



CITY OF WAGGA WAGGA  
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Planning & Heritage Services

# Statement of Environmental Effects

10 Norman Duck Avenue, San Isadore

## Installation of Retaining Wall

12 May 2023



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This Statement of Environmental Effects has been prepared by Camilla Rocks, on behalf of the proponents for the development of 10 Norman Duck Avenue, San Isadore.

Material is provided for the assessment of a Development Application only. If material is required for any other use, the user is to contact Camilla Rocks for permission.

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# 1 Introduction

## 1.1 Overview of the Proposal

This Statement of Environmental Effects (SEE) has been prepared by Camilla Rocks on behalf of Jack Hillis (the proponent) to accompany a Development Application (DA) for the site located at 10 Norman Duck Avenue, San Isadore (the subject site). The DA has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for submission to Wagga Wagga City Council (Council).

The proposed development seeks approval for a retaining wall.

The purpose of this SEE is to

- describe the site to which the DA relates;
- describe the surrounding locality, and adjoining and adjacent development;
- describe the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- assess the proposed development against the relevant heads of consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

## 1.2 Site Analysis

The site is formally identified as 10 Norman Duck Avenue, San Isadore, comprising of Lot 11 DP 251918. The lot is on the western side of Norman Duck Avenue between Bermingham and Henschke Avenues, in the locality of San Isadore and within the boundaries of Wagga Wagga City Council, as identified in Figure 1 below. Access to the site is gained from Norman Duck Avenue. The site is rectangular in shape, approximately 2.02 hectares in size and relatively flat at the eastern end but rises approximately 10m towards the west.

The site has historic use for residential purposes. There is a compressed gravel driveway into the site, leading to a dwelling constructed in brick, with tiled roofing. As well as the dwelling, there is a detached garage as well as a shed. There are landscaped gardens and several mature trees. The site has been in use for residential purposes since the 1980s.

There is an easement across the site however it is well clear of the proposed development site.

There is similar large lot residential development adjoining the subject site in all directions. The Kapooka military base is further south of the site and the Sturt Highway is approximately 2km to the north. The subject site is zoned R5.

## 1.3 Supporting Documentation

- Site and Retaining Wall Plan, prepared by Design<sup>2</sup> Consulting
- Statement of Environmental Effects, prepared by Camilla Rocks

## 2 The Proposal

This application seeks approval to construct a retaining wall in the area between the dwelling and the shed at the rear of the dwelling. This application has come about as a result of the development application DA21/0764 for shed, rainwater tank and use of existing earthworks. The area of land in front of the shed has been shaped however, on council inspection of the constructed works, it was found the area was not in accordance with exempt provisions and required consent. The owner was advised to submit a separate development application, not a modification of DA21/0764.



*Figure 1 Proposed location of retaining wall (Source Design2 Consulting)*

The proposed retaining wall will be approximately 18 metres long and will average 1 metre in height. It is intended to use concrete sleepers to construct the wall. Metal posts will be concreted into the ground and the sleepers slot into the sides of the posts. Suitable drainage and geotextile fabric will be installed to remove water and prevent soil loss.



*Figure 2 Example of concrete sleeper retaining wall*





*Figure 3 Proposed site of retaining wall*





*Figure 4 Site of retaining wall with newly constructed shed behind*



*Figure 5 View from shed down to proposed retaining wall*

### 3 Assessment of the Development

This section provides our assessment of the proposed development against the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following plans are applicable to the proposed development:

- ❖ Wagga Wagga Local Environmental Plan (WLEP) 2010
- ❖ Wagga Wagga Development Control Plan (WDGP) 2010

however other legislation and policy is referenced here for clarity.

#### 3.1 NSW Environmental Planning and Assessment Act, 1979

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) provides the legislative framework for the preparation of State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), and Local Environmental Plans (LEPs). The latter includes the WLEP2010. An assessment against the relevant provisions of the WLEP 2010 is included within Section 3.4 below.

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment. Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.

#### 3.2 State Environmental Planning Policy – Exempt and Complying Development

The subject proposal does not fall under the provisions of this instrument as the change of landuse requires consent, under the provisions of the WLEP.

#### 3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The site is not listed as contaminated land on Intramaps. There is no evidence of dumping of any materials. Likewise, there is no physical evidence of contamination of the site.

No further assessment of potential land contaminating activities is considered warranted. It is considered that Council can be satisfied that the site is not likely to be contaminated and is suitable in its current state for the proposed use.

#### 3.4 Wagga Wagga Local Environmental Plan 2010

##### 3.4.1 Part 1 Preliminary

This section confirms that the subject site falls under the provisions of this plan and provides administrative information for the application of the WLEP.

##### 3.4.2 Part 2 Permitted or Prohibited Development

Under the provisions of the WWLEP2010, the subject site is zoned R5 Large Lot Residential.

#### **Objectives of R5 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.*
- *To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.*

The proposal is consistent with the objective to provide residential housing in a rural setting, being ancillary development to the existing dwelling. The development would not hinder the proper and orderly development of urban areas in the future, given the existing site layout and uses in the vicinity. Development for a retaining wall would not significantly increase demand for public services or facilities and the use is consistent with surrounding uses, which are predominantly residential.

The existing land use would be defined as a **dwelling house**, meaning a building containing only one 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.

Dwelling houses are a type of **residential accommodation** and permitted in the zone with consent.

### 3.4.3 Part 7 Additional Local Provisions

Earthworks are ancillary to the retaining wall construction therefore do not need separate consent.

The lot is above the 1:100 flood planning level therefore not subject to specific flood controls that would prevent the development as proposed.

The development as proposed maintains the primacy of the CBD as the main retail centre, given it is for a retaining wall ancillary to an existing dwelling and not a retail land use.

As depicted on the WLEP Natural Resource - Biodiversity map, the subject site is noted as a sensitive area however the sensitive area is located along the rear boundary and well clear of the development area.

## 3.5 Wagga Wagga Development Control Plan 2010

### 3.5.1 Section 1 – General

The proposal is consistent with the Guiding Principles outlined in this section. Under the provisions, this application would be a Type A notified for 7 days, although it is noted that dwellings complying with LEP and DCP provisions will not be notified. Advertising is not required.

The proponent does not seek to vary any control to permit approval of this application.

### 3.5.2 Section 2 – Controls That Apply to All Development

#### **Vehicle Access and Movements**

No alteration to the existing access from Norman Duck Avenue or vehicle movement areas within the site is proposed.

#### **Off Street Parking**

The retaining wall will not reduce existing parking on the site, nor will it trigger a requirement for additional parking.

### **Landscaping**

As a single dwelling, the provisions do not require the provision of a landscape plan. The retaining wall site is currently devoid of significant vegetation and will be embellished with landscaping as part of the redevelopment.

### **Signage**

The proposal is for residential development and no signage is required.

### **Safety and Security**

The retaining wall will have no impact on existing safety and security conditions on the site.

### **Erosion and Sediment Control**

Contractors working on the development will comply with all requirements for mitigation of soil loss from construction sites, with standard barriers around drains, cleaning of vehicles and sediment fencing during construction.

### **Development near high pressure-gas pipeline infrastructure**

The site is more than 3000m from a high pressure gas pipeline so will not fall under the provisions of this section.

#### **3.5.3 Sections 3 to 8**

The site is not within the areas or zones outlined in these sections.

#### **3.5.4 Section 9 Residential Development**

The proposed development is consistent with the principles for residential development.

##### *3.5.4.1 Clause 9.2.1 Site Layout*

The existing site layout will be retained under the proposal. The slope of the land is integrated into the layout of the retaining wall. The proposed retaining wall is unlikely to cause adverse impacts on neighbours given its location between the house and shed and away from boundaries.

##### *3.5.4.2 Clause 9.2.2 Streetscape*

The retaining wall is towards the rear of the site and there will be no alteration to streetscape.

##### *3.5.4.3 Clause 9.2.4 Sloping Sites*

The site slopes from east to west and the change in level is incorporated in the retaining wall and provides a transition from the building pad for the shed down to the house yard..

##### *3.5.4.4 Clause 9.3 Site Area, building form and envelope*

The development will have no impact on solar access within the subject site or on neighbouring lots. The proposed retaining wall does not extend within 2m of side boundaries.

##### *3.5.4.5 Clause 9.4 Design Details*

There is no proposal to utilise highly reflective or glossy materials. The retaining wall will not reduce privacy to any existing dwelling in the vicinity.

Some cut and fill is required in order to construct the retaining wall. The wall will be situated along an existing slope on the site and earthworks will be undertaken to form a consistent level change in front of the shed pad and retain the area. No introduced fill will be required. A maximum 1500mm cut will be required, which satisfies the controls that allow up to 3m more than 1.5m from any boundary.

In accordance with Control 3, the retaining wall supports earthworks that are more than 1m above ground and has been designed by a professional engineer, with adequate drainage. The retaining wall will have an average height of 1 metre and will not exceed 3 metres in any location. The proposed retaining wall is not located within an easement. Drainage will be directed to flow downhill and, due to the topography of the site, will not flow onto neighbouring properties.

#### 3.5.5 Sections 10 - 16

These sections are not applicable to the development.

#### 3.6 Draft Environmental Planning Instruments

There are no draft EPIs that would be relevant to this proposal.

## 4 Assessment of Environmental Impacts

### 4.1 Transport, Access and Parking

No change to the existing access is required and the development will not impact on existing parking nor create a requirement for additional parking. The retaining wall will not result in an increase in traffic to the site.

### 4.2 Noise

The retaining wall will not result in an increase in noise generated from the property. There will be some construction noise generated whilst the site is being prepared and the wall being built, however this will be temporary and regulated by conditions of consent.

### 4.3 Waste

There will be little waste produced during construction. Building materials will be ordered with 5% extra materials to account for breakage or unexpected changes. Any excess soil will be incorporated into landscaping beds on the site.

### 4.4 Services

No additional services are required for the retaining wall. Water will drain to agricultural pipes behind the wall and directed onto the ground away from foundations.

### 4.5 Fire Safety

There are no fire safety requirements for a retaining wall.

### 4.6 Odour

There will be no odour-producing activities undertaken on site.



#### 4.7 Social Impact

It is not expected the re-development will have significant or greater adverse impacts on the amenity of any residents of the area than has been experienced in the past, given the site has been a residential site since the 1980s.

#### 4.8 Physical and Chemical Impacts

The proposal is not likely to impact on soil quality or land stability as it has been designed by an engineer and will be constructed to the specifications.

The activity is not likely to affect any waterbody, watercourse, wetland or natural drainage system.

The construction phase may involve the emission of dust, odours, noise or vibration in the proximity of urban areas however these will be short term and temporary and regulated under the conditions of consent. These impacts are not expected to occur following occupation.

#### 4.9 Biological Impacts

The proposal does not require the clearing of vegetation. There is minimal vegetation on the wall site. Nor has any threatened species been identified on the site within the vicinity of the wall.

#### 4.10 Environmental Hazards

The subject site is not identified as being bushfire prone or flood prone.

#### 4.11 Heritage

The subject site is not identified as having heritage significance.

## 5 Conclusion

The proposal has been considered under the provisions of Section 4.15 of the EP&A Act and is considered acceptable and worthy of approval for the following reasons:

- ❖ The proposal is in keeping with surrounding development.
- ❖ The proposed development has been designed in accordance with the provisions of the WLEP 2010 and WDCP 2010.
- ❖ The proposal will have minimal adverse impact on surrounding amenity.
- ❖ The proposal is in the public interest. The proposal will provide an appropriate use of the site.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act 1979, we conclude that the proposal represents a positive outcome that would result in no negative environmental impacts. The proposed development should therefore be recommended for approval.