

STATEMENT OF ENVIRONMENTAL EFFECTS

**TORRENS TITLE SUBDIVISION (TWO
INTO TWENTY-FOUR LOTS) OVER TWO
STAGES**

**256 LENNOXTON ROAD, VACY, NSW, 2421
(LOT 8, DP 739338 & LOT 94 DP 788016)**

PREPARED FOR PJE MANAGEMENT Pty Ltd

PP Ref: **J001069**

Joe Murphy Senior Town Planner PO Box 107 Clarence Town, NSW, 2321	Phone: 0422 600 867 Email: joseph@perceptionplanning.com.au			
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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by PJE Management Pty Ltd (**the client**) to prepare a Statement of Environmental Effects (SEE) for a Torrens Title subdivision (two into twenty-four lots) and associated internal road works over two stages at 256 Lennoxton Road, Vacy, NSW, 2421 (Lot 8 DP739338 and Lot 94 DP788016) (**the site**). The characteristics of the development include:

Stage 1

1. Proposed Torrens title subdivision (one into ten) of Lot 8 DP739338. The lots created will have the following lot sizes:
 - Proposed Lot 101 – 1.17 ha
 - Proposed Lot 102 – 1.3 ha
 - Proposed Lot 103 – 1.06 ha
 - Proposed Lot 104 – 1.06 ha
 - Proposed Lot 105 – 1.07 ha
 - Proposed Lot 106 – 2.08 ha
 - Proposed Lot 107 – 1.56 ha
 - Proposed Lot 108 – 1.59 ha
 - Proposed Lot 109 – 1.64 ha
2. The construction of an internal road connecting to Lennoxton Road to provide access to all proposed lots.

Stage 2

3. Proposed Torrens title subdivision (two into fifteen) of Lot 8 DP739338 and Lot 94 DP788016. The lots created will have the following lot sizes:
 - Proposed Lot 201 – 3.25 ha
 - Proposed Lot 202 – 1.86 ha
 - Proposed Lot 203 – 2.55 ha
 - Proposed Lot 204 – 17.83 ha
 - Proposed Lot 205 – 1.17 ha
 - Proposed Lot 206 – 2.05 ha
 - Proposed Lot 207 – 1.59 ha
 - Proposed Lot 208 – 1.31 ha
 - Proposed Lot 209 – 1.38 ha
 - Proposed Lot 210 – 1.02 ha
 - Proposed Lot 211 – 1.14 ha
 - Proposed Lot 212 – 1.79 ha
 - Proposed Lot 213 – 3.8 ha
 - Proposed Lot 214 – 1.92 ha
 - Proposed Lot 215 – 2.19 ha

4. The construction of an internal road connecting to Lennoxton Road to provide access to all proposed lots.

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 4.1A;
- 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.
- The development can suitably manage or mitigate environmental impacts.

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:

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	DP739338
3	AHIMs Search Results	AHIMS Web Services	J001069 Date: 28.05.24
4	DBYD Search Results	Before You Dig Australia	Job no. 36781900
5	Proposed Subdivision Plan	Delfs Lascelles	Project Number 20186 Rev E 22.04.20
6	Bushfire Threat Assessment	Firebird ecoSultants	Perception Planning – Vacy – May 2024
7	Ecological Assessment	Firebird ecoSultants	Perception Planning – Vacy 3 July 2024
8	Civil Engineering Plans	DRB Engineering	Project Reference Number
9	Flood Assessment Report	Engeny	Dated 06.08.24
10	Preliminary Site Investigation Report	Douglas Partners	Project 210980.00 Dated April 2022
11	On-site Wastewater Management Report	Whitehead & Associates	Letter_2641_002 Dated 11.01.22
12	Hunter Water Documents	Hunter Water	2024-976 Dated 03.07.24

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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 PJE Management 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	256 Lennoxton Road, Vacy, NSW, 2421
Lot and DP	LOT: 8 DP739338 & LOT: 94 DP788016
Current Use	Rural Residential
Zoning	C3 – Environmental Management R5 – Large Lot Residential
Size	Total – 67.69ha
Site Constraints	<ul style="list-style-type: none">• Biodiversity Values Map• Bushfire prone land – Vegetation Buffer• Riparian Lands and Watercourses map
Minimum Lot Size	<ul style="list-style-type: none">• C3 Environmental Management – 300ha• R5 Large Lot Residential – 8000m²
Owner	Owner's consent has been provided on the Application Form for the DA.
Title & DP	Nothing on the DP or Certificates of Title prohibits the proposed development. The Title and DP documents are provided as Appendix 2 .

1.3 SITE DESCRIPTION

The property is located at 256 Lennoxton Road, Vacy, NSW, 2421 shown in **Figure 1** and has a total area of 61.07 ha. The property is located in Vacy, within the Dungog Local Government Area (LGA).

It is noted that the postal address 256 Lennoxton Road includes 12 different lots. The lots are not contiguous, being separated by similarly zoned lots. The lots on which the development will take place (LOT: 8 DP739338 & LOT: 94 DP788016) (**'the site'**) are the northernmost lots of the address, which are separated from the other constituent lots by Lennoxton Road. It is noted that the larger parcel of land to the south which shares the same address is zoned primarily RU1: Primary Production, with a small portion of its South-Eastern corner being zoned C3: Environmental Management and R5: Large Lot Residential.

The parcel of land on which the development will take place has split zoning – C3: Environmental Management and R5: Large Lot Residential. The land is currently used for rural residential purposes. The land abuts the Paterson River to the North, with a mapped watercourse – Rodney's Gully, dividing the site.

The site is known to have five access points, with one primary access connecting to Lennoxton Road on the southern boundary of Lot 8.

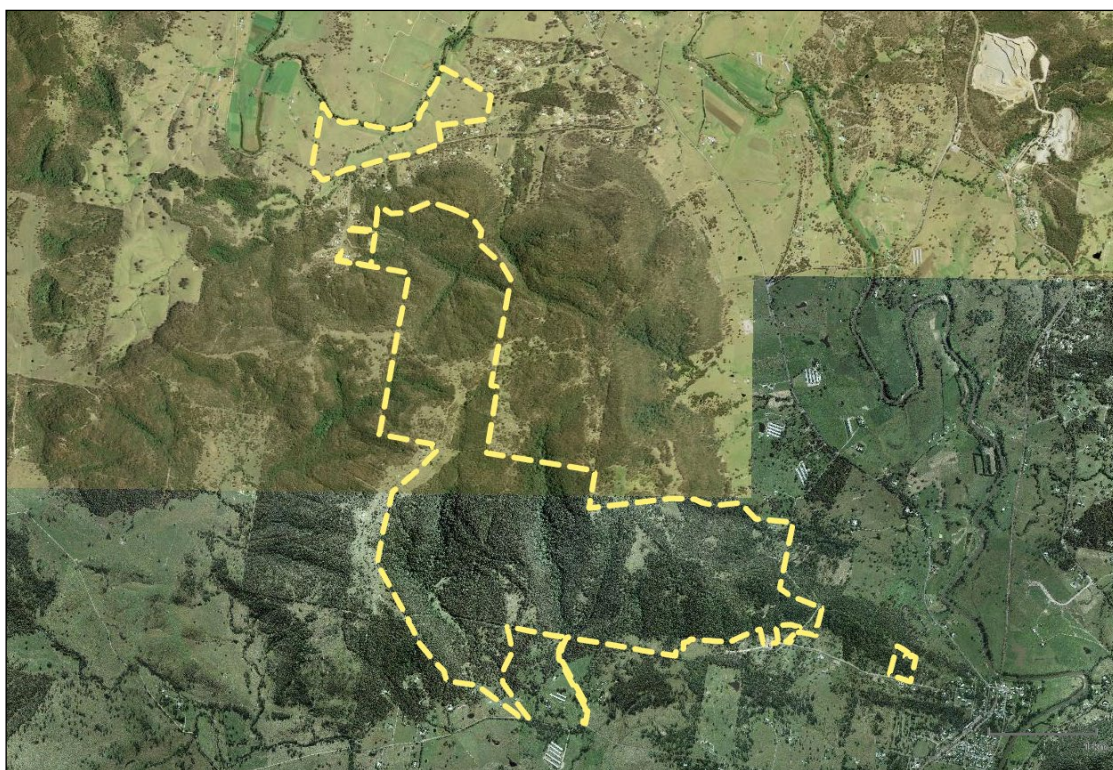


Figure 1 – Satellite Image of Locality (NSW Planning Portal, 2024)



Figure 2 – Satellite Imagery of Site (NSW Planning Portal, 2024)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently used for rural residential purposes.

A review of the Dungog Shire Council Development Application Tracker conducted 18 June 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

The characteristics of the development include:

Stage 1

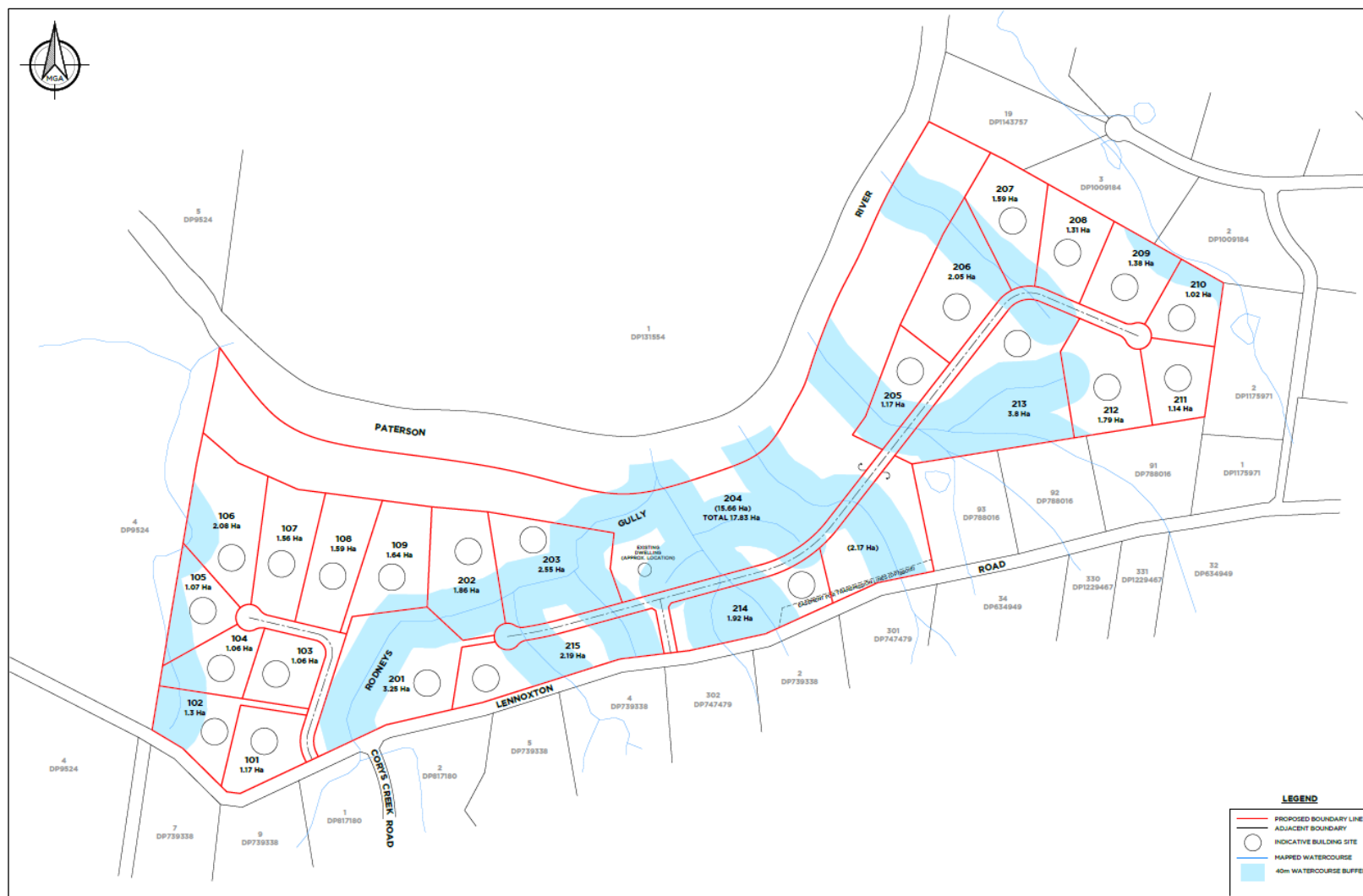
1. Proposed Torrens title subdivision (one into ten) of Lot 8 DP739338. The lots created will have the following lot sizes:
 - Proposed Lot 101 – 1.17 ha
 - Proposed Lot 102 – 1.3 ha
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Stage 2

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- Proposed Lot 213 – 3.8 ha
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- Proposed Lot 215 – 2.19 ha

The proposed Subdivision Plan is provided below in **Figure 3** and attached as **Appendix 5**. The staging plan for the subdivision is shown in **Figure 4**. The proposed subdivision will reduce the number of access points into the site from five to two (i.e. the two access roads connecting to Lennoxton Road and servicing each stage). Indicative building sites have been included on the subdivision plan which demonstrates the capacity for the future development on each site clear of flood planning areas and mapped watercourses. It is however acknowledged that further earthworks will be required on Lots 201 and 215 for future development clear of flood waters.



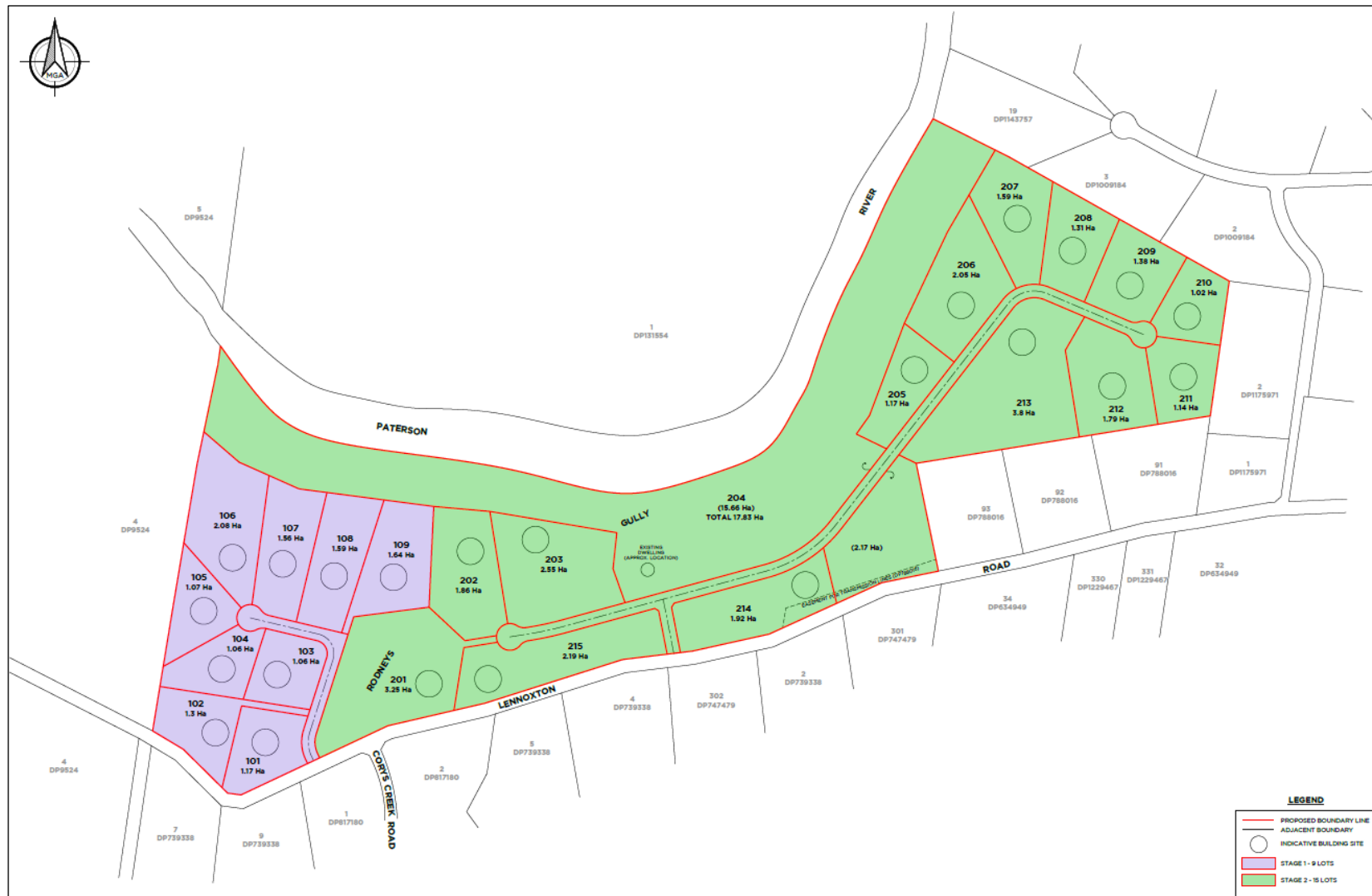


Figure 4 – Staging Plan (Delfs Lascelles, 2024)

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 adjoins a watercourse on its northern boundary which is identified on the Biodiversity Values Map as land with high biodiversity value and sensitive to impacts from development and clearing (**Figure 5**).

No development is proposed to take place within the land identified on the BV map and no vegetation is intended to be removed to accommodate the proposed subdivision. Given that no land or habitat identified on the Biodiversity Values Map will be impacted and the area of impact does not exceed the relevant clearing threshold of 0.25ha, a Biodiversity Assessment Report (BDAR) and the Biodiversity Offset Scheme (BOS) is not required.

Notwithstanding the above, an ecological assessment report has been prepared to assess the potential ecological impact of the proposal – see **Appendix 7**. The report concludes that the proposed development is unlikely to place any viable local populations/communities at risk of extinction, provided that the recommended conditions are imposed as part of the consent.



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.

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	<ul style="list-style-type: none"> ▪ s 100B 	<p>Yes – The proposed development is defined as integrated development and requires consent from the RFS.</p> <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> <ul style="list-style-type: none"> (a) <i>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> (b) <i>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>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 6 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>

- **Section 7.11 – Development Contributions**

Section 7.11 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 operational area to which the Hunter Water Act 1991 applies. As such, the Hunter Water Corporation (HWC) is the relevant water authority. The subject site is not located within a drinking water catchment and therefore, a referral to the HWC is not required.

HW Stamped Plans and a notice of formal requirements are being sought in accordance with Section 49 of the HW Act.

3.1.4 Rural Fires Act 1991

The subject site is partially identified as bushfire prone (vegetation buffer) – see **Figure 6** below.

The proposed development is defined as integrated development and requires referral to the NSW Rural Fire Service (RFS) requesting a Bushfire Safety Authority (BSA) under Section 100B of the *Rural Fires Act 1997* and General Terms of Approval (GTA) under Division 4.8 of the EP&A Act.

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the*

- purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
- (b) *has been provided with a certificate by a person who is recognized by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

A Bushfire Assessment Report (BAR) has been prepared and is provided at **Appendix 6**, providing an assessment in accordance with PBP, Rural Fires Act 1997 (s100B) and/or Rural Fires Regulation 2013 (s46). The report concludes that all future dwellings on the proposed lots can be sited to achieve BAL-29.

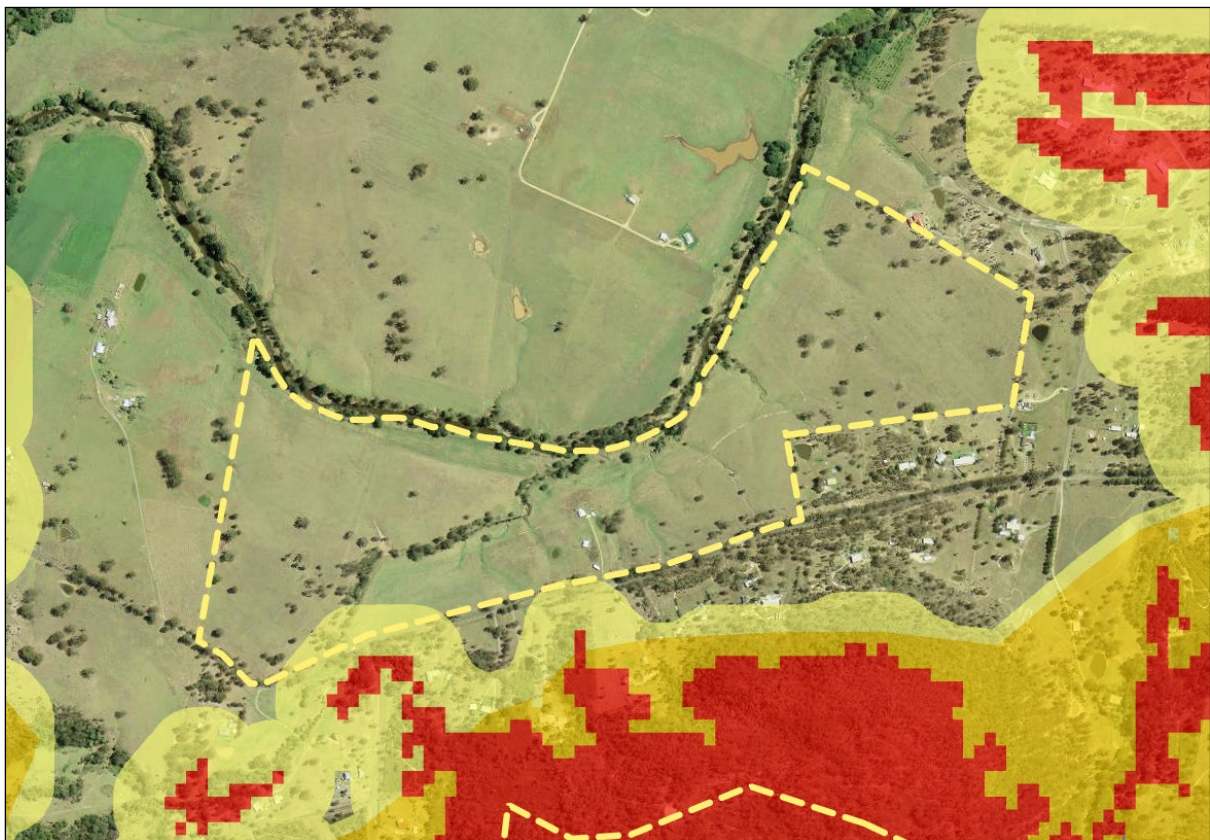


Figure 6 – Bushfire Prone Land (NSW Planning Portal, 2024)

3.1.5 Water Management Act 2000

In order to establish access to each of the proposed lots, the development will require physical works (construction of internal access roads over mapped watercourses) 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.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (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 childcare 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 has been historically used for agricultural purposes (i.e. grazing and dairy farming) and is not listed on the NSW EPA contaminated lands register. Notwithstanding this, a Preliminary Site Investigation (PSI) has been undertaken on the subject site and the associated report is provided as **Appendix 10**. The PSI identified a number of potential contamination sources from current and former land uses, however, the potential for significant contamination within the proposed development footprint is considered to be low.

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 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 no 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 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 infrastructure.

The proposed development does not include any works in or adjacent to a classified road, and the development is not classified as a traffic generating development in accordance with Schedule 3 of the SEPP.

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

Works associated with the proposed subdivision will be situated greater than 2m from an underground power line or an electricity distribution pole, however, the proposed access road will be located within 5m of an exposed overhead powerline that traverses the site. Therefore, the development will likely trigger referral to the relevant electricity supply authority pursuant to Clause 2.48

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

The proposed development is not in the vicinity of a pipeline corridor pursuant to Clause 2.77. As such, the development does not trigger referral to any pipeline operator.

Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

Lennoxton Road is identified as a local public road dedicated to Dungog Council. As such, referral to Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.119 and 2.121.

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.

The proposed development is not anticipated to result in adverse impacts on the road network or the safety of road users. To this extent, a Traffic Impact Assessment has not been provided. 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 lots on which the development will take place are zoned C3: Environmental Management and R5: Large Lot Residential. The proposed development includes a Torrens

title subdivision (two into twenty-four 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 C3 – Environmental Management zone:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *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 – Large Lot Residential 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 proposal seeks to subdivide 2 into 24 lots. No change of zoning is proposed, the created lots will retain the existing zoning.

The development proposes the creation of 23 additional R5 zoned lots 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 or unreasonably increasing the demand for public services or facilities. To this extent, the proposed development meets the objectives of the R5 land use zone.

The development does not impact upon any areas of special ecological, scientific, cultural or aesthetic values and does not include any ridgeline development. Due to the size and nature of the proposed lots, future development may also be sited such that vegetation removal is not required. As such the proposed subdivision is considered compatible with the C3 zone objectives also.

Clause 2.6 – Subdivision

Land to which this Plan applies may be subdivided, but only with development consent. Development consent is being sought through the Development Application process; therefore, the proposed subdivision is compliant with this clause.

- **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 and divide it into smaller lots, all of which meet the MLS requirement of 8,000m². These lots are intended to be utilised for the construction of a future dwellings to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties. The residual C3 land will have a total area of 17.83 ha and as such, the provisions of Clause 4.1A apply, as examined below. 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 4.1A.

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

(1) *The objectives of this clause are as follows—*

- (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*

(2) *This clause applies to each lot (an original lot) that contains—*

- (a) *land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential or Zone IN1 General Industrial, and*
- (b) *land in Zone RU1 Primary Production or Zone E3 Environmental Management.*

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

- (a) *one of the resulting lots will contain all of the land in Zone RU1 Primary Production or Zone E3 Environmental Management that was in the original lot, and*
 - (i) *an existing dwelling, or*
 - (ii) *land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential or Zone IN1 General Industrial that has an area that is not*

less than the minimum size shown on the Lot Size Map in relation to that land, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land

In accordance with Section 3 (a) (ii) of the above clause the proposed subdivision plan demonstrates that all C3 zoned land is contained by proposed Lot 13. The other lots resulting from the proposed subdivision are all greater than 1ha in size and therefore satisfy the MLS requirement of 8,000m² for the R5 zoned land.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (28 May 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. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 5.21 – Flood Planning**

The site is identified as flood prone land as per the flood level information prepared and provided by Dungog Council. As such, the subdivision layout has been designed to include an access and nominated building sites located outside of the identified flood affected areas with the exception of Lots 201, 202, 203 and 215. It is acknowledged that future development of the excepted Lots is possible with further assessment and design (i.e. further earthworks to establish building pads above the flood planning level and creation of Right of Carriageways through adjoining lots for flood free access). As such, any future development of the site has the potential to satisfy the requirements outlined in subsection 2 of this clause. Further assessment of this clause is detailed within the Flood Assessment Report provided as **Appendix 9**.

- **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 construction of roads and the placement of essential services.

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

The site contains watercourses identified on the Riparian Lands and Watercourses Map, as can be seen in **Figure 8** below.

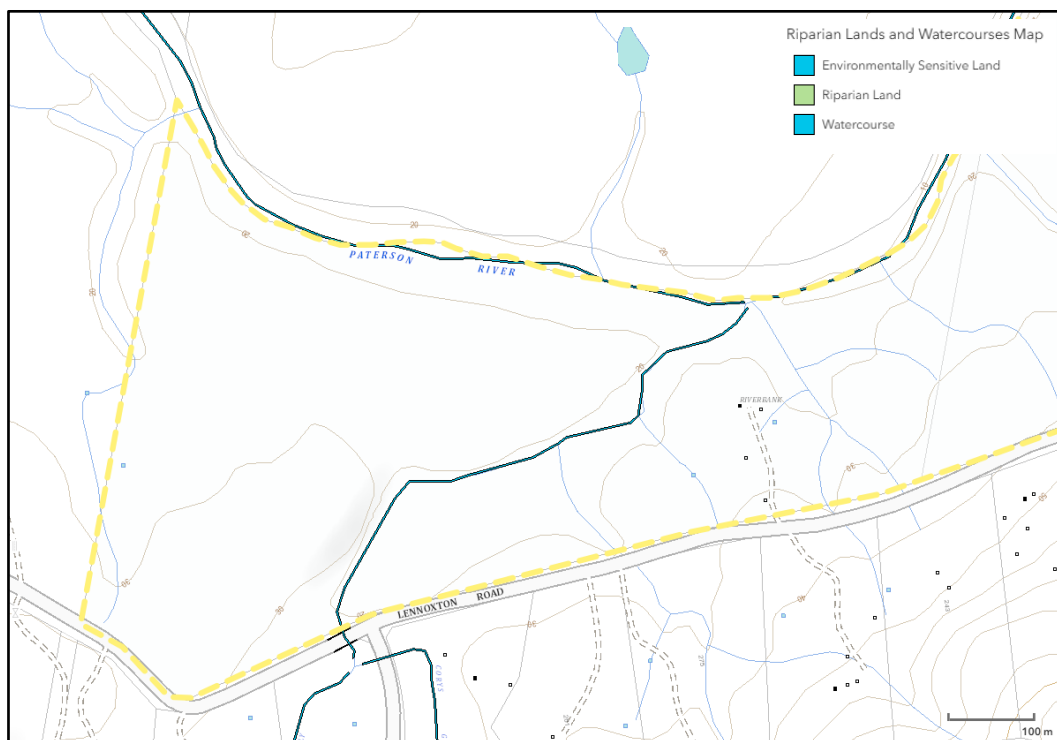


Figure 7 – Riparian Lands and Watercourse Map (NSW Planning Portal, 2024)

Clause 6.6 is applicable to the proposed development as the subject site comprises a watercourse identified on the Riparian Lands and Watercourses map. The civil design plan provided as **Appendix 8**, details how the roads associated with the proposed development have been designed to minimise any potential impact on the watercourse. Further to this, all of the proposed lots are large enough for any wastewater to be managed onsite. Further detail regarding wastewater management is contained within the Wastewater Management Report provided as **Appendix 11**.

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) Electrical infrastructure is available to extend within the site and to service future development.
- c) With regard to the disposal and management of sewage and on-site waste management, please refer to the On-site Wastewater Management (OSSM) report provided within **Appendix 11**. In summary, as the site is identified as 'high hazard' for an unsewered subdivision, and a critical component of the proposed subdivision design includes demonstrating that a minimum of 4,000m² of 'useable' area will be available on each created Lot for effluent management. The OSSM report concludes that each of the proposed lots is able to satisfy this requirement provided the recommendations of the report are implemented.
- d) 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 any future dwelling can be accommodated by the site area
- e) The proposed lots will have access to Lennoxton Road via the proposed access points – see **Appendix 5**.

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

- **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 the visual impact of any proposed buildings. However, as no buildings are proposed to be constructed as part of the subject development, no further consideration is required.

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 and dimensions will facilitate appropriate boundary setbacks to 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

All proposed lots will have direct access to a local public road which are proposed to be connected to Lennoxton Road. It is not anticipated that any additional traffic generated by the proposed development would create any adverse impact on the surrounding road network.

The Bushfire Assessment Report provided as **Appendix 6** details how the proposed access roads will satisfy the minimum RFS Standard as specified in Planning for Bushfire Protection (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 for 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

No vegetation is proposed to be removed to accommodate the proposed development and no habitat identified on the Biodiversity Values Map will be impacted. A full assessment of the potential ecological impact of the development is detailed within the Ecological Assessment Report provided as **Appendix 7**.

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

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (28 May 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 area of each proposed lot is such that effluent and stormwater management for any proposed future dwelling can be accommodated by the site area.

4.3 SOCIAL AND ECONOMIC

The proposed development will provide facilitate the creation of additional R5 residential lots with dwelling entitlements that will provide potential for the 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 or crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site. Additional residential development and subsequent habitation of the site will help to further enhance the passive surveillance of the adjoining area from the site and may contribute to increased safety and security in the area.

5 SUITABILITY OF THE SITE

The proposed development is a suitable use of the site. The application includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SEE.

The proposed subdivision will not have any adverse impacts on surrounding properties or amenity of the locality. The proposal is in 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 lots compliant with the prescribed MLS to accommodate residential development in the locality to service the needs of the community. This is consistent with the zone objectives and surrounding land uses and is not anticipated to have any adverse impacts on surrounding properties or the amenity of the locality.

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

The proposed development is in the public interest.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed lot subdivision 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 4.1A;
- 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 impact on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter.

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



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2321
Phone: 0437 195 267

Email: admin@perceptionplanning.com.au