

Colliers International Engineering & Design (NSW) Pty Ltd ABN 77 050 209 991

# **Statement of Environmental Effects** DA for Stock Refuge Mound

Lot 47 DP1019604 – 5 Manning River Drive, Taree

#### Prepared for:

L & J Hook 5 Manning River Drive TAREE NSW 2430

#### Internal:

**Taree Office:** Reference: 25-0149 Date: May 2025 Revision: A Colliers International Engineering & Design (NSW) Pty Ltd 117 Victoria Street TAREE NSW 2340 Main: 6552 1566

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This report has been prepared by Colliers Engineering & Design Pty Ltd and has undergone a quality assurance review. The below signatures confirms review completion.

Issue	Date	Author	Reviewed
A	May 2025	Linda Ferguson	Gavin Watson 20/05/2025

# 1. Introduction

### 1.1 Proposal

This Statement of Environmental Effects (SEE) has been prepared in support of the construction of a Stock Refuge Mound on Lot 47 DP1019604 – 5 Manning River Drive, Taree, as shown in Figure 1 below.

### Figure 1: Proposed plan



The proposed Stock Refuge mound will require approximately 9,850m<sup>3</sup> to provide additional land at an RL of 4..9m AHD which is the FPL2 - 1% adopted flood level, as shown on the Flood Certificate attached as Appendix A. The aim of the mound is to provide a safe area for stock and equipment during a flood event. The additional fill will have no impact on flooding within the flood storage area as noted under Clause 7.2.3 Land Filling in the Manning River Flood Floodplain Risk Management Study & Plan.

No clearing is required as the mound is proposed to be located in a cleared managed and highly modified area, trees within the vicinity are shown on the proposed plan and noted to be retained.

Figure 2: Aerial view of subject Site with cadastre (Source: Near Map 2025)



### 1.2 Subject Site

The subject Site (the Site) is located at 5 Manning River Drive, Taree and is legally known as Lot 47 DP1019604.

### 1.3 Integrated Development

The application is not constructing any building, nor is it for residential purposes, no construction requirements for bush fire protection are required, therefore no NSW RFS referral is required as part of this application.

### 1.4 Assessment

This SEE has been prepared under Part 4 of the Act and is submitted in accordance with Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 (the Regulations). It finds that the proposal is generally consistent with the controls and objectives of the relevant environmental planning instruments.

Based on this assessment the proposal is considered an acceptable form of development, satisfying the provisions of S.4.15 of the Act.

### 1.5 Supporting Documentation

Accompanying this SEE are the following plan(s) and supporting documentation, listed in Table 1.

Table 1:	Supporting	Plans and	Documentation

Document	Author	Date
Reports		
Plans		
Plan Showing Existing Levels & features and Proposed New stock refuge mound	Colliers Engineering & Design	MARCH 2025

# 2. The Site

### 2.1 Site Description

The Site is located at 5 Manning River Drive, Taree and is in a rural area with the adjacent landholdings consisting of existing undersized RU1 zoned lots with dwellings. The fronts the Dawson River to the north and east with Access directly from Manning River Drive.

### Table 2: Site Description

Item	Description	
Registered Owner/s	Leon Frederick & Jennifer Dawn Hook	
Lots & DP's	Lot 47 DP1019604 – • Certificates of Title attached as appendices B • DP101960 attached as appendix C	
Address/es	5 Manning River Drive, Taree	
Area (Approx.)	10.73ha by Title	

### 2.2 Environmental and Planning Context

Table 3 contains an overview of the Site's environmental and planning context.

### Table 3: Environmental and Planning Context



Min Lot Size	AB3 - 40ha	
Floor Space Ratio (FSR)	N/A	
Maximum Building Height	N/A	
Heritage	N/A	
Flood	The land is mapped as flood prone with a FPL2 Flood Planning Level of 5.1m confirmed by the Flood Level Certificate attached as Appendix A.	
Acid Sulfate Soils	The land is mapped as Class 3, 2b, 2a and 1 Acid Sulfate Soils (ASS). The location of the mound is within the Class 3 and 2b mapped areas.	



### 2.3 Road Layout and Access

The proposal is for a stock refuge mound only no change to any road layout or access is proposed or required.

# 3. Statutory Planning Framework

### 3.1 Environmental Planning and Assessment Act 1979

### 3.1.1 Division 4.3 – Section 4.15

The following assessment is undertaken in accordance with the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act).

### Table 4: Matters for consideration (Section 4.15 requirements)

EP&A Section and Requirement	Comment		
(1) Matters for consideration – General.			
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application –			
(a) The provisions of:			
(i) Any Environmental Planning instrument.	An assessment against the relevant Environmental Planning Instruments (EPIs) is contained in <b>Section 4.4</b> and <b>4.5</b> .		
(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 Director – General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).	There is a draft MidCoast Council LEP, however no change to the land use or minimum lot size are proposed under this instrument.		
(iii) Any development control plan, and	The provisions of the Greater Taree DCP 2010 have been considered.		
(iiia) Any 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.	There are no known Voluntary Planning Agreements (VPAs).		
(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph).	The DA has been submitted in accordance with Part 3 Division 1 of the Regulations.		
(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	An Assessment of the likely impacts of the proposed development has been undertaken.		
(c) The suitability of the site for development	The suitability of the site has been considered.		
(d) Any submissions made in accordance with this Act or the regulations.	If required, the DA will be notified and placed on exhibition in accordance with Council requirements.		
(e) The public interest.	The proposal is considered compatible with the existing character of the locality. No adverse impacts are anticipated. The proposed stock mound to enable protection of the stock is considered to be in the public interest. The proposals compatibility is reflected in its consistency with the controls and objectives of the relevant planning legislation. The proposal is therefore considered within the public interest.		

### 3.2 Integrated Development

The proposal has considered Section 4.46 of The Act. **Table 6** lists the relevant approval bodies for referral .

Legislation	Referral
Fisheries Management Act 1994	No
Heritage Act 1977	No
Biodiversity Conservation Act 2016	No
National Parks and Wildlife Act 1974	No
Coal Mine Subsidence Compensation Act 2017	No
Mining Act 1992	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Water Management Act 2000	No
Rural Fires Act 1997	Not required

 Table 4: Section 4.46 (Integrated Development) referrals

### 3.3 Biodiversity Conservation Act 2016 and Regulation 2017

The Biodiversity Conservation Regulation sets out threshold levels to establish if the Biodiversity Offset Scheme 2017 is being triggered by a local development application. There are 2 components within Sections 7.1 to 7.3 of the Biodiversity Conservation Regulations 2017 that need to be considered to establish if the Biodiversity Offset Scheme is being triggered:

- 1. The amount of Native Vegetation being cleared in relation to total lot size, and,
- 2. Whether the subject land is mapped on the Biodiversity Map.

The Biodiversity Offset Scheme Entry Threshold Tool provides a tool to calculate the area of impact that any future buildings, clearing, access roads and driveways, asset protection zones, clearing associated with any infrastructure required and any fencing. In relation to the above components and this local development application:

- 1. There is a small amount of biodiversity mapped land that follows Dawson River bank the proposed mound is well clear of this mapped area.
- 2. The are no trees within the proposed mound area.
- 3. The proposed mound is being constructed in cleared managed land that has been used for grazing purposes for several years.
- 4. No vegetation clearing is proposed under this Development Application, the proposed location of the mound is in a cleared highly modified location.
- 5. A Biodiversity Values Map and Threshold Report is attached as Appendix D. This report concludes that there is no biodiversity mapped land and that the proposal does not exceed the clearing threshold.

We therefore submit that the proposed subdivision does not require a BDAR report as it does not exceed the threshold, requires no clearing as the boundary is following the existing fence.

Section 7.30 of the Biodiversity Conservation Act 2016 provides a test for determining whether this local development application is likely to significantly affect threatened species or ecological communities, or their habitats.

Therefore, in accordance with the 5 points of this test this local development application:

- 1) will not place any species at risk of further extinction,
- 2) will have no additional impact on any endangered ecological communities,
- 3) no critical habitat is being removed,
- 4) will not have an impact on any declared area of outstanding biodiversity value as there is no mapped biodiversity land
- 5) is not part of a key threatening process nor will it increase the impact of a key threatening process.

### 3.4 State Environmental Planning Policies

The proposal is compliant with the provisions of the following State Environmental Planning Policies (SEPPs), discussed in detail in the following sub-sections:

- SEPP (Resilience & Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021

### 3.4.1 SEPP (Resilience and Hazards) 2021

The SEPP mapping indicates that the subject land is mapped with in the Coastal Zone with Coastal Environment and Coastal Use Areas as well as Coastal Wetland Proximity Area, as shown in Table 3 above.

This proposal is consistent with the Aims of the Policy as there will be no impact on the mapped land. The proposed is for a stock refuge mound only in a cleared highly modified area so no clearing is required.

Division 1 (11) Development on land in proximity to coastal wetlands, Division 3, Coastal environment area, and Division 4 Coastal use area of Part 2.2 of the SEPP are the relevant Clauses, and we make the following comments;

Part 2.2 - Division 1 (11) Development on land in proximity to coastal wetlands		
(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests area map unless the consent authority is satisfied that the proposed development will not significantly impact on:	The proposed mound is not located on or near the mapped proximity area.	
(a) The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or	The proposed mound is not located on or near the mapped proximity area so will therefore have no impact on the biophysical hydrological or ecological integrity of the wetland.	
<ul> <li>(b) The quantity and quality of surface and ground water flows to and form the adjacent coastal wetland or littoral rainforest.</li> <li>(2) This clause does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rain forests Area Map</li> </ul>	The proposed mound is not located on or near the mapped proximity area so will therefore have no impact on the quantity and quality of surface and ground water flows. The land is not identified as "coastal wetlands" or "littoral rainforest", therefore this clause applies.	

Part 2.2 - Division 3 Coastal environment area – 2.10 Development on land within the coastal		
environment area		
<ul> <li>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:         <ul> <li>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</li> </ul> </li> </ul>	The stock refuge mount is unlikely to have any impact on the biophysical, hydrological and ecological environment. No clearing is required as the stock refuge mound is proposed to be constructed within a cleared highly modified area.	
(b) coastal environment values and natural coastal processes	The stock refuge mound will not affect the environmental values of the land nor will it impact on the natural coastal processes.	
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in schedule 1,	Within the meaning of the Marine Estate Management Act 2014 the land is not considered to be a marine estate and is not one of the coastal lakes identified in Schedule 1 of the SEPP.	
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	The land is not located on an undeveloped headland or rock platform and will have no impact on the marine vegetation.	
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	There will be no impact on public space or access.	
(f) Aboriginal cultural heritage, practices and places	A basic AHIMS search has been carried out and no Aboriginal sites or places have been recorded or declared within the subject land.	
(g) the use of the surf zone	The proposal will have no impact on the surf zone, due to the distance from any coastal processes.	

<ul> <li>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: <ul> <li>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</li> <li>(b) if that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, or</li> <li>(c) if the impact cannot be minimised- the development is designed, sited and will be managed to mill be managed to</li></ul></li></ul>	The proposed stock refuge mound has been designed and sited to avoid adverse impacts. The proposed stock refuge mound will be in a cleared highly modified area.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.	The land is not land within the Foreshores or Waterways stated above.
Part 2.2 Division 4 Coastal use area - 2.11 l area	Development on land within the coastal use
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:	
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public including persons with a disability,</i>	There will be no impact on public access along the foreshore.
(ii) overshadowing, wind funnelling, and the loss of views from public places to foreshores,	There will be no overshadowing, wind funnelling or loss of views to from public places created by this proposed development.
(iii) the visual amenity and scenic qualities of the coats, including coastal headlands,	There will be no impact on the visual amenity or scenic qualities from this proposed development.
(iv) Aboriginal cultural heritage, practices and places,	A basic AHIMS search has been carried out and no Aboriginal sites or places have been recorded or declared within the subject land.

(v) cultural and built environment heritage, and	There will be no impact on the cultural or built environment from this proposed development.
(b) is satisfied that: (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, or (iii) if the impact cannot be minimised- the development is designed, sited and will be managed to mitigate that impact.	The proposed stock refuge mound has been designed and sited to avoid adverse impacts as it will be located within a highly modified area and does not require any clearing.
<ul> <li>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development</li> <li>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.</li> </ul>	The proposed stock refuge is considered suitable development in bulk, scale and size of the area with no impact on the surrounding coastal and built environment. The land is not land within the Foreshores or Waterways stated above.

### 3.4.2 SEPP (Biodiversity and Conservation) 2021

The Land is within the Mid-Coast Council Local Government Area and is zoned RU1. Therefore, assessment against Chapter 2 of the SEPP will not be warranted. The land is not located near River Murray lands nor within the Hawkesbury – Nepean catchment and, as such, an assessment against the provisions of Chapters 5 & 6 of this SEPP will not be warranted.

### • Chapter 3 – Koala habitat protection 2020

The land is more than 1 hectare therefore SEPP (Koala Habitat Protection) 2020 applies to this application. The proposed stock mound will not remove any trees and is simply to provide a flood free area for stock during a flooding event. No clearing is required for this proposal as the proposed mound will be located in a highly modified cleared area.

It is our understanding that Council have not ratified the identification and survey for Koala Habitat. However, we have referred to the City of Greater Taree Comprehensive Koala Plan of Management dated 2002 by the Australian Koala Foundation, which shows that this land has no Core Koala habitat.

We therefore submit that the proposed subdivision is permitted under the SEPP with no requirement for a Koala Plan of Management as there is no impact on Koalas or their habitat.

### • Chapter 4 – Koala habitat protection 2021

The land is located within the Mid-Coast Council Local Government Area which is listed in schedule 2 of the SEPP and within the North Coast Koala Management area and therefore the SEPP applies to this application. The land does not have an approved Koala Plan of Management and is not core Koala Habitat. The stock refuge mound requires no clearing as it is located within a highly modified cleared area. Therefore, no further assessment will be warranted.

### 3.5 Greater Taree Local Environmental Plan 2010

Greater Taree Local Environment Plan 2010 (Greater Taree LEP 2010) applies to all development in the Manning Region of Mid-Coast Council Local Government Area and is the principal planning instrument applicable to the site. The proposed stock refuge mound are permissible uses under within the RU1 Primary Production Zone.

Clause 1.2 Aims of Plan				
AIMS	COMMENT			
<ul> <li>(1) This Plan aims to make local environmental planning provisions for land in Greater Taree City in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</li> <li>(2) The particular aims of this Plan are as follows—</li> </ul>				
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	The proposal will not alter the lands existing capacity.			
(a) to promote and encourage the ecologically sustainable development of Greater Taree City,	The proposed stock refuge mound aims to provide a flood free area for stock during a flood event only. The mound will be located in a cleared highly modified area of land.			
(b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,	The proposed stock refuge mound aims to ensure proper management and development of the area by ensuring the stock have a safe place to retreat to during a flood event.			

(c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,	The proposed stock refuge mound will support the existing orderly and economic use of the land by providing stock safety during a flood event. The proposal will not create any conflict as it is simply to provide the stock with a safe place during a flood event, this use is consistent with and supports the existing and surrounding primary production use.
(d) to facilitate the provision and co-ordination of community services and facilities,	The proposed stock refuge mounds will have no impact on the provision co-ordination of community services and facilities.
<ul> <li>(e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,</li> <li>(f) to minimise the exposure of development to natural hazards and natural risks</li> </ul>	There will be minimal impact on the environment, the proposed stock refuge mound will be located in a cleared highly modified area. No clearing is required as part of this proposal. The aim of the mound is to decrease the risks to stock associated with a flood event. The land is mapped as bushfire prone, however the application is simply for a flood refuge mound with no residential use proposed so no increase to bushfire hazard will be created.
(g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,	There will be no change or impact on existing infrastructure. The mound will provide appropriate infrastructure to meet future needs by ensuring stock have a flood free safe refuge area.
(h) to encourage a strong, growing and diversified economy that promotes local self- reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.	The provision of the mound will enable stock security during a flood event.

### 3.5.1 Land zoning and Objectives

The land is zoned RU1 Primary Production as shown in Table 3. The objectives of the zone are described below:

The objectives of the zone are:

RU1 PRIMARY PRODUCTION				
Objectives of the zone				
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The existing primary industry production will remain the same and the natural resource base is not changing. The proposed mound will simply provide additional protection for stock during flood events.			
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The land will continue to provide its existing ability to encourage diversity in primary industry enterprises and systems appropriate for the area together with the opportunity for new investment.			
To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed stock refuge mound will not fragment or alienate any resource lands. There will be no conflict between the land uses, the existing land use will be retained.			
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.	There will be no change to the lands existing ability for small scale tourism.			
To maintain the rural landscape character of the land.	The existing character of the land will be retained as the proposed mound is consistent with the existing and surrounding land use and settlement pattern.			
To protect and enhance the native flora, fauna and biodiversity links (GTCC LEP 2010).	There is no clearing required so there will be no alteration to the existing biodiversity links.			
To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.	This proposed stock refuge mound does not cause any fragmentation of the land and no loss of agricultural productivity will occur. In fact, the proposal will increase and support the potential agricultural productivity of the land by providing an additional safety level for stock and equipment.			

### 3.5.2 Acid Sulfate Soils

The land is mapped as Class 3, 2b and 2a Acid Sulfate Soils (ASS) under Greater Taree LEP 2010. The location of the mound is within the Class 3 and 2b mapped areas only.

7.1 ACID SULFATE SOILS				
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	This proposal will not disturb, expose or drain acid sulfate soils as the proposal is for the filling of the land only.			
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid</u> <u>Sulfate Soils Map</u> as being of the class specified for those works.	in accordance with Councils Acid Sulfate Soils Map. The works are not occurring			
<ul> <li>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</li> <li>(a) the works involve the disturbance of less than 1 tonne of soil, and</li> <li>(b) the works are not likely to lower the watertable.</li> </ul>	No works are proposed below the natural ground surface other than the stripping and replacement of topsoil (nominally 150mm) and the proposed fill will not lower the watertable. Therefore, in accordance with subclause 6 development consent is not required under this clause.			

Therefore, in accordance with subclause 6 development consent in relation to ASS is not required for the proposed subdivision.

### 3.5.3 Flood Planning

The subject land is mapped as flood prone as shown in Table 3 above. The stock refuge mounds is proposed to be constructed to the FPL2 Flood Planning Level of 4.91AHD, as shown on the Flood Level Certificate attached as Appendix A.

The Objectives of Clause 5.21 Flood planning are;

5.21 Flood Planning				
<ul> <li>(1) The objectives of this clause are as follows—</li> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development compatible with the land's flood hazard, taking into account projected sea level rise,</li> <li>(c) to avoid significant adverse impacts on flood behaviour and the environment</li> </ul>	The proposed stock refuge mound aims to reduce the risk that flood events create to stock and is considered to be development compatible with the lands flood hazard.			
(2) This clause applies to land at or below the flood planning level.	This clause applies as indicated by the mapping provided in Table 3 above.			
<ul> <li>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— <ul> <li>(a) is compatible with the flood hazard of the land, and</li> <li>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) incorporates appropriate measures to manage risk to life from flood, and</li> <li>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>(e) will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding</li> </ul> </li> </ul>	The development is compatible with the flood hazard of the land and will not adversely affect flood behaviour in the area. The aim of the proposal is to minimise the impact of flood events to stock by providing a flood mound of 4.9m which is the FPL2 level. The application has no foreseeable economic costs to the community as a consequence of flooding however, does provide the potential to reduce economic costs by providing a flood free refuge area for stock.			

# 4. Greater Taree Development Control Plan (DCP) 2010

Greater Taree Development Control Plan (DCP) applies to all the land in the Manning Region of Mid-Coast Council Local Government Area. The proposal has considered all environmental and man-made constraints in the overall design the proposed stock refuge mound does not require any clearing and aims to improve the safety for the stock during a flood event.

Part C Subdivision Requirements					
C3 General Requirements					
C3.1 SITE HAZARDS					
BUSHFIRE	The subject land is Bushfire Prone, as shown in Table 3 above. No residential				
	use is required or proposed so there will be no increase in hazards from				
	bushfire.				
FLOODING	The aim of the stock refuge mound is to reduce the risk to stock during a flood				
	event there decreasing the existing risks. The stock refuge mount will be				
	construction to RL 4.9m which is the FPL2, 1% flood level for the land, as				
	shown on the flood certificate attached as Appendix A.				

### Part D3 Earthworks, Erosion and Sedimentation

### D3.1 EARTHWORKS

The proposal is for the filling of land only to create a stock refuge mounds thus providing additional flood free refuge for stock and equipment. The land is not zoned residential, and the proposal is not for any buildings or residential purpose, it is simply to enable a safe refuge area for the stock and equipment during flood events. The proposed quantities, surface levels and location of fill are provided on the plan lodged with this application. The site is to be filled with suitable uncontaminated material.

# 5. Likely Impacts of the Development

### 5.1 Natural Environment Impacts

### 5.1.1 Flora & Fauna

There will be no impacts on the natural environment because of the proposed stock refuge mound. The mound will be located in a cleared highly modified area and is consistent with the existing and surrounding land uses.

### 5.1.2 Bushfire

No bushfire assessment is required as the proposal is for a mound only with no building or residential components required or proposed.

### 5.1.3 Contamination and Salinity

The site is classified as Class 3, 2a & 2b, please refer to 3.5.2 above.

### 5.1.4 Flood

Please refer to 3.53 above.

### 5.2 Built Environment Impacts

### 5.2.1 Context and Setting

The proposed stock refuge mound is consistent with the surrounding rural settlement pattern and land use No conflict in terms of land uses, views and vistas is anticipated.

### 5.2.2 Social and Economic Impacts

The proposal will have positive social and economic impacts by providing a sage refuge for stock and equipment during a flood event. Land use conflict is unlikely to result noting the proposed development is consistent with the zoning, existing use and surrounding settlement pattern and use.

## 6. Suitability of the Site for the Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development or from within the site. There are, therefore, no known zoning, planning or environmental matters that should hinder the development.

### 7. Appendix A – Flood Certificate



2 Biripi Way | PO Box 482 Taree NSW 2430

11 July 2023

J D Hook & L F Hook 5 Manning River Drv TAREE NSW 2430 Ref: ENG2023/1157 Enquiries: Peter Hatton

Flood Level Certificate

Certificate No: ENG2023/1157

Property Description 5 Manning River Drive TAREE NSW 2430 Legal Description Lot 47 DP 1019604 Owner (as recorded by Council): L F Hook & J D Hook

#### 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:-

FPL4 Probable max.	7.9 m AHD	The highest flood level that could conceivably		
flood level		occur at this location		
1% AEP flood level in	4.6 m AHD	This level is useful for insurance purpose, refer to		
Year 2010		your insurance policy and the Insurance Contracts		
		Regulation 1985 (Cwealth)		
1% AEP Flood Level in	4.9 m AHD	This level is useful for development in infill		
Year 2050		development area		
FPL2 1% AEP Flood	4.9 m AHD	Adopted 1% flood level		
Level in Year 2100				
FPL3 Flood Planning	5.4 m AHD	Adopted 1% flood level plus 0.5m freeboard		
Level				
FPL1 5% AEP Flood	3.5 m AHD	On Site Sewerage Management System must be		
Level		above this level		

The flow velocity of the 1% AEP Flood Level in Year 2100 is variable 0.2 to 0.8 m/s.

Further;

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

Forster | Gloucester | Taree | Tea Gardens | Stroud | ABN: 44 961 208 161 | Contact us: 7955 7777

#### 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% change 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.

Should you have any enquiries regarding this matter, please contact Peter Hatton on (02) 7955 7409 during normal business hours, Monday to Friday and quote reference ENG2023/1157.

Yours faithfully,

Peter Hatton

Peter Hatton Coastal Flooding and Drainage Team

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# 8. Appendix B - Certificate of Title – Lot 1 DP737650

NS	LAND REGISTRY SERVICES NEW SOUTH WALES	Title Search	Ph	Aussearch . 02 9129 6777 ARCH	
FOLIO	: 47/1019604				
	SEARCH DATE		EDITION NO		
	16/5/2025	2:51 PM	5	27/10/2022	
LAND					
LOT 4 AT LO PA	7 IN DEPOSITED PLAN TAREE CAL GOVERNMENT AREA RISH OF TAREE COUL TLE DIAGRAM DP10196	MID-COAST NTY OF MACQUARIE			
FIRST	SCHEDULE				
LEON JENNI	FREDERICK HOOK FER DAWN HOOK 3 JOINT TENANTS			(T AA340562)	
SECON	D SCHEDULE (2 NOTIF:	ICATIONS)			
1 2 R T	N FAVOUR OF THE CROM ESTRICTION ON USER HE PART OF THE LAND P237561 & GOV. GAZ.	D IS SUBJECT TO RESEL WN - SEE CROWN GRANT (S 27E (6) MAIN ROAD WITHIN DESCRIBED SHO DATED 25-7-1969 FOL	(S) 5 ACT, 1924) AN OWN SO BURDENEN	FECTING	
NOTE :	THIS FOLIO MAY BE :	ASSOCIATED WITH A CRO F AN ANNUAL RENT. FOR			
UNREG	ISTERED DEALINGS: N	IL			
	*** END OF SEAR	CH ***			
25-01	49	PRI	NTED ON 16/5/20	025	
recorded in the Regist	d by an asteriek do not appear on the current ter. InfoTrack an approved NSW Information B coordance with Section 960(2) of the Real Pro	edition of the Cartificate of Title. Warning: the inder hereby cartificat that the information contr sporty Act 1900.	information appearing under nota sined in this document has been p	tions has not been formally rovided electronically by the	

## 9. Appendix C – DP737650



# 10. Appendix D – BMAP REPORT



Department of Planning and Environment

### Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to your local council to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under the Biodiversity Conservation Regulation 2017 (Cl. 7.2 & 7.3).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?

2. Is the 'clearing of native vegetation area threshold' exceeded?

#### **Biodiversity Values Map and Threshold Report**

Date	e of Report Generation	16/05/2025 3:38 PM		
1. Biodiversity Values (BV) Map - Results Summary (Biodiversity Conservation Regulation Section 7.3)				
1.1	Does the development Footprint intersect with BV mapping?	no		
1.2	Was <u>ALL</u> BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no		
1.3	Date of expiry of dark purple 90 day mapping	N/A		
1.4	Is the Biodiversity Values Map threshold exceeded?	no		
2. Ai	rea Clearing Threshold - Results Summary (Biodiversity Conservation Regulation Section	n 7.2) 3,515.5 sqm		
2.2	Native Vegetation Area Clearing Estimate (NVACE) (within development/clearing footprint)	0.0 sqm		
2.3	Method for determining Minimum Lot Size	LEP		
2.4	Minimum Lot Size (10,000sqm = 1ha)	400,000 sqm		
2.5	Area Clearing Threshold (10,000sqm = 1ha)	10,000 sqm		
2.6	Does the estimate exceed the Area Clearing Threshold? (NVACE results are an estimate and can be reviewed using the <u>Guidance</u> )	no		
pro	ORT RESULT: Is the Biodiversity Offset Scheme (BOS) Threshold exceeded for the posed development footprint area? ur local council will determine if a BDAR is required)	no		

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#### What do I do with this report?

• If the result above indicates the BOS Threshold has been exceeded, your local council **may require** a Biodiversity Development Assessment Report with your development application. Seek further advice from Council. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR for you. For a list of accredited assessors go to: <a href="https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor">https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor</a>.

• If the result above indicates the BOS Threshold <u>has not been exceeded</u>, you may not require a Biodiversity Development Assessment Report. This BMAT report can be provided to Council to support your development application. Council can advise how the area clearing threshold results should be considered. Council will review these results and make a determination if a BDAR is required. Council may ask you to review the area clearing threshold results. You may also be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in Section 7.3 of the *Biodiversity Conservation Act 2016*.

• If a BDAR is not required by Council, you may still require a permit to clear vegetation from your local council.

• If **all** Biodiversity Values mapping within your development footprint was less than 90 days old, i.e. areas are displayed as dark purple on the BV map, a BDAR may not be required if your Development Application is submitted within that 90 day period. Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 1.3 above.

For more detailed advice about actions required, refer to the **Interpreting the evaluation report** section of the <u>Biodiversity Values Map Threshold Tool User Guide</u>.

#### **Review Options:**

• If you believe the Biodiversity Values mapping is incorrect please refer to our <u>BV Map Review webpage</u> for further information.

• If you or Council disagree with the area clearing threshold estimate results from the NVACE in Line Item 2.6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared), review the results using the <u>Guide for reviewing area clearing threshold results from the BMAT Tool</u>.

#### Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature:

(Typing your name in the signature field will be considered as your signature for the purposes of this form)

Date:

16/05/2025 03:38 PM

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Department of Planning and Environment

#### **Biodiversity Values Map and Threshold Tool**

The Biodiversity Values (BV) Map and Threshold Tool identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

The BV map forms part of the Biodiversity Offsets Scheme threshold, which is one of the factors for determining whether the Scheme applies to a clearing or development proposal. You have used the Threshold Tool in the map viewer to generate this BV Threshold Report for your nominated area. This report calculates results for your proposed development footprint and indicates whether Council may require you to engage an accredited assessor to prepare a Biodiversity Development Assessment Report (BDAR) for your development.

This report may be used as evidence for development applications submitted to councils. You may also use this report when considering native vegetation clearing under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 vegetation in non-rural areas.

What's new? For more information about the latest updates to the Biodiversity Values Map and Threshold Tool go to the updates section on the <u>Biodiversity Values Map webpage</u>.

**Map Review**: Landholders can request a review of the BV Map where they consider there is an error in the mapping on their property. For more information about the map review process and an application form for a review go to the <u>Biodiversity Values Map Review webpage</u>.

If you need help using this map tool see our <u>Biodiversity Values Map and Threshold Tool User Guide</u> or contact the Map Review Team at <u>map.review@environment.nsw.gov.au</u> or on 1800 001 490.

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This map is valid as at the date the report was generated. Checking the <u>Biodiversity Values Map viewer</u> for mapping updates is recommended.