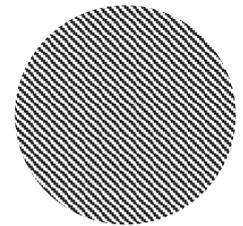




JACKSON  
PLANNING



# Planning Report

Dwelling additions (shade sails)

169B Ryans Road  
Curlwaa, NSW, 2648



# EXECUTIVE SUMMARY

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Proposal	Dwelling additions (shade sails)
Street Address	169B Ryans Road, Curlwaa
Formal Land Description	Lot 124 DP 448616
Zone	RU1 - Primary Production
Relevant State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021

## SUBJECT SITE AND SURROUNDING AREA

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### Site Description

The subject site, Lot 124 DP 448616, is a 13.5 hectare allotment is an existing rural property located 3kms south-west of the township of Dareton. The subject land is irregular in shape and currently contains a dwelling located on the eastern end of the site, with the land adjoining the Murray River. Primary access to the site is achieved by an existing driveway from 169B Ryans Road, Curlwaa.

The surrounding area generally comprises of rural type allotments, with the majority within close proximity containing dwellings.

The subject site appears to have access to reticulated electricity, telecommunications, water and effluent is managed onsite with a septic system.

## Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and surrounding area (Source: Landchecker Sep 2024)

## Site Photos



Figure 2: view of site from Ryans Road



Figure 3: view from the Murray River



Figure 4: Shade sail location

## PROPOSAL

# DESCRIPTION

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This application proposes three shade sails as summarised under the following points:

- The shade sails are proposed to be along the western portion of the existing dwelling.
- The shade sails will have a height varying from 2.5 metres to 4 metres.

## PLANNING

# CONTROLS AND ASSESSMENT

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### Wentworth Local Environmental Plan 2011 (LEP)

The Subject site is within the RU1 – Primary Production

The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.*
- *To enable the development of restaurants and cafes and kiosks as part of agritourism development.*

As per the contents in this application, the dwelling enjoys exiting use rights; therefore the objectives that would normally discourage a dwelling cannot be considered. The shade sails are proposed to be located in a position that does not remove any agricultural land which is located nearby the existing dwelling.

### Clause 5.21 Flood planning

The objectives of this clause are as follows—

- *to minimise the flood risk to life and property associated with the use of land,*
- *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,*

- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

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—

- *is compatible with the flood function and behaviour on the land, and*
- *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*
- *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*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- *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.*

### Discussion

The subject land was previously raised when the dwelling was originally built; therefore it is considered that the proposed works will have no additional safety threat to the occupiers of the dwelling.

It is accepted that standard conditions relating to the construction of the additions may be required to be certified by a qualified structural engineer certifying that the design and structural adequacy of the building can withstand the effects of inundation in the event of a flood.

In conclusion it is considered that the proposed development will allow the safe and efficient evacuation of people in the event of a flooding event.

## Clause 7.4 Terrestrial biodiversity

*The objective of this clause is to maintain terrestrial biodiversity by—*

- *protecting native fauna and flora, and*
- *protecting the ecological processes necessary for their continued existence, and*
- *encouraging the conservation and recovery of native fauna and flora and their habitats.*

*Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development—*

- *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

### Discussion

No native vegetation is proposed to be removed as part of this application.

## Clause 7.5 Wetlands

*The objective of this clause is to ensure that natural wetlands are preserved and protected from the impacts of development.*

*When assessing a development application for development on land to which this clause applies, the consent authority must consider potential adverse impacts from the proposed development on—*

- *the growth and survival of native flora and fauna,*
- *the condition and significance of the native flora on the land and whether it should be substantially retained, and*
- *the provision and quality of habitats for indigenous and migratory species, and*
- *the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity, and*
- *any wetland in the vicinity of the proposed development and any proposed measures to minimise or mitigate those impacts.*

*Before granting consent to development to which this clause applies the consent authority must be satisfied that—*

- *the development is sited, designed and managed to avoid potential adverse environmental impacts, or*
- *where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts.*

### Discussion

Similar with the flooding assessment above, the proposed development is not considered to have any impact on wetland health or function.

### **Clause 7.6 Development on Riverfront Areas**

*The objectives of this clause are as follows—*

- *to support natural riverine processes, including the migration of the Murray River's channels,*
- *to protect and improve the bed and bank stability of the Murray River,*
- *to maintain and improve the water quality of the Murray River,*
- *to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,*
- *to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.*

*Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—*

- *boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,*

- *the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,*
- *environmental protection works,*
- *extensive agriculture and intensive plant agriculture,*
- *walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),*
- *water recreation structures.*

*Development consent must not be granted under subclause (2) unless the consent authority is satisfied of the following—*

- *that the appearance of the development, from both the Murray River and the river front area will be compatible with the surrounding area,*
- *that the development is not likely to cause environmental harm, including (but not limited to) any of the following—*
  - *pollution or siltation of the Murray River,*
  - *any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,*
  - *any adverse effect on drainage patterns,*
- *that the development is likely to cause only minimal visual disturbance to the existing landscape,*
- *that continuous public access, and opportunities to provide continuous public access, along the river front and to the Murray River are not likely to be compromised,*
- *that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land is to be maintained.*

### Discussion

The proposed development is not within the riverfront area as it is located behind the existing dwelling.

### **Clause 7.7 Riparian land and Murray River and other watercourses – general principals**

*The objective of this clause is to protect and maintain the following—*

- *water quality within the Murray River and other watercourses,*
- *the stability of the bed and banks of the Murray River and other watercourses,*
- *aquatic riparian habitats,*

- *ecological processes within the Murray River and other watercourses and riparian areas.*

*Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:*

- *is likely to cause any adverse impact on the following—*
  - *the water quality and flows within a watercourse,*
  - *aquatic and riparian species, habitats and ecosystems,*
  - *the stability of the bed, shore and banks of a watercourse,*
  - *the free passage of fish and other aquatic organisms within or along a watercourse,*
  - *any future rehabilitation of a watercourse and riparian areas, and*
- *will increase water extraction from a watercourse.*

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

### Discussion

The proposed development will not be considered to result in any detrimental impacts to the Murray River and surrounding environs. As such, no bank stability, water quality or flora and fauna issues are identified, and the proposal will not increase the extent of water extracted from the Murray River.

### **Clause 7.8 - Additional provisions—development on river bed and banks of the Murray River**

*The objectives of this clause are as follows—*

- *to manage and maintain the quality of water in the Murray River,*
- *to protect the environmental values, scenic amenity and cultural heritage of the Murray River,*
- *to protect the stability of the bed and banks of the Murray River,*
- *to limit the impact of structures in or near the Murray River on natural riverine processes and navigability of the River.*

*Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—*

- *that the development is likely to contribute to achieving the objectives of the zone in which the land is located,*
- *that the development will not increase erosion,*
- *that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats,*
- *that the development will not cause an adverse effect on drainage or flow patterns.*

*Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—*

- *that the proposed structure will not be located on an outside bend of the Murray River,*
- *that the appearance of the proposed structure, from both the Murray River and any adjacent land, will be compatible with the surrounding area,*
- *that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.*

### Discussion

The proposed structure is not within the riverbank.

## **State Environmental Planning Polices (SEPP)**

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 Clause 5.9**

**When this Part applies, the following must be taken into account—**

#### **Flooding**

*Where land is subject to inundation by floodwater—*

- *the benefits to riverine ecosystems of periodic flooding,*
- *the hazard risks involved in developing that land,*
- *the redistributive effect of the proposed development on floodwater*
- *the availability of other suitable land in the locality not liable to flooding,*
- *the availability of flood free access for essential facilities and services,*
- *the pollution threat represented by any development in the event of a flood,*

- *the cumulative effect of the proposed development on the behaviour of floodwater, and*
- *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

### Discussion

As mentioned numerous times previously, the development will have minimal impacts on the health of the Murray River and not create any further risk to human life.

## **General Assessment**

### **Visual Impacts**

Given the location of the proposed works, visual impacts are not envisaged.

### **Open Space**

Not applicable for this application.

### **Overshadowing and Privacy**

Not applicable for this application.

### **Noise**

Not applicable for this application.

### **Erosion Control Measures**

No specific erosion control measures are considered necessary for this development. As the development is proposed over an existing structure.

### **Economic and Social Impacts**

Given the residential nature of this development, economic or social impacts on the locality are not envisaged.

### **Environmental Benefits**

Due to the nature of this development, no significant environmental benefits are envisaged.

### **Disabled Access**

Not applicable for this application.

### **Security, Site Facilities and Safety**

Not applicable for this application.

### **Waste Management**

Not applicable for this application.

### **National Construction Code**

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

### **Traffic**

Not applicable for this application.

### **Stormwater/flooding**

Not applicable for this application.

## CONCLUSION

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This report demonstrates that the proposal is consistent with the relevant provisions of the Wentworth Local Environmental Plan 2011 and Wentworth DCP.

The proposed garage is appropriate for the site as it:

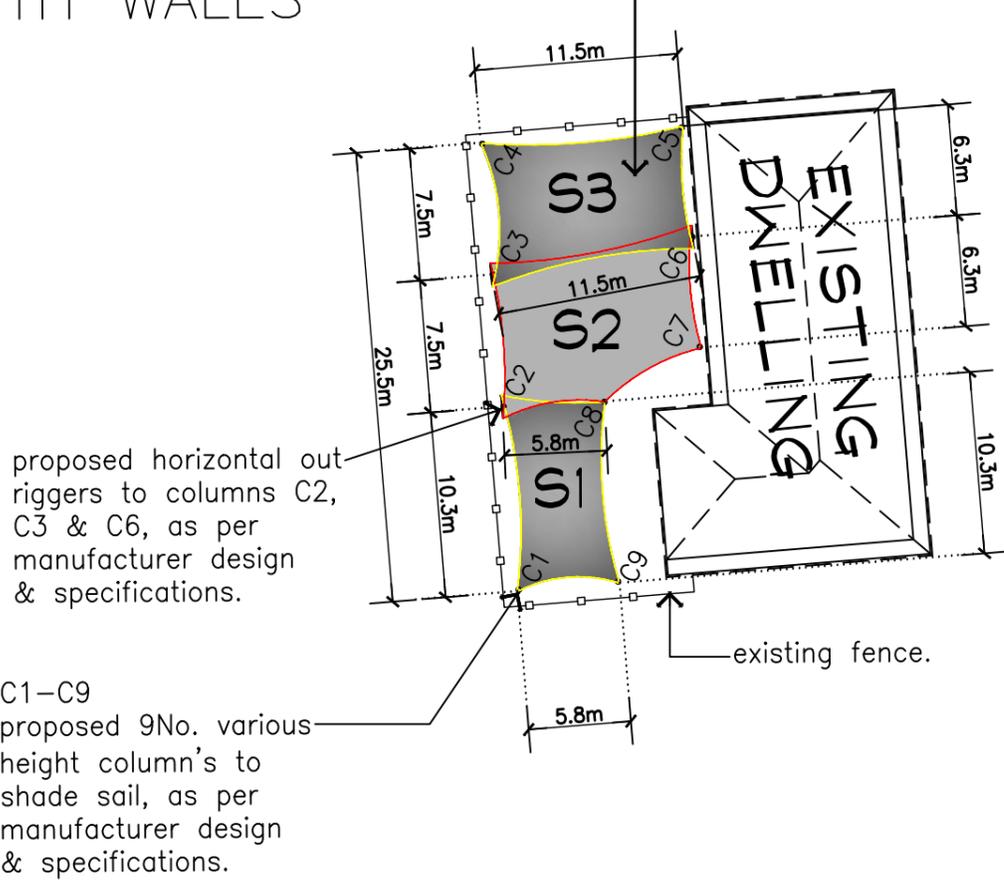
- Is appropriately located on the subject site
- Will have minimal impacts on the locality
- Will not result in any detrimental impacts on the environment.

It is therefore considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the development as described in this report at 169B Ryans Road, Curlwaa.

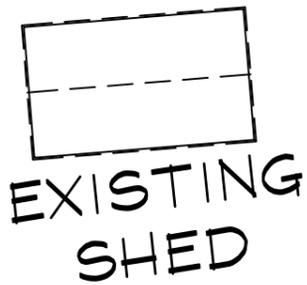
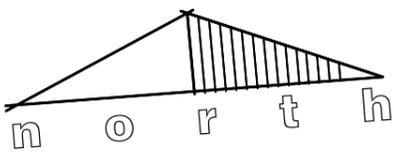
No. 169b

RYANS ROAD, CURLWAA  
NEW SOUTH WALES

SI-S3. PROPOSED 3No.  
SHADE SAIL'S AS SHOWN,  
TO MANUFACTURER  
DESIGN & SPECIFICATIONS.  
(REFER TO SCALED  
DRAWING FOR DETAILS)



MURRAY RIVER



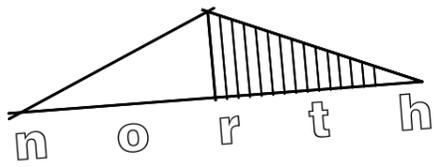
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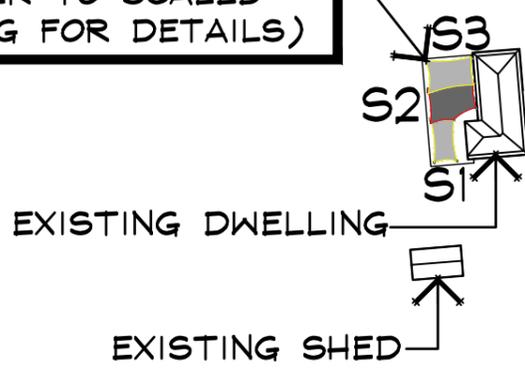
SHEET NO: 1 OF 2  
PROJECT:  
PROPOSED 3No. SHADE SAIL STRUCTURE'S  
CLIENT:  
MILDURA SOUTH PRIMARY SCHOOL.  
ADDRESS: No. 169b RYANS ROAD  
CURLWAA, NEW SOUTH WALES  
SCALE: AS SHOWN DATE: FEB' 2025

RYANS ROAD

No. 169b  
RYANS ROAD,  
CURLWAA NEW  
SOUTH WALES



S1-S3. PROPOSED 3No.  
SHADE SAIL'S AS SHOWN,  
TO MANUFACTURER  
DESIGN & SPECIFICATIONS.  
(REFER TO SCALED  
DRAWING FOR DETAILS)



MURRAY RIVER

OVERALL SITE PLAN: NTS.

SHEET NO: 2 OF 2

PROJECT:  
PROPOSED 3No. SHADE SAIL STRUCTURE'S

CLIENT:  
MILDURA SOUTH PRIMARY SCHOOL.

ADDRESS: No. 169b RYANS ROAD  
CURLWAA, NEW SOUTH WALES

SCALE: AS SHOWN DATE: FEB' 2025

# STANDARD ELEVATIONS FOR CONJOINED SHADE SAILS

HIGH COLUMNS = 4 METRES

LOW COLUMNS = 2.5 METRES

