

STATEMENT OF ENVIRONMENTAL EFFECTS

DUAL OCCUPANCY [DETACHED]

PROPERTY: 945 Woodburn Coraki Road, Bungawalbin

OUR REF: 230433

DATE: February 2024



DOCUMENT AND PROJECT DETAILS

Document title:	Dual Occupancy [Detached]
Author:	Sasha Peterson
Project manager:	Adrian Zakaras
Proponent:	Suellen Thompson
Date of issue:	20 th February 2024
Job reference:	230433
Project outline	The property contains an existing dwelling that suffered significant damage during the 2022 flood events. The project involves the construction of a new dwelling, proposed to be sited within a portion of the site with a higher ground level offering improved flood immunity against any future flood events.

REVISION HISTORY

Rev	Date	Description	Author	Approved
A	15/02/2024	Draft SEE	SP	AZ
B	20/02/2024	Final SEE	SP	AZ

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Attachment 2	Contaminated Land Preliminary Site Investigation <i>North Coast Wastewater Solutions</i>
Attachment 3	On-Site Wastewater Management Report <i>North Coast Wastewater Solutions</i>
Attachment 4	BASIX Certificate <i>Suellen Thompson</i>
Attachment 5	LEP Variation <i>Newton Denny Chapelle</i>

1. Executive Summary

1.1 Development Application

Development consent is sought from Richmond Valley Council for the construction of a new dwelling at 945 Woodburn Coraki Road, Bungawalbin [Lot 2 DP809736]. An existing dwelling exists on the site, this dwelling is to be retained with the proposal seeking approval for a dual occupancy [detached] on the subject site. Existing access to the property is via existing vehicular cross overs off both Woodburn Coraki Road and Patch Lane. **Attachment 1** illustrates the proposed dwelling.

Pursuant to the Richmond Valley Local Environmental Plan (RVLEP) 2012, the subject site has a zoning allocation of *RU1 – Primary Production*. Dual occupancies are permissible with development consent in the RU1 zone. The proposal remains generally compliant with the relevant provisions of the RVLEP 2012. A variation against the maximum separation distance between dwellings is sought due to the flooding characteristics of the property.

The development has also been assessed against the Richmond Valley Development Control Plan 2021 [DCP], and is generally compliant with the relevant provisions.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation.

Based on the assessment completed, it is therefore requested that the application be approved subject to reasonable and relevant conditions.

1.2 Site Details

The site details relevant to the proposed development are provided within **Table 1** below.

Table 1: Site Details

Property Address	945 Woodburn Coraki Road, Bungawalbin
Property Description	Lot 2 DP 809736 Parish of Bungawalbin County of Richmond
Registered Owner	S.S Thompson G.A Pritchett
Proponent	S Thompson
Applicant	Newton Denny Chapelle for and on behalf of the proponent
Local Authority	Richmond Valley Council
Site Area	67.57 hectares
Easements	Nil registered
Existing Land Use	Horticulture (flowers) and cattle grazing.

Local Planning Instrument	Richmond Valley Environmental Plan 2012
Land Zoning	RU1 – Primary Production
Maximum Building Height	8.5m
Floor Space Ratio	N/A.
Integrated Referrals	No.
Other Referrals	Yes – essential energy.
Concurrence	Nil.

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being S Thompson.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application’s assessment and subsequent determination.

This report should be read in conjunction with the following plans and technical assessments identified within **Error! Reference source not found.**, which support the development proposal.

Table 2: Accompanying Plans and Technical Assessments

Company	Plan/Report
<i>Robin Spencer Architects</i>	Design Plans
Newton Denny Chapelle	Statement of Environmental Effects LEP Variation Request
North Coast Wastewater Solutions	On-site Wastewater Management Report Contaminated Land Preliminary Site Investigation
Suellen Thompson	BASIX Certificate

1.4 Further Information

Should Council require any additional information, or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with Adrian Zakaras on (02) 6622 1011 or azakaras@ndc.com.au prior to determination of this application.

2. Site Description

2.1 Location & Land Use

The subject site is located at 945 Woodburn Coraki Road, Bungawalbin. The property is known in cadastral terms as Lot 2 DP809736 and is zoned RU1 – Primary Production pursuant to the Richmond Valley Local Environmental Plan 2012.

The property has a frontage to Woodburn Coraki Road and is accessed via existing vehicular crossovers located off both Woodburn Coraki Road and Patch Lane. The land benefits from an existing dwelling, as well as a frontage to the Richmond River. During the 2022 flood events, the existing dwelling suffered significant damage. In response, this proposal seeks to construct a new dwelling on the north-west portion of the site which has a higher ground level providing improved flood immunity on the site.

The property is 67.57 hectares and is a rural allotment utilised for horticulture (flowers) and cattle grazing. The site is located 10km from the township of Woodburn, and 8.5km from the township of Coraki. The locality is a rural area which is home to a range of agricultural activities including cattle grazing and cropping. Surrounding properties share a similar RU1 zoning and are typically improved with sheds and dwellings.

Plate 1 below provides an aerial view of the subject site while **Plate 2** demonstrates the location of existing and proposed structures on the site. **Plate 3** provides excerpt of the deposited plan relevant to the land. There are no registered easements or restrictions burdening the property.

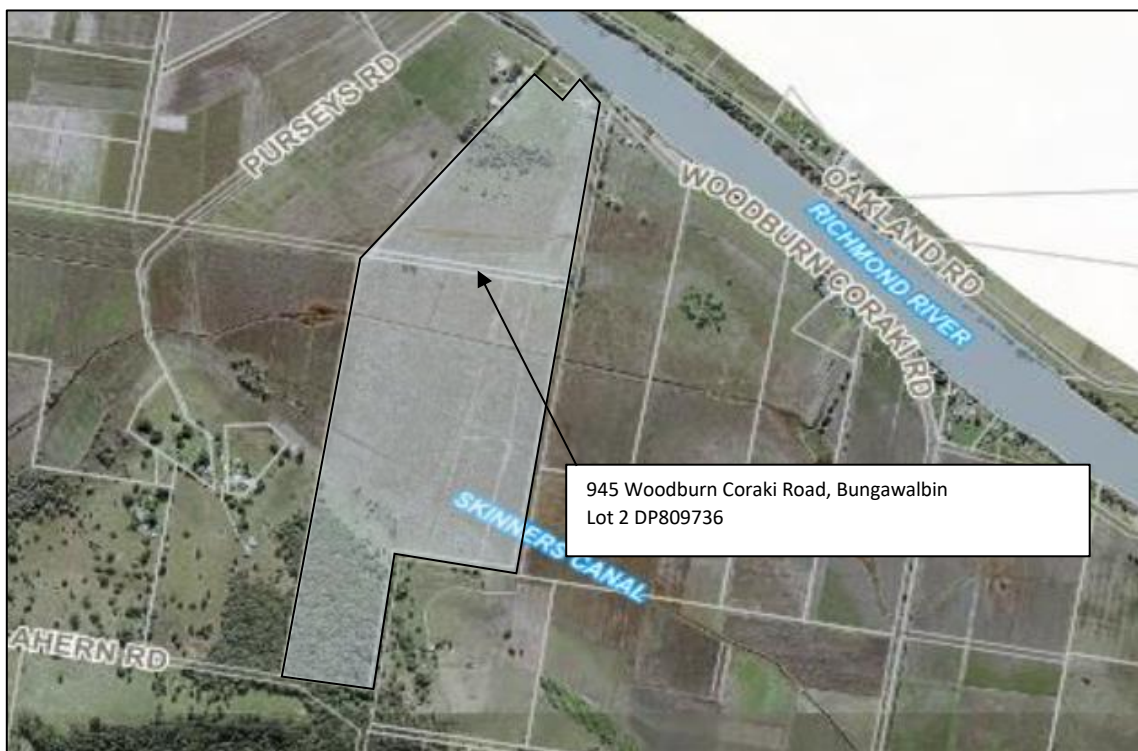


Plate 1: Aerial view of subject site
(Source: Richmond Valley Council Intramaps)



Plate 2: Location of existing and proposed structures on site

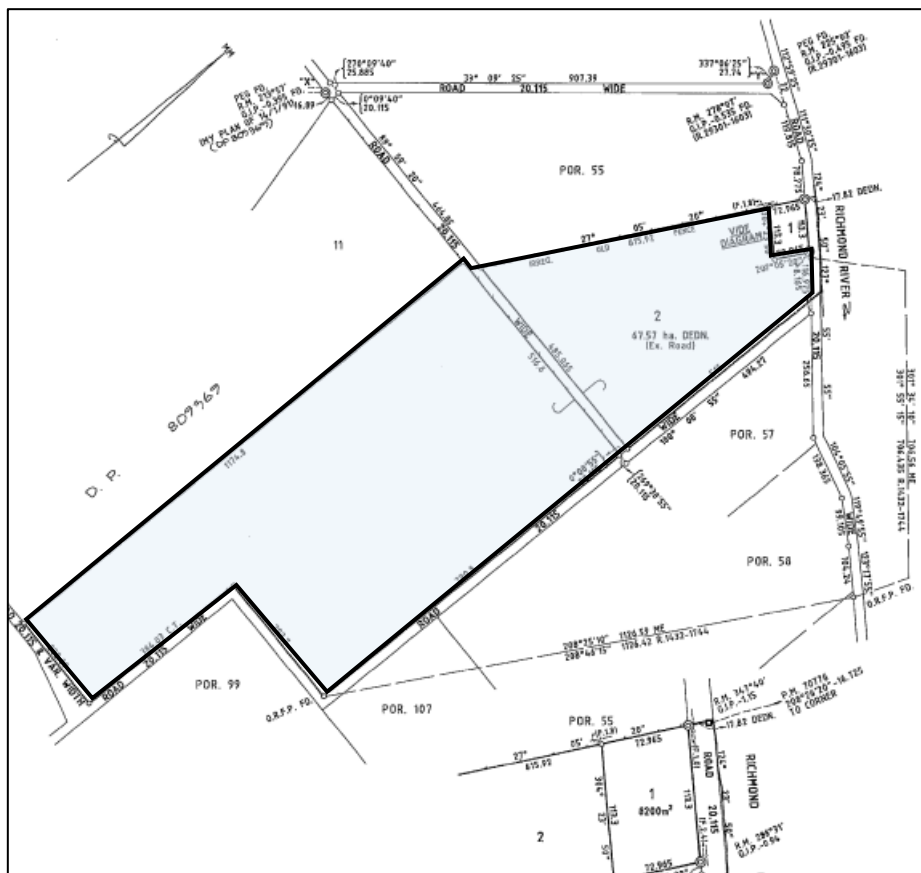


Plate 3: Extract of Deposited Plan 809736

2.2 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Error! Reference source not found.** below.


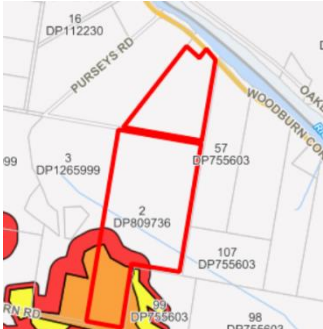
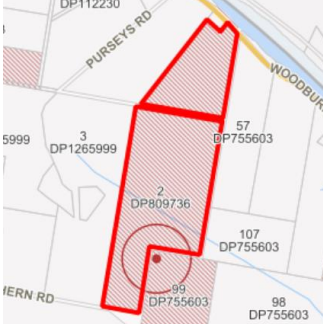

Table 3: Site Analysis

Site Characteristics	Comment
Existing structures within the subject site	Existing dwelling. Dairy Bales. Shed.
Easements	Nil recorded.
Topography within the subject site	The property has elevations ranging from 1m AHD in the drainage gully through the centre of the property up to 6m AHD at the highest point on the riverbank [this is the proposed location of the new dwelling]. The southern end of the property includes a hill with elevations up to 70m AHD.
Vegetation within the subject site	The site is highly disturbed and consists largely of improved pasture species. There is an area of vegetation in the far southern portion of the allotment, along with a second smaller area of vegetation south of the proposed dwelling.
Infrastructure services	The property is serviced by electricity through overhead powerlines. The existing dwellings water supply is from rainwater tanks. Wastewater is managed through an on-site sewage management system [OSMS]. The proposed dwelling is to be serviced via a new OSSM and rainwater tanks.
Hazard Mapping	Flood prone land Bush fire prone land Potential contamination Acid sulfate soils [class 3 + 5]
Adjoining land uses	The site is generally surrounded by rural zoned allotments with agricultural activities, dwellings and sheds.
Biodiversity Conservation	The land is not mapped on the Biodiversity Values Map. No clearing of any significant vegetation is proposed as part of the application. Further consideration of the Biodiversity Conservation Act 2016 is not warranted in this instance.

2.3 Site Constraints

A review of available online mapping indicates that the land is subject to the following environmental constraints outlined in **Error! Reference source not found.**

Table 4: Environmental Constraint Mapping

Mapping	Constraint
	<p>Flood prone land</p> <p>The land is mapped as flood prone land by the Richmond Valley Council GIS mapping. The areas least constrained by flooding on the property are an elevated area in the north-west, and the vegetated hill within far southern portion of the site.</p> <p>The proposal has been assessed against the provision of Clause 5.21 of the RVLEP 2012 – refer to Section 4.2 for detail.</p>
	<p>Bush fire prone land</p> <p>The southern vegetated portion of the property is identified as bush fire prone land. The proposed dwelling is situated on the northern extent of the property, as such no further consideration of bush fire is considered necessary in this instance.</p>
	<p>Potential contamination</p> <p>The site is identified by Richmond Valley Council GIS mapping as being potentially contaminated. The adjacent allotment [Lot 99 DP755603] contains the Olives cattle dip site. In response, a preliminary contaminated lands assessment has been prepared to support the submission and is available within Attachment 2.</p>
	<p>Wetland</p> <p>A small area of the property is mapped as containing an area of wetland. This area is removed from the area of proposed development. Refer to Section 4.2.</p>

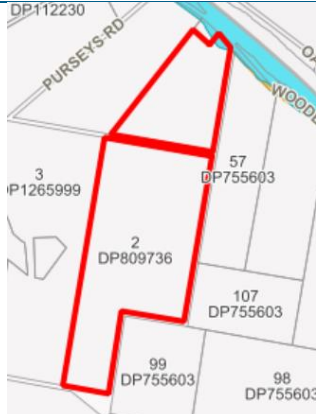
Mapping



Constraint

Acid sulfate soils

The property is mapped as potentially containing acid sulfate soils [class 3 + 5]. The dwelling features a pole design, minimising soil disturbance associated with construction. For further detail refer to **Section 4.2**.



Key fish habitat

The far northern extent of the property closest to the Richmond River is mapped as key fish habitat. The area identified by the overlay is well removed from the site of the proposal, as such no impacts on this habitat are anticipated.



Landslide risk

Southern areas of the allotment are mapped as landslide risk by Richmond Valley Council GIS mapping. These areas are well removed from the development footprint. **Section 4.2** considers the proposal against the requirements of clause 6.4 of the RVLEP 2012.



Terrestrial biodiversity

The subject site is mapped as containing 3 areas of terrestrial biodiversity by Richmond Valley Council GIS mapping. Largely these areas are removed from the proposed development footprint. However, the extent of the overlay from the north of the site extends into the location of the proposed development.

The development footprint contains no trees or shrubs and is improved with pasture grass species. For further detail refer to **Section 4.2** for assessment of the proposal against Cause 6.6 of the RVLEP 2012.

2.4 Contaminated Land Preliminary Site Investigation

A Contaminated Land Preliminary Site Investigation has been undertaken by *North Coast Wastewater Solutions* and is contained within **Attachment 2**. The investigations consisted of a review of site history and site condition assessment. For full detail on the investigation reference should be made to the report, however key details have been summarised below.

The investigation included review of the site history. The property was cleared prior to 1964 and has been utilised for cattle grazing since that time. Chemical usage associated with grazing operations is most likely to have only occurred sporadically in small amounts (e.g. weed control, pest control, etc.). As such the likelihood of land contamination within the investigation area from agricultural land uses or buildings is very low.

The adjoining allotment [Lot 99 DP755603] is identified as containing 'Olives cattle dip' site. The location of the proposed dwelling is located over 1km from the dip site. Due to the topography of the site there is no opportunity for run-on from the dip site.

During the site inspection no visible contamination indicators were identified within or surrounding the investigation area. Additionally, a search of the NSW Contaminated Land Register returned no sites of concern.

The likelihood of contamination and risk of harm to end users in regards to contamination within the investigation area is very low. The site history is relatively complete with no potential contaminants of concern identified. As such, the site of the proposed dwelling is considered to be suitable for future residential development. No further soil investigations or remediation activities for contamination are recommended.

2.5 On-Site Wastewater Management Report

The property is not serviced by the Council's sewer system. The existing dwelling on the site is serviced by an OSMS, subsequently the proposed dwelling is also to be serviced by a new OSMS. An on-site wastewater management report has been prepared by *North Coast Wastewater Solutions* and is contained within **Attachment 3** of this report. A section 68 application will be lodged with Council for approval of the proposed new system.

A desktop study and site assessment of the property was undertaken to assess environmental factors and constraints relating to sewage treatment and disposal. Some constraints and design responses are summarised below, however reference should be made to the report for full detail.

The property is identified as flood prone land, in response to this constraint the proposed septic tank lid will be installed at 6.0m above the 1 in 100-year flood level. The tank will likely need to be installed under the dwelling to achieve this. While effluent disposal trenches will be installed above the 1 in 20 year flood level [5.0mRL].

The proposed OSMS design includes a 3000L septic tank and two (2) ETA beds measuring 12m x 1.5m [45m²]. The OSMS has been designed in accordance with the Richmond Valley Council On-Site Sewage Management Strategy 2018, AS1547-2012 On-Site Domestic Wastewater Management and the NSW Government On-Site Sewage Management for Single Households.

3. Development Proposal

3.1 Description of Proposal

Development consent is sought from Richmond Valley Council for the erection of a dwelling to create a dual occupancy [detached] at 945 Woodburn Coraki Road, Bungawalbin. The property is improved with an existing dwelling, with access via Woodburn Coraki Road and Patch Lane.

Reference should be made to the shed plans and architectural design plans within **Attachment 1** of the report for full details of the proposal. However, in summary the major development components have been outlined below for Council's consideration.

Existing dwelling

The property is improved with a number of existing structures including a shed, dairy bales and an existing dwelling. The dwelling is approximately 100 years old and is of a timber construction with metal roofing. This dwelling is to be maintained and form part of the proposed dual occupancy on the site.

Proposed dwelling

The proposal involves the construction of a single storey dwelling on the north-western extent of the site. The dwelling has been sited in this location as it is the highest point on the riverbank being up to 6mAHD. Given the property is flood prone land, locating the dwelling at this high point will provide for improved flood immunity.

The dwellings design features two bedrooms and one bathroom, plus a study nook. The kitchen and dining space is open plan design and sits adjacent to the living area. A sunroom is positioned in the eastern extent of the structure, with access to the sunroom via the master bedroom, living area and breezeway. The design also features a two-vehicle car port and access ramp. The dwelling has a total site area of 125m².

The new dwelling is to be serviced by a new OSMS. In addition, a new driveway which utilises an existing approved crossover with Woodburn Coraki Road is also proposed.

3.2 Vehicular Access & Services

As detailed in **Section 2.5** an OSMS is proposed to service the new dwelling. A section 68 application will be lodged with the council for approval of the new system. Electricity will be provided via overhead powerlines. Rainwater tanks will be installed to facilitate the provision of water. Vehicle access will be maintained via existing vehicular crossovers.

3.3 Architectural Design Plans

Reference should be made to the design plans prepared by *Robin Spencer Architects Pty Ltd* contained within **Attachment 1** of this report.

Table 5: Architectural Design Plans

Drawing No.	Title	Date
0002-B	Site Plan, Partial Site Plan and Lidar Survey	18.01.2024
1010-F	Site Plan	18.01.2024
2010-A	Proposed Floor Plans, Ground Floor Plan	October 2023
7010-C	Proposed External Elevations, SE & SW Elevations	October 2023
7011-C	Proposed External Elevations, NW & NW Elevations	October 2023
7020-A	General Sections, Section A	October 2023
8010-A	Schedules, Glazing and Door Schedule	October 2023

4. Statutory Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15(1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4 also examines policy adopted by Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

4.2 Richmond Valley Local Environmental Plan 2012

4.2.1 Introduction

Error! Reference source not found. summarises the provisions of the Richmond Valley Local Environmental Plan 2012 and its applicability to the current application.

Table 6: RVLEP 2012 Applicability

Richmond Valley Local Environmental Plan 2012		Applicable
<u>Part 4: Principal development standards</u>		
4.1	Minimum subdivision lot size	<input type="checkbox"/>
4.1AA	Minimum subdivision lot size for community title schemes	<input type="checkbox"/>
4.1A	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones	<input type="checkbox"/>
4.1B	Minimum lot sizes for dual occupancies	<input checked="" type="checkbox"/>
4.1C	Exceptions to minimum lot size for dual occupancies	<input type="checkbox"/>
4.2	Rural subdivision	<input type="checkbox"/>
4.2A	Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/>
4.2B	Erection of dual occupancies and dwelling houses on land in Zone RU1, R5 and E3	<input checked="" type="checkbox"/>
4.2C	Exceptions to minimum subdivision lot size for lot boundary adjustments	<input type="checkbox"/>
4.3	Height of buildings	<input checked="" type="checkbox"/>
4.4	Floor space ratio	<input type="checkbox"/>
4.5	Calculation of floor space ratio and site area	<input type="checkbox"/>
4.6	Exceptions to development standards	<input type="checkbox"/>
<u>Part 5: Miscellaneous provisions</u>		
5.1	Relevant acquisition authority	<input type="checkbox"/>
5.1A	Development on land intended to be acquired for public purposes	<input type="checkbox"/>
5.2	Classification and reclassification of public land	<input type="checkbox"/>
5.3	Development near zone boundaries	<input type="checkbox"/>
5.4	Controls relating to miscellaneous permissible uses	<input type="checkbox"/>
5.5	Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>
5.6	Architectural roof features	<input type="checkbox"/>
5.7	Development below mean high water mark	<input type="checkbox"/>
5.8	Conversion of fire alarms	<input type="checkbox"/>
5.9	Dwelling house or secondary dwelling affected by natural disaster	<input type="checkbox"/>
5.10	Heritage conservation	<input type="checkbox"/>
5.11	Bushfire hazard reduction	<input type="checkbox"/>
5.12	Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/>
5.13	Eco-tourist facilities	<input type="checkbox"/>

5.14	Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/>
5.15	Defence communications facility	<input type="checkbox"/>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<input type="checkbox"/>
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>
5.18	Intensive livestock agriculture	<input type="checkbox"/>
5.19	Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>
5.20	Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/>
5.21	Flood planning	<input checked="" type="checkbox"/>
5.22	Special flood considerations	<input type="checkbox"/>
5.23	Public bushland	
5.24	Farm stay accommodation	
5.25	Farm gate premises	
Part 6: Additional local provisions		
6.1	Acid sulfate soils	<input checked="" type="checkbox"/>
6.2	Essential services	<input checked="" type="checkbox"/>
6.3	Earthworks	<input type="checkbox"/>
6.4	Protection of historic New Italy village area	<input type="checkbox"/>
6.5	(Repealed)	<input type="checkbox"/>
6.6	Terrestrial biodiversity	<input checked="" type="checkbox"/>
6.7	Landslide risk	<input checked="" type="checkbox"/>
6.8	Riparian land and watercourses	<input checked="" type="checkbox"/>
6.9	Drinking water catchments	<input type="checkbox"/>
6.10	Wetlands	<input checked="" type="checkbox"/>
6.11	Airspace operations	<input type="checkbox"/>
6.12	Development in areas subject to aircraft noise	<input type="checkbox"/>
6.13	Development of The Glebe, Coraki	<input type="checkbox"/>
6.14	Rural workers' dwellings	<input type="checkbox"/>
6.15	Location of sex services premises	<input type="checkbox"/>

4.2.2 Zoning

Defined Land Use

The proposed development is defined as a 'dual occupancy' and 'dual occupancy (detached)' and 'residential accommodation' pursuant to the Richmond Valley Local Environmental Plan 2012. A copy of the relevant definitions are reproduced below.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached). *Note: Dual occupancies are a type of residential accommodation.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following –

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Dual occupancies are permissible with development consent in the RU1 zone.

RU1 Zone Objectives

The site is zoned *RU1 – Primary Production* pursuant to the Richmond Valley Local Environmental Plan 2012. The relevant objectives of the RU2 zone are addressed below, together with the proposal's response.

The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimize the fragmentation and alienation of resource lands.*
- *To minimize conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*

Comment: The proposal relates to the construction of a dwelling to create a dual occupancy (detached) on the property. The residential land use component on the site is subservient to the agricultural use of the land with a majority of the site preserved for ongoing agricultural activities. All existing structures associated with the agricultural use of the land including the shed and dairy bales are maintained under the proposal.

4.2.3 Applicable Provisions

Clause 1.2 – Aims of the Plan

The aims of the plan set out under Clause 1.2 are as follows:

(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 relates to the construction of a new dwelling at the subject site to create a dual occupancy (detached) development. The residential use of the land remains subservient to the agricultural use of the property and as such is considered to achieve the desired strategic outcome for the area.

Clause 4.1B – Minimum lot sizes for dual occupancies

Comment: The minimum lot size for dual occupancy developments on RU1 zoned land is 1.5 hectares. The property has a lot size of 67.57 hectares, therefore achieving the minimum lot size requirement.

Clause 4.2B – Erection of dual occupancies and dwelling houses on land in zones RU1, R5 and C3

Comment: The RVLEP 2012 Lot Size Map stipulates a 40 hectare minimum lot size (MLS) for the site. The site is 67.57 hectares and as such exceeds the MLS requirement. Additionally, the property is identified as ‘dwelling opportunity’ on the RVLEP 2012 Dwelling Opportunity Map.

(4) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production or Zone R5 Large Lot Residential unless the consent authority is satisfied that — (a) the development will not impair the use of the land for agriculture or rural industries in the locality, and

The proposed dual occupancy on the property comprises only a small area of the site, with majority of the site retained for agricultural purposes.

(b) if it is practicable, each dwelling will use the same vehicular access to and from a public road, and
 Each dwelling will utilise the same property access, being an approved driveway crossover which connects to Woodburn Coraki Road. The property access continues into an internal road which verges off to service each dwelling.

(c) any dwellings will be situated within 100 metres of each other, and

The dwellings are proposed to be located 175m apart – the new dwelling has been sited on an elevated portion of the site in response to the flood prone nature of the site. By positioning the new dwelling in this location improved flood immunity will be achieved. Although this siting exceeds the 100m requirement stipulated by the RVLEP 2012 it is considered warranted in this instance. A request to vary this Clause of the LEP is provided in **Attachment 5**.

(d) the land is physically suitable for the development, and

As noted in **Section 2.4**, the site is considered suitable for the proposed development, with the likelihood of contamination within the investigation area being very low (refer **Attachment 2**).

(e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and

As detailed in **Section 2.5** the land is capable of accommodating a new OSMS to manage wastewater associated with the proposed dwelling (refer **Attachment 3**). The existing dwelling is serviced by an existing OSMS which is to be retained.

(f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

The proposal is low density development, the new dwellings design presents a low visual bulk being only a small scale (2 bedroom) dwelling. Additionally, the proposal provides for a 22.2m setback from the existing neighbouring dwelling. Subsequently, the development is not anticipated to have an adverse impact of the scenic amenity or character of the area.

Clause 4.3 – Height of buildings

Comment: The subject site has a maximum building height of 8.5m pursuant to the RVLEP 2012. The proposed dwelling has a height of 6.5m measured from the natural ground level.

Clause 5.21 – Flood planning

Comment: A flood information enquiry from Richmond Valley Council confirms the property is flood prone land. The site has a minimum habitable flood level of 6.4m AHD. The proposed dwelling has been sited and designed in response to the flood prone nature of the site.

The dwelling is sited on an elevated portion of the property and above the FPL. The dwelling achieves FFL of 7.4m AHD offering improved flood immunity to the dwelling.

Clause 6.1 – Acid sulfate soils

Comment: The area of the property which contains the proposed dwelling is identified as potential acid sulfate soils class 3. Pursuant to the RVLEP 2012 the following works require the preparation of an acid sulfate soils management plan:

Class of land	Works
3	Works by more than 1 metre below the natural ground surface.
	Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.

The proposed dwelling features a pole design, as such earthworks associated with the proposal are limited and unlikely to exceed 1m below the natural ground surface. The installation of the OSMS will require minor excavation to install the septic tank and ETA beds. As detailed within the report prepared by *North Coast Wastewater Solutions* contained within **Attachment 3** excavation associated with the septic tank may only be around 2 cubic metres. Due to the minor nature of the excavation as acid sulfate soils management plan is not considered necessary. A 10kg bag of lime should be added to the excavated soil to limit possible acid generation.

Clause 6.2 – Essential services

Comment: The existing dwelling on the site is serviced by an OSMS and an overhead power supply. Rainwater tanks manage stormwater as well as provide water supply to the dwelling. There is an existing vehicular access located off both Woodburn Coraki Road and Patch Lane.

The proposed new dwelling will adopt the same servicing arrangements, with a new OSMS to be installed to manage wastewater associated with the development.

Clause 6.6 – Terrestrial biodiversity

Comment: Three areas of the site are mapped as potentially containing terrestrial biodiversity. Two of these areas are located south of the proposed development footprint. However, the development area intersects with the mapping associated with the Richmond River. The development area contains no trees or shrubs and is improved with pasture grass species. As such it is considered unlikely any adverse impacts from the development on the ecological value of the site or flora and fauna will arise.

Clause 6.4 – Landslide risk

Comment: Two areas within the southern portion of the allotment are overlaid as potential landslide risk. These areas are well removed from the proposed development footprint. No further consideration of landslide risk on the development is considered warranted.

Clause 6.10 - Wetlands

Comment: A small area of the property is mapped as potential wetlands. This area does not overlap with the proposed development footprint. The development area is devoid of vegetation and improved with pasture grass species. Given the buffer between the development and the mapped wetland area no adverse impacts from the proposal are anticipated.

4.3 Richmond Valley Development Control Plan

4.3.1 Introduction

The Richmond Valley Development Control Plan 2021 (DCP) applies to the Richmond Valley Council Local Government Area and as such the subject site. The provisions contained within the DCP are intended to form a guideline under which development can take place that meet the underlying objectives of the RVLEP 2012. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable.

Table 7 below summarises the application of the DCP.

Table 7: DCP Applicability

Richmond Valley Development Control Plan 2021		Applicable
Part A: Residential Development		<input type="checkbox"/>
A-1	Dwelling houses in the R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-2	Dwelling houses in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-3	Dual Occupancies in the R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-4	Dual Occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input checked="" type="checkbox"/>
A-5	Secondary dwellings in the R1 General Residential, RU5 Village and R5 Large Lot Residential zones	<input type="checkbox"/>

A-6	Ancillary residential development in R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-7	Ancillary residential development in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-8	Multi-dwelling Housing and Residential Flat Buildings	<input type="checkbox"/>
A-9	Shop Top Housing	<input type="checkbox"/>
A-10	Seniors Housing and Affordable Housing	<input type="checkbox"/>
A-11	DCP Explanatory Notes	<input type="checkbox"/>
<u>Part B: Commercial Development</u>		<input type="checkbox"/>
<u>Part C: Industrial Development</u>		<input type="checkbox"/>
<u>Part D: Rural Land Uses</u>		<input type="checkbox"/>
D-1	Roadside Stalls	<input type="checkbox"/>
D-2	Kiosks	<input type="checkbox"/>
D-3	Intensive Livestock Agriculture	<input type="checkbox"/>
<u>Part E: Visitor Accommodation, Caravan Parks and Manufactured Home Estates</u>		<input type="checkbox"/>
E-1	Eco-tourist Facilities	<input type="checkbox"/>
E-2	Bed and Breakfast Accommodation	<input type="checkbox"/>
E-3	Serviced Apartments	<input type="checkbox"/>
E-4	Hotel and Motel Accommodation	<input type="checkbox"/>
E-5	Backpackers Accommodation	<input type="checkbox"/>
E-6	Farm Stay Accommodation	<input type="checkbox"/>
E-7	Manufactured Home Estates, Caravan Parks and Camping Grounds	<input type="checkbox"/>
<u>Part F: Signage</u>		<input type="checkbox"/>
<u>Part G: Subdivision</u>		<input type="checkbox"/>
<u>Part H: Natural Resources and Hazards</u>		<input type="checkbox"/>
H-1	Flood Planning	<input checked="" type="checkbox"/>
H-2	Acid Sulfate Soils (ASS)	<input checked="" type="checkbox"/>
H-3	Natural Resources (NRS)	<input checked="" type="checkbox"/>
<u>Part I: Other Considerations</u>		<input type="checkbox"/>
I-1	Environmental Heritage	<input type="checkbox"/>
I-2	Development in, on, over or under a Public Road	<input type="checkbox"/>
I-3	Building Setbacks	<input checked="" type="checkbox"/>
I-4	Car Parking Provisions	<input checked="" type="checkbox"/>
I-5	Landscaping Guidelines	<input type="checkbox"/>
I-6	Animal Boarding and Training Establishments	<input type="checkbox"/>
I-7	Noise Impact Assessment (NIA)	<input type="checkbox"/>
I-8	Social Impact Assessment (SIA)	<input type="checkbox"/>
I-9	Water Sensitive Urban Design (WSUD)	<input type="checkbox"/>
I-10	Crime Prevention through Environmental Design (CPTED)	<input type="checkbox"/>
I-11	Land Use Conflict Risk Assessment (LUCRA)	<input checked="" type="checkbox"/>
I-12	Context and Site Analysis	<input checked="" type="checkbox"/>
I-13	Use of Shipping Containers	<input type="checkbox"/>
I-14	Sex Service Premises, Restricted Premises and Home Occupations (Sex Services)	<input type="checkbox"/>
I-15	Lane Widening and Access to Narrow Streets	<input type="checkbox"/>
I-16	Historic New Italy Village Area	<input type="checkbox"/>

4.3.2 Part A Residential Development

The relevant parts of Part A Residential Development of the DCP are discussed below in **Table 8**.

Table 8: Part A Residential Development DCP

Element	DCP Requirement	Comment
Part A4 – Dual occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones		
A4.1 – Permissibility, minimum lot size and subdivision requirements		
1	A dual occupancy (attached) or dual occupancy (detached) is permitted in the RU1 and R5 zones.	Complies. The subject site benefits from an RU1 zoning.
4	The minimum lot size for a dual occupancy (attached or detached) in the RU1 and R5 zones: 1.5 hectares	Complies. The site has an area of 67.57 hectares and therefore exceeds the 1.5 hectare MLS requirement.
6	Maximum separation between detached dual occupancy dwellings is 100m.	Variation sought. The proposal seeks a variation to the 100m separation development control. The proposed dwelling provides for a 175m distance from the existing dwelling on the site. The new dwelling has been deliberately positioned on an elevated portion of the property to provide for improved flood immunity on the site. A LEP Variation Request is provided in Attachment 5 . This request provides justification for the DCP variation.
7	Minimum separation between detached dual occupancy dwellings is 1.8 between the external walls.	Complies. The proposal provides for 175m separation between the existing and proposed dwelling.
A4.2 – Hazards and constraints		
1	Development design must take into account any hazards or constraints applying to the land, which may include flood, bush fire, acid sulfate soils and contaminated lands.	Complies. The proposed dwelling has been deliberately sited on an elevated portion of the site to provide for flood immunity. With a ground level of 6.0m AHD this area of the property offers improved flood immunity compared to other lower lying areas. The property is identified as potentially containing acid sulfate soils. The proposed new dwelling features a pole design, offering both improved flood responsive design but also minimising the extent of

Element	DCP Requirement	Comment
		<p>ground disturbance associated with the construction of the dwelling. No works more than 1m below the ground surface are expected.</p> <p>The development footprint is within the overlay for the SEPP (Resilience and Hazards) 2021 'coastal use area' and 'coastal environment area' due to its proximity to the Richmond River. The proposal has been assessed against the requirements of the SEPP, refer to Section 4.4 for further detail.</p> <p>As discussed in Section 2.4 an investigation into land contamination has been undertaken to inform the proposal. The development footprint has been identified as an area of low risk and as such is considered suitable for the development.</p> <p>Areas of the site are identified by mapping overlays within the Richmond Valley Council GIS system as containing terrestrial biodiversity, wetland and key fish habitat. It is noted the developable area is free from vegetation and improved with pasture grass species. Subsequently, no impacts from the proposal on these areas are expected.</p>
A4.3 – Maximum building height		
1	The maximum height is 8.5 m as specified in the Height of Buildings Map in Richmond Valley Local Environmental Plan 2012.	<p>Complies</p> <p>The proposed dwelling features of a 6.5m height from the natural ground level.</p>
A4.4 – Building setbacks		
1	<p>The following setback controls apply to any road frontage:</p> <ul style="list-style-type: none"> • 15 metres from a local sealed road • 50 metres from a local unsealed road • 20 metres from a classified road 	<p>Complies</p> <p>The proposed new dwelling exceeds the setback controls to a road frontage, achieving approximately a 190 separation between the dwelling and Woodburn Coraki Road.</p>
2	Minimum Side Boundary Setback: 5m	<p>Complies</p> <p>The proposed dwelling achieves a 22.2m side boundary setback, while the carport provides for a 15m setback from the neighbouring property.</p>

Element	DCP Requirement	Comment
3	Minimum Rear Boundary Setback: 5m	Complies. The proposed new dwelling exceeds the minimum rear boundary setback control
8	Site constraints may require greater setbacks from front, rear and/or side boundaries, may be required, for example: (a) Foreshore building line setback, (b) Bushfire prone land and grasslands.	Complies. The dwelling is setback approximately 170m from the Richmond River. The location of the dwelling is not mapped as being bushfire prone with the closest mapped threat being approximately 1,100m to the south of the dwelling location.
9	Ensure development is clear of any easements and infrastructure services such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains, including any additional constraints from the Zone of Influence – see Council for locations.	Complies The dwelling is clear of any easement or other infrastructure such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains. The proposed dwelling provides for a setback of 5m from the nearby power pole and overhead powerlines. There is no easement registered on the property title pertaining to this powerline and required setbacks. Pursuant to Clause 2.48 (1) (b) of the SEPP (Transport and Infrastructure) 2021, developments carried out within 5m of an exposed overhead electricity powerline require referral to essential energy.
10	Development within the Zone of Influence shall, as an absolute minimum, be outside of the Clear Zone as determined by Council assessment of the relevant depth and pipe diameter.	N/A The dwelling is clear of any easement or other infrastructure such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains.
11	Increased depth of footings are generally required between the Clear Zone and the edge of the Zone of Influence (any relaxation will be subject to assessment of the location, the criticality of the infrastructure, the soil type, the development scale, and the type of development, etc)	N/A The dwelling is clear of any easement or other infrastructure such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains.
A4.5 – Local character and context		
1	The design of dwellings and associated buildings should be in keeping with the rural character of the locality. Traditional construction materials (i.e. timber, corrugated roofing or similar)	Complies. The dwelling is architecturally designed and modest in size, The design is considered to be in keeping with the rural

Element	DCP Requirement	Comment
	and natural colours (grey, greens and browns) are encouraged.	character with significant setbacks provided to property boundaries.
2	Extensive use of highly reflective materials and/or colours is not acceptable for roof or wall cladding	Complies. Highly reflective materials and/or colours will not be used.
A4.6 – Solar and daylight access		
1	Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	Complies. All building elevations include windows/doors to facilitate daylight access to all rooms within the dwelling.
2	No part of a habitable room is more than 8m from a window.	Complies. All habitable rooms within the dwelling (being bedrooms 1 + 2, kitchen/dining, living and sunroom) all include the provision of windows.
3	No part of a kitchen work surface is more than 6m from a window or skylight.	Complies. The kitchen is located along the north-east elevation of the dwelling, with the bench situated below a large window.
4	A window is visible from 75% of the floor area of a habitable room.	Complies. All habitable rooms within the dwelling (being bedrooms 1 + 2, kitchen/dining, living and sunroom) all include the provision of windows.
A4.7 – Natural ventilation		
1	All habitable rooms are naturally ventilated.	Complies. All habitable rooms are naturally ventilated with opening windows.
2	Each dwelling is naturally cross ventilated.	Complies. Cross ventilation is provided through openable windows and doors.
A4.8 – View sharing		
1	Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment.	N/A. The siting of the proposed dwelling provides for a 22m setback from the north-west neighbouring dwelling. This shared boundary also includes well established vegetation obscuring views between the properties. The proposed dwelling provides for a 40m setback from the neighbouring allotment to the north-east. Given the generous setbacks and vegetation no impacts on views from neighbouring properties is expected to occur.

A4.9 – Car parking		
1	2 car parking spaces are provided for each dual occupancy dwelling, located behind the building line.	Complies. The proposed dwellings carport provides for 2 undercover parking spaces.
A4.10 – Water, stormwater and sewage		
1	All dwellings must: (a) connect to urban water, sewer & stormwater infrastructure where provided, (b) install a rainwater tank being a minimum 5,000 litres connected to the dwelling, and (c) have a minimum 80% of impermeable surface area diverted to an infiltration area e.g. lawn or garden areas, or water tank..	Complies. The property is not serviced by urban water, sewer or stormwater. A rainwater tank will be installed to collect runoff from the dwellings roof. The tank will also provide a water source for the dwelling.
2	Dwellings not serviced by reticulated town sewer—are to have an approved onsite sewage management facility designed in accordance with Council’s Onsite Sewage and Wastewater Strategy and associated guidelines.	Complies. Reference should be made to Section 2.5 of this report for detail of the OSMS proposed to service the new dwelling. A section 68 application will be lodged for approval of the system.
3	Each dwelling is to have a suitable potable water supply being: (a) Dwellings serviced by reticulated town water—connection to a reticulated water supply is required, or (b) Dwellings not serviced by reticulated town water—a minimum 60,000 litres of potable water supply per dwelling.	Complies. The dwelling will be serviced via rainwater collection tanks. An appropriately worded condition of consent can be inserted to any future consent to require this.
4	Where reticulated water is unavailable, or in areas where there is reticulated water but there is a distance of greater than 90 metres from the nearest hydrant point to further most part of the dwelling, an additional water source is to be provided that is dedicated for firefighting purposes: (a) rural or rural residential land having an area <2ha—a minimum 10,000 litres per lot, or (b) rural or rural residential land having an area =>2ha—a minimum 20,000 litres per lot	Complies. A dedicated water supply can be provided as required.

4.3.3 Part H Natural Resources and Hazards

The relevant parts of Part H Natural Resources and Hazards of the DCP are discussed below within Table 9.

Table 9: Part H Natural Resources and Hazards DCP

Element	DCP Requirement	Comment
Part H1 – Flood Planning		
H1.3 – Flood Planning Level		
2.	The Richmond Valley LEP 2012 (clause 6.5) adopts the 1 in 100 year ARI flood event from the Risk Plans, plus a 500mm freeboard, as the Flood Planning Level (FPL).	Noted. The FPL for the property is 6.4m AHD.
H1.4 – Flood Planning Controls for Development		
2a.	The floor level of habitable rooms are to be erected above the Flood Planning Level.	Complies. The proposed dwelling achieves a 7.4m AHD ground flood level.
2b.	No new residential development is permitted where the flood depth of a 1 in 100 year ARI flood event is >2 metres.	Complies. The development footprint is not within an area where flood depth of the 1 in 100 ARI flood is above 2m.
H2 – Acid Sulfate Soils		
H3.3 – Development Consent Required for Work		
1b.	The Table to clause 6.1 indicates when works will require consent in each of the 5 classes.	Complies. The proposed dwelling features a pole design, as such earthworks associated with the construction of the dwelling are minor and unlikely to exceed 1m below the natural ground surface. The installation of the OSMS will require minor excavation to install the septic tank and ETA beds. As detailed within the report prepared by North Coast Wastewater Solutions contained within Attachment 3 excavation associated with the septic tank may only be around 2 cubic metres. Due to the minor nature of the excavation as acid sulfate soils management plan is not considered necessary. A 10kg bag of lime should be added to the excavated soil to limit possible acid generation.
Part H3 – Natural Resources		
H4.3 – Terrestrial Biodiversity		
3.	As a reflection of the ‘precautionary principle’ aligned with ESD principles, all naturally vegetated areas have been mapped. It is proposed that assessment	Complies. Three areas on the subject site are identified by overlays as containing potentially terrestrial biodiversity. Two of

Element	DCP Requirement	Comment
	of development will determine whether there is likely to be a significant impact on this natural resource.	these areas are removed from the development footprint. While the overlay which extends from the Richmond River intersects with the location of the proposed dwelling. The area of the proposed development is devoid of vegetation, consisting of only improved pasture grass species. Given the proposal does not require any vegetation removal. As well as the generous setback from the dwelling to the river it is considered unlikely that the development will have any significant impact on the river.
H4.4 – Landslip Risk		
1.	This mapping represents steep slopes greater than 18 degrees or (33% grade). These steeper lands may be susceptible to mass movement and higher levels of erosion.	N/A. As detailed in Section 4.2 the development footprint is not in vicinity of the portion of the side identified as ‘landslip risk’. Subsequently, no further consideration of landslip risk is warranted.
H4.7 – Wetlands		
3.	Clause 6.10 of the Richmond Valley LEP 2012 requires consideration of whether a development is likely to have a significant adverse impact on: <ul style="list-style-type: none"> ➤ the condition and provision of quality wetland habitat; or ➤ water quality and flows; and ➤ whether there are any actions that can be taken to avoid an impact, to minimise the impact, or to mitigate the impact. 	N/A. The development footprint is well removed from the area of mapped wetland. Subsequently, no adverse impacts from the proposal on this area envisaged.

4.3.4 Part I Other Considerations

The relevant parts of Part I Other Considerations of the DCP are discussed below within **Table 10**.

Table 10: Part I Other Considerations

Element	DCP Requirement	Comment
Part I3 – Building Setbacks		
I3.5 – Foreshore Building Line Setbacks		
1.	The minimum foreshore building line setback for development shall be 40m.	Complies. The dwellings setback from the Richmond River exceeds the 40m minimum requirement.

Part I4 – Car Parking Provisions		
I4.2 – On-site Parking		
1.	On-site car parking is required to be provided at the rates established in the Section I-4.4 General Car Parking Rates for new development.	<p>Complies.</p> <p>The proposed new dwelling provides 2 undercover car parking spaces.</p>
Part I9 – Water Sensitive Urban Design		
I9.4 – Water Quality Controls		
3c.	Residential Dwellings/Dual Occupancies -The following additional requirements apply: <ul style="list-style-type: none"> ➤ Residential lots and dual occupancies must meet targets through the implementation of measures as indicated in Table I-9.2. 	<p>Complies.</p> <p>The proposed new dwelling includes the provision of tanks which will capture rainwater runoff from the roof.</p>
I9.7 – Construction, Erosion and Sediment Control		
5a.	Erosion and Sediment Control and Soil and Water Management Plans <ul style="list-style-type: none"> ➤ An erosion and sediment control plan is required: <ul style="list-style-type: none"> ▪ Where the area of disturbance is between 250m² to 2500m² ▪ Where the area of disturbance is <250m² but the slope of the site exceeds 18° 	<p>Complies.</p> <p>Erosion and sediment control measures will be established and maintained during construction.</p>
Part I11 – Land Use Conflict Risk Assessment [LUCRA]		
I11.2 – LUCRA Design Principles		
2.	A LUCRA is required where a proposed development for a particular land-use has a buffer distance which infringes upon nearby existing land-uses and/or development. Buffer distances for development types are given within Tables I-11.1, I-11.2 & I-11.3 of the DCP.	<p>Complies.</p> <p>Table I11.1 recommends a buffer distance of 50m between the grazing of stock and rural dwellings. The dwelling is setback approximately 22m from the western boundary. This is considered appropriate given the use of the land to the west in this location is for residential purposes.</p>

4.4 State Environmental Planning Policies

4.4.1 Introduction

Table 11 summarises the State Environmental Planning Policies which apply to the land and form of development.

Table 11: SEPP Applicability

State Environmental Planning Policy (SEPP)	Applicable
SEPP (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>
SEPP (Housing) 2021	<input type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>
SEPP No.65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>
SEPP (Planning Systems) 2021	<input type="checkbox"/>
SEPP (Precincts – Central River City) 2021	<input type="checkbox"/>
SEPP (Precincts – Eastern Harbour City) 2021	<input type="checkbox"/>
SEPP (Precincts – Regional) 2021	<input type="checkbox"/>
SEPP (Precincts – Western Parkland City) 2021	<input type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
SEPP (Resources and Energy) 2021	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>

4.4.2 SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a Development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

As detailed within **Section 2.4** of this report a contaminated land preliminary site investigation has been undertaken and is contained within **Attachment 2** of this report. The investigations consisted of a review of site history and site condition assessment. During the site inspection no visible contamination indicators were identified within or surrounding the investigation area. Additionally, a search of the NSW Contaminated Land Register returned no sites of concern.

The likelihood of contamination and risk of harm to end users in regards to contamination within the investigation area is very low. The site history is relatively complete with no potential contaminants of concern identified. As such, the site of the proposed dwelling is considered to be suitable for future residential development. No further soil investigations or remediation activities for contamination are recommended.

4.4.3 SEPP (Sustainable Buildings) 2022

The objective of the SEPP (Sustainable Buildings) 2022 is to encourage the design and delivery of sustainable buildings. Chapter 2 of the SEPP establishes the standards for residential development – BASIX. The BASIX standards cover water, energy use and thermal performance and apply to all new residential developments. Accordingly, a BASIX assessment has been undertaken and is included within **Attachment 4** of this report. In summary, the proposal met all the requirements for sustainability.

4.4.4 SEPP (Transport and Infrastructure) 2021

Pursuant to Clause 2.48 (1) (b) of the SEPP (Transport and Infrastructure) 2021, developments carried out within 5m of an exposed overhead electricity powerline require referral to essential energy. The proposed dwelling provides for a setback of 5m from the nearby power pole and overhead powerlines. There is no easement registered on the property title pertaining to this powerline and required setbacks.

4.5 Section 4.15 Evaluation

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 this application.

Table 12: Section 4.15 Matters for Consideration

S4.15 Matters for consideration	Response
(a) the provisions of: (i) any environmental planning instrument;	All relevant provisions of the RVLEP 2012 have been considered within this report.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	No draft EPI is considered to adversely impact the application.
(iii) any development control plan;	The relevant provisions of the Richmond Valley DCP are addressed within Section 4.3 of this report.
(iiia) and planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;	The subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	
1 Demolition of Structures	N/A
2 Land subject to a Subdivision Order	N/A
3 Dark Sky Planning Guideline	N/A
4 & 5 Application for a manor house or multi dwelling housing (terraces).	N/A
6 Residential building in Penrith City Centre	N/A
7 Wagga Wagga Special Activation Precinct Master Plan	N/A
7A Moree Plains Special Activation Precinct Master Plan	N/A
8 Subsections (7) and (7A) do not apply to a development application made on or after 30 September 2022	N/A

S4.15 Matters for consideration	Response
(v) (Repealed)	
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;	
Context and setting	The subject land is zoned RU1 under the RVLEP 2012. Dual occupancy (detached) developments are permissible with development consent. The proposed development is consistent with the low density rural residential nature of the site and surrounding properties.
Access, transport and traffic	Access if provided to the dual occupancy development via existing driveways.
Utilities	Overhead power supply will be connected to the proposed dwelling. An OSMS will be installed to service the wastewater requirements of the dwelling. Rainwater tanks will be installed, managing stormwater and providing water for the dwelling.
Heritage	The site is not identified on Schedule 5 of the RVLEP 2012 as containing an Item of Environmental Heritage.
Water	The subject site is not serviced by the reticulated water supply. Rainwater tanks will be installed providing water for the dwelling.
Soils	Erosion and sedimentation controls will be required to be implemented by the proponent prior to construction of the development.
Air & Microclimate	Appropriate measures will be incorporated into the construction phase of the development to minimise any opportunities for noise and dust impacts.
Flora and fauna	The proposal does not require the removal of any vegetation.
Natural hazards	The southern extent of the site is mapped as being affected by bushfire prone vegetation. However, this area is well removed from the development footprint. The entirety of the site is identified as flood prone land. The dwelling has been designed

S4.15 Matters for consideration	Response
	in response to the flood affectation on the site. The dwelling has been sited on an elevated portion of the property. While the dwelling has a pole design, providing for a habitable floor level of 7.4m AHD which is above the flood planning level of 6.4m AHD applicable to the site.
Waste	Waste shall be collected and disposed in accordance with Richmond Valley Council waste collection services.
Safety, Security & Crime Prevention	Future occupants of the site may incorporate target hardening measures within the development such as security alarm systems and locks etc.
Social Impact	The proposal is considered to provide social benefits through providing improved housing supply for the properties occupants.
Energy	BASIX certification is included within the Development Application documentation at Attachment 4 .
Noise & Vibration	Construction activities will adhere to Council's specified hours of operation and consent conditions relating to the existing residential amenity.
Site design and internal design	The proposed development is consistent with the existing type and density of development within the surrounding RU1 zone as submitted earlier. The proposed site layout has been considered and designed to achieve improve flood immunity on the site.
Construction	Construction activities will be completed in accordance with Council conditions of consent and Work Cover requirements. Appropriate sedimentation measures will be installed during the construction phase to mitigate opportunities for soil erosion and water pollution.
(c) The suitability of the site for the development:	
Does the proposal fit within the locality?	Council's town planning framework provides for the development of the site for dual occupancy (detached) development purposes and in this regard the proposal is deemed consistent with this framework.

S4.15 Matters for consideration	Response
	The design is compatible with existing and likely future developments within the surrounding locality.
Site attributes conducive to the development?	<p>The development footprint is not located on bushfire prone land. However, the site is identified as flood prone land. The proposed dwellings siting and design is responsive to the flood prone nature of the site. Positioning the dwelling in an elevated area, as well as adopting the use of pole footings helps to achieve improved flood immunity.</p> <p>The subject land is not identified as containing or being adjoined by a heritage item pursuant to Schedule 5 of the RVLEP 2012, and is not located within a heritage conservation area.</p>
(d) Any submissions made in accordance with this Act or the regulations;	The proposal is compliant with the relevant legislation, as addressed within this report. Council will consider any submissions to the application as part of the assessment process.
(e) The public interest.	This project has been designed to be compatible with the existing and desired future amenity of the locality and will support the use of the land for rural residential purposes. In addition, the development is largely consistent with the development controls for the locality. As such, the proposal is considered to be in the public interest.

5. Conclusion

This Town Planning report when read in conjunction with the accompanying documents successfully addresses the issues relevant to Council's assessment of this application.

In consideration of the issues and information provided, approval of the Development Application is warranted in the manner prepared, subject to the application of reasonable and relevant conditions.

The grounds for this approval are summarised below:

- The application accords with the relevant provisions of the Richmond Valley Local Environmental Plan 2012;
- The proposal adequately addresses the relevant provisions of the Richmond Valley Development Control Plan; and
- The proposal has been designed to accord with the building form and scale of surrounding development in the area.



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