



Statement of Environmental Effects

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This template may be used for development proposals which require a development application, and which is development not classes as designated development or State significant development. (Note: Please review the Statement of Environmental Effects Fact Sheet before completing this template. If you require assistance in completing this form please contact Council's Duty Development Officer on 1300 087 004 or email admin@murrayriver.nsw.gov.au)

Property Details

(Note: to obtain this information refer to the <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot> on the NSW Planning Portal.

Lot	1
Section	
Deposited Plan/Strata Plan	DP509508
Unit No/House No	17
Street	Parkman Drive
Suburb	Barham
Postcode	2732

Description of the proposed development

What is the proposed development?

Note: the proposed development must be a land use that is listed in the Dictionary of the Murray Local Environmental Plan 2011 or the Wakool Developmental Plan 2013

Include details such as:

- whether the development will use whole or part of the building(s) or land(s)
- whether new buildings are proposed
- the physical features of the proposed building(s)
- the nature of the building(s) e.g. dwelling house, materials and colour scheme, signage etc.)
- if demolition is proposed

In 2021, the applicant sought approval for a 9 lot Torrens Title residential subdivision at 17 Parkman Avenue, Barham.

Council staff, acting under delegation, approved DA 10.2021.196.1. The DA included the following conditions which are aimed at ensuring a satisfactory level of flood protection for future owners of the lot:

Condition 31 – Conveyancing Act 1919 Instruments

A copy of an instrument prepared in accordance with the Conveyancing Act 1919, must be submitted with the application for a Subdivision Certificate for Council's endorsement.

The instrument must contain the following:

A restrictive covenant on all residential allotments requiring the floor level of all habitable rooms be constructed at least the height of the Flood Planning Level (500mm above the 1 in 100 flood event level) applying to the site. The restriction must be in favour of Murray River Council.

A copy of an instrument prepared in accordance with the Conveyancing Act 1919, must be submitted with the application for a Subdivision Certificate for Council's endorsement.

The wording of the covenants/restrictions must be to the satisfaction of Council prior to the release of the Subdivision Certificate.

Condition 43 – Height of allotments

Prior to the release of the Subdivision Certificate, the Applicant must supply Council with an appropriate survey detailing all lots have been constructed to the relevant Flood Planning Level height (i.e. 500mm above the 1:100 ARI flood event).

For the reasons outlined in the attached letter (provided under separate cover), it is considered that the conditions imposed on the Development Consent go beyond the requirements of the Murray River Development Control Plan, the Barham Flood Study, and the Barham Floodplain Flood Risk Management Study and Plan, resulting in unreasonable and unnecessary costs on the developer which will undoubtedly reduce the affordability of the allotments when they are brought to market.

Operational and management details

If applicable, describe the operational and management details of the proposed development.

Not applicable to modification request

Property Details

What is the area of the site

2.4 hectares

Describe the site

The land is a 2.4ha vacant lot of land. It slopes generally towards the west. The land has no trees or significant vegetation.

The lot of land is surrounding by residential development. On the other side of Parkman Drive is a sports field (outdoor recreation facility).

The land is flood liable, being low hazard flood fringe. It is not bushfire prone nor are there any further hazards on the land.

Planning Considerations

Are there any State Environmental Planning Policies (SEPPs) applicable to the proposed development (such as State Environmental Planning Policy (Housing) 2021)?

NO

If any SEPPS apply, discuss how they apply and how the proposed development complies.

None applicable to this modification request.

Local Environmental Plan (Murray LEP 2011 or Wakool LEP 2013)

What is the land zoned?

Note: refer to the NSW ePlanning Spatial Viewer on the NSW Planning Portal

R1 – General Residential

What is the proposed land use (as listed in the Dictionary or the applicable LEP)?

Torrens Title Subdivision – 9 lot

Is this use permissible within the zone?

Note: refer to the applicable land use table

YES

How does the proposed development meet the objectives of the zone?

Note: refer to the applicable land use table in the LEP

The approved subdivision will support residential development and the supply of residential land in Barham.

Planning considerations

List and address all relevant sections to your development from the applicable LEP

None applicable to this modification

Planning considerations

The Murray Development Control Plan 2012 and the Wakool Development Control Plan 2013 details requirements for development which must be taken into account when preparing a development application. Please list and address all relevant clauses to your development contained in the applicable DCP.

An assessment against Councils DCP provisions have been provided in the attached letters provided under separate cover.