

STATEMENT OF ENVIRONMENTAL EFFECTS

In support of a Torrens Title Subdivision at 8 Duncan Street, Broadwater.

December 2021

DOCUMENT CONTROL

This document has been prepared by RCS Group Australia

ABN: 54 055 030 576

Suite 2/80 Conway Street Lismore NSW 2480

PO Box 4053 Goonellabah NSW 2480

T (02) 6622 2112 | F (02) 6622 2107 | E info@rcsgroup.com.au | W www.rcsgroup.com.au

Version Register

Version	Status	Author	Authorised for Release	Date
1	Draft	LV		14/12/2021
2	Final	LV	ARR	14/12/2021

Transmission Register

Version	Issued to	Author	Authorised for Release	Date
2	RVC	ARR/LV	ARR	14/12/2021

IMPORTANT NOTES

Disclaimer and Copyright

- This Report has been prepared for the purposes of supporting documentary information to accompany a Development Application made under Section 4.12 of the Environmental Planning and Assessment Act, 1979, submitted to Richmond Valley Council as the Consent Authority.
- Submission of this Report and the accompanying Development Application does not imply Development Approval will be granted by the consent authority.
- This Report contains proprietary information belonging to the author/applicant and cannot be used, copied or reproduced in any form or manner without the permission of the author/applicant.
- Plans and or diagrams contained here-in have been compiled from existing documents from other sources. The information shown on the plans may not be utilised or relied upon for any other purpose other than as originally intended.
- Where shown, the location of services and service mains has been compiled from information contained within service layout diagrams supplied by the appropriate authority. The position of such services and mains has not necessarily been fully surveyed or confirmed on site by measurement.
- Property Boundaries have not been surveyed and where shown on any plan here-in are diagrammatic only. The location of structures in relation to property boundaries is diagrammatic only and cannot be relied upon for any use other than originally intended under this application.
- The location of boundaries shown or depicted within this Report does not constitute a plan of survey depicting the location of boundaries. The location of boundaries will need to be confirmed by final cadastral survey prior to completion of any formal approval granted under the provisions of the EP&A Act, 1979.
- All areas and dimensions shown on any plan or diagram contained within this Report and accompanying documents are subject to final survey and final certification of the certifying authority. Such areas and dimensions are indicative only for the purposes of this Development Application.
- These notes form an integral part of this Report and must be included with any copy so made under approval from the author/applicant.

RCS Group is a member firm of the Copyright Agency Limited (CAL)

All rights reserved. Copyright 2021.

Table of Contents

1 INTRODUCTION.....	1
2 PROPOSED DEVELOPMENT	1
3 SITE DESCRIPTION.....	2
4 RELEVANT PLANNING PROVISIONS	3
RICHMOND VALLEY LOCAL ENVIRONMENTAL PLAN 2012.....	3
<i>Aims and Objectives</i>	3
<i>Zoning and Zone Objectives</i>	4
<i>Principal Development Standards, Miscellaneous and Local Provisions</i>	5
Clause 2.6 – Subdivision - Consent Requirements.....	5
Clause 4.1 – Minimum Subdivision Lot Size	5
Clause 5.10 – Heritage Conservation.....	5
Clause 5.11 – Bushfire Hazard Reduction	5
Clause 5.21 – Flood Planning	6
Clause 6.1 – Acid Sulfate Soils.....	6
Clause 6.2 – Essential Services	7
Clause 6.3 – Earthworks.....	8
Clause 6.6 – Terrestrial Biodiversity.....	8
RICHMOND VALLEY DEVELOPMENT CONTROL PLAN 2021	10
<i>Part G - Subdivision</i>	10
STATE ENVIRONMENTAL PLANNING POLICIES (SEPP's)	14
<i>SEPP (Koala Habitat Protection) 2021</i>	14
<i>SEPP No. 55 - Remediation of Land</i>	14

5 ENVIRONMENTAL PLANNING ASSESSMENT	15
SECTION 4.15 EVALUATION (previously Section 79C)	15
<i>Section 4.15 (1) (a) the provisions of any environmental planning instrument, proposed/draft environmental planning instrument, development control plan, planning agreement or draft planning agreement and the regulations</i>	<i>15</i>
<i>Section 4.15 (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</i>	<i>15</i>
Context and Lot Design/Layout.....	15
Access, Traffic, Parking and Transport	15
Fauna and Flora.....	15
Soil and Water.....	16
Noise, Air and Microclimate	16
Waste	16
Services and Utilities	16
Privacy, Views and Overshadowing.....	16
Social Impacts/Public Domain.....	16
Economic Impacts	16
<i>Section 4.15 (1) (c) the suitability of the site for development.....</i>	<i>17</i>
<i>Section 4.15 (1) (d) any submissions made in accordance with this act or the regulations.</i>	<i>17</i>
<i>Section 4.15 (1) (e) the public interest.</i>	<i>17</i>
6 CONCLUSION	18
LIST OF SUPPORTING DOCUMENTS	19

1 Introduction

RCS Group Australia has been commissioned by the registered proprietors of Lot 2 in DP 582605, known as 8 Duncan Street, Broadwater (previously and up until recently known as 14-16 Simmons Street, Broadwater), to prepare a Development Application to Richmond Valley Council as the consent authority for a proposed Torrens Title Subdivision.

The proposed Torrens Title Subdivision is for the purpose of providing the existing dwelling on site within its own separate lot and providing for a new lot which would enable the potential for a possible dwelling house into the future which would be subject to a separate development application to Council.

Detailed plans prepared by RCS Group Australia and a Bushfire Assessment Report prepared by Sustainable Home Solutions support this report which forms the Statement of Environmental Effects for the proposed development.

This Statement of Environmental Effects (SEE) is provided in support of a Torrens Title Subdivision for the property located at 8 Duncan Street, Broadwater. It describes the proposed development with respect to the subject site and the various legislative requirements to enable the proposed subdivision to take place in a compliant and appropriate manner.

2 Proposed Development

The proposed development is for a Torrens Title Subdivision of the property commonly known as 8 Duncan Street, Broadwater and legally known as Lot 2 in DP 582605.

The property currently has a site area of approximately 2,023 square metres. It is proposed to subdivide the property into two (2) lots which will be above the minimum lot size requirements of the Richmond Valley Local Environmental Plan 2012.

One (1) of the new lots will be provided to accommodate the existing dwelling on site, whilst the other new lot will be created to allow for possible future development. Such future development would likely be of a residential nature and would be subject to a separate development application to be lodged with Council into the future.

The two (2) new lots will be created with the following areas:

Lot 1 (known as the eastern lot for the existing dwelling on site) = 1,303sqm

Lot 2 (known as the western lot for possible future development) = 720.1sqm

The existing vehicular access point into the site from Duncan Street to the eastern side of the site will be maintained for vehicular access to the proposed eastern lot. A new vehicular access point will be provided from Duncan Street to the western side of the site to service the proposed western lot.

The site has access to existing essential services, such as reticulated water and sewer, electricity, and communications, which are currently located within the adjoining and nearby road reserves. Such services will be extended into the site as required to support the proposed development.

The site is currently zoned RU5 – Village within the Richmond Valley Local Environmental Plan 2012 and the proposed development for a Torrens Title Subdivision is permissible subject to development consent.

3 Site Description

The subject development site is legally identified as Lot 2 in DP 582605 and is known as 8 Duncan Street, Broadwater (previously and up until recently known as 14-16 Simmons Street, Broadwater). It is noted that Simmons Street is an unformed road immediately adjoining the subject site to its eastern side, however as this street is unformed, Council only very recently allocated a new address for the property, which is 8 Duncan Street, Broadwater.

The site is almost square-like in formation and currently features a total site area of approximately 2,023 square metres and a slope from its north-western corner down to its south-eastern corner towards Duncan Street.

The site is located on the northern side of Duncan Street and has a frontage of approximately 50.29m along Duncan Street. The subject development site is shown highlighted in yellow within Figure 1 on page 2 of this SEE opposite.

The site currently contains an existing single storey weatherboard dwelling with a metal roof, a detached fibre cement garage and a detached metal shed. There are pockets of notable tree vegetation on the site, however most of the taller and more significant tree vegetation is located outside the property to the front immediately adjacent to Duncan Street. The site features an existing vehicular access point to Duncan Street.

The subject site is classified as bushfire prone land, however the site is not classified as flood planning land or heritage affected land. These matters are further discussed within this report below.

The immediately surrounding locality is predominantly characterised by residential development in the form of single dwelling houses. It is readily apparent that a number of original sites within the immediate locality have been previously subdivided to accommodate residential development.



Figure 1 - Extract from NSW Government – Six Maps

4 Relevant Planning Provisions

The provisions of the Richmond Valley Local Environmental Plan (LEP) 2012 are applicable to the subject development site.

Richmond Valley Local Environmental Plan 2012

Aims and Objectives

The Richmond Valley LEP 2012 contains the following aims and objectives to guide development within the Council area:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the proper management, development and conservation of natural and man-made resources,*
- (b) to support and encourage social and economic benefits within Richmond Valley,*
- (c) to ensure that suitable land for beneficial and appropriate uses is made available as required,*
- (d) to manage appropriate and essential public services, infrastructure and amenities for Richmond Valley,*
- (e) to minimise the risk of harm to the community through the appropriate management of development and land use.*

Comment:

The proposal is consistent with the aims of the Richmond Valley LEP 2012. In particular:

- The development will not have any adverse effect on heritage, cultural, physical or environmental qualities of the locality to manage and conserve natural and man-made resources.

- The proposal supports and encourages provision for additional residential housing by ensuring that suitable land is available for an appropriate use as such, which allows for social and economic benefits for the region.
- The proposal is consistent with the general residential character of the area, with other surrounding sites having been previously subdivided to support residential development. This ensures that there is minimal risk of harm from a community perspective due to the proposal.
- The site and proposal are not subject to any adverse effects relating to natural hazards, such as flooding, bushfire (noting a Bushfire Assessment Report has been prepared) and land instability. This ensures that there is minimal risk of harm for the community due to the proposal.
- The proposal provides for the efficient, orderly and appropriate use and development of the site in a manner which is sensitive to the surrounding built and natural environment and having due regard to the reasonable amenity expectations of surrounding land users.
- The development proposal provides for the use of the site which is consistent with the zoning of the site under the Richmond Valley LEP 2012.

Zoning and Zone Objectives

The subject development site is currently zoned RU5 - Village within the Richmond Valley Local Environmental Plan (LEP) 2012 as shown in Figure 2 on Page 4 of this SEE below.

The proposed development is defined as a Torrens Title Subdivision and is permitted with consent within this above land use zone.

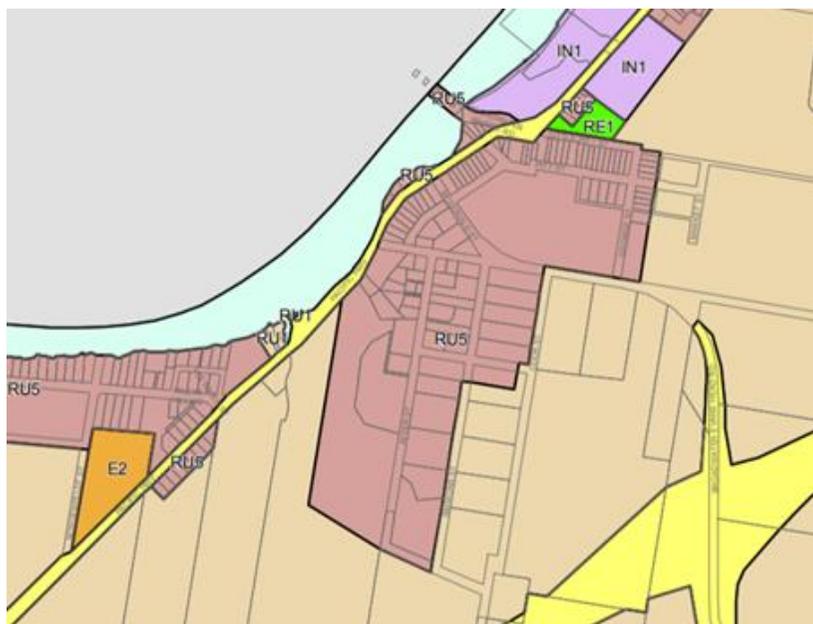


Figure 2 - Extract from the Richmond Valley Local Environmental Plan 2012 – Land Zoning Map

Zone Objectives

The Richmond Valley LEP 2012 contains the following objectives for the RU5 - Village zone:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

Comment:

The proposed subdivision is consistent with these above zone objectives. The lots resulting from the proposed subdivision are suitable to support the existing dwelling on site and allow for the potential for a future dwelling house which itself would be subject to separate development consent. The proposal provides for the housing needs of the community which is a rural village community.

The proposal is compatible with the general residential character of the area, noting that other surrounding sites have been previously subdivided to support residential development and that the proposal will have no negative impact on the natural environment of the area. As such, the character and amenity of the surrounding residential area will be maintained with the proposed development.

Due to the nature of the proposal and the subject site which is immediately surrounded to all sides by sites which are also located within the RU5 – Village zone, there is negligible conflict between the proposed land use and land uses within adjoining zones.

Principal Development Standards, Miscellaneous and Local Provisions

Clause 2.6 Subdivision – Consent Requirements

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*

Comment:

This clause allows land to which the Plan applies to be subdivided with development consent. The proposal is not deemed to be exempt or complying development under this Plan or the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and hence this application for development consent is being made.

Clause 4.1 Minimum Subdivision Lot Size

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that Land.*

(4A) *Despite subclause (3) –*

- (a) *Land within zone RU5 Village may be subdivided to create lots of at least 600 square metres, but only if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system and sewerage system.*

Comment:

This clause allows for subdivision of land with development consent, providing the lots are not less than the minimum lot size as shown on the Lot Size Map for the land. The Lot Size Map associated with the Richmond Valley LEP 2012 for the subject development site provides for a minimum 5,000 square metre lot size.

However, as per subclause (4A) (a) above, as this subject development site is located within a RU5 – Village zone and is serviced by reticulated water and sewer, the proposed lots with areas of 1,303 square metres for Proposed Lot 1

and 720.1 square metres for Proposed Lot 2 are acceptable as they comply with the allowable minimum lot size requirement of 600 square metres stipulated under this subclause (4A) (a). Therefore, the resulting lots as part of the proposed subdivision will have areas that are consistent with this Clause 4.1 of the Richmond Valley LEP 2012.

Clause 5.10 Heritage Conservation

Clause 5.10 Heritage Conservation of the Richmond Valley LEP 2012 relates to provisions and additional assessment controls in respect to proposed developments within the vicinity of a heritage item or within a heritage conservation area.

Comment:

The subject development site does not contain any heritage listed items, nor is the site within close proximity to any heritage listed items or located within any defined heritage conservation areas, and hence no further consideration to this clause is given.

Clause 5.11 Bushfire Hazard Reduction

The subject development site is located within a mapped bushfire area as depicted in Figure 3 on Page 6 of this SEE.

Comment:

A Bushfire Assessment Report prepared by Sustainable Home Solutions has been submitted to support the proposed development and supports this SEE. Subject to the implementation of the measures within this Bushfire Assessment Report, bushfire risk for the proposed development and property will be minimised to a reasonable and acceptable extent.

It is noted that the current proposed development is for subdivision only with any new dwellings subject to separate development consent.



Figure 3 - Extract from NSW Government – ePlanning Spatial Viewer

Clause 5.21 Flood Planning

Clause 5.21 Flood Planning of the Richmond Valley LEP 2012 relates to provisions and matters for consideration in respect to proposed developments within a flood planning area.

Comment:

The subject development site is not identified as being located within a flood planning area or flood prone area, noting the elevation of the site above river level. Furthermore, Council's records do not identify the subject site as being affected by local flooding. No further consideration to this clause is required.

Clause 6.1 Acid Sulfate Soils

Clause 6.1 Acid Sulfate Soils of the Richmond Valley LEP 2012 relates to provisions and matters for consideration in respect to proposed developments and works on land shown on Council's Acid Sulfate Soils Map.

(2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if-

- (a) the works involve the disturbance of less than 1 tonne of soil, and
- (b) the works are not likely to lower the watertable.

The subject development site is located within an area of Class 5 Acid Sulfate Soils as depicted below in Figure 4 on Page 7 of this SEE.

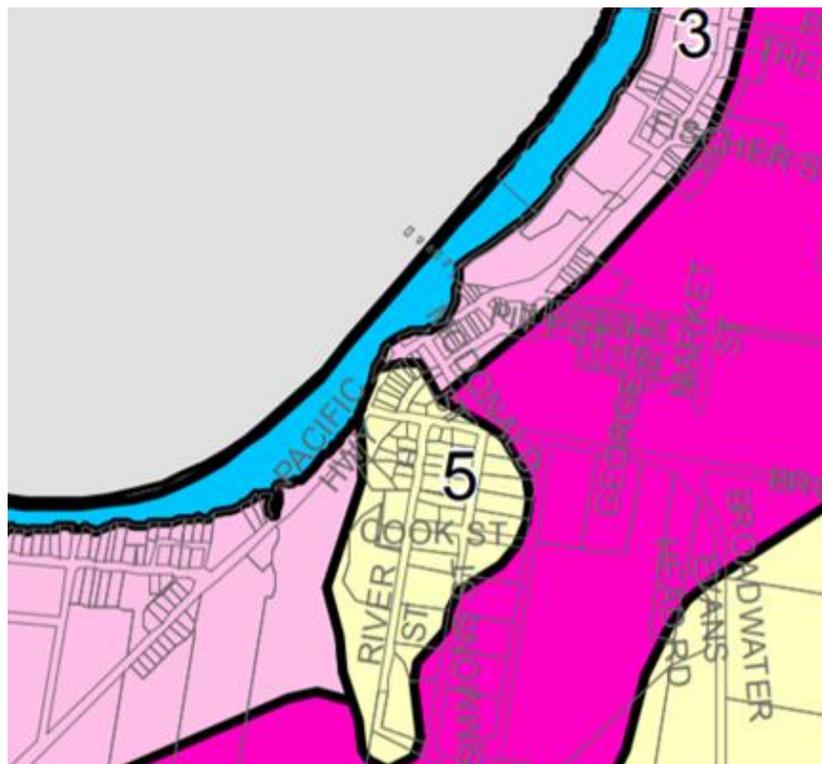


Figure 4 - Extract from the Richmond Valley Local Environmental Plan 2012 – Acid Sulfate Soils Map

Comment:

Whilst the proposed works are within 500 metres of an adjacent Class 1, 2, 3 or 4 land as such, the proposed works are not on land that is below 5 metres Australian Height Datum and the proposed works will not lower the watertable, and hence no Acid Sulfate Soils assessment would be required. No further consideration to this clause is given.

Clause 6.2 Essential Services

Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required –

- a. the supply of water,
- b. the supply of electricity,
- c. the disposal and management of sewage,
- d. stormwater drainage or on-site conservation,
- e. suitable road access.

Comment:

This proposed development relates to a Torrens Title Subdivision only which will create one (1) lot to support the existing dwelling on site in which such existing essential services are already available and another lot for a future development (subject to separate development consent) in which such essential services will be additionally provided for.

The proposed lots either have existing provisions in place relating to essential services or will be developed with appropriate and adequate provisions in place relating to the supply of water, electricity, disposal and management of sewage, stormwater management and road access.

Clause 6.3 Earthworks

Clause 6.3 Earthworks of the Richmond Valley LEP 2012 relates to provisions and matters for consideration with relation to earthworks.

Comment:

This proposed development relates to a Torrens Title Subdivision only which will create one (1) lot to support the existing dwelling on site and another lot for a future development that would be subject to separate development consent. There is no major earthworks or site benching required as a consequence of the development proceeding.

Clause 6.6 Terrestrial Biodiversity

Clause 6.6 Terrestrial Biodiversity of the Richmond Valley LEP 2012 relates to provisions and matters for consideration in respect to proposed developments on land identified as “Biodiversity” on Council’s Terrestrial Biodiversity Map.

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider –
- (a) Whether the development-
- (i) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) is likely to have any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures provided to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that–

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives- the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised- the development will be managed to mitigate that impact.

The subject development site is marginally mapped “Biodiversity” to the south-eastern corner as depicted below in Figure 5 on Page 8 of this SEE.



Figure 5 - Extract from the Richmond Valley Local Environmental Plan 2012 – Terrestrial Biodiversity Map

Comment:

This proposed development relates to a Torrens Title Subdivision only in which it is not proposed or intended to remove any vegetation from the site which may impact upon the habitat and survival of native fauna on site or disturb the biodiversity value of the land.

Furthermore, the taller and more significant tree vegetation to the front of the property immediately adjacent to Duncan Street which provides connectivity with respect to habitat elements is located outside the property and will not be adversely affected by the proposed development.

Standard tree protection measures are expected to occur with any new driveway access construction and adequate space would be available with the intended location for future driveway access into the new Proposed Lot 2.

The marginal area of the subject site to its front south-eastern corner which is mapped as “Biodiversity” on Council’s Terrestrial Biodiversity Map is not affected by the proposed subdivision or future driveway location.

With consideration to the above, the proposed development is designed and will be managed to avoid any significant adverse impact on the natural environmental and biodiversity of the subject land.

The provisions of the Richmond Valley Development Control Plan (DCP) 2021 are applicable to the subject development site and proposal.

Richmond Valley Development Control Plan 2021

Part G – Subdivision

Part G Subdivision of the Richmond Valley DCP 2021 establishes development guidelines relating to subdivision of land within the Richmond Valley Local Government Area.

The following table addresses such development guidelines which are of specific relevance to this proposed development, which is only for a Torrens Title Subdivision of a site within an existing residential village area.

Table 1 – Addressing of Relevant Controls from Richmond Valley DCP 2021

Design Criteria	Comments
<p>G.2 Subdivision Design Standards</p> <p>G.2.2 - (2) Site Analysis</p> <p><i>(a) A site analysis plan is required to identify opportunities and constraints relating to the subdivision pattern and potential end use of the land.</i></p> <p><i>(b) A site analysis plan should be prepared having regard to the following, where relevant:</i></p> <ul style="list-style-type: none"> ▪ <i>waterways (creeks, rivers, streams),</i> 	<p>The Development Application Plan Set which supports this SEE includes a Locality Plan and Subdivision Plans which include the relevant details required for Council’s assessment of a subdivision application.</p> <p>The submitted plans have been prepared with regard to the relevant aspects which are noted in the Site Analysis Plan requirements of Council’s DCP.</p>

<ul style="list-style-type: none"> ▪ <i>natural resources such as significant vegetation, habitat corridors, key fish habitat, wetlands, and various requirements for coastal protection,</i> ▪ <i>flood prone land,</i> ▪ <i>steep land/land slip,</i> ▪ <i>bush fire hazard,</i> ▪ <i>access points (vehicles, pedestrians, cyclists),</i> ▪ <i>soil conditions (acid sulfate soils, contaminated land),</i> ▪ <i>surrounding land uses,</i> ▪ <i>service connections,</i> ▪ <i>easements, zones of influence and clear zones,</i> ▪ <i>archaeological sites,</i> ▪ <i>topography (contours to Australian Height Datum at 1 metre intervals),</i> ▪ <i>aspect,</i> ▪ <i>drainage systems,</i> ▪ <i>existing buildings, driveways, septic tanks and disposal areas, and</i> ▪ <i>street and lot layout of locality.</i> 	<p>The proposed subdivision provides for adequate lots to accommodate the existing dwelling on site and any potential future dwelling (subject to separate development consent) by taking into account the opportunities and constraints of the site, surrounding development and appropriate provisions relating to services and facilities which support residential development.</p>
---	---

<p>G.2.2 – (3) Subdivision and Road Design</p> <p><i>(a) Subdivisions should be designed having regard to the environmental constraints of the site, having regard to:</i></p> <ul style="list-style-type: none"> ▪ <i>Koala Habitat,</i> ▪ <i>Protection of native vegetation and habitats under the Biodiversity Conservation Act,</i> ▪ <i>Acid Sulfate Soils,</i> ▪ <i>Contaminated Land,</i> ▪ <i>Flood Prone Land,</i> ▪ <i>Landform Modification,</i> ▪ <i>Coastal Hazards, and</i> ▪ <i>Bush Fire Hazard.</i> <p><i>(f) Lots are to be designed to allow the construction of a dwelling which does not involve more than 1 metre cut or fill, measured from natural ground level, outside the dwellings external walls. Geotechnical reports are required for subdividing steep land.</i></p> <p><i>(g) Subdivisions should be designed to minimise impacts on the natural</i></p>	<p>Environmental constraints relating to the site have been considered in the design of the proposed subdivision and relevant discussion in this regard is featured throughout this SEE.</p> <p>The proposed subdivision takes into account the natural features of the existing subject land and surrounding land, having regard to these relevant environmental considerations.</p> <p>Proposed Lot 2 is created to allow for a potential future dwelling to be constructed (subject to separate development consent) on a relatively levelled section of the land which would not involve more than 1 metre cut or fill.</p> <p>The proposal will have minimal and no unreasonable impact in terms of the natural environment. All</p>	<p><i>environment and retain significant landscape features.</i></p> <p><i>(h) Subdivisions should incorporate regular sized lots to avoid clashes involving housing character and amenity.</i></p> <p><i>(i) It must be demonstrated that each allotment to be created, that is capable of being used for residential or rural residential development, has at least one suitable building site having regard to:</i></p> <ul style="list-style-type: none"> ▪ <i>flooding,</i> ▪ <i>effluent disposal,</i> ▪ <i>bush fire hazard,</i> ▪ <i>safe, practical, access between the building site and a formed public road, and</i> ▪ <i>readily capable of being connected to infrastructure and services.</i> 	<p>significant vegetation and landscape features on site are to be retained.</p> <p>The proposed subdivision will allow for two regular sized lots similar in size to surrounding lots, including those which have been recently created by subdivisions.</p> <p>As demonstrated within the discussions to this SEE, the proposed lots which are created for residential development are considered satisfactory with regard to the existing dwelling for Proposed Lot 1 and positioning for any potential future dwelling (subject to separate development consent) for Proposed Lot 2 with association to vehicular access and access to infrastructure and services. Flooding and effluent disposal are not relevant considerations to this proposed development, whilst a Bushfire Assessment Report has been submitted to support the proposal.</p>
<p>G.2.2 – (4) Energy Efficiency – Lot Orientation</p>	<p>The proposed subdivision has been designed appropriately to maintain and maximise solar access to the lot</p>		

<p><i>(a) Subdivisions should be designed to maximise solar access.</i></p>	<p>for the existing dwelling as well as the new lot for any future development.</p> <p>There is no overshadowing impact from the immediately adjoining dwelling to the north onto the proposed lots due to the separation that currently exists.</p>
<p>G.2.2 – (5) Density (Minimum Lot Size) and dimensions</p> <p><i>Subdivisions are not to produce lots which have areas less than that set out in the Lot Size Map in the Richmond Valley LEP 2012.</i></p> <p>(a) Residential Subdivisions</p> <p>ii. Minimum Frontage</p> <ul style="list-style-type: none"> ▪ <i>Allotments should have a minimum frontage to a public road of 15 metres, to be measured at the front boundary building line.</i> 	<p>It is noted that the proposed subdivision provides for appropriate lot sizes in accordance with Clause 4.1 Minimum Subdivision Lot Size of the Richmond Valley LEP 2012 as demonstrated on Page 5 of this SEE.</p> <p>Proposed Lot 1 to accommodate the existing dwelling on site will have a frontage of 32.39m along Duncan Street (public road). Proposed Lot 2 for potential future residential development will have a frontage of 17.9m along Duncan Street (public road). As such, the proposed lots comply with Council’s minimum frontage requirement.</p>
<p>G.2.2 – (6) Services</p> <p>(a) Urban Areas</p> <p><i>i. Subdivisions in urban areas are generally required to provide infrastructure to all lots including:</i></p>	<p>The proposed lots either have, or will be developed with, appropriate and adequate provisions relating to such infrastructure and essential services as discussed within this SEE.</p>

<ul style="list-style-type: none"> ▪ <i>road;</i> ▪ <i>footpath;</i> ▪ <i>kerb and gutter;</i> ▪ <i>drainage (including interallotment drainage);</i> ▪ <i>reticulated sewer and water;</i> ▪ <i>telecommunications;</i> ▪ <i>street lighting; and</i> ▪ <i>electricity.</i> 	<p>No new public roads/streets or any street lighting are associated with the current proposal as the site is located within an existing residential area with such provisions accounted for.</p>
<p>G.2.2 – (7) Stormwater Drainage</p> <p><i>(a) Stormwater drainage shall be designed and provided in accordance with Council’s specifications.</i></p> <p><i>(b) The design details will need to be certified by Council before the drainage is provided and will need to be completed to Council’s satisfaction prior to the issue of the Subdivision Certificate.</i></p> <p><i>(c) Stormwater is to be gravity drained to Council’s drainage system.</i></p> <p><i>(d) Drainage from sites should reflect the pre-existing or natural situation in terms of location, quantity, quality and velocity.</i></p>	<p>The proposed subdivision allows for satisfactory provisions relating to stormwater drainage and management. Stormwater will be directed to the most appropriate street drainage system (K&G or grass swale) as advised by Council’s Senior Development Engineer. The stormwater design will be certified by Council and completed to Council’s satisfaction where required.</p>

<p>G.2.2 – (8) Utility Services</p> <p><i>(a) Utility services must be extended to all lots within a subdivision in accordance with Council’s requirements.</i></p>	<p>Utility services for the proposed lots either currently exist or will be appropriately provided for.</p> <p>Further reference is directed to the consideration of Clause 6.2 Essential Services of the Richmond Valley LEP 2012 on Page 7 of this SEE.</p>
<p>G.2.2 – (9) Erosion and Sediment Control</p> <p><i>(a) Subdivisions should be designed to minimise the disturbance of lands with topographical constraints.</i></p> <p><i>(b) Conditions on the development consent will indicate whether erosion and sediment controls will be necessary, and if so, these controls will need to be in place before site works commence. The controls will need to be provided in accordance with Landcom (2004) Blue Book – Managing Urban Stormwater: Soils and Construction.</i></p>	<p>The proposed subdivision and any associated works will be designed with appropriate erosion and sediment control measures as required where relevant by Council’s conditions on the development consent.</p>
<p>G.2.2 – (11) Developer Contributions</p> <p><i>(a) In many cases the payment of contributions are required to cover the cost of services and facilities which are provided by Council. These contributions are often levied with subdivision, prior to the issue of the Subdivision Certificate. Contributions levied on developments may include:</i></p>	<p>Developer Contributions will be settled where and when required by Council’s conditions on the development consent.</p>

<ul style="list-style-type: none"> ▪ <i>section 64 contributions under the Local Government Act 1993 for such services as water, sewer and drainage, and/or</i> ▪ <i>section 7.12 contributions under the Environmental Planning and Assessment Act 1979 which consists of a levee up to 1% of the cost of the development.</i> <p><i>(b) Conditions on the development consent will indicate whether these contributions are required.</i></p>	
<p>G.2.2 – (12) Adoption of Northern Rivers Local Government Development Design and Construction Manuals</p> <p><i>(a) The Northern Rivers Local Government Development Design and Construction Manuals are utilised for the design and construction of civil engineering works associated with development approvals. The Manual is contained within 3 volumes being:</i></p> <ul style="list-style-type: none"> ▪ <i>Development & Design Manual,</i> ▪ <i>Construction Manual, and</i> ▪ <i>Standard Drawings.</i> <p><i>(b) For the purposes of engineering and subdivision works reference should be made to the standards contained within the manuals</i></p>	<p>Civil Engineering works associated with the development approval will be designed and implemented to comply with the Northern Rivers Local Government Development Design and Construction Manuals where required.</p> <p>The new vehicular crossing and driveway for Proposed Lot 2 will be provided in accordance with these requirements.</p>

The following State Environmental Planning Policies (SEPP's) are considered in relation to the subject development site and proposal.

conducted out on the subject site in which there is awareness of, and the proposal will not create any adverse impacts in relation to land contamination.

State Environmental Planning Policies (SEPP's)

State Environmental Planning Policy (Koala Habitat Protection) 2021

The Richmond Valley Council area is identified as a local government area to which this policy generally applies.

Comment:

However, the subject development site only has an area of approximately 2,023 square metres which is well below the 1 hectare (or 10,000 square metre) threshold for the development assessment process in which further considerations of this SEPP would take place.

It is further noted that the proposed development does not propose the removal of any significant vegetation from the site. Accordingly, no further provisions of the policy apply to the proposal.

State Environmental Planning Policy No. 55—Remediation of Land

This SEPP No. 55 – Remediation of Land applies to all land within the state and is required to be considered upon the assessment of a development application.

Clause 7 of this SEPP requires contamination and remediation to be considered in determining development applications.

Consideration must be given to whether the land is contaminated.

Comment:

The subject development site has a long history of being used exclusively for residential purposes, and there is no evidence to suggest that the land is contaminated. There have been no potentially contaminating activities

5 Environmental Planning Assessment

Section 4.15 Evaluation (previously Section 79C)

The following statutory considerations are made in relation to Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

Section 4.15 (1) (a) the provisions of any environmental planning instrument, proposed/draft environmental planning instrument, development control plan, planning agreement or draft planning agreement and the regulations.

This Statement of Environmental Effects has addressed any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations as displayed in Part 4 of this report above. There are no relevant proposed/draft environmental planning instruments, planning agreements, draft planning agreements or matters prescribed under the regulations which are of relevance to this application.

Section 4.15 (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Context and Lot Design/Layout:

The proposed subdivision and resulting lot layouts satisfactorily provide for the existing dwelling on site as well as a potential future residential dwelling (which would be subject to separate development consent) within their own separate respective lots. Appropriate vehicular access and access to essential services are catered for with the proposed lot designs. The two (2) lots which are to be created by the proposed subdivision will both feature areas which are greater than Council's allowable minimum lot size requirement under Clause 4.1 of the Richmond Valley Local Environmental Plan 2012.

The proposed development is complimentary to the natural topography and constraints of the land and with regard to surrounding development.

Access, Traffic, Parking and Transport:

Proposed Lot 1, for the existing dwelling towards the eastern side of the subject development site, will utilise an existing vehicular access point into the site from Duncan Street. Proposed Lot 2, for any future residential development towards the western side of the subject development site, will be provided with a new vehicular access point from Duncan Street.

There is to be no significant or unreasonable increase in traffic to the local road network as a result of the proposed subdivision.

Satisfactory parking arrangements for the existing dwelling and Proposed Lot 1 will remain as they currently exist and will be unaffected by the proposed subdivision. Parking provision and traffic generation for any future residential development for Proposed lot 2 are matters which will be considered and addressed in a separate development application for such development, however it is noted that parking to support any such future development can be satisfactorily accommodated for onsite as a result of this proposed subdivision.

Fauna and Flora:

There will be minimal impact on the existing natural environment, including vegetation and fauna communities, due to the nature of the proposed development and given the disturbed residential nature of the subject development site.

There are pockets of notable tree vegetation on the site, however most of the taller and more significant tree vegetation and habitat value is located outside the front of the property immediately adjacent to Duncan Street and will not be adversely affected by the proposed development. The proposed subdivision will have negligible impact on any Koala Habitat.

The proposed subdivision will not adversely affect the biodiversity of the site and locality as it is not proposed or intended to remove any significant vegetation from the site.

Soil and Water:

The proposed development which only relates to a Torrens Title Subdivision will not result in any adverse impacts in terms of soil and water quality. The proposal will provide for appropriate stormwater management and drainage provisions and is unlikely to impact upon any groundwater supplies.

Noise, Air and Microclimate:

The proposed development is of a nature which will not create any additional adverse impacts on the area in terms of noise.

The proposed development is of a nature which will not create or allow for any adverse impacts in terms of the air or microclimate of the area.

Waste:

The proposed development is of a nature which will not create any additional adverse impacts in terms of waste generation.

Services and Utilities:

The site has access to existing essential services, such as reticulated water and sewer, electricity and telecommunications. Such services will be extended into the new lots as required to support the proposed development.

The proposed lots either have, or will be developed with, appropriate and adequate provisions in place relating to stormwater management and vehicular access.

Privacy, Views and Overshadowing:

This proposed development only relates to a Torrens Title Subdivision which will accommodate the existing dwelling on site as well as support a potential future residential dwelling (which would be subject to separate development consent).

As such, matters relating to privacy, view obstruction and overshadowing will be more relevant to this separate development proposal in which construction and provision of dwellings would be associated with and such aspects will be duly considered.

The proposed development for a subdivision only will not result in any overshadowing impacts for the subject development site or adjoining properties and will not impede on the existing privacy or views of the subject development site or surrounding properties.

Social Impacts/Public Domain:

The proposal will result in a two (2) lot Torrens Title Subdivision of an existing lot within an existing residential village area, and this development is not out of character with surrounding development within the locality as a number of other nearby lots have been Torrens Title subdivided for the purposes of dwellings.

The proposed development poses no likely significant impact on people within the locality with respect to their quality of life and social well-being and will not result in any negative or concerning impacts on the public domain.

Economic Impacts:

The proposal will not generate any adverse economic impacts. The new proposed lots as a result of this subdivision will support an existing dwelling and potential future residential development (subject to separate development consent) which is development that is expected to occur within the area.

The proposal represents an efficient and orderly use and development of the subject development site which utilises existing available infrastructure and services.

Section 4.15 (1) (c) the suitability of the site for development

The subject development site is suitable for the proposed Torrens Title Subdivision as there are no significant environmental, social, or economic impacts which result from the proposed development, as outlined within this report above.

The Richmond Valley Local Environmental Plan 2012 does not identify the site as being at risk of any adverse natural hazards, except for bushfire hazard which has been addressed within the Bushfire Assessment Report prepared to support the proposal. The subject development site is not classified as flood planning land or heritage affected land.

The subject development site is located within an established residential area in which other subdivisions have previously taken place to support different residential accommodation developments. The site has previously been used for, and is currently used for, residential purposes, and this purpose is also the intended future use of the site.

Section 4.15 (1) (d) any submissions made in accordance with this act or the regulations.

Council will notify the development application in accordance with its adopted policy and any submissions received as a result will be addressed in due course.

Section 4.15 (1) (e) the public interest.

The proposal is not contrary to the public interest as there are no appreciable or concerning adverse social, economic, or environmental impacts resulting from the proposed development.

6 Conclusion

The proposed development for a Torrens Title Subdivision of the existing Lot 2 in DP 582605 located at 8 Duncan Street, Broadwater is an appropriate development in terms of the site and its surrounds, as well as compliance with relevant planning legislation.

The proposal complies with the objectives and standards of all relevant planning and environmental legislation.

The proposal also complies with the objectives and intent of Council's Development Control Plans.

The current proposal for subdivision will not adversely affect the visual, acoustic, or recreational amenity of any surrounding properties.

The proposed development will not adversely affect the biodiversity of the site and locality.

There are no significant or unreasonable social, economic, or environmental impacts resulting from the proposed development.

Accordingly, Council's consent for the proposal is requested.

Supporting Documents

- Development Application Plan Set
- Bushfire Assessment Report

RCS Group Australia

Per:



Luke Vandermeer

Town Planner

B.UrbRegPlan (UNE)

14/12/2021