

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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**CANGON PARK, STAGE 2 –  
1 INTO 91 LOT TORRENS TITLE SUBDIVISION (90  
R5 LOTS AND ONE RESIDUE RU1 LOT)  
INCLUDING ROADS AND OTHER CIVIL WORKS**

**HANLEYS CREEK ROAD, TABBIL CREEK, NSW 2420  
(LOT: 32 DP1282790)**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Mildhill Pty Ltd (**the client**) to prepare a Statement of Environmental Effects (SEE) for a Torrens Title Subdivision (Stage 2 Cangon Park) at Hanleys Creek Road, Tabbil Creek, NSW 2420 (Lot: 32 DP1282790) (**the site**).

The proposed development includes a Torrens title subdivision (1 lots into 90 R5 Lots and one residue RU1 Lot) within Stage 2 of the Cangon Park Estate, accessed via Hanley Creek Road. Each R5 Lot ranges in size between 8,000m<sup>2</sup> and 3.38ha, capable of supporting building envelopes of between 1,000m<sup>2</sup> and 1,500m<sup>2</sup> in accordance with the DCP, taking setbacks, asset protection zones, vegetation, watercourses, and effluent management areas into consideration. The RU1 Lot measures 108.9ha in size. The proposed subdivision also incorporates civil works, as follows:

- Approx. 4.3km of sealed roads with two new intersections and cul-de-sacs internally to provide access to the proposed Lots and a looped road connection between the existing road constructed in Stage 1.
- One drainage reserve.

This stage of the development will complete the residential development of zoned land within the Cangon Park Estate. The development footprint (49.1 ha) has largely been located central to the site, which predominantly comprises exotic pasture grasses and weeds.

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

## LIST OF FIGURES

<b>Figure 1:</b> Site Locality Plan (Source: NSW ePlanning Spatial Viewer, 2022) .....	10
<b>Figure 2:</b> Proposed subdivision layout (Source: Delfs Lascelles Consulting Surveyors, 2022) .....	12
<b>Figure 3:</b> NSW Planning Portal - Biodiversity Values Mapping Tool .....	14
<b>Figure 4:</b> NSW Planning Portal - Bushfire Mapping Tool; Areas of bushfire prone land .....	16
<b>Figure 5:</b> Mapped watercourses throughout the site (blue lines, NSW ePlanning Spatial Viewer, 2022) .....	17

## LIST OF TABLES

<b>Table 1:</b> Supporting Documentation / Appendices .....	5
<b>Table 2:</b> Site Particulars .....	9
<b>Table 3:</b> Integrated development requirements .....	14
<b>Table 4:</b> DCP Compliance Assessment .....	25

## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

**Table 1:** Supporting Documentation / Appendices

Appendix	Document	Prepared by	Reference
1	EP&A Regulation Compliance Table	Perception Planning	J002284
2	Draft DCP	Perception Planning	N/A
3	Deposited Plan	NSW Land Registry	N/A
4	Subdivision Plan	Delfs Lascelles	21692, Rev B and dated 24.10.22
5	BYDA Search Results	Perception Planning	N/A
6	Bushfire Assessment Report	Firebird Ecosultants	Dungog – Perception Planning – August 2022 and dated 12/08/2022
7	Biodiversity Development Assessment Report	Firebird Ecosultants	Dungog – John Lidbury, Ver: 1 and dated 26/09/2022
8	Building Envelope Plans	DRB Consulting Engineers	211042, Rev: B and dated 06.09.2022
9	Civil & Stormwater Plans	DRB Consulting Engineers	211042, Rev: B and dated 25.08.2022
10	Bulk Earthworks Plans	DRB Consulting Engineers	211042, Rev: B and dated 25.08.2022
11	Civil Design Report	DRB Consulting Engineers	211042, Rev: A and dated 25/08/2022
12	HWC Stamped plans and Development Requirements	Hunter Water Corporation	TBC
13	Wastewater Management Plan	Whitehead & Associates	WMR_3028_001 and dated 1 September 2022
14	Aboriginal Cultural Heritage Assessment Report	Myall Coast Archaeological Services	Dated 12/09/2022
15	Landscape Plan	Green Space Planning Co.	GSP210290, Issue: A and dated 12/09/2022
16	Visual Impact Assessment	Green Space Planning Co.	September 2022

# 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
2 DESCRIPTION OF THE DEVELOPMENT .....	11
2.1 PROPOSED DEVELOPMENT .....	11
3 PLANNING CONTROLS .....	13
3.1 ACTS .....	13
3.1.1 Biodiversity Conservation Act 2016 .....	13
3.1.2 Environmental Planning and Assessment Act 1979 .....	14
3.1.3 Hunter Water Act 1991 .....	15
3.1.4 Rural Fires Act 1991 .....	15
3.1.5 Water Management Act 2000 (WM Act) .....	16
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) .....	18
3.2.1 SEPP (RESILIENCE AND HAZARDS) 2021 .....	18
CHAPTER 4 – REMEDIATION OF LAND .....	18
3.2.2 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021 .....	18
CHAPTER 2 - INFRASTRUCTURE .....	18
3.2.3 SEPP (Biodiversity and Conservation) 2021 .....	19
CHAPTER 4 – KOALA HABITAT PROTECTION 2021 .....	19
3.3 LOCAL ENVIRONMENTAL PLAN (LEP) .....	19
3.4 DEVELOPMENT CONTROL PLAN (DCP) .....	24
4 LIKELY IMPACTS OF THE DEVELOPMENT .....	29
4.1 BUILT ENVIRONMENT .....	29
4.1.1 CONTEXT, SETTING AND VISUAL IMPACT .....	29
4.1.2 ACCESS, TRANSPORT AND TRAFFIC .....	29
4.1.3 PUBLIC DOMAIN .....	30
4.1.4 SERVICES .....	30
4.1.5 NOISE AND VIBRATION .....	30

4.2	NATURAL ENVIRONMENT .....	30
4.2.1	ECOLOGICAL .....	30
4.2.2	LANDSCAPE .....	31
4.2.3	ARCHAEOLOGY .....	31
4.2.4	STORMWATER.....	31
4.3	SOCIAL AND ECONOMIC.....	31
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION .....	32
5	SUITABILITY OF THE SITE.....	33
6	ANY SUBMISSIONS AND CONSULTATION.....	33
7	PUBLIC INTEREST .....	33
8	CONCLUSION .....	33

# 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 Mildhill 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

Table 2: Site Particulars

Property Address	Hanleys Creek Road, Tabbil Creek NSW, 2420
Lot and DP	LOT: 32 DP1282790
Known As	Stage 2 – Cangon Park
Current Use	Vacant land
Zoning and minimum lot size	Split zoned: <ul style="list-style-type: none"><li>• R5: Large Lot Residential (8,000m<sup>2</sup>)</li><li>• RU1: Primary Production (60 ha)</li></ul>
Size	240.6 ha
Site Constraints	<ul style="list-style-type: none"><li>• Drinking Water Catchment Special Area - Williams</li><li>• Riparian Lands and Watercourses</li></ul>
Owner	Owner's consent has been provided on the Application Form for the DA.
DP and 88B Instrument	The site contains several easements pertaining to water supply, drainage, and powerlines. Nothing on the DP ( <b>APPENDIX 3</b> ) or 88B instrument prohibits the proposed development is identified within the DP.

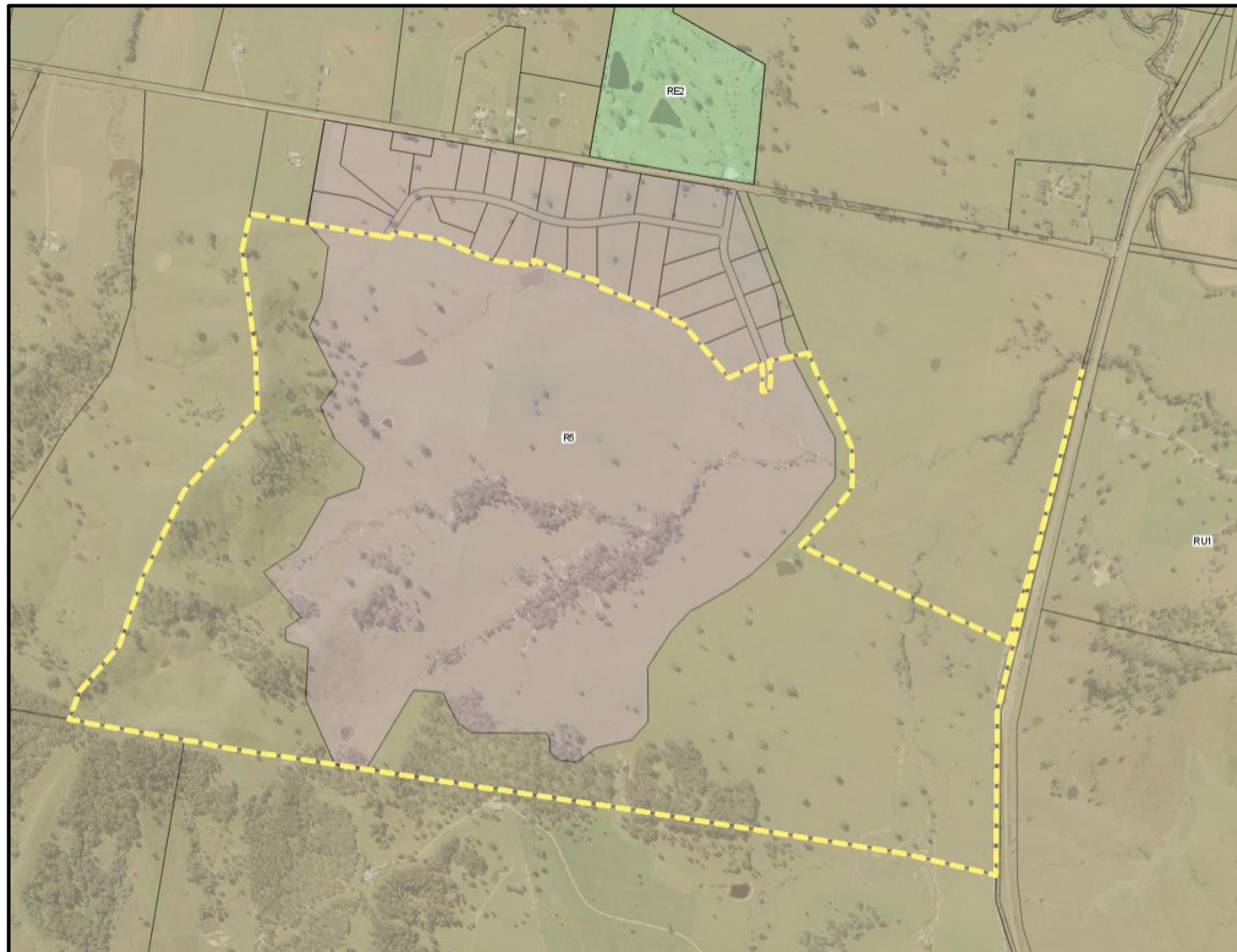
## 1.3 SITE DESCRIPTION

The existing parent Lot (Lot: 16 DP865027) was subdivided to facilitate Stage 1 of the 'Cangon Park Estate', with all thirty (30) Lots now registered. The new parent Lot: 32 DP1282790 ('**the site**'), known as Hanleys Creek Road, Tabbil Creek, NSW 2420 measures 240.6ha in size (**APPENDIX 3**) and is shown in **FIGURE 1** below. The site is located on the outskirts of Dungog, approximately 4.5km south-west of Dungog. The property is within the Dungog Local Government Area (LGA).

Direct vehicular access to the proposed residential Lots is available from Hanleys Creek Road to the north, via the roads constructed as part of Stage 1 of the subdivision. Access to the RU1 land is available from Chichester Dam Road to the east.

Vegetation across the site generally consists of managed grassland with remnant paddock trees. Several watercourses, including Cangon Creek traverse the site and feature sparsely wooded areas along their banks. The site generally falls from a high ridge line in the southwestern corner of the site, towards the east where existing natural watercourses discharge below Clarence Town Road. Site grades vary considerably, from 20% around the ridgeline and hills to the southwest, to 1.5% around the low-lying floodplain areas.

**Figure 1:** Site Locality Plan (Source: NSW ePlanning Spatial Viewer, 2022)



## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The proposed development includes a Torrens title subdivision (1 lots into 90 R5 Lots and one residue RU1 Lot) within Stage 2 of the Cangon Park Estate, accessed via Hanley Creek Road. Each R5 Lot ranges in size between 8,000m<sup>2</sup> and 3.38ha, capable of supporting building envelopes of between 1,000m<sup>2</sup> and 1,500m<sup>2</sup> in accordance with the DCP, taking setbacks, asset protection zones, vegetation, watercourses, and effluent management areas into consideration. The RU1 Lot measures 108.9ha in size. The Lot sizes are further detailed on Sheet 3 of the Building Envelope Plans provided at **APPENDIX 8**.

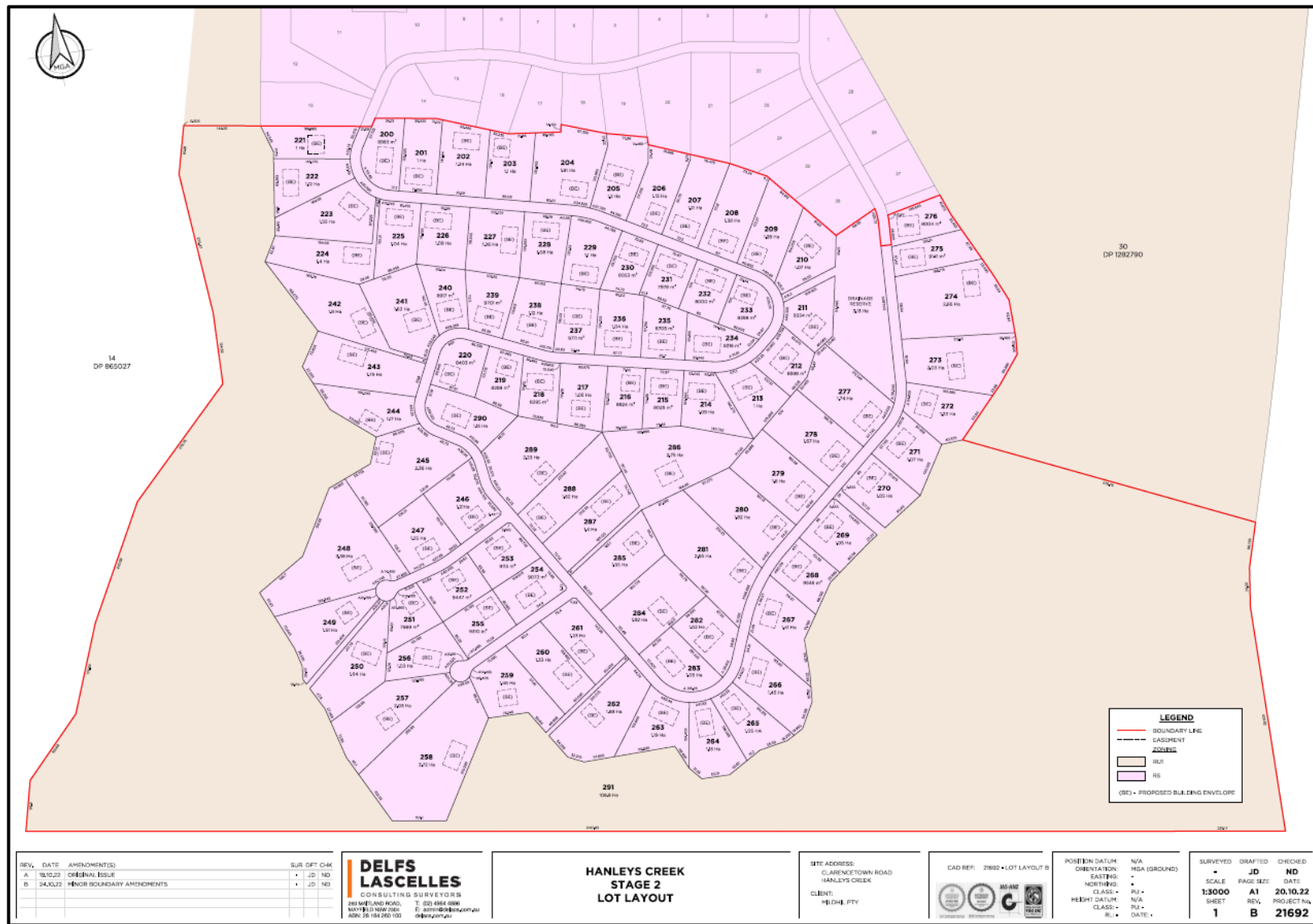
The proposed subdivision also incorporates civil works, as follows:

- Approx. 4.3km of sealed roads with two new intersections and cul-de-sacs internally to provide access to the proposed Lots and a looped road connection between the existing road constructed in Stage 1.
- One drainage reserve.

This stage of the development will complete the residential development of zoned land within the Cangon Park Estate. The development footprint (49.1 ha) has largely been located central to the site, which predominantly comprises exotic pasture grasses and weeds.

The proposed Subdivision Plan is provided below in **FIGURE 2** and provided at **APPENDIX 3**.

Figure 2: Proposed subdivision layout (Source: Delfs Lascelles Consulting Surveyors, 2022)



## 3 PLANNING CONTROLS

### 3.1 ACTS

The following Acts are considered relevant to the proposed development:

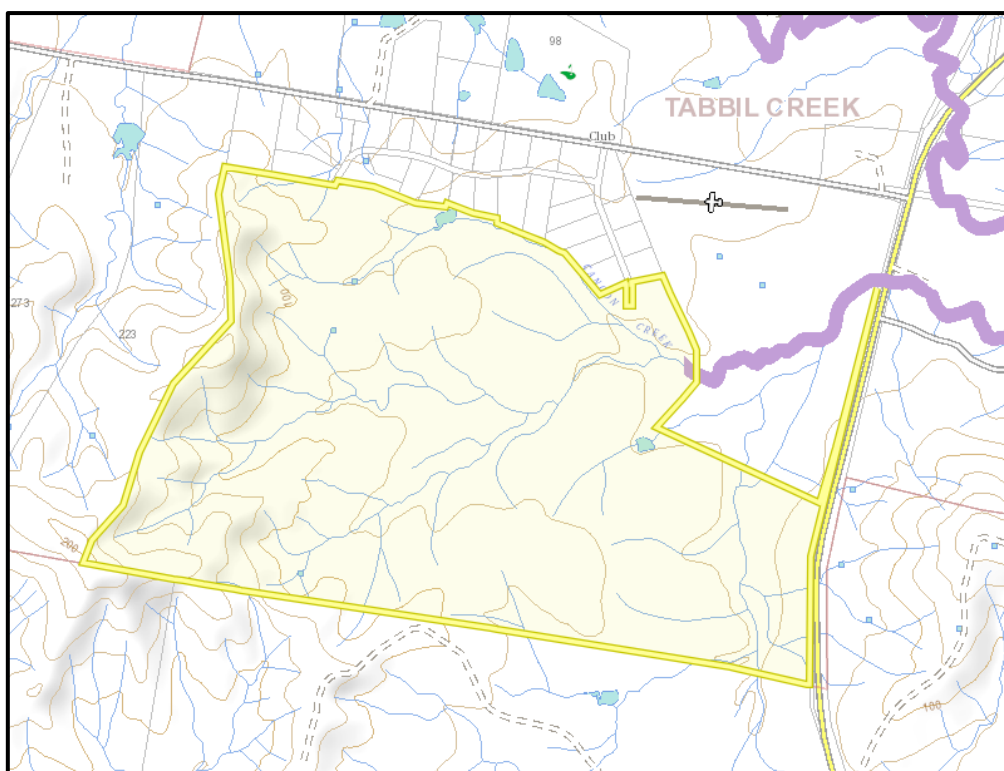
- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment 1979*
- *Hunter Water Act 1991*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

#### 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:

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

The subject site contains a small area identified on the Biodiversity Values Map (**FIGURE 3**) as land with high biodiversity value and sensitive to impacts from development and clearing. The extent of native vegetation impacted by the development footprint (construction and operational) is 4.96 ha, thus a BDAR has been prepared to support this application and is provided at **APPENDIX 7** in accordance with the requirements of the BC Act.



**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, for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 3** below.

**Table 3:** Integrated development requirements

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>	▪ s 22	N/A – The site is not located within a Mine Subsidence Area.
<b>Mining Act 1992</b>	▪ s 63, 64	N/A
<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	▪ s 90	N/A – Should any Aboriginal objects be uncovered during works; all works will cease in that location and contact shall be made with the appropriate person.
<b>Protection of the Environment Operations Act 1997</b>	▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122	N/A
<b>Roads Act 1993</b>	▪ s 138	N/A
<b>Rural Fires Act 1997</b>	▪ s 100B	Yes – Refer to further comment under the RF Act below.
<b>Water Management Act 2000</b>	▪ ss 89, 90, 91	Yes – Refer to further comment under the WM Act 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**

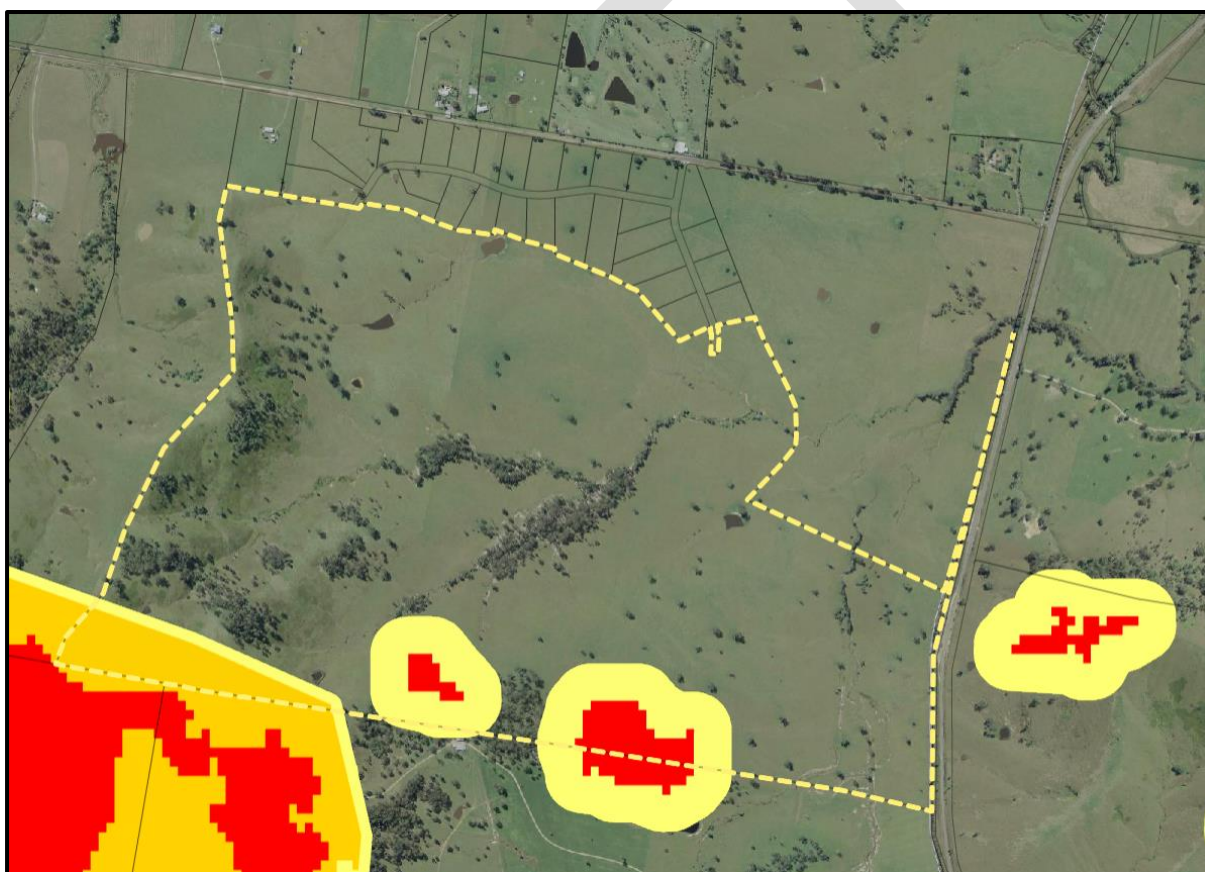
The site is mapped as containing bushfire prone land, vegetation category 1, 2 and buffer. As such, the proposed development is defined as integrated development and requires referral to the NSW Rural Fire Service (RFS) requesting a Bushfire Safety Authority (BSA) under Section 100B of the *Rural Fires 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 6**, 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

### **3.1.5 Water Management Act 2000 (WM Act)**

Several first and second order streams traverse the site, inclusive of Cangon Creek as shown in **FIGURE 5** below. Physical works will take place within 40m of any body of a watercourse, thus referral to the Natural Resource Access Regulator (NRAR) under Section 91 of the WM Act, requesting General Terms of Approval (GTAs) for the provision of a controlled activity approval (CAA) prior to the issue of any subdivision works certificate.





**Figure 5:** Mapped watercourses throughout the site (blue lines, NSW ePlanning Spatial Viewer, 2022)

## 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 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' gas 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**

Hanleys Creek 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 site is greater than 1 ha and is located within the Dungog LGA thus this SEPP applies. The BDAR provided with the application at **APPENDIX 7** states that no core koala habitat was identified within site surveys, thus no further assessment under the SEPP is required (see Appendix G of the BDAR for further detail).

## **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 and RU1: Primary Production. 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:

- *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 provides 91 additional R5 lots, compliant with the 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 proposed lots are wholly within the R5 zoned land and will complete the final stage of the Cangon Park Estate. To this extent, the subdivision will not unreasonably increase the demand for public services or facilities, given the Lots proposed do not extend beyond this zoned land and capacity of existing infrastructure and facilities were quantified and qualified during initial rezoning of the stage.

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, thus conflict is not envisaged with other agricultural land uses adjoining. As such the proposed subdivision is considered compatible with these zone objectives.

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 residue RU1 Lot measures 108.9ha in size, which meets the minimum lot size of 60 ha, ensuring rural character and capabilities are maintained. This Lot can support a dwelling, to enable proper maintenance and management of the rural Lot. To this extent, the proposed subdivision meets the objectives of the RU1 Zone.

- **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 can 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 (MLS) in relation to the R5 land use zone is 8000m<sup>2</sup> and the MLS in relation to the RU1 land use zone is 60 ha. Each R5 Lot complies with the MLS, ranging in size between 8,000m<sup>2</sup> and 3.72ha, capable of supporting building envelopes of between 1,000m<sup>2</sup> and 1,500m<sup>2</sup> in accordance with the DCP, taking setbacks, asset protection zones, vegetation, watercourses, and effluent management areas into consideration. The RU1 Lot measures 108.9ha in size, compliant with the 60ha MLS.

- **Clause 5.10 – Heritage conservation**

An Aboriginal Cultural Heritage Assessment (ACHA) has been prepared and is provided at **APPENDIX 14**. Search results obtained from the Aboriginal Heritage Information Services (AHIMS) database are provided within the ACHA (11 September 2022), which do not identify the subject site as containing any Aboriginal sites or places. The ACHA however notes that the site and region are known to have been used by Aboriginal people thus 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 requirements of clause 5.10 have been satisfied in this regard.

- **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 designs (**APPENDIX 9**), bulk earthworks plans (**APPENDIX 10**) and an ACHA (**APPENDIX 14**) 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; however, several watercourses traverse the site. 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 Civil Design Report prepared by DRB Consulting Engineers is provided with this application as **APPENDIX 9 and APPENDIX 11**. The design incorporates rainwater tanks (40L) for each future dwellings and a series of swales and an onsite detention basin (wetland) to capture overflow and runoff from the roads constructed, which provides a lower maintenance outcome in comparison to a biofiltration option. The Plan demonstrates compliance with Clause 6.4, through minimising impacts of stormwater on the land and adjoining land.

- **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 Civil Design Report prepared by DRB Consulting Engineers identifies that stormwater quality and quantity can be managed for the proposed development via the proposed rainwater tanks and end of line wetland. The modelling is provided within the Report for complete clarity. The proposed subdivision and any future dwelling can be managed in accordance with the HWC requirements, thus 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 through a combination of overhead and underground services will be made available to the site as part of the subdivision, extended from Stage 1. 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.
- d) Regarding on-site waste management, please refer to the on-site waste management (OSSM) plan provided within **APPENDIX 13**. In summary, generated wastewater from future dwellings within the proposed Lots will be treated to a secondary standard in an appropriately sized and located system. The secondary treated effluent is to be dispersed on-site via pressure compensating SSI within a Land Application Area of
  - 480m<sup>2</sup> with a nutrient buffer of 291m<sup>2</sup> for Lots 200, 201, 203-217, 228, 230, 232-236, 238, 253, 254, 259-261, 263-267, 269-273, 275-278, 282, 283, 285, 287, 288; and
  - 600m<sup>2</sup> with a nutrient buffer of 171m<sup>2</sup> for Lot 202, 218-227, 229, 231, 237, 239-252, 255-258, 262, 268, 274, 279-281, 284, 286, 289, 290.

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.

- e) Stormwater impacts have been assessed within the Stormwater Plan and Civil Design Report provided as **APPENDIX 9 and APPENDIX 11**. 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.
- f) Access from Hanleys Creek Road via the constructed roads within Stage 1 of the estate will service the proposed lots via the construction and extension of internal roads in accordance with the civil designs provided.

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 13** to this application providing a detailed review of the on-site management requirements.

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

A proposed DCP (Part D.10) is provided at **APPENDIX 2**, noting Part D.9 only relates to Stage 1 of the Estate. The proposed DCP provides consistent controls to the endorsed Stage 1 DCP, noting the design has been prepared based on this DCP for consistency. The following key considerations are noted in relation to the subdivision design:



**Table 4:** DCP Compliance Assessment

Element	Performance Criteria / objective	Compliance
Subdivision General	<p>At a minimum, the following elements are to be incorporated into the design:</p> <ul style="list-style-type: none"> <li>a) Roads to be designed in accordance with Council's Roads Management Strategy, Policy C3.18 Provision of Rural Road Services, AUSPEC documentation and relevant Austroads Standards where applicable. Roads to be designed where possible to reflect land topography.</li> <li>b) Provide a diverse range in lot sizes. A variation will be sought to the minimum lot size for some of the proposed lots in the RU1 zone.</li> <li>c) All lots to accommodate an unconstrained area of 4,000m<sup>2</sup> within which a dwelling, effluent disposal area and Asset Protection Zone (APZ) can be located having regard to other provisions of this Plan.</li> <li>d) Vegetation corridor 100m wide along the Clarence Town Road frontage and 10 metres wide along Hanleys Creek Road to provide a partial visual screen of trees.</li> <li>e) The provisions of <i>NSW Rural Fire Service – Planning for Bushfire Protection</i>.</li> <li>f) Prohibit the use of motorbikes and other recreational vehicles in constrained areas only (e.g., riparian management zones).</li> <li>g) Boundary fencing to be limited to timber post and rail/wire rural type fencing which permits the movement of native fauna across the site and is free from 'netting type' material and maintains the open rural nature of the landscape.</li> </ul>	<p>In response to the matters identified, the following is provided:</p> <ul style="list-style-type: none"> <li>a) Roads have been designed in accordance with the referenced policy and respond to the topography of the land where possible.</li> <li>b) The proposed Lots range between 8,000m<sup>2</sup> and 65.44 ha providing diversity.</li> <li>c) All lots can accommodate the required effluent disposal area and APZs as detailed within the supporting documents.</li> <li>d) No change to the vegetation corridor is proposed.</li> <li>e) The bushfire report provided demonstrates compliance with PBP.</li> <li>f) Noted.</li> <li>g) Noted.</li> <li>h) Stormwater management has been designed in accordance with Council's requirements as detailed within the civil design report submitted with this application.</li> <li>i) The design has ensured vegetation removal is avoided where possible.</li> </ul>

	<p>h) Stormwater management in accordance with Council's requirements.</p> <p>i) Minimising native vegetation removal through sensitive design and maximisation of the cleared lands for urban development – note the subdivision layout has been designed to avoid vegetation removal.</p>	
Residential Amenity	<p>New dwellings are to be sited to comply with the following setbacks:</p> <ul style="list-style-type: none"> <li>- 800m minimum from Clarence Town Rd</li> <li>- 50m from Hanleys Creek Rd</li> <li>- 15m from internal roads</li> <li>- 10m from side and rear boundaries</li> <li>- 40m from a watercourse.</li> </ul>	<p>The Building Envelope Plans provided at <b>APPENDIX 8</b> demonstrate each Lots compliance with the setback requirements. For the 27 Lots that are unable to meet the required setbacks due to constraints (water courses or vegetation), the building envelope has been reduced to 1,000m<sup>2</sup>.</p>
Effluent Management	<p>a. To ensure that all wastewater generated by each lot is treated and managed appropriately and sustainably within the boundaries of each lot.</p> <p>b. To ensure that there are no off-site impacts resulting from the on-site management of wastewater on each lot within the subdivision; as well as neighbouring properties and the broader environment.</p>	<p>Please refer to the assessment provided under Clause 6.8 of the LEP above and associated Wastewater Management Report submitted.</p>
Vegetation Management	<p>a. To control, minimise or prevent the destruction of native vegetation, limit the overall impact of the development on vegetation and native fauna, and prevent the spread of noxious weeds.</p> <p>b. To prevent adverse impacts on native fauna</p> <p>c. To manage pets/companion animals so as to prevent adverse impacts on local biodiversity and the amenity of existing and future owners and residents.</p>	<p>Please refer to the assessment provided under Section 3.1.1 of this SoEE and associated BDAR submitted.</p>

Riparian Lands	<ul style="list-style-type: none"> <li>a. To maintain and improved the riparian areas that will in turn improve the ecology of the area, assist in maintaining the quality of water, and maintain the rural character of the estate.</li> </ul>	
Flooding and Water Management	<ul style="list-style-type: none"> <li>a. To ensure no people or buildings are exposed to localised flooding during the local 100 Year ARI storm event.</li> <li>b. To ensure peak flow rates downstream of land to which this plan applies are not increased in the 100 Year ARI storm event.</li> <li>c. To control, minimise or prevent the release of contaminants to the receiving waterways.</li> <li>d. To integrate stormwater detention with the provision of open space and the urban landscape.</li> <li>e. To provide an effective stormwater management system that is sustainable and requires minimal maintenance.</li> <li>f. To encourage the re-use of rainwater.</li> </ul>	Please refer to the assessment provided under Clause 6.8 of the LEP above and associated Civil Design Report submitted.
Aboriginal Archaeology	<ul style="list-style-type: none"> <li>a. To avoid disturbance to any aboriginal artefact or relic.</li> </ul>	Please refer to the assessment provided under Clause 5.10 of the LEP above and associated Aboriginal Cultural Heritage Assessment (ACHA) submitted.
Bushfire	<ul style="list-style-type: none"> <li>a. To ensure that risks associated with bushfire are appropriately and effectively managed.</li> <li>b. To mitigate risks to property and life associated with bushfire hazards.</li> <li>c. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site.</li> </ul>	Please refer to Section 3.1.4 and Bushfire Assessment Report submitted.

Landscape	<ul style="list-style-type: none"> <li>a. To ensure landscaping is appropriate to the nature and scale of the development.</li> <li>b. To ensure landscaping enhances the appearance, amenity, and character of the area to promote an overall sense of place.</li> <li>c. To ensure landscaping enhances the setting of buildings and new development is unobtrusive and sympathetic to the surrounding streetscape and neighbourhood.</li> <li>d. To provide for a network of passive and active recreational areas.</li> <li>e. To encourage native landscaping that requires minimal maintenance and irrigation.</li> <li>f. To protect visually prominent locations from obtrusive development.</li> <li>g. To provide a safe accessible environment for residents and visitors.</li> </ul>	A Landscape Plan has been prepared and is provided at <b>APPENDIX 15</b> , demonstrating compliance with these objectives.
Traffic and Connectivity / Movement Hierarchy	<ul style="list-style-type: none"> <li>a. To ensure a high quality, functional, safe, legible, and visually attractive public domain.</li> <li>b. To achieve a simple and safe movement system for private vehicles, public transport, pedestrians, and cyclists.</li> <li>c. To ensure the road design reflects the function of the road, the needs of the road user and connectivity to existing and future development.</li> <li>d. To ensure all access crossings / entry points have sufficient safe intersection sight distance (SISD).</li> </ul>	The proposed road layout reflects the desired layout within the DCP and is logically connects into and extends the roads located within Stage 1, reflecting the function of the road and needs of the user.

## 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-residential 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 because 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. A visual impact assessment (VIA) has been prepared and is provided at **APPENDIX 16**. The objective of the VIA is to determine the value, significance and sensitivity of the landscape and the visual effect of the proposed development on people's views day to day. The VIA concludes that the Site has a limited degree of visual exposure, with the main visual receptors being those who are travelling along Clarence Town Road between Clarence Town and Dungog. The Site's setback from Clarence Town Road allows for a greater separation between the road and future housing. Implemented measures in Stage 1 for vegetation buffer planting to infill along Clarence Town Road and along Hanleys Creek Road will assist greatly in absorbing the subdivision into the existing landscape.

With the implementation of additional landscape measures for Stage 2, the proposed development integrates into the Site and would result in a limited reduction to the landscape and visual amenity of the surrounding area. Accordingly, it is concluded that developing the Site:

- can be accommodated into the landscape without significant adverse impacts on the landscape quality of zone R5 Large Lot Residential;
- the landscape setting is capable of absorbing the proposal with measures implemented as a part of Stage 1 subdivision works, together with the landscape measures proposed for Stage 2 being implemented; and
- The proposed development will not detract from the overall landscape character of the area.

#### 4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access from Hanleys Creek Road via the constructed roads within Stage 1 of the estate will service the proposed lots via the construction and extension of internal roads in accordance with the civil designs provided.

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 or Hanleys Creek Road are proposed because of this development application.

#### **4.1.3 PUBLIC DOMAIN**

The proposed development will not have any adverse impact on any public domain. The additional development contributions generated by the proposed lots (approx. \$10,100 / new Lot) will contribute to the provision of public services and facilities, to the benefit of the local community.

#### **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**

Noise generated as part of construction works will be in accordance with the accepted standard practices and hours, as detailed via a condition of consent. 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**

The proposed development includes a stormwater water system that manages stormwater in accordance with Councils quantity and quality requirements. In addition, the installation and maintenance of erosion and sedimentation controls will occur during construction. It is noted that no significant vegetation is proposed to be removed and that the proposal includes a landscaping plan that utilises native species.

As detailed within the BDAR, PCT 1598 covers an area of 3.80ha within the site and will be directly impacted by changes in edge effects, noise, light pollution and dust from construction phase activities and post development activities. The site's PCT 1598 occurs in patches within the centre of the proposed development in an otherwise pastoral landscape. Therefore, impacts to this PCT have been largely avoided by the positioning of the development footprint. PCT 1602 will be directly impacted by the proposal by 1.16ha of vegetation clearing and may be indirectly impacted by changes in edge effects, noise, light pollution and dust from construction phase activities and post-development activities. The site's PCT 1602 only occurs in isolated patches along the western edge of the proposed development in an otherwise pastoral landscape. Therefore, impacts to this PCT have been largely avoided by the positioning of the development footprint. All the hollow-bearing trees and most of the ground hollows within vegetation zone 1 (PCT 1602) have been avoided. As such, the proposal has avoided significant impacts to nesting habitat for hollow dependant threatened species. The majority of PCT 1598 located within the centre of the development is to be retained for conservation purposes (refer Figure) and will only be indirectly impacted by changes in edge effects, noise, light pollution and dust from construction phase activities and post-development activities. It may provide habitat for common / resilient species of frog

and some small common wetland bird species such as Porphyrio porphyrio (Purple Swamp Hen) that prefer habitat with dense reeds and rushes. The impacts on ecological values of the site have been avoided where possible and minimised in areas that were unable to be avoided, concluding minimal impact overall.

#### 4.2.2 LANDSCAPE

The landscape plan provided at **APPENDIX 15** provides significant street tree and canopy plantings to reinforce the rural character and prevent long, direct views into the site. The canopy cover further breaks up the development visually, noting the inclusion of around five trees per Lot. The landscape approach has retained significant existing vegetation where possible and incorporates includes local endemic species to ensure proper establishment and longevity.

#### 4.2.3 ARCHAEOLOGY

An Aboriginal Cultural Heritage Assessment (ACHA) has been prepared and is provided at **APPENDIX 14**. Search results obtained from the Aboriginal Heritage Information Services (AHIMS) database are provided within the ACHA (11 September 2022), which do not identify the subject site as containing any Aboriginal sites or places. The ACHA however notes that the site and region are known to have been used by Aboriginal people thus 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. Compliance with the recommendations of the ACHA ensures protection of Aboriginal land, items and objects throughout the course of construction.

#### 4.2.4 STORMWATER

This application is accompanied by a Stormwater Management Plan (**APPENDIX 9**) 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 because 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 not disadvantage or benefit any particular social group, rather will provide additional Lots for the development of housing to achieve the objectives and requirements of the Hunter Regional Plan 2036 and associated population and dwelling projection.
- Will enhance the cultural life of the community through increasing the number of residents within the Dungog LGA who will in turn contribute to cultural and community activities when available.
- Will not create areas of insecurity or risk for occupants or pedestrians through adequately designed roads and public transport links.
- Will provide the opportunity to increase housing diversity within the wider Dungog area and provides for greater housing choice.
- Provides cohesive links with the adjoining estate and wider area to ensure social connectivity and cohesion is achieved.
- Provides enhanced social and built infrastructure to positively benefit the new and existing population within the estate and adjoining areas.

The proposed development provides additional Torrens Title Lots within the Dungog LGA, on land zoned for this purpose. This will provide the ability for the construction of additional housing to service the needs of the community. There are no anticipated adverse economic impacts because 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**

The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy, and the increased number of residents in the locality will provide ongoing economic input through daily living activities. The increase in housing within the area will directly influence and enhance business and employment opportunities within the area. There are no anticipated adverse economic impacts because 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.

Cumulative impacts are positive in that the subdivision will ensure that the site can be utilized to its full potential and creates 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, particularly in consideration of the watercourses and vegetation present on-site, along with adjoining rural land.

The proposed subdivision will not have any adverse impacts on surrounding properties or amenity of the locality. 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 because of the development. To this extent, the development is in the public interest.

## **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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