

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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## **INTENSIVE PLANT AGRICULTURE (HORTICULTURE) AND ANCILLARY GREENHOUSE AND CLEAN ROOM**

**336 BLACK CAMP ROAD, GLEN MARTIN  
NSW, 2321  
(Lot: 200/DP: 1256029)**

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<b>PP Reference</b>	J001953
<b>Prepared for</b>	Golden Sapling

Document Versions and Control				
Statement of Environmental Effects, 306 Black Camp Creek Road, Glen Martin NSW 2321				
No:	Date:	PP Ref:	Author:	Reviewed by:
Version 1	25/06/21	SEE – 306 Black Camp Creek Road Glen Martin	PH	Client/DRB
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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Golden Sapling (**the client**) to prepare a Statement of Environmental Effects (SEE) for the development and use of site for the purposes of an intensive plant agriculture (horticulture), construction of an ancillary greenhouse including installation of ancillary clean room at 306 Black Camp Creek Road, Glen Martin, NSW, 2321, legally identified as Lot 200 in Deposited Plan 1256029 (**the site**).

The site is zoned RU1 Primary Production. Intensive plant agriculture is permissible with consent within the land use zone. Overall, the proposal is consistent with the zone objectives and meets the controls and provisions of the DLEP. The proposal is found to be compliant with the DDCP controls for the site, with any variations sought justified within **Appendix 2**.

The site will be operated by the current owners and is not intended to be open to the public.

Consent to construct the green house and intensify the use of the site for intensive plant agriculture (horticulture) an appropriate and efficient use of the land which will enable the propagation and planting of native species for their superfood properties and botanical properties, to be utilised for the processing of native oils and extracts for use within skincare products. This processing will be undertaken within the proposed clean room. The clean room is proposed to be installed within the shed extension proposed under 199/2020.

The detailed assessment has demonstrated that it is appropriate in the locality and does not result in any substantial negative amenity or environmental impacts which cannot be managed or mitigated. The site is therefore considered appropriate for the development.

The key reasons why the proposed development is appropriate are as follows;

- The proposed development is permissible on the site with consent;
- No adverse impact on the existing character or amenity of the area will result;
- There is minimal visual impact as a result of the development;
- At the conclusion of the development, it will have a positive social and economic impact for the site and the broader region.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure potential environmental issues have been suitably managed or mitigated where possible to allow the proposed development to be approved by the Consent Authority.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

## LIST OF FIGURES

Figure 1: Locality Plan (SixMaps, 2021).....	10
Figure 2: Proposed Horticultural Development and Management Zones.....	12
Figure 3: Site layout of horticultural facility (Golden Sapling, 2021).....	14
Figure 4: Biodiversity Values Map (OEH Mapping Tool, July 2021).....	19
Figure 5: Bushfire prone land (ePlanning Spatial Viewer, July 2021) .....	20
Figure 6 - NSW Planning Portal; Site not identified as Flood Prone Land.....	24
Table 1 - DA approvals (Source: DA Tracker) .....	11
Table 3 - Integrated development assessment.....	17

## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Certificate of title	Land Registry Services
4	Dial Before You Dig Results	Dial Before You Dig
5	Greenhouse Plans & Clean Room Internal Layout Plans	Sorenson Designs & Planning
6	General Site Layout	Golden Sapling
7	Hunter Water Stamped Plans	Hunter Water Authority
8	AHIMS search	Office of Environment and Heritage
9	Waste Management Plan	Perception Planning

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
TERMS AND ABBREVIATIONS .....	4
LIST OF FIGURES .....	4
PLANS AND SUPPORTING DOCUMENTATION .....	5
TABLE OF CONTENTS .....	6
1 BACKGROUND .....	8
1.1 PURPOSE .....	8
1.2 SITE DETAILS .....	9
1.3 SITE DESCRIPTION .....	9
1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS .....	11
2 DESCRIPTION OF THE DEVELOPMENT .....	12
2.1 PROPOSED DEVELOPMENT .....	12
3 PLANNING CONTROLS .....	14
3.1 ACTS .....	14
3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 .....	14
3.1.2 HUNTER WATER ACT 1991 .....	15
3.1.3 WATER MANAGEMENT ACT 2000 .....	16
3.1.4 BIODIVERSITY CONSERVATION ACT 2016 .....	19
3.1.5 RURAL FIRES ACT 1997 .....	19
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) .....	20
3.2.1 SEPP (INFRASTRUCTURE) 2007 .....	20
3.2.2 SEPP (KOALA HABITAT PROTECTION) 2020 / 2021 .....	21
3.2.3 SEPP No.55 – REMEDIATION OF LAND .....	21
3.2.4 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011 .....	22
3.3 LOCAL ENVIRONMENTAL PLAN .....	22
3.4 DEVELOPMENT CONTROL PLAN .....	26
3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 .....	27
3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS .....	27
4 LIKELY IMPACTS OF THE DEVELOPMENT .....	27
4.1 BUILT ENVIRONMENT .....	27
4.1.1 CONTEXT, SETTING AND VISUAL IMPACT .....	27
4.1.3 PUBLIC DOMAIN .....	28
4.1.4 SERVICES .....	28
4.1.5 WASTE MANAGEMENT .....	28

4.1.6	NOISE AND VIBRATION .....	28
4.2	NATURAL ENVIRONMENT .....	28
4.2.1	ECOLOGICAL .....	28
4.2.3	ARCHAEOLOGY .....	29
4.2.3	STORMWATER.....	29
4.3	SOCIAL AND ECONOMIC.....	29
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION .....	29
5	SUITABILITY OF THE SITE.....	29
6	ANY SUBMISSIONS AND CONSULTATION.....	30
7	PUBLIC INTEREST .....	30
8	CONCLUSION .....	30

# 1 BACKGROUND

## 1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Golden Sapling (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.



## 1.2 SITE DETAILS

<b>Property Address</b>	306 Black Camp Creek Road, Glen Martin NSW 2321
<b>Lot and DP</b>	Lot: 200 DP: 1256029
<b>Current Use</b>	Extensive Agriculture & approved dual occupancy, sheds and ancillary structures.
<b>Zoning</b>	RU1 – Primary Production
<b>Size</b>	76.9 ha
<b>Site Constraints</b>	Bushfire prone land – vegetation category 1 and buffer Williams River Catchment Riparian Lands and Watercourses
<b>Owner</b>	Owners consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	The certificate of title and DP are contained in <b>APPENDIX 3</b> .

## 1.3 SITE DESCRIPTION

The site is located at 306 Black Camp Creek Road, Glen Martin NSW 2321 (**‘the site’**) legally identified as Lot 200 in Deposited Plan 1256029. Access to the site is direct and existing from Black Camp Creek Road via Goldmine Road. The location of the site within the surrounding locality is shown in **FIGURE 1**. The site is located within the Dungog Local Government Area (LGA). Site particulars are provided in the table above.

The property is made up of 4 lots under the one title and has an area of approx. 76.9ha. The site is made up of managed, cleared and grazed grassland with some areas of remnant native vegetation. There are several first and second order streams that pass through the subject site as a whole, including the named watercourse ‘Little Black Camp Creek’. The proposed works will not impact on these watercourses.



**Figure 1:** Locality Plan (SixMaps, 2021)

## 1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The subject site is currently used for grazing. The approved dwelling and dual occupancy are currently under construction providing residential occupation of the property.

A review of the Dungog Council online DA Tracker identifies the following approvals over the site, as shown in **(TABLE 1)** below. A Development Application is currently under assessment with Dungog Council for an additional Farm Dam (DA 59/2020). This assessment is currently on hold as a result of the issue of an RFI and investigation into the harvestable rights allocation. A recently lodged DA for the Rehabilitation and Use of Modified Farm Dam at the subject site is also currently under assessment and awaiting assessment of the geotech report on the existing dam wall.

DA 199/2020 for the extension of the Existing Farm Building and Additional Equipment Storage Area Including Concrete Hardstand Area is the subject of a request for additional information and justification with regard to the proposed size and use. The proposed size and use is associated with the primary purpose of the application to extend the agricultural shed is to house the clean room proposed by this application.

The proposed layout of the clean room and greenhouses with relation to the approved shed extent and proposed shed extension is provided in **Figure 3**, below.

Table 1 - DA approvals (Source: DA Tracker)

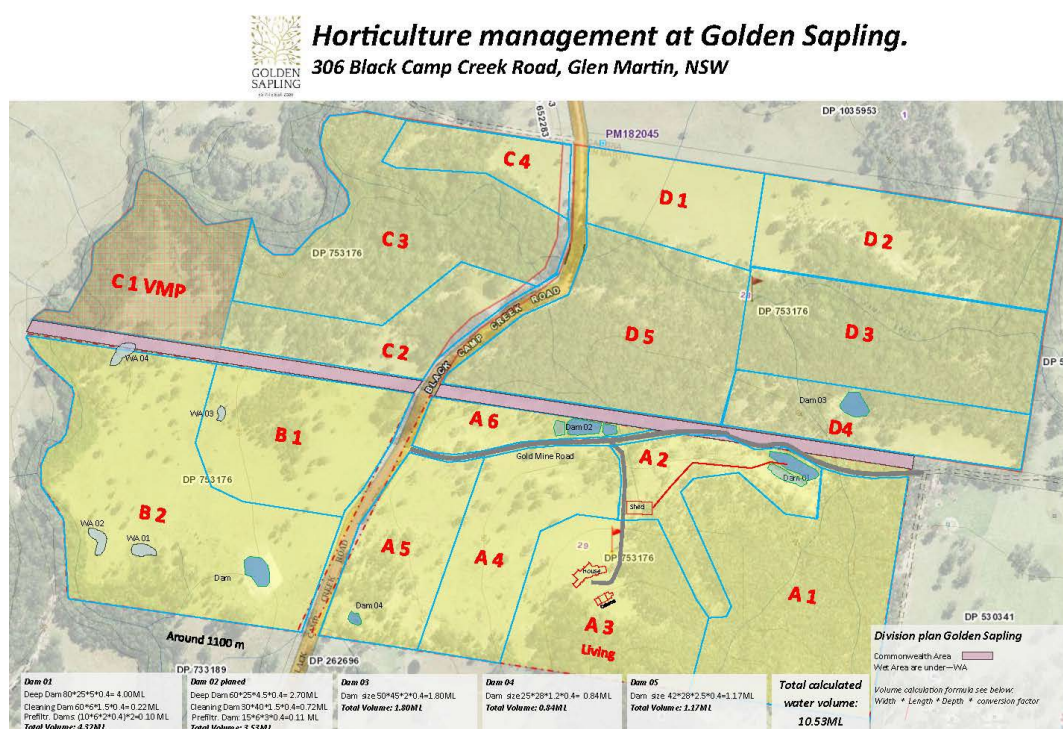
DA number	Description	Determination
<b>199/2020</b>	Development Application <b>Extension of Existing Farm Building and Additional Equipment Storage Area Including Concrete Hardstand Area</b>	Lodged 1/12/2020
<b>185/2019/2</b>	Construction Certificate (Private Certifier) <b>Dual Occupancy, Ancillary Building (Cabana, Pool, Sauna, BBQ Area &amp; Games Room) and Farm Building</b>	Lodged - 2/10/2020 Approved
<b>59/2020</b>	DA Farm Dam	Lodged 18/5/2020 Under Assessment
<b>185/2019</b>	Construction Certificate (Private Certifier) <b>Dual Occupancy, Ancillary Building (Cabana, Pool, Sauna, BBQ Area &amp; Games Room) and Farm Building</b>	Lodged - 31/3/2020 Approved

<b>185/2019</b>	Development Application <b>Dual Occupancy, Ancillary Building (Cabana, Pool, Sauna, BBQ Area &amp; Games Room) and Farm Building</b>	Lodged - 25/11/2019 Approved
<b>177/2020</b>	Development Application <b>Rehabilitation and Use of Modified Farm Dam</b>	Lodged 4/11/2020 Under Assessment

## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The objective of the proposal is to obtain consent for the construction of and use land for intensive plant agriculture (horticulture) and the construction of an ancillary greenhouse. Architectural plans are provided at **APPENDIX 5**. A general site plan of the property including the approximate proposed horticultural management zones are provided below at **Figure 2** and as **Appendix 6**.



**Figure 2 – Proposed Horticultural Development and Management Zones**

- **Area A1:** Bush area with two waterways, maintained and managed to prevent weed incursion



- **Area A2:** Water supply, agricultural shed and proposed installation of Clean Room. This area will be used for an experimental plant growing in different ground and assessment of success of companion planting with existing vegetation.
- **Area A3:** Dwelling and Living area with no removal of native vegetation beyond approved APZ and ongoing management of IPA.
- **Area A4:** Leave all the existing native vegetation with the introduction of plantings and ongoing management of planted vegetation.
- **Area A5:** Dam and extensive grazing area for domestic livestock or native plants or fruit trees for personal use.
- **Area A6:** Dam 02 is currently under assessment (DA 59/2020) with construction commenced in 1-3 years, pending approval and harvestable rights. Existing vegetation to be maintained with development of this zone for superfood or fruit trees with higher water demand.
- **Area B1:** Superfood trees with a more moderate water demand and retention of existing native vegetation.
- **Area B2:** Existing wet areas and extensive grazing area for domestic livestock or native plants or fruit trees for personal use. Proposed use to be determined following more research on soil capability and possibilities.
- **Area C1:** Existing native vegetation to be maintained and managed within this area under Vegetation Management Plan.
- **Area C2:** Leave all the existing native vegetation with the introduction of plantings and ongoing management of planted vegetation.
- **Area C3:** Existing vegetated area including riparian area and watercourse, to be maintained and managed.
- **Area C4:** Leave all the existing native vegetation with planting of approx. 40% superfood species.
- **Area D1:** Native plants and fruits for dry powder or Extractions
- **Area D2:** Native plants and fruits for dry powder or Extractions
- **Area D3:** Existing vegetated area including riparian area and watercourse, to be maintained and managed.
- **Area D4:** Dam 03 and extensive grazing area for domestic livestock or native plants or fruit trees for personal use. Proposed use to be determined following more research on soil capability and possibilities.
- **Area D5:** Planting of shade tolerant/rainforest superfood trees and retention of existing native vegetation.

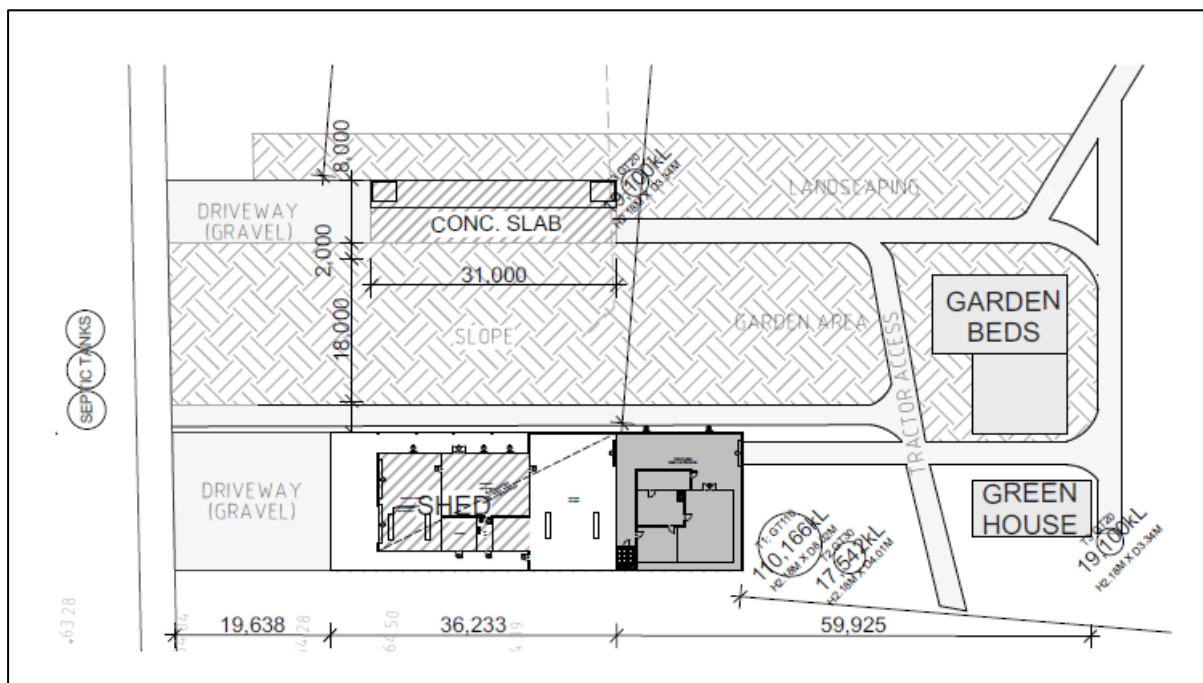
The property owners are committed to respectful management of the property; *“the main target of the horticulture management is to observe and manage the existing Native Environment - bush and plants and regrow the most famous Australian native plants and trees.”*

Having run a successful skin care manufacturing business in Rutherford for over 12 years, the owners intend to develop the property for the purpose of adding value to the skin care manufacturing via the development and extraction of native plant and native superfood plants and oils.

The proposed implementation of the development consists of the following components:

- i. Finalise Dam 01 and the water management and supply across the site;

- ii. Build the Shed Extension and Hard top for Tractor attachment and generator (DA 199/2020);
- iii. Develop and build some open high beds for planting (subject to the determination of this DA for intensive plant agriculture);
- iv. Plant and grow first all the 180 koala feed trees for VMP project (as approved and required under 2019/185;
- v. Plant and grow the settling for other Australian Native trees.



**Figure 3:** Site layout of horticultural facility (Golden Sapling, 2021)

To facilitate the plant extractions the proposal will include the installation of a clean room within the shed extension currently under assessment (DA 199/2020). A clean room is a sterile room whereby contamination is mitigated to an acceptable level and constructed such that all surfaces are smooth and impervious, controlled in terms of temperature and humidity and serviced by air handling and filtration systems.

### 3 PLANNING CONTROLS

#### 3.1 ACTS

All NSW Acts have been considered in the preparation of this SEE. The following Acts are considered relevant to the proposed development and discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 2000*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*

##### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 2** below. The proposed development is not classified as integrated development.

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Dungog Local Infrastructure Contributions Plan 2019.

### **3.1.2 HUNTER WATER ACT 1991**

The subject site is located within a Drinking Water Catchment. To this effect, a referral to HW may be required under Section 51 of the HW Act. Clause 51 (2) states that:

*If a consent authority within the area of operations or a special area receives a development application or building application in relation to any matter that, in the opinion of the consent authority, may:*

*(c) significantly adversely affect the quality of the water from which the Corporation draws its supply of water in a special area,*

*the consent authority must, within 7 days of the receipt of the application, give the Corporation notice of the application.*

Given the location of the proposed development within the drinking water catchment and the potential impacts on water quality as a result of the intensification of use of the site the prudent use and management of chemicals and stormwater run-off has been carefully considered.

The use of any chemicals, pesticides or fertilisers will be limited with storage proposed to be within the agricultural shed (hardstand). Run-off from the greenhouse and high planting beds will be directed to the dam and water quality management being developed as Dam 01.

With this regard, the onsite detention of stormwater run-off from the greenhouse area will be within the site utilising the proposed dam system. This will contribute to mitigation of adverse impacts on the drinking water catchment. However, assessment of whether this Application requires referral to Hunter Water is at the discretion of the Consent Authority.

Hunter Water Stamped plans are contained in **APPENDIX 7**.

### **3.1.3 WATER MANAGEMENT ACT 2000**

The subject site is located within the Williams River Drinking Water Catchment contains several first and second order streams including Little Black Camp Creek. However, physical works requiring referral to NRAR pursuant to the *Water Management Act 2000* are not proposed by this application.

Considering the proposed management and onsite detention of stormwater runoff from the development area, it is not anticipated that the development will detrimental and lasting impact on the watercourse.



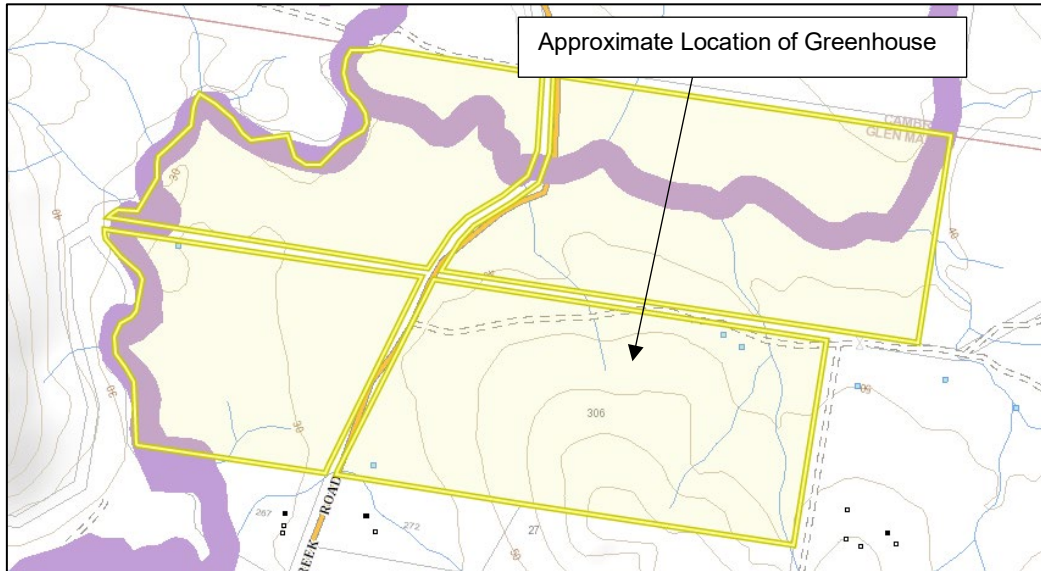
*Table 2 - Integrated development assessment*

Integrated development	Proposed Development	
<b>Fisheries Management Act 1994</b>	<ul style="list-style-type: none"> <li>▪ s 144</li> <li>▪ s 201</li> <li>▪ s 205</li> <li>▪ s 219</li> </ul>	N/A
<b>Heritage Act 1977</b>	<ul style="list-style-type: none"> <li>▪ s 58</li> </ul>	<p>N/A</p> <p>The site is not identified as a heritage item or within a heritage conservation area.</p>
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	<p>N/A</p> <p>The site is not located within a Mine Subsidence Area.</p>
<b>Mining Act 1992</b>	<ul style="list-style-type: none"> <li>▪ s 63, 64</li> </ul>	N/A
<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	<ul style="list-style-type: none"> <li>▪ s 90</li> </ul>	<p>N/A</p> <p>An AHIMs Search conducted on 26<sup>th</sup> July 2021 with a 50m buffer did not identify any Aboriginal sites or places recorded in or near the subject site. The result of this search is contained in <b>APPENDIX 8</b>.</p> <p>Given the existing site disturbance it is unlikely that the development will disturb any Aboriginal objects or relics. Accordingly, it is considered that no referral to the Biodiversity Conservation Division (BCD) as integrated development is required as part of this application. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.</p>

<b>Protection of the Environment Operations Act 1997</b>	<ul style="list-style-type: none"> <li>▪ ss 43(a), 47, 55</li> <li>▪ ss 43(b), 48, 55</li> <li>▪ ss 43(d), 55, 122</li> </ul>	N/A
<b>Roads Act 1993</b>	<ul style="list-style-type: none"> <li>▪ s 138</li> </ul>	N/A
<b>Rural Fires Act 1997</b>	<ul style="list-style-type: none"> <li>▪ s 100B</li> </ul>	<p>N/A</p> <p>A portion of the site is identified as bushfire prone land vegetation buffer. However, the proposed development is not for residential subdivision, residential purposes nor development of land for special fire protection purposes.</p>
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	<p>N/A</p> <p>The subject site is mapped as containing several first and second order streams including Little Black Camp Creek.</p> <p>The proposed development will not occur within 40m of the mapped watercourse, therefore referral to the Natural Resource Access Regulator as integrated development is not required as part of this application.</p>

### 3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The site is not identified as being of significant biodiversity values, shown in **FIGURE 4**.

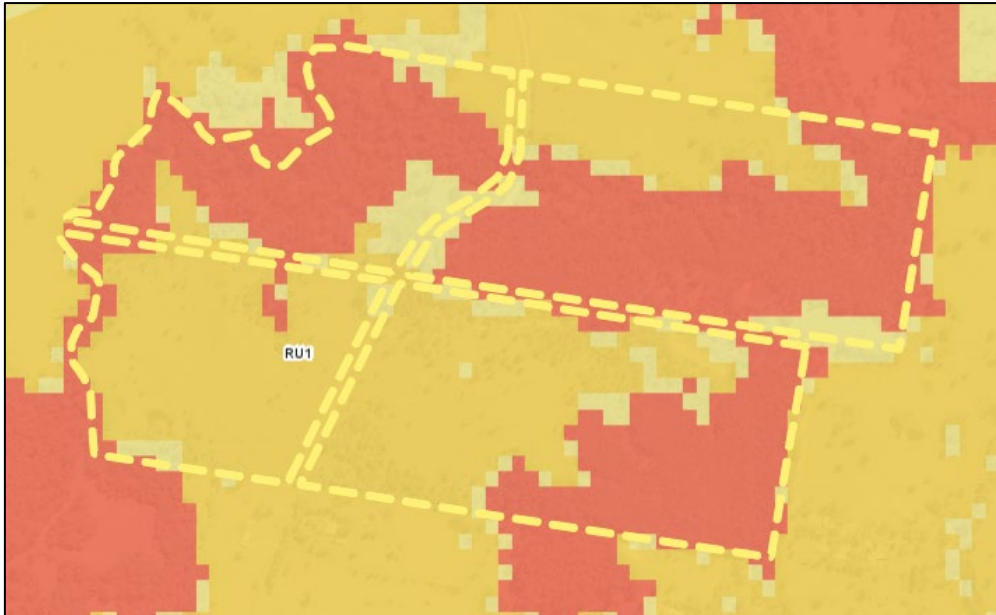


**Figure 4:** Biodiversity Values Map (OEH Mapping Tool, July 2021)

The proposal requires no removal of vegetation within an area mapped as biodiversity value land and does not exceed the 1ha area clearing threshold prescribed for the site as RU1 zoned land with 60 ha MLS. Therefore, no further assessment of the proposal with regard to the Biodiversity Conservation Act is required.

### 3.1.5 RURAL FIRES ACT 1997

The subject site is partially identified as bushfire prone land – vegetation buffer, as shown in **FIGURE 5**. The proposed development is not described as development that requires referral to Rural Fire Authority under Section 100B of the Rural Fires Act.



**Figure 5:** Bushfire prone land (ePlanning Spatial Viewer, July 2021)

## 3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Koala Habitat Protection) 2020 / 2021*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (State and Regional Development) 2011*

### 3.2.1 SEPP (INFRASTRUCTURE) 2007

The purpose of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of development.

The proposed development is not within the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 66C. As described in Section 1.4, the subject site can connect to overhead power. Whilst the proposed development is greater than 2m from any underground powerline and greater than 5m from any overhead powerline, thus referral to the electricity supply authority is not triggered. This type of development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

### **3.2.2 SEPP (KOALA HABITAT PROTECTION) 2020 / 2021**

SEPP (Koala Habitat Protection) 2020 / 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. It replaces the now repealed (1 March 2020) SEPP No. 44.

Section 6 (2) and Schedule 1 of Koala SEPP 2021 identify the Dungog Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

However, despite Section 6 (2), the policy does not apply to land zoned RU1 Primary Production. Land zoned RU1 is subject to the provisions of Koala SEPP 2020. In this instance the site is greater than 1ha thus Section 8 apply.

Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat. The proposed development has been sited to retain vegetation where possible. The vegetation removal is not anticipated to fragment habitat and cause disruption to foraging patterns. Considering the approved VMP under development on the site, it is not anticipated that there will be a significant impact on koala habitat. To this extent, it is believed that there is no basis to deny this development pursuant to the Koala SEPP.

### **3.2.3 SEPP No.55 – REMEDIATION OF LAND**

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The location of the proposed development on the subject site is currently vacant and has historically been used for agricultural purposes. Accordingly, it is not anticipated that the site or immediate area will be contaminated as defined by Part 7A of the Act. Therefore, the land is considered suitable for the intended purpose and the objectives of SEPP No.55 have been satisfied.

### 3.2.4 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

The aim of SEPP (State and Regional Development) 2011 is to identify development that is considered State significant development, State significant infrastructure or regionally significant development. In accordance with Section 8 of the SEPP, development is declared to be State significant development for the purposes of the Act if:

- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and*
- (b) the development is specified in Schedule 1 or 2.*

Under Section 20 development is declared to be regionally significant development for the purposes of the Act if:

- (1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.*

The proposed development is not listed in Schedule 1 or Schedule 7 of the SEPP, accordingly, the development is not classified as of State or Regional Significance.

### 3.3 LOCAL ENVIRONMENTAL PLAN

Pursuant to the Dungog Local Environmental Plan 2014 (DLEP) Land Application Map the subject site is land to which the environmental plan applies. Accordingly, the DLEP is the appropriate EPI to assess the development proposal. The following assessment will demonstrate that the development proposal is compliant with the relevant clauses of the DLEP and permits approval by the Consent Authority.

- **Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is zoned RU1 Primary Production. The proposed development is the development and use of site for the purposes of intensive plant agriculture (horticulture), construction of an ancillary greenhouse including installation of ancillary clean room.

Horticulture is defined under the parent term of intensive plant agriculture as:

***intensive plant agriculture means any of the following—***

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),*
- (b) horticulture,*
- (c) turf farming,*
- (d) viticulture.*

***horticulture*** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture

The proposed development is consistent with the definition of intensive plant agriculture, specifically horticulture, and therefore is permissible with consent within RU1 Primary Production zoned land.

The Land Use Table of the LEP identifies the following objectives for the RU1 zone:

*Zone RU1: Primary production*

- *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 provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

The proposed development is considered to meet the objectives of the RU1 zone by providing a new sustainable horticulture business aiding agricultural diversity to rural land use within the Dungog LGA. The proposed development is considered an effective use of agricultural land and will not result in a fragmentation or alienation of resource lands. Furthermore, the proposed development is considered a complimentary to the existing land use practices in the locality.

The potential for the proposed development to impact on the natural resource base is mitigated through the long-term sustainable practices built into the development of the property as well as long term management. This includes the identification of zones (see **Figure 2 – Proposed Site Development**) within the site best suited to the vegetation and proposed use as well as ongoing research and observation of natural processes, selection of species of low water demand (typical of Australian native species) to contribute to efficient use of water across the property, low pesticide reliance within growing and propagation operations, manual weed management and holistic pest management through species selection and planting schedules, low till planting of in order to maintain soil structure and integrity and slowing the movement of water out of the soil environment.

The proposed horticultural development will not include elements such as spraying regimes or noisy machinery use that may require the implementation of a buffer zone or be associated with potential conflicts between adjoining land uses or impact on the amenity of neighbouring properties.

The development as proposed, is consistent with the rural development and diversification of the property.



The development is permissible with consent within the land use zone and is considered to meet the objectives of the zone. It is requested that Council consider the development for approval.

- **Clause 5.10 – Heritage conservation**

An AHIMs Search conducted on 26 July 2021 with a 50m buffer did not identify any Aboriginal sites or places recorded in or near the subject site. The result of this search is contained in **APPENDIX 8**.

It is unlikely that the development will disturb any Aboriginal objects or relics. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

The site is not identified as a heritage item in Schedule 5 of the DLEP or identified within a heritage conservation area. The proposed development will not impact upon any heritage item. In this regard, the proposed development is consistent with the requirements of Clause 5.10.

- **Clause 6.1 – Acid Sulfate Soils**

The site is not identified as containing Acid Sulfate Soils. Accordingly, there is no requirement to prepare an ASS Management Plan.

- **Clause 6.3 – Flood Planning**

The site is not identified as a flood planning area.



*Figure 6 - NSW Planning Portal; Site not identified as Flood Prone Land*

- **Clause 6.5 – Drinking Water Catchments**

The subject site is identified to be located with a drinking water catchment, thus, the Consent Authority must consider the following matters prior to granting approval.

*(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—*



*(i) the distance between the development and any waterway that feeds into the drinking water storage,*

*(ii) the on-site use, storage and disposal of any chemicals on the land,*

*(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,*

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed development is not anticipated to have an adverse impact on the quality and quantity of water entering the drinking water catchment as stormwater from the proposed greenhouse area and growing beds will be detained on site. It is proposed that all fertilisers, pesticides and other chemicals which may be used in the operation of the facility will be stored within the agricultural shed extension. This will ameliorate the potential spills or leaching impacting soil and ground water.

Plantation and ongoing management of the areas identified within **Figure 2** will be of low intensity without use of pesticides and herbicides in order to maintain the integrity of the leaf and flower product for processing and extraction. The selection of species will also be selected in accordance with compatible water needs and growing requirements and compatible with the existing native vegetation proposed to be retained.

The intention of the proposed horticulture development is intended to be of low impact, therefore it is not anticipated that the development will result in adverse impacts on water quality and flows into the drinking water storage.

- **Clause 6.10 – Williams River Catchment**

The objective of this clause is to protect and improve the environmental quality of the Williams River Catchment. In accordance with cl (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—*

*(a) promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, and*

*(b) promotes the protection and improvement of the environmental quality of the Williams River Catchment, and*

*(c) will have any significant adverse impacts on water quality within the Williams River Catchment, and*

*(d) is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.*

The subject site is located within the Williams River Catchment. The proposed development includes best practice management principles including species selection and sustainable site layout as well as physical components such as the onsite detention of stormwater from

the greenhouses and proposed beds in order to ameliorate potential impacts to the drinking water catchment.

- **Clause 6.8 – Essential Services**

This clause specifies that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

- a) Potable water will be supplied via onsite rainwater tanks.
- b) Electricity services are available to the site.
- c) The disposal and management of sewage is via the approved onsite sewerage management system.
- d) Management and onsite detention of stormwater runoff from the development area, it is not anticipated that the development will detrimental and lasting impact on the watercourse.
- e) Vehicular access to the site is existing from Black Camp Creek Road, via Goldmine Road. Adequate parking and vehicle articulation area is provided for on the site in accordance with the relevant planning controls.

- **Clause 6.12 – Protection of Rural Landscapes in Rural and Environmental Protection Zones**

The objective of Clause 6.12 is to protect the rural amenity and character of the land by managing visual impact. The provisions of Clause 6.12 apply to land zoned RU1 Primary Production. Accordingly, the Consent Authority must consider the following matters:

- (a) any buildings that form part of the development will blend into the landscape and not become silhouetted on a ridgeline, and*
- (b) the design, bulk and colours of any such buildings will be compatible with the surrounding landscape.*

The proposed development is consistent with the aims and objectives of this clause and it is not anticipated that it will have any detrimental effects on the land or the environment. The location of the proposed greenhouse and high growing beds is an extension of the existing and proposed agricultural shed and proposed equipment storage area will not result in it becoming silhouetted on any ridgeline. The proposed structures have been designed and sited to be compatible with and minimise visual impact on the existing rural landscape. This is achieved through the use of the existing topography and unobtrusive clear plastic finish or netting of the proposed greenhouses.

### **3.4 DEVELOPMENT CONTROL PLAN**

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP 2014 is provided in the Table of Compliance provided at **Appendix 2**. The Table of

Compliance demonstrates that the proposed development is compliant with the relevant provisions of the DDCP or overarching objectives where variations are proposed.

### 3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

This Statement has been prepared to support a development application, as described in Section 2, to Dungog Shire Council in accordance with s.50 of the Environmental Planning Assessment Regulations 2000 (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **Appendix 1**.

Pursuant with Schedule 3 of the Regulations, the proposed development is not identified as being designated development. The proposed development will not result in waste being released within 100m from waterbody or in an area of high water table, highly permeable soils or acid sulfate, sodic or saline soils.

### 3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) requires the consent authority to consider:

*Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or subject site; that should be considered as part of this development application.

## 4 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

### 4.1 BUILT ENVIRONMENT

#### 4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development is a substantial agricultural development that has been identified to be suitable within the land use zone. The scale of the development is appropriate for the site, whereby environmental impacts have been managed or mitigated. The development is located within the rural landscape, thus the amenity of the locality must be carefully considered. The development site is not readily visible from the public domain of Glen Martin Road or Black Camp Creek Road, with the users of Goldmine Road limited to residents only without frequent through traffic. There are no adjoining dwellings on which the development

may impact views or amenity. To this extent, the development is considered suitable for the site and locality and will not result in any adverse visual impacts.

#### **4.1.2 ACCESS, TRANSPORT AND TRAFFIC**

No access, traffic or transport impacts will result from the proposed development. The site will not be open to the public nor employ staff such that increased traffic and transport considerations are required to be considered.

#### **4.1.3 PUBLIC DOMAIN**

As discussed in Section 4.1.1 of this SEE, the proposed development will not have a detrimental impact on the public domain.

#### **4.1.4 SERVICES**

As discussed in Section 1.3 of this SEE, potable water will be supplied via onsite rainwater tanks. Electricity services are not required for the proposed development, the disposal and management of sewage is via the approved onsite sewerage management system.

Management and onsite detention of stormwater runoff from the development area, it is not anticipated that the development will detrimental and lasting impact on the watercourse.

Vehicular access to the site is existing from Black Camp Creek Road, via Goldmine Road. Adequate parking and vehicle articulation area is provided for on the site in accordance with the relevant planning controls.

Provision of all services to the development will occur during construction.

#### **4.1.5 WASTE MANAGEMENT**

The Waste Management Plan contained in **Appendix 9** details the construction materials, the quantity, and the management of each material through reuse, recycling or disposal. Given the organic nature of the industry most on-going operational waste will be composted.

#### **4.1.6 NOISE AND VIBRATION**

Noise and vibration impacts will be standard to normal agricultural processes. Noise generation will be largely confined to tractor movements. Other potential noise generation would be a result of generators, motors and pumps. It is considered that the noise generated as a result of the development is standard to the local area and will not exceed tolerance limits. Thus, no potential for noise or vibration impacts have been identified.

Construction noise will be as per normal construction times/processes.

### **4.2 NATURAL ENVIRONMENT**

#### **4.2.1 ECOLOGICAL**

No native vegetation removal is required to facilitate the proposed development.

Eutrophication of waterways is generally considered a significant impact that occurs with the intensive use of fertilisers in agricultural processes, the proposed development is not considered to be of an intensity to which this may occur. The use of any chemicals, pesticides or fertilisers will be limited with storage proposed to be within the agricultural shed (hardstand). Run-off from the greenhouse and high planting beds will be directed to the dam and water quality management being developed as Dam 01.

Therefore, it is not anticipated that eutrophication of local waterways will result. Nor is it predicted that the development will result in a significant change to water quality and flows in the drinking water catchment.

#### **4.2.3 ARCHAEOLOGY**

An AHIMs Search conducted on 26 July 2021 with a 50m buffer did not identify any Aboriginal sites or places recorded in or near the subject site. The results of this search is contained in **Appendix 8**.

It is unlikely that the development will disturb any Aboriginal objects or relics. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

#### **4.2.3 STORMWATER**

Run-off from the greenhouse and high planting beds will be detained onsite and directed to the dam and water quality management being developed as Dam 01 to prevent adverse impacts on the waterways contained by the site and the greater the drinking water catchment.

### **4.3 SOCIAL AND ECONOMIC**

The proposed intensive plant agriculture (horticulture) development seeks to complement and enhance the agricultural capacity of the property through the diversification of the use of the property. The development of the site is consistent with the existing use of the land for rural purposes consistent with the RU1 zoning. There are no foreseen adverse social or economic impacts as a result of the development.

The proposed development has considerable capacity for positive social and economic impacts that will support the growth and development of the Dungog Local Government Area.

#### **4.3.1 SAFETY, SECURITY AND CRIME PREVENTION**

No additional safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.

## **5 SUITABILITY OF THE SITE**

The proposal is consistent with the zone permissibility and meets the objectives of the DLEP. Approval of the use of site for the purposes of an intensive plant agriculture (horticulture), construction of an ancillary greenhouse including installation of ancillary clean

room is an appropriate and efficient use of the land which will enable the future maintenance of the site to improve the agricultural production across the site. The proposal is compliant with the DDCP controls applicable for the site. The assessment has demonstrated that it is appropriate in the locality and does not result in any substantial negative amenity or environmental impacts which cannot be managed or mitigated. The site is therefore considered appropriate for the development.

## **6 ANY SUBMISSIONS AND CONSULTATION**

As part of the DA consideration process, it is envisaged Council may place the proposal on public exhibition and send neighbour notification letters to adjoining or adjacent. We welcome the opportunity to respond to any submission made in relation to this development application.

## **7 PUBLIC INTEREST**

The public interest is best served by the orderly and economic use and development of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development proposal as outlined by this SEE, has minimal impact on the surrounding locality and is considered compatible with and reinforces the existing character of the surround area.

The development is considered to be in the public interest as it:

- Is a permissible form of development, and
- Is consistent with the applicable environmental planning instruments.

The proposal represents a positive contribution to agricultural diversity of available land in the municipality and improves the economic values of the site and is therefore considered to be in the public's best interest.

## **8 CONCLUSION**

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. Any relevant matters have been addressed through this SEE with any potential issues managed or mitigated.

The key reasons why the proposed development is appropriate are as follows;

- The proposed development is permissible on the site with consent;
- No adverse impact on the existing character or amenity of the area will result;
- There is minimal visual impact as a result of the development;
- At the conclusion of the development, it will have a positive social and economic impact for the site and the broader region;

It is considered that the proposal will have no significant impacts on the surrounding properties that is likely to adversely affect their ability future residential development opportunities. We look forward to Councils determination of this matter.

If we can provide any further information or clarity, please don't hesitate to contact us.



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