

SEE Upper Warrell Creek
STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED LARGE LOT RESIDENTIAL
SUBDIVISION

Nambucca Valley Council
9, 17 and 18 DP 884316 & Lots 6 DP 4748478 and Lot 1 DP
374127
Albert Drive Upper Warrell Creek

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1.0 INTRODUCTION

This statement has been prepared Paul Guy in relation to an application by Ben Jedrej Civil Engineer on behalf of Nambucca Shire Council to carry out a subdivision creating 6 new large lot residential lots at Lot 9, 17 and 18 DP 884316 & Lots (developed) 6 DP 4748478 and Lot 1 DP 374127 Albert Drive Upper Warrell Creek

The application requires the Development Consent of Council and is being lodged pursuant to Clause 4.12 of The Environmental Planning and Assessment Act.

The statement assesses the proposal in accordance with Regional, State and Local Government Statutory requirements and Planning Policies.

The statement has been prepared having regard to the following documentation

- Civil Engineer Drawings – 22021 – 010-.01 & .02 & 22021-011.01 (06/03/2023)

2.0 SITE DESCRIPTION AND ANALYSIS

2.1 THE SITE

This site is formally known as Lots 9, 17 and 18 in DP 884316 Albert Drive Upper Warrell Creek and is approximately 2.923 Ha in area

The site is on the eastern side of the Ginnagay Way and the northern and western side of Albert Drive Upper Warrell Creek and is otherwise surrounded by RU1 land, which is bisected by the highway corridor and State Rail.

This is a ‘greenfield’ site

2.2 THE SURROUNDING AREA

The proposal is an extension of the R5 land to the south and is otherwise surrounded by RU1 land

3.0 THE PROPOSAL

The proposal is a 6-lot subdivision and boundary adjustment

It is proposed to amalgamate part of Lot 17 and 18 DP 884316 with 2 existing Lots (developed) 6 DP 4748478 and Lot 1 DP 374127

The remainder of Lot 18 is to be subdivided into 4 large lot residential portions with areas varying between 3267m² and 1.72 Ha

4.0 TOWN PLANNING ASSESSMENT

The Environmental Planning & Assessment Regulation Schedule 1 lists the following matters to be considered in relevance to the site and proposed development.

4.1 The Provisions Of Any Environmental Planning Instrument, Draft Environmental Planning Instrument, Or Development Control Plan – Clause 4.15 of the Environmental Planning and Assessment Act (as amended)

4.1 (a) Environmental Planning and Assessment Act

The site is a 'Greenfield' site surrounded by developed land, agricultural land and a highway corridor.

Section 1.7 of the EP&A Act provides for a review of environmental factors in accordance with the Biodiversity Conservation Act 2016 the Biodiversity Values Map was inspected show areas of biodiversity value along Warrell Creek but not extending into the subject property

4.1(b) Nambucca Local Environmental Plan 2010

Land Use Definition

The proposed development is most appropriately defined as a subdivision in accordance with Part 6 of the Environmental Planning and Assessment Act. In accordance with councils LEP (Lot size map) there is no minimum lot size therefore any provisions in Council' DCP 2010 should be considered

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Zone R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is in keeping with the residential objectives of the zone creating additional residential entitlements.

The development is permissible with the consent of council

Clause 4.1 – states the minimum lot size to be in accordance with the lot size table being 1000m² –

Complies

Clause 5.21 - Flood planning

- (1) *The objectives of this clause are as follows—*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority 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.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*

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- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Proposed lots 3 – 6 are impacted by the 2% and 1% flood event on a portion of there land and impacting on the building envelope of Lot 6. (The amount of land effected varies with Lot 5 by 1/2, lot 4 - 1/3 and lot 3 the northern corner. The hydraulic hazard is listed at 2, which does not impact the subdivision of land being mostly flood fringe and storage. Any proposed future dwellings floor level would need to be at or above the 1% AEP

A small strip at the rear of Lots 3 to 6 and the northern half of the very large lot 6 are impacted by the 1% flood with hydraulic hazard category of 3 which does not affect the subdivision of land

4.1(c) SEPP (Biodiversity and Conservation) 2021

2.1 Aims of Chapter

The aims of this Chapter are—

- (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.*

2.6 Clearing that requires permit or approval

- (1) *A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.*
- (2) *A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.*
- (3) *Subsection (2) does not apply to clearing on biodiversity certified land under the [Biodiversity Conservation Act 2016](#), Part 8.*
- (4) *Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.*
- (5) *Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.*
- (6) *For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*

For the purpose of clearing the land council's officer Tim Woodward inspected the vegetation within the area finding it to be mainly camphor laurel, a stand of pine and lantana. The vegetation was found not to support critical habitat and has since been cleared

4.1(d) SEPP (Resilience and Hazard) 2021

2.10 Development on land within the coastal environment area

(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—*

(a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

The development will not impact these matter as it is located on a disturbed (Greenfield) site. Stormwater will be conducted to an existing drain along Ginnagay Way to Civil Engineers design

(b) *coastal environmental values and natural coastal processes,*

The development is not in close proximity to the coast or 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,*

As above

(d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

See comments with respect to the Biodiversity conservation Act

(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,*

the development is not in proximity to those areas

(f) *Aboriginal cultural heritage, practices and places,*

The development is a cleared site with no observation of any cultural heritage significance. A search of Aboriginal Heritage Information Management System (AHIMS) provides that there are no sites or places of Aboriginal cultural heritage significance on or within a 50m buffer to the site

(g) *the use of the surf zone.*

Not near a surfing location

As the development falls within the coastal zone the following matters need to be considered;

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(a) 2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) Existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

No obstruction

(ii) Overshadowing, wind funnelling and the loss of views from public places to foreshores,

No impact on public places

(iii) The visual amenity and scenic qualities of the coast, including coastal headlands,

Residential development within the envelope of the existing structure

(iv) Aboriginal cultural heritage, practices and places,

Existing developed and disturbed (filled) land

(v) Cultural and built environment heritage, and

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 that impact cannot be minimised—the development will be managed to mitigate that impact, and has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

No adverse impact and as stated above

4.1(e) SEPP (Resources and Energy) 2021

No work of any nature concerning the SEPP is to take place

4.1(f) SEPP (Transport and Infrastructure) 2021

No work of any nature concerning the SEPP is to take place
Subdivision of lots greater than 2000m² is exempt development in accordance with this SEPP

DCP 2010

Part B – subdivision

B2.8.1 – Stormwater –

No civil works required for stormwater disposal

B2.9 – Electricity

Power is available to be connected to all sites

B2.10 Telecommunications

An exemption from installing fibre ready pit and pipe has been received

B3.3 B3.3.1 Dwelling Envelopes

GENERAL REQUIREMENTS FOR LARGE LOT RESIDENTIAL AND RURAL SUBDIVISION

- ☐ *Dwelling envelopes are to be indicated on the subdivision plan for each new rural or large lot residential lot;*
- ☐ *All dwelling envelopes are to be setback from roads in accordance with setback requirements of this Part;*

Achieved and shown on plan

B3.3.2 Vehicular Access and Road Frontage

- ☐ *All lots must have direct frontage to a dedicated public road and access must be provided to an all- weather standard. Where the road frontage is sealed bitumen, the driveway access shall be sealed from the edge of the bitumen to 3m within the property boundary on each proposed lot. Property access in bushfire zones will need to comply with rural fire service requirements.*

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□ Where battle-axe lots are proposed, the access handle for each lot must have direct frontage to a public road and must have a minimum width of 10m. An access handle with reciprocal rights of carriageway will be permitted to provide access to a maximum of three (3) lots only.

□ All reciprocal rights-of-carriageway are to be sealed or concreted in parts which service more than two lots.

□ Where more than three lots are proposed, the access must be designed, constructed and dedicated as a public road. A minimum road reserve width of 20m applies.

□ Crown roads that are required for access to a proposed subdivision will need to be upgraded and dedicated to Council as a public road. All costs associated with dedication are to be met by the applicant. Construction of the road will be to Council's current standard as specified in its Aus-Spec #1 Design Specification.

B3.3.3 Water Supply

□ Water supply to all lots is to be via rainwater tanks to be supplied at the dwelling-house stage. Tanks do not need to be installed at the subdivision stage.

□ Council will require the imposition of positive covenants on lots without reticulated water supply in bushfire prone areas to ensure that adequate water storage is provided, along with appropriate fittings, for firefighting purposes at the dwelling-house stage.

B3.3.4 On-Site Effluent Disposal

□

Council must be satisfied that each lot to be created is physically suitable for on-site disposal of effluent. Council requires a soils analysis report to be prepared by a suitably qualified person, generally a geotechnical engineer or environmental consultant. The report should identify suitable effluent disposal areas on each lot.

The report is to be prepared in accordance with "Nambucca Shire On-Site Sewage Management Plan 2010". Details are to be submitted with the DA for subdivision.

Strider Duerinckx Earth Water Consulting has provided a report to support this application

LARGE LOT RESIDENTIAL SUBDIVISION

Clauses 4.1 and 4.2B of NLEP 2010 provide the development controls for large lot residential development.

B3.4.1 Primary Standards

Minimum Lot Sizes

Refer to the Lot Size Map contained in NLEP 2010.

Compliant

B3.4.2 Rural Character

• *Large lot residential subdivision should be designed to maintain the rural character of the locality. "Rural character" is taken to mean any landscape that is visually dominated by farms, vegetation and natural topography and where buildings, dwellings in particular, are located randomly rather than in a clearly defined geometric order such as a typical residential estate.*

B3.4.4 Access and Frontage to Existing Roads

☐ *A row of lots fronting an existing road, particularly a State or regional road, will not be permitted. Access to lots is to be from a new internal road system wherever practicable. Direct access to individual lots from an existing road may be permitted in cases where the road carries local traffic only and a common access point is provided.*

The proposal fronts Albert Drive, which has very low traffic flows and can be accessed from its southern and northern end and is only 1100metres long. Sight distances both north and south are good with entry from Ginnagay Way on the southern requiring a 90 degree turn in it's first 80 to a 100m being a traffic pacifier.

B3.4.5 Road Sealing Requirements

☐ A continuous bitumen sealed road constructed to public road standard is required to connect each lot to an existing urban area. A sealed road is to be provided across the full frontage of all lots, including the full length of new roads.

Albert Drive is sealed

F1.2.1 Rural Dwellings and Subdivisions

Where an applicant proposes a rural or large lot residential dwelling or subdivision, Council requires the submission of the following details to enable assessment of potential land use conflict:

- *details of the use of all adjoining landholdings;*
- *the location of dwellings or dwelling envelopes within the subject site; and*
- *details and location of any existing or proposed vegetation buffers.*

The proposal is surrounded by R5 land with one rural property buffered by Albert Drive, a vegetated corridor of R5 land a the state rail corridor to the east and a vegetated strip of land on both sides of Ginnagay Way to the west

See further comments below

F1.3.1 Building Lines

The purpose of this section is to ensure new rural dwellings maintain the rural character of an area, do not

obstruct line of sight on rural roads and are not adversely impacted by vehicle dust and noise.

Objectives

• *To provide developers with a degree of certainty as to Council's requirements in relation to building line setback standards.*

- ☐ *To control building line setback requirements on all land zoned rural, environmental protection and large lot residential.*
- ☐ *To minimise adverse impact on adjacent and adjoining properties.*
- ☐ *To minimise dust nuisance from unsealed rural roads.*
- ☐ *To maintain rural amenity and character.*
- ☐ *To maintain lines of sight where necessary for vehicular safety.*

. 2 *Dwellings in an R5 Zone shall be set back a minimum 10m from a boundary fronting a no through sealed road or right-of- carriageway, 20m to a boundary fronting a sealed classified road or local road or 5m from any other boundary.*

Building envelopes show compliance

F1.3.2 Buffers

Failure to ensure adequate setbacks from dwellings to rural activities and industries is likely to result in land use conflicts subsequently impacting on rural production, local employment and economic activity.

In addition to this, failure to provide appropriate setbacks to sensitive environmental receptors such as creeks, native vegetation, wetlands and reserves may result in detrimental impacts to the local environment.

The purpose of this section is to ensure appropriate setbacks are applied to varying rural land uses and environmental receptors.

Objectives

- ☐ *Minimise land use conflict primarily between dwellings and permissible land use activities;*
- ☐ *Ensure adequate landuse and vegetation buffers are provided between commercial activities/rural industries and dwellings;*
- ☐ *Protect natural resources and sensitive environmental receptors; and*
- ☐ *Ensure adequate buffers are provided between various rural landuses and sensitive natural areas.*

The subject land is buffered to the rural land by Albert Drive, a vegetated corridor of R5 land a the state rail corridor on the western side and a vegetated buffer along both sides of Ginnagay Way resulting in grazing land on the eastern side being 50m from the rear boundary and more than 100m to the building envelopes

4.2 The Impact Of That Development On The Environment And Any Means That May Be Employed To Protect The Environment Or To Mitigate Harm

Threatened Species

The property is a Greenfield site, which does not form part of a habitat corridor and accordingly no impact on flora and fauna from the proposed development

See comments with respect to Biodiversity Conservation Act

4.3 The Effect Of That Development On The Landscape Or Scenic Quality Of The Locality

The proposed subdivision is similar to existing R5 land to the south of the property.

See comments with respect to the SEPP (Resilience and Hazards)

4.4 The Social Effect And The Economic Effect Of that Development In The Locality

In accordance with the LEP the provision of 6 additional large residential lots with 2 of those lots being amalgamated with existing holdings has a positive social and economic effect for lifestyle and housing solutions

4.4 The Character, Design, Siting, Bulk, Scale, Shape, Size, Height, Density Design Or External Appearance Of That Development

Conducive with surrounding development

4.5 The Size And Shape Of The Land To Which The Development Relates

Mostly large rectangular blocks with Lot 6 being 5 ½ larger than the other allotments

4.6 The Risk To The Development From Flooding, Tidal Inundation, Subsidence Or Bushfire

The area of the proposal is not subject to tidal inundation, or subsidence.

See previous comments with respect to low-level hazard flooding

The lots are shown on mapping to be potential bushfire affected. A report has been prepared by Holiday Coast Bushfire Solutions, which will accompany this application

4.7 The Relationship Of The Development To Other Properties

Adjoining properties are large lot residential whilst the adjacent property on the Eastern side and on the western side is Rural. See comments on rural buffers

4.8 Vehicular Access, Parking And Traffic

Each proposed allotment will generate additional residential traffic

4.9 The Amount Of Traffic Likely To Be Generated By The Development

Construction traffic when the sites are being developed, then additional residential traffic. Traffic from any other development will be assessed at that stage

4.10 The Availability Of Public Transport Services

N/A

4.11 The Availability And Adequacy Of Utility Services

See comments with respect to complying with these aspects in the DCP

4.12 Proposed Landscaping

The subject of future development of the allotments

4.13 The Risk Of Soil Erosion

Siltation and erosion control in accordance with "Managing Urban Stormwater - Soil and Construction" (3rd Edition 1998) also known as the "Blue Book" shall be maintained until any proposed earthworks are stabilized.

4.14 Public Interest

The development is not considered contrary to the public interest of an orderly and predictable environment.

5.0 Conclusion

Consideration will be given to any submissions made as a result of Council's consultation and notification process

PREPARED Final
March 2023