

# Statement of Environmental Effects

583A Boeill Creek Road, Boeill Creek

July 2025

environmental, planning & development specialists

[www.jgconsult.com.au](http://www.jgconsult.com.au)



**James Golsworthy Consulting**

140 Pine Avenue Mildura VIC 3500  
PO Box 1650 Mildura VIC 3502

t 03 5022 8411  
e admin@jgconsult.com.au

**©Copyright, James Golsworthy Consulting Pty Ltd (2025).**

This work is copyright. Apart from any use as permitted under Copyright Act 1963, no part may be reproduced without written permission of James Golsworthy Consulting Pty Ltd.

**Disclaimer:**

Neither James Golsworthy Consulting Pty. Ltd. nor any member or employee of James Golsworthy Consulting Pty. Ltd. takes responsibility in any way whatsoever to any person or organisation (other than that for which this report has been prepared) in respect of the information set out in this report, including any errors or omissions therein. James Golsworthy Consulting is not liable for errors in plans, specifications, documentation or other advice not prepared or designed by James Golsworthy Consulting.

## Table of Contents

<b>Introduction .....</b>	<b>4</b>	<b>Figure 6</b>	Aerial image of the site.....	<b>10</b>
<b>Proposal .....</b>	<b>5</b>	<b>Figure 7</b>	Looking towards the Wentworth Aerodrome .....	<b>7</b>
<b>Planning controls .....</b>	<b>6</b>	<b>Figure 8</b>	Looking west towards neighbouring dwelling ...	<b>10</b>
Definition.....	6	<b>Figure 9</b>	Locality plan (source: Google maps) .....	<b>11</b>
Dwelling house .....	6	<b>Figure 10</b>	AHIMS basic search .....	<b>10</b>
Dwelling .....	6			
Zoning .....	6			
Additional mapping.....	6			
Principal development standards.....	7			
4.2B Erection of dwelling houses on land in Zones RU1	7			
4.6 Exceptions to development standards.....	7			
Miscellaneous provisions.....	7			
5.21 Flood planning .....	7			
7.5 Wetlands .....	7			
7.6 Development on river front areas .....	7			
7.7 Riparian land and Murray River and other watercourses .....	8			
State Environmental Planning Policy (SEPP) ( <i>Biodiversity and Conservation</i> ), 2021 .....	8			
Wentworth Shire Development Control Plan 2011 .....	8			
Chapter 3 – General Development Controls .....	8			
Chapter 5 – Rural Development Controls .....	8			
Aboriginal cultural heritage .....	9			
<b>Site and surrounding area .....</b>	<b>10</b>			
Subject site.....	10			
Locality .....	11			
<b>Planning assessment .....</b>	<b>12</b>			
Policy context.....	12			
Wentworth Shire LEP.....	12			
Wentworth DCP.....	13			
<b>Conclusion.....</b>	<b>17</b>			

### List of Figures

<b>Figure 1</b>	Location plan of the land.....	<b>4</b>
<b>Figure 2</b>	Google mapping of 2023 flood extent.....	<b>5</b>
<b>Figure 4</b>	Land Zoning Map sheet .....	<b>6</b>
<b>Figure 5</b>	Flood Planning Area Map .....	<b>6</b>

## Introduction

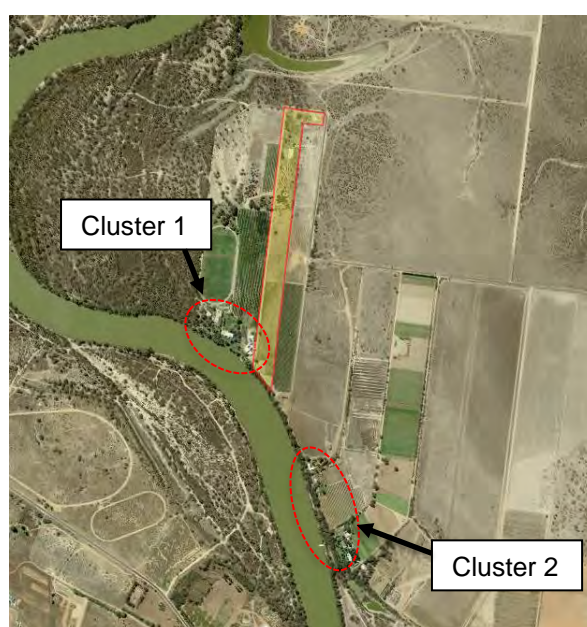
A Development Application for a Deferred Commencement is sought for a dwelling at 583A Boeill Creek Road, Boeill Creek on land which is known as Lot 1 DP1068318. The land has previously been irrigated however given its locality to the Murray River and existing rural lifestyle blocks within the immediate vicinity, it is more appropriate to consider the block for rural lifestyle purposes. The land contains an existing shed and was previously approved for a Deferred Commencement (dwelling) which has unfortunately not been acted upon within the required timeframe and has therefore lapsed (DA15/002). A Deferred Commencement is sought as final documentation remains outstanding including BASIX certificate, Land Capability Assessment and incorporation of rainwater tank. The client has progressed the working drawings to a final floor design which will enable a BASIX certificate and Land Capability Assessment to be undertaken should approval of the deferred commencement be granted. It is understood that these elements will be required for operational consent.

A storage shed exists on the land and has been approved via Development Consent DA2018-061.

The land is undulating with frontage to Boeill Creek Road to the north, however current access is via a carriageway easement upon the adjoining property to the east, which connects to Boeill Creek Road providing a more direct access route. A cluster of 5 dwellings exist to the west of the site, with the subject site and the land to the immediate east both being the last to be developed with a dwelling within the cluster. Further east, another 6 dwellings exist in a similar cluster style arrangement.

The land is zoned RU1 Primary Production and affected by the Flood Planning Map.

It is considered the development is appropriate given the contents of the Wentworth LEP 2011, Wentworth DCP 2011, State Environmental Planning Policies and Environmental Planning and Assessment Act 1979. As a result, the development application should be supported.



*Figure 1 Location plan of the land,*



## Proposal

The application seeks consent for a Deferred Commencement for a dwelling on the land known as 583A Boeill Creek Road, Boeill Creek (Lot 1 DP1068318). The land has an area of 10.02ha and has relatively flat terrain.

The land is currently vacant with minimal vegetation and only scattered canopy trees to the north.

The proposed dwelling includes four bedrooms, main with ensuite and walk in robe; an open plan kitchen, dining and family area, with rumpus room, music room and office. The dwelling is to be brick veneer with corrugated colorbond roof sheeting and is to be located to the south of the site, with a setback of approximately 40m from the water line of the Murray River and 33.6m from the high bank of the Murray River. A double carport is proposed to the side (east) of the dwelling along with an outdoor area and wrap around verandah. The land is currently cleared with a dwelling pad ready for construction as a result of preparation on the previous approval. A shed exists on the property.

Road access exists from Boeill Creek Road. The site is approximately a 5 minute drive from the Dareton Township offering local services including supermarket, take away stores, Coomealla Club, CHAC Medical centre and other boutique stores.

The land is connected to services with additional provisions for a septic disposal area ably accommodated on the land. A 220,000 litre rain water tank for roof drainage is proposed and able to be included with conditional consent of the Deferred Commencement. The Deferred Commencement will provide assurance for our clients to proceed with arrangement for the rain water tank, septic system and BASIX Certificate.

Whilst the site is located within the river frontage, aerial imagery of the 2022 floods demonstrate the protection of the site and adjacent dwellings from impeding floodwaters by the topography around the development area.



*Figure 2 Google mapping of 2023 flood extent.*

## Planning controls

### Definition

#### Dwelling house

*Dwelling house means a building containing only one dwelling.*

#### Note—

*Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

#### Dwelling

*Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

### Zoning

In accordance with the Wentworth LEP 2011 zoning maps the land is within the Zone RU1 Primary Production.

The objectives of the zone relevant to this application 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.*

Any development not specified in item 2 or 4 is development permitted with consent.

Dwelling houses are listed as being permitted with consent.



Figure 4 Land Zoning Map sheet

### Additional mapping



Figure 5 Flood Planning Area Map



Figure 6 Wetlands Area Map





**Figure 7** Riparian lands and watercourse map

## Principal development standards

### 4.2B Erection of dwelling houses on land in Zones RU1

(2) The objectives of this clause are as follows –

- (a) to minimise unplanned rural residential development
- (b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones.

The proposed dwelling is to be located on land less than the minimum lot size, being 10,000m<sup>2</sup>.

### 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows –

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

## Miscellaneous provisions

### 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.

Whilst the land is included within the flood mapping area it is land identified as a 1 in 100 year flood and as demonstrated during the 2022 floods, man made levees and the raised nature of the development area have been capable of protecting the land from a flood event. A pad exists for the purpose of constructing the dwelling, enabling the future dwelling to be a minimum of 38.75m AHD (750mm above the 1% AEP of 38m).

### 7.5 Wetlands

Objective:

- ♦ To ensure that natural wetlands are preserved and protected from the impacts of development.

An assessment of the relevant matters is outlined in the planning assessment below.

### 7.6 Development on river front areas

Objectives:

- ♦ 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.

An assessment of the relevant matters is outlined in the planning assessment below.

### 7.7 Riparian land and Murray River and other watercourses

Objectives:

- ♦ *Water quality within the Murray River and 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.*

This clause applies to the proposal as a portion of the development is situated within 40m from the top of the bank of the watercourse.

An assessment of the relevant matters is outlined in the planning assessment below.

### State Environmental Planning Policy (SEPP) (Biodiversity and Conservation), 2021

As per chapter 5 River Murray lands of SEPP (Biodiversity and conservations), 2021 the provisions and requirements of this plan apply to the area covered by the Wentworth Shire Council and is applicable in the assessment of this proposal. The objectives of this plan under clause 5.2 of SEPP are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- (b) *to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

The plan outlines specific principles and planning controls that apply to this proposal and consultation which is required under the plan. Clause 5.13 provides direction for the setback of development.

## Wentworth Shire Development Control Plan 2011

### Chapter 3 – General Development Controls

#### 4 Flood Affected Land

*Where required earthworks mound fill placement for purposes of structure support shall be located and distributed in the floodplain in such a manner that the mounds do not collectively inhibit to a significant extent the flow of flood waters.*

### Chapter 5 – Rural Development Controls

#### 5.3 Rural Dwellings

Objective

*To ensure the appropriate form of residential development in the rural zones within the Wentworth Shire Council local government area.*



## Aboriginal cultural heritage

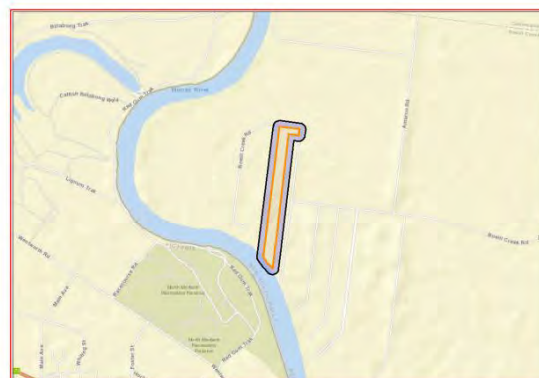
### Due Diligence

All Aboriginal cultural heritage is protected by the *NSW National Parks and Wildlife Act, 1974* (the Act). Responsibility rests with the proponent of development to demonstrate that due care and diligence have been taken to identify and avoid impacts on archaeological sites through construction works.

*Division 1 of Part 6 - Aboriginal Objects and Aboriginal Places*, of the Act provides defences to a prosecution for an offence. Item (2) of Section 87 includes whether the defendant has exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW), provides an outline of due diligence measures to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A search of the *Aboriginal Heritage Information Management System* (AHIMS) has been undertaken which confirms that there are no Aboriginal sites or places within a 50m radius of the subject land (see Figure 8 and the attached AHIMS report). Additionally, the subject land is not listed within the heritage conservation area (Refer to Wentworth Shire LEP Heritage Map HER\_002D and AHIMS report).

The part of the land that is subject to this application has a slight gradient only and is on land which is low-lying and subject to flooding. This makes it unlikely that cultural heritage objects will be located within the activity area.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**Figure 8** AHIMS search

## Site and surrounding area

### Subject site

The land is situated south of the Dareton township, approximately 8km by road, with access existing from Boeill Creek Road. An unsealed access road/driveway via carriageway easement connects the site to Boeill Creek Road. The land is an undulating rural allotment with Murray River frontage. This application seeks consent for a deferred commencement for a dwelling upon the land.

A cluster of 5 dwellings exist to the west of the site, with the subject site and the land to the immediate east both being the last to be developed with a dwelling within the cluster. Further east, another 6 dwellings exist in a similar cluster style arrangement.

Whilst the land is subject to flood risk due to the proximity of Boeill Creek and direct river frontage to the Murray River, the dwelling will be built to the required levels above the 1956 flood event. No native vegetation is required to be removed as part of this application.



**Figure 10**

*Entry from Boeill Creek Road*



**Figure 9** Aerial image of the site

## Locality

The locality is a rural setting of lifestyle allotments alongside the Murray River in a prominent area known as Boeill Creek.

Access to the land is via a carriageway easement upon the neighbouring property to the east. Land to the north is low lying farming land. Native vegetation within the locality is generally restricted to that along the roadside, with no vegetation to be removed as part of this application.

The area is known to flood in seasons of high rivers, however it is a rarity for access to be cut by road.

To the far east towards Boeill Creek Lagoon, there are permanent irrigated plantings of citrus trees and vineyards. To the north of River Road there are also permanent irrigated plantings. To the south and west, the locality extends into Victoria bordered by the Murray River. The Dareton township is to the north, with Buronga to the east.



**Figure 11**      *Locality plan*



## Planning assessment

### Policy context

The *State Environmental Planning Policy (Biodiversity and Conservation)*, 2021 (SEPP) provides the following definition:

**River Murray** means the Murray River, the waters and the beds and banks of its tributaries and associated water bodies (including related anabranches, creeks, lagoons, billabongs and wetlands), as shown on the map.

Section 5.9 of Chapter 5 of the SEPP outlines specific principles that must be considered when determining a development application. The following includes responses to the principles considered relevant to this application:

#### Access

The land is privately owned and no public access is available to the site.

#### Flooding

The location of the proposed dwelling will be set upon a pad 750mm above the 1956 flood level so to minimise any flood impacts (750mm above the 1% AEP of 38m).

#### Landscape

No vegetation will be impacted by the proposed dwelling.

#### River related uses

The proposed dwelling will enjoy river views amongst an existing rural setting. No public access will be impacted at this section of the river due to the subject site and adjacent land being in private ownership.

#### Settlement

This application is for a deferred commencement of a dwelling on an existing rural lifestyle property.

#### 5.13 Building setbacks – special provisions

##### (2) Building setback

*All buildings outside land zoned for urban purposes under a local environmental plan should be set well back from the bank of the River Murray. The only exceptions are*

*buildings dependent on a location adjacent to the River Murray.*

The proposed setback is 40m from the high bank of the river which is consistent with properties on adjoining land and considered sufficient distance so not to have detrimental impact on the Murray River. All areas of effluent disposal will be sited behind the dwelling, at a greater distance from the Murray River.

### Wentworth Shire LEP

The proposed dwelling is considered acceptable and is supported by the Zone objective to minimise conflict between land uses within this zone and land uses within adjoining zones. Whilst the land is zoned RU1 the land within the immediate vicinity is not actively farmed and the similar sized lots are all used as rural lifestyle blocks. Appropriate landscaping and sheds built to boundaries provide existing buffers to adjoining land

Part 7 of the Wentworth Shire LEP provides additional local provisions with responses to relevant clauses provided below:

#### 7.5 Wetlands

The proposed dwelling is unlikely to impact upon native flora or fauna, or surface and groundwater characteristics. The location of the dwelling is proposed upon a pad 750mm above the 1956 flood level. No vegetation will be removed as a result of this application.

#### 7.6 Development on river front areas

(1) *The objectives of this clause are as follows—*

(a) *to support natural riverine processes, including the migration of the Murray River's channels,*

No works are proposed within the Murray River channels; the dwelling is to be setback 33.6m from the high bank.

(b) *to protect and improve the bed and bank stability of the Murray River,*

The proposal is well setback from the bed and bank and will not affect the stability of the bed and bank of the Murray River.

*(c) to maintain and improve the water quality of the Murray River,*

The proposal will have no effect on the water quality of the Murray River. The proposal is setback 33.6m from the high bank of the river, and will be appropriately landscaped to reflect the natural surroundings of the Murray River.

*(d) to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,*

The proposed dwelling will not visually impact or cause environmental harm upon the river due to the existing amenity and buildings on site. The colours and materials are in keeping with the natural context of the area, and in keeping with the existing dwellings to the west of the site which are setback at an estimate of 25-30m from the top of the high bank.

The existing shed is setback 42m from the river frontage with the proposed outdoor area to the dwelling to be setback 33.6m from the high bank of the river. It is considered the outdoor area forming part of the dwelling being setback 33.6m to be appropriate in relation to the context of the site and surrounding development.

*(e) to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.*

The proposed dwelling is to be developed on an existing pad, with no vegetation required to be removed. The proposal is amongst an existing hamlet of rural lifestyle living. The dwelling is to be of natural colours and aesthetically complement the riverine corridor and wildlife habitat.

The development is of very low density with natural processes able to be adequately maintained to protect the Murray River corridor.

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

The proposed dwelling is setback 33.6 metres of the top of the bank of the watercourse and the dwelling itself will

be set upon a pad that is 750mm above the 1956 flood level as would be required by any conditional approval.

#### **Wentworth DCP**

The DCP provides specific controls relating to development on the Murray River and rural dwellings. Responses to the considerations of development on the Murray River are as follows:

- ♦ The proposed dwelling to be setback 40m from the front water line, and is in accordance with the required buffer corridor.
- ♦ No invasive species are to be introduced to the riparian corridor.
- ♦ As private land abuts the river frontage, there is to be no impact to adjoining buffer corridor or effect upon regional connectivity of the area.

Overall, the proposed deferred commencement for a dwelling is considered consistent with policy and worthy of support due to its location and the location of the existing shed on the land, and existing dwellings on neighbouring properties.

Chapter 3 of the Wentworth Shire DCP provides general development controls relating to flood affected land:

#### **4 Flood Affected Land**

*Where required earthworks mound fill placement for purposes of structure support shall be located and distributed in the floodplain in such a manner that the mounds do not collectively inhibit to a significant extent the flow of flood waters.*

#### **The earthworks mounds**

- *Shall be constructed so as to withstand the anticipated peak flood water velocity expected for a 1% return frequency flood and that the design and installation of such earthworks mounds be certified by a practising chartered professional structural or civil engineer.*

As depicted by the aerial imagery of the 2022 floods, the earth mound 'pad' has been structurally installed and withstood the flood water velocity.

- *The earthworks mounds shall be so located that in the opinion of Council's Floodplain Management Committee, that for a properly constructed mound will not cause undue affect by way of erosion, siltation, increased water velocity elsewhere, or increased water level afflux for a 1% return frequency calculated flood.*

The locality is generally flat terrain and areas to the rear (north and east) of the site are lower lying which forces floodwater to 'fill' the lower lying Boeill Creek water table before flooding the subject site. Levees exist to protect the dwelling development in 2012 and 2017 (refer Google Earth historical imagery).

- *the top of the mound should be a minimum of 600mm above the 1% calculated flood level, so that the flood level of any structure constructed on the mound is not less than 750mm above a 1% calculated flood level.*

The top of the mound will be 750mm above the 1% calculated flood level of 38m.

- *the area of the top surface of the earth mound should only be sufficient in size to allow the structure to be located thereon, together with a minimum of three metres and a maximum clear six metre distance around the walls of the structure.*

The mound is existing and currently meets the above requirement, as demonstrated by the building envelope on the attached plans. The building envelope is capable of encompassing the clients desired floor plan.

- *that where more than one large structure is proposed that a flood study be required to be implemented in sufficient detail to reflect the affect of the development, and to consider factors such as the density of building and fill, nature of surrounding development, velocity and depth of flood waters.*

A storage shed exists (DA2018/061) and the density of development in the area is low, therefore allowing for the flow of floodwaters with minimal impedance.

- *Flood storage – no development is permissible in areas designated as flood storage, unless it can be demonstrated that there will be no decrease in net flood storage available on the site.*

The land is not considered flood storage.

- *Building materials and construction methods – all buildings at or below the FPL must be constructed of flood compatible materials. Consult with Council Building Unit staff on this specific control.*

It is considered that the above requirement is able to form a condition on any granted consent.

- *Structural soundness – all development applications must demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy.*

As addressed previously, the earthen mound is existing and has demonstrated that it has been structurally capable of withstanding the force of floodwater in the 2022 flood event.

- *Fencing – solid fence that impede the flow of floodwaters are not permissible. Fences must be at least 50% open to allow the progress of floodwaters.*

No fencing is proposed as part of this application.

- *Residential floor levels – all habitable rooms with residential development must be at or above FPL.*

Floor levels of the proposed dwelling will be 750mm above the 1% AEP of 38m.

Chapter 5 provides specific controls relating to rural development. Responses to the relevant controls relating to the development of the dwelling are as follows:

### 5.3 Rural Dwellings

#### Objective

*To ensure the appropriate form of residential development in the rural zones within the Wentworth Shire Council local government area.*

#### Controls

##### a. General controls

The proposed dwelling will require a BASIX as a condition of any deferred commencement, which is considered to address the requirements of energy efficiency with regards to the orientation of living areas. The dwelling will



be setback within the 50m front setback and colours of the dwelling are considered to be consistent with the existing natural landscape and amenity of the area, of brick veneer rendercoat finish and colorbond roof sheeting. The setback of the dwelling is further addressed at 5.3.4 below.

#### *b. Access*

Access exists from Boeill Creek Road (sealed road) via an unsealed all weather road via a carriageway easement upon the neighbouring allotment to the east.

#### *5.3.1 Water*

A 200,000l tank to capture roof runoff is proposed.

#### *5.3.2 Effluent Disposal*

A septic system will be installed and is expected to be conditional to the Deferred Commencement.

#### *5.3.3 Fencing*

No fencing is proposed as part of this application. Rural post and wire fencing exists to the perimeter of the site.

#### *5.3.4 Dwelling setbacks from river*

*Dwelling setbacks from river are to be in accordance with the provision of the Wentworth LEP 2011. Generally there is the 100m setback for rural zoned land, in exception to land zoned RU5 Village and R5 Large Lot Residential.*

*Council will consider variation to the provision of LEP for an application to build a dwelling in the riverfront area, being the setback area from the high bank of the river on a case by case basis. The applicant is to provide to Council's satisfaction all the matters listed under the provision of the LEP. Council will not grant wholesale variation to the river setback distances for the purpose of constructing dwellings as part of rural land subdivision.*

The proposed dwelling is not a direct result of a recent rural land subdivision. Whilst generally there is the 100m setback for rural zoned land within the DCP, this is not supported by the LEP which considers the river front area to be 30m of the highest bank of the river. Further, the land having been approved for a Deferred Commencement previously for a dwelling in the same location, has an established pad in the location that is subject to this

application for the purpose of constructing the dwelling. The established pad is built up to allow for the proposed dwelling to be 750mm above the 1956 flood level.

The setback of the outdoor area is to be 33.6m from the high bank of the river, and 40m from the river line. The setback is considered to be in keeping with the existing setback distances of existing dwellings, noting the setback is greater than the existing dwellings (to the west; est. 25-30m setback distances).

It is considered appropriate for the rural lifestyle property to have a setback of 33.6m and it is demonstrated that this is achievable and in keeping with the existing neighbourhood and further supported by a previous decision by Council. The reduced setback will not impact upon riverine processes, result in erosion or affect bank stability, nor will it affect water quality or wildlife habitat; the development is of very low density with natural processes able to be adequately maintained to protect the Murray River corridor.

#### *5.3.5 Land capability*

The site is 10.02ha in area and is not considered viable for productive farmland. The property is situated within a cluster of similar sized rural lifestyle blocks, each containing an existing dwelling.

#### *5.4 Rural Sheds*

There is an existing shed upon the property as a result of a previous Development Application.

#### *5.5 Rural Industries*

No rural industry is proposed as part of this application.

#### *5.6 Boarding and or breeding kennels for dogs and cats in rural areas*

No boarding or breeding kennel is proposed as part of this application.

#### *5.7 Hazardous chemicals*

No hazardous chemicals are proposed as part of this application.

#### *5.8 Rural land use conflict*

The subject lot is adjoined by two similar sized rural lifestyle allotments within a cluster of 4 existing dwellings across 6 similar sized rural residential lifestyle allotments. There is not considered to be any land use conflict, with sufficient buffer distances between dwellings. Each allotment is screened by rural residential low maintenance landscaping as planted by the perspective landowners.



## Conclusion

It is considered that the proposed dwelling by Deferred Commencement responds appropriately to the opportunities and constraints of the site. The proposed development is considered to be generally consistent with the relevant controls and provisions.

The proposal is considered appropriate for the site for the following reasons:

- ♦ The proposal is generally consistent with the Wentworth LEP and DCP.
- ♦ The proposal is consistent with State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- ♦ The land (including adjacent dwellings) benefits protection by the existing levee.
- ♦ The land is an existing rural lifestyle allotment, within a cluster of properties with existing dwellings.
- ♦ There will be no loss of vegetation.
- ♦ The proposed dwelling alongside an existing domestic shed, is unlikely to cause material detriment to neighbouring properties or the public realm.





**James Golsworthy Consulting**

140 Pine Avenue Mildura VIC 3500  
PO Box 1650 Mildura VIC 3502

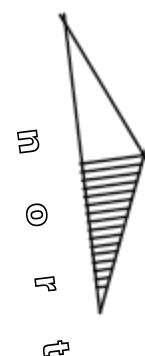
telephone 03 5022 8411

email [admin@jgconsult.com.au](mailto:admin@jgconsult.com.au)

[www.jgconsult.com.au](http://www.jgconsult.com.au)







100mm Ø U.P.V.P. STORMWATER DRAINS  
DIRECTED TO RAIN WATER TANKS NEAR SHED,  
WITH OVERFLOWS TO RUBBLE PITS A MINIMUM  
3m CLEAR OF ANY BOUNDARIES & 6m CLEAR  
OF BUILDINGS.

PROVIDE INSPECTION OPENINGS EVERY  
9m OF RUN & CHANGE IN DIRECTION.

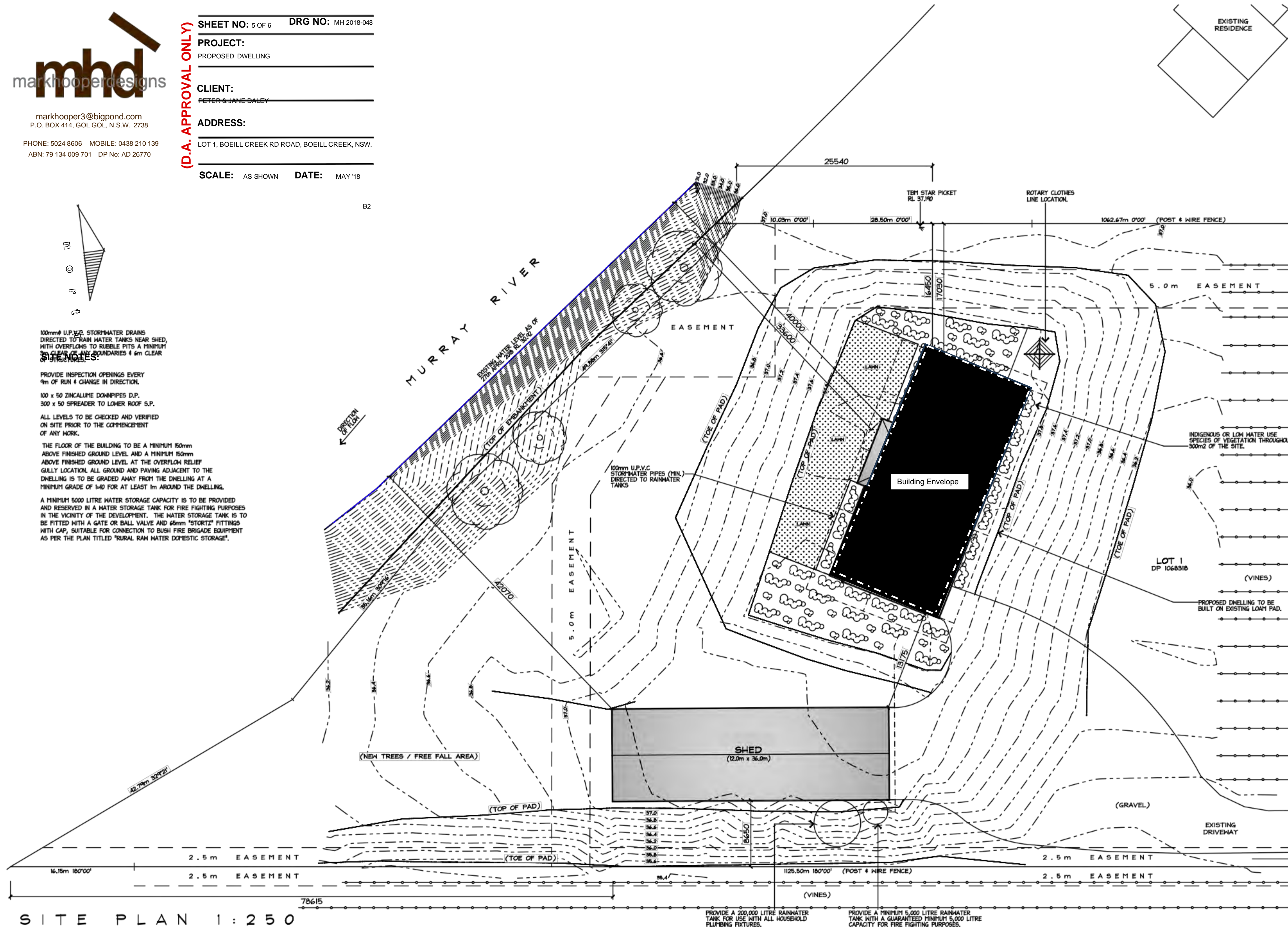
100 x 50 ZINCALUME DOWNPIPES D.P.  
300 x 50 SPREADER TO LOWER ROOF S.P.

ALL LEVELS TO BE CHECKED AND VERIFIED  
ON SITE PRIOR TO THE COMMENCEMENT  
OF ANY WORK.

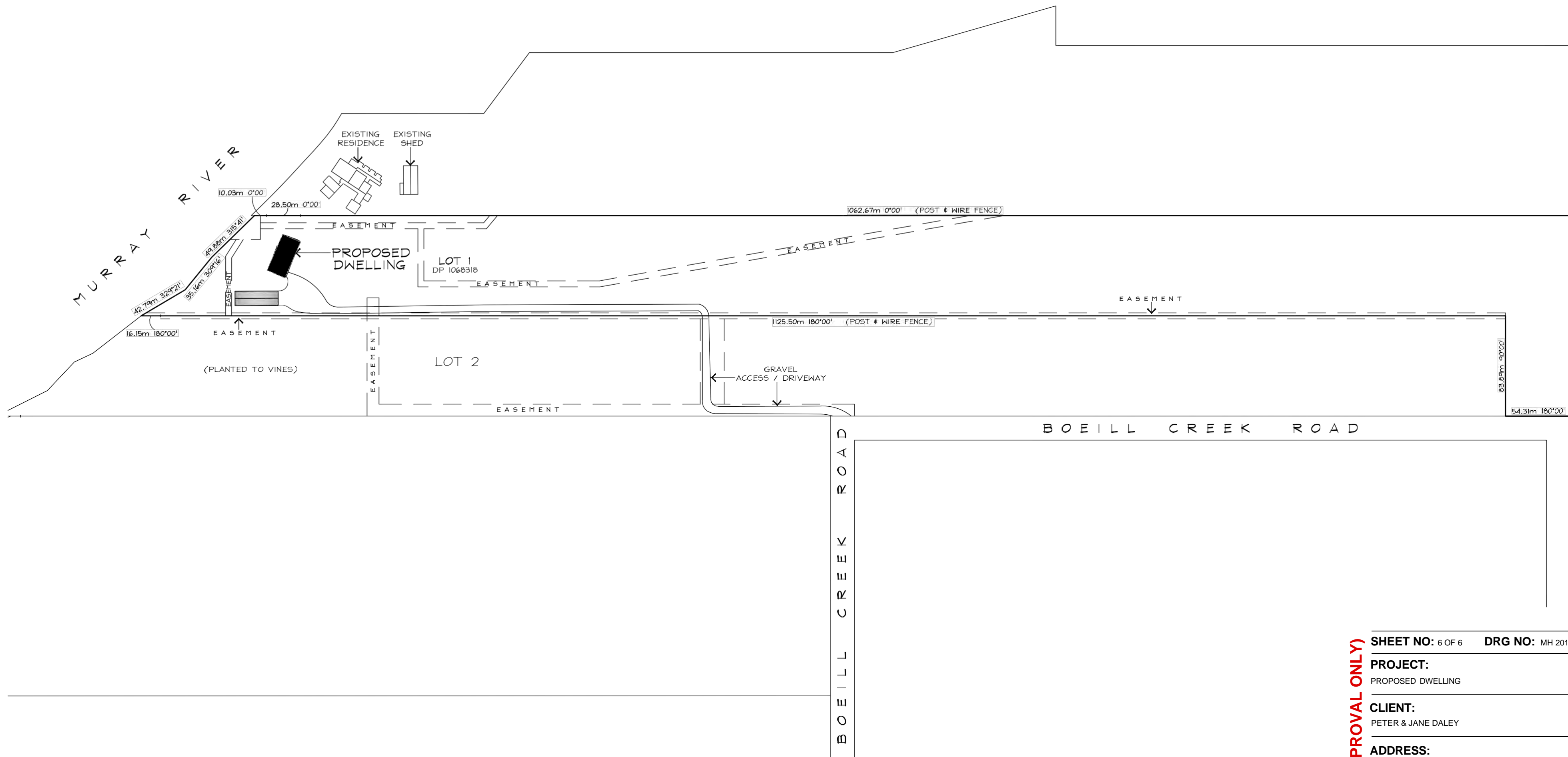
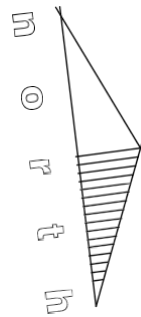
THE FLOOR OF THE BUILDING TO BE A MINIMUM 150mm ABOVE FINISHED GROUND LEVEL AND A MINIMUM 150mm ABOVE FINISHED GROUND LEVEL AT THE OVERTFLOW RELIEF GULLY LOCATION. ALL GROUND AND PAVING ADJACENT TO THE DWELLING IS TO BE GRADED AWAY FROM THE DWELLING AT A MINIMUM GRADE OF 1:40 FOR AT LEAST 1m AROUND THE DWELLING.

A MINIMUM 5000 LITRE WATER STORAGE CAPACITY IS TO BE PROVIDED AND RESERVED IN A WATER STORAGE TANK FOR FIRE FIGHTING PURPOSES IN THE VICINITY OF THE DEVELOPMENT. THE WATER STORAGE TANK IS TO BE FITTED WITH A GATE OR BALL VALVE AND 65mm "STORTZ" FITTINGS WITH CAP, SUITABLE FOR CONNECTION TO BUSH FIRE BRIGADE EQUIPMENT AS PER THE PLAN TITLED "RURAL RAW WATER DOMESTIC STORAGE".

B2







(D.A. APPROVAL ONLY)	<b>SHEET NO:</b> 6 OF 6	<b>DRG NO:</b> MH 2018-048
	<b>PROJECT:</b>	PROPOSED DWELLING
	<b>CLIENT:</b>	PETER & JANE DALEY
	<b>ADDRESS:</b>	LOT 1, BOEILL CREEK RD ROAD, BOEILL CREEK, NSW.
	<b>SCALE:</b> AS SHOWN	<b>DATE:</b> MAY '18

B2

LOCALITY PLAN 1:2000