

STATEMENT OF ENVIRONMENTAL EFFECTS

**FARM BUILDING WITH FACILITIES AND
EARTHWORKS INCLUDING BUILDING PAD
AND SITE ACCESSES (INCLUDING
WATERCOURSE CROSSING)**

**AT 1620 BINGLEBURRA ROAD, BINGLEBURRA,
NSW, 2311 (LOT 1, DP192207)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Mal Graham (**the client**) to prepare a Statement of Environmental Effects (SEE) for the construction of a farm building with facilities, building pad, and site accesses (including watercourse crossing). The subject lot of this application is 1620 Bingleburra Road, Bingleburra, NSW, 2311 identified as Lot 73 in DP739305 (**the site**).

The characteristic of the proposed development includes:

- **Farm Building with Facilities**

A new farm building with facilities is proposed within the proposed building pad in the center of the site.

The farm building will have dimensions of 29m long, 8m wide, and 4.62m height.

Facilities within the building will include a bathroom consisting of a toilet, shower, and washbasin to support the agricultural activities carried out on the site.

The shed will consist of an open covered front section and three garage roller doors on the Northern side.

The colour of the proposed farm building will be Monument, which maintains consistency with other existing farm buildings in the rural area and will complement the natural environment in which it is located.

Refer to **ATTACHMENT 9** for architectural plans and **ATTACHMENT 8** for Site Plans.

- **Earthworks - Building Pad**

A building pad is proposed in the centre of the site to provide a level and accessible building envelope for the proposed farm building and potential future development.

The building pad will measure approximately 100m long and 50m wide and is located on an area of the site which is relatively flat already.

The pad will have a bench/step down near the middle to reduce the amount of cut and fill required and to retain the appearance of the existing landform.

Note: The proposed location of the building pad and farm building is approximate only, as the exact final location will be determined by the earthworks required in order to minimise the amount of cut and fill required.

Refer to **ATTACHMENT 8** for Site Plans.

- **Earthworks and Civil Works - Site Accesses including watercourse crossing**

Two separate site access roads are proposed to enable safe and practical access to the proposed development, one of which will be selected for construction and use. The watercourse crossing as part of Option B is planned to be constructed regardless, however the associated access road would not be constructed should Option A be approved.

Option A

The preferable and most practical access route gains access to Bingleburra Road at the Southwest of the site, providing access to the proposed building pad along the Western boundary. This access route requires minimal earthworks and results in minimal environmental and visual impact on the land.

Option B

A second option is planned as an "emergency exit" only. This option gains access to Bingleburra Road at the southern boundary of the site near existing cattle yard. The route extends in a Northerly direction towards the proposed building pad and involves a water course crossing.

This access is not the preferred option due to the increased adverse impact on the agricultural land associated with additional length of access road, increased slope and general disturbance of pastoral land. The crossing would still be constructed to preserve the environmental features of the water course, however. the associated access road would not be constructed.

Please note, should Option A be approved, the owner would only undertake this option rather than both. The watercourse crossing as part of Option B is planned to be constructed regardless, however the associated access road would not be constructed should Option A be approved.

Refer to **ATTACHMENT 8** for the site plan and **ATTACHMENT 10** for civil engineering plans.

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

- Farm buildings are permissible within the zone RU1 Primary Production.
- 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 development is consistent with the prevailing land use of the area, without burdening the essential services supply.
- The proposed development has been found to be consistent with the relevant LEP and DCP controls.

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	Ref: J003366 07/03/2024
2	DCP Compliance Table	Perception Planning	Ref: J003366 27/03/2024
3	Certificate of Title	NSW Land Registry	73/-/739305 01/06/2022
4	Deposited Plan	NSW Land Registry	739305 04/02/1987
5	AHIMS Search Results	Perception Planning	18/08/2022
6	BYDA Search Results	Before You Dig Australia	18/08/2022
7	Site Survey	Delfs Lascelles	Ref: 22647 15/11/2022
8	Site Plans	Perception Planning	Ref: J003366
9	Architectural Plans (Farm Building)	Topline Garages and Sheds	Ref: 51052
10	Civil Engineering Plans (Watercourse Crossing)	DRB Consulting Engineers	Ref: 232552 26/07/2023
11	Ecological Assessment Report	AEP	Ref: 3168
12	Bushfire Assessment Report	Perception Planning	24/01/2023
13	Site Waste Management Plan	Perception Planning	Ref: J003366 07/03/2024
14	Owners Consent	Owner	N/A
15	Cost Estimate Report	Perception Planning	Ref: J003366 27/03/2024

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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 Mal Graham (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with 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 (EPIs)
- 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	1620 Bingleburra Road, Bingleburra, NSW, 2311
Lot and DP	Lot 73 DP 739305
Current Use	Vacant primary production land and existing farm building
Zoning	RU1: Primary Production
Size	105.2ha
Site Constraints	<ul style="list-style-type: none">• Bushfire Prone Land – Vegetation Buffer, Vegetation Categories 1 and 2• Minimum lot size – 60ha
Owner	Owner's consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development. The subject site is identified within the Certificate of Title and Deposited Plan provided at ATTACHMENT 3 and ATTACHMENT 4 .

1.3 SITE DESCRIPTION

The site is located at 1620 Bingleburra Road, Bingleburra, NSW, 2311 shown in **FIGURE 1** (**'the site'**) and has an area of 105.2ha. The surrounding locality consists of primary production land with scattered vegetation throughout. The property is within the Dungog Local Government Area (LGA).

The site currently consists of an existing farm shed which was constructed as exempt development and is used for hay and machinery storage. A cattle yard is also existing at the Southern portion of the site. The site is bound by Bingleburra Road to the South and primary production zoned land to the North, East, and West. The site has varied and steep terrain with survey of the proposed location of the development provided as **ATTACHMENT 7**. The site is identified as bushfire prone land – Vegetation Buffer and Vegetation Categories 1 and 2. Accordingly, a Bushfire Assessment Report has been prepared in conjunction with this application (**ATTACHMENT 12**). There are various mapped watercourses identified on site.

Direct vehicular access to the site is via an existing gravel driveway from Bingleburra Road near the existing cattle yard.



Figure 1 – Site Locality Plan (NearMap 2024)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The Dungog Council Development Application Tracker website does not identify any recent applications made on the site. The site contains an existing farm shed which is classified as exempt development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The characteristic of the proposed development includes:

- **Farm Building with Facilities**

A new farm building with facilities is proposed within the proposed building pad in the center of the site.

The farm building will have dimensions of 29m long, 8m wide, and 4.62m height.

Facilities within the building will include a bathroom consisting of a toilet, shower, and washbasin to support the agricultural activities carried out on the site.

The shed will consist of an open covered front section and three garage roller doors on the Northern side.

The colour of the proposed farm building will be Monument, which maintains consistency with other existing farm buildings in the rural area and will complement the natural environment in which it is located.

Refer to **ATTACHMENT 9** for architectural plans and **ATTACHMENT 8** for Site Plans.

- **Earthworks - Building Pad**

A building pad is proposed in the centre of the site to provide a level and accessible building envelope for the proposed farm building and potential future development.

The building pad will measure approximately 100m long and 50m wide and is located on an area of the site which is relatively flat already.

The pad will have a bench/step down near the middle to reduce the amount of cut and fill required and to retain the appearance of the existing landform.

Note: The proposed location of the building pad and farm building is approximate only, as the exact final location will be determined by the earthworks required in order to minimise the amount of cut and fill required.

Refer to **ATTACHMENT 8** for Site Plans.

- **Earthworks and Civil Works - Site Accesses including watercourse crossing**

Two separate site access roads are proposed to enable safe and practical access to the proposed development, one of which will be selected for construction and use. The watercourse crossing as part of Option B is planned to be constructed regardless, however the associated access road would not be constructed should Option A be approved.

Option A

The preferable and most practical access route gains access to Bingleburra Road at the Southwest of the site, providing access to the proposed building pad along the Western boundary. This access route requires minimal earthworks and results in minimal environmental and visual impact on the land.

Option B

A second option is planned as an "emergency exit" only. This option gains access to Bingleburra Road at the southern boundary of the site near existing cattle yard. The route extends in a Northerly direction towards the proposed building pad and involves a water course crossing.

This access is not the preferred option due to the increased adverse impact on the agricultural land associated with additional length of access road, increased slope and general disturbance of pastoral land. The watercourse crossing would still be constructed to preserve the environmental features of the water course, however, the associated access road would not be constructed should Option A be approved.

Please note, should Option A be approved, the owner would only undertake this option rather than both. The watercourse crossing as part of Option B is planned to be constructed regardless, however the associated access road would not be constructed should Option A be approved.

Refer to **ATTACHMENT 8** for the site plan and **ATTACHMENT 10** for civil engineering plans.

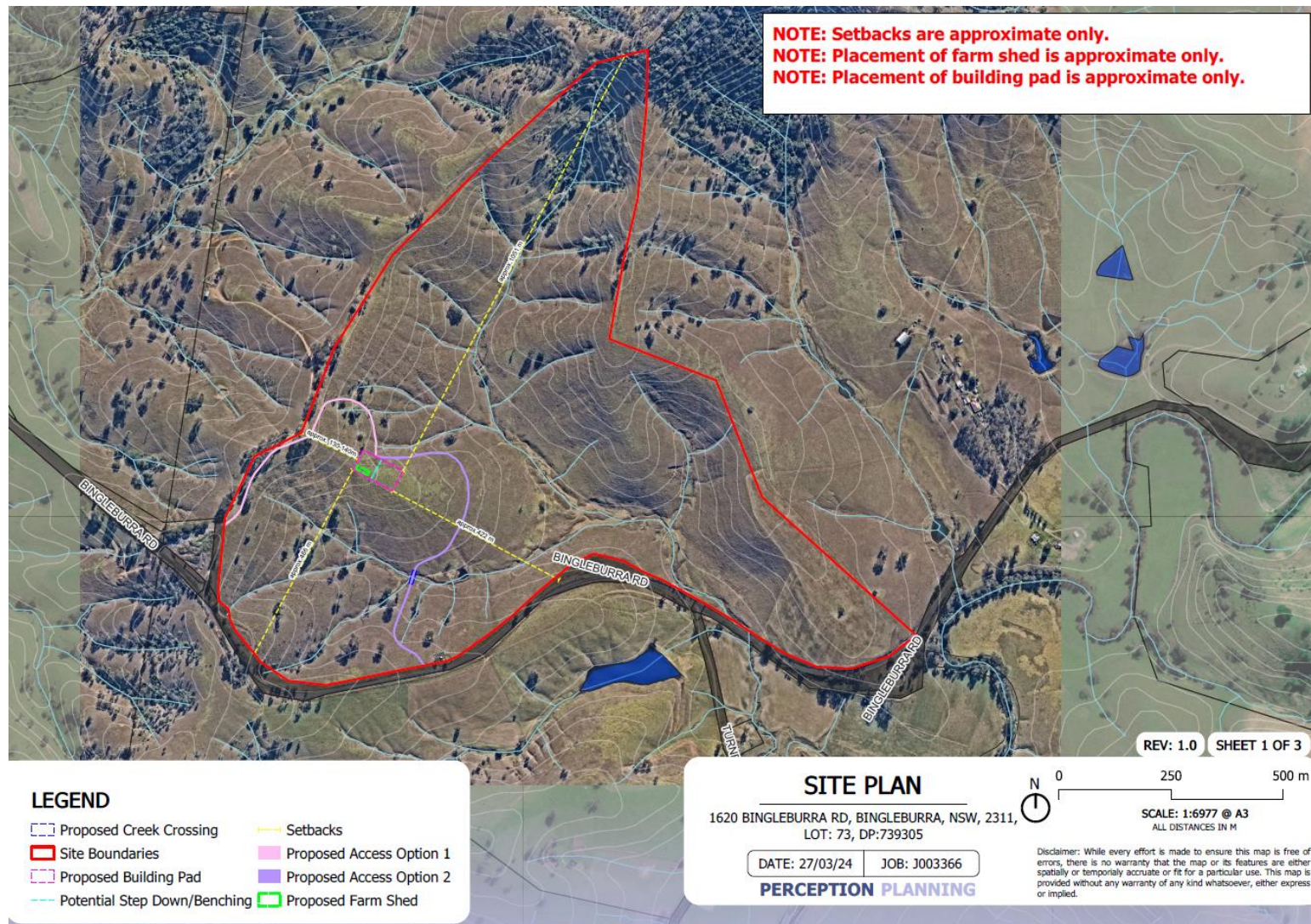


Figure 2 - Site Plan - Sheet 1 (Perception Planning 2024)

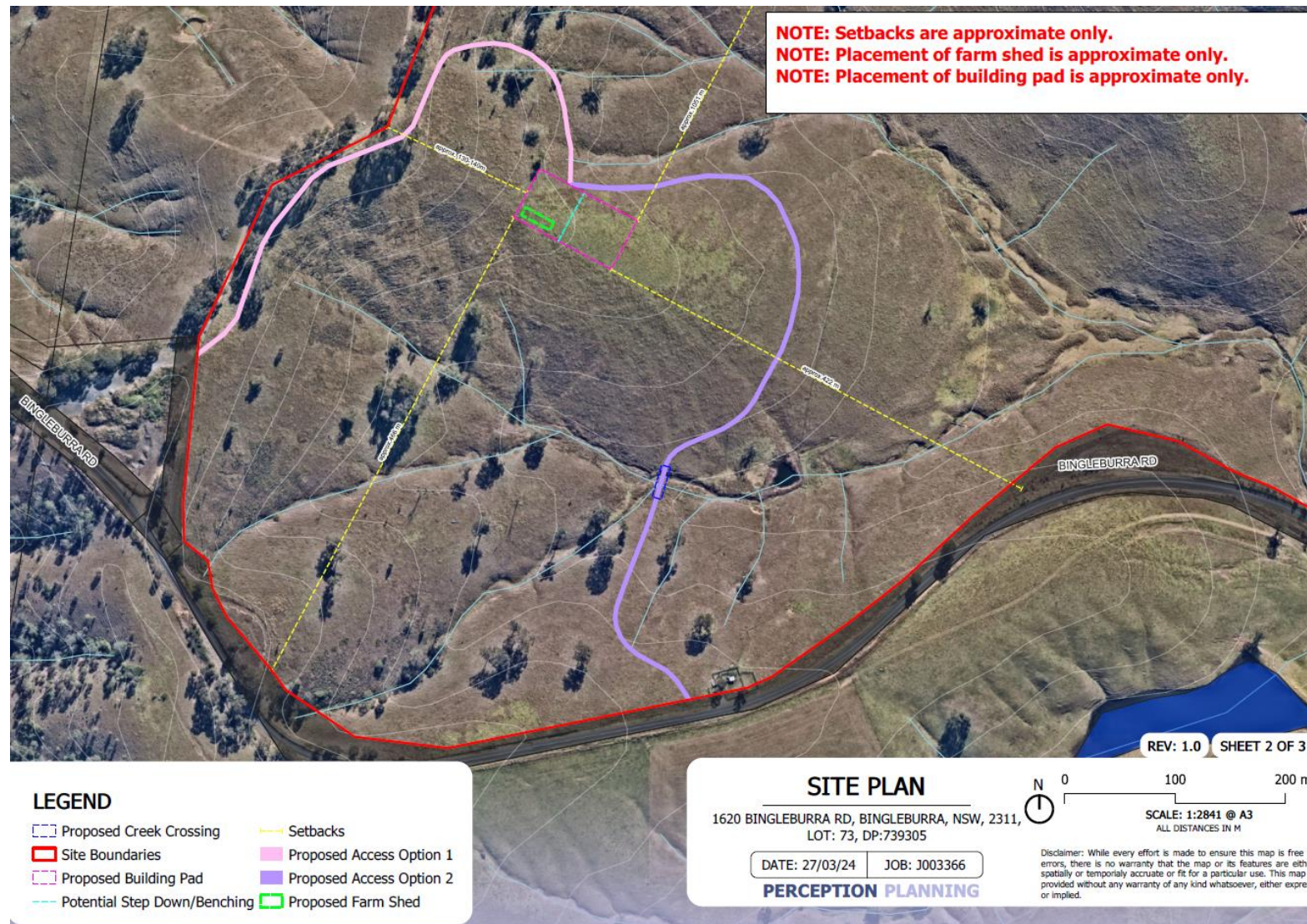


Figure 3 – Site Plan – Sheet 2 (Perception Planning 2024)

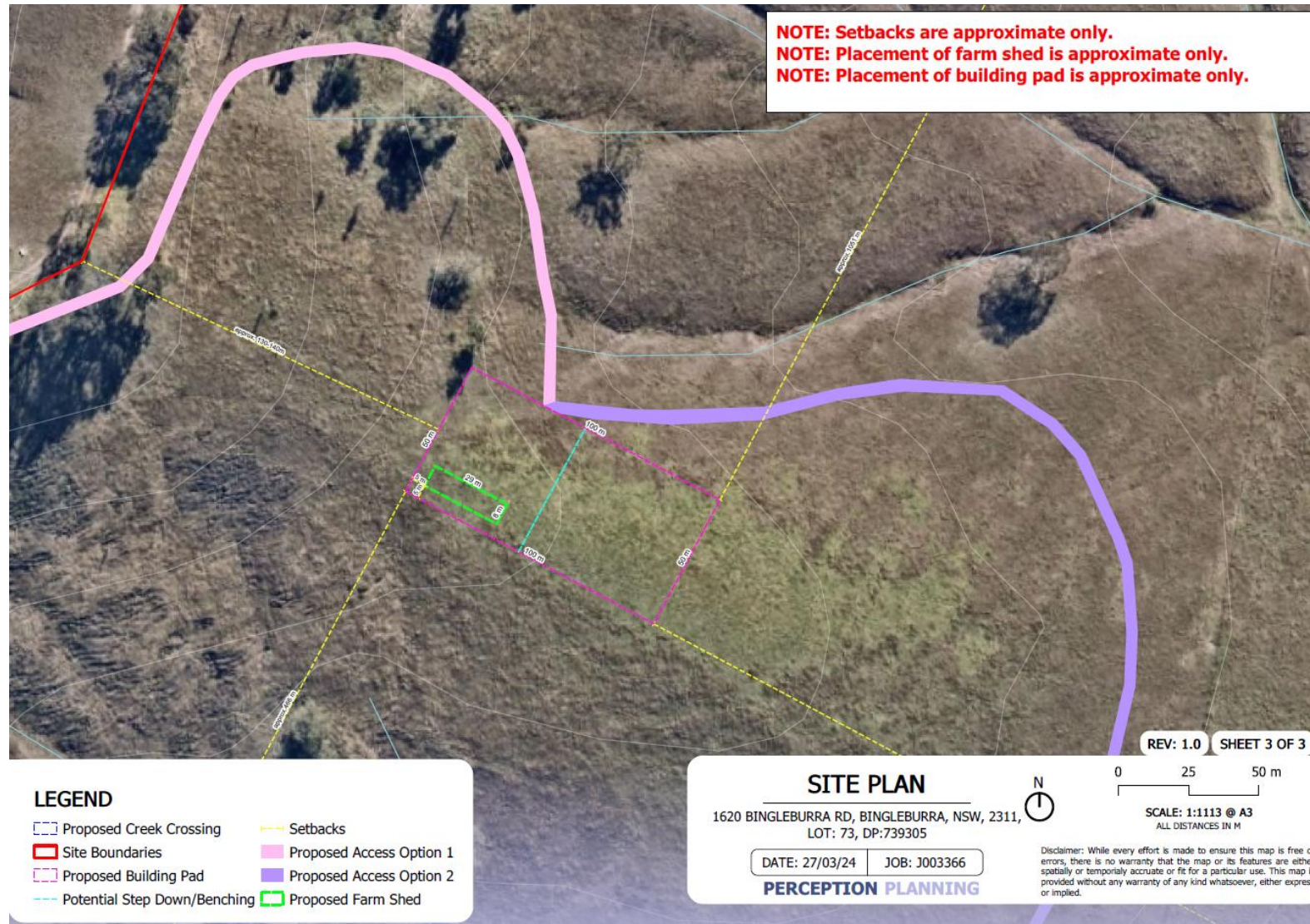


Figure 4 - Site Plan - Sheet 3 (Perception Planning 2024)

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.

The development site does not contain any land identified as containing biodiversity values (**FIGURE 5**). Additionally, no vegetation is sought to be removed as part of this development application. As demonstrated below, the proposed development does not exceed the biodiversity offsets scheme clearing threshold in regard to Section 7.2(b) of the BC Act. Therefore, no further assessment regarding the Biodiversity Conservation Act is required.

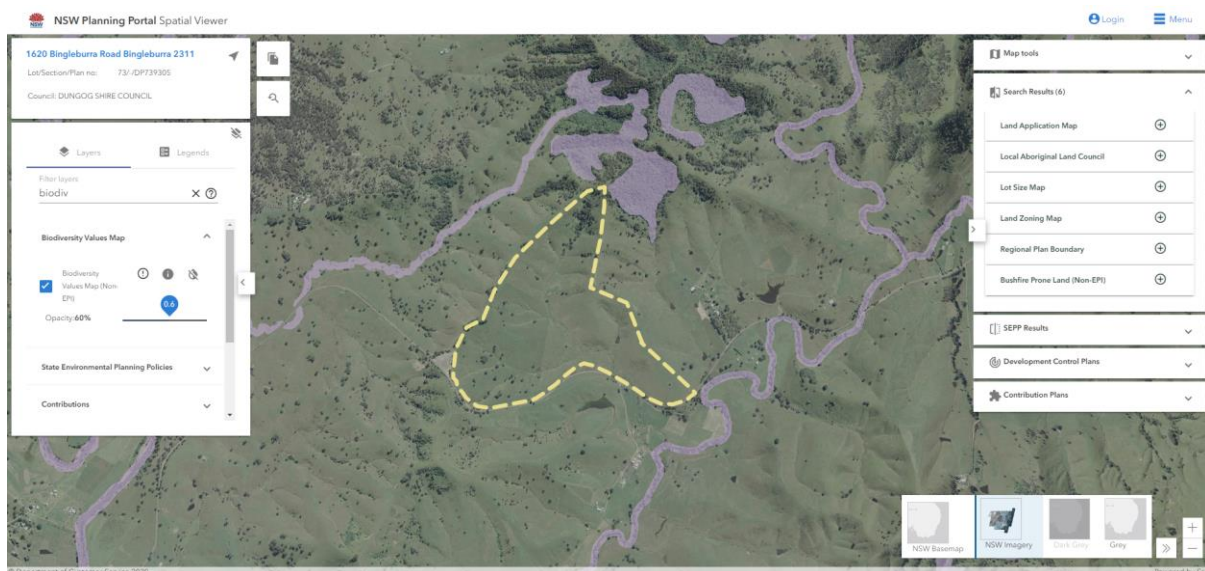


Figure 5 - Biodiversity Values Map (NSW Planning Portal 2024)

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.

Table 2 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	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.
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A

Rural Fires Act 1997	▪ s 100B	No – Whilst the site is identified as bushfire prone land the scale of the development does not require referral to RFS. This application is accompanied by a Bushfire Assessment Report (BAR), provided at ATTACHMENT 12 .
Water Management Act 2000	▪ ss 89, 90, 91	No – the site has mapped watercourses identified however are not within 40m of the proposed development location.

- **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 not 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 18 August 2022 identified that no Hunter Water assets are affected by the proposed development (**ATTACHMENT 6**).

3.1.4 Rural Fires Act 1991

The subject site is identified as bushfire prone land – Vegetation Buffer and Vegetation Categories 1 and 2 as shown in **FIGURE 6** below. The development proposes the construction of a farm shed with facilities, building pad, and site accesses on an existing lot and therefore is not defined as integrated development and does not require referral to the NSW Rural Fire Service (RFS) requesting a Bushfire Safety Authority (BSA) under Section 100B of the Rural Fires Act 1997 and General Terms of Approval (GTA) under Division 4.8 of the EP&A Act. This application is accompanied by a Bushfire Assessment Report (BAR) addressing the requirements of Section 4.14 of the EP&A Act and Planning for Bushfire Protection, provided at **ATTACHMENT 12**.

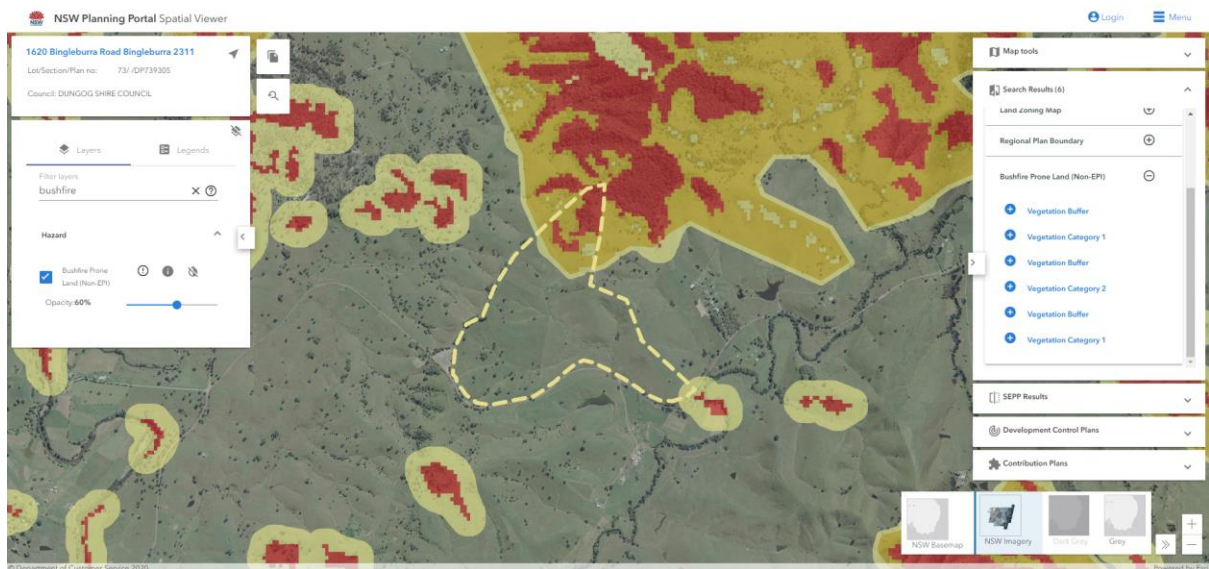


Figure 6 - Bushfire Prone Land (NSW Planning Portal 2024)

3.1.5 Water Management Act 2000

The site contains a number of mapped watercourses on site as per **FIGURE 7**. The proposed development is not located within proximity to any mapped watercourses on site. Additionally, the site is not located within a Drinking Water Catchment. Provisions will be put in place during construction to ensure that no adverse impacts affect the drinking water catchment. To this effect, a referral to is not required under Section 91 of WM Act for a controlled activity approval (integrated development).



Figure 7 - Mapped Watercourses (NSW Planning Portal 2024)

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*
- *SEPP (Primary Production) 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 does not contain any signs of previous contaminating uses. As such a contamination assessment has not been completed for the proposed development.

The site is currently zoned RU1 for primary production purposes. Given the allotment is largely vacant and used for primary production purposes, it is unlikely to be considered contaminated. To this extent, the subject site is land considered suitable for the proposed development and residential occupation.

3.2.2 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 2 - INFRASTRUCTURE

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

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

Section 2.48 – Determination of development applications – Other development

Penetration of the ground within 2m of underground electrical infrastructure triggers referral to electricity supply authority pursuant to Section 2.48(1)(a). Referral to the Electricity Supply Authority is not triggered for the proposed development as there is no electrical infrastructure located on the site.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.77 – 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

Bingleburra Road is identified as a regional road dedicated to Dungog Council (**FIGURE 8**). As such, referral to 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.

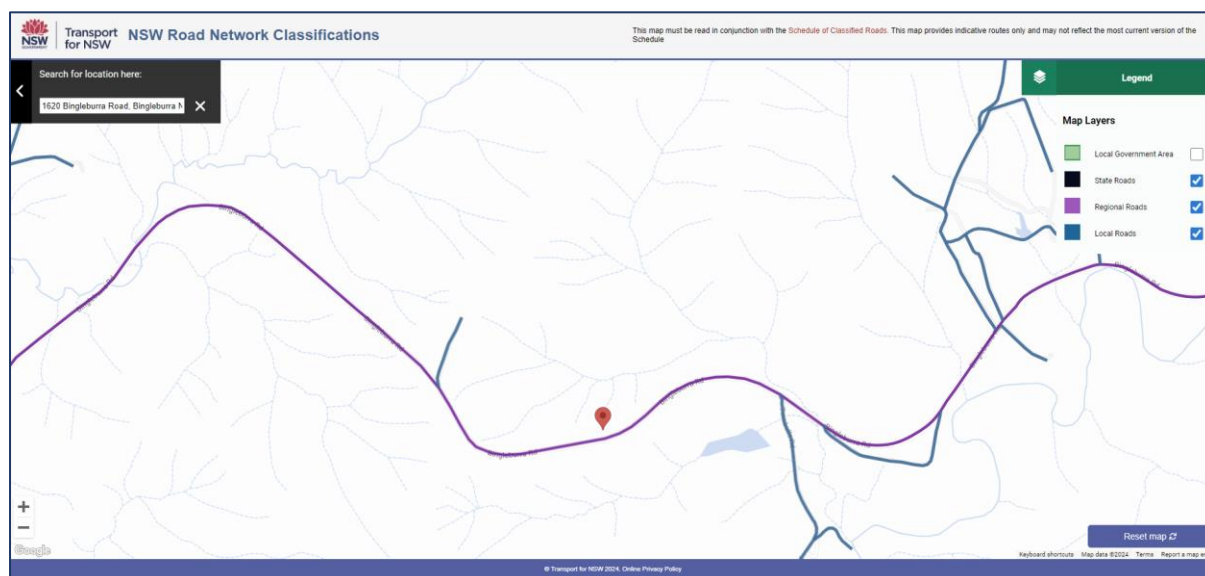


Figure 8 - Road Network Classifications (Transport for NSW 2024)

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, 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 development.

3.2.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 – Koala Habitat Protection 2021

This chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identify the Dungog Local Government Area as land to which the policy applies and subject to the North Coast Koala Management Area.

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

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;

- Reduction in feed trees; and
- Sea level rise.

The proposed development does not involve the removal of vegetation. There is no impact identified on the koala habitat and the free-living population. Further assessment of this Chapter is not warranted.

3.2.4 SEPP (PRIMARY PRODUCTION) 2021

SEPP (Primary Production) 2021 applies to the proposed development due to the zoning of the land. The aims of the SEPP applicable to the proposed development include to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources and to encourage sustainable agriculture.

Chapter 2 of the Primary Production SEPP currently specifies matters to be considered when determining development applications for rural subdivision or rural dwelling houses. It specifies that the following matters be taken into account when determining whether to grant development consent to development on land to which this clause applies;

- (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 development has been examined in response to these matters;

- (a) The subject site is located amongst properties of medium to large rural nature. Many are vacant/vegetated or also containing residential dwellings,
- (b) The proposed development will not have significant impact on the surrounding land uses given the clustered nature of the development and compatible rural design,
- (c) The subject site is located amongst compatible land uses with no potential conflicts identified,
- (d) No incompatibility issues have been identified for consideration.

No significant adverse impact on, or from, adjacent land uses are identified. No sterilisation of rural land is believed to result from the development.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Dungog LEP 2014 (DLEP) 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 the construction of a farm building with facilities, building pad, and site accesses, which are permissible with consent in the RU1 zone.

The Dungog 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 development will provide a farm building and suitable site access on the site within the rural setting, supporting the existing agricultural use of the land. The proposed development will not cause substantial increase in the demand for public services and will not contribute to land use conflicts of the region. There are no anticipated negative amenity or scenic impacts because of the proposed development. The proposed development has been designed and located on the site to prevent silhouetting on the ridgeline, noting that the nearest ridgeline sits behind the development and the development has been placed below. As such the proposed development is expected to meet the objectives of the RU1 Zone.

- **Clause 4.1 – Minimum Subdivision Lot Size**

The objective of this clause is to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area. The site has a minimum lot size of 60ha under the DLEP 2014. The site has an area of 105.2ha which is above the minimum lot size. No further subdivision of the site is proposed as a result of this development.

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

The objective of this clause is to minimise unplanned rural residential development. The site is identified as a zone to which this clause applies, being RU1 Primary Production. Any potential future dwelling would be permitted under Clause 3 (a) in that the lot meets the minimum lot size for the zone.

While this application does not propose a residential dwelling, the proposed building pad has been designed and located to facilitate a potential dwelling in the future, subject to separate development approval and would be permissible on the site as per the above.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (18 August 2022) 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**

The consent authority must consider the existing uses of the site and within the vicinity of the site whenever a dwelling is proposed. The site is currently vacant with an existing farm shed on site. Any potential future dwelling would encourage the active management of primary production land. It is not anticipated that such a development would be likely to have a significant impact on the land use within the locality. Scattered residential development is identified on primary production land within the locality.

While this application does not propose a residential dwelling, the proposed building pad has been designed and located to facilitate a potential dwelling in the future, subject to separate development approval and would be permissible on the site as per the above.

- **Clause 5.21 – Flood Planning**

The site is not identified as being flood prone in accordance with Dungog LEP 2014. As such no further assessment of this clause is required.

- **Clause 5.22 – Special Flooding Considerations**

The site is not identified as being flood prone in accordance with Dungog LEP 2014. As such no further assessment of this clause is required.

- **Clause 6.1 – Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils (ASS) and cause environmental damage. The site is not identified as

containing any area of acid sulfate soils. Therefore, no Acid Sulfate Soils Management Plan has been prepared for this application.

- **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 earthworks proposed by this application specifically relate to the construction of one access road, a watercourse crossing, and the proposed building pad.

Proposed access route Option A is the preferred option as it requires minimal earthworks and results in minimal environmental and visual impact on the land.

The proposed building pad will have a bench/step down near the middle to reduce the amount of cut and fill required and to retain the appearance of the existing landform.

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

- **Clause 6.4 – Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. Stormwater generated as a result of the proposed development will be collected and stored in two proposed rainwater tanks on site, with a combined capacity of 40,000L. The exact locations and specifications of these rainwater tanks are TBC, however they will be located on the Western end of the proposed farm building. Additional runoff will be diverted to grassed areas downslope, as the site is considered large enough to manage additional overflow.

- **Clause 6.5 – Drinking Water Catchment**

The objective of this clause is to protect drinking water catchment by minimising the adverse impacts of development on the quality and quantity of water entering the drinking water storages. The proposed development is not located within an identified Drinking Water Catchment (**FIGURE 9**). Erosion and sediment provisions will be put in place during construction to ensure that no adverse impacts affect the nearby drinking water catchment.

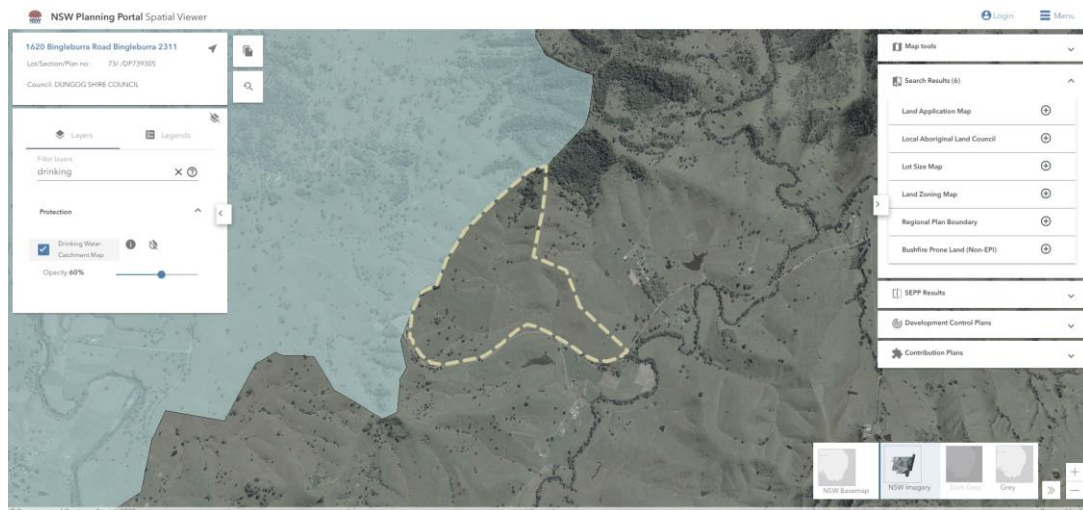


Figure 9 - Drinking Water Catchment (NSW Planning Portal 2024)

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

The site is identified as containing various mapped watercourses identified on the site.

No riparian land is identified on the site.

The proposal involves a proposed watercourse crossing (associated with access option 2 only) which will allow the existing watercourses on the site to remain unaffected. Accordingly, the proposed development will not adversely affect or alter the existing watercourses on the site.

Provisions will be put in place during construction to ensure that no adverse impacts affect the drinking water catchment.

As such no further assessment of this clause is required.

- **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) The subject site is not serviced by water services, as such the proposed farm building will rely on tank water for water supply.
- (b) Electricity services are not available to the site. The proposed farm building will be supported by an off-grid solar panel array and associated battery storage, thus reducing the demand on power supply.
- (c) The telecommunications services are not available to the site.

- (d) The site is not serviced by reticulated sewerage. The proposed farm building includes a bathroom consisting of a toilet, shower, and washbasin. As such, an S68 application will be submitted for an on-site waste management system which will be implemented to support the proposed development.
- (e) Stormwater generated as a result of the proposed development will be collected and stored in two proposed rainwater tanks on site, with a combined capacity of 40,000L. The exact locations and specifications of these rainwater tanks are TBC, however they will be located on the Western end of the proposed farm building. Additional runoff will be diverted to grassed areas downslope, as the site is considered large enough to manage additional overflow.
- (f) Direct vehicular access to the development site will be via the proposed access option A to Bingleburra Road.
Refer to the Site Plans provided as **ATTACHMENT 8** and Civil Engineering Plans as **ATTACHMENT 10**.

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

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

The objective of this clause is to protect the rural amenity and character of the land to which this clause applies by managing visual impact. The site is identified as land to which this clause applies being RU1 Primary Production.

The proposed development has been designed and located in order to minimise visual dominance and impact, being located below the surrounding ridgelines and being screened from Bingleburra Road by existing native vegetation.

The proposed farm building and building pad will also enable all proposed and future development to be clustered in one location on the site, avoiding fragmentation of the land.

The farm shed will be clad in Colourbond metal cladding in the colour Monument. This will allow the proposed farm building to maintain consistency with existing rural development in the area and will complement the natural environment and rural setting.

Given the above design and positioning considerations, the proposed development is appropriately sited and will blend into the landscape to avoid any potential silhouetting against ridgelines or any other adverse visual impacts.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP 2004 (amended 2020) is provided in the Table of Compliance provided at **ATTACHMENT 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

4 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development achieves a compliant building design that 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 development is found to have minimal adverse visual impact on the site and is consistent with surrounding development type.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Direct vehicular access to the development site will be via the proposed access option A to Bingleburra Road. Refer to the Site Plans provided as **ATTACHMENT 8** and Civil Engineering Plans as **ATTACHMENT 10**.

It is not anticipated the proposed development will result in considerable additional traffic and will not result in a detrimental impact to the existing road network.

4.1.3 PUBLIC DOMAIN

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

4.1.4 SERVICES

Physical, legal, and emergency service are available to the site. The proposed development will not unreasonably increase demand for these services as potable water will be provided through two proposed rainwater tanks with a combined capacity of 40,000L and the installation of an onsite wastewater management system. Furthermore, the proposed farm building will be serviced by an off-grid solar panel array and associated battery storage, as the site is not connected to the local power supply.

4.1.5 NOISE AND VIBRATION

Construction noise associated with the development 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 does not involve vegetation removal as part of the application. The site is identified as a bushfire prone land – Vegetation Buffer and Vegetation Categories

1 and 2. A Bushfire Assessment Report (BAR) has been prepared to address this rating (**ATTACHMENT 12**).

4.2.2 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (18 August 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 generated as a result of the proposed development will be collected and stored in two proposed rainwater tanks on site, with a combined capacity of 40,000L. The exact locations and specifications of these rainwater tanks are TBC, however they will be located on the Western end of the proposed farm building. Additional runoff will be diverted to grassed areas downslope, as the site is considered large enough to manage additional overflow.

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 farm building and earthworks with minimal social impacts. The farm building will 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 active management of the site.

The proposed development will service the needs of the property owners without impacting on the surrounding area and furthermore will not disadvantage or benefit any particular social group.

Economic

There are no anticipated adverse economic impacts as a result of the proposed development as it will support the existing agricultural use of the site. The proposed development is not out of character with the existing rural 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.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety or security measures 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. The development and subsequent permanent habitation of the site will help to further enhance the passive surveillance of 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 development 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 proposed development seeks to utilise an existing allotment. The development will utilise off-grid services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

There are no tangible cumulative impacts arising from the proposal, given the rural nature and appropriateness of the development in conjunction with the existing lot and its agricultural use. Cumulative impacts are positive in that the development will ensure that the site can be utilized to its full potential whilst ensuring the impacts on the site and the surrounding area are minimal in nature. To this extent, the site is suitable for development.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed 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;

- Farm buildings are permissible within the zone RU1 Primary Production.
- 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 development is consistent with the prevailing land use of the area, without burdening the essential services supply.
- The development proposed by this application has been found to be consistent with the relevant LEP and DCP controls.

It is considered that the proposal will have no impact on the surrounding properties that it is not likely to adversely affect their enjoyment or amenity. We look forward to Council's determination of this matter.

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



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