

STATEMENT OF ENVIRONMENTAL EFFECTS

**TORRENS TITLE SUBDIVISION (ONE
INTO TWO LOTS), FARM BUILDING AND
WATERCOURSE CROSSING**

**CHICHESTER DAM ROAD, BENDOLBA,
NSW, 2420 (LOT 12, DP 621541)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Galaah Pty Ltd (**the client**) to prepare a Statement of Environmental Effects (SEE) for a Torrens Title subdivision (one into two lots), farm building and water crossing at Chichester Dam Road, Bendolba, NSW, 2420 (LOT: 12 DP621541 (**the site**)). The characteristics of the development include:

1. Proposed Torrens title subdivision (one into two lots). The lots created will have the following lot sizes:
 - a. Proposed Lot 121 – 1.74ha (R5 Large Lot Residential)
 - b. Proposed Lot 122 – 38.86ha (RU1 Primary Production)
2. Proposed construction of new farm building on proposed Lot 122:
 - a. 18m long, 12m wide (area 216m²) and maximum height 5.317m
3. Construction of watercourse crossing consisting of 2 box culverts 2700mm wide x 900mm high and establishment of property access for proposed Lot 121 to Chichester Dam Rd via a Right of Carriageway over proposed Lot 122 as described in the attached subdivision plan.

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

- The proposed subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP and as facilitated by Clause 4.2;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing two independent Lots, for separate use, to meet both the agricultural and housing needs of the community.

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

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EMA	Effluent Management Area
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

LIST OF FIGURES

Figure 1 – Locality Plan (Source: SixMaps, 2024)	10
Figure 2 – Proposed Subdivision Plan (Source: Delfs Lascelles, 2024)	12
Figure 3 – Proposed Site Plan – Farm Building (Source: Perception Planning, 2024)	13
Figure 4 – Farm Building Plans (Source: Best Sheds, 2024)	13
Figure 5 – Civil Design Plans – Watercourse Crossing (Source: DRB Engineering, 2024) ..	14
Figure 6 – Biodiversity Values Map (Source: ePlanning Spatial Viewer, 2024)	15
Figure 7 – NSW Planning Portal - Bushfire Mapping Tool; Areas of bushfire prone land on and surrounding the site	17
Figure 8 – AHIMS Search Results (January 2024)	25
Figure 9 - NSW Planning Portal; Site not identified as Flood Prone Land	26
Figure 10 - NSW Planning Portal (2024); Site is identified to be within the Williams River Drinking Water Catchment.	28
Figure 11 - NSW Planning Portal (2024); Site does not contain an identified 'Watercourse'	28
Figure 12 - Planning for Bushfire Protection 2019 (PBP 2019)	31

LIST OF TABLES

Table 1: Appendices	5
Table 2 - Integrated development	18

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Table 1: Appendices

Appendix	Document	Prepared by	Reference
1	DCP Compliance Table	Perception Planning	J004231 27/05/2024
2	Certificate of Title and Deposited Plan	NSW Land Registry	
3	AHIMs Search Results	Perception Planning	
4	DBYD Search Results	Perception Planning	
5	Proposed Subdivision Plan	Delfs Lascelles	Project Number 24009 Rev C 21.05.24
6	Proposed Site Plan (farm building)	Perception Planning	J004231 7/2/2024
7	Bushfire Assessment Report	Newcastle Bushfire Services	23/2/2024
8	Wastewater Report	GSL Environmental	Job Reference 121624 5/3/2024
9	Shed Plans	Best Sheds	Job Number 2024457282 6/2/2024
10	Civil Engineering Plans (watercourse crossing)	DRB Engineering	Project Reference Number 243453 Rev A 16/5/2024
11	Hunter Water Corporation Development Requirements	Hunter Water Corporation	Hunter Water Ref Number 2024-720 14/5/2024
12	Site Waste Minimisation and Management Plan	Perception Planning	J004231 27/05/2024

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
TERMS AND ABBREVIATIONS	4
LIST OF FIGURES	4
PLANS AND SUPPORTING DOCUMENTATION	5
TABLE OF CONTENTS	6
1 BACKGROUND	8
1.1 PURPOSE	8
1.2 SITE DETAILS	9
1.3 SITE DESCRIPTION	9
1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS	11
2 DESCRIPTION OF THE DEVELOPMENT	11
2.1 PROPOSED DEVELOPMENT	11
3 PLANNING CONTROLS	14
3.1 ACTS	14
3.1.1 Biodiversity Conservation Act 2016	14
3.1.2 Environmental Planning and Assessment Act 1979	15
3.1.3 Hunter Water Act 1991	16
3.1.4 Rural Fires Act 1991	16
3.1.5 Water Management Act 2000	17
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)	20
3.2.1 SEPP (RESILIENCE AND HAZARDS) 2021	20
3.2.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021	21
3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	22
3.3 LOCAL ENVIRONMENTAL PLAN (LEP)	23
3.4 DEVELOPMENT CONTROL PLAN (DCP)	30
4 LIKELY IMPACTS OF THE DEVELOPMENT	30
4.1 BUILT ENVIRONMENT	30
4.1.1 CONTEXT, SETTING AND VISUAL IMPACT	30
4.1.2 ACCESS, TRANSPORT AND TRAFFIC	31
4.1.3 PUBLIC DOMAIN	32
4.1.4 SERVICES	32
4.1.5 NOISE AND VIBRATION	32
4.2 NATURAL ENVIRONMENT	32
4.2.1 ECOLOGICAL	32

4.2.2	ARCHAEOLOGY	32
4.2.3	STORMWATER.....	32
4.3	SOCIAL AND ECONOMIC.....	32
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION	33
5	SUITABILITY OF THE SITE.....	33
6	ANY SUBMISSIONS AND CONSULTATION.....	33
7	PUBLIC INTEREST	34
8	CONCLUSION	34

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address	Chichester Dam Road, Bendolba, NSW, 2420
Lot and DP	LOT: 12 DP621541
Current Use	Rural Land
Zoning	RU1 – Primary Production R5 – Large Lot Residential
Size	Total – 40.6 ha
Site Constraints	<ul style="list-style-type: none">• Drinking Water Catchment – Special Area - Williams• Bushfire prone land – vegetation buffer
Minimum Lot Size	<ul style="list-style-type: none">• RU1 Primary Production – 60ha• R5 Large Lot Residential – 8000m²
Owner	Owners 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. Two existing easements for the purposes of Hunter Water assets (pipeline and access) are identified within the DP provided at APPENDIX 2 , these do not impact the application.

1.3 SITE DESCRIPTION

The site is located at Chichester Dam Road, Bendolba, NSW, 2420 shown in **Figure 1** (**‘the site’**) and has a total area of 40.6 ha. The site is located in Bendolba, approximately 8km North 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 Chichester Dam Road. The property is split zoned RU1: Primary Production and R5: Large Lot Residential. The existing lot is sized 40.6 ha. The topography is mostly flat, with some undulation associated with the watercourses that pass through the site. Chichester Dam Road forms the eastern boundary. The Chichester Trunk Gravity Main forms the western property boundary. The site is largely cleared of vegetation and has historically been utilised as grazing land.



Figure 1 – Locality Plan (Source: SixMaps, 2024)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently vacant and undeveloped land.

A review of the Dungog Shire Council Development Application Tracker conducted 2 May 2024 did not identify any current or historic approvals relating to the site.

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

This development applications seeks consent for the following:

1. Proposed Torrens title subdivision (one into two lots). The lots created will have the following lot sizes:
 - a. Proposed Lot 121 – 1.74ha (R5 Large Lot Residential)
 - b. Proposed Lot 122 – 38.86ha (RU1 Primary Production)

The proposed Subdivision Plan is provided below in **Figure 2** and attached as **APPENDIX 5**.

2. Proposed construction of new farm building on proposed Lot 122:
 - a. 18m long, 12m wide (area 216m²) and maximum height 5.317m

A site plan demonstrating the location of the proposed farm building is shown below in **Figure 3** and attached as **APPENDIX 6**. Shed plans are show below in **Figure 4** and provided in full within **APPENDIX 9**.

3. Construction of watercourse crossing consisting of 2 box culverts 2700mm wide x 900mm high and establishment of property access for proposed Lot 121 to Chichester Dam Rd via a Right of Carriageway over proposed Lot 122 as described in the attached subdivision plan.

Civil design plans are shown below in **Figure 5** and provided in full within **APPENDIX 10**.

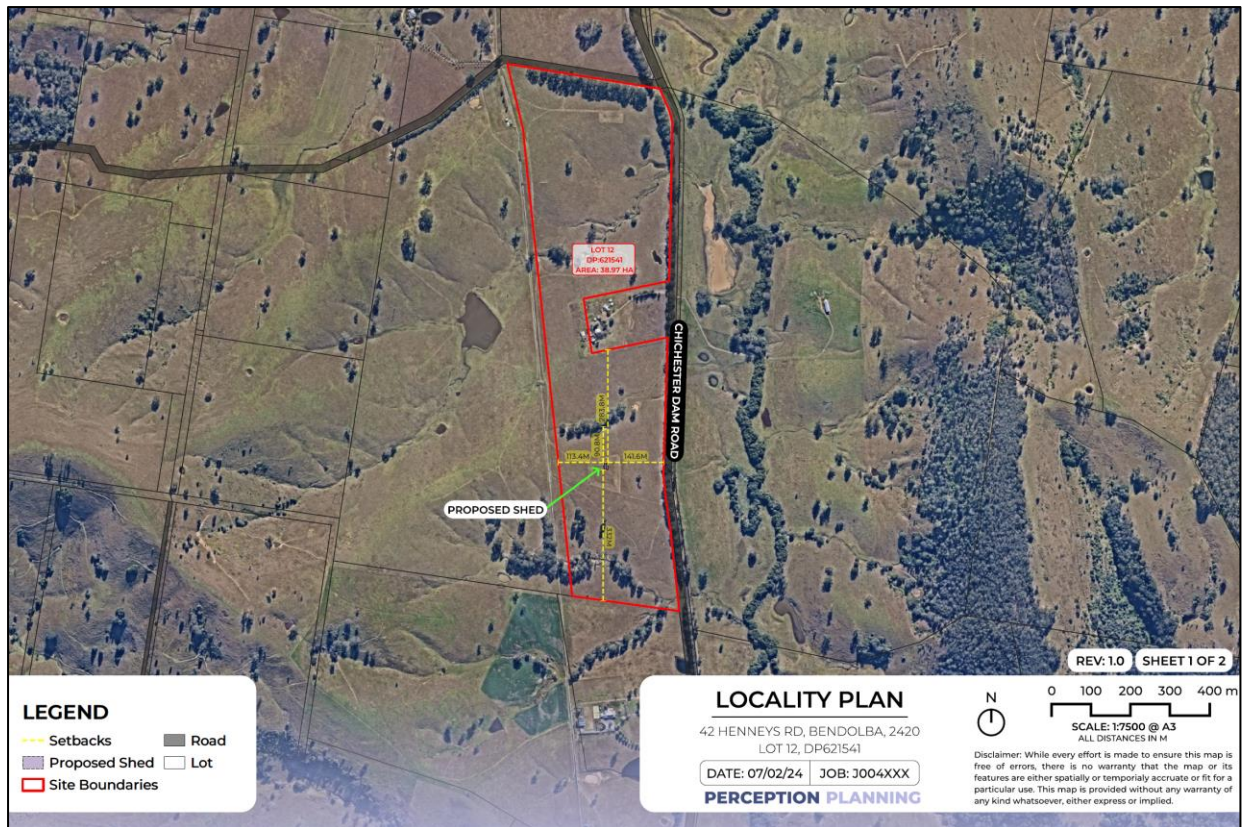


Figure 3 – Proposed Site Plan – Farm Building (Source: Perception Planning, 2024)

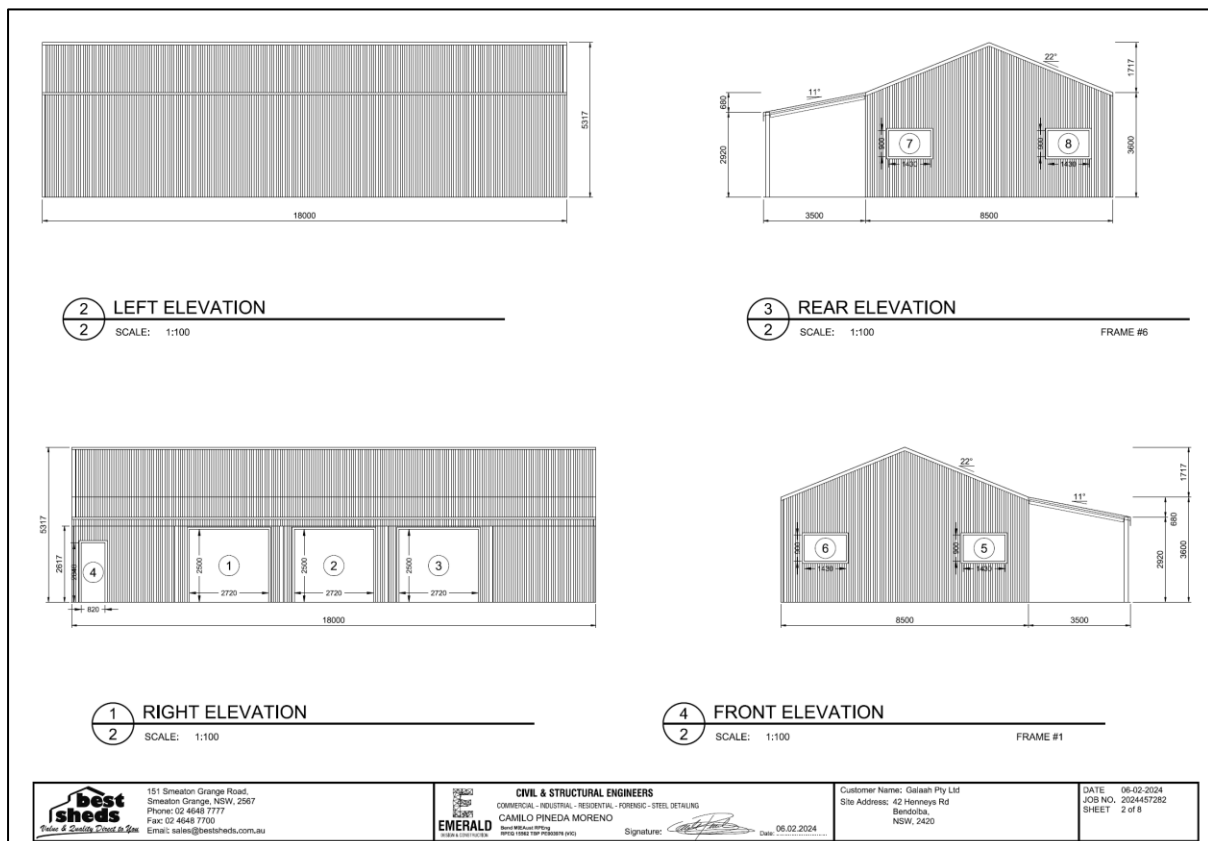


Figure 4 – Farm Building Plans (Source: Best Sheds, 2024)

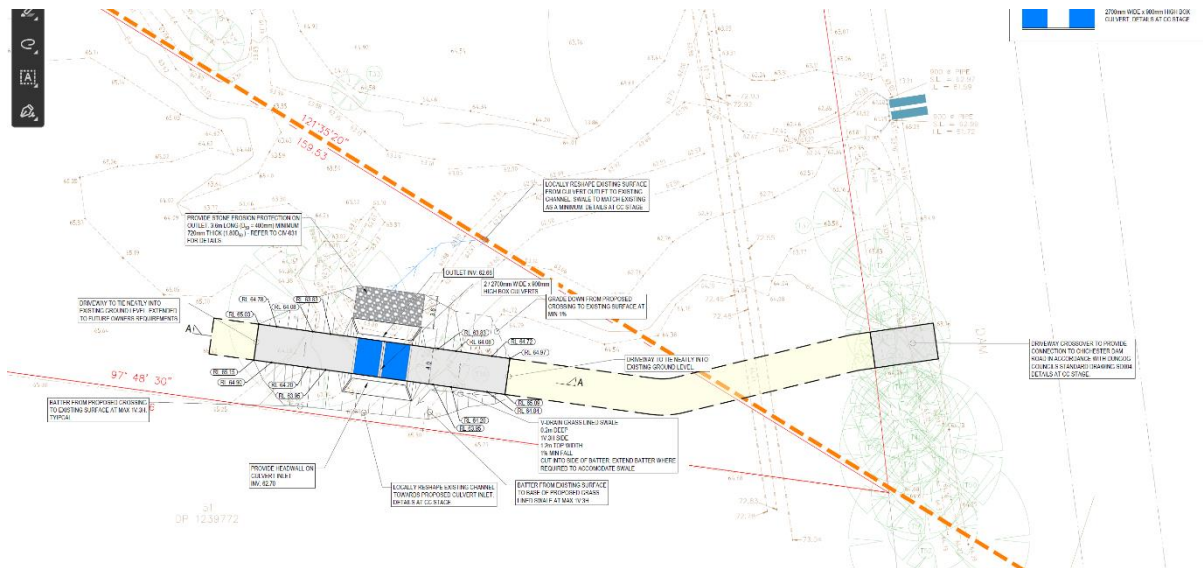


Figure 5 – Civil Design Plans – Watercourse Crossing (Source: DRB Engineering, 2024)

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

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

The subject site does not contain vegetation identified on the Biodiversity Values Map (**Figure 6**) as land with high biodiversity value and sensitive to impacts from development and clearing.

Five trees are identified as required to be removed. Trees T35 and T36 contained by proposed Lot 121 will be directly impacted by the construction of the watercourse crossing. Trees T40, T41 and T42 are located within the road reserve and will be required to be removed to construct the future property access to Chichester Dam Road. The site does not contain habitat identified on the Biodiversity Values Map and the area of impact does not exceed the relevant clearing threshold of 0.25ha, as such the removal of this vegetation is subject to assessment and approval by Council.



Figure 6 – Biodiversity Values Map (Source: ePlanning Spatial Viewer, 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.

- **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 the Williams River Drinking Water Catchment. Under Section 51 of the HW Act, consent authorities, including Dungog Shire Council, are required to refer DA's to HW for comment that may significantly impact on water quality in the drinking water catchments.

The proposed development does not incorporate any physical works that may impact the drinking water catchment and does not incorporate subdivision involving more than four lots, therefore referral to HWC is not required as part of the application assessment. The proposed development incorporates the opportunity for construction of two additional dwellings on the site. This in turn is not expected to incur any direct impacts on the drinking water catchment.

HW Stamped Plans accompany this development application as **APPENDIX 11**.

3.1.4 Rural Fires Act 1991

The subject site is identified as bushfire prone (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 7**, providing an assessment in accordance with PBP, Rural Fires Act 1997 (s100B) and/or Rural Fires Regulation 2013 (s46).



Figure 7 – NSW Planning Portal - Bushfire Mapping Tool; Areas of bushfire prone land on and surrounding the site.

3.1.5 Water Management Act 2000

In order to establish access to proposed Lot 121 (zoned R5), the development will require physical works (construction of property access and culvert over mapped watercourse) that trigger referral to the Natural Resource Access Regulator as integrated development.

It is understood that a Controlled Activity Approval (CAA) will be required prior to the commencement of these works and that a condition of consent specifying this will be applied to the development approval.

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 	<p>N/A</p> <p>Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</p>
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	<ul style="list-style-type: none"> ▪ s 100B 	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 (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 7 to enable referral to the NSW RFS.</p>
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	<p>Yes – The development will require physical works (construction of property access and culvert over mapped watercourse) that trigger referral to the Natural Resource Access Regulator as integrated development.</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*
- *State Environmental Planning Policy (Transport and Infrastructure) 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;

4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The site is currently zoned for large lot residential and 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. The land has previously been used for extensive grazing and there are no identifiable former contaminating activities evident.

It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the land considered suitable for the proposed development and Clause 4.6 (1) is satisfied.

3.2.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 3 – Koala Habitat Protection 2020

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.

*This Chapter applies to land in the following land use zones, or an equivalent land use zone, in a local government area specified in Schedule 2, but not if the local government area is marked with an * in that Schedule—*

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU3 Forestry.

This Policy applies to the Dungog LGA, pursuant to Clause 5 and Schedule 1 – Local Government Areas. To establish whether the Chapter applies to the proposal, it must satisfy the requirements of Part 3.2 Development control of koala habitats.

Part 3.2 applies when a development application has been made within a listed LGA and pertains to land that is greater than one hectare. As the site is partially zoned RU1 and has an area of over 1 ha an assessment of the land in accordance with Sections 3.6 – 3.8 must be conducted to determine whether development consent can be issued.

3.6 Step 1 Is the land potential koala habitat

Pursuant to Clause 1, before a council may grant consent to a development application for consent to carry out development on the land, the council must be satisfied as to whether the land is a potential koala habitat.

The site is not heavily vegetated and has not been found to be potential koala habitat. Furthermore, no vegetation identified as potential koala habitat is proposed to be removed as part of this development application.

The development is not considered to have detrimental impact on Koala Habitat.

Further assessment of this Chapter is not warranted.

Chapter 4 – Koala Habitat Protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support 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 site is partially zoned R5, as such this Chapter applies to the development application in addition to Chapter 3 as discussed above.

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.

Considering only minor vegetation removal is proposed, 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 the Infrastructure SEPP is to facility the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

The proposed development is not in the vicinity of a high-pressure pipeline corridor (fuel) and therefore does not trigger referral to any pipeline operator pursuant to Clause 66C. The proposed development is greater than 2m from the overhead powerline and therefore does not trigger referral to the electricity supply authority pursuant to Clause 45 (1) (b) (iii). The development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

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

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

The subject site is zoned RU1: Primary Production and R5: Large Lot Residential. The proposed development includes a Torrens title subdivision (one into two lots), 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 Land Use Table of the LEP identifies the following objectives for the R5 zone:

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

The proposed subdivision seeks to separate the two land use zones contained by the site. The proposed lot boundary line follows the zone boundary such that proposed Lot 121 contains only land zoned R5 and proposed Lot 122 contains only land zoned RU1.

The development proposes the creation of an R5 lot 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 and R5 land use zones.

Furthermore, the development proposes the construction of a farm building ancillary to the established agricultural use of proposed Lot 122. The proposed farm building will be used to store machinery, hay and other products associated with the management of the rural property.

It is considered that the construction of the new farm building will not result in any cumulative land use conflicts yet allows for improved functionality and management of the property. The proposed development is not considered to significantly impact upon the rural amenity and scenic landscape values of the area.

The development seeks to maintain the existing natural resources of the site without impacting on the ecological and aesthetic values of the land. This is demonstrated through the considered design of the property access roads and culvert crossing and location of the proposed farm building. Due to the size and nature of the site, future development may also be sited such that vegetation removal is not required. The proposed development will it change or alter the natural land and current vegetation, as the site will continue to be used for its rural and rural-residential purpose.

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

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

- **Clause 2.6 – Subdivision**

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

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause is to guide the subdivision of land such that it remains consistent with predominant subdivision pattern of the area, minimises the impact of subdivision on the amenity of neighbouring properties, ensure lot sizes and dimensions can appropriately accommodate development, ensure future development can be sited to protect and retain natural features, waterways and riparian zones and is compliant with the prescribed Minimum Lot Size (MLS).

The proposed subdivision aims to separate the area of the lot containing the R5 zoned land onto its own independent property title for independent ownership and maintenance. The R5 zoned Lot measures 1.74 ha in size and meets the MLS of 8000m² for the land. The residual area of RU1 land will have a total area of 38.86 ha as such the provisions of Clause 4.2 applies to this parcel of land, as examined below. The R5 zoned area of the subject site will meet with minimum lot size and is proposed to be subdivided for the construction of a future dwelling to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties. The lots at the completion of the subdivision are consistent with the surrounding lots in terms of use, size and predominant development pattern. Taking the above into consideration, the proposed development meets the objectives of Clause 4.1 and 4.2.

- **4.2 Rural – Subdivision**

The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow landowners a greater chance to achieve the objectives for development in the relevant zone. This clause applies to the RU1 zoned land. This clause allows for land in the RU1 zone to be subdivided for the purposes of primary production to create a lot size that is less than the MLS. The proposed subdivision will create an RU1 parcel of land that is 38.86 ha, under the MLS for the site. The proposed development will facilitate the effective use of the land for the grazing of cattle for primary production purposes. In accordance with the requirements of this clause, the proposed subdivision will not result in an existing dwelling being situated on the lot, nor would it result in the erection of a dwelling on the RU1 lot.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (25 Jan 2024) did not identify the subject site as containing any Aboriginal sites or places as shown below in **Figure 8** and **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.

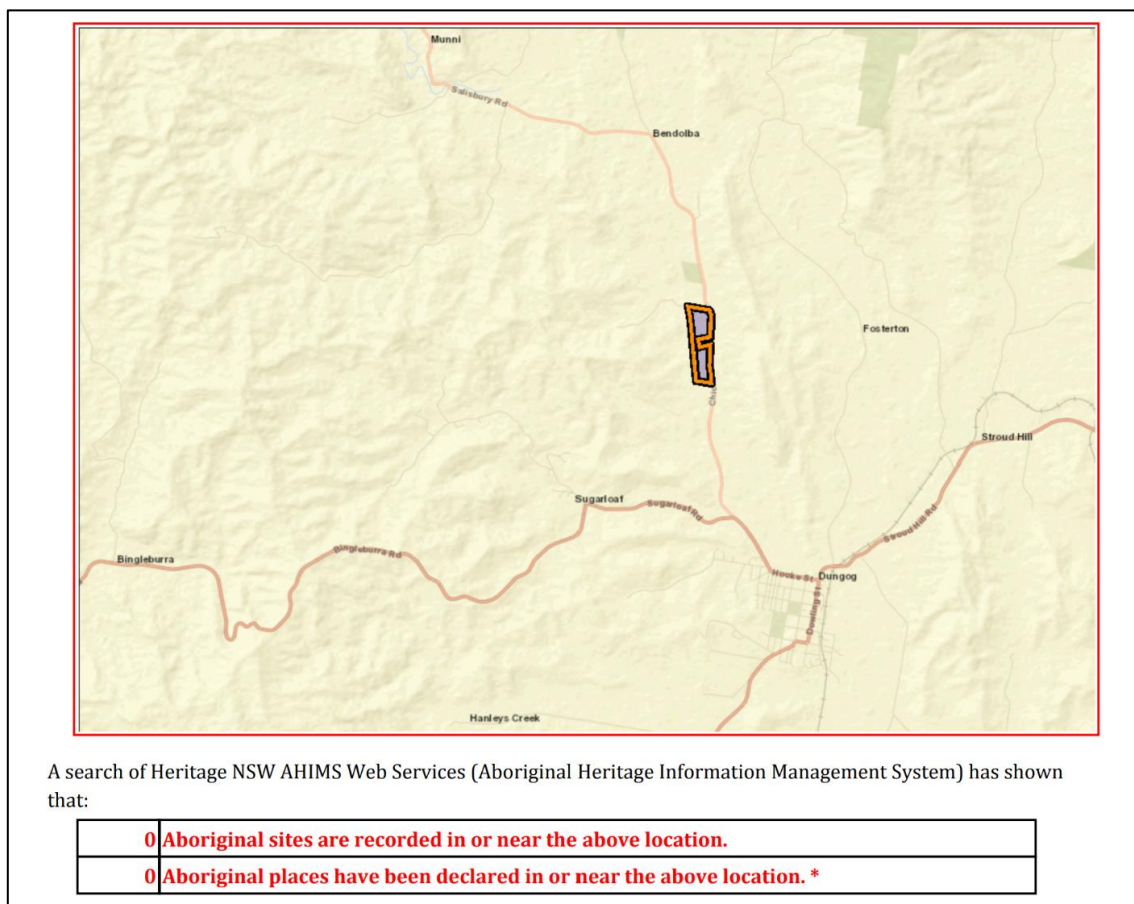


Figure 8 – AHIMS Search Results (January 2024)

- **Clause 5.21 – Flood Planning**

The site is not identified as flood prone land by the DLEP 2014 as can be seen in the mapping image below;

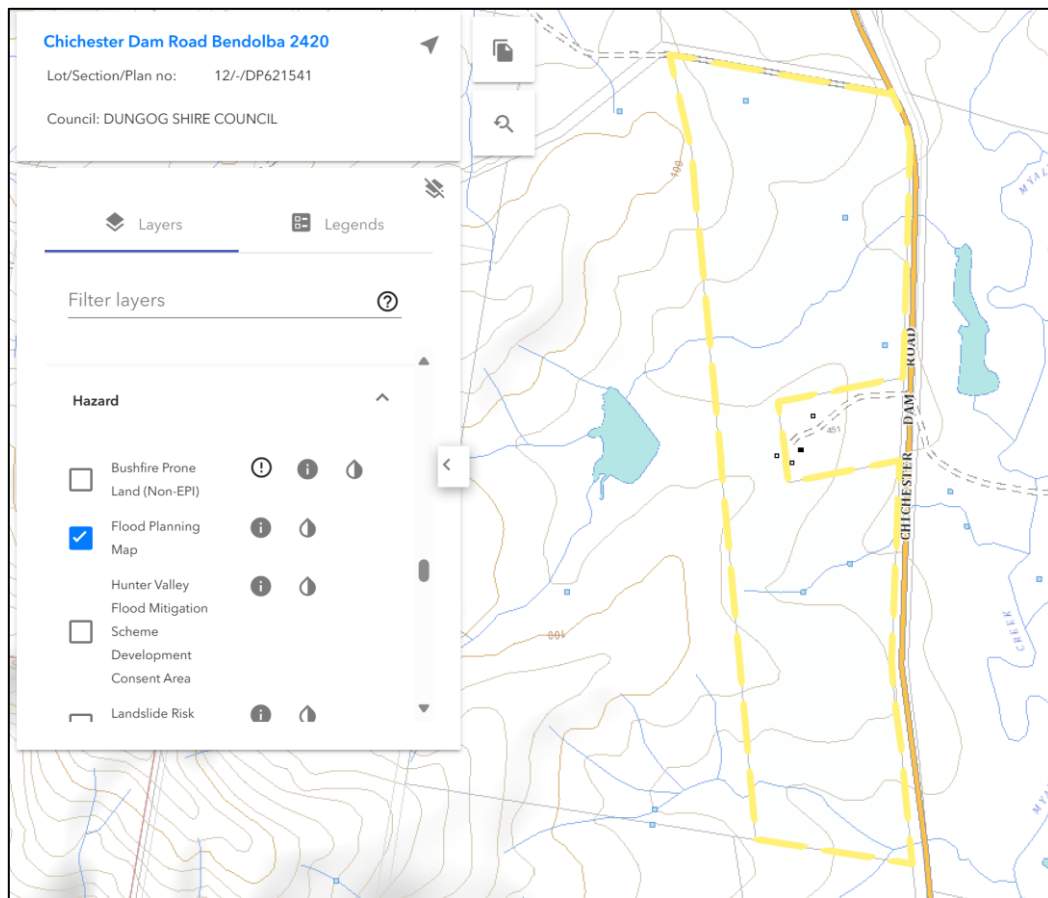


Figure 9 - NSW Planning Portal; Site not identified as Flood Prone Land

- **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).

- **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.

In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The application does not propose significant earthworks on the site. Minor earthworks will be required for the levelling and construction of concrete slab for the farm building and installation of the culvert crossing.

The earthworks required for the installation of the watercourse crossing are minor in nature and do not require extensive reshaping of the creek bed. Installation of a 3.6m long stone erosion protection layer is to be placed immediately downstream of the headwall outlet to minimise the potential for erosion on the downstream side of the proposed culvert.

Potential earthworks associated with any future dwelling on the subject site can be addressed through the subsequent development approval.

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

- **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 lots it is considered that stormwater management for the proposed farm building and 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.

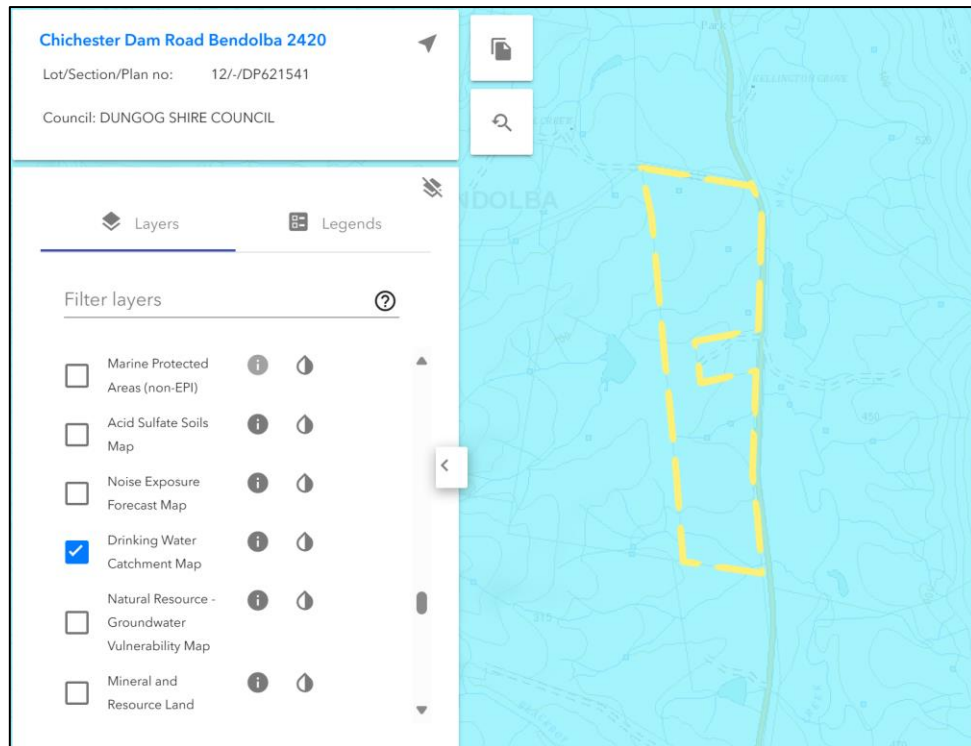


Figure 10 - NSW Planning Portal (2024); Site is identified to be within the Williams River Drinking Water Catchment.

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

The site does not contain a watercourse identified on the Riparian Lands and Watercourses Map, as can be seen in the mapping image below.

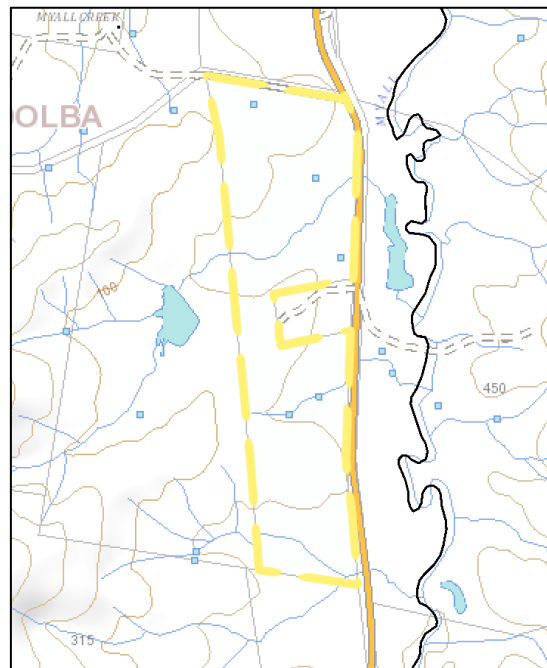


Figure 11 - NSW Planning Portal (2024); Site does not contain an identified 'Watercourse'

The proposed subdivision proposes no works that may impact a watercourse identified on the Riparian Lands and Watercourses map.

The design of the proposed watercourse crossing is to be installed on an ephemeral stream bed and has been designed to safely convey storm events up to the 1% AEP whilst maintaining safe fish passage through the box culvert sizing

The wastewater management of any future dwelling 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.

- **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 be able to be supplied via onsite rainwater tanks.
Connection / extension of the reticulated water supply is not proposed as part of this application.
- b) Electricity services are not proposed to be made available to the site as part of the subdivision. If sought by future owners, these services can be extended to service a proposed dwelling on the created lot without burdening public supply.
- c) The connection of telecommunications services is not proposed as part of this application, in line with Council's endorsed policy.
- a) With regard to the disposal and management of sewage and on-site waste management, please refer to the on-site waste management (OSSM) plan provided within **APPENDIX 8**. In summary, as the site is located within a drinking water catchment area, the important element of subdivision design includes demonstrating that a minimum of 4,000m² of 'useable' area will be available on each created Lot for effluent management. The usable land areas within each proposed lot are found to meet the setbacks identified within Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'. As such a cumulative impact assessment is not required for the proposed subdivision.
- b) No Stormwater Management Plan relevant to dwelling design has been prepared at this time due to the large size of the lots created allowing stormwater to be effectively managed with no adverse impact on receiving environments or adjoining properties attributable to the proposal. The proposed areas of the lot are such that effluent and stormwater management for the proposed farm building and future dwelling can be accommodated by the site area
- c) The proposed lots have access to Chichester Dam Road via the existing approved access point.

The Before You Dig Australia (BYDA) search results are provided at **APPENDIX 4**.

- **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 application is supported by a wastewater management report demonstrating consistency with the DAF. To this effect, the development is consistent with the requirements of clause 6.10.

- **Clause 6.12 – Protection of rural landscapes in rural and environment protection 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 subject site is located partially within the RU1 land use zone, as such this clause applies to the construction of the proposed farm building.

The proposed shed will be clad in Colourbond colours which will complement the natural surrounds to further minimise the visual impact and will be consistent with other farm buildings in the immediate locality whilst complementing the natural landscape and surrounds.

The proposed development has demonstrated consistency with the surrounding locality through the environmental planning regulations and site features informing the development design. It has also shown to be consistent with the rural surroundings through its consistency with the existing residential/rural development of the area.

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 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 lot layout facilitates boundary setbacks that will 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 Chichester Dam Road with a proposed access point to be created for proposed Lot 121 via a Right of Carriageway over proposed Lot 122. The civil design plans provided as **APPENDIX 10** demonstrate safe site stopping distance can be achieved for the proposed property access location.

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 12**. 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"> firefighting vehicles are provided with safe, all-weather access to structures. 	<ul style="list-style-type: none"> property access roads are two-wheel drive, all-weather roads; perimeter roads are provided for residential subdivisions of three or more allotments; subdivisions of three or more allotments have more than one access in and out of the development; traffic management devices are constructed to not prohibit access by emergency services vehicles; 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; all roads are through roads; 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; where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road; 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 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. 	
	<ul style="list-style-type: none"> the capacity of access roads is adequate for firefighting vehicles. 	<ul style="list-style-type: none"> 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. 	
	<ul style="list-style-type: none"> there is appropriate access to water supply. 	<ul style="list-style-type: none"> hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; 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 there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available. 	

Figure 12 - 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

Construction noise will be as per normal construction times and processes and will cease once construction is completed.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

Five trees are identified as required to be removed. Trees T35 and T36 contained by proposed Lot 121 will be directly impacted by the construction of the watercourse crossing. Trees T40, T41 and T42 are located within the road reserve and will be required to be removed to construct the future property access to Chichester Dam Road. The site does not contain habitat identified on the Biodiversity Values Map and the area of impact does not exceed the relevant clearing threshold of 0.25ha for land zoned R5, as such the removal of this vegetation is subject to assessment and approval by Council.

It is not anticipated that the development will have a detrimental impact on the ecology on the site or the surrounding area.

4.2.2 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (25 January 2024) 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 the proposed farm building and future dwelling can be accommodated by the site area.

4.3 SOCIAL AND ECONOMIC

The proposed development will provide facilitate the creation of an additional R5 residential lot with dwelling entitlement 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 Dungog 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 2041 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 and farm building 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 understood 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 a rural- residential lot 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 and farm building 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 subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP and as facilitated by Clause 4.2;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing an additional developable lot which provides a suitable building envelope 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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