



Five (5) Lot Community Title Subdivision,  
Demolition of Outbuildings and Vegetation  
Removal

69 Commercial Street, Walla Walla

FEBRUARY 2025

## Contact

David Hunter, Director  
Brendan Pearson, Consultant

Habitat Planning  
409 Kiewa Street  
Albury NSW 2640  
02 6021 0662  
habitat@habitatplanning.com.au  
habitatplanning.com.au

Habitat Planning Pty Ltd  
ABN 29 451 913 703  
ACN 606 650 837

## Document Control

The information contained in this document produced by Habitat Planning is solely for the use of the person or organisation for which it has been prepared. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Habitat Planning.

PROJECT NUMBER  
24020

REVISION NO	ISSUE DATE	VERSION STATUS	AUTHOR	APPROVED
1.0	7/02/2025	Draft	BP	DH
1.1	12/02/2025	Final	BP	DH

# Contents

<b>1. Introduction.....</b>	<b>5</b>
1.1. Supporting Plans and Documentation.....	5
<b>2. Site Analysis .....</b>	<b>6</b>
2.1. Site Location and Context .....	6
2.2. Site Description .....	6
2.3. Surrounding Development.....	8
<b>3. Description of Proposal .....</b>	<b>12</b>
3.1. Overview.....	12
3.2. Community Title Subdivision .....	12
3.3. Access and Parking.....	13
3.4. Servicing.....	13
3.5. Demolition and Vegetation removal .....	13
<b>4. Planning Assessment .....</b>	<b>15</b>
4.1. Applicable Environmental Planning Policies, Instruments and Controls.....	15
4.2. Environmental Planning and Assessment Act 1979 .....	15
4.3. State Environmental Planning Policy (Resilience & Hazards) 2021 .....	16
4.4. State Environmental Planning Policy (Transport & Infrastructure) 2021 .....	16
4.6. Greater Hume Local Environmental Plan 2012.....	18
4.7. Greater Hume Development Control Plan 2013 .....	23
<b>5. Assessment of Environmental Impacts .....</b>	<b>25</b>
5.1. Context and Setting.....	25
5.2. Privacy.....	25
5.3. Access, Traffic & Parking .....	25
5.4. Infrastructure .....	26
5.5. European Heritage and Cultural Heritage .....	26
5.6. Soils & Erosion .....	26
5.7. Biodiversity and Landscaping.....	27
5.8. Flooding.....	27
5.9. Bushfire .....	27
5.10. Social & Economic Impacts.....	27
5.11. Suitability of the Site for Development .....	28
5.12. The Public Interest .....	28
<b>6. Conclusion .....</b>	<b>29</b>

## List of Figures

Figure 1   Context Map (Source: SixMaps) .....	6
Figure 2   Aerial Image of site, outlined (Source: NSW Planning Portal) .....	7
Figure 3   View of northern boundary of subject site, looking southwest from Commercial Street. (Source: GoogleMaps) .....	7

Figure 4   View of the southern boundary of subject site, looking west from Commercial Street (Source: GoogleMaps) .....	8
Figure 5   Surrounding development to the north of the subject site (Source: GoogleMaps).....	9
Figure 6   Development to the north east of the subject site (Source: GoogleMaps).....	9
Figure 7   Development to the north west of the subject site (Source: GoogleMaps) .....	10
Figure 8   Development to the east of the subject site (Source: GoogleMaps) .....	10
Figure 9   Development to the south of the subject site (Source: GoogleMaps) .....	11
Figure 10   Development to the west of the subject site (Source: GoogleMaps) .....	11
Figure 11   Proposed Plan of Subdivision .....	12
Figure 12   Proposed demolition and vegetation removal plan .....	14
Figure 13   Extract of Land Zoning Map (Source: NSW Planning Portal) .....	19
Figure 14   Excerpt from Flood Planning Area Map for Walla, site outlined.....	21
Figure 15   Excerpt from 100 Year ARI Flood Event Extent and Depth, Walla Walla Flood Study, site outlined.....	21
Figure 16   Excerpt from 100 Year ARI Flood Event, Flood Hazard, Walla Walla Floodplain Risk Management Study and Plan, site outlined.....	22

## List of Tables

Table 1   Summary of Proposed Community Title Subdivision .....	13
Table 2   SEPP (Transport & Infrastructure) Chapter 2 - matters for consideration.....	17
Table 3   Summary of variations sought to development controls.....	23

# 1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of Jessica Phegan and is submitted to Greater Hume Shire in support of a Development Application (DA) for a Five (5) Lot Community Title Subdivision, Demolition of Outbuildings and Vegetation Removal at Lot 3 and 4 in DP2551 addressed as 69 Commercial Street, Walla Walla.

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 ("EP&A Act") and the Environmental Planning and Assessment Regulation 2021 ("EP&A Regs").

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

## 1.1. Supporting Plans and Documentation

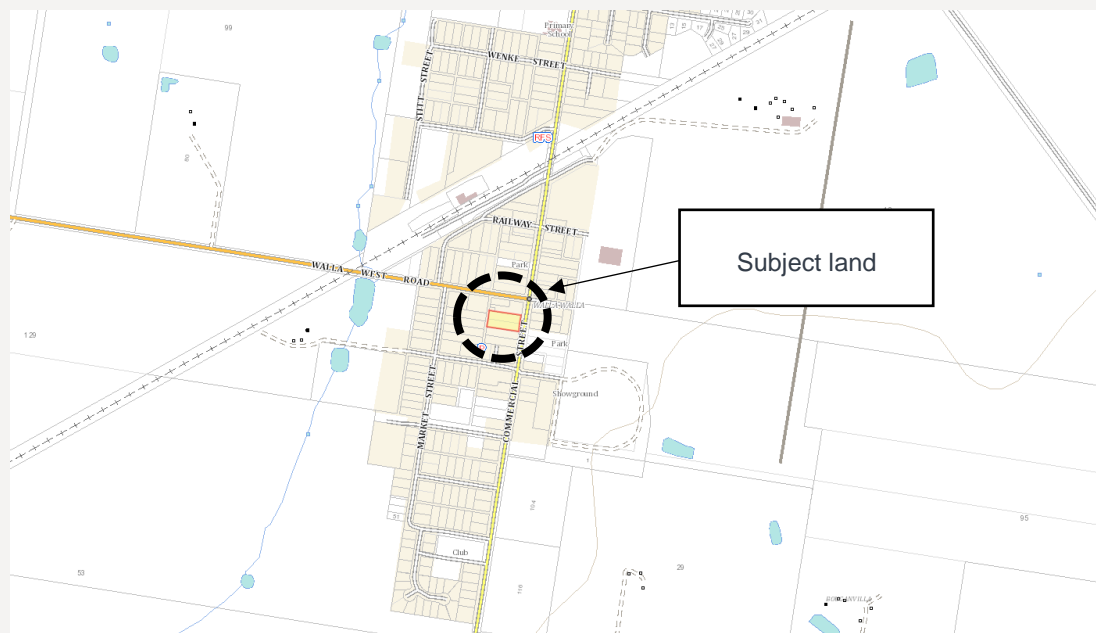
This application is accompanied by:

- Title information
- Plan of Subdivision, prepared by Walpole Surveying

## 2. Site Analysis

### 2.1. Site Location and Context

The subject land is described as Lot 3 and 4 in DP2551 and addressed as 69 Commercial Street, Walla Walla ("the subject land"). The land is located central to the Walla Walla township in an urban mixed land use context and is 210 metres north west of the Walla Walla Sports Ground and 770 metres south of the Walla Walla Public School. The site context is further illustrated in the figure below.



**Figure 1 | Context Map (Source: SixMaps)**

### 2.2. Site Description

The site has a 26.1 metre frontage to Commercial Street with a depth of 80.4 metres and is oriented in an east-west direction. The site's long axes run east-west and short axes running north-south and the site has an area of approximately 3429m<sup>2</sup>.

An existing dwelling is located in the north east of the site with detached outbuildings located near the northern boundary of the site. The site has colorbond fencing along all boundaries, with the exception of a small length of chainmesh wire fence along the eastern boundary in front of the existing dwelling. The site is currently accessible via an established vehicle crossover located in the north east of the site.

There are no easements established on the site, however, there is an open drain managed by Council, known as the Queen Street Waterway. The drain runs from the Commercial Street interface along the southern boundary of the site and exits in the north west of the site under the rear laneway to the west of the site with flows that run from the east to the west.

The site is relatively flat with a slight depression near the western portion of the north boundary representing a minor flood contour and generally falls from the east to the west by only a fraction of a metre. Consequently, the site generally drains from the north to the south and east to west following the open drain as described above.

The site interfaces with a verge on Commercial Street which has a narrow footpath running the width of the site and an electricity pole with a street light is located to the south east of the site.

The site has predominantly exotic vegetation to the east and west of the site and a large native tree located centrally and on the western boundary. The site's soil is not known to be contaminated or to have any other issues given the historical land use.

The existing condition of the site is illustrated further in the figures below.



**Figure 2 | Aerial Image of site, outlined (Source: NSW Planning Portal)**



**Figure 3 | View of northern boundary of subject site, looking southwest from Commercial Street. (Source: Google Maps)**





**Figure 4 | View of the southern boundary of subject site, looking west from Commercial Street (Source: Google Maps)**

### 2.3. Surrounding Development

The surrounding development is eclectic with a mix of land uses given the prevailing village zone and consists of residential dwellings, commercial premises and civic development in close proximity.

North of the site are dwellings and further north on the south western side of the corner of Commercial and Queen Street is a disused civic building with a motor vehicle sales and repair business on the north western side of the corner.

To the east of the site is a motor vehicle repair business located opposite and east of the site and a pool to the south east. A pharmacy and medical centre are located to the north east of the site on the south eastern side of the corner of Commercial and Queen Street, with a centre based child care centre located on the north eastern side of the corner.

Commercial uses including a disused newsagency supermarket and an agricultural machinery business are located to the south of the subject site.

West of the site is a rear laneway and development including dwellings, a place of worship to the south west and vacant land used for the temporary storage of vehicles to the north west.

The surrounding development is further illustrated in the following figures.





Figure 5 | Surrounding development to the north of the subject site (Source: GoogleMaps)



Figure 6 Development to the north east of the subject site (Source: GoogleMaps)



Figure 7 | Development to the north west of the subject site (Source: GoogleMaps)



Figure 8 | Development to the east of the subject site (Source: GoogleMaps)





Figure 9 | Development to the south of the subject site (Source: GoogleMaps)



Figure 10 | Development to the west of the subject site (Source: GoogleMaps)

## 3. Description of Proposal

### 3.1. Overview

The development application seeks development approval for a Five (5) Lot Community Title Subdivision, Demolition of Outbuildings and Vegetation Removal which is illustrated in the following figure. The following sections will further describe the proposal.



Figure 11 | Proposed Plan of Subdivision

### 3.2. Community Title Subdivision

The proposal seeks approval for a Community Title Subdivision to subdivide the land into five (5) lots as per **Figure 11** above with four development lots and one common property lot. Each lot will have an appropriately sized building envelope and area of private open space if residential development is the future development outcome, with access from either Commercial Street or the common property.

The subdivision is further described in the table below and the Community Title Plan of Subdivision is provided at **Appendix B**.

**Table 1 | Summary of Proposed Community Title Subdivision**

Lot	Area	Description of proposed use
1	534m <sup>2</sup>	Common property to provide access to Lot 3-5.
2	735m <sup>2</sup>	Use of land as dwelling utilising existing dwelling
3	516m <sup>2</sup>	Proposed building envelope and area of private open space if future development is residential
4	411m <sup>2</sup>	Proposed building envelope and area of private open space, if future development is residential
5	1,233m <sup>2</sup>	Proposed building envelope and area of private open space if future development is residential and Open Drain

### 3.3. Access and Parking

The existing vehicle crossover in the north eastern corner of the land will continue to be utilised to provide access to Lots 3-5 via the proposed common property which will run along the northern boundary of the site.

A new vehicle crossover is proposed approximately mid-way along Commercial Street to provide access to proposed Lot 2 and the existing dwelling. A new carport will be erected on the southern side of the existing house to provide parking for the dwelling at proposed Lot 2. Lots 3-5 will have ample space within the proposed building envelopes for car parking.

Pedestrian access to Lots 3-5 will be provided via the common property and future dwellings on Lots 3-5 will be appropriately identified via letterboxes near the entrance to the common property providing legibility to visitors and emergency services.

### 3.4. Servicing

The subject site is located within an established village area and all essential urban services including reticulated water, sewerage, electricity, stormwater drainage, telecommunications, and gas are available to the site from Commercial Street.

Proposed lots will be serviced via minor alterations to existing services. All services will run through the common property and beyond the common property covered by a Management Statement.

### 3.5. Demolition and Vegetation removal

The proposal seeks development consent for the demolition of the detached outbuildings located along the northern boundary of the site which would have required development consent when erected.

The proposal seeks to remove some exotic vegetation to the west of where the new vehicle crossover is proposed and also one (1) exotic tree in the common property and one (1) in the building envelope of proposed Lot 5.

In addition, the proposal will require development consent to remove one (1) native tree in the building envelope of proposed Lot 3 and one (1) native tree in the building envelope of proposed Lot 5.

The proposed demolition and tree removal is noted at Figure 12 below.



**Figure 12 | Proposed demolition and vegetation removal plan.**



## 4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

### 4.1. Applicable Environmental Planning Policies, Instruments and Controls

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Greater Hume Local Environmental Plan 2012
- Greater Hume Development Control Plan 2013

Compliance with the applicable legislation and policies is discussed below.

### 4.2. Environmental Planning and Assessment Act 1979

#### 4.2.1. Evaluation

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

##### (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, and*

*(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(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, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

*(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,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*”

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

#### **4.2.1. Approval Pathway**

The proposal is not identified as “Designated Development”, pursuant to section 4.10 of the EP&A Act.

Similarly, the proposal is not classified as “Integrated Development”, pursuant to section 4.46 of the EP&A Act, nor are the works classified as Integrated Development in this instance.

The proposal is not classified as ‘Regionally significant Development’ as they do not have a Capital Investment Value of more than \$30M for general development.

Consequently, Council is the relevant approval authority.

### **4.3. State Environmental Planning Policy (Resilience & Hazards) 2021**

#### **4.3.1. Chapter 4 – Remediation of Land**

Chapter 4 of *State Environmental Planning Policy (Resilience & Hazards) 2021* sets out considerations relating to land contamination across the state. The intention of the SEPP is to establish ‘best practice’ guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 4.6 of Chapter 4 generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose. The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject land has been previously developed for residential purposes and is not known to be contaminated, nor is it expected to be at risk of contamination given its historical use and surrounding context and is considered fit for the purpose of further development.

### **4.4. State Environmental Planning Policy (Transport & Infrastructure) 2021**

#### **4.4.1. Chapter 2 – Infrastructure**

Chapter 2 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* provides a consistent and flexible planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities.

The Chapter 2 contains provisions relating to approval processes and assessment requirements for infrastructure proposals according to the type or sector of infrastructure. It outlines land-use zones where types of infrastructure are permissible with or without consent and identifies certain works as exempt and complying development.

There are several Clauses under the SEPP that trigger referral and concurrence matters. These are addressed in the table below for consideration.

Table 2 | SEPP (Transport &amp; Infrastructure) Chapter 2 - matters for consideration

Matter for consideration	Response
<b>Clause 2.48 – Determination of development applications – other development</b>	<p>This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <ul style="list-style-type: none"> <li>(a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></li> <li>(b) <i>development carried out—</i> <ul style="list-style-type: none"> <li>(i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></li> <li>(ii) <i>immediately adjacent to an electricity substation, or</i></li> <li>(iii) <i>within 5m of an exposed overhead electricity power line,</i></li> </ul> </li> <li>(c) <i>installation of a swimming pool any part of which is—</i> <ul style="list-style-type: none"> <li>(i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></li> <li>(ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></li> </ul> </li> <li>(d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></li> </ul> <p><b>Comment:</b></p> <p>Referral under Clause 2.48 is not required to the relevant electricity supply authority due as the proposed subdivision will not result in development comprising the above activities.</p>

#### 4.5. State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### 4.5.1. Chapter 2 - Vegetation in non-rural areas

The subject site falls within an area to which this chapter applies, being an E4 General Industrial zone. The aims of the chapter are to:

- (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) *to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The chapter notes that a person must not clear vegetation in a non-rural area of the state to which this chapter applies without the authority conferred by a permit granted by the council under that part (i.e. Greater Hume Shire). The present development application seeks this permit to remove two (2) native

trees of the species listed in the Greater Hume DCP and two (2) exotic tree species which are 5 metres or more in height, or trunk of 20cm or more 1 metre above the ground.

It also makes clear that native vegetation clearing exceeding the Biodiversity Offsets Scheme threshold, must obtain approval from the Native Vegetation Panel. It is confirmed that this is not required in this application as the threshold of 0.25 hectares is not exceeded.

Following a review of Chapter 7 – Vegetation Removal of the Greater Hume DCP, as well as the requirements of this SEPP, the proposed tree removal is considered appropriate in this instance:

- The canopy area of tree removal does not exceed the 0.25ha biodiversity offset scheme threshold for sites with a minimum lot size of less than 1ha,
- The area of works is not identified on the Biodiversity Values map,
- The trees do not form part of a heritage item. Similarly, the trees to be removed do not contain any hollows.

Furthermore, the potential for these trees to provide habitat to threatened or endangered species is unlikely given the trees are not connected to any tree corridor and it is submitted that the development will not have an adverse environmental impact on threatened species.

Consideration has been given to avoid and minimise impact in this proposal and the proposed vegetation removal however the proposed vegetation removal is unavoidable to cater for the proposed development.

Notwithstanding the removal of some vegetation, the proposal does include retention of some vegetation in the south west corner of the site near the open drain and future landscaping of the site following development of dwellings is likely and will compensate this loss somewhat.

#### **4.6. Greater Hume Local Environmental Plan 2012**

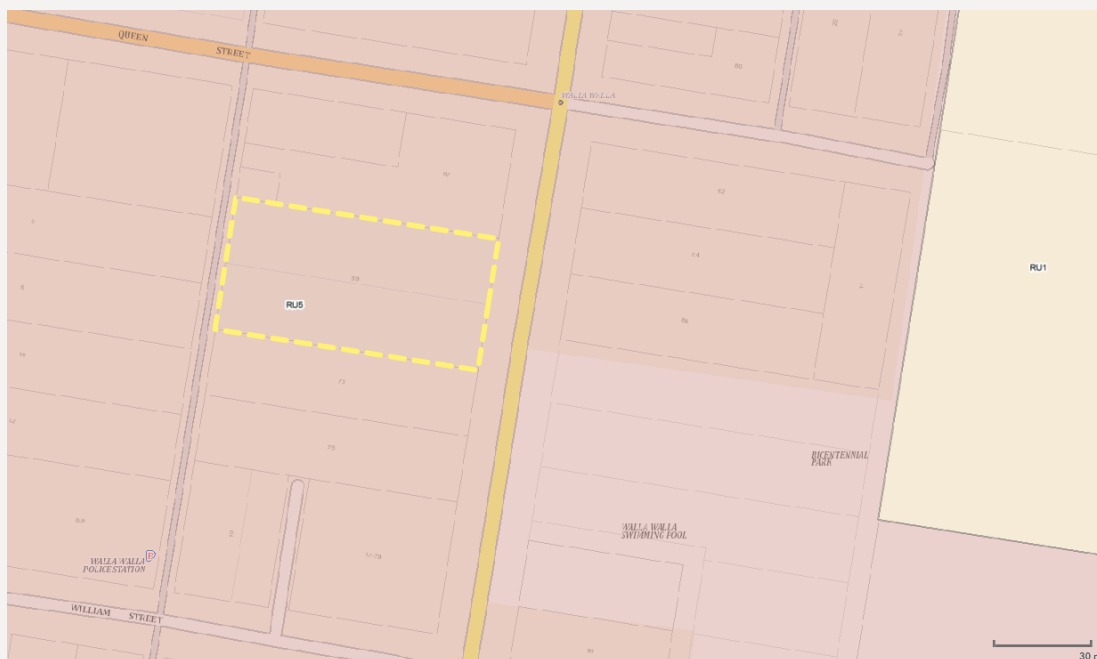
*Greater Hume Local Environmental Plan 2012* (“the LEP”) is the principal planning instrument that guides development within the LGA. The below provides an overview of consistency and compliance of the proposal against the relevant provisions.

The applicable provisions of the LEP are:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.6 – Subdivision – Consent requirements
- Clause 2.7 – Demolition requires development consent
- Clause 4.1 – Minimum Subdivision Lot Size
- Clause 5.10 – Heritage Conservation
- Clause 5.21 – Flood Planning
- Clause 6.1 – Earthworks
- Clause 6.7 – Essential services

##### **4.6.1. Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is zoned RU5 Village (‘RU5 Zone’) in accordance with the LEP as per the figure below.



**Figure 13 | Extract of Land Zoning Map (Source: NSW Planning Portal)**

The objectives of the RU5 zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To protect the amenity of residents.

The proposal is consistent with the objectives of the Ru5 zone as follows:

- The development proposes a 5 lot subdivision that will create four lots suitable for development.
- The proposal and future development whether this be for dwellings or other commercial development will be capable of providing a high standard of amenity in close proximity to services and commercial uses.
- The development is not expected to have an adverse impact on adjoining lands as building envelopes are setback sufficiently from boundaries and all services can be connected.
- The development seeks to make efficient use of existing services in an urban area of Walla Walla and is not anticipated to result in land use conflicts.

#### **4.6.2. Clause 2.6 – Subdivision**

Clause 2.6 of the LEP requires development consent for the subdivision of land where the works are not identified as exempt or complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

It is confirmed that the proposed community title subdivision is not classified as exempt or complying and therefore consent for subdivision is sought by this application.

#### **4.6.3. Clause 2.7 – Demolition requires development consent**

Clause 2.7 of the LEP requires that development consent is required to demolish any building or work unless it is classified as exempt development under any applicable Environmental Planning Instrument including *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

As some of the outbuilding structures on the site listed for demolition are not development specified as exempt development, development consent is required.

#### 4.6.4. Clause 4.1 – Minimum subdivision lot size

Clause 4.1 of the LEP relates to minimum lot size for subdivision and requires that the size of any lot resulting from a subdivision of land is not to be less than the minimum lot size shown on the Lot Size Map of the LEP. In this instance the minimum lot size is 600m<sup>2</sup> that applies to the land.

Notwithstanding the above, subclause 4.1(4)(b) stipulates that the minimum lot size provisions of this clause do not apply to the subdivision of land under the *Community Land Development Act 1989*. Accordingly, the provisions of Clause 4.1 are not applicable as the subdivision consists of a community title subdivision.

#### 4.6.5. Clause 5.10 – Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation and seeks to conserve the environmental heritage of Greater Hume, the heritage significance of heritage items and heritage conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.

The subject land is not identified as a heritage item nor is it located within a heritage conservation area following a review of Schedule 5 and the Heritage Map of the LEP. However, it is noted that there is a mapping error on the NSW Planning Portal that identifies part of the subject site as being included in Heritage Item I160 St Mary's Catholic Church which fronts Market Street further to the west.

Similarly, matters regarding Aboriginal Cultural Heritage have also been investigated. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 7 February 2025, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 50 metres of the site (Lot 3 and 4 in DP2551).

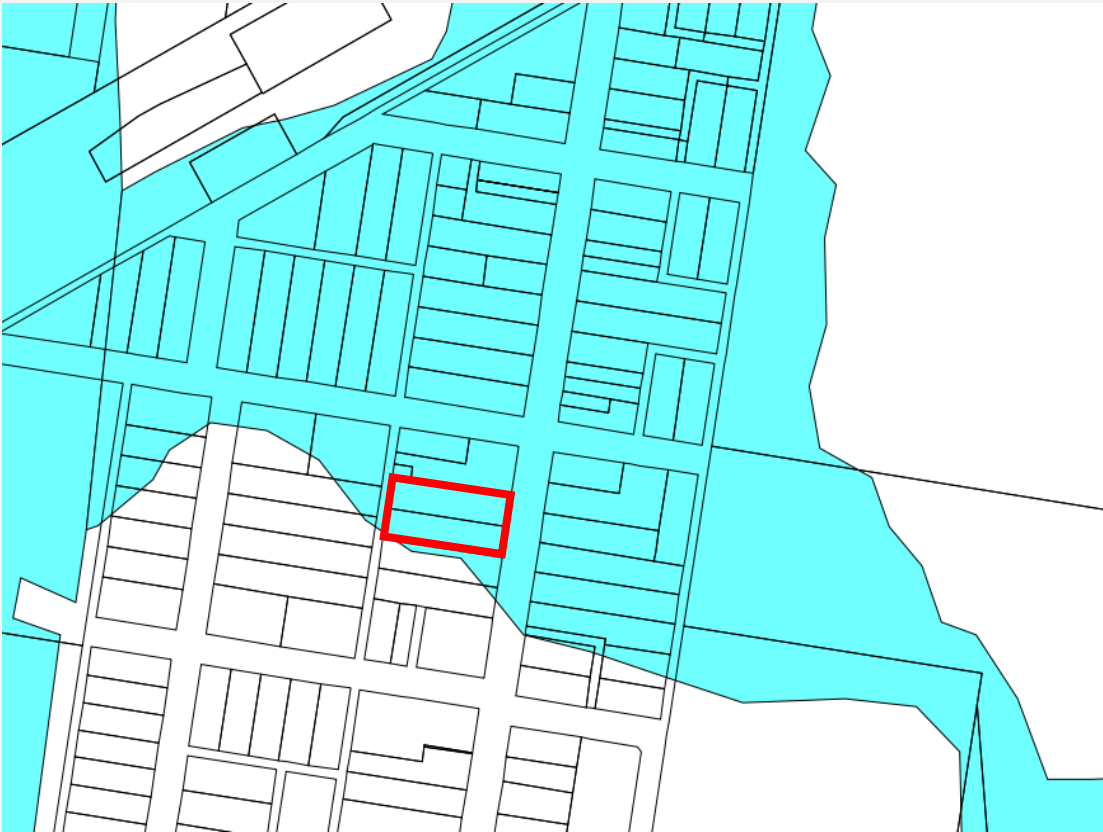
The subject land is also heavily disturbed following previous residential use and is therefore not expected to contain any items of cultural significance.

#### 4.6.6. Clause 5.21 – Flood Planning

Clause 5.21 of the LEP relates to flood planning and seeks to minimise flood risk to life and property and allow development that is compatible with flood function and behaviour taking into account changes as a result of climate change. It also seeks to avoid adverse or cumulative impacts on flood behaviour and the environment and enable safe occupation and efficient evacuation in the event of a flood.

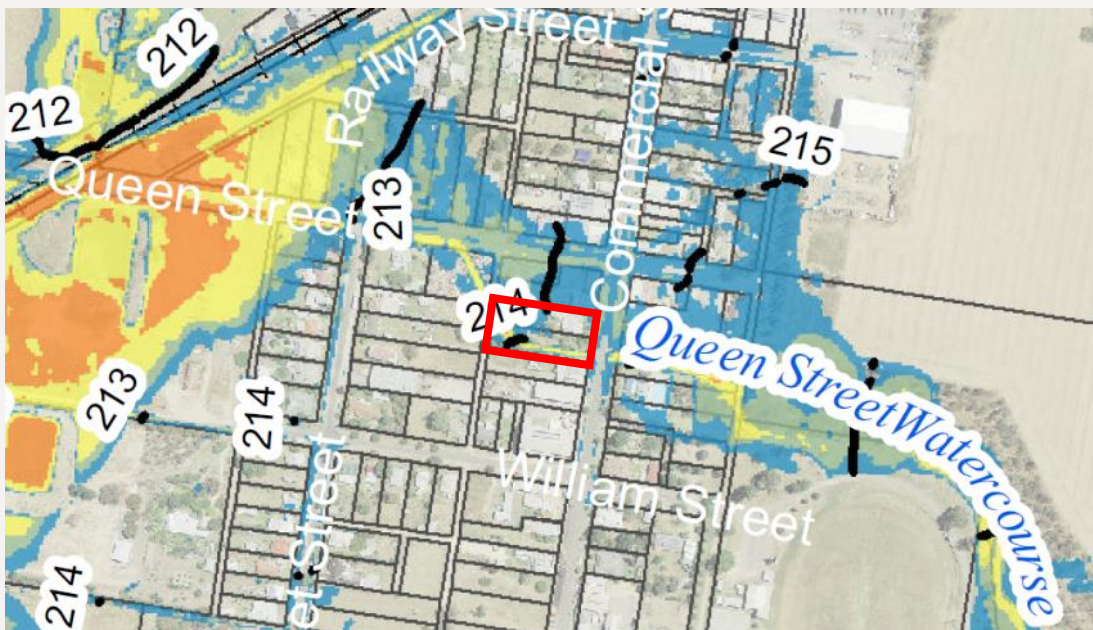
This clause applies to the proposal as the Walla Walla Flood Study 2017 notes that the subject site is in a Flood Planning Area (See **Figure 14** below).





**Figure 14 | Excerpt from Flood Planning Area Map for Walla, site outlined.**

Furthermore, the site is affected by the 100 Year ARI Flood Event (See **Figure 15** below) which shows parts of the subject site as being likely to be inundated to depths of 0.10-0.30 metres and the open drain section of the site being inundated to a depth of 0.50-1.00 metres.



**Figure 15 | Excerpt from 100 Year ARI Flood Event Extent and Depth, Walla Walla Flood Study, site outlined.**

**Figure 16** below shows the areas of low (green) and high hazard (red), with the open drain through the subject site being categorised as high hazards and the western extent of the site being considered in the low hazard area.



**Figure 16 | Excerpt from 100 Year ARI Flood Event, Flood Hazard, Walla Walla Floodplain Risk Management Study and Plan, site outlined.**

Development consent must not be granted to development on the land within the flood planning area unless Council is satisfied the development:

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

It is submitted that the proposed subdivision of the land and any subsequent development is capable of satisfying the matters noted above following Council imposing a condition of a minimum floor level. This would be 0.3 metres above the 100 year ARI flood level for dwellings and at Council's discretion or at least the Flood Planning Level for commercial development.

These conditions would enable safe occupation of the any dwellings in the event of a 100 year ARI flood event and as the inundation along Commercial Street is generally no greater than 0.3-0.5 metres in depth this will allow for the safe evacuation of residents or staff of any commercial development. Furthermore, the development of the land is unlikely to adversely affect the flood behaviour that is detrimental in increased potential flood affectation of other development properties.

#### **4.6.7. Clause 6.1 – Earthworks**

The subdivision will require ancillary earthworks as part of the connection and establishment of services. The development is however unlikely to disrupt drainage patterns or soil stability in the

locality, there will be no fill required given the flat conditions and the likelihood of disturbing any relics is limited given the site is highly disturbed.

#### 4.6.8. Clause 6.7 – Essential Services

Clause 6.7 of the LEP requires that development consent must not be granted unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

As noted in Section 2 of this report the subject land is urban zoned and has access to all relevant infrastructure and services including reticulated water, sewerage, electricity, drainage, telecommunications, and vehicular access. The existing services can be extended and connected to the proposed new lots and it is confirmed that there is ample capacity within this infrastructure to service the proposed development.

#### 4.7. Greater Hume Development Control Plan 2013

The Greater Hume Development Control Plan 2013 (“the DCP”) provides specific requirements for development within the LGA, including the subject site.

The following chapters of the DCP are applicable to the proposed works:

- Chapter 5 - Township Structure Plans
- Chapter 6 – Subdivision
- Chapter 7 – Vegetation Removal
- Chapter 8 – Flood Liable Land

These matters are addressed in the following sections below.

The development has been assessed against the relevant provisions listed in Part 5 and Part 6 of the DCP and are provided attached at Appendix C.

The development is largely compliant the relevant objectives and standards of the DCP.

##### 4.7.1. Variations to Development Controls

It is important to acknowledge that the principal purpose of a DCP is to provide guidance to a consent authority rather than statutory controls. If a development application does not comply with provisions in a DCP, the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards.

The following summarises the items of non-compliance which are sought by this application.

**Table 3 | Summary of variations sought to development controls**

Guideline	Requirement	Compliance	Justification
<b>6.2 Movement network</b>	<i>3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i>	<b>Variation to control</b>	The subject site has a rear laneway that is unsealed, which could provide access to the site from the north west. However, this would reduce the lot yield due to the constraints of the open drain and vegetation in the south west corner of the site.

			<p>This variation is considered acceptable as the proposed access for the common property is an existing vehicle crossover. The new vehicle crossover to provide access to the side (south) of the existing dwelling is a suitable design response given the above context. There are adequate site lines along Commercial Street to cater for an additional vehicles crossover. Commercial Street has an approximate 15 metres wide carriageway, is sealed and will not result in any additional impacts such as dust if the rear laneway were to be used for access.</p>
--	--	--	--



## 5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

These impacts and mitigating measures have been identified following comprehensive analysis of the site and the proposed plans.

The analysis and impact identification under this section is informed by:

- Site analysis and visual inspection of the subject land and surrounding properties.
- Analysis of the proposed plans for development (provided attached for reference)
- Desktop review of applicable Environmental Planning Instruments
- Consideration of the Councils Development Plans and Policies including the DCP
- Assessment of relevant strategic planning documents.
- Consultation with Council and other authorities

### 5.1. Context and Setting

The subject land is zoned RU5 Village and is located centrally to the Walla Walla township in close proximity to a range of commercial businesses and services. The local pool is opposite the site to the east and is approximately 770 metres south of the Walla Walla Public School. The land is surrounded by an eclectic mix of development and land use including commercial uses that generally run along Commercial Street and residential use further west and east.

The proposal seeks to create five (5) lots, with four (4) being for development and one (1) as a common property used for access to Lots 3-5. The proposed lots are likely to be used for residential purposes given the existing use of the land for a dwelling. However, the plan of subdivision does not dictate the future land use which may continue to be residential in nature, commercial, as intended by the Township Structure Plan, or a mixture.

The general pattern of subdivision in the area is long rectangular allotments of approximately 80-100 metres in depth and oriented east-west and 20 metres in width. There are some exceptions to this on corners in the vicinity which are squarer in shape and there are smaller lots located north of the rail line. The proposed subdivision, which will create a mix of lot sizes, while being of a finer grain than the prevailing subdivision pattern, is considered appropriate in the context of the Walla Walla Township being in close proximity to so many services and amenities.

### 5.2. Privacy

The proposed subdivision includes vacant lots with building envelopes that are setback sufficient from boundaries to ensure privacy impacts to adjoining properties are minimised. Future development on these lots is likely to be single storey which will not impact neighbours and furthermore the existing Colorbond fencing will also prevent overlooking into areas of private open space or habitable room windows.

### 5.3. Access, Traffic & Parking

The proposed development will provide suitable access from Commercial Street to Lots 3-5 via the existing vehicle crossover which will form the common property (Lot 1) on the site. Lot 2 will obtain

access via a new vehicle crossover approximately mid lot from Commercial Street to the existing dwelling.

A new carport will be erected on the southern side of the existing house to provide parking for the dwelling at proposed Lot 2. Lots 3-5 will have ample space within the proposed building envelopes for car parking.

Pedestrian access will be provided via the common property or from Commercial Street directly in the case of Lot 2, and future dwellings on Lots 3-5 will be appropriately identified via letterboxes near the entrance to the common property providing legibility to visitors and emergency services.

The increase in traffic to be generated by the use of the additional lots are not anticipated to exceed the capacity of Commercial Street, which is a sealed road with an approximate 15 metre wide carriageway and in good condition.

Accordingly, the development is not anticipated to result in any unacceptable access, traffic and parking impacts on the surrounding environment.

#### **5.4. Infrastructure**

The proposal is within an established village area and all essential urban services including reticulated water, sewerage, electricity, stormwater drainage, telecommunications, and gas are available to the site.

Proposed lots will be serviced via minor alterations to existing services. All services will run through the common property and beyond the common property covered by a Management Statement.

It is noted that the site is host to an open drain which is managed by Council, known as the Queen Street Waterway. The open drain is located in the south of the site and exits the property to the west. The proposed subdivision has been designed in response to this feature on the land and avoids placing of building envelopes in this area to ensure the drain continues to function properly in flood events.

#### **5.5. European Heritage and Cultural Heritage**

The site is not identified as a heritage item nor is it located within a heritage conservation area following a review of Schedule 5 and the Heritage Map of the LEP. It is noted that there is a mapping error on the NSW Planning Portal that identifies part of the subject site as being included in Heritage Item I160 St Mary's Catholic Church which fronts Market Street further to the west.

Similarly, matters regarding Aboriginal Cultural Heritage have also been investigated. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 7 February 2025, and it is confirmed that there are no recorded items of Aboriginal cultural significance within 50 metres of the site (Lot 3 and 4 in DP2551).

The subject land is also heavily disturbed following previous residential use and is therefore not expected to contain any items of cultural significance.

In the event that any relics are revealed the unexpected finds protocol will be employed to ensure investigation of these matters is undertaken.

#### **5.6. Soils & Erosion**

The proposed subdivision will not affect soils or erosion, given the proposal will not involve any significant works apart from ancillary earthworks as part of the connection and establishment of services. Works of this nature will include standard measures to prevent contamination, erosion and excessive runoff and sediment impacting the adjoining properties and nearby drainage infrastructure.



Despite the site being in the Flood Planning Area and subject to a 100 year ARI event the development is unlikely to disrupt drainage patterns or soil stability in the locality as any future development will be required to have a minimum floor level that is 0.3 metre above the 100 year ARI event. In addition, the proposal will result in additional landscaping around future dwellings that will help to stabilise soils and reduce erosion.

### 5.7. Biodiversity and Landscaping

The proposal seeks development consent to remove four (4) trees that meet the criteria outlined in the Greater Hume DCP; two (2) which are native and two (2) which are exotic species. As noted in **Section 4.5.1** of this report, the proposed removal of vegetation is less than the 0.25 hectare threshold for the Biodiversity Offsets Scheme, is not identified on the Biodiversity Values map and the trees are not connected to any tree corridor.

Therefore, the removal is unlikely to impact on any threatened or endangered species. While removal of some trees is required, the proposal retains all vegetation in the south western corner of the land. Upon future development further landscaping will ensue and compensate somewhat for the loss of vegetation and enhance the biodiversity of the area in due course.

### 5.8. Flooding

As noted in **Section 4.6.6** and in response to Chapter 8 of the Greater Hume DCP in **Appendix C**: it is noted that the site is within the Flood Planning Area. The site is within the Flood Planning Area due to the Queen Street Watercourse (open drain) traversing the site from the east to the west along the southern boundary of the site. Consequently, the open drain is considered a high hazard area, and the western extent of the site is a low hazard area.

The proposed subdivision design has considered this constraint by including the open drain exclusively in Lot 5 and Lots 3-5 which will be vacant development lots have building envelopes that are setback from the open drain to avoid impacts to flood behaviour. Furthermore, it is proposed that any future dwelling would have a minimum floor level of 0.3 metres above the 100 year ARI flood event imposed by Council and the floor level would be at the Council's discretion or at least the Flood Planning Level for commercial development.

These measures are submitted to make for the safe occupation of buildings in the event of a flood event of this scale or evacuation if needed. In the event of a 100 year ARI flood event, Commercial Street, north of the open drain is susceptible to low hazard flooding allowing for the safe evacuation of residents or staff of any commercial development.

Accordingly, it is submitted that the proposal addresses flood risks sufficiently for occupants of future buildings and will not adversely impact the surrounding environment or flood behaviour.

### 5.9. Bushfire

The subject site is not identified as bushfire prone land and no further measures have been adopted to reduce impacts from bushfire.

### 5.10. Social & Economic Impacts

The proposed community title subdivision will have an overall positive social impact as it will expand opportunity for residential and or commercial development in an established and central part of Walla Walla. The proposed lots vary in size offering the opportunity for a range of development outcomes and land uses permitted in the RU5 Village zone.

The development provides an increase in land availability in Walla Walla and will encourage greater investment residential or commercial options in the township.

The proposal creates short-term economic benefits in the hiring of local contractors throughout the planning, design and construction phase. The works will have a positive flow-on effects to the local economy including trades and services during works, and additional demand for retail activities and services from additional permanent population.

The proposal is anticipated to have no adverse social and economic impacts including impacts related to flooding as discussed in the response to Chapter 8 of the Greater Hume DCP in **Appendix C**..

#### **5.11. Suitability of the Site for Development**

The proposed community title subdivision has considered the constraints of the site and the site is considered suitable for the proposed development.

#### **5.12. The Public Interest**

The public interest is a broad consideration relating to many issues and is not limited to any one particular issue. Taking into account the full range of matters for consideration under Section 4.15C of the Environmental Planning and Assessment 1979 (as discussed within this report), it is considered that approval of the application is consistent with the public interest.

The development of land in an orderly and economic way is in the public interest.

## 6. Conclusion

The development application seeks development approval for a Five (5) Lot Community Title Subdivision, Demolition of Outbuildings and Vegetation Removal at Lot 3 and 4 in DP2551 addressed as 69 Commercial Street, Walla Walla.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and development control plan;
- it proposes community title-subdivision in an established urban area of Walla Walla characterised by an eclectic mix of commercial, residential and civic development;
- it achieves a variety of lot sizes, makes efficient use of existing urban infrastructure and is appropriate for the future construction of dwellings or commercial development;
- it proposes a subdivision layout and design that minimises both environmental and social impacts;
- it prioritises the protection of property and life from flood impacts, and
- it will not have an adverse impact on infrastructure and services.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.

---

## Appendix A: Title Details

---

---

## Appendix B: Plan of Subdivision

---

---

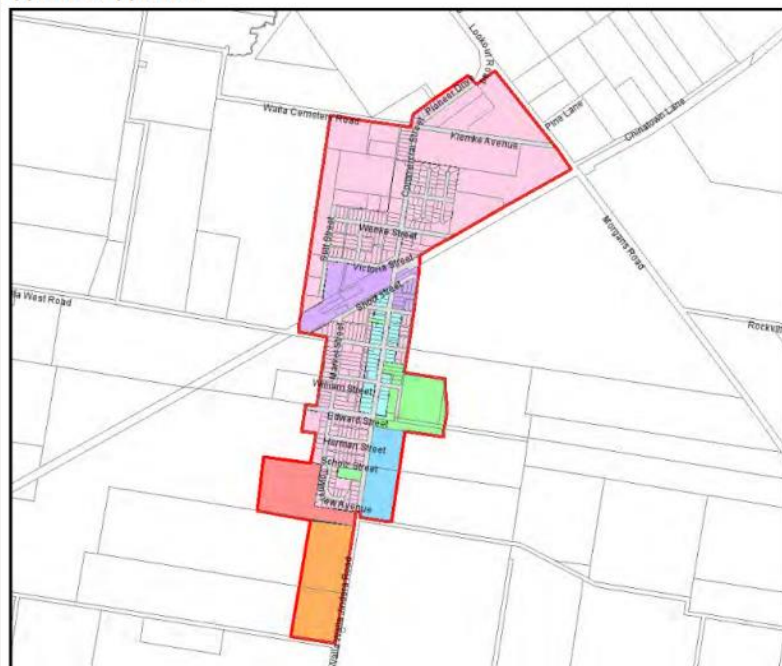
## Appendix C: Planning Compliance Tables

---



## Chapter 5 – Township Structure Plans

### Walla Walla



### Structure Plan

#### Legend

Residential	Industrial (Future)
Residential (Future)	Low Density Residential
Commercial	Low Density Residential (Future)
Commercial (Future)	Open Space
Industrial	

#### NOTE

This is not a land use zone map from a Local Environmental Plan.

The land use definitions shown on the Strategic Land Use Plan relate to the preferred use of land within the town boundary. They will be used by Council to assist in the assessment of development applications within the context of broad urban zones applied to the township in the Greater Hume Local Environmental Plan 2012.

This chapter of the GHDCP relates to the role of township structure plans in guiding the location of types of land uses and development within the zoned urban areas of the Shire. Such guidance is necessary because of the use of one broad-based zone in the GHLEP (the RU5 Village zone) across much of the townships.

The structure plans are based on those prepared as part of the Greater Hume Shire Strategic Land Use Plan 2007-2030 ("the SLUP"). The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond.

All development proposals within the urban areas should be consistent with the township structure plans.

The plan for Walla Walla applies to this application and the subject site falls within an indicative commercial land use area despite its historical land use for residential.

The proposed subdivision of land for five (5) lots with four (4) development lots and one common property is considered consistent with this plan as the subdivision does not dictate the future land use. Accordingly, the future land use may continue to be residential in nature, commercial or a mixture.

Notwithstanding the eventual land use, it is considered that residential and commercial development can proceed without conflicting land use as it currently does in this locality.

Chapter 6 - Subdivision		
Standards	Compliance	Comment
<b>6.1 Staging</b>		
<i>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.</i>	<b>Not applicable</b>	No staging is proposed.
<i>2. Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development which would have negative impacts upon infrastructure provision and/or design.</i>	<b>Not applicable</b>	As above.
<b>6.2 Movement network</b>		
<i>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	<b>Complies</b>	The community title subdivision will comply with Council's engineering guidelines, specifically the common property that provides access to Lots 3-5.
<i>2. All development for subdivision must comply with the Council's standards for road design.</i>	<b>Not applicable</b>	The proposal does not include new roads or streets.
<i>3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i>	<b>Variation to control</b>	<p>The subject site has a rear laneway that is unsealed, which could provide access to the site from the north west. However, this would reduce the lot yield due to the constraints of the open drain and vegetation in the south west corner of the site.</p> <p>This variation is considered acceptable as the proposed access for the common property is an existing vehicle crossover. The new vehicle crossover to provide access to the side (south) of the existing dwelling is a suitable design response given the above context. There are adequate site lines along Commercial Street to cater for an additional vehicles crossover. Commercial Street has an approximate 15 metres wide carriageway, is</p>

		sealed and will not result in any additional impacts such as dust if the rear laneway were to be used for access.
<i>4. All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.</i>	<b>Complies</b>	All lots are provided access to a public road. Lot 2 is provided direct access to Commercial Street and Lot 3-5 is provided access via Lot 1 which is a common property. No easement for access is required.
<i>5. Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</i>	<b>N/A</b>	Not applicable. The existing local road network is considered appropriate for access requirements of the proposal.
<b>6.3 Lot design</b>		
<i>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	<b>Complies</b>	As discussed, at 6.2 <i>Movement network</i> above, the proposed lots are designed to be appropriately accessible and in compliance with the Engineering Guidelines.
<i>2. Multi-lot subdivisions should provide for a range of lot sizes.</i>	<b>Complies</b>	The proposal is for five (5) lots with four (4) of these being for development. The proposed lots vary in size from 411m <sup>2</sup> to 1233m <sup>2</sup> in the RU5 zone providing for a range of development outcomes, be they commercial as indicative zoning in the Township Structure Plan suggests or residential which exists on the site.
<i>3. Lots are to be provided with legal and practical public road access.</i>	<b>Complies</b>	As noted in the 6.2 <i>Movement network</i> above all lots have legal and practical public road access.
<i>4. Lots are to be designed to accommodate the type of development envisaged. Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.</i>	<b>Complies</b>	The proposed subdivision design provides lots of a variety of sizes that could be conceivably used for commercial or residential development or a mix if needed. The proposal includes suitably sized building envelopes for vacant lots that will be capable of accommodating future development, and private open space if future development is residential.

		While there are some irregular shaped lots proposed, these are responding to constraints on the site, notably the open drain in the south to south west and the denser vegetation that is located in the south west.
<b>Residential</b>  <i>5. For battleaxe allotments a minimum width of the access handle is to be 4.5m.</i>	<b>Complies</b>	There are no development lots that are battleaxe shaped. Notwithstanding the common property, which is somewhat battleaxe shaped and provides access to Lots 3-5. It has a handle that is 4.5 metres wide which expands to 8.5 metres at the head.
<i>6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling</i>	<b>Complies</b>	All vacant proposed lots include suitably sized building envelopes that accommodate future development and private open space if future development is residential.
<i>7. Lots are to be designed to maximise solar access.</i>	<b>Complies</b>	All proposed vacant lots are designed to allow opportunity for private open space and internal private areas to benefit from passive solar access.
<b>6.4 Infrastructure &amp; services</b>		
<b>General</b>  <i>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	<b>Complies</b>	The proposed subdivision is capable of being connected to all infrastructure in accordance with Council guidelines and standards.
<b>Higher density and Average density, Lower density and Rural living</b>  <i>2. Where a reticulated external potable water supply is provided, all lots shall be connected.</i>	<b>Complies</b>	The subject site has reticulated potable water supply that can be connected to all lots through the common property and beyond the common property covered by a Management Statement.
<b>Higher density and Average density</b>  <i>3. Where a reticulated external sewerage system is provided, all lots shall be connected.</i>	<b>Complies</b>	The subject site has reticulated external sewage supply that can be connected to all lots through the common property and beyond the common property covered by a Management Statement.

**6.5 Hazards**

1. On land mapped as bushfire prone, compliance with the NSW Rural Fire Service guide Planning for Bushfire Protection (2006).	<b>Not applicable</b>	The subject land is not bush fire prone land.
2. On land considered by Council to potentially being subjected to flooding, an investigation of the land as to the flood risk and consideration of the Floodplain Development Manual: the management of flood liable land (2005).	<b>Complies</b>	<p>The site is identified as being in a flood planning area and it is affected by the 100 Year ARI Flood Event and the response below demonstrates consideration of the Floodplain Development Manual.</p> <p>It is submitted that the proposed subdivision of the land and any subsequent development can satisfy all flood concerns following Council imposing a condition of a minimum floor level. This would be 0.3 metres above the 100 year ARI flood level for dwellings and at Council's discretion or at least the Flood Planning Level for commercial development.</p> <p>These conditions would enable safe occupation of the any dwellings in the event of a 100 year ARI flood event and as the inundation along Commercial Street is generally no greater than 0.3-0.5 metres in depth this will allow for the safe evacuation of residents or staff of any commercial development.</p> <p>Furthermore, the development of the land is unlikely to adversely affect the flood behaviour that is detrimental in increased potential flood affectation of other development properties as any future development will be setback sufficiently from the high hazard areas/floodway.</p>
3. On land that is, or has previously been used for a potentially contaminating activity, an investigation of the land in accordance with the requirements of State Environmental Planning Policy No.55 – Remediation of Land. An investigation should be in accordance with the process detailed in the State Government's Managing Land	<b>N/A</b>	Not applicable. The site is not identified as a potentially contaminated site, nor has it been subject to a potentially contaminating activity the kind of which would render the site inappropriate for the proposed subdivision.

Contamination – Planning Guidelines SEPP55 Remediation of Land (1998).		
<b>6.6 Site management</b>		
1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.	<b>Complies</b>	The proposed residential subdivision work and layout align with the compliance measures required by the <i>Engineering Guidelines</i> .
2. Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils.	<b>Complies</b>	Subject to detailed design, to be submitted with a Subdivision works certificate application.
<b>Chapter 7 – Vegetation Removal</b>		
<b>Standards</b>	<b>Compliance</b>	<b>Comment</b>
1. Trees located in one of the following zones: <ul style="list-style-type: none"> <li>RU5 Village</li> <li>R2 Low Density Residential</li> <li>R5 Large Lot Residential</li> <li>SP3 Tourism</li> </ul> is land to which clauses 6.2, 6.3 and 6.4 of the GHLEP apply.	<b>Noted</b>	The trees marked for removal are in the RU5 Village zone and therefore the controls within this chapter apply to this application.
2. Trees that are 5 metres or more in height; or trunk diameter of 20cm or more 1 metre above the ground.	<b>Noted</b>	Four (4) of the trees marked for removal meet these criteria. The vegetation to the south of the existing dwelling to make way for the new entrance does not meet these criteria and is exempt from requiring a permit for removal.
3. Trees of the following species:  River Red Gum <i>Eucalyptus camaldulensis</i>  White Cypress Pine <i>Callitris columellaris</i>	<b>Noted</b>	Two (2) of the trees are native and included within this species list and require a permit for removal.  The canopy area of the native trees for removal do not exceed the 0.25ha biodiversity offset scheme threshold for sites with a minimum lot size of less

<p><i>Black Cypress Pine Callitris endlicheri</i></p> <p><i>Blakely's Gum Eucalyptus blakelyi</i></p> <p><i>Yellow Box Eucalyptus melliodora</i></p> <p><i>Grey Box Eucalyptus microcarpa</i></p> <p><i>White Box Eucalyptus albens</i></p>		<p>than 1ha, the area of works is not identified on the Biodiversity Values map, and the trees do not form part of a heritage item. Similarly, the trees to be removed do not contain any hollows and are considered acceptable for removal.</p> <p>The potential for these trees to provide habitat to threatened or endangered species is unlikely given the trees are not connected to any tree corridor and it is submitted that the development will not have an adverse environmental impact on threatened species.</p> <p>Consideration has been given to avoid and minimise impact in this proposal and the proposed vegetation removal is unavoidable to cater for the proposed development.</p> <p>The proposal does include retention of some vegetation in the south west corner of the site near the open drain and future landscaping of the site following development of dwellings is likely and will compensate this loss somewhat.</p>
---	--	--

## Chapter 8 – Flood Liable Land

Standards	Compliance	Comment
<p><b>DECISION GUIDELINES</b></p> <p><i>Proposed developments will be considered on their merits in terms of flooding impacts. Issues to be taken into consideration regarding the particular merits of development on flood liable land include the following:</i></p> <ul style="list-style-type: none"> <li><i>Whether the proposed development is reasonable having regard for the flood risk and resources available to the location.</i></li> <li><i>Applicants should place no reliance on the implementation of a</i></li> </ul>	<p><b>Complies</b></p>	<p>The proposed subdivision is on land that is within the Flood Planning Area. The open drain section of the site is within a high hazard flooding area and the western extent of the site is in a low hazard flooding area.</p> <p>The proposed lots that are vacant have building envelopes that are located outside of the open drain area and the high hazard flooding area. Parts of Proposed Lot 1 and 3-5 are within the low hazard area.</p> <p>It is proposed that Council can impose a condition of a minimum floor level. This would be 0.3 metres above the 100 year ARI flood level for dwellings</p>

condition specifying a private evacuation/flood management plan as a means to overcome an unacceptable flood risk		<p>and at Council's discretion or at least the Flood Planning Level for commercial development.</p> <p>This would ensure that occupants of dwellings or commercial development can occupy the building safely without impact or evacuate the site to Commercial Street. The proposal will not rely on the implementation of private evacuation or flood management plan to overcome flood risk.</p>
<ul style="list-style-type: none"> <li>The need for a benefit/cost assessment that takes account of the full cost to the community of the flood response and flood damage likely to be incurred to the development and upon other development.</li> </ul>	<b>Complies</b>	<p>The proposal is not anticipated to be of a cost to the community in terms of flood response or damage that is likely to be incurred from the development in a flood event.</p> <p>Notably, the subdivision provides lots and building envelopes, in the case of the proposed vacant lots, that avoid the high hazard flood areas. It is proposed that Council can impose a condition of a minimum floor level of 0.3 metres above the 100 year ARI flood level for dwellings and at Council's discretion or at least the Flood Planning Level for commercial development.</p> <p>This would ensure that any development is safe to occupy in the event of a 100 year ARI flood event and evacuation was possible exiting via the common property on to Commercial Street. The land to the north of the open drain is generally in a low hazard flood area and higher ground is available north of Queen Street.</p> <p>Considering these minimal costs to the community, it is submitted that the development will offer a net benefit to the community through provision of additional lots near a range of services that will provide a high level of amenity to future residents or occupiers.</p>
<ul style="list-style-type: none"> <li>Specific principles relating to flood liable land contained within Murray Regional Environmental Plan No.2 - Riverine Land (MREP2) including:</li> </ul>	<b>Not applicable</b>	<p>The subject site is not within the confines of land within the Murray Regional Environmental Plan No. 2 – Riverine Land (MREP2) which is now known as</p>



<ul style="list-style-type: none"> <li>– the benefits to riverine ecosystems of periodic flooding;</li> <li>– <i>the hazard risks involved in the development of that land;</i></li> <li>– <i>the redistribution effect of the proposed development on floodwater;</i></li> <li>– <i>the availability of other suitable land in the locality not liable to flooding;</i></li> <li>– <i>the availability of flood free access for essential facilities and services;</i></li> <li>– <i>the pollution threat represented by any development in the event of a flood;</i></li> <li>– <i>the cumulative effect of the proposed development on the behaviour of floodwater;</i></li> <li>– <i>the cost of providing emergency services and replacing infrastructure in the event of a flood; and</i></li> <li>– <i>flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the NSW government department responsible for such works.</i></li> </ul>		<p>the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 River Murray lands.</p>
<ul style="list-style-type: none"> <li>• <i>The Floodplain Development Manual – the Management of Flood Liable Land (2005)</i></li> </ul>	<p><b>Complies</b></p>	<p>As noted in the response to 6.5 <i>Hazards</i>, the site is identified as being in a flood planning area and it is affected by the 100 Year ARI Flood Event and the response below demonstrates consideration of the Floodplain Development Manual.</p>

		<p>It is submitted that the proposed subdivision of the land and any subsequent development can satisfy all flood concerns following Council imposing a condition of a minimum floor level. This would be 0.3 metres above the 100 year ARI flood level for dwellings and at Council's discretion or at least the Flood Planning Level for commercial development.</p> <p>These conditions would enable safe occupation of any dwellings in the event of a 100 year ARI flood event and as the inundation along Commercial Street is generally no greater than 0.3-0.5 metres in depth this will allow for the safe evacuation of residents or staff of any future commercial development.</p> <p>Furthermore, the development of the land is unlikely to adversely affect the flood behaviour that is detrimental in increased potential flood affectation of other development properties as any future development will be setback sufficiently from the high hazard areas/floodway.</p>
--	--	---