of the CVC OSMS.

It is understood that objections have been made for aesthetic and privacy reasons, as the new dwelling will be offset to neighbouring dwellings. However, locating the dwelling as far as possible away from the river, i.e. directly along the front boundary, would also likely be objectionable. Fortunately, the full text of DCP clause to include relevant local government regulations, such as building setbacks would apply. This is an example of why it is necessary to consider other local government building regulations, such as the Table 1 of the CVC OSMS, when applying the DCP.

According to the CVC OSMS, the land application should be more than 100m from the river. The dwelling will be in the remaining area. Moving the land application any closer to the river would increase the nutrient area required by the CVC OSMS model to an impractical amount for the lot size.

Submission detail

Both submissions show a high level of awareness of onsite sewage systems. The neighbouring properties both have older primary septic systems, most likely beyond average serviceable life, and the owners are likely to be aware of offensive odours, failing land applications and maintenance issues associated with primary septic systems.

Unlike primary septic tanks, advanced secondary systems are sealed and treat sewage to better than stormwater quality before subsurface release. Advanced secondary systems are also regularly maintained. In a flood area the system would have remote working components and any noise would be unlikely at the boundary. However, the proposed treatment tank position could be relocated away from the neighbouring dwelling.

Suitability of Land Application Type

Substantial effort has gone into one submission to suggest that the proposed land application type is inappropriate for the lot and a mound is required. However, the provided detail does not support this conclusion as there is more than adequate separation to the claimed standing water level, even for primary treated effluent.

In the unidentified consultant's report, there is an apparent inconsistency between the stated and apparent location of the excavated soil pit. The report says the pit was located 10m south of the proposed applications area where there is no fence. The photo (figure 2 in the report) shows the soil pit near a paling fence. The test pit was most likely excavated near the fenced part of the neighbouring lot and within the zone of influence of the existing septic system.

Objection part 5 of the submission claims the proposed system is within 100m of the river, but very importantly, the currently proposed land is application more than 100m from the river.

Summary

The land application area for the proposed sewage system complies with the Table 1 requirements of CVC Onsite Sewage Management Strategy and is suitable for the site and soil conditions on the lot. The dwelling cannot be located onto the land application area. There is insufficient nutrient area for the land application to be located closer to the river.

The objections are based on an incomplete statement of clause T7(3) of the DCP that requires consideration of the local government regulations, such as the CVC OSMS.

What the neighbours seem to want is the new dwelling and onsite system to have a similar layout as their dwelling and septic system. This is not possible as the existing systems do not comply with the current regulations.

It is understood that neighbours may not want another onsite system in proximity to their dwelling. However, a modern sewage treatment system, compliant with the CVC OSMS, would not be as potentially offensive as the existing septic systems on their lots.

If further information is required concerning the contents of this submission, please contact our office on 02 45 3377.

Yours Sincerely,

David Foley

BSc (Hons 1) PhD

Principal Consultant | Design and Consultancy Group

True Water Australia