

The General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

Dear Sir,

SUBJECT: STATEMENT OF ENVIRONMENTAL EFFECTS
PROJECT: PROPOSED DETACHED DUAL OCCUPANCY, SHEDS, POOLS AND STRATA SUBDIVISION - FERRY ROAD, OXLEY ISLAND (LOT 6 DP 1297305)

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application for a detached dual occupancy, two pools, two sheds and a two lot strata subdivision at Ferry Road, Oxley Island (Lot 6 DP1297305). The site of the proposed development is shown in **Figure 1**.

Figure 1 – Site Location

Source: Midcoast Council Online Mapping
North ^



3. Planning Provisions

The subject land is zoned RU1 – Primary Production under the provisions of Greater Taree Local Environmental Plan 2010. 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 minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.*
- *To maintain the rural landscape character of the land.*
- *To protect and enhance the native flora, fauna and biodiversity links.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.*

Clause 4.2C of the Greater Taree Local Environmental Plan 2010 outlines the requirements for dual occupancies in the RU1 zone as follows:

(1) The objective of this clause is to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land.

(2) Development consent must not be granted to development for the purpose of a dual occupancy on land in Zone RU1 Primary Production unless the consent authority is satisfied that—

(a) the development will not impair the use of the land for agriculture or rural industries, and

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

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

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

(e) each dwelling will use the same vehicular access to and from a public road and share a common fire break, and

(f) the dwellings will not have an adverse impact on the scenic amenity or character of the rural environment, and

Midcoast Town Planning

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DETACHED DUAL OCCUPANCY – FERRY ROAD, OXLEY ISLAND (LOT 6 DP 1297305)

(g) the development will not have an adverse impact on any riparian areas or on the supply of water to adjoining land.

It is submitted that the proposed detached dual occupancy meets the relevant objectives of the zone and these objectives contained in Clause 4.2C. In addition, the proposed development will:

- not impair the use of the land for agriculture or rural industries;
- use the same vehicular access to and from a public road;
- be 13 metres apart;
- be on land that is physically suitable for the development;
- be on land that is capable of accommodating the on-site disposal and management of sewage for the development, and
- not have an adverse impact on the scenic amenity or character of the rural environment.

The proposed dual occupancy and sheds are permissible in the zone. The strata subdivision of the land Clause 4.2B of the LEP prohibits state subdivision given that the minimum lot size for the land is 40 hectares.

4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones

(1) The objective of this clause is to ensure that land this clause applies to is not fragmented by subdivision that would create additional dwelling entitlements.

(2) This clause applies to the subdivision of land—

(a) under a strata title scheme, and

(b) that requires development consent, and

(c) in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation or Zone E3 Environmental Management, and

(d) that is being used, or is proposed to be used, for the purpose of residential accommodation or tourist and visitor accommodation, and

(e) carried out after the commencement of this Plan.

Note—

See note 2 to clause 2.6(1).

(3) The size of each lot resulting from the subdivision must not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The minimum lot size of 40 hectares is a development standard. A Clause 4.6 request to this standard is sought. Further justification is provided below.

4. The Proposed Development

The proposed development comprises the following:

- Two single storey 4 bedroom dwellings constituting a dual occupancy with verandah, amenities, kitchen, dining area and living area; and
- Two in ground swimming pools;
- Two sheds; and
- Two lot strata subdivision.

The proposed development has access via a right of carriageway across Lot 7 DP 1297305.

A site plan and development details are provided on the plans prepared by Collinswcollins are attached to the Development Application (Revision G).

5. Development Control Plan Provisions

Part J

Part J2.1 of Greater Taree Development Control Plan 2010 outlines specific requirements for rural dwellings. An assessment of the proposed development against these requirements is provided below.

Objectives

Ensure that development does not detract from the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of rural areas;

Provide separation between residential uses and noise generating sources;

Provide buffers between residential buildings and land uses to minimise the potential for land use conflict and additional pressure on agriculture or other rural activities;

Ensure that external finishes used have minimal detrimental impact on the visual amenity of an area;

Encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development.

The proposed development is consistent with the objectives as listed above.

Performance criteria

1. Buildings in all rural zones shall provide a minimum front setback of 20m.

The proposed dwellings have a front setback of greater than 20m.

2. Buildings in all rural zones shall provide a minimum side and rear setback of 10m.

The proposed dwellings have a rear setback of greater than 10m. A request for variation of the side setback for the western most dwellings garage to 9.6m is sought on the basis that it has no adverse impacts on neighbours.

3. Dwellings must be located to minimise the removal of existing vegetation.

The proposed dwellings do not require the removal of any vegetation.

4. Buildings should be visually unobtrusive in the overall landscape.

The proposed dwellings will be visually unobtrusive as the nearby landscape comprises a rural landscape setting.

5. Buildings should complement the characteristics of the landform. Cut and fill shall be kept to a minimum.

The proposed development complements the existing landform. Fill will be required to raise the floor levels to that required to meet flood level requirements.

6. The roofline of buildings should reflect the land profile within the vicinity of the development.

The proposed development complies. Single storey dwellings reflect the built form profile in the vicinity of the development.

7. All outbuildings must be ancillary to an approved use on the land on which it is situated.

The proposed sheds will be ancillary to the use of the land for agricultural purposes.

8. External wall cladding to outbuildings shall be of masonry, colorbond sheet metal or other approved material compatible with authorised existing development on the site and the character of the immediate environment.

The proposed development is external clad construction and consistent with the character of the immediate environment.

9. Roof cladding to outbuildings shall be of tiles, colorbond sheet metal or other approved material compatible with authorised existing development on the site and the character of the immediate environment.

The proposed development has colourbond sheet roofing and complies.

10. The colours of roof and wall cladding shall be generally low reflective neutral/earth tones, compatible with authorised existing development on the site and environmentally sensitive, so as to minimise any possible adverse impact on the amenity of the area.

The proposed development will have low reflective neutral/earth tones.

11. All outbuildings shall be provided with appropriate complementary landscaping to minimise the environmental impact on adjoining premises and the area generally.

Not applicable.

12. The maximum floor area for rural outbuildings not used for the purposes of agriculture is 500m².

Not applicable.

13. On unsewered sites, effluent and household waste water is to be disposed in accordance with Appendix E.

A Wastewater Report for the proposed development is included with the Development Application.

Part E

The proposed dwelling house is proposed to be constructed on land which is identified in Council's DCP 2010 and mapping system as being flood affected.

Council requires the applicant to address Part E4.4 of Council's DCP 2010 and provide justification for any non-compliance with the requirements of this section of the DCP. A copy of the flood certificate for the land is attached.

Hydraulic Hazard Category

The flood hazard category in a 1% AEP flood in the year 2100 is High to Extreme.

Floor Levels

Habitable floor areas have a floor level of 4.4m AHD.

Building Components and Method

The dwellings will have flood compatible building components.

Structural Soundness

The dwellings will be structurally sound and will be certified by a qualified engineer at Construction Certificate stage.

Flood Effects

The proposed filling for the dwelling is minimal in the context of the overall flood area and would have no adverse impact on flood levels flows or velocity of floodwater on surrounding property.

Car Parking and Driveway Access

The garage floor levels are well above the FPL2 level.

Evacuation

A Site Flood Emergency Response Plan will be prepared for the proposed development.

Management and Design

The floor level is at FPL4 and is available for the storage of goods during a flood event.

It is submitted that the proposed dwelling meets the performance criteria of Part E4.4.

Part E5.1 Dwellings in rural areas applies to the proposed development.

The objectives of this part are:

- To ensure that new dwellings approved in the floodplain in rural agricultural and large lot residential are structurally sound for relevant flood conditions;
- To ensure that the dwelling, the residents, farm equipment and stock are protected during floods.

Development Controls - Development not on a mound

1. Dwellings must be certified structurally sound and constructed on certified structural footings to resist the forces of flood. These forces include the impact of standing water on foundations, flowing water, debris loading and buoyancy.

The dwelling will be located on a mound.

2. Suitable provision for the storage of farm equipment and stock as required in the event of a flood occurrence.

There is no provision for storage of farm equipment and stock in the event of a flood shown on the plans as the land is not used for primary production.

3. The habitable floor level is to be no lower than FPL3.

Habitable floor areas have a floor level of 4.4m AHD, which is the FPL4 level.

Part J2.2

Part J2.2 of Greater Taree Development Control Plan 2010 outlines specific requirements for rural dual occupancies. An assessment of the proposed development against these requirements is provided below.

Performance Criteria

1. Dual occupancy (detached) in rural areas must be located and retained on the same legal title as the principal dwelling house on the property.

It is proposed for the dwellings to be on separate titles by way of strata subdivision.

2. Dual occupancy (detached) in rural areas must be located so that it does not create potential for conflict with adjoining land uses and does not reduce the existing or future productivity of the same or neighbouring land. Determination of location and siting of the dwellings will depend on assessment of potential conflicts and buffer requirements.

There will be no loss of productivity or land use conflict.

Midcoast Town Planning

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DETACHED DUAL OCCUPANCY – FERRY ROAD, OXLEY ISLAND (LOT 6 DP 1297305)

3. Dual occupancy (detached) in rural areas must use the same vehicular access to a public road to avoid the proliferation of private access points which potentially create traffic conflict.

Same vehicular access is achieved.

4. Dual occupancy (detached) dwellings in rural areas must be located within 100 metres of the principal dwelling to reduce pressure for subdivision, increase the potential for shared infrastructure such as power and telephone services, reduce the need for bushfire clearing, and maximise the opportunity for the balance of the subject land to remain productive.

Dwellings are 13m apart.

5. Dual occupancy (detached) must be designed and sited in a way that:
 - is compatible with the scale, height and character of the locality and nearby development;
 - minimises native vegetation removal (including for bushfire protection);
 - is responsive to the topography and other land-based constraints;
 - does not create adverse drainage impacts (on-site or to neighbouring properties) or impact on riparian areas; and
 - does not result in visual and privacy impacts.

The dwellings are an appropriate design for the locality and will not create an adverse visual or amenity impacts.

6. Clause 4.6 Variation Request

The objectives of Clause 4.6 Exceptions to Development Standards are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This part of the SEE forms the submission seeking an exception to a development standard in accordance with the provisions of Clause 4.6 of the LEP and *Varying development standards: A Guide. NSW Planning and Infrastructure. August 2011*. The development standard to be varied is the 40 hectare minimum lot size requirement for strata subdivision as required by 4.2B (3) of Greater Taree Local Environmental Plan 2010.

The relevant parts of Clause 4.6 which relate to the proposed development are:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The development standard is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the minimum lot size development standard. The justification is discussed further below.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The relevant development standard is contained within Clause 4.2 B of LEP 2010 as follows:

4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones

(1) The objective of this clause is to ensure that land this clause applies to is not fragmented by subdivision that would create additional dwelling entitlements.

(2) This clause applies to the subdivision of land—

(a) under a strata title scheme, and

(b) that requires development consent, and

Midcoast Town Planning

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DETACHED DUAL OCCUPANCY – FERRY ROAD, OXLEY ISLAND (LOT 6 DP 1297305)

(c) in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation or Zone E3 Environmental Management, and

(d) that is being used, or is proposed to be used, for the purpose of residential accommodation or tourist and visitor accommodation, and

(e) carried out after the commencement of this Plan.

Note—

See note 2 to clause 2.6(1).

(3) The size of each lot resulting from the subdivision must not to be less than the minimum size shown on the Lot Size Map in relation to that land.

It is submitted that the proposed strata subdivision of the land to create two lots below the 40-hectare minimum lot standard is unnecessary on the following grounds:

- The strata subdivision would occur post development and as such will NOT enable the potential for additional dwelling entitlements and is therefore consistent with the objective of Clause 4.2B.
- The strata subdivision of the land post development does not contravene the objectives of the RU1 Primary Production zone.

7. Impact Assessment

Vegetation

There is no vegetation required to be removed for the proposed development.

Acid Sulfate Soils

The proposed development parts of the subject land are classified as Class 3 ASS land under the provisions of Greater Taree LEP 2010.

The proposed works for the development will not be more than 1 metre below the natural ground surface and the watertable will not be lowered more than 1 metre below the natural ground surface.

The proposed development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Contamination

There is no known contamination on the subject land.

Aboriginal Heritage

There are no known Aboriginal heritage items on the land.

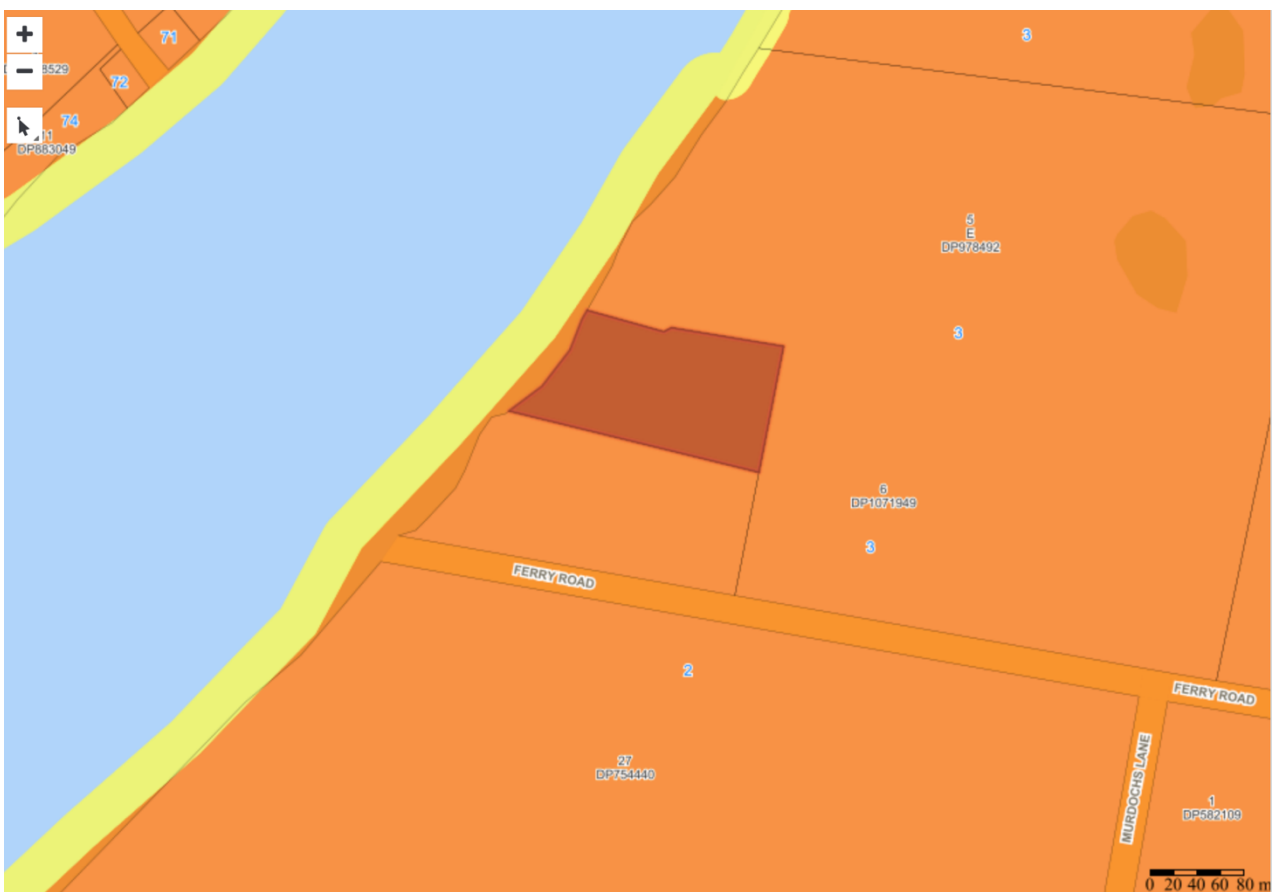
Bushfire

The subject land is classified as bushfire prone (Category 3 vegetation) on Council's mapping as shown in **Figure 2** below. A bushfire assessment is included at with the Development Application.

Figure 2 –Bushfire Mapping

Source: *Midcoast Council Online Mapping*

North ^



Traffic

Any additional traffic created by the proposed development will have an insignificant impact on the local road network.

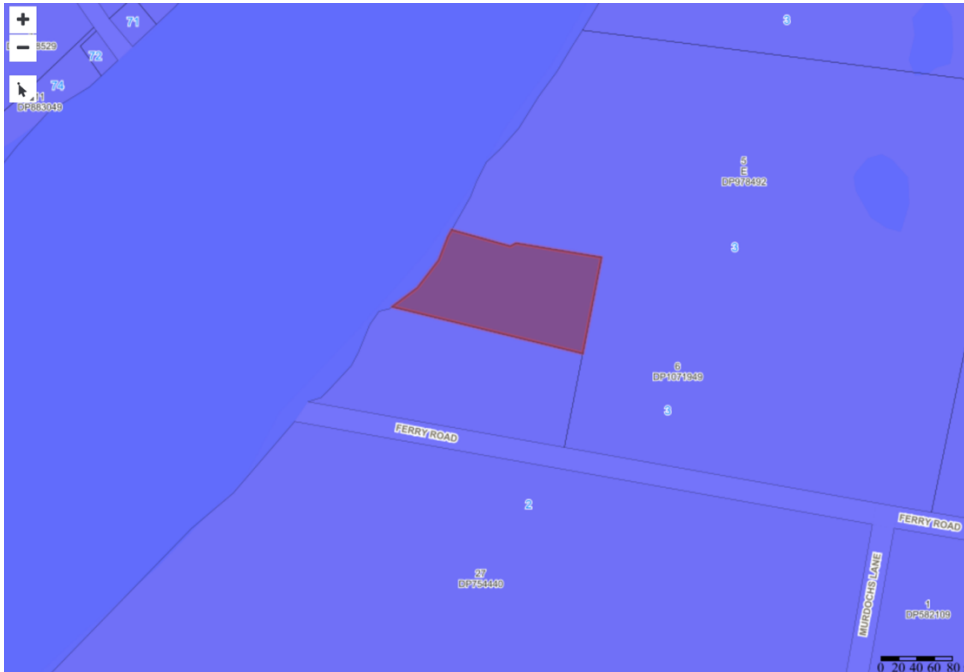
Flooding

The subject land is classified as flood affected as identified on Council's mapping as shown in **Figure 3**. Flooding matters have addressed in Section 5 above.

Midcoast Town Planning
STATEMENT OF ENVIRONMENTAL EFFECTS
PROPOSED DETACHED DUAL OCCUPANCY – FERRY ROAD, OXLEY ISLAND
(LOT 6 DP 1297305)

Figure 3 Flood Levels

Source: MidCoast Council Online Mapping



8. Conclusion

Information presented in this Statement of Environmental Effects indicates that the proposed development being a detached dual occupancy, sheds, pools and strata subdivision on Ferry Road, Oxley Island (Lot 6 DP 1293705) is consistent with the relevant Local and State planning instruments. The potential impacts of the proposed development have been examined in detail and the environmental impacts have been found to be acceptable or able to be managed so that there are no detrimental impacts. The proposed development will not adversely impact upon the surrounding environment.

Yours faithfully
Midcoast Town Planning

A signed copy can be provided upon request.

TONY FISH
Town Planner

27 August 2020

McGlashan & Crisp Pty Ltd
admin@mcglashancrisp.com.au

Enquiries: Peter Hatton

Flood Level Certificate

Certificate No: 16/2021/FL

Property Description
1 Ferry Road Oxley Island NSW 2430 -
Lot 6 DP 1071949

Owner (as recorded by Council):
R F W Lee

FLOOD LEVEL DETAILS

Information currently available to Council, taking into account NSW Sea Level Rise (SLR) Planning Benchmarks, indicates that the property described in this certificate is flood affected as follows:-

Probable maximum flood level	6.0 m AHD	The highest flood level that could conceivably occur at this location
1% AEP flood level in Year 2010	3.5 m AHD	This level is useful for insurance purpose, refer to your insurance policy and the Insurance Contracts Regulation 1985 (Cwealth)
1% AEP Flood Level in Year 2050	3.7 m AHD	This level is useful for development in infill development area
1% AEP Flood Level in Year 2100	3.9 m AHD	Adopted 1% flood level
Flood Planning Level	4.4 m AHD	Adopted 1% flood level plus 0.5m freeboard
Minimum Habitable Floor Level	4.2 m AHD	1% AEP Flood Level in Year 2050 plus 0.5m freeboard
5% AEP Flood Level	2.8 m AHD	On Site Sewerage Management System must be above this level

The flow velocity of the 1% AEP Flood Level in Year 2100 is 1.1 m/s.

Further;

- The Flood Hazard Category of this property in a 1% AEP flood in the year 2100 is High to Extreme.
- The Flood Hydraulic Category of this property in a 1% AEP flood in the year 2100 is unknown (no data available).
- See notes below-

Notes:

- Development must not be carried out under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, where this certificate identifies the flood control lot, or part of the lot as either:
 - a) a flood storage area,
 - b) a floodway area,
 - c) a flow path,
 - d) a high hazard area,
 - e) a high risk area.
 - Where this certificate does not nominate a Flood Hazard Category and a Flood Hydraulic Category for the property then development cannot occur under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 SEPP, unless certified, by a professional engineer who specialises in hydraulic engineering, in accordance with Section 3.5 of that SEPP.
-

Notes:

The accuracy of this flood level certificate is limited to flood information in Council's possession at the time of provision. The information is provided in good faith and expressly for the use of the applicant without warrant or guarantee as to its accuracy. Should you need to rely wholly or in part on this information you are advised to employ the services of a suitably qualified engineer and/or suitably qualified surveyor to assist you in understanding its implications.

Flood level certificates provide current estimates of various flood levels, taking into account where possible the projected effect of SLR. The "NSW Sea Level Rise Policy Statement" establishes planning benchmarks for projected SLR until 2100.

DEFINITIONS:

Annual Exceedence Probability (AEP): The average probability that a flood event of a specific size will be equalled or exceeded in a given year. A 1% AEP Flood has a 1% chance of occurring in a given year. It is approximately equivalent to the '100 year flood'.

Probable Maximum Flood (PMF): Is the largest flood that could conceivably occur within a catchment and is a very rare and unlikely event. However, when undertaking a Floodplain Risk Management Study, Council looks at all storm events up to and including the PMF.

Flood Planning Level (FPL): is an adopted 1% AEP flood level plus 500mm freeboard.

Australian Height Datum (AHD): A common national level datum or surface corresponding approximately to mean sea level (ie RL 0.00m AHD).

Flood Level: The flood level is the height (RL) of the flood peak in a particular flood relative to AHD. The 1% AEP Flood Level is the peak flood height that has a 1% chance of being equalled or exceeded in a given year.

Flood Planning Level: Is the flood standard plus 0.50m freeboard allowance. In MidCoast Council area the flood planning level is generally the 1% AEP flood level plus 0.50m freeboard. The flood planning level is the mapping and reporting basis for Section 149 (2) Certificates and represents the desirable minimum habitable floor level.

Flood Standard: Under Council's Flood Management Policy the 1% AEP Flood is adopted as Council's flood standard across the Local Government Area.

Reduced Level (RL): The height of a point relative to the specific level datum. For example RL 2.5m AHD means the specific point is 2.5m above the AHD datum surface.

Sea Level Rise (SLR) Planning Benchmarks: Allowances for the projected effects of SLR are included with estimated flood levels, consistent with NSW Sea Level Rise Policy Statement, October 2009.

For further information please contact Peter Hatton on 6591 7222.

Yours faithfully



GIS Technician - Engineering

