

STATEMENT OF ENVIRONMENTAL EFFECTS

**TORRENS TITLE SUBDIVISION (ONE
INTO THREE LOTS), ASSOCIATED
VEGETATION REMOVAL, AND CIVIL
WORKS**

**405 MARTINS CREEK ROAD, PATERSON,
NSW, 2421 (LOT 2, DP 1057313)**

Jordan Long Town Planner PO Box 107 Clarence Town, NSW, 2321	Phone: 0475 713 934 Email: jordan@perceptionplanning.com.au			
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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Paul Jakes (**the client**) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into three lots), associated vegetation removal, and civil works at 405 Martins Creek Road, Paterson, NSW, 2421 (LOT: 2 DP1057313 (**the site**)).

The characteristics of the development include:

1. Proposed subdivision (one into three lots)

The proposed lots will have the following lot sizes:

- a. Proposed Lot 1 – 8002m²
- b. Proposed Lot 2 – 8009m²
- c. Proposed Lot 3 – 3.683ha

Refer to the Survey and Proposed Subdivision Plan provided as **ATTACHMENT 7**.

2. Associated civil works

Civil works associated with the proposed subdivision will include a proposed shared driveway and stormwater management system as detailed within preliminary civil engineering plans provided as **ATTACHMENT 8**.

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

- The proposed subdivision is permissible on the site with consent, with all 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

This SEE is supported by the following plans and documentation:

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Attachment	Document	Prepared by	Reference
1	EP&A Regulation Compliance Table	Perception Planning	J003861 12/12/2023
2	DCP Compliance Table	Perception Planning	J003861 Rev: 2 12/12/2023
3	Certificate of Title	NSW Land Registry	2/1057313 09/09/2018
4	Deposited Plan	NSW Land Registry	DP1057313 29/07/2003
5	AHIMS Search Results	OEHS	22/09/2023
6	BYDA Search Results	BYDA	24/09/2023
7	Survey and Proposed Subdivision Plan	Delfs Lascelles Consulting Surveyors	07/12/2023 Ref: 23491 Rev: D
8	Civil Works Plan	DRB Consulting Engineers	07/12/2023 Ref: 232976 Rev: B
9	Rail Traffic Noise & Vibration Impact Assessment	Reverb Acoustics	October 2023 Ref: 23-2886-R1
10	Bushfire Assessment Report	Newcastle Bushfire Consulting	11/10/2023
11	On-Site Wastewater Report	GSL Environmental	06/11/2023 Ref: 102123
12	Hunter Water Corporation Stamped Plans	Hunter Water Corporation	
13	Owners Consent	Owners	04/12/2023
14	Site Waste Management Plan	Perception Planning	J003861 12/12/2023
15	Cost Estimate Report	Perception Planning	J003861 12/12/2023

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address	405 Martins Creek Road, Paterson, NSW, 2421
Lot and DP	LOT: 2 DP 1057313
Current Use	Residential - Existing dwelling with swimming pool, shed, and driveway
Zoning	R5: Large Lot Residential C3: Environmental Management
Size	Total – approx. 4.45ha
Site Constraints	• Biodiversity Values Map • Riparian Lands and Watercourses • Height of Buildings – 8.5m • Minimum lot size – 8000m² (R5) • Bushfire Prone Land – Vegetation Buffer and Category 1 • Acid Sulfate Soils – Class 5
Owner	Owner's consent has been provided as ATTACHMENT 13 .
DP and 88B Instrument	The site is unencumbered. The Certificate of Title and Deposited Plan are attached as ATTACHMENT 3 and ATTACHMENT 4 .

1.3 SITE DESCRIPTION

The site is located at 405 Martins Creek Road, Paterson, NSW, 2421 shown in (**‘the site’**) and has a total area of approx. 4.45ha (**FIGURE 1**). The site is located within an existing rural residential area, approximately 1km North of Paterson. The property is within the Dungog Local Government Area (LGA).

The site currently contains an existing dwelling with an associated swimming pool, shed, and driveway. Access is facilitated via an existing gravel driveway from Martins Creek Road. The property is zoned R5: Large Lot Residential. The existing Lot is sized 4.45ha. The site has a gentle slope and contains areas of scattered vegetation and managed lawn throughout.



Figure 1 - Locality Map (NSW Planning Portal 2023)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site currently contains an existing dwelling with associated swimming pool, shed, and driveway.

The Dungog Shire Council DA Tracker identifies the following historic development applications:

Application Number	Application Type	Lodgement Date	Details	Location
153/2015	Occupation Certificate	29/09/2023	New Swimming Pool – Inground	405 Martins Creek Rd, Paterson, NSW, 2421

No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The characteristics of the development include:

1. Proposed subdivision (one into three lots)

- a. Proposed Lot 1 – 8002m²
- b. Proposed Lot 2 – 8009m²
- c. Proposed Lot 3 – 3.683ha

Refer to the Survey and Proposed Subdivision Plan provided as **ATTACHMENT 7**.

2. Associated civil works

Civil works associated with the proposed subdivision will include a proposed shared driveway and stormwater management system as detailed within preliminary civil engineering plans provided as **ATTACHMENT 8**.

All proposed lots have been identified to each contain a suitable area capable of siting future dwellings in accordance with DCP controls, with proposed Lot 1 already containing an existing dwelling. Access to each proposed lot will be via the proposed shared driveway to Martins Creek Road.

The proposed Subdivision Plan and Civil Works Plan are provided in **ATTACHMENT 7** and **ATTACHMENT 8** and **FIGURES 2 - 4**.

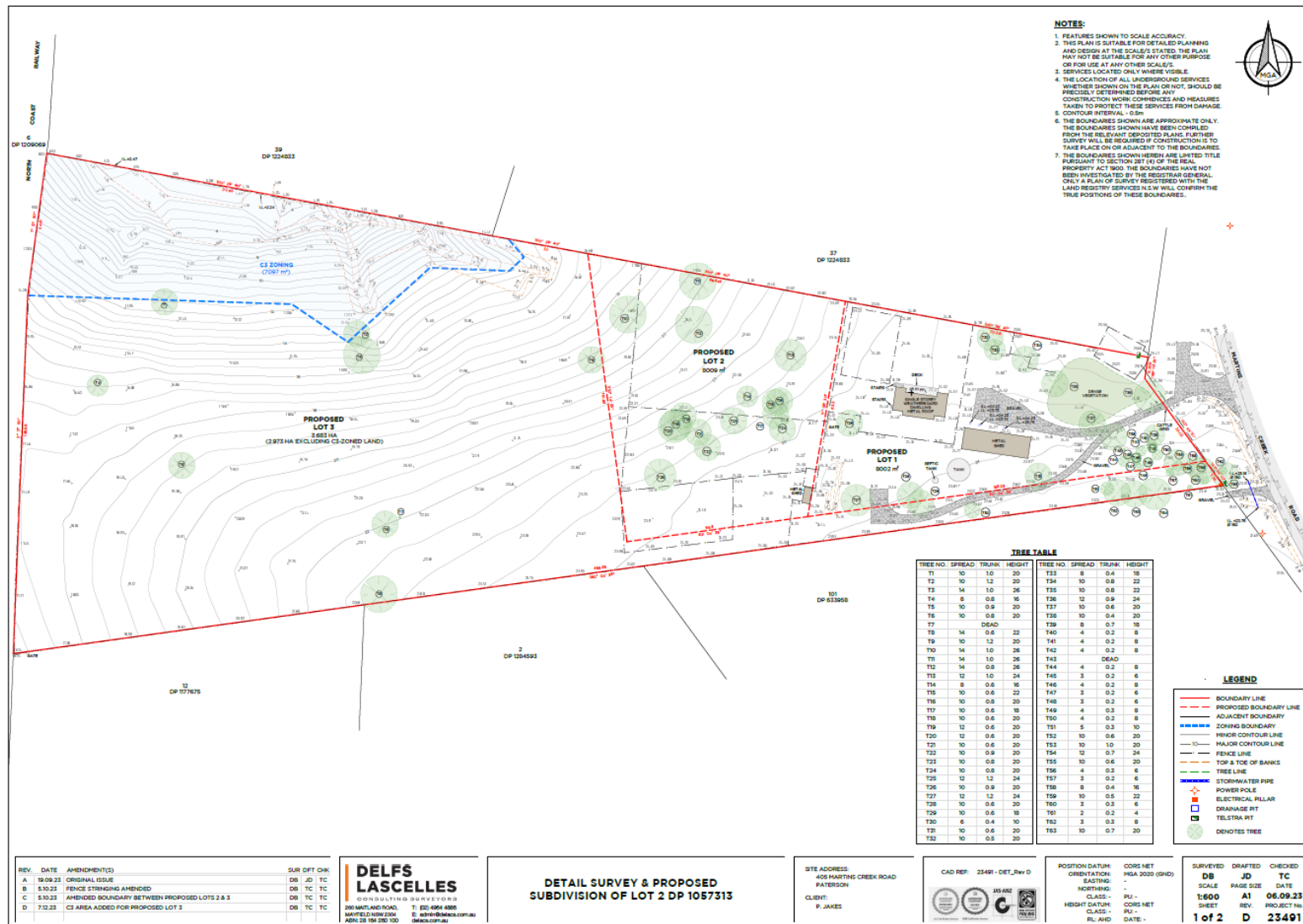


Figure 2 – Survey and Proposed Subdivision Plan (Delfs Lascelles 2023)

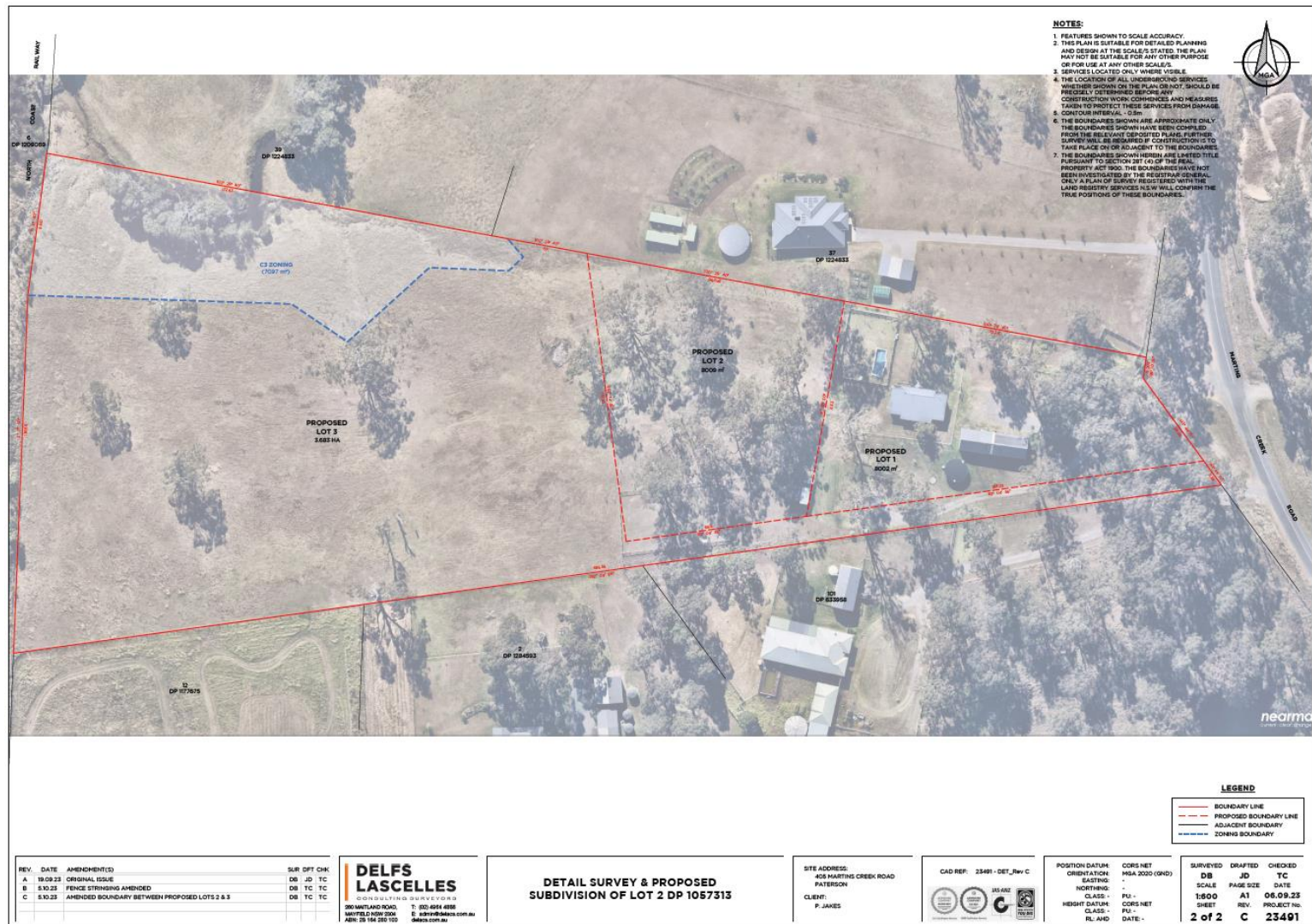
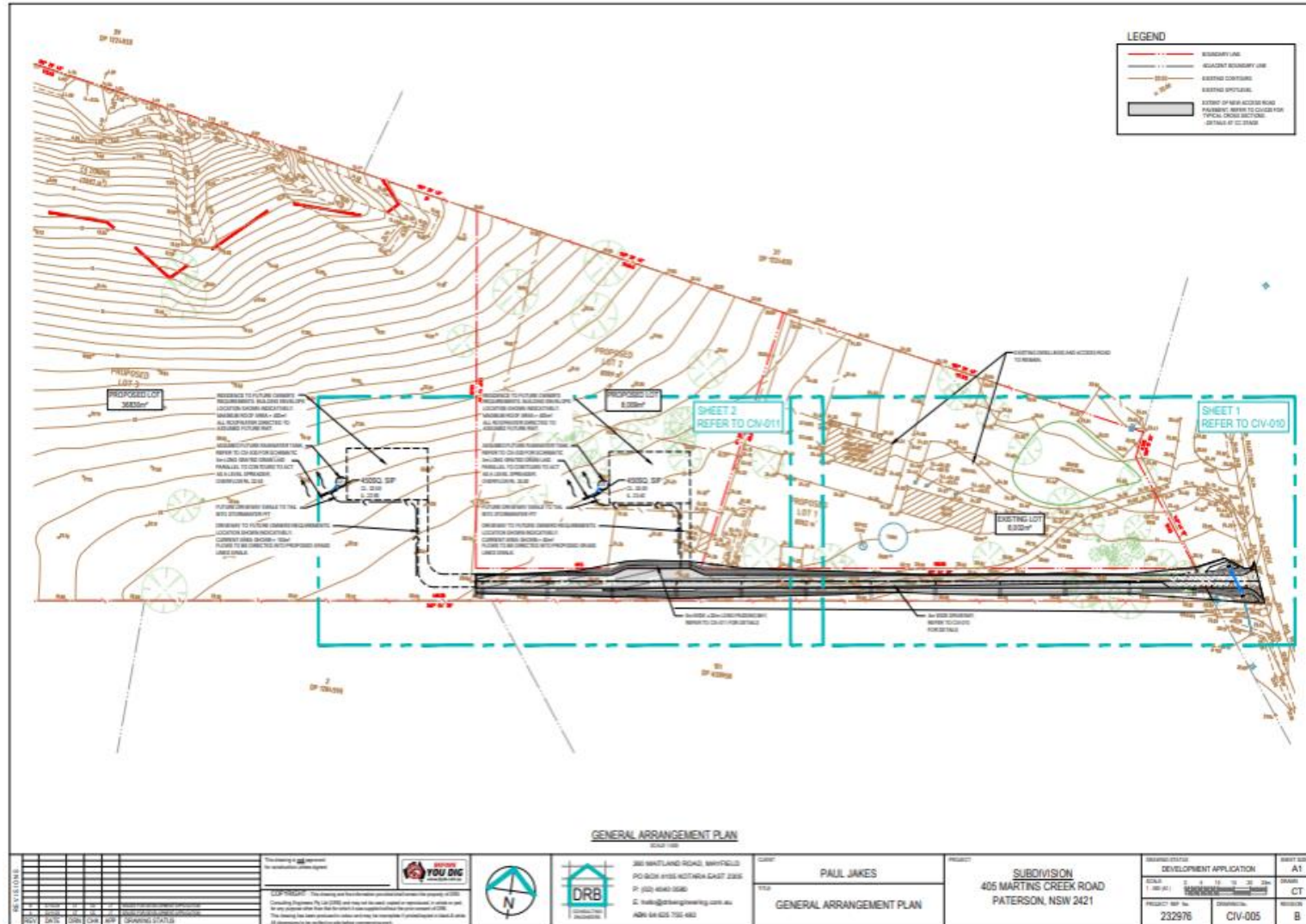


Figure 3 – Survey and Proposed Subdivision Plan (Delfs Lascelles 2023)



3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Environmental Planning and Assessment Act*
- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Water Management Act 2000*
- *Hunter Water Act 1991*

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Table 2 - Integrated Development

Integrated development	Proposed Development	
Fisheries Management Act 1994	▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219	N/A
Heritage Act 1977	▪ s 58	N/A – an interim heritage order or listing on the State Heritage Register does not affect the site (comprising a place, building, work, relic, moveable object, precinct, or land).
Coal Mine Subsidence Compensation Act 2017	▪ s 22	N/A – The site is not located within a Mine Subsidence Area.

Mining Act 1992	▪ s 63, 64	N/A
National Parks & Wildlife Act 1974 (as amended)	▪ s 90	N/A – The site is not identified as a heritage item, nor within a heritage conservation area. An AHIMS search, contained in ATTACHMENT 5 was conducted on 22 September 2023. The search did not identify any Aboriginal sites or places within a 50m buffer of the site. Given the disturbed nature of the locality is unlikely that the development would uncover any Aboriginal artifacts or relics. In the event that an item is unearthed, all works are to cease, and the appropriate authority notified.
Protection of the Environment Operations Act 1997	▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122	N/A
Roads Act 1993	▪ s 138	N/A
Rural Fires Act 1997	▪ s 100B	Yes – The site is identified as Bushfire Prone – Vegetation Buffer and Category 1. A Bushfire Assessment Report is attached as ATTACHMENT 10 .
Water Management Act 2000	▪ ss 89, 90, 91	N/A – The subject site is identified as containing a watercourse (Tuckers Creek), however no works are proposed within 40m of this.

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Dungog Shire Council City Wide Infrastructure Contributions Plan.

3.1.2 RURAL FIRES ACT 1997

The property is identified as bushfire prone land (**FIGURE 5**). As such referral to the Rural Fires Service is triggered under Section 100B of the Rural Fires Act 1997. A Bushfire Assessment Report is provided as **ATTACHMENT 10**.

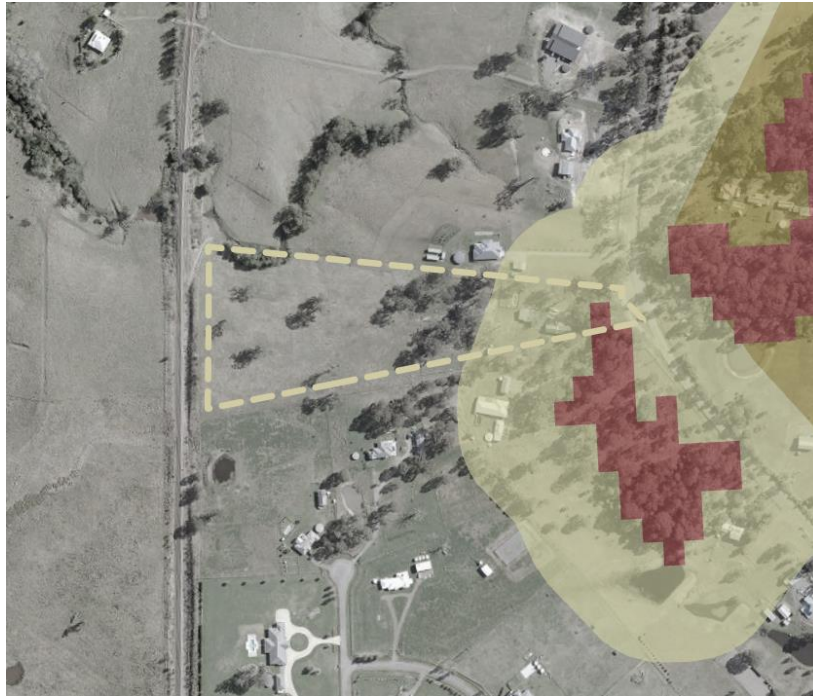


Figure 5 - Bushfire Mapping (NSW Planning Portal 2023)

3.1.3 BIODIVERSITY CONSERVATION ACT 2016

The purpose of this Act is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

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

The subject site contains areas of biodiversity value (**FIGURE 6**) and a mapped watercourse (Tuckers Creek) (**FIGURE 7**).

Vegetation removal is required as part of this development, however the proposed development does not trigger the threshold to require a BDAR. It is not anticipated that the proposed development would have significant ecological impacts. To this extent, an ecologist report has not been commissioned.



Figure 6 - Biodiversity Value Map (NSW Planning Portal 2023)



Figure 7 - Riparian Lands and Watercourses (NSW Planning Portal 2023)

3.1.4 ROADS ACT 1993

Martins Creek Road is identified as a local government road (**FIGURE 8**), accordingly, referral to Transport for NSW is not required under Section 138 of the Roads Act 1993. All vehicles will be able to move onto and off each site in a forward direction due to a proposed shared driveway to Martins Creek Road.

Access to each proposed lot will be via the proposed shared driveway to Martins Creek Road.

As such the development is not anticipated to compromise road safety. Furthermore, there are sufficient sightlines available to allow safe egress from each lot in a low trafficked environment.

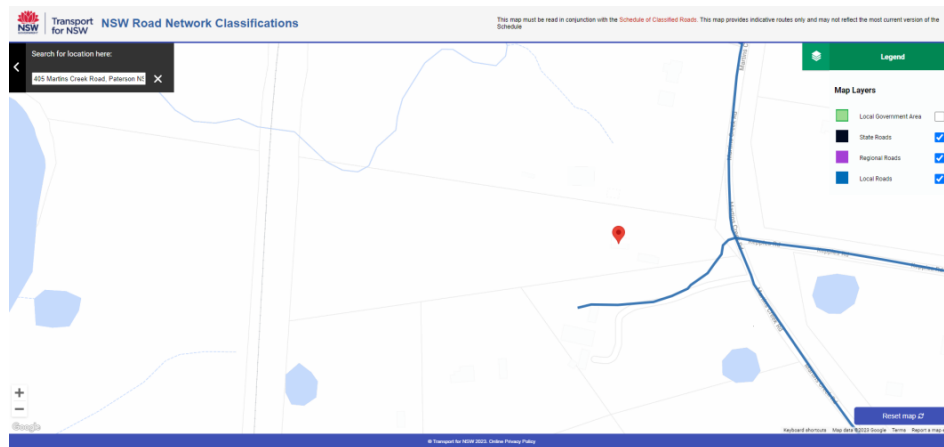


Figure 8 - NSW Road Network Classifications (Transport for NSW 2023)

3.1.5 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment pursuant to the LEP. While the site does contain a mapped watercourse, 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. No further assessment of the Water Management Act is required.

3.1.6 HUNTER WATER ACT 1991

The subject site is located within a Drinking Water Catchment. There are no proposed works that are anticipated to create a negative impact on the catchment. Appropriate sediment and erosion control measures will be implemented during construction to ensure any potential impact on the drinking water catchment is minimised.

A BYDA search conducted on 24 September 2023 identified that no Hunter Water assets are affected by the proposed development (**ATTACHMENT 6**).

Hunter Water Corporation stamped plans are provided as **ATTACHMENT 12**.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 2 – Vegetation in non-rural areas*
 - *Chapter 4 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*

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 residential purposes. Considering the historic use for the site has been ongoing as residential, it is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the future allotments of land are considered suitable for the proposed development.

3.2.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021 –

CHAPTER 2 – VEGETATION IN NON-RURAL AREAS

The aim of this Chapter is to protect the biodiversity values of trees and other vegetation in non-rural areas. Pursuant to Section 2.3, land zoned R5 Large Lot Residential is land to which this Chapter applies. Vegetation is proposed to be removed on the site as part of the development.

As detailed under the assessment of the *Biodiversity Conservation Act 2016* the proposed development is not considered to substantially impact upon biodiversity or ecological values of the site or the locality.

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 Central Coast Koala Management Area.

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

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;

- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The proposed development is considered to have minimal impact on koala habitat and their ability to forage.

To this extent, no impact is identified on koala habitat and the free-living population.

3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 2 – INFRASTRUCTURE

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

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

Section 2.48 – Determination of development applications – Other development

The subject site is currently serviced by electricity and wireless telecommunications, which will be extended to service proposed Lot 2 only.

Proposed Lot 3 will be off-grid.

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). It is not anticipated that referral to the electricity authority is warranted in this instance.

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 'licensed' 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

Martins Creek Road is identified as a local public road dedicated to Dungog Shire Council (**FIGURE 9** below).

Access to each proposed lot will be via the proposed shared driveway to Martins Creek Road. Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

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.

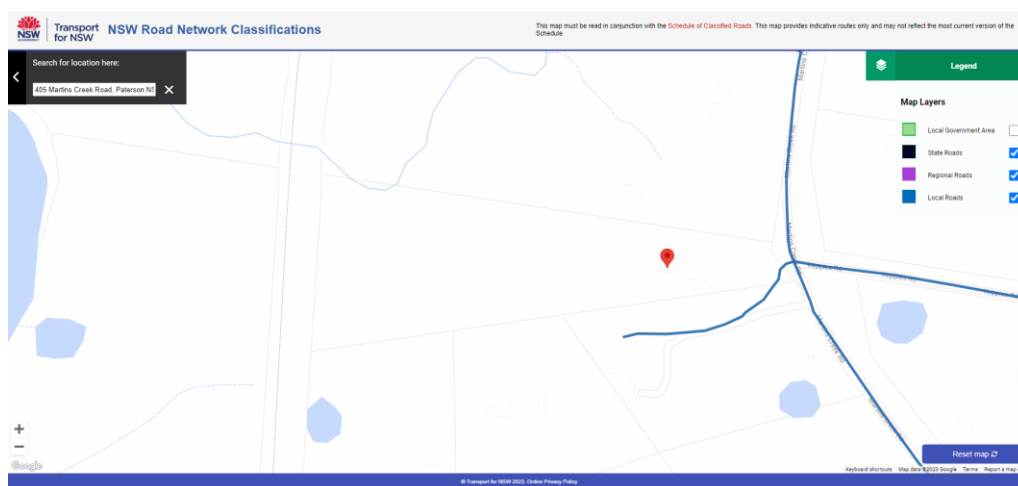


Figure 9 – NSW Road Network Classifications (Transport for NSW 2023)

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

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

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

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

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

- *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.*

R5 Land Use Table
<u>Permitted without Consent</u> Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls
<u>Permitted with Consent</u> Agritourism; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Farm

buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

Prohibited

Any development not specified in item 2 or 3

Permissibility: The proposed Torrens title subdivision within the R5 Zone is permitted, as set out within Clause 2.6 of the LEP.

The development proposes three lots of 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, whilst enabling the proper and orderly development of the urban area. To this extent, the proposed development meets the objectives of the R5 zone.

- **Clause 2.6 – Subdivision – consent requirements**

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 8000m². The existing Lot is 4.45ha. The proposed subdivision (one into three lots) seeks to provides three lots of compliant size.

The proposed lots will have the following lot sizes:

- Proposed Lot 1 – 8002m²
- Proposed Lot 2 – 8009m²
- Proposed Lot 3 – 3.683ha

- **Clause 4.1A – Exceptions to minimum subdivision lot sizes for certain split zones**

The objectives of this clause are as to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1 and to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.

This clause applies to each original lot that contains land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, Zone E4 General Industrial, Zone RU1 Primary Production, or Zone C3 Environmental Management.

Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—

- (a) one of the resulting lots will contain all of the land in Zone RU1 Primary Production or Zone C3 Environmental Management that was in the original lot, and—
 - (i) an existing dwelling, or
 - (ii) land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential or Zone E4 General Industrial that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

Proposed Lot 3 will be a split zone following the proposed subdivision, consisting of R5 and C3 zoned land.

A breakdown of proposed lot areas and zonings is provided withing **TABLE 3** below:

Table 3 - Proposed Lot Area and Zoning

	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
R5 Zone	8,002m ²	8,009m ²	2.973ha
C3 Zone	0	0	7,097m ²
Total	8,002m ²	8,009m ²	3.683ha

As all of the C3 Environmental Management zoned land will be wholly contained within proposed Lot 3 and the remaining R5 zoned land within proposed Lots 3, 2, and 1 will be greater than the minimum lot size (8000m²), the proposed subdivision complies with Clause 4.1A (a)(ii) and (b).

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (22 September 2023) did not identify the subject site as containing any Aboriginal sites or places as shown in **ATTACHMENT 5**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

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

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

As per clause (4) in part 5.16 of the Dungog LEP 2014, the following matters are to be taken into account:

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

The proposed development is consistent with the historical and current land uses of the site for residential purposes. The location of the proposed lots will not hinder additional permissible land uses as outlined by the zone objectives. The development will have positive environmental effects for the site through the low impact residential uses and associated land management that are enabled via the proposed subdivision.

- **Clause 5.21 – Flood Planning**

The subject site is not identified by the LEP as containing flood prone land.

- **Clause 5.22 – Special flood considerations**

The site is not identified as flood prone land, as detailed above.

- **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 identified as containing Class 5 Acid Sulfate Soils (**FIGURE 10**). Potential earthworks associated with any future dwelling on the subject site can be addressed through the subsequent development approval.



Figure 10 - Acid Sulfate Soils (NSW Planning Portal 2023)

- **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,

Earthworks will involve minor excavation for the construction of the proposed shared driveway and stormwater management system. Accordingly, the development complies with the requirements of this clause.

- **Clause 6.4 – Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

Stormwater created by any future development on proposed Lots 2 and 3 will be managed via rainwater storage tanks and level spreaders, with overflow being directed to a driveway swale.

Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

- **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 not located within a DWC, therefore the requirements of Clause 6.5 do not apply.

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

The objective of this clause is to protect any riparian land or watercourses located on or near the site. The subject site is identified as containing a watercourse (Tuckers Creek).

As no works are proposed within 40m of this watercourse, the requirements of Clause 6.6 do not apply.



Figure 11 - Riparian Lands and Watercourses (NSW Planning Portal 2023)

- **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 available. Future residential development will need to be provided with rainwater collection.
- (b) Electricity services are connected to the site and will need to be extended to service proposed Lot 2 only, as proposed Lot 3 will be off-grid.
- (c) Wireless telecommunications services are connected to the site and will need to be extended to service proposed Lot 2 only, as proposed Lot 3 will be off-grid.
- (d) The disposal and management of sewage for the existing dwelling is managed by an existing OSSM. Each of the proposed allotments will continue to maintain a minimum 4000m² of usable land for effluent dispersal, per the recommendations contained within the On-site Wastewater Report prepared, contained at **ATTACHMENT 11**.

- (e) Stormwater created by any future development on proposed Lots 2 and 3 will be managed via rainwater storage tanks and level spreaders, with overflow being directed to a driveway swale.

Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

- (f) Access to each proposed lot will be via the proposed shared driveway to Martins Creek Road. Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

The Before You Dig Australia (BYDA) search results are provided at **ATTACHMENT 6**.

- **Clause 6.10 – Williams River Catchment**

The subject site is not located within a DWC, therefore the requirements of Clause 6.10 do not apply.

- **Clause 6.12 – Protection of rural landscapes in rural and conservation zones**

In accordance with this clause, development consent must not be granted unless the consent authority is satisfied that:

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

The proposed subdivision has been carefully designed in an effort to minimise the visual impacts on the rural landscape.

Careful consideration has been taken regarding the layout and orientation of the proposed lots in order to reduce the likely visual and environmental impacts of the future residential development enabled.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

3.4.1 DUNGOG DCP

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

3.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

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

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

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

4 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development achieves compliant minimum lot size for all lots and is consistent with the prevailing 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 residential amenity or built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access to each proposed lot will be via the proposed shared driveway to Martins Creek Road. Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

4.1.3 PUBLIC DOMAIN

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

4.1.4 SERVICES

The subject site is currently serviced by electricity and wireless telecommunications services, which will be extended to service proposed Lot 2 only, as proposed Lot 3 will be off-grid. Water and sewer are managed via rainwater tanks and an existing OSSM system which currently services the existing dwelling on proposed Lot 1. Any future residential development on proposed Lots 2 and 3 will require rainwater storage tanks and OSSMs.

4.1.5 NOISE AND VIBRATION

No incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.

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 subject site contains areas of biodiversity value and a mapped watercourse (Tuckers Creek).

Vegetation removal is required as part of this development, however the proposed development does not trigger the threshold to require a BDAR. It is not anticipated that the proposed development would have significant ecological impacts. To this extent, an ecologist report has not been commissioned.

4.2.2 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (22 September 2023) did not identify the subject site as containing any Aboriginal sites or places as shown in **ATTACHMENT 5**. 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

Stormwater created by any future development on proposed Lots 2 and 3 will be managed via rainwater storage tanks and level spreaders, with overflow being directed to a driveway swale.

Refer to the Civil Works Plans provided as **ATTACHMENT 8**.

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 provides two additional lots with dwelling entitlement in the Paterson area and will facilitate demand for the construction of additional housing to service the needs of the community. The proposed development will be serviced by suitable facilities and services without burdening the existing supply available within the area. Utilities are available and suitable for connection by the development proposal.

The proposed development:

- Will increase the number of residents within the locality, consistent with the general objectives of the zone;
- Will not disadvantage or benefit any particular social group, rather will provide an additional residential lot 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 Paterson area who will in turn contribute to cultural and community activities when available;
- Will not create areas of insecurity or risk for occupants;
- Will provide the opportunity to increase housing diversity within the wider area and provides for greater housing choice; and
- Provides enhanced social and built infrastructure to positively benefit the new and existing population within the locality and adjoining areas.

There are no anticipated adverse social 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 rural context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

Economic

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 opportunities within the area will directly influence and enhance business and employment opportunities in and around the area.

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

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site. Additional residential development and subsequent habitation of the site will help to further enhance the passive surveillance of the adjoining areas from the site and may contribute to increased safety and security in the area.

4.4 SUITABILITY OF THE SITE

The subject site is located within an existing residential area and is relatively clear of vegetation. The site has access to all relevant services and the proposed development makes good use of the available land within the Dungog LGA.

The application design includes all elements required under the relevant planning instruments, policies, and the Dungog DCP, and there are no anticipated negative impacts on the locality as a result of the development.

To this extent, the site is suitable for development.

4.5 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.

4.6 PUBLIC INTEREST

The proposal represents the creation of two new residential lots compliant with the prescribed minimum lot size 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 residential nature of the land and is in keeping with the character of surrounding land uses and existing development. The proposed development is in the public interest.

5 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed one into three lot subdivision development is a 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 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;
- 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 lot size will directly benefit the community through providing two additional dwelling entitlements. The proposed lots contain areas for 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.



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2321
Phone: 0437 195 267
Email: admin@perceptionplanning.com.au