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STATEMENT OF

ENVIRONMENTAL EFFECTS

PROPOSED DEVELOPMENT AND SUBJECT LOCATION:

Flood Mound

96 Woodberry Road, Millers Forest
Lot 11 DP 1280994

Applicant
Brown Commercial Building Pty Ltd

1.0 INTRODUCTION

This Statement of Environmental Effects relates to the proposed flood mound at 96 Woodberry Road, Millers Forest. This SoEE is submitted in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, which requires the consideration of environmental impacts, the suitability of the site for development, and the public interest. This document addresses the following key considerations as outlined in the Act:

- Compliance with applicable environmental planning instruments, proposed instruments subject to public consultation, development control plans, and any relevant planning agreements.
- Evaluation of the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.
- Assessment of the site's suitability for the proposed development.
- Consideration of any submissions made in accordance with the Act or regulations.
- Ensuring that the development aligns with the public interest.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the Maitland Local Environmental Plan 2011 and Maitland Development Control Plan 2011.

2.0 SITE DETAILS AND BACKGROUND

The site is located at 96 Woodberry Road, Millers Forest, lot 11, DP1280994 is a rectangular parcel with an area of approx. 16 hectares. Currently, it hosts a single-storey weatherboard house, 3 bedroom.

The Hunter Valley catchment undergoes regular inundation, resulting in a significant risk to life and property for landowners residing in close proximity to major rivers.

The availability of access to flood-free ground during a flood event is extremely important, particularly within the context of more frequent rainfall events associated with increased flood hazard. Given the instance of above-average rainfall occurring for northern and eastern Australia, it is considered vital that landowners put in place measures to protect their life and property.

This current proposal is for the erection a mound, which will act as a flood refuge for livestock and a storage place for essential belongings such as agricultural equipment and machinery.

The neighbourhood around Woodberry Road features mainly rural residential lots.

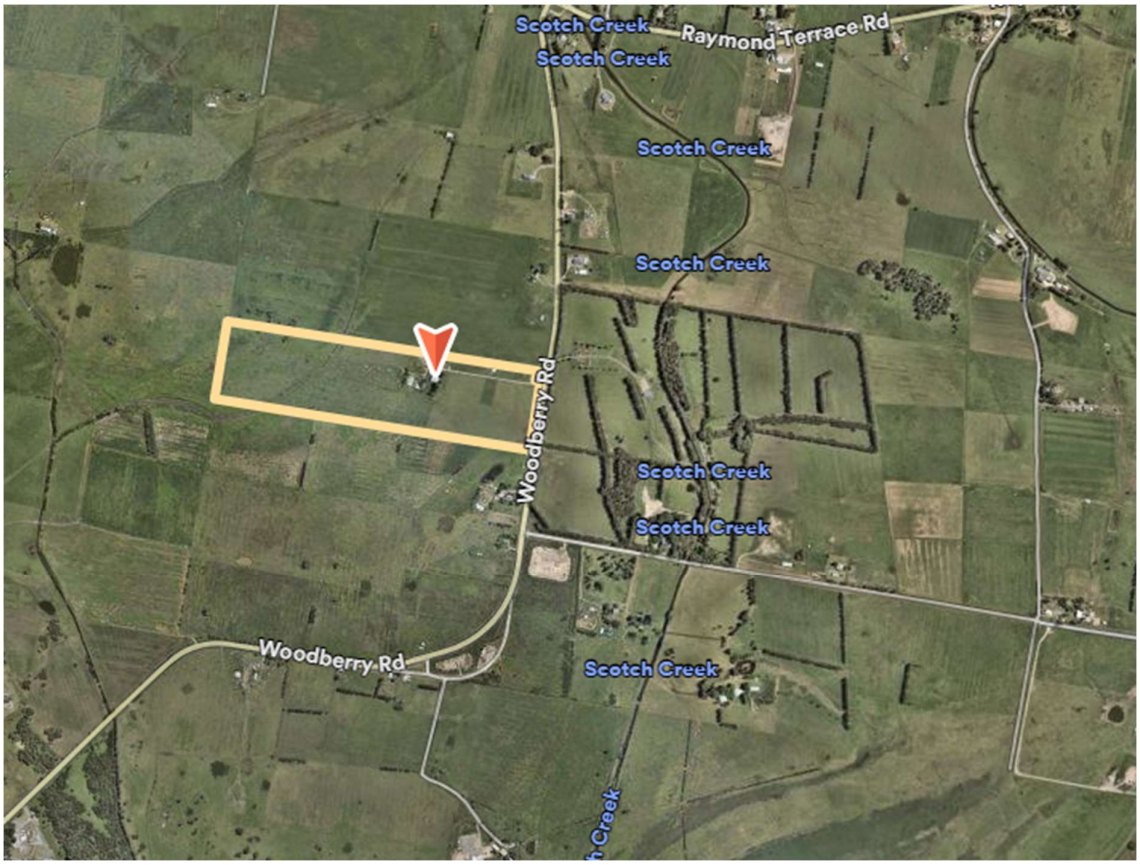

Figure 1: Site Location

3.0 PROPOSED DEVELOPMENT

This application seeks approval for Flood mound at 96 Woodberry Road, Millers Forest. The proposal includes:

The proposed mound will include individual access to the natural ground level. The upper mound will have an area of 1000m2, which will elevate this portion of the site well above the flood planning level. This mound will have access to rear pastures and farmland via an access ramp to the northeast.

Approximately 2752m³ of fill is required to construct the mound with only certified VENM, ENM or material subject to a waste exemption under Clause 51 of the Protection of the Environment Operations (Waste) Regulation (2014) to be used. No unclassified fill will be used.

It is important to note that the proposed mound is not intended solely as a refuge during flood events. The landowners aim to create a safe, level area of elevated, non-saturated ground above the flood planning level to protect livestock, vehicles, agricultural equipment, hay bales, and feed both during and after a flood.

The NSW Department of Primary Industries' *Livestock Flood Refuge Mounds* (2009) guideline supports sustainable rural development and highlights the importance of ensuring adequate feed and water supply for livestock while they remain isolated on such mounds during floods. The document also underscores the impact of saturated soils, including soil degradation and prolonged production losses—such as crops remaining submerged for several days.

Constructing a mound allows for faster recovery of on-site operations following a flood, as natural ground can remain waterlogged for extended periods. This issue is often worsened by livestock, particularly cattle, disturbing the softened soil. Even in minor flood events, returning the land to usable condition can be a prolonged process. A mound helps maintain livestock health by preventing the formation of boggy ground, which can lead to foot rot, entrapment, or even livestock fatalities.

Finally, due to the land's topography and flood behaviour in the lower Hunter Catchment, floodwaters often persist for weeks or even months, rarely draining within 24 hours. The construction of a flood refuge mound represents a climate-resilient strategy that supports the long-term sustainability of agricultural operations, regardless of seasonal variation or long-term climate change.

4.0 Environmental planning instruments

4.1 Environmental Planning and Assessment Act 1979

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 4.15(1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this report.

The development area is mapped as bushfire prone land (refer to Figure 5), Clause 4.14 Consultation and development consent— However, the proposed mound is not a habitable structure and therefore no additional risk to life from bushfire hazard is expected to arise as a result of this development.

Figure 3 – Bushfire Prone Land Map (Source: ePlanning Spatial Viewer)

It is noted that the proposal does not trigger integrated development under Section 4.46 of the EP&A Act.

4.2 WATER MANAGEMENT ACT 2000

Any proposed development works located in, on or adjacent to levees or within declared floodplains must be referred to Department of Planning, Industry and Environment for consideration under Section 256 of the Water Management Act 2000.

Further, given that the site is located within 40m of a mapped watercourse, a controlled activity approval will be required under the provisions of the Water Management Act 2000.

The site is located within a declared floodplain and therefore a flood impact assessment has been prepared for the site. It was found that proposal will not have a significant effect of the flood characteristics of the site or surrounding land and will provide effective flood refuge above flood prone land. The proposed earthworks will not affect the functioning, stability or ongoing maintenance of any flood mitigation structures located in the floodplain.

Please refer to the flood impact assessment provided herewith as Annexure B for further details.

4.3 State Environmental Planning Policies (SEPPs)

4.3.1 State Environmental Planning Resilience and Hazards

CLAUSE 2.10 DEVELOPMENT ON LAND WITHIN THE COASTAL ENVIRONMENTAL AREA

The proposed development is located upon land identified within the coastal environmental area; therefore, the following applies:

(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,

it is not expected that the proposed development will create any adverse impacts to the subject biophysical, hydrological or ecological environment.

(b) coastal environmental values and natural 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,

The proposed development is not located within any sensitive coastal lakes.

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

(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 subject land is not part of a headland or rock platform, nor is it along the foreshore of a beach. Therefore, it is not expected to cause any impacts to those areas.

(f) Aboriginal cultural heritage, practices and places,

An AHIMS Search was conducted within a 200m buffer of the site, and it was revealed that the site is not located on land near or within any significant Aboriginal Sites or Places. Further, it is not expected that the site will impact any areas of Aboriginal Cultural Heritage.

(g) the use of the surf zone.

The site is not located within a surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development has been designed to avoid or minimise any significant impacts that might arise from the proposal. If any significant impacts arise, they will be managed and mitigated.

5.0 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

Part 1 Preliminary

1.1 Name of Plan

The proposed industrial units are consistent with the performance criteria and acceptable solutions of the Local Environmental Plan both generally and specifically.

Part 2 Permitted or Prohibited Development

2.1 Land Use Zones

The land is Zoned 'RU1 Primary Production under the provisions of Maitland 2011

2.2 Zoning of Land to Which Plan Applies

The proposal is located on land contained within the Land Zoning Map under the Maitland LEP 2011.

2.3 Zone Objectives and Land Use Table

Zone E1 Local Centre

1 Objectives of zone

- 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.

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Cellar door premises; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Water supply systems

4 Prohibited

Any other development not specified in item 2 or 3

Clause 7.1 Acid Sulfate

The subject site is located on land that potentially contains class 2 ASS. This means that works below the natural ground surface will require an ASS management plan. The development will not involve works below the natural ground surface, and therefore the potential for the development to trigger oxidation and the production of acid from acid sulfate soils is envisaged to be low to none. Therefore, the development does not require an ASS management plan and the provisions of SEPP No. 55 (Remediation of Land) are not applicable to this application.

7.12 Earthworks

The proposed earthworks will create a level elevated area of land upon the site. The proposed mound will not negatively impact environmental functions or processes, or adjoining land uses. The proposed earthworks are ancillary to the use of the site. The mound will provide an area of flood free land above the FPL to support a number of livestock, water tanks, cattle yards, vehicles and is appropriately sized to support future structures. The surrounding land use in the Millers Forest area is primarily rural. The proposed development of the site for livestock and storage purposes will complement the existing rural character of the locality. This proposal aligns with the current and projected climate conditions, making it a suitable and sustainable use of the land.
It is not expected that the proposal will negatively affect the amenity of neighbouring properties. On the contrary, it is likely to enhance the rural character of the area. As such, the proposed earth mound is unlikely to have any adverse impact on nearby properties.

5.21 Flood Planning

A flood study has been conducted for this development and noted the following,

The Site at 96 Woodberry Road, Millers Forest, NSW requires a flood assessment to accompany the DA for the proposed mound, being located within the Hunter River floodplain. The flood impact assessment has included use of a TUFLOW hydraulic model to simulate design flood conditions at the Site, whilst maintaining a reasonable consistency with the results of the previous studies. A cumulative development assessment has also been undertaken, as per other similar assessments for Maitland City Council.

The flood assessment has determined that the proposed mound is compatible with the existing flood hazard and does not result in adverse off-site flood impacts.

Further, the cumulative development assessment has found that if future mound developments adhere to the recommended constraints, then it is considered that the likely impacts resulting from such development will only be minor The impacts are considered reasonable, particularly given the improved flood resilience that the construction of such mounds affords the local communities, most of which are used for the purposes of livestock refuge and/or shed constructions. The recommended criteria for sustainable mound development are:

- each Lot can accommodate a single mound development (or combination of multiple smaller mounds) totalling up to 10% of the Lot area, capped at a maximum of 1.3 ha per Lot
- mound footprints should not encroach upon the areas with a modelled VxD of greater than 1.4 at the 1% AEP event for Lots downstream of Green Rocks and
- mound footprints should not encroach upon the areas with a modelled VxD of greater than 1.8 at the 1% AEP event for Lots upstream of Green Rocks and
- mounds should be located where the average 1% AEP VxD within the proposed mound footprint does not exceed that of the overall average of the available area within the Lot.

The proposed mound conforms to all three criteria, limiting the potential future impacts of cumulative development. The mound proposal is therefore considered acceptable from a cumulative development perspective.

The minimal impacts modelled for the flood impact assessment and site-specific cumulative development assessment show that the mound does not obstruct floodplain conveyance and so should not be considered as being located within a floodway.

6.0 MAITLAND DEVELOPMENT CONTROL PLAN 2011

Part B – Environmental Guidelines

B3- Hunter River Flood Plain

The site is identified by Maitland Council as being flood prone. However, the Council's mapping does not specify the hazard level or hydraulic category, as the area is designated for further investigation.

To address this, the proposed development includes the construction of a flood refuge mound, designed to provide an elevated area above the flood planning level for use as a safe refuge and for storage during and after flood events. Given the low-lying nature of the site, this refuge is essential to support the existing rural use and will help to reduce risks to both life and property in the event of flooding.

A detailed flood impact assessment, including an analysis of cumulative impacts, has been undertaken to evaluate the proposed mound's compatibility with existing flood hazards. The assessment confirms that the mound meets all three recommended development criteria when assessed at a cumulative impact scale. Accordingly, the proposal complies with the requirements of the Development Control Plan (DCP).

The proposed mound is ancillary to the existing use of the site, and no buildings or structures are included in this application. In the event of flooding, safe evacuation can be achieved via Woodberry Road toward Raymond Terrace Road. During periods of heavy rainfall, occupants will monitor public radio for Bureau of Meteorology (BOM) warnings and evacuation orders issued by the State Emergency Service (SES). These alerts are directed to high-threat areas, particularly where flash flooding is likely.

Occupants will have sufficient warning to evacuate safely using the designated route to flood-free areas. The mound itself will provide an accessible, elevated refuge area above the Flood Planning Level (FPL) during flood events and can be used in emergency situations.

The proposal does not introduce any new occupants to the site and therefore does not increase the risk to life or property. Risk has been appropriately addressed through the provision of a clear evacuation route, sufficient warning time, and emergency access to elevated ground.

7.0 PLANNING ASSESSMENT

The following is an assessment of the environmental effects of the proposed development asdescribed in the preceding sections of this SEE. Unless otherwise stated, the proposed development either complies with or is consistent with relevant planning instruments and controls.

2.1 Sediment and Erosion Control

Sediment and erosion control will be always maintained during the course of construction and shall not be removed until the site has been stabilized. All erosion and sediment control devices will be constructed, placed and maintained in accordance with respective Council specifications and Landcom soil and construction" manual and as shown on the proposed Sediment and Erosion Control Plan prepared by Eclipse.

2.2 Public Interest

The proposal is in the public interest as it will deliver several public, social and economic benefits with minimal adverse impacts (as detailed within this report).

8.0CONCLUSION

This Statement of Environmental Effects has successfully demonstrated the environmental, social and economic matters associated with the proposed Flood mound at 96 Woodbury Road, Millers Forest. The proposal has been considered in terms of relevant State, Regional, and Local planning controls and legislation. The proposed development is largely in accordance with each.