



# STATEMENT OF ENVIRONMENTAL EFFECTS

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**SUBDIVISION (ONE INTO TWO LOTS)**

**438 BINGLEBURRA ROAD, SUGARLOAF,  
NSW, 2420 (LOT 1, DP 1124046)**

**DUNGOG SHIRE COUNCIL**

Development Application No:79/2022

Date: 11 November 2022



Approved subject to compliance with conditions  
on Development Consent.

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Melinda and Paul Mak (**the client**) to prepare a Statement of Environmental Effects (SEE) for a subdivision (one into two lots), over 438 Bingleburra Road, Sugarloaf, NSW, 2420 (LOT: 1 DP: 1124046 (**the site**)). The characteristics of the development include:

1. Proposed subdivision (one into two lots)
2. The proposed lots will have the following lot sizes:
  - a. Proposed Lot 101 – 60ha
  - b. Proposed Lot 102 – 91ha
3. Each proposed lot has been identified to contain a suitable building envelope, capable of siting a future dwelling to achieve
4. No vegetation is required to be removed for the proposed subdivision or creation of proposed building envelopes. The access to the proposed building envelopes requires no removal of vegetation.
5. It is requested that the development consent contain provision that the applicant of any subsequent subdivision certificate will not be required to service the lot created with electricity and communications. It is expected that advice that the allotment is not serviced with reticulated power may be set out in the Section 88b prepared for the subdivision. It is further requested the standard fixed phoneline/NBN condition is not conditioned as per Council policy. Rather the owner would like the proposed lot to also have wireless NBN (C4:16 Telecommunications in New Subdivisions).

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

- The proposed subdivision is permissible on the site with consent, with both 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 character of the existing area, 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

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1	DCP Compliance Table	Perception Planning
2	Deposited Plan	NSW Land Registry
3	AHIMs Search Results	Perception Planning
4	DBYD Search Results	Perception Planning
5	Proposed Subdivision Plan and Envelopes	Graeme Ferguson
6	Bushfire Assessment Report	Hunter Bushfire Services
7	Hunter Water Corporation Development Requirements	Hunter Water Corporation
8	Site Waste Management Plan	Perception Planning

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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 Melinda and Paul Mak (**‘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>	438 Bingleburra Road, Sugarloaf, NSW, 2420
<b>Lot and DP</b>	LOT: 1 DP: 1124046
<b>Current Use</b>	Vacant Land
<b>Zoning</b>	RU1 – Primary Production
<b>Size</b>	Total – 151 ha
<b>Site Constraints</b>	<ul style="list-style-type: none"><li>• Drinking Water Catchment – Special Area - Williams</li><li>• Riparian Lands and Watercourses</li><li>• Bushfire prone land – vegetation buffer and vegetation category 1 and 2</li><li>• Minimum lot size – 60ha</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. An existing easement for electricity transmission lines is identified within the DP provided at Appendix 2, this does not impact the subdivision application.

## 1.3 SITE DESCRIPTION

The site is located at 438 Bingleburra Road, Sugarloaf, NSW, 2420 shown in **Figure 1** ('the site') and has a total combined area of 151 ha (**FIGURE 2**). The site is located in Sugarloaf, approximately 9.5km West of Dungog. The property is within the Dungog Local Government Area (LGA).

The site is currently vacant land, with access via a single point on Bingleburra Road. The property is zoned RU1: Primary Production. The existing Lot is sized 151 ha. The proposed lot subdivision (one into two lots) seeks to provide a revised layout such that two proposed lots will comply with the minimum lot size of 60ha. The site is extremely undulating, sloping down from Bingleburra Road on the southern boundary and contains areas of both cleared paddocks, patches of vegetation, and small water bodies.

The site also has a mapped a riparian land and watercourse flowing through the North-East corner - Sugarloaf Creek. These creek lines contain an area mapped as Riparian Lands and Watercourses by the Dungog LEP 2014.



Figure 1 – Locality Plan (Source: SixMaps, 2022)

## **1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS**

The site is currently vacant and undeveloped land.

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**

1. Subdivision (one into two lots)
2. The proposed lots will have the following lot sizes:
  - a. Proposed Lot 101 – 60ha
  - b. Proposed Lot 102 – 91 ha
3. The proposed lots have been identified to each contain a suitable building envelope, capable of siting a future dwelling. Each lot will have its own primary access from Bingleburra Road, with lot 102 utilising the existing access point to Bingleburra Road.
4. No vegetation is required to be removed for the proposed subdivision or creation of proposed building envelopes. The access to the proposed building envelopes requires no removal of vegetation.
5. It is requested that the development consent contain provision that the applicant of any subsequent subdivision certificate will not be required to service the proposed lot 102 with electricity and communications. It is expected that advice that the allotment is not serviced with reticulated power may be set out in the Section 88b prepared for the subdivision. It is further requested the standard fixed phoneline/NBN condition is not conditioned as per Council policy. Rather the owner would like the proposed lot to also have wireless NBN (C4:16 Telecommunications in New Subdivisions).

The proposed Subdivision Plan is provided below in Figure 2.



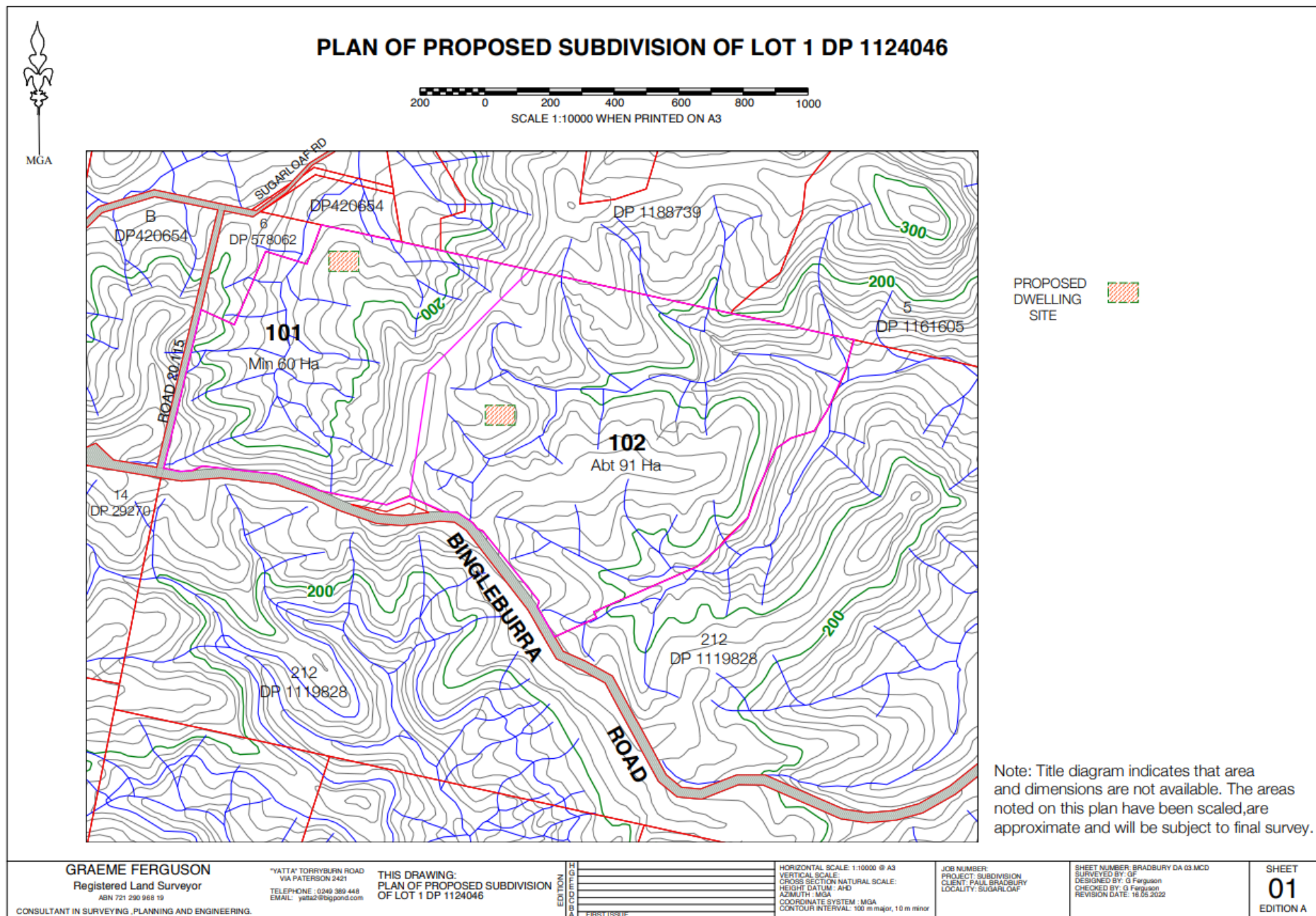


Figure 2 – Subdivision Plan (Source: Graeme Ferguson 2022)

## 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 contain isolated areas of vegetation as well as riparian areas identified on the Biodiversity Values Map (Figure 3) as land with high biodiversity value and sensitive to impacts from development and clearing. The areas of the proposed building envelopes are not located within these areas of high biodiversity value, as can be seen below.

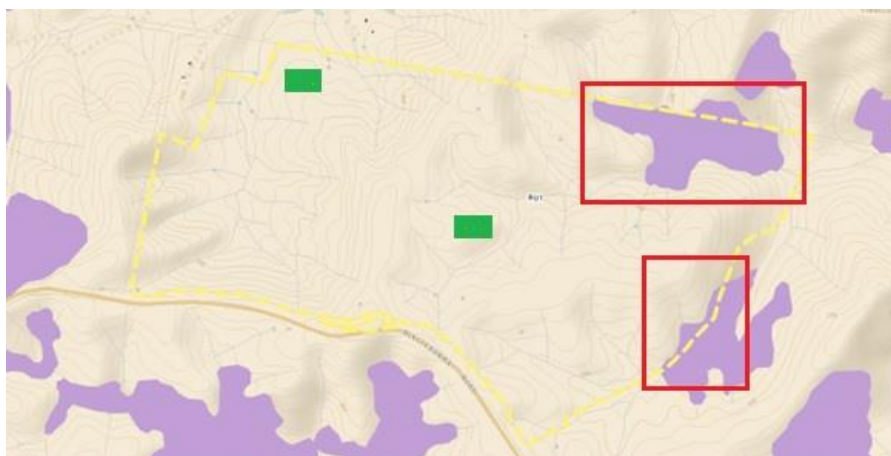


Figure 3 – NSW Planning Portal - Biodiversity Values Mapping Tool; Areas of high biodiversity value contained by the site.

Furthermore, the proposed area of impact associated with the proposed building envelopes and IPA will not exceed the biodiversity offsets scheme threshold as shown in the below table;

### **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 7 to this application.

### **3.1.4 Rural Fires Act 1991**

The subject site is identified as bushfire prone, vegetation category 1, 2, and vegetation buffer.

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 on and 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>	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>	<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>	Yes – The proposed development is defined as integrated development and requires consent from the RFS.

		<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>The subject site is identified as bushfire prone, category 1 and category 2 and vegetation buffer. The development includes a subdivision that will result in land that can lawfully be used for residential purposes, and therefore requires referral to the NSW Rural Fire Service as 'integrated development', requesting the issue of a Bushfire Safety Authority.</p> <p>A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at Appendix 6 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 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 (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 agricultural purposes. Given that the allotment is undeveloped and will be vacant at the time of development, 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 future allotment is land considered suitable for the proposed development.

### **3.2.2 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 Dungog Council has their Comprehensive Koala Plan of Management to support the viability of the free-living koala population. The proposed development does not include

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 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 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 development proposes two rural lots of area compliant minimum lot size, capable of lawfully accommodating future residential accommodation. The proposal is consistent with the prevailing development type and will provide for the housing needs of the community, without contributing to any fragmentation of agricultural land. To this extent, the proposed development meets the objectives of the RU1 zone.

- **Clause 1.6 Property Access**

Property access is to be provided in accordance with Council's Engineering requirements. Access to rural properties must comply with the requirements of the latest relevant drawing available from Council. The entrance shall be constructed so as not to impede the flow of water in any table drain.

- **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 60ha. The existing Lot is 151 ha. The proposed subdivision (one into two lots) seeks to provide a revised layout such that both proposed lots will comply with the minimum lot size of 60ha (Lot 101 – 60 ha, Lot 102 – 91 ha).

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (10 May 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in Appendix 3. 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.

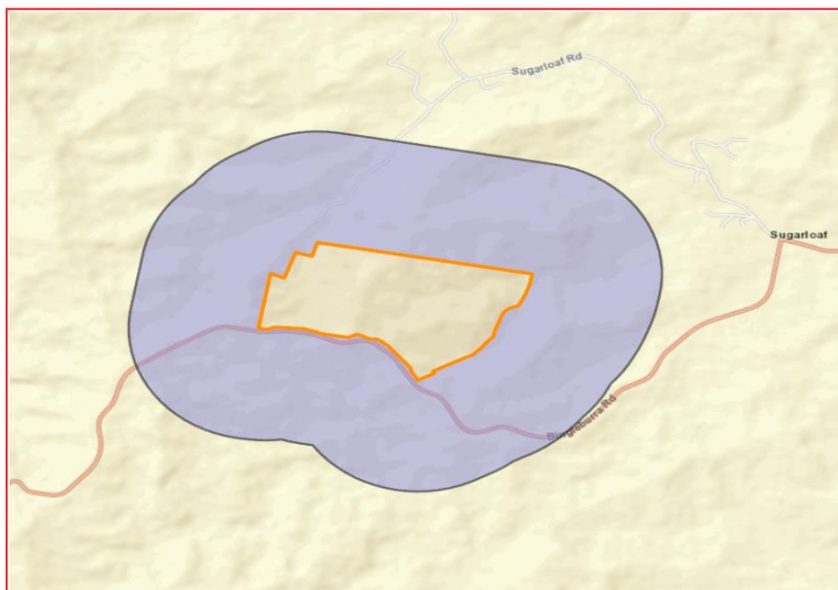


Figure 5 – AHIMS Search

- **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 application does not propose significant earthworks on the site.

Accordingly, the development complies with the requirements of this clause.

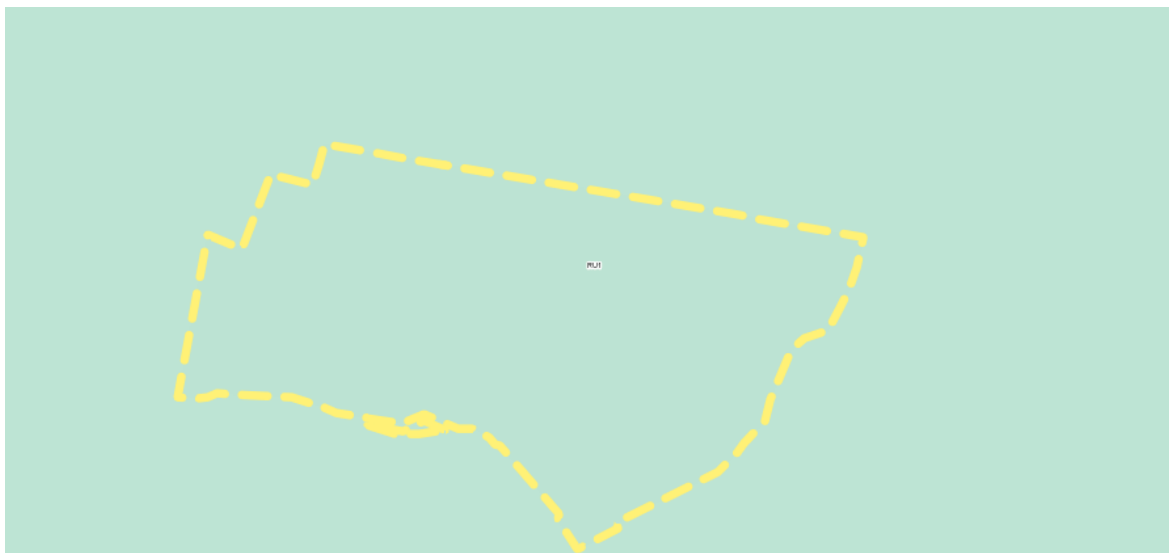
- **Clause 6.3 - Flood Planning**

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 6.5 – 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.

Given the size of the proposed lot it is considered 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.



*Figure 6 - NSW Planning Portal (2022); Site is identified to be within the Williams River Drinking Water Catchment.*

- **Clause 6.6 - Riparian land and watercourses**

The site is identified as bound by an identified “Watercourse” on the Riparian Lands and Watercourses Map, as can be seen in the mapping image below.



*Figure 7 - NSW Planning Portal (2022); Site identified as bound by an identified 'Watercourse'*

The proposed subdivision proposes no works that may impact the watercourse present on the site and the wastewater management of any future dwellings can be managed onsite. 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.

- **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.

The proposed development does not propose any physical works and therefore does not result in any negative impacts on the land, water or vegetation on the site or its surroundings. A continuation of the existing agricultural use of the land will likely occur as a result of the proposed development. To this effect, the development is consistent with the requirements of clause 6.10.

### **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 1. 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**

The subject site has existing access to Bingleburra Road with the proposed building envelopes proposed to gain individual access roads via Bingleburra Road.

The proposed lots 101 and 102 will have separate access from Bingleburra Road. Lot 102 will utilise the existing access point while lot 101 will use a new access road.

Access to the site will also be required to be consistent with the minimum RFS Standard as specified by the document Planning for Bushfire Protection 2019 (PBP 2019). The performance standards to ensure that in the event of a fire a firefighting vehicle can access the development on the site and exit the property safely is shown below in Figure 8. Where access is required to be widened to achieve minimum 4m width and install required passing bays, additional vegetation may be impacted, this may require further consideration in terms of ecological impacts.



PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
The intent may be achieved where:			
ACCESS (GENERAL REQUIREMENTS)	<ul style="list-style-type: none"> <li>› firefighting vehicles are provided with safe, all-weather access to structures.</li> </ul>	<ul style="list-style-type: none"> <li>› property access roads are two-wheel drive, all-weather roads;</li> <li>› perimeter roads are provided for residential subdivisions of three or more allotments;</li> <li>› subdivisions of three or more allotments have more than one access in and out of the development;</li> <li>› traffic management devices are constructed to not prohibit access by emergency services vehicles;</li> <li>› maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;</li> <li>› all roads are through roads;</li> <li>› dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;</li> <li>› where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;</li> <li>› where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and</li> <li>› one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</li> </ul>	
	<ul style="list-style-type: none"> <li>› the capacity of access roads is adequate for firefighting vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>› the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.</li> </ul>	
	<ul style="list-style-type: none"> <li>› there is appropriate access to water supply.</li> </ul>	<ul style="list-style-type: none"> <li>› hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;</li> <li>› hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - <i>Fire hydrant installations System design, installation and commissioning</i>; and</li> <li>› there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</li> </ul>	

Figure 8 - Planning for Bushfire Protection 2019 (PBP 2019).

### 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 (10 May 2022) did not identify the subject site as containing any Aboriginal sites or places as shown in Appendix 3. 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**

The proposed areas of the lot are such that effluent and stormwater management for current and future dwellings can be accommodated by the site area.

## **4.3 SOCIAL AND ECONOMIC**

The proposed development will provide facilitate the creation of two lots of compliant minimum lot size. This will provide dwelling entitlements and potential future construction of additional housing to service the needs of the community. The subdivision will be serviced by suitable facilities and services without burdening the existing supply available within the area.

The proposed development:

- Will increase the numbers of residents within the locality and provide for available land to facilitate additional diversity in housing stock within the Sugarloaf area, and
- Will not disadvantage or benefit any particular social group, rather will provide an additional Lot for the development of housing to achieve the objectives and requirements of the Hunter Regional Plan 2036 and associated population and dwelling projection.

There are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through an increase in residents. The proposed development is not out of character with the existing residential context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

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

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site. 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 proposal represents the creation of rural lots compliant with the prescribed MLS to accommodate residential development in the locality to service the needs of the community. This is consistent with the zone objectives and surrounding land uses, and is not anticipated to have any adverse impacts on surrounding properties or the amenity of the locality.

The proposed development remains consistent with the rural and residential nature of the land and is in keeping with the character of surrounding land uses and development.

The proposed 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 both 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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