

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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- **SUBDIVISION (ONE INTO FIVE LOTS)  
COMPRISING FIVE LARGE LOT RESIDENTIAL  
LOTS (INCLUDING ONE EXISTING DWELLING  
AND FOUR BUILDING ENVELOPES)**
- **CONSTRUCTION OF PUBLIC ROAD AND  
WATER MAIN CROSSING**
- **FILLING OF EXISTING FARM DAM**

**AT 309 CHICHESTER DAM ROAD, BENDOLBA, NSW,  
2420 (LOT 42, DP 585862) & 315 CHICHESTER DAM  
ROAD, BENDOLBA NSW 2420**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Bendolba Downs Pty Ltd (**the client**) to prepare a Statement of Environmental Effects (SEE) for a subdivision (one into five lots), over 309 Chichester Dam Rd, Bendolba NSW 2420 (LOT: 42 DP: 585862) & construction of public road over 315 Chichester Dam Rd, Bendolba NSW 2420 (LOT: 52 DP: 1239772) (**the site**). The characteristics of the development include:

- Proposed subdivision of 309 Chichester Dam Rd (one into five lots) of the following lot sizes:
  - Proposed Lot 101 – 12696m<sup>2</sup>
  - Proposed Lot 102 – 11977m<sup>2</sup> (containing existing dwelling and ancillary structure)
  - Proposed Lot 103 – 9821m<sup>2</sup>
  - Proposed Lot 104 – 9070m<sup>2</sup>
  - Proposed Lot 105 – 11529m<sup>2</sup>
- Retention of the existing dwelling house on proposed Lot 102;
- Construction of public road 20m wide and pipeline crossing over Hunter Water pipeline, this access road will be constructed over LOT: 52 DP: 1239772;
- Construction of proposed drainage basin on proposed Lot 101;
- Construction of private access road servicing Proposed Lots 103, 104 & 105; and
- Filling of existing farm dam.

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

- The proposed subdivision is permissible on the site with consent, with all proposed lots meeting the minimum lot size requirement.
- No adverse impact on the existing character or amenity of the area will result;
- No adverse impact on the ecological values of the site is attributable to the proposed development; and
- The proposed subdivision is consistent with the desired character of the existing area as demonstrated by the land-use zoning of the subject site, without burdening the essential services supply.

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

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EMA	Effluent Management Area
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

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

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Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Deposited Plan	NSW Land Registry
4	AHIMs Search Results	Perception Planning
5	BYDA Search Results	Perception Planning
6	Bushfire Assessment Report	Firebird Ecosultants
7	Preliminary Civil & Stormwater Plans	High Definition Design Pty Ltd
8	Stormwater Drainage Strategy	High Definition Design Pty Ltd
9	Hunter Water Corporation Stamped plans and Development Requirements	Hunter Water Corporation
10	Wastewater Management Plan	GSL Environmental
11	Subdivision Plan	High Definition Design Pty Ltd

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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 Bendolba Downs Pty Ltd (**‘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>	309 Chichester Dam Road, Bendolba NSW, 2420 315 Chichester Dam Road, Bendolba NSW, 2420
<b>Lot and DP</b>	LOT: 42 DP585862 LOT: 52 DP1239772
<b>Current Use</b>	Existing dwelling house and extensive grazing
<b>Zoning</b>	R5: Large Lot Residential
<b>Size</b>	5.327 ha (LOT: 42/ DP: 585862)
<b>Site Constraints</b>	<ul style="list-style-type: none"><li>• Drinking Water Catchment Special Area - Williams</li><li>• Minimum lot size – 8000 m<sup>2</sup> (R5)</li></ul>
<b>Owner</b>	Owners consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the DP or 88B instrument prohibits the proposed development. A Right of Carriageway 20m wide appurtenant to the subject site as described in Lot 3/DP1158364 and an easement for services 20m wide appurtenant to the subject site is identified within the DP and Certificate of Title provided at <b>Appendix 3</b>

## 1.3 SITE DESCRIPTION

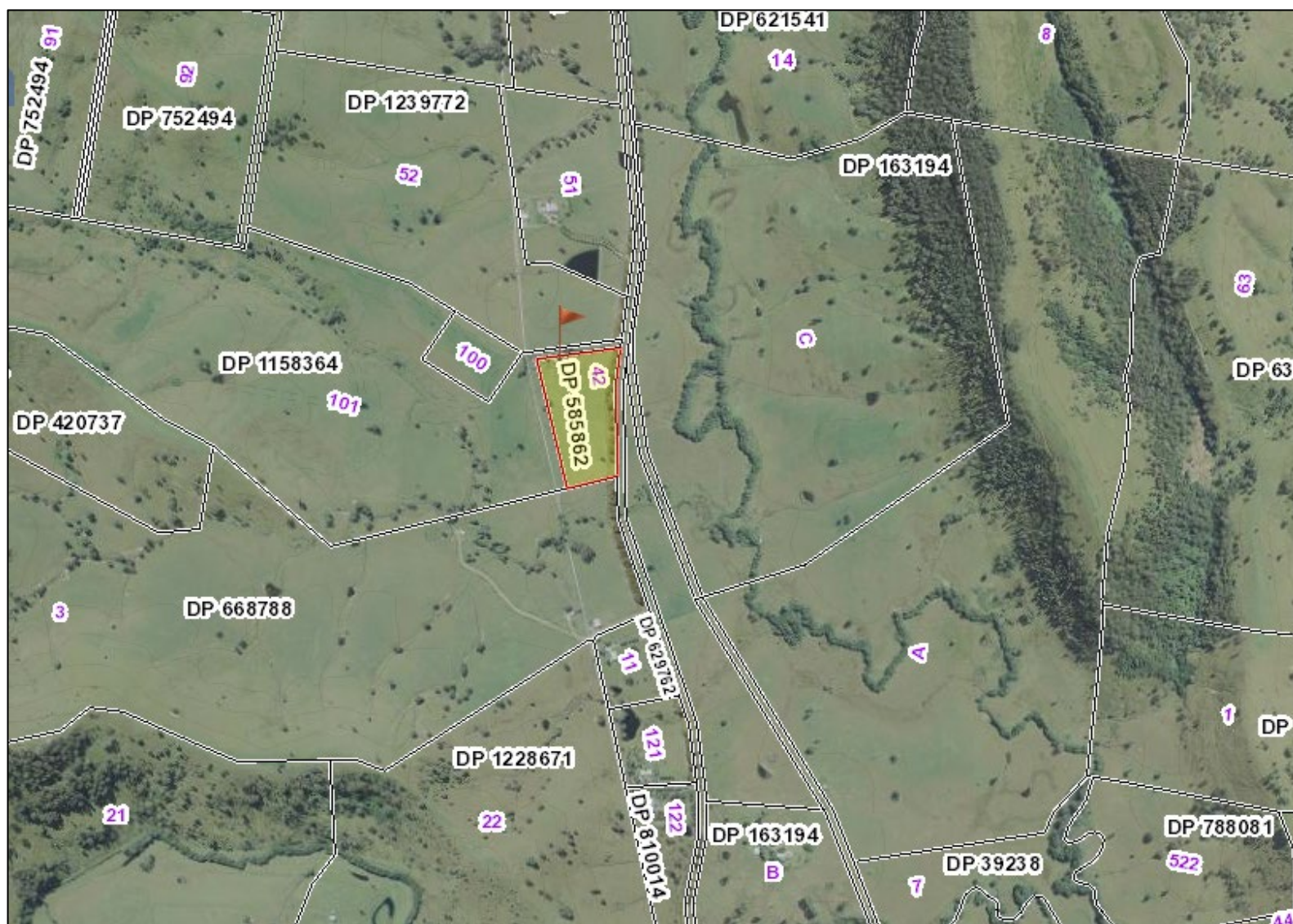
The site is located at 309 Chichester Dam Road, Bendolba, NSW, 2420 shown in **Figure 1** ('the site') and has an area of 5.327 ha (**FIGURE 2**). The site is located on the outskirts of Dungog, approximately 4.5km north of Dungog. The property is within the Dungog Local Government Area (LGA).

Direct vehicular access is available from Chichester Dam Road. The proposed development relies on the utilisation of the existing access from Chichester Dam Road and the construction of a public road over LOT 52/DP 1239772 to grant access to proposed lots. A dwelling house and ancillary structures currently exist on the lot under historic approval. Tank water supply and a septic system currently service the existing dwelling.

Vegetation across the site generally consists of managed grassland with remnant paddock trees. The subject site has been predominantly cleared and was historically and is currently used as grazing land. The property is currently maintained as a small agricultural holding in association with the adjoining Lot 101/DP 1158364.

The Hunter Water pipeline from Chichester Dam lies just outside the western property boundary. This application includes a proposed public road including crossing of the Hunter Water asset, though the proposed subdivision does not rely on access across the Hunter Water pipeline.

Figure 1 – Site Locality Plan (Source: Six Maps, 2022)



## 1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The subject site currently contains a dwelling house and ancillary structures. Current and former uses of the site are agricultural.

The Dungog Council Development Application Tracker website identifies no recent development applications relating to the site.

The application seeks construction of a public road over 315 Chichester Dam Rd, this is consistent with the current development approval over Lot: 52 DP1239772. granting consent for an Eleven (11) Lot Subdivision. This shared asset is considered to be a logical outcome for the future development of the lots.

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 characteristics of the development include:

- Proposed subdivision of 309 Chichester Dam Rd (one into five lots) of the following lot sizes:
  - Proposed Lot 101 – 12696m<sup>2</sup>
  - Proposed Lot 102 – 11977m<sup>2</sup> (containing existing dwelling and ancillary structure)
  - Proposed Lot 103 – 9821m<sup>2</sup>
  - Proposed Lot 104 – 9070m<sup>2</sup>
  - Proposed Lot 105 – 11529m<sup>2</sup>
- Retention of the existing dwelling house on proposed Lot 102;
- Construction of public road 20m wide and pipeline crossing over Hunter Water pipeline, this access road will be constructed over LOT: 52 /DP: 1239772;
- Construction of proposed drainage basin on proposed Lot 101;
- Construction of private access road servicing proposed Lots 103, 104 & 105; and
- Filling of existing farm dam.

The proposed Subdivision Plan is provided below in **Figure 2** and attached at **Appendix 11**.



Figure 2 – Site and Subdivision Plan (Source: Perception Planning, 2022)



## 3 PLANNING CONTROLS

### 3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment 1979*
- *Hunter Water Act 1991*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

#### 3.1.1 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. Section 7.2 of the BC Act states that a development will 'significantly affect threatened species' if:

- it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- it is carried out in a declared area of outstanding biodiversity value.

The subject site does not contain any areas identified on the Biodiversity Values Map (Figure 3) as land with high biodiversity value and sensitive to impacts from development and clearing.



Figure 3 – NSW Planning Portal - Biodiversity Values Mapping Tool

### 3.1.2 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.

- **Section 7.11 – Development Contributions**

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

### 3.1.3 Hunter Water Act 1991

The subject site is located within a Drinking Water Catchment.

Stamped plans and the Notice of Formal Requirements in accordance with Section 49 of the HW Act are provided as **Appendix 10** to this application.

### 3.1.4 Rural Fires Act 1991

The subject site, being Lot 41, is not identified as bushfire prone land however the adjoining lot within the holding (Lot 101/DP 1158364) is mapped as containing bushfire prone land.

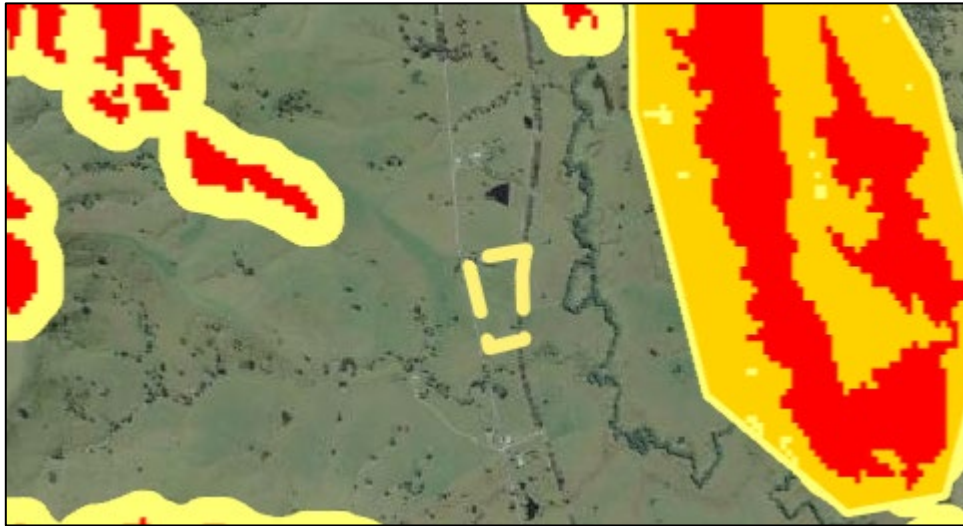
The proposed development is not defined as integrated development and does not require referral to the NSW Rural Fire Service (RFS) requesting a Bushfire Safety Authority (BSA) under Section 100B of the *Rural Fires Act 1997* and General Terms of Approval (GTA) under Division 4.8 of the EP&A Act.

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
- (b) *has been provided with a certificate by a person who is recognized by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*



A Bushfire Assessment Report (BAR) has been prepared and is provided at **Appendix 7**, providing an assessment in accordance with PBP, Rural Fires Act 1997 (s100B) and/or Rural Fires Regulation 2013 (s46).



*Figure 4 - NSW Planning Portal - Bushfire Mapping Tool; Areas of bushfire prone land surrounding the site.*

### **3.1.5 Water Management Act 2000**

No physical works will take place within 40m of any body of water nor will the development have a lasting impact on any watercourses or waterbodies on site.

**Table 2** - Integrated development

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>	N/A
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	N/A – The site is not located within a Mine Subsidence Area.
<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>Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</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>No – The proposed development is not defined as integrated development and does not require consent from the RFS as the lot subject of this application is not mapped as bushfire prone land.</p>



		<p>Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:</p> <p><i>(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or</i></p> <p><i>(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.</i></p> <p>A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at <b>Appendix 7</b> to enable referral to the NSW RFS.</p>
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	<p>No construction works are proposed within 40m of a watercourse thus a referral to the Natural Resource Access Regulator as integrated development is not required as part of this application.</p>

## 3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Transport and Infrastructure) 2021*
- *SEPP (Biodiversity and Conservation) 2021*

### 3.2.1 SEPP (RESILIENCE AND HAZARDS) 2021

#### CHAPTER 4 – REMEDIATION OF LAND

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for large lot residential purposes. Given that the allotment is largely undeveloped and has historically been used for the grazing of cattle, it is unlikely the site is considered contaminated. It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the subject site is land considered suitable for the proposed development and future residential occupation.

### 3.2.2 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

#### CHAPTER 2 - INFRASTRUCTURE

The purpose of this Chapter 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.

##### **Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network**

##### ***Section 2.48 – Determination of development applications – Other development***

Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). Referral to the Electricity Supply Authority is not triggered for the proposed subdivision.

##### **Division 12A, Subdivision 2 Development adjacent to pipeline corridors**

##### ***Section 2.76 – Determination of development applications***

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

##### **Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations**

Chichester Dam Road is identified as a local public road dedicated to Dungog Council. As such, referral or Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.117, 2.118 and 2.119.

### **Section 2.121 – Traffic Generating Development**

In accordance with Section 2.121, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW.

A traffic impact assessment is not considered necessary for the proposed subdivision.

### **3.2.3 SEPP (Biodiversity and Conservation) 2021**

## **CHAPTER 4 – KOALA HABITAT PROTECTION 2021**

This Policy 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. Section 4.4 and Schedule 2 of the SEPP identify the Dungog Local Government Area as land to which the policy applies and subject to the North Coast Koala Management Area.

The key threats within the North 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.

The proposed development does not include significant vegetation removal and as such there is no impact identified on koala habitat and the free-living population. Further assessment of this Chapter is not warranted.

## **3.3 LOCAL ENVIRONMENTAL PLAN (LEP)**

The following parts of the Dungog LEP 2014 apply to the proposed development:

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

The subject site is zoned R5: Large Lot Residential. The proposed development includes a Torrens Title subdivision, which is permissible with consent in the zone in accordance with Clause 2.6 below.

The Land Use Table of the LEP identifies the following objectives for the R5 zone:

R5: Large Lot Residential

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To isolate housing from existing intensive agriculture or future intensive agricultural areas.*

The proposed subdivision aims to retain the existing structures on proposed Lot 102, whilst also providing four additional R5 lots of compliant minimum lot size for the construction of future dwellings to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties or the public domain.

The subject site is not located in the vicinity of any known intensive agriculture or similar farming operation that may have noise or odour implications on the amenity of the proposed or existing lot.

As such the proposed subdivision is considered compatible with these zone objectives.

- **Clause 2.6 – Subdivision**

Land to which this Plan applies may be subdivided, but only with development consent.

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause applicable to the proposed development is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that it is consistent with the relevant development controls. The size of any lot resulting from the 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 minimum lot size in relation to the subject site is 8000m<sup>2</sup> with each Lot meeting this minimum, as specified below:

The proposed Torrens Title Subdivision is as follows;

- a. Proposed Lot 101 – R5 zoned land of area 12,696m<sup>2</sup> and is currently vacant but will contain a proposed building envelope and drainage basin (and associated easement). Access to proposed Lot 101 will be from the proposed public road.
- b. Proposed Lot 102 – R5 zoned land of area 11,977m<sup>2</sup> and currently contains existing dwelling. Access to Lot 102 will utilise the existing driveway with connection to the proposed public road.

- c. Proposed Lot 103 – R5 zoned land of area 9,821m<sup>2</sup> and is currently vacant but will contain a proposed building envelope. Access to proposed Lot 103 will be granted from the private shared access, connecting to the proposed public road.
- d. Proposed Lot 104 – R5 zoned land of area 9070m<sup>2</sup> and is currently vacant but will contain a proposed building envelope. Access to proposed Lot 103 will be granted from the private shared access, connecting to the proposed public road.
- e. Proposed Lot 105 – R5 zoned land of area 11,529m<sup>2</sup> and is currently vacant but will contain a proposed building envelope. Access to proposed Lot 103 will be granted from the private shared access, connecting to the proposed public road.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (21 September 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 4**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 6.1 - Acid Sulfate Soils**

The objective of Clause 6.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is not identified to contain Acid Sulfate Soils (ASS). Potential earthworks associated with any future dwelling on the subject site can be addressed through the subsequent development approval.

- **Clause 6.2 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The construction of the proposed road and stormwater drainage basin will require substantial earthworks. In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the Council must consider the following matters:

- a. the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b. the effect of the development on the likely future use or redevelopment of the land,
- c. the quality of the fill or the soil to be excavated, or both,
- d. the effect of the development on the existing and likely amenity of adjoining properties,

- e. the source of any fill material and the destination of any excavated material,
- f. the likelihood of disturbing relics,
- g. the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- h. any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

This application is accompanied by concept civil design drawings and AHIMS search results with respect to the above matters. 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 6.3 - Flood Planning**

The subject site is not identified by the LEP as containing flood prone land. The proposed building envelopes have been selected such that they are not subject to flooding.

- **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.

A Stormwater Management Plan and Stormwater Drainage Study prepared by High-Definition Design is provided with this application as **Appendix 8 & Appendix 9**. The design incorporates rainwater tanks for each future dwellings and a series of swales and an onsite detention basin to capture overflow and runoff from the road and access way.

- **Clause 6.5 – Drinking water catchments**

The objective of this clause is to protect drinking water catchments (DWC) by minimising the adverse impacts of development on the quality and quantity of water entering drink water storages. The subject site is located within the Williams River DWC, therefore the requirements of Clause 6.5 apply.

The Stormwater Plan and Stormwater Drainage Study prepared by High-Definition Design identifies that stormwater management for any future dwelling is able to be managed and that no impact on the DWC is associated with the proposed development. Therefore, the requirements of this clause have been met.

- **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 continue to be supplied to the existing dwelling via onsite rainwater tanks. Connection / extension of the reticulated water supply is not proposed as part of this application.

- b) Electricity services will be made available to the site as part of the subdivision. This will be addressed during the preparation of the subdivision certificate.
- c) The connection of telecommunications services is not proposed as part of this application, in line with Council's endorsed policy.
- a) The disposal and management of sewage for the existing dwelling will continue to be via the existing onsite sewerage management system. With regard to on-site waste management, please refer to the on-site waste management (OSSM) plan provided within **Appendix 11**. In summary, each of the proposed allotments have a minimum 4000m<sup>2</sup> of usable land for effluent dispersal. The usable land areas meet the setbacks identified within Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'. As such a cumulative impact assessment is not required for the subject proposal.
- b) Stormwater impacts have been assessed within the Stormwater Plan and Stormwater Drainage Study provided as **Appendix 8 & Appendix 9**. The surrounding properties nor the drinking water catchment will not be affected with no adverse impact on receiving environments or adjoining properties attributable to the proposal.
- c) Access from Chichester Dam Road servicing the proposed lots via the construction of a public road and connecting private access road to grant access to proposed lots 103, 104, 105.

The Before You Dig Australia (BYDA) search results are provided at **Appendix 5**.

- **Clause 6.10 – Williams River Catchment**

The objective of this clause is to protect and improve the environmental quality of the Williams River Catchment. This clause applies to land identified as "Williams River Catchment Area" on the Williams River Catchment Map. As the subject site falls within this catchment, the requirements of Clause 6.10 apply.

*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 proposed subdivision proposes no works that may impact the watercourse adjoining the site and the stormwater and wastewater management of any future dwelling has been

considered within the requirements of the Development Assessment Framework (DAF). A Wastewater Management Report is supplied as **Appendix 11** to this application. It has been found that no impact on the watercourse, its banks or bed or the passage of fish within the river is anticipated as a result of the proposed development.

No increase in water extraction from the watercourse is proposed by this application

### **3.4 DEVELOPMENT CONTROL PLAN (DCP)**

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 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 proposed development achieves compliant minimum lot size and is consistent with the prevailing rural nature of the locality and is characteristic of other developments in both the local and wider community. There are no anticipated adverse impacts on the rural amenity or built environment as a result of the proposed development.

The proposed building envelopes and setbacks allow the potential future dwellings to have minimal visual impact on the site and surrounds from surrounding property and public roads.

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

Access from Chichester Dam Road servicing the proposed lots via the construction of a public road and connecting private access road to grant access to proposed lots 103, 104, 105.

Any additional traffic from the proposed subdivision will be minor in nature and will not result in a detrimental impact to the existing street network. No additional vehicle crossings from Chichester Dam Road are proposed as a result of this development application.

#### **4.1.3 PUBLIC DOMAIN**

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

#### **4.1.4 SERVICES**

Electricity, telephone, and physical, legal and emergency service are available to the site. The proposed subdivision will not unreasonably increase demand of these services.



#### 4.1.5 NOISE AND VIBRATION

No construction is proposed as part of this development.

Future construction noise associated with any residential development of the sites will be as per normal construction times and processes and will cease once construction is completed.

## 4.2 NATURAL ENVIRONMENT

### 4.2.1 ECOLOGICAL

No removal of vegetation to facilitate the subdivision is required. It is not anticipated that the development will have a detrimental impact on the ecology on the site or the surrounding area.

### 4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (21 September 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 4**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

### 4.2.3 STORMWATER

This application is accompanied by a Stormwater Management Plan (**Appendix 8**) for the proposed lots and is demonstrated not to result in any negative impacts on the land, water or vegetation on the site or its surroundings. A continuation of the rural residential land use will occur as a result of the proposed development.

## 4.3 SOCIAL AND ECONOMIC

### **Social**

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development is for a subdivision with minimal social impacts. The lots will continue to be serviced by suitable facilities and services without burdening the existing supply available within the area. The proposed development provides positive economic and social impacts by facilitating construction activity and the active management of the land.

The proposed development:

- Will service the needs of the property owners without impacting on the surrounding area,

- Will not disadvantage or benefit any particular social group,

There are no anticipated adverse economic impacts as a result of the proposed development as the properties are not utilised for any sort of intensive agricultural use. The proposed development is not out of character with the existing development 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.

### **Economic**

There are no anticipated adverse economic impacts as a result of the proposed development.

#### **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. Additional residential development and subsequent habitation of the site will help to further enhance the passive surveillance and of the adjoining area from the site and may contribute to increased safety and security in the area.

## **5 SUITABILITY OF THE SITE**

The proposed development is a suitable use of the site. The application includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SEE.

The proposed subdivision will not have any adverse impacts on surrounding properties or amenity of the locality. The proposal is within the public's best interest.

To this extent, the site is suitable for 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 neighbor notification letters to adjoining or adjacent properties.

## **7 PUBLIC INTEREST**

The subject site is located within an existing large lot residential area. The site has access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

There are no tangible cumulative impacts arising from the proposal, given the small scale nature and appropriateness of the development in conjunction with each lot. Cumulative impacts are positive in that the subdivision will ensure that the site can be utilized to its full potential and creates three additional lots assessed to be suitable for the construction of a future dwelling whilst ensuring the impacts on the site and the surrounding area are minimal in nature.

To this extent, the site is suitable for development.

## **8 CONCLUSION**

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed lot subdivision development is the most suitable option for the development of 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 lot subdivision is permissible on the site with consent, with the proposed lots meeting the minimum lot size requirement;
- No adverse impact on the existing character or amenity of the area will result;
- No adverse impact on the ecological values of the site is attributable to the proposed development;
- The proposed subdivision is consistent with the land use and layout of the existing area, without burdening the essential services supply;
- The subdivision of the land to create lots of compliant MLS will directly benefit the community through providing additional dwelling entitlements. The proposed lots contain identified building envelopes which are largely unconstrained to meet the housing needs of the growing community population.

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

If we can provide any further information or clarity, please do not hesitate to contact us.



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