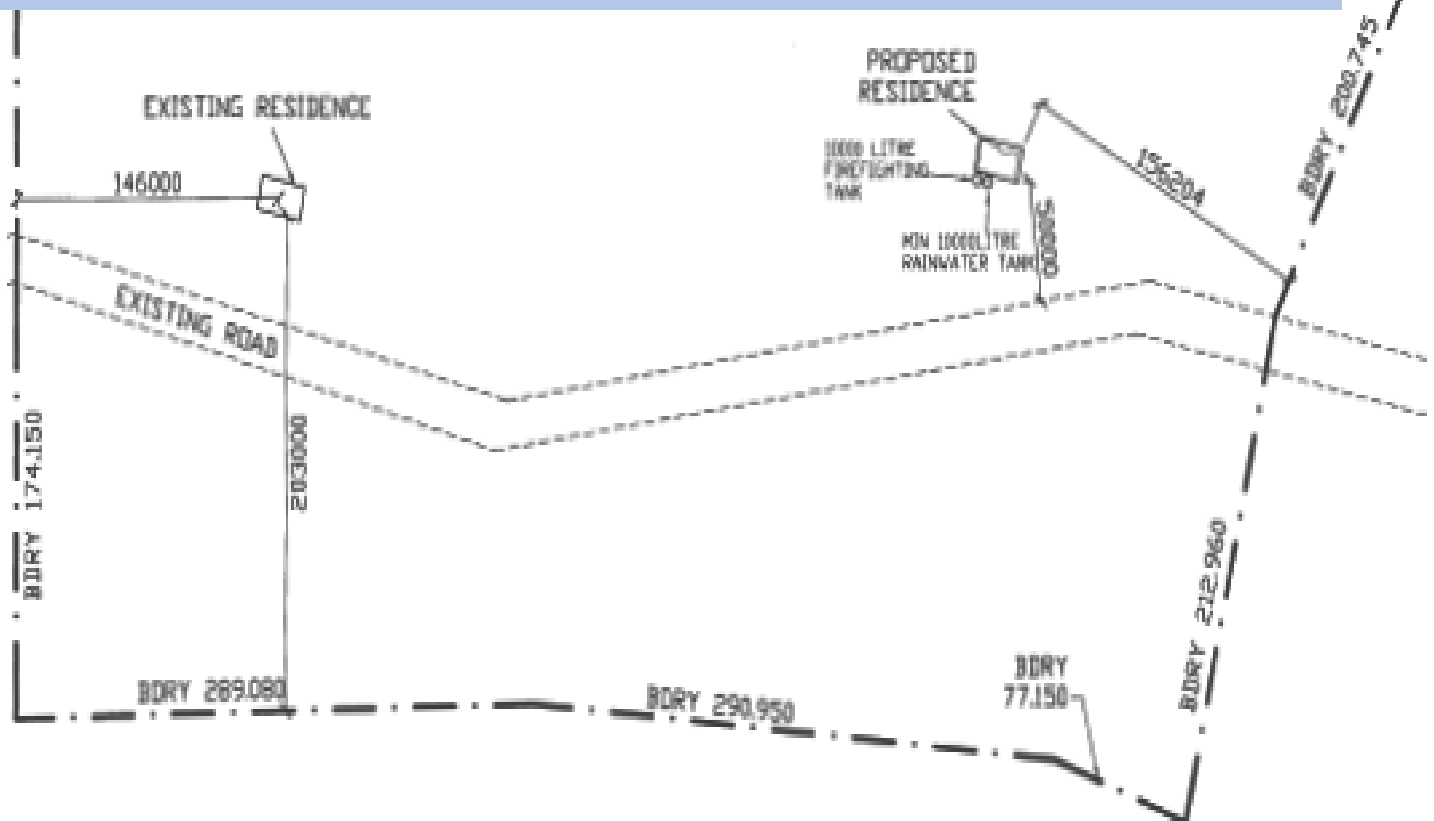


STATEMENT OF ENVIRONMENTAL EFFECTS

**CONSTRUCTION OF NEW DWELLING &
PROPOSED CHANGE OF USE (EXISTING
DWELLING TO FARM STAY ACCOMMODATION) &
PROPOSED CHANGE OF USE (EXISTING SHED TO
FARM STAY ACCOMMODATION)**

310 Pine Brush Road, Glen Martin, NSW, 2321

(LOT: 31, DP: 733190)



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Prepared for	Danny Woodland

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Danny Woodland (the client) to prepare a Statement of Environmental Effects (SEE) for construction of new dwelling & proposed change of use (existing dwelling to farm stay accommodation) & proposed change of use (existing shed to farm stay accommodation) at 310 Pine Brush Road, Glen Martin (LOT: 31 DP: 733190) (**'the site'**). The characteristics of the development include:

1. Construction of new dwelling within the east portion of the site to replace existing dwelling involving;
 - a) Master bedroom with ensuite and walk in robe;
 - b) Two bedrooms with built in robes;
 - c) Combined Kitchen and lounge area;
 - d) Sitting room;
 - e) Theatre;
 - f) Double garage;
 - g) Centrally located bathroom;
 - h) Laundry
 - i) Study.
2. Change of use existing dwelling to tourist and visitor accommodation (farm stay accommodation)
3. Change of use existing shed to tourist and visitor accommodation (farm stay accommodation)
 - a) A Building Certificate will be lodged to Dungog Council for assessment concurrently for the internal fit out works within the existing shed structure.

Dwelling house and tourist and visitor accommodation (farm stay accommodation) are identified both permitted with consent in the RU1 Primary Production Zone, defined as:

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.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

The property has been historically utilised for agriculture purposes, the owners operate a horse breeding business on the land where people go to and stay when they purchase horses. The proposed development is considered consistent with the rural and agricultural characteristic of the use on the subject site and surrounding district.

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;
- The development will have positive economic impacts for the site and the broader region;
- The land has the capacity to accommodate the development on site whilst managing or mitigating potential environmental issues.

Overall, the proposal demonstrates a positive design response to existing character of the site and the surrounding rural nature of Glen Martin. 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
BFA	Bushfire Assessment
BCA	Building Code of Australia Assessment
BDAR	Biodiversity Development Assessment Report
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
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	DBYD Search Results	DBYD
2	DCP Compliance Table	Perception Planning
3	Certificate of title and Deposited Plan	GlobalX Terrain
4	Hunter Water Corporation Stamped Plan	Hunter Water Corporation
5	AHIMs Search Results	Perception Planning
6	Architectural Plans (New Dwelling)	Charleston Home Plan Service
7	Architectural Plans (Farm Stay Accommodation)	Ecodimensions
8	Bushfire Assessment Report	Perception Planning
9	Building Code Australia (BCA) Assessment	Perception Planning
10	Identification Survey	Delfs Lascelles Surveyors
11	Structural Engineers Report	DRB Consulting Engineers
12	Right of Carriageway Over Track In Use Easement Documentation	Delfs Lascelles Surveyors
13	Site Waste Management Plan	Perception Planning
14	BASIX Certificate and Requirements	Newcastle Bushfire Consulting
15	Engineering Plans (Dwelling)	Henderson Civil Engineering

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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 Danny Woodland (**‘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

Property Address	310 Pine Brush Road, Glen Martin, NSW, 2321
Lot and DP	LOT: 31 DP: 733190
Current Use	Residential
Zoning	RU1 – Primary Production
Size	58.8 ha (approximate)
Site Constraints	Bushfire prone land – vegetation category 1 and 2 and buffer Drinking Water Catchment – Williams River Catchment Flood Planning Area Minimum lot size – 40 ha. Riparian Lands and Watercourses
Owner	Owners consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development provided at Appendix 3 .

1.3 SITE DESCRIPTION

The subject site is identified as Lot 31 in Deposited Plan 733190, commonly referred to as 310 Pine Brush Road, Glen Martin. The site is located to the south of the regional centre of Dungog within the Dungog Local Government Area (LGA). Site particulars are provided in the table above.

The site is irregular in shape and comprises two portions, separated by a road corridor. The subject area for the proposed development is located on the northern side of the road corridor as shown in **FIGURE 2** and **3**. Surrounding properties are of similar large lot acreages.

Existing built form is found in the western portion of the allotment, comprising a single dwelling and shed structure which has been recently retrofitted. Access to the site will be via a right of carriageway which links to Pine Brush Road towards the south. A plan of the right of carriageway over track in use within Lot 82 DP748568 and Lot 26 DP661546 has been submitted to the Land Registry Services (LRS), and a copy of the lodgement details are contained as **Appendix 12**.

The site is substantially vegetated to the north and west. Large trees and managed lawn areas define the sites rural setting. The site displays a varied topography and is considered a mid-slope landform.

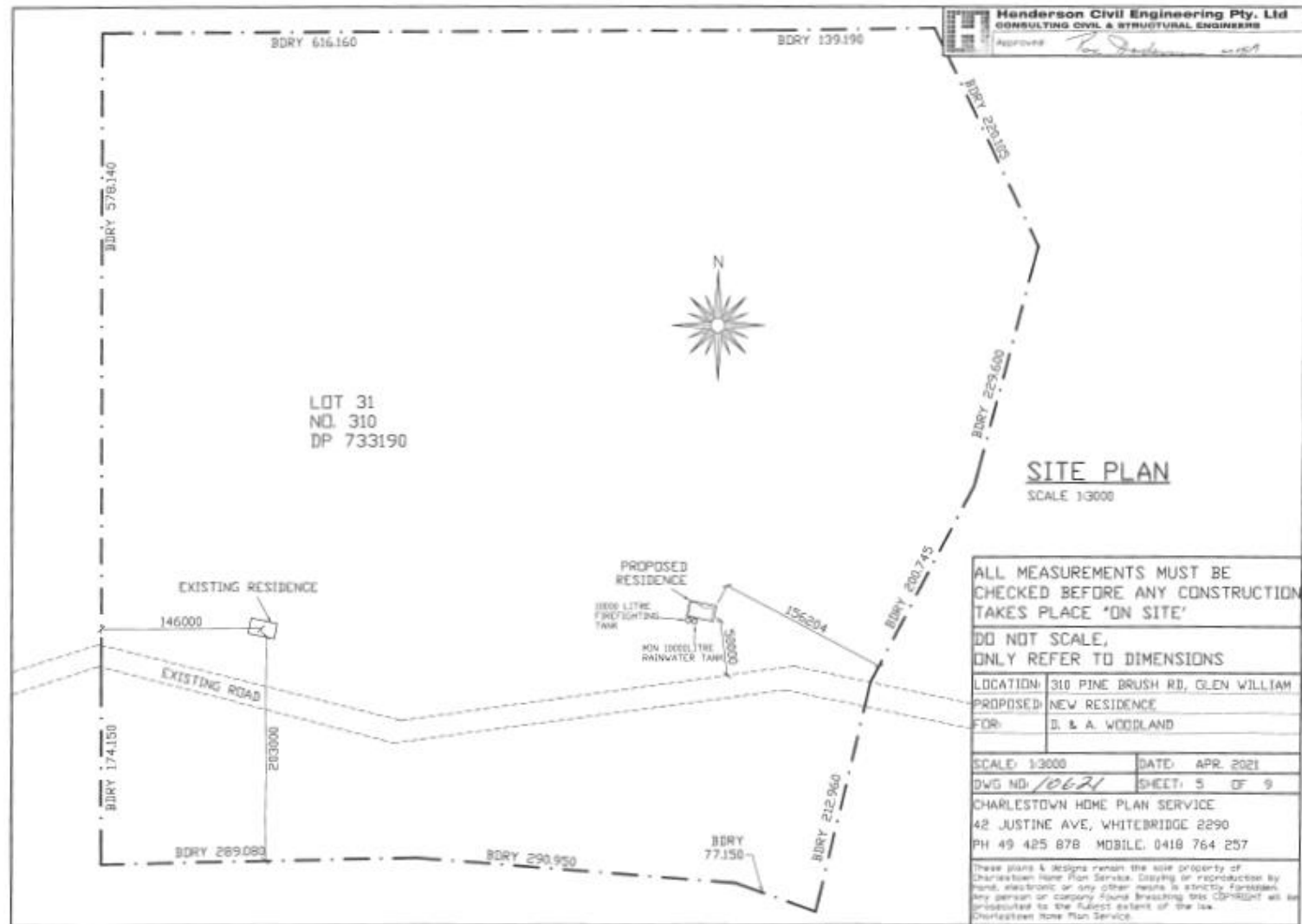
A watercourse known as Back Creek enters the site from the west which is an identified waterway on the Riparian land and watercourses map. A small dam is situated adjacent to the western side boundary, approximately 150m north of the existing built structures.

Figure 1: Locality Plan (Source: Six Maps, 2021)



[illegible]

Figure 3 - Proposed dwelling (Source: Charlestown Home Plan Service, 2021)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently occupied by a dwelling house and ancillary structures under historic approval. The Dungog Council Application Tracker website does not identify any recent or historic approvals and therefore it is assumed that approval was granted pre-dating 1 January 2019. No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to seek consent for new dwelling & proposed change of use (existing dwelling to farm stay accommodation) & proposed change of use (existing shed to farm stay accommodation). The characteristics of the development include:

1. Construction of new dwelling within the east portion of the site to replace existing dwelling involving;
 - a) Master bedroom with ensuite and walk in robe;
 - b) Two bedrooms with built in robes;
 - c) Combined Kitchen and lounge area;
 - d) Sitting room;
 - e) Theatre;
 - f) Double garage;
 - g) Centrally located bathroom;
 - h) Laundry
 - i) Study.
2. Change of use existing dwelling to farm stay accommodation.
3. Change of use existing shed to farm stay accommodation.
 - a) A Building Certificate will be lodged to Dungog Council for assessment concurrently for the internal fit out works within the existing shed structure.

Dwelling house and tourist and visitor accommodation (farm stay accommodation) are identified both permitted with consent in the RU1 Primary Production Zone, defined as:

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.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Figures 2 and 3 above show concept plans of the proposed development. The Architectural plans are provided in **Appendix 6** and **7**.

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*
- *Biodiversity Conservation Act 2016*
- *Hunter Water Act 2000*
- *Water Management Act 2000*
- *Rural Fire 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.

3.1.2 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.

Applicants are to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting a development application to the consent authority.

The subject site contains a small area within the northern portion of the site identified on the Biodiversity Values Map as land with high biodiversity value and sensitive to impacts from development and clearing **Figure 4**. The proposal requires no removal of vegetation within an area mapped as biodiversity value land and the area of impact as prescribed by the Biodiversity Conservation Act. Therefore, no further assessment of the proposal with regard to the Biodiversity Conservation Act is required.

Figure 4 – The site shown containing a small area of biodiversity value (OEH Biodiversity Mapping Tool, 2022)



- **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 development is classified as integrated development and triggers referral to the Rural Fires Service (RFS) under Section 100B of the Rural Fires Act for development classified as a ‘special fire protection purpose’.

- **Section 7.11 – Development Contributions**

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

3.1.3 HUNTER WATER ACT 1991

The Hunter Water Act 1991 provides due consideration to water assets and the protection of water quality. The subject site is located within a Drinking Water Catchment (DWC) – Williams, however the development does not trigger referral to HW under Section 51 of the HW Act as it is not identified as a development type listed within the HWC Guideline for Development in DWC.

Stamped plans are provided within **Appendix 4** in accordance with Section 49 of the HW Act.

3.1.4 WATER MANAGEMENT ACT 2000

The subject site is located within a Drinking Water Catchment. A watercourse known as Back Creek enters the site from the west which is an identified waterway on the Riparian land and watercourses map. However, given development will occur in excess of 40m of the

mapped watercourse, referral to the Natural Resource Access Regulator as integrated development is not required as part of this application.

3.1.5 RURAL FIRE ACT 1997

As identified in **Figure 5** below, the subject site is identified as bushfire prone land. A Bushfire Assessment Report (BAR) has been prepared for the proposed development and is contained in **Appendix 7**.

The proposed development will be constructed to the required standard as recommended in the supporting BAR. Works will be undertaken in accordance with the guidelines of *Planning for Bushfire Protection 2019* and *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.

Figure 5 - Subject land shown as bushfire affect (Source: ePlanning Spatial Viewer, 2022)

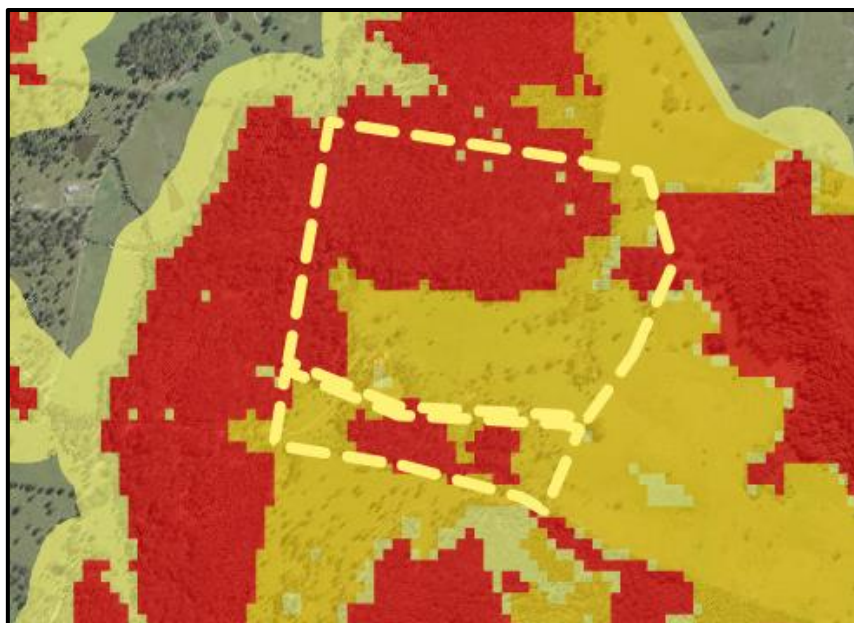


Table 1 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	<p>No – Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless –</p> <ul style="list-style-type: none"> a. an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or b. the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made <p>The AHIMs Search Results Appendix 5 do not identify the site as containing any Aboriginal sites or places (including buffer of 50m), thus 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 works,</p>

		all works will cease in that location and contact shall be made with the appropriate person.
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	Yes – Tourist Development on Bush Fire Prone land is considered to be a Special Protection Purpose and will require an assessment to be provided by the applicant of how the development will meet compliance with Planning for Bushfire Protection. The development will be considered to be Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 and will require referral to the New South Wales Rural Fire Service. A BFA is contained here as Appendix 8 .
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	No– The development will not occur within 40m of the mapped watercourse, referral to the Natural Resource Access Regulator as integrated development is not required as part of this application.

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 (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*

3.2.1 SEPP BASIX (2004)

The aim of this SEPP is to encourage sustainable residential development. A BASIX Certificate has been prepared for the development and is contained by this SoEE as **Appendix 14**. The certificate demonstrates that the proposal can achieve the required water and energy saving targets compared to the standard model house.

3.2.2 SEPP BIODIVERSITY AND CONSERVATION (2021)

Chapter 3 - Koala Habitat Protection 2020

This Chapter aims to encourage the proper 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. This SEPP applies to land identified within Part 3.2, Section 3.5 and LGA's specified within Schedule 2.

The City of Dungog is a local government area to which to policy applies, which is listed under Schedule 1 of the SEPP, therefore this SEPP applies. The proposed development does not seek to remove koala feed trees; thus impact is negligible, and compliance with the SEPP is expected.

3.2.3 SEPP RESILIENCE AND HAZARDS (2021)

The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates, transfers and repeals the provisions of three (3) SEPPs into a single environmental planning instrument, including: the SEPP (Coastal Management) 2018 (Coastal Management SEPP), SEPP 33 – Hazardous and Offensive Development (SEPP 33), and SEPP 55 – Remediation of Land (SEPP 55).

The Resilience and Hazards SEPP aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

Chapter 2 Coastal Management

The aim of this Chapter is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. The site does not contain areas mapped as any of the four coastal management areas above. As such, the Coastal Management Act 2016 does not apply to this development.

Chapter 4 Remediation of Land

The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land.

In accordance with Clause 4.6, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land 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.

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site.

The subject site is currently utilised for rural and residential purposes and there is no evidence that contaminating activities have historically occurred on site. Furthermore, much of the land subject to the proposed development is vegetated. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of Chapter 4 have been satisfied.

3.2.4 SEPP (PRIMARY PRODUCTION (2021))

Chapter 2 Primary production and rural development

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. This policy applies to the Dungog LGA.

Matters to be considered in determining DAs for rural dwellings are listed under Schedule 4 Part 2 of the SEPP. The following matters are to be taken into account—

- a. the existing uses and approved uses of land in the vicinity of the development,
- b. whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- c. whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- d. any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

The site is surrounded by rural and agricultural pursuits. The proposed development is not likely to negatively impact on those surrounding uses. Rather it will seek to build upon the growing Dungog tourism sector and existing rural/residential use of the site.

3.2.4 SEPP TRANSPORT & INFRASTRUCTURE (2021)

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

The residential development types permitted on the land are not classified as traffic generating development in accordance with Schedule 3. Accordingly, a traffic impact assessment is not required and referral to Transport for NSW is not triggered.

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 2.76. The proposed development is greater than 5m from any overhead powerline, thus referral to the electricity supply authority is not triggered under Clause 2.48.

The proposed development type is not classified as traffic generating development in accordance with Schedule 3. Thus, the provisions of Clause 2.121 are not applicable to the development. Further assessment against the SEPP is not required.

3.3 LOCAL ENVIRONMENTAL PLAN

Pursuant to the Dungog Local Environmental Plan 2014 (DLEP) Land Application Map (LAP_001) 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 includes a dwelling house and tourist and visitor accommodation (farm stay accommodation) on-site. Both a dwelling house and tourist and visitor accommodation (farm stay accommodation) is permitted with consent in the RU1 Zone, defined as:

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.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) *backpackers' accommodation,*
- (b) *bed and breakfast accommodation,*
- (c) ***farm stay accommodation,***

(d) *hotel or motel accommodation,*

(e) *serviced apartments,*

but does not include—

(f) *camping grounds, or*

(g) *caravan parks, or*

(h) *eco-tourist facilities.*

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

The Land Use Table of the LEP identifies the following objectives for the RU1 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.*
- *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 farm stay accommodation will provide temporary or short term accommodation to paying guests who visit the property to purchase horses. The proposed farm stay accommodation is considered consistent with the rural and agricultural characteristic of the subject site and surrounding district. Further, the proposal encourages tourist development and employment opportunities within the area.

The proposed development is defined as Dwelling House which is permissible with consent in zone RU1. The proposed dwelling provides for the housing needs of the community, whilst protecting the rural function and amenity of zone RU1. The proposed dwelling is suitably located to minimise any potential land use conflict.

To this extent, the development is considered to meet the objectives of the RU1 land zone.

- **Clause 4.1 – Minimum lot size**

The size of any lot resulting from a subdivision of land to which this Clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The site is identified as having a minimum lot size of 60 Ha under the LEP.

The total site area is 56.82 ha; accordingly, the site does not meet the minimum lot size requirement for the RU1 zone. Clause 4.2A provides exceptions for erection of dwelling houses in the RU2 zone on land less than the minimum lot size permitted. The application therefore refers to the Clause 4.2A for the minimum lot size for the dwelling house development.

- **Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones**

- 1) *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 and dual occupancies in rural and environment protection zones.*
- 2) *This clause applies to land in the following zones—*
 - a) *Zone RU1 Primary Production,*
 - b) *Zone E3 Environmental Management,*
 - c) *Zone E4 Environmental Living.*
- 3) *Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected—*
 - a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land on which the dwelling house or dual occupancy is proposed, or*
 - b) *is a lot created under this Plan (other than under clause 4.1B or clause 4.2(3)), or*
 - c) *is a lot created before this Plan commenced and—*
 - (i) *the erection of a dwelling house was permissible on that lot, and*
 - (ii) *no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot,*
 - d) *before that commencement, or*
 - e) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been*

permissible if the plan of subdivision had been registered before that commencement, or

- f) is an existing holding, or*
- g) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by—*
 - (i) a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or*
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.*

Note— A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

4) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.

5) In this clause—

existing holding means land that—

- a) was a holding on 1 July 2003, and*
- b) is the same holding at the time of lodging a development application under this clause, whether or not there has been a change in the ownership of the holding since 1 July 2003.*

holding means all adjoining land, even if separated by a road, river or railway, held by the same person or persons.

The proposed development seeks consent for the erection of a dwelling house on land which is intended to replace the existing dwelling house. It is noted that the site meets the requirements for permissibility for the replacement of a lawfully erected dwelling house under Clause 4.2A(4) of the LEP.

In consideration of the above, it is therefore recommended that Council approve the proposed development, pursuant to Councils standard conditions.

- **Clause 5.4 – Miscellaneous provisions**

Pursuant to Clause 5.4(5) Farm stay accommodations are subject to additional development standards. The Clause states

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

The proposed number of bedrooms for both farm stay accommodation structures will not exceed 5 bedrooms.

Proposed Farm Stay Accommodation	Maximum Number of Bedrooms
Existing shed to Farm Stay Accommodation	1
Existing Dwelling to Farm Stay Accommodation	3

Therefore, the proposed development will not cause any exceedance of the prescribed number of bedrooms.

- **Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

The site is surrounded by rural, residential and agricultural pursuits. The proposed development is not likely to negatively impact on those surrounding uses. Rather it will seek to build upon the growing Dungog tourism sector and existing rural/residential use of the site. To this extent, the proposed development is considered to be compatible with surrounding land use.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (14 January 2022) did not identify the subject site (with a buffer area of 50m) as containing any Aboriginal sites or places as shown in **Appendix 5**. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

In this regard, the proposed development is consistent with the requirements of clause 5.10.

- **Clause 5.21 – Flood Planning**

The site of the proposed development is not identified as flood prone land.

- **Clause 6.2 – Earthworks**

Minor earthworks associated with the levelling of the site for the installation of services and drainage infrastructure, and establishment of the building foundation is proposed. The design of the dwelling house corresponds to the topography of the site, minimising the requirement for excessive cut and fill (<1.m). Excess soil will be spread across the site.

No adjoining allotments will be impacted by the development. All water run-off is to be directed to the existing stormwater system or controlled with sediment control fencing and is not to cause nuisances to adjoining sites.

Any material that is proposed to be imported or exported from the subject site will consist of Virgin Excavated Natural Materials (VENM), Excavated Natural Materials (ENM) or other certified material. Accordingly, the development complies with the requirements of this clause.

- **Clause 6.4 – Stormwater management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. It is found that the proposed development is in line with the objectives and aims from the Stormwater Management Clause within the LEP. All stormwater will be managed and reused on site. Any stormwater runoff will be collected in the water tank onsite and reused on property.

An appropriately designed, installed and maintained septic system will service the proposed dwelling house, in accordance with the Dungog Shire Council On-site Sewage Management (OSSM) Policy. The existing onsite septic system will continue to service the two proposed farm stay accommodation structures at the site.

- **Clause 6.5 Drinking water catchments and 6.10 Williams River catchment**

The site of the proposed development is identified as located within the Williams River Drinking Water Catchment as identified by the Dungog LEP.

In order to grant development consent to the proposal, Council as the consent authority must first consider the following as per Clause 6.10 sub clause (3):

(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:

- promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, and
- promotes the protection and improvement of the environmental quality of the Williams River Catchment, and
- will have any significant adverse impacts on water quality within the Williams River Catchment, and
- is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.

The development will incorporate an appropriately managed and maintained stormwater management system that will minimise the impacts of stormwater on the land – to Council

specification. The proposal does not seek to impact on the environmental quality of the River Catchment.

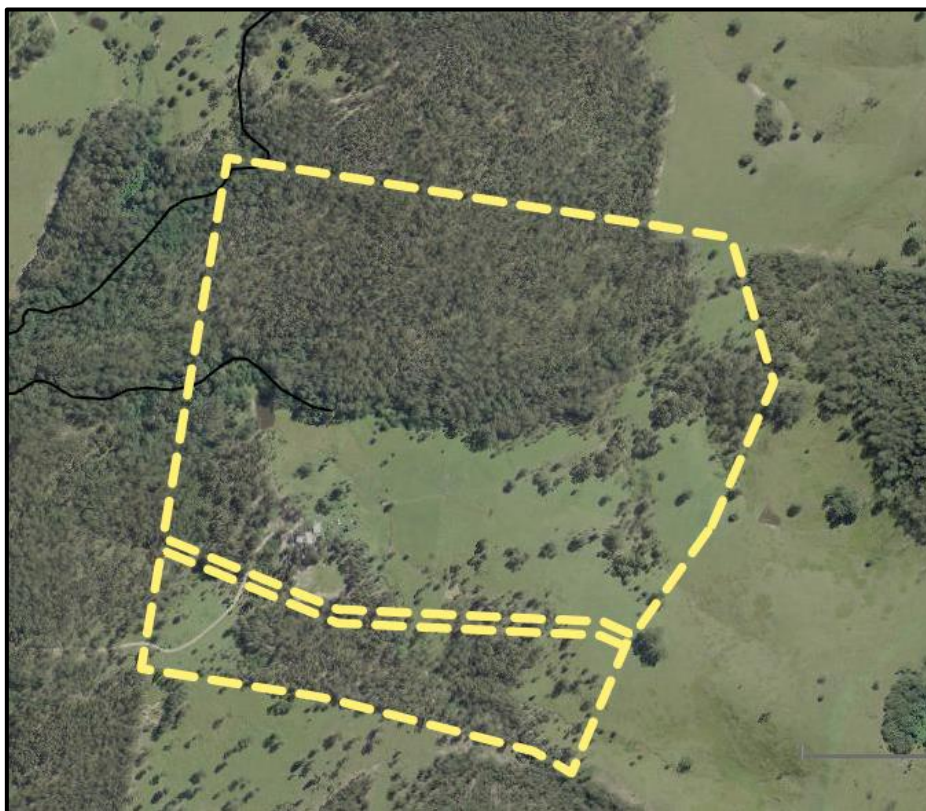
No chemicals or harmful waste will be disposed of on the land. All waste to be disposed of to Council requirement. No neighbouring properties, developments or waterways will be impacted.

- **Clause 6.6 Riparian land and watercourses**

As identified on the Riparian Land and Watercourses Map in the Dungog LEP and FIGURE 5, the land is affected by a “watercourse”. The proposal is setback >40m from the watercourse that enters the site from the western side of the property – Back Creek.

Consequently, due to this large setback, we have reasonable cause to suspect that the development will not have any adverse impact on the water quality, any aquatic and riparian species and ecosystems of that watercourse or the stability and future rehabilitation of the watercourse. The development has been designed and sited to avoid any significant impact on the existing watercourse.

Figure 6 - Riparian land and watercourse mapping (ePlanning Spatial Viewer, 2022)



- **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.

- Electricity, telephone and physical, legal and emergency service are available to and from the site.
 - The site does not have access to reticulated (town) water supply or reticulated sewer services. However, given the rural nature of the site suitable onsite effluent management and rainwater tanks for water collection can be easily managed on onsite.
 - All stormwater will be managed and reused on site, stormwater runoff will be collected in the water tank onsite and reused on property.
 - Access to the site will be maintained via the right of carriageway which links to Pine Brush Road towards the south.
- **Clause 6.12 Protection of rural landscapes in rural and environment protection zones**

The proposed design styles, materials and locations of the proposed structure does not adversely impact the quality of the landscape character. The proposed development has a minor visual impact and does not detrimentally detract from the existing environment.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP is provided in the Table of Compliance provided at **Appendix 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

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 development has demonstrated consistency with the surrounding locality through the environmental planning regulations and site features informing the proposed development. The proposed development will provide employment opportunity, whilst ensuring compatibility with the character of the site and immediate locality. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access to the site will be via a right of carriageway which links to Pine Brush Road towards the south. A plan of the right of carriageway over track in use within Lot 82 DP748568 and Lot 26 DP661546 has been submitted to the Land Registry Services (LRS), and a copy of the lodgement details are contained as **Appendix 12**.

The proposed development will not result in adverse impact on the existing road network. No works are proposed within the road reserve. Overall, it is considered the proposed development will not impact on the safety, efficiency or ongoing operations of Pine Brush Road.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain.

4.1.4 Waste Water Management

The site does not have access to reticulated (town) water supply or reticulated sewer services. However, given the rural nature of the site suitable onsite effluent management and rainwater tanks for water collection can be easily managed on onsite.

An appropriately designed, installed and maintained septic system will service the proposed dwelling house, in accordance with the Dungog Shire Council On-site Sewage Management (OSSM) Policy. The existing onsite septic system will continue to service the two proposed farm stay accommodation structures at the site.

4.1.5 NOISE AND VIBRATION

The development is not considered to have any significant impacts in terms of noise and/or vibration.

4.1.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the site.

4.1.7 STORMWATER

The proposed development shall include a stormwater water system that manages stormwater in accordance with Council's quantity and quality requirements. In addition, the installation and maintenance of erosion and sedimentation controls will occur during construction.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

The proposed development does not require any vegetation removal. It is not anticipated that the development will negatively impact the ecological environment. Local fauna have the same capacity to move throughout the site as currently exists.

4.2.2 LANDSCAPING

No vegetation removal is proposed as part of this application. Accordingly, no additional landscaping has been provided.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (14 January 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 5**. The site is not a heritage listed item, nor is it in proximity to a heritage listed item.

The site has no known Aboriginal artefacts or European historical significance. However, should artefacts be discovered during the construction phase, then they will be managed in accordance with the regulations.

4.2.4 BUSHFIRE

The site is identified as bushfire prone land. The bushfire assessment report provides a suitable buffer without the need for any vegetation clearing.

4.3 SOCIAL AND ECONOMIC

The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. In addition to positive economic impacts to Glen Martin and Dungog Town Centre through increased visitation to the area and localised spending. There are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through an increase in tourists. The proposed development is not out of character with the existing urban or rural context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No 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 considered to be in accordance with DLEP legislative requirements and DDCCP controls for the site. The subject site is located within an existing rural area and is relatively clear of vegetation. The proposed development makes good use of the available land within the existing site. Further, the proposal enables the continuation of the use of the land and encourages tourist development and employment opportunities within the area.

The assessment has demonstrated that it is appropriate in the locality and does not result in any negative visual impacts. The development will meet the requirements of the BCA and

relevant Australian Standards 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 properties.

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 the development in the 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 Glen Martin district and is 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. The proposed development is a suitable option for the site. Any relevant matters have been addressed through this SEE.

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;
- The development will have positive economic impacts for the site and the broader region;
- The land has the capacity to accommodate the development on site whilst managing or mitigating potential environmental issues.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Council's determination of this matter.

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



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