



# **Douglas Partners**

*Geotechnics | Environment | Groundwater*

Report on  
Preliminary Site Investigation (Contamination)

Proposed Subdivision  
Lot 8 DP 739338 & Lot 94 DP 788016 - 256  
Lennoxton Road, Vacy

Prepared for  
PJE Management Pty Ltd

Project 210980.00  
April 2022

Integrated Practical Solutions



## Document History

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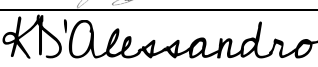
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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

Signature	Date
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Reviewer  for Chris Bozinovski	6 April 2022



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## Report on Preliminary Site Investigation (Contamination)

### Proposed Subdivision

### Lot 8 DP 739338 & Lot 94 DP 788016 - 256 Lennoxton Road, Vacy

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## 1. Introduction

Douglas Partners Pty Ltd (DP) has been engaged by Perception Panning Pty Ltd on behalf of PJE Management Pty Ltd to complete this preliminary site investigation (contamination) (PSI) undertaken for a proposed subdivision for the site at Lot 8 DP 739338 & Lot 94 DP 788016 - 256 Lennoxton Road, Vacy (the site). The site is shown on Drawing 1, Appendix A.

The investigation was undertaken with reference to DP's proposal NCL200595 dated 29 September 2020.

The objective of the PSI was to assess the potential for contamination at the site based on past and present land uses and to comment on the need for further investigation and/or management with regard to the proposed development. It is understood that the report will be used to support a development application for the proposed development.

This report must be read in conjunction with all appendices including the notes provided in Appendix B.

The following key guidelines were consulted in the preparation of this report:

- NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)* [NEPM] (NEPC, 2013); and
- NSW EPA *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).

## 2. Proposed Development

The proposed residential development will comprise rezoning and a 24 lot subdivision including internal access roads across the site spanning the two existing lots.

It is noted that the existing residential property will remain within proposed Lot 13 as indicated in the proposed subdivision layout plan (Delfs Lascelles Consulting Surveyors) in Appendix A.

## 3. Scope of Works

The scope of works for the PSI comprised the following:

- Review of available published information on the site, including geological, topographical, acid sulphate soil and soil landscape maps;
- Review of relevant previous investigations conducted on the site adjacent to or nearby the site;



- Brief site history review to assess the potential for contamination at the site comprising a review of historical aerial photograph records, search of registered groundwater bores in the area, a historic title deed search and online NSW EPA and Council searches and planning certificates;
- Site inspection by an environmental engineer to identify areas of potential contamination and assess current site condition;
- In-situ screening of surface waters (dams / creek) for field parameters (i.e. pH and electrical conductivity);
- Discussions with site personnel familiar with current and previous site activities;
- Preparation of a preliminary Conceptual Site Model (CSM);
- Preparation of this report presenting the findings of the PSI.

#### 4. Site Information

Site Address	Legal Address: Lot 8 DP 739338 & Lot 94 DP 788016 - 256 Lennoxton Road, Vacy
Legal Description	Lot 8 DP739338 Lot 94 DP788016
Site Area	Approx. 600,000 m <sup>2</sup>
Zoning	R5 Large Lot Residential E3 Environmental Management
Local Council Area	Dungog Shire Council
Current Use	Cleared land / rural residential land use
Surrounding Uses	North – Paterson River and Cleared / agricultural / rural residential land use East – Cleared / agricultural / rural residential land use South – Cleared / agricultural / rural residential land use West – Cleared / agricultural / rural residential land use

The site boundary is shown on Drawing 1, Appendix A.

## 5. Environmental Setting

Regional Topography	Undulating topography
Site Topography	Local slopes grade towards the internal site gullies which drain into Rodney's Gully (central and western portion) and Paterson River along northern site boundary.
Soil Landscape	<p>Along the Paterson River and Rodney's Gully is the Paterson River soil landscape group which is formed by alluvial processes. Soil landscape is level to gently undulating narrow alluvial plain along the Paterson and Allyn Rivers in the Paterson Mountains. Composition includes rapidly draining Siliceous sands and well drained Alluvial Soils and Earthy Loams, all deep.</p> <p>On the east side of Rodney's Gully, the soil is of the Vacy landscape group which are formed by transferral processes. The soil landscape contains gentle footslopes undulating low hills on Carboniferous sediments in the Paterson Mountains region. Soils are deep and moderately deep imperfectly drained yellow Soloths, well-drained Yellow Podzolic Soils and alluvial fans.</p> <p>On the west side of Rodney's Gully, the soil is of the Brecon landscape group which are formed by residual processes. The soil landscape consists of undulating rises to low hills on Carboniferous sediments and ignimbrites of the Paterson Mountains and Clarencetown Hills regions. Soils in this group include rapidly drained lithosols, moderately deep well to imperfectly drained brown Soloths and deep well-drained Brown Podzolic Soils.</p>
Geology	NSW Seamless Geology mapping indicate majority of the site is underlain by Mount Johnstone Formation typically comprising conglomerate, lithic arenites with interbeds of laminated sandstone, shales carbonaceous shales, poor coal, tuffs and minor cherts. Areas of the site within the vicinity of Rodney's Gully and Patterson River are underlain by alluvial floodplain deposits typically comprising silt, very fine – to medium grained lithic to quartz-rich sand, clay.
Acid Sulfate Soils	NSW Acid Sulfate Soil risk mapping indicate no known occurrence of acid sulfate soil on the site.
Surface Water and Groundwater	<p>A number of gullies feed into Rodney's Gully (central western site area) that discharge to the Paterson River along northern site boundary, as shown on the proposed subdivision plan by Delfs Lascelles.</p> <p>The site also comprises two small dams within the central and central north eastern portions of the site.</p> <p>Based on the regional topography and the inferred flow direction of nearby water courses, the anticipated flow direction of groundwater beneath the site is to the north east, towards the Patterson River, the likely receiving surface water body for the groundwater flow path.</p>

A search of the publicly available registered groundwater bore database indicated that there is one registered groundwater bore in a 1.50km radius of the site. Relevant data on this bore is summarised in Table 1.

**Table 1: Summary of Available Information from Nearby Registered Groundwater Bores**

<b>Bore ID Authorised Purpose Completion Year Status</b>	<b>Location Relative to Site</b>	<b>Final Depth (m)</b>	<b>Standing Water Level (m bgl)</b>
GW032556 Waste Disposal 1968	1.30 km northeast	36.60	-

Based on the distance of the groundwater well from the site is likely to have minimal impact on the groundwater well.

## **6. Site History**

### **6.1 Historical Aerial Photography**

Several historical aerial photographs were obtained from public databases. A summary of key features observed for the site and surrounding land is presented in Table 2.

**Table 2: Summary of Historical Aerial Photographs**

Year	Site	Surrounding Land Use
1971 (Black and White)	<ul style="list-style-type: none"> <li>The site presents as grazing / dairy farming;</li> <li>Several dwellings / structures are present at Lot 8;</li> <li>Lennoxton Road is present;</li> <li>Lot 94 presents as cleared land with sporadic mature trees throughout;</li> <li>Dense tree area present in the northern portion of Lot 94.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the surrounding land uses present as cleared / agricultural land;</li> <li>Some dwellings are present to the west of the site.</li> </ul>
1984 (Black and White)	<ul style="list-style-type: none"> <li>The majority of the site appears unchanged since the previous aerial image;</li> <li>Possible cropping area now present in the north-eastern corner of Lot 8;</li> <li>Dwellings / site structures appear unchanged;</li> <li>Lot 94 still presents as cleared land and has undergone no obvious change since the previous aerial.</li> </ul>	<ul style="list-style-type: none"> <li>The surrounding areas appears unchanged since the previous aerial image.</li> </ul>
1993	<ul style="list-style-type: none"> <li>Tracks are now present in the western half of Lot 8.</li> <li>Cropping area on Lot 8 is no longer present.</li> <li>Coloured aerial image highlights possible disturbed area immediately west of existing dwellings (possible effluent disposal area).</li> </ul>	<ul style="list-style-type: none"> <li>Majority of surrounding areas are unchanged since the previous image;</li> <li>Four dwellings are present adjacent to the south-eastern boundary of Lot 94;</li> <li>Additional residential properties present to the south of Lennoxton Road;</li> <li>Corys Creek Road has been upgraded sometimes between 1984 and 1993.</li> </ul>
2001	<ul style="list-style-type: none"> <li>The site has undergone no significant change since the previous aerial image.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the surrounding area appeared unchanged since the previous aerial image;</li> <li>Serenity Way and Nirvana Close are present.</li> </ul>
2006	<ul style="list-style-type: none"> <li>The site appears unchanged since the previous aerial image.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the surrounding area appears unchanged;</li> <li>Some residential dwellings are now present to the northeast of the Lot 94;</li> <li>Roads have been further developed in this area.</li> </ul>
2016	<ul style="list-style-type: none"> <li>The site appears unchanged since the previous aerial image;</li> <li>Winding tracks/trails now present immediately north of the exiting dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the surrounding area appears unchanged;</li> <li>Subdivision area has expanded to include additional dwellings. A dwelling is now observed bordering the northeast corner of Lot 94.</li> </ul>
2021	<ul style="list-style-type: none"> <li>The site appears unchanged since the previous aerial image.</li> </ul>	<ul style="list-style-type: none"> <li>The majority of the surrounding area appears unchanged.</li> </ul>

## 6.2 Title Deeds

A historical title deeds search was used to obtain ownership and occupancy information including company names and the occupations of individuals. The title information can assist in the identification of previous land uses by the company names or the site owners and can, therefore, assist in establishing whether there were potentially contaminating activities occurring at the site. The results of the title deed search are provided in Appendix C. A summary of the title deeds and possible land uses (with reference to the aerial photographs and other historical searches) is presented below.

### Lot 8 DP 739338 and Lot 94 DP 788016

- 1927 to 1932 - Permanent Trustee Company of New South Wales Limited;
- 1932 to 1981 - James Daniel Banister (Farmer);
- 1981 to 1982 - Herbert Vincent Banister, Thomas James Banister, Patrick James Soper;
- 1982 to Present - Peter James Evans.

### Easements

- 20.03.1989 (DP788016) Easement for Transmission Lines shown as "(A) Easement for Transmission Lines Variable Width" on D.P. 788016

The review of title deeds information indicates the site has been use for grazing and dairy farming for the past 100 years, with some electrical infrastructure in the last 20 years.

## 6.3 Public Registers

EPA Notices;	No notices issued under the Protection of the Environment Operations Act 1997 (POEO) on the site. There is a clean-up notice for a site at 1081 Summer Hill Road, Vacy located approximately 9km north of the site. However, given the distance this not likely to impact this site; accessed 18 November 2021.
EPA Licences;	No license issued under the POEO on the site or on surrounding sites; accessed 18 November 2021.
EPA Contaminated Sites	The site is not listed as a contaminated site. There were no listed sites for the broader Vacy area; accessed 31 May 2021.

It is noted that due to the general absence of former significant activities (i.e. commercial use), a Safe Work NSW search was not considered to be warranted for the site and was therefore not completed for the PSI.

## 6.4 Council Planning Records

The Council Section 10.7 Planning Certificate indicates that both Lots:

- a) Are NOT within a proclaimed mine subsidence district;
- b) Are subject to flood related development controls;
- c) SOME of the land IS identified as bushfire prone land;
- d) Are NOT located within a Heritage Conservation Area;
- e) Are NOT on the loose-fill asbestos insulation register;
- f) Have NO prescribed matters under section 59(2) of the *Contaminated Land Management Act 1997*.

Records of Approved Development Applications:

Lot and Address	Reference <sup>(1)</sup>	Description
Lot 8 DP 739338 Lot 94 DP 788016	None available	N/A

(1) Council development application (DA) reference

Section 10.7 planning certificates for the lots are included in Appendix C.

## 6.5 Site History Integrity Assessment

The information used to establish the history of the site was sourced from reputable and reliable reference documents, many of which were official records held by Government departments/agencies. The databases maintained by various Government agencies potentially can contain high quality information, but some of these do not contain any data at all.

In particular, aerial photographs provide high quality information that is generally independent of memory or documentation. They are only available at intervals of several years, so some gaps exist in the information from this source. The observed site features are open to different interpretations and can be affected by the time of day and/or year at which they were taken, as well as specific events, such as flooding. Care has been taken to consider different possible interpretations of aerial photographs and to consider them in conjunction with other lines of evidence.

## 6.6 Summary of Site History

The site history, based on aerial photographs, indicates that there has been little change in land use of the site from 1971 and 2021. The land use was primarily cleared grazing and dairy farming with a small residential area that appears to have had the same dwellings for the entire 50-year period. Surrounding land uses have changed, with subdivisions appearing on the border of lot 94 to the northeast between 2001-2016 and the 4 separate lots with single houses to the south somewhere between 1984 and 1993. More residences have been constructed on the south side of Lennoxton Road and there have been upgrades to Corys Creek Road as well as new roads such as Serenity Way and Nirvana Close.

## 7. Site Walkover

### 7.1 Observations

A site walkover was undertaken by an environmental engineer on 7 February 2022. The general site topography was consistent with that described in Section 5. The following key site features pertinent to the PSI were observed (refer to photographs in Appendix D).

- A residential building, sheds, timber stockyard area is present within the central portion (Photo 1);
- Imported natural gravel was observed on the driveway leading to the sheds and residential premise in central portion of site (Photo 2);
- Broken asphalt fragments were observed on the surface of the driveway adjacent to the stockyard central access gate (Photo 3);
- An open metal sheet, brick and timber shed (former dairy shed) is located in far central southern portion (Photo 4 and 5);
- A timber and fibro sheet (potential asbestos containing material – ACM) clad room comprising empty oil cans and scrap materials connected to open shed (Photo 6 and 7);
- An open timber and metal sheet shed (former dairy shed) in central northern portion, comprising empty unlabelled metal and plastic drums (partially filled with rainwater) (Photo 8 and 9);
- A metal sheet and timber clad residential building within central portion (Photo 10);
- A metal sheet and timber shed comprising abundant scrap building materials (timber and metal), machinery and imported gravel lined floor adjacent to residential premise (Photo 11);
- A raised firepit is located south west of residential building comprising ash, charcoal and oxidised metal cans (Photo 12);
- A farm dam is located adjacent to residential building within central portion (Photo 13);
- The central eastern portion comprises undulated and rolling grass lined paddocks and mature trees utilised for grazing (Photo 14 and 15);
- A farm dam is located in the central eastern portion (Photo 16);
- The north eastern portion is generally flat and grass lined with some mature trees and utilised for grazing and is flanked by rural properties (Photo 17);
- Stockpiled metal piping was observed a top the Paterson River embankment within the eastern portion (Photo 18);
- Some dilapidated metal tanks and varying vegetation was located at the base of an eastern gully leading to the Paterson River (Photo 19);
- The central western area south of Rodneys Gully is grass lined utilised for grazing (Photo 20);
- The central northern area north of Rodneys Gully comprises a rolling grass lined area utilised for grazing (Photo 21);
- An access gate and track adjacent to the northern boundary within the central western portion comprises some ballast gravel fill (Photo 22);
- Stockpiled dismantled metal structure is located in the south central portion (Photo 23);

- The south western area comprises a rolling grass lined paddock utilised for grazing and comprises a farm dam (Photo 24 and 25);
- The paddocks in the far western portion are generally flat and grass lined utilised for grazing (Photo 26);
- Paterson Creek is located along the northern site boundary (Photos 27 and 28);
- The internal gully (Rodneys Gully), comprised still water and surrounding vegetation which was located within the western portion (Photo 29);
- The effluent transpiration area appears to be to the rear (north east) of the residential building.

During the site inspection selected surface water bodies / dams were tested for pH and electrical conductivity. The dams tested are shown on Drawing 1 and the results of the field measurements are shown below on Table 3.

**Table 3: Field Measurements of pH and Electrical Conductivity on Selected Water Bodies**

Location	pH	Electrical Conductivity (mS/cm)	Comments
Dam 1 (eastern area)	6.9	0.36	Slightly turbid, light brown and some algae and organics
Dam 2 (central area)	7.1	0.21	Slightly turbid, light brown and some algae and organics
Dam 3 (western area)	6.5	0.23	Slightly turbid, light brown and some algae and organics

Results of field readings of pH and electrical conductivity and site observations generally suggest the water bodies monitored are neutral and fresh with possibly elevated nutrients (given the presence of algae and organics).

## 7.2 Interview with Site Personnel

The following information was provided by Mr Josh Evans (son of site owner) during the site inspection on 7 February 2022. Mr Evans resides directly north of the site and is familiar with past and present site operations. The following was noted:

- Grazing and dairy farming have been the primary landuse in the past 100 years; prior to this the site was undeveloped;
- The two sheds in the southern central portion were previously used as dairy sheds dating back to 1960's;
- The site has not been used as a dairy farm for sometime and only utilised for grazing;
- The residential building onsite is currently being leased as a residential premise;
- There are no known above or below ground tanks onsite;
- There are no current or previous cattle dip areas on site;



- There are no chicken sheds onsite;
- There are no known burial pits onsite or previously demolished buildings;
- A possible incinerator is present adjacent to the residential premise.

## 8. Preliminary Conceptual Site Model

A conceptual site model (CSM) is a representation of site-related information regarding contamination sources, receptors and exposure pathways between those sources and receptors. The CSM provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or the future i.e. it enables an assessment of the potential source – pathway – receptor linkages (complete pathways).

### Potential Sources

Based on the current investigation, the following potential sources of contamination and associated contaminants of potential concern (COPC) have been identified.

- S1: Fill: Associated with levelling and construction of new buildings, driveways and access tracks.
  - o COPC include metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB), organochlorine pesticides (OCP), organophosphate pesticides (OPP) and asbestos.
- S2: Existing dilapidated sheds / buildings.
  - o COPC include Hazardous Building Materials (HMB) including asbestos, synthetic mineral fibres (SMF), lead and PCB.
- S3: Current agricultural use and former dairy sheds.
  - o COPC include metals, TRH, PAH, OCP, OPP and nutrients.

### Potential Receptors

The following potential human receptors have been identified:

- R1: Current users [residential];
- R2: Construction and maintenance workers;
- R3: End users [residential]; and
- R4: Adjacent site users [residential].

The following potential environmental receptors have been identified:

- R5: Surface water [Rodneys Gully and Paterson Creek];
- R6: Groundwater; and
- R7: Terrestrial ecosystems.

## Potential Pathways

The following potential pathways in relation to human receptors have been identified:

- P1: Ingestion and dermal contact;
- P2: Inhalation of dust and/or vapours.

The following potential pathways in relation to the environmental receptors have been identified:

- P3: Surface water run-off;
- P4: Lateral migration of groundwater providing base flow to water bodies;
- P5: Leaching of contaminants and vertical migration into groundwater; and
- P6: Inhalation, ingestion and absorption.

## Summary of Potentially Complete Exposure Pathways

A 'source–pathway–receptor' approach has been used to assess the potential risks of harm being caused to human or environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways (potential complete pathways). The possible pathways between the above sources (S1 to S3) and receptors (R1 to R7) are provided in below Table 3.

**Table 3: Summary of Potentially Complete Exposure Pathways**

Source and COPC	Transport Pathway	Receptor	Risk Management Action
S1: Fill - Metals, TRH, BTEX, PAH, OCP, OPP and asbestos	P1: Ingestion and dermal contact P2: Inhalation of dust and/or vapours	R1: Current users (residential) R2: Construction and maintenance workers R3: End users (residential)	The majority of these potential contaminant sources, if present, are likely to be localised and readily amenable to remediation (if required) through conventional remediation approaches.
S2: Existing dilapidated buildings - asbestos, SMF, lead (in paint) and PCB	P2: Inhalation of dust and/or vapours	R4: Adjacent site users (residential)	
	P3: Surface water run-off P4: Lateral migration of groundwater providing base flow to water bodies	R5: Surface water	
S3: Former agricultural use and dairy farm – metals, TRH, PAH, OCP and OPP and nutrients	P5: Leaching of contaminants and vertical migration into groundwater	R6: Groundwater	
	P6: Inhalation, ingestion and absorption	R7: Terrestrial ecosystems	

## 9. Conclusions and Recommendations

The results of the desktop review and site inspection have identified a number of potential contamination sources from the current / former land uses on site. There was no obvious visual or olfactory evidence of gross contamination (ie no obvious staining or odour at the ground surface or evidence of widespread vegetation distress).

The majority of the identified potential contaminant sources, if present, are likely to be localised and readily amenable to remediation (if required) through conventional remediation approaches.

While the potential for significant contamination within the proposed development footprint is generally considered to be low, preliminary sampling and testing of soil/sediment associated with potential contaminant sources is recommended to confirm site conditions and requirements from remediation (if any).

Any soils requiring removal from the site must be classified prior to disposal / re-use in accordance with NSW EPA waste classification guidelines and current regulatory requirements.

Residential development over former agricultural land including former dairies has been achieved over similar nearby sites. The site is therefore considered to be suitable, or can be made suitable, for the proposed residential development with respect to site contamination, subject to the results of preliminary sampling and testing as discussed above.

## 10. References

- NEPC. (2013). *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) [NEPM]*. Australian Government Publishing Services Canberra: National Environment Protection Council.
- NSW EPA. (2020). *Guidelines for Consultants Reporting on Contaminated Land*. Contaminated Land Guidelines: NSW Environment Protection Authority.

## 11. Limitations

Douglas Partners (DP) has prepared this report for this project at in accordance with DP's proposal NCL200595 dated 29 September 2020 and acceptance received from Mr Peter Evans of PJE Management Pty Ltd (site owner/client). The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use for Perception Panning Pty Ltd on behalf of PJE Management Pty Ltd for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any

loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the (environmental) components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

Potential asbestos containing materials (ACM) have been detected by observation generally associated with existing site structures. Building demolition materials, such as metal, timber, were, however, located on the surface, and this may be considered as indicative of the possible presence of hazardous building materials (HBM), including asbestos.

Although the scope of works adopted for this investigation is considered appropriate to achieve the stated project objectives, there are necessarily parts of the site that have not been inspected. This is either due to undetected variations in ground conditions or to budget constraints (as discussed above), or to parts of the site being inaccessible and not available for inspection, or to vegetation preventing visual inspection and reasonable access. It is therefore considered possible that HBM, including asbestos, may be present in unobserved or untested parts of the site, between and beyond sampling locations, and hence no warranty can be given that asbestos is not present.

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**Douglas Partners Pty Ltd**

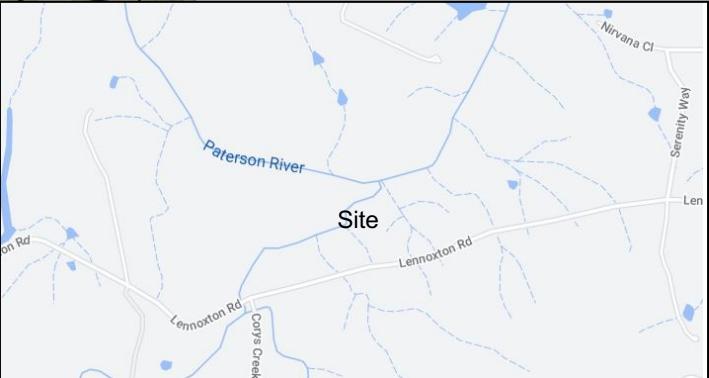
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## **Appendix A**

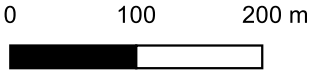
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Drawing 1 – Site Feature Plan  
Proposed Subdivision Layout Plan (Delfs Lascelles Consulting Surveyors)





Site Location

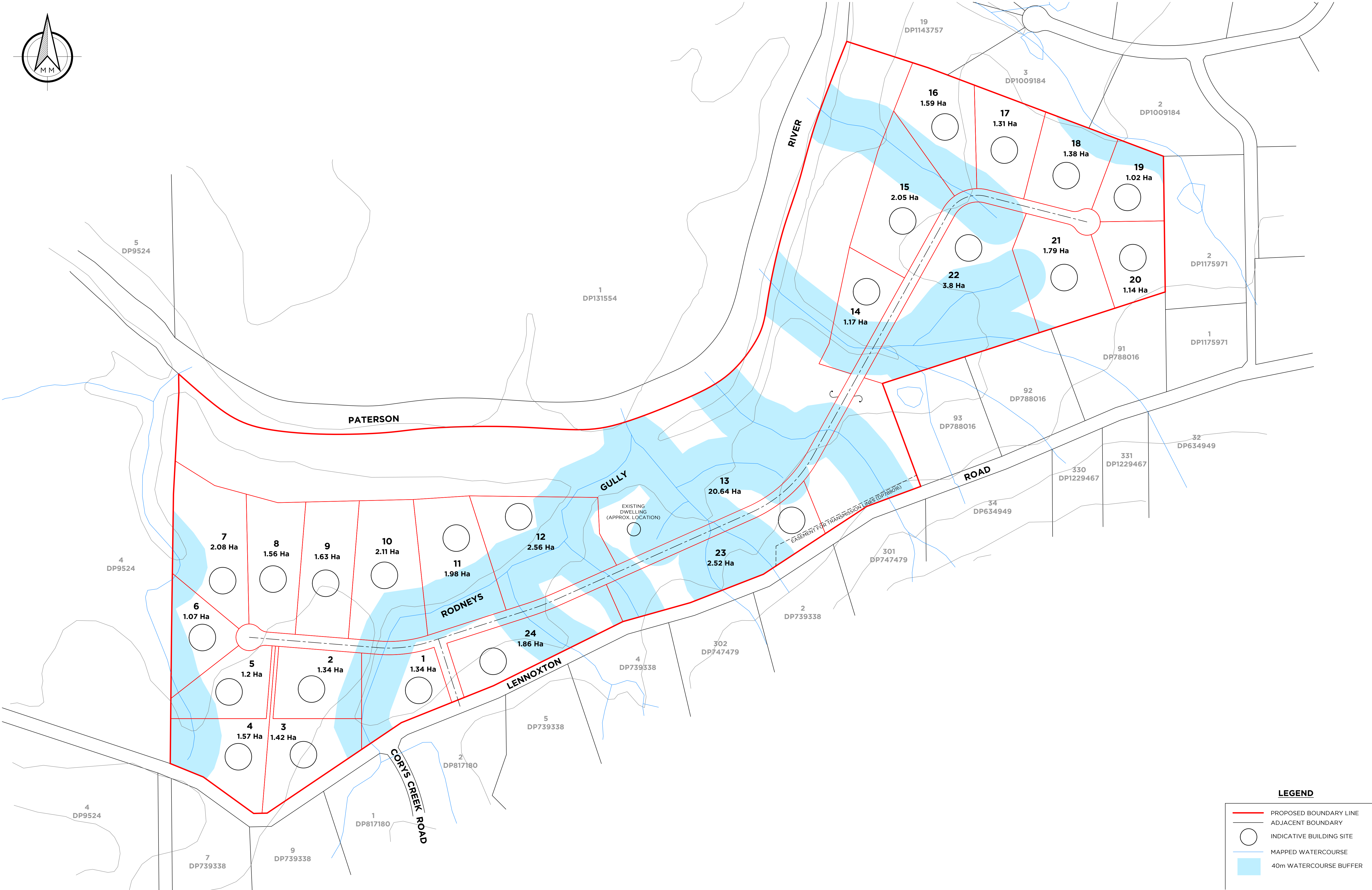
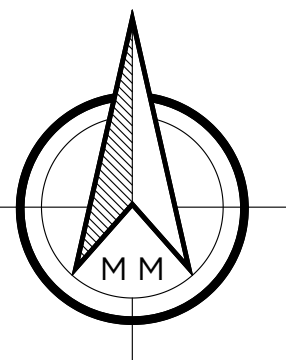


Drawing adapted from SixMaps aerial image.

- Legend
- Photo Location
  - Site Boundary
  - Lot Boundary







**LEGEND**

- PROPOSED BOUNDARY LINE
- ADJACENT BOUNDARY
- INDICATIVE BUILDING SITE
- MAPPED WATERCOURSE
- 40m WATERCOURSE BUFFER

REV.	DATE	AMENDMENT(S)	SUR	DFT	CHK
A	22.04.20	ISSUED FOR COMMENT	--	TC	TC

**DELFS  
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**PROPOSED SUBDIVISION OF LOT 8  
DP739338 AND LOT 94 DP788016**

SITE ADDRESS:  
256 LENNOXTON ROAD  
VACY

CLIENT:  
PETER EVANS

CAD REF: 20186\_Site Plan



POSITION DATUM:  
ORIENTATION:  
EASTING:  
NORTHING:  
CLASS: --  
HEIGHT DATUM:  
CLASS: --  
RL: --

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<b>1:2500</b>	<b>A1</b>	<b>22.04.20</b>
SHEET	REV.	PROJECT No.
<b>1</b>	<b>A</b>	<b>20186</b>

---

## Appendix B

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About This Report



# About this Report

# Douglas Partners



## Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

## Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

## Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

## Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;

- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

## Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

# *About this Report*

## **Site Anomalies**

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

## **Information for Contractual Purposes**

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

## **Site Inspection**

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

---

## Appendix C

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Title Deeds  
Planning Certificate



ABN: 36 092 724 251  
Ph: 02 9099 7400  
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney  
Sydney 2000  
GPO Box 4103 Sydney NSW 2001  
DX 967 Sydney

**Summary of Owners Report**

**Address: - 468 Webbers Creek Road, Webbers Creek NSW**

**Description: - Lot 8 in D.P. 739338 & Lot 94 in D.P. 788016**

**As regards to Lot 8 in D.P. 739338**

<b><u>Date of Acquisition and term held</u></b>	<b><u>Registered Proprietor(s) &amp; Occupations where available</u></b>	<b><u>Reference to Title at Acquisition and sale</u></b>
09.08.1927 (1927 to 1932)	Permanent Trustee Company of New South Wales Limited	Vol 4037 Fol 94
26.04.1932 (1932 to 1981)	James Daniel Banister (Farmer)	Vol 4037 Fol 94 Now Vol 4537 Fol 153
06.08.1981 (1981 to 1982)	Herbert Vincent Banister Thomas James Banister Patrick James Soper	Vol 4537 Fol 153 Now Vol 14585 Fol 224
03.05.1982 (1982 to Date)	# Peter James Evans	Vol 14585 Fol 224 Now 8/739338

**# Denotes current registered proprietor**

**Leases & Easements: - NIL**



ABN: 36 092 724 251  
Ph: 02 9099 7400  
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney  
Sydney 2000  
GPO Box 4103 Sydney NSW 2001  
DX 967 Sydney

**As regards to Lot 94 in D.P. 788016**

<b><u>Date of Acquisition and term held</u></b>	<b><u>Registered Proprietor(s) &amp; Occupations where available</u></b>	<b><u>Reference to Title at Acquisition and sale</u></b>
09.08.1927 (1927 to 1932)	Permanent Trustee Company of New South Wales Limited	Vol 4037 Fol 94
26.04.1932 (1932 to 1981)	James Daniel Banister (Farmer)	Vol 4037 Fol 94 Now Vol 4537 Fol 153
06.08.1981 (1981 to 1982)	Herbert Vincent Banister Thomas James Banister Patrick James Soper	Vol 4537 Fol 153 Now Vol 14585 Fol 223
03.05.1982 (1982 to Date)	# Peter James Evans	Vol 14585 Fol 223 Then Intervening Titles, Vol 15144 Fol 6, 350/734299, 9/739338, Now 94/788016

**# Denotes current registered proprietor**

**Leases: - NIL**

**Easements: -**

- 20.03.1989 (DP788016) Easement for Transmission Lines shown as “(A) Easement for Transmission Lines Variable Width” on D.P. 788016

Yours Sincerely  
Harrison Byrne  
6<sup>th</sup> December 2021

DP 131554

1

DP 739338

8

DP 739338

4

2

DP 739338

1  
DP

5

35160

DP 1143757

DP 1009184

DP 788016

DP 1009184

DP 1175971

DP 634949

DP 1229467

DP 747479

DP 634949



PLAN FORM 2

Plan Drawing only to appear in this space

\*OFFICE USE ONLY

SIGNATURE AND SEALS ONLY.

Signature: *Deborah*  
No. Book: 3723  
Date: 20 February 1989

Crown Lands Office Approval

PLAN APPROVED: *Authorised Officer*  
Land District: .....  
Paper No: .....  
Field Book: ..... pages: .....

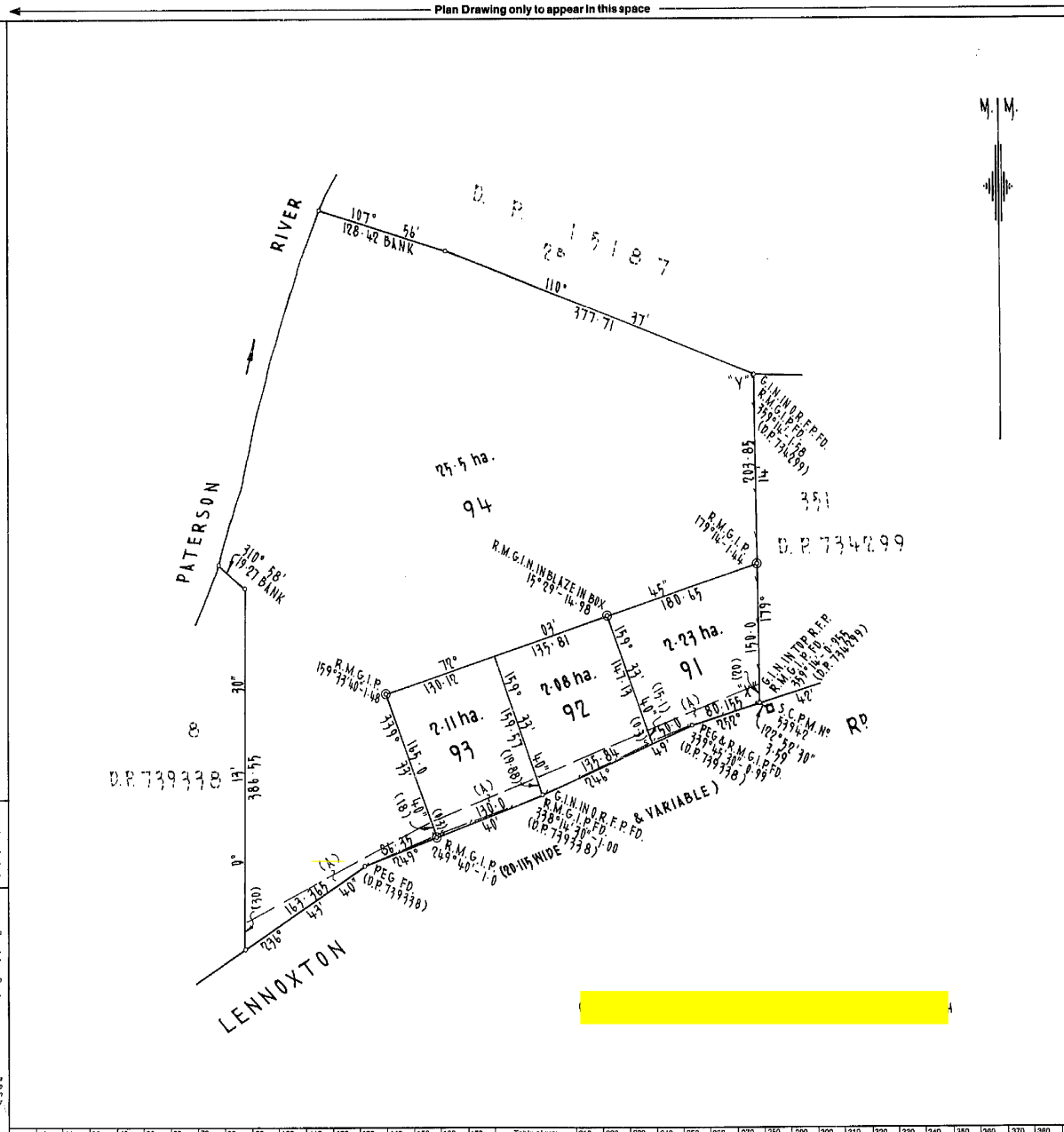
Council Clerk's Certificate

I hereby certify that --  
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and  
(b) the requirements of section 84(4) of the Metropolitan Water, Sewerage and Drainage Act, 1984 (concerning the Hunter District Water Sewerage and Drainage Act, 1984) are satisfied  
have been complied with by the applicant in relation to the proposed Subdivision  
(Insert "new road", "subdivision" or "consolidated lot" set out herein)  
Subdivision No: 7189  
Date: 20 February 1989  
(Signature) *Deborah*  
Council Clerk  
Council File No: D.A. 7899

\*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the areas of operations of the Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board.  
† Delete if inapplicable.

SURVEYOR'S REFERENCE: 5.2332

MPD





NEW SOUTH WALES

# CIFICATE OF TITLE

AL PROPERTY ACT, 1900



14585224

Appln No 27423

EDITION ISSUED

13 11 1981



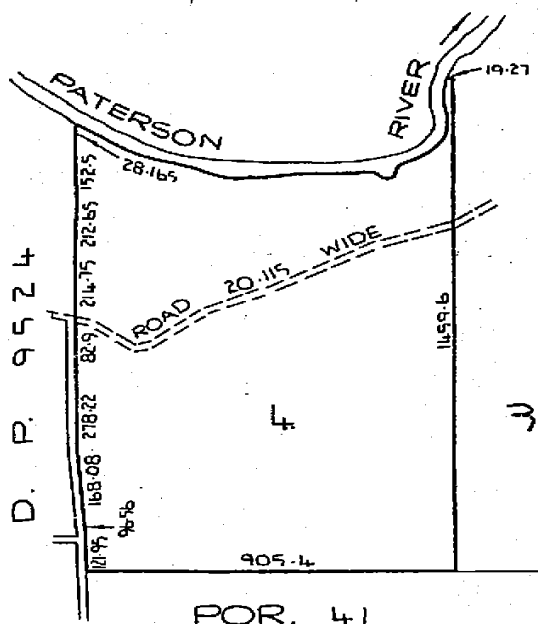
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Registrar General.



## PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



**CANCELLED**

AREA: 113.4 ha

THIS AREA DOES NOT INCLUDE  
THE AREA OF THE ROAD.

5740255 M.X. *th*

## ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 4 in Deposited Plan 15187 in the Shire of Dungog Parish of Houghton County of Durham being part of Portion 25 granted to John Cory on 20-2-1839. EXCPETING THEREOUT the road shown in the plan hereon.

## FIRST SCHEDULE

## SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

REGISTERED PROPRIETOR

**Registrar General**

\_\_\_\_\_



*Kenner*

### PARTICULARS

**Registrar General**

## CANCELLATION

S902053 Mortgage to Bank of New South Wales. Registered 10-2-1982

*Kenia*

## NOTATIONS AND UNREGISTERED DEALINGS

590205 2 <sup>TE</sup>  
3 <sup>MR</sup>

DP 739338



LAND  
REGISTRY  
SERVICES

# Historical Title



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

3/12/2021 11:59AM

FOLIO: 8/739338

First Title(s): OLD SYSTEM

Prior Title(s): VOL 14585 FOL 224

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
22/12/1986	DP739338	DEPOSITED PLAN	FOLIO CREATED EDITION 1
8/12/1987	X175412	DISCHARGE OF MORTGAGE	
8/12/1987	X175413	MORTGAGE	EDITION 2
10/5/1990	Y989792	MORTGAGE	EDITION 3
8/9/2018	AN695391	DEPARTMENTAL DEALING	EDITION 4 CORD ISSUED

\*\*\* END OF SEARCH \*\*\*



FOLIO: 8/739338

SEARCH DATE	TIME	EDITION NO	DATE
3/12/2021	12:01 PM	4	8/9/2018

LAND

LOT 8 IN DEPOSITED PLAN 739338  
AT VACY  
LOCAL GOVERNMENT AREA DUNGO  
PARISH OF HOUGHTON COUNTY OF DURHAM  
TITLE DIAGRAM DP739338

FIRST SCHEDULE

PETER JAMES EVANS

SECOND SCHEDULE (3 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  
2 X175413 MORTGAGE TO WESTPAC BANKING CORPORATION  
3 Y989792 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

C [REDACTED] STATE OF TITLE  
[REDACTED] PROPERTY ACT, 1900

06 / Seq: 1 of 2  
 creek

1458522

EDITION ISSUED

13 11 1981



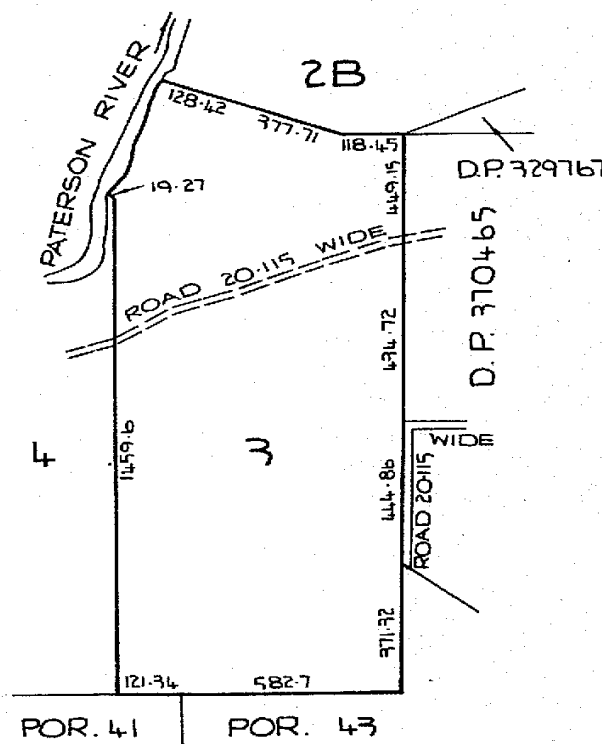
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

**Registrar General.**



LENGTHS ARE IN METRES

**CANCELLED**



AREA: 122.2 ha

THIS AREA DOES NOT INCLUDE  
THE AREA OF THE ROAD.

5740255 M.X. ~~16~~

## ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 3 in Deposited Plan 15187 in the Shire of Dungog Parish of Houghton County of Durham being part of Portion 25 granted to John Cory on 20-2-1839. EXCEPTING THEREOUT the road shown in the plan hereon.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

**NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED**

**WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE**

## FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR

Registrar General

## SECOND SCHEDULE (continued)

PARTICULARS

Registrar General

CANCELLATION

T26799 Mortgage to The National Bank of Australasia Limited. Registered 3-5-1982

The interest of the Council of the Shire of Dungog in the  
addition to existing road shown on D.P. 634949

Entered 11-10-1983

Interests created pursuant to Section 88B Conveyancing Act, 1919,  
by the registration of Deposited Plan, 634949 Entered 11-10-1983

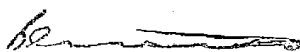
This deed is cancelled as to whole ex road  
New certificates of Title have issued on 21-10-1983  
for lots in Deposited Plan No. 634949 as follows:-  
Lots 32-35 Vol. 15144 Fol. 3-6 respectively.



REGISTRAR GENERAL



The residue of land in this folio comprises  
road shown in DP 634949.



REGISTRAR GENERAL



## NOTATIONS AND UNREGISTERED DEALINGS

T267987  
99m 1/4  
CT 8.9.83  
DP 634949 R.



# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



15144006

NEW SOUTH WALES

First Title : Old System

P [REDACTED] 3



EDITION  
ISSUED 24 10 1983

I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

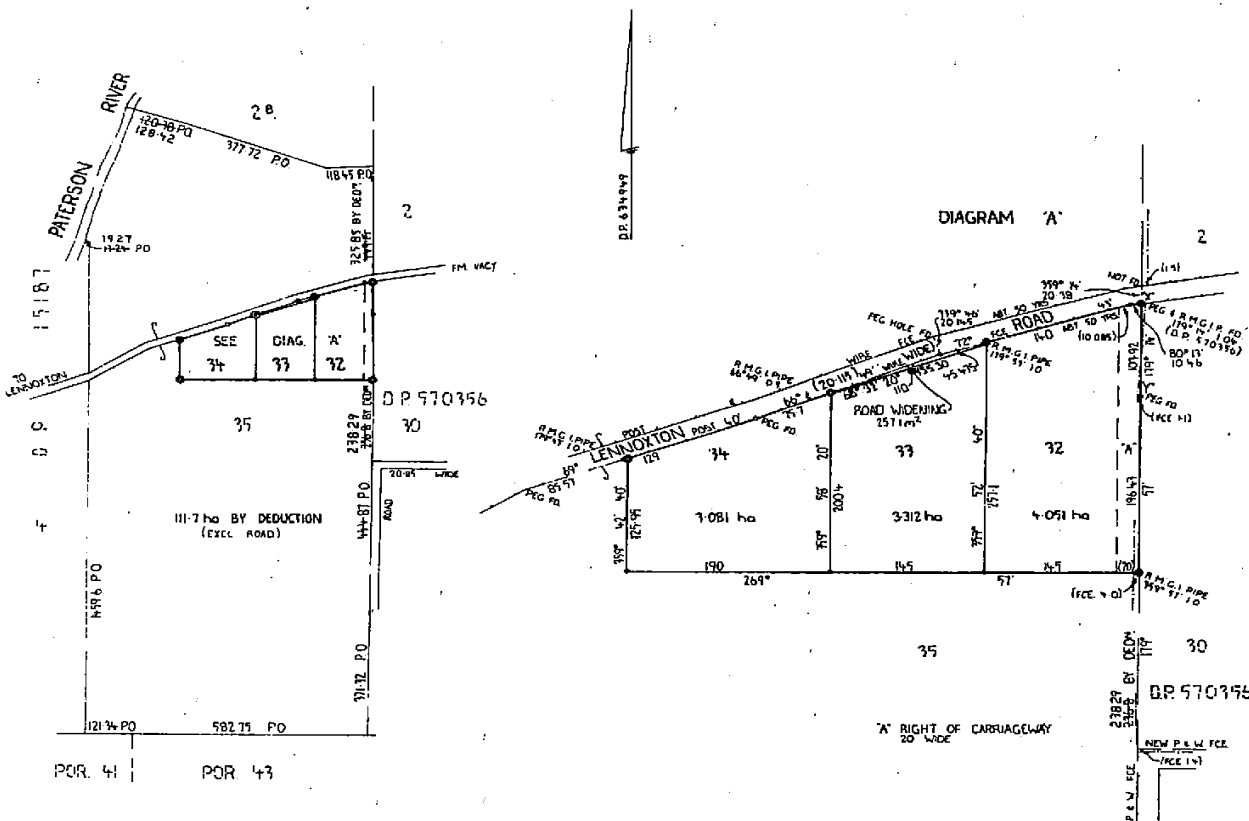
*[Signature]*  
Registrar General.



## PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

**CANCELLED**



## LAND REFERRED TO

Lot 35 in Deposited Plan 634949 at Lennoxton in the Shire of Dungog Parish of Houghton and County of Durham.

## FIRST SCHEDULE

P [REDACTED]

## SECOND SCHEDULE


1. Reservations and conditions contained in the Crown Grant.
2. T26799 Mortgage to National Commercial Banking Corporation of Australia Limited.
3. DP634949 Right of carriageway 20 wide appurtenant to the land above described . T996828

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

(Page 1) Vol. 6

15144 6

FIRST SCHEDULE (continued)	
REGISTERED PROPRIETOR	Registrar General
<div data-bbox="224 262 847 394" style="background-color: yellow; width: 384px; height: 63px;"></div> <div data-bbox="701 373 812 466"></div>	

SECOND SCHEDULE (continued)		
PARTICULARS	Registrar General	CANCELLATION

NOTATIONS AND UNREGISTERED DEALINGS		
<div data-bbox="61 1873 142 2053" style="writing-mode: vertical-rl; transform: rotate(180deg);">T966223 Rg.A D.P. 734299R.</div>		





LAND  
REGISTRY  
SERVICES

# Historical Title



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

3/12/2021 12:03PM

FOLIO: 350/734299

First Title(s): OLD SYSTEM

Prior Title(s): VOL 15144 FOL 6

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
17/9/1986	DP734299	DEPOSITED PLAN	FOLIO CREATED EDITION 1
22/12/1986	DP739338	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*

468 Webbers Creek Road, Webbers Creek

PRINTED ON 3/12/2021

InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



LAND  
REGISTRY  
SERVICES

# Historical Title



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

3/12/2021 12:03PM

FOLIO: 9/739338

First Title(s): OLD SYSTEM

Prior Title(s): 350/734299

Recorded	Number	Type of Instrument	C.T. Issue
22/12/1986	DP739338	DEPOSITED PLAN	FOLIO CREATED EDITION 1
22/3/1989	DP788016	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*



LAND  
REGISTRY  
SERVICES

# Historical Title



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

3/12/2021 12:02PM

FOLIO: 94/788016

First Title(s): OLD SYSTEM

Prior Title(s): 9/739338

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
23/3/1989	DP788016	DEPOSITED PLAN	FOLIO CREATED EDITION 1
4/8/1997	3289950	DISCHARGE OF MORTGAGE	EDITION 2
4/8/2005	AB671508	MORTGAGE	EDITION 3
1/9/2018	AN678863	DEPARTMENTAL DEALING	EDITION 4 CORD ISSUED

\*\*\* END OF SEARCH \*\*\*

468 Webbers Creek Road, Webbers Creek

PRINTED ON 3/12/2021

InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



FOLIO: 94/788016

SEARCH DATE	TIME	EDITION NO	DATE
3/12/2021	3:41 PM	4	1/9/2018

LAND

LOT 94 IN DEPOSITED PLAN 788016  
AT VACY  
LOCAL GOVERNMENT AREA DUNGO  
PARISH OF HOUGHTON COUNTY OF DURHAM  
TITLE DIAGRAM DP788016

FIRST SCHEDULE

PETER JAMES EVANS

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
DIAGRAM CREATED BY: DP788016 -FOR TRANSMISSION LINES
- 3 AB671508 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP  
LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*



## **S10.7(2 & 5) PLANNING CERTIFICATE**

Environmental Planning & Assessment Act, 1979 (as amended)

**Date:** 29 November 2021

**Certificate :** 2021514      **Fee:** \$133.00      **Receipt :** 791481      **Your Ref:** Lot 8

### **DESCRIPTION OF LAND**

**User Assessment:** 024552414760      **Parish:** Houghton      **County:** Durham

**Assessment:** 83048

**Address:** LOT: 8 DP: 739338, No 256 Lennoxton Road VACY 2421

**Owner:** Mr P J Evans

---

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 10.7(2) & (5) of the Environmental Planning and Assessment Act, 1979.



**1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPS**

**1.1 Which Environmental Planning Instrument/s apply to the carrying out of development on the land?**

Dungog Local Environmental Plan 2014 – Operational 1 June 2014.

State Environmental Planning Policies – Refer to Attachment 1

**1.2 Which proposed Environmental Planning Instruments apply to the carrying out of development on the land that is or has been the subject of community consultation or public exhibition?**

Nil

**1.3 Which Development Control Plan/s apply to the carrying out of development on the land?**

Dungog Shire Wide Development Control Plan No. 1 – Refer to Attachment 2

**2. ZONING AND LAND USE UNDER RELEVANT LEPs**

**FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:**

**2.1 What is the identity of the zoning for the land?**

Under the Dungog Local Environmental Plan 2014 the zoning is:  
R5 Large Lot Residential & E3 Environmental Management

**2.2 For what purposes may development be carried out within the zone without the need for development consent?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.3 For what purposes may development not be carried out within the zone except with development consent?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.4 For what purposes is development prohibited within the zone?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.5 Are there any development standards applying to the land which fix minimum land dimensions for the erection of a dwelling house on the land?**

**Under the Dungog Local Environmental Plan 2014**

Yes for land Zoned E3 –Refer to Attachment 4

No for land Zoned R5



**2.6 Does the land include or comprise a critical habitat?**

**Under the Dungog Local Environmental Plan 2014**

No

**2.7 Is the land in a conservation area?**

**Under the Dungog Local Environmental Plan 2014**

No

**2.8 Is an item of environmental heritage situated on the land?**

**Under the Dungog Local Environmental Plan 2014**

No

**2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

This clause is not applicable to the Dungog Local Government Area.

**3. COMPLYING DEVELOPMENT**

**3.1 Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("the SEPP").**

**The extent to which complying development may not be carried out on the land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of the SEPP and the reasons why it may not be carried out under those clauses.**

**Note: This Clause identifies only the land based exclusions listed in clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP. To be complying development, the development must be complying development that meets the standards specified for that development as required by the SEPP.**

**HOUSING CODE**

As of 1 January 2021, the Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

**RURAL HOUSING CODE**

As of 1 January 2021, the Rural Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

**LOW RISE HOUSING DIVERSITY CODE**

Complying Development under the Low Rise Housing Diversity Code may not be carried out on the land as the land is not within an applicable zone.



## **GREENFIELD HOUSING CODE**

Complying Development under the Greenfield Housing Code may not be carried out on the land as the land is not within an applicable area.

## **INLAND CODE**

For land Zoned R5 - Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the general and specific standards for the Code.

For land Zoned E3 - Complying Development under the Inland Code may not be carried out on the land as the land is not within an applicable zone.

## **HOUSING ALTERATIONS CODE**

Complying Development may be carried out on the land under the Housing Alteration Code, subject to the development complying with the general and specific standards of the Code.

## **GENERAL DEVELOPMENT CODE**

Complying Development may be carried out on the land under the General Development Code, subject to complying with the general and specific standards of the Code.

## **COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS & ADDITIONS) CODE**

Complying Development under the Commercial and Industrial (New Buildings & Additions) Code may not be carried out on the land as the land is not within an applicable zone.

## **COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE**

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to complying with the general and specific standards of the Code.

## **SUBDIVISIONS CODE**

Complying Development may be carried out on the land under the Subdivision Code, subject to complying with the general and specific standards of the Code.

## **DEMOLITION CODE**

Complying Development may be carried out on the land under the Demolition Code, subject to complying with the general and specific standards of the Code.





## **FIRE SAFETY CODE**

Complying Development may be carried out on the land under the Fire Safety Code, subject to complying with the general and specific standards of the Code.

### **4. COASTAL PROTECTION**

Repealed

### **4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

Repealed

### **4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

This clause is not applicable to the Dungog Local Government Area because Dungog Shire Council is not a "coastal council".

### **5. MINE SUBSIDENCE**

**5.1 Is the land proclaimed to be a Mine Subsidence District within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?**

No

### **6. ROAD WIDENING AND ROAD REALIGNMENT**

**6.1 Is the land affected by any road widening or road realignment under:**

- (a) Division 2 of Part 3 of the Roads Act 1993?**
- (b) Any Environmental Planning Instrument?**
- (c) Any Resolution of the Council?**

No

### **7. HAZARD RISK RESTRICTIONS**

**Is the land affected by a policy either adopted by Council or adopted by any other public authority and notified to the Council (for the express purposes of its adoption by that authority being referred to in Planning Certificates issued by the Council) that restricts the development of the land because of the likelihood of:**

**7.1 Landslip**  
No

**7.2 Bush Fire**  
Yes

**7.3 Tidal Inundation**  
No



**7.4 Subsidence**

No

**7.5 Acid Sulphate Soils**

No

**7.6 Any other risk (other than flooding)**

No

**7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

**7A.1 Is the land or part of the land within the flood planning area and subject to flood related development controls?**

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

**7A.2 Is the land or part of the land between the flood planning area and the probable maximum flood and subject to flood related development controls?**

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

**7A.3 (3) In this clause—**

***flood planning area*** has the same meaning as in the Floodplain Development Manual.

***Floodplain Development Manual*** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

***probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

**8. LAND RESERVED FOR ACQUISITION**

**8.1 Does any Environmental Planning Instrument or proposed Environmental Planning Instrument referred to in item 1 above make provision in relation to acquisition of the land by a public authority, as referred to in section 3.15 of the Environmental Planning & Assessment Act 1979?**

No

**9. CONTRIBUTIONS PLAN**

**9.1 Which contributions plan/s apply to the land?**

Dungog Local Infrastructure Contributions Plan, 2019



**9A. BIODIVERSITY CERTIFIED LAND**

**9A.1 Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016?**

**Note.** Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

No

**10. BIODIVERSITY STEWARDSHIP SITES**

**10.1 Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage)?**

**Note.** Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

No

**10A. NATIVE VEGETATION CLEARING SET ASIDES**

**10A.1 Does the land contain a set aside area under section 60ZC of the Local Land Services Act 2013, (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section)?**

No

**11. BUSH FIRE PRONE LAND**

**11.1 Is any of the land bushfire prone land as defined in the Environmental Planning & Assessment Act 1979?**

Yes

**Note:** Council's current mapping for bushfire prone land within the Dungog Local Government Area, as certified by the Commissioner of NSW Rural Fire Service, **does not** include land identified as predominantly grasslands. Planning for Bushfire Protection 2019 (PBP 2019) and the Australian Standard 3959-2018 (AS3959 – 2018) "*Construction of buildings in bush-fire prone areas*" includes "grasslands" as a vegetation classification which applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by PBP 2019 and AS 3959-2018.

**12. PROPERTY VEGETATION PLANS**

**12.1 Does a Property Vegetation Plan under the *Native Vegetation Act 2003* apply to the land, being a plan to which the Council has been notified of**



its existence by the person or body that approved the plan under that Act?

No

**13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

**13.1** Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, being an order to which the Council has been notified?

No

**14. DIRECTIONS UNDER PART 3A**

**14.1** Is there a direction by the Minister in force under Section 75P (2) (c1) of the Environmental Planning & Assessment Act 1979 that a provision of an Environmental Planning Instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 3 of that Act does not have effect?

No

**15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

**15.1** If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, is there a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land?

No

**15.2** If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, have any terms of a kind referred to in Clause 18(2) of that SEPP been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE ,SCHOOLS OR TAFE ESTABLISHMENTS**

**16.1** Is there a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the Council is aware in respect of proposed development on the land?

No



**17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

**17.1 Is there a current site compatibility statement (affordable rental housing), of which the Council is aware, in respect of proposed development on the land?**

No

**17.2 Have any terms of a kind referred to in Clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?**

No

**18. PAPER SUBDIVISION INFORMATION**

**18.1 Is there a development plan adopted by a relevant authority that applies to the land that is proposed to be subject to a consent ballot?**

No

**18.2 Is there a subdivision order that applies to the land?**

No

**Note:** Words and expressions in this clause have the same meaning as they have in Part 16C of the Environmental Planning and Assessment Regulation 2000.

**19. SITE VERIFICATION CERTIFICATES**

**19.1 Is there a current site verification certificate, of which the council is aware, in respect of the land?**

No

**NOTE: MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 (CLM Act)**

**(a) Is the land significantly contaminated land within the meaning of the CLM Act at the date of this certificate?**

No

**(b) Is the land subject to a management order within the meaning of the CLM Act at the date of this certificate?**

No

**(c) Is the land the subject of an approved voluntary management proposed within the meaning of the CLM Act at the date of this certificate?**

No



(d) Is the land the subject to an ongoing maintenance order within the meaning of the CLM Act at the date of this certificate?  
No

(e) Is the land the subject of a site audit statement within the meaning of the CLM Act (such a statement having been provided to Council at any time)?  
No

**20. LOOSE-FILL ASBESTOS INSULATION**

20.1 Does the land include any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division?  
  
No

**21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS**

21.1 Is there any affected building notice of which the council is aware that is in force in respect of the land.

No

21.2 Is there any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with?

No

21.3 Is there any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.

No

**Note:** affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

**22. ADDITIONAL INFORMATION PURSUANT TO SECTION 10.7(5) OF THE ACT**

22.1 Is there a Tree Preservation Order affecting the land?  
No

22.2 Are there any developments approved on this property within the past five (5) years?  
No



**22.3 Due to the State Government Payment package of Local Government reforms and guidelines to enable more effective supervision of septic tanks and other small sewerage management facilities, it is now a legal requirement under the Local Government (Approvals) Amendment (Sewerage Management) Regulation 1998 that all systems of sewerage management are the subject of approval to operate. These facilities include septic tanks, septic closets, composting toilets and grey water treatment devices. Applications for such facilities are to be submitted to Council when required to do so by either written notification or at the time of lodging a development application for a new dwelling. In the event of a property being sold, the purchaser of the land should be aware there is a two month period in which to apply for the necessary approval.**

Jenny Webb  
SENIOR TOWN PLANNER

Date: 29 November 2021

Applicant: Perception Planning  
PO Box 107  
CLARENCE TOWN NSW 2321

Access to this land is by a Public Maintained Road. Council's maintained roads vary from time to time and there is no guarantee that this road will remain on the maintained list indefinitely.
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## **STATE ENVIRONMENTAL PLANNING POLICIES**

### **State Environmental Planning Policy No 21 - Caravan Parks**

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the *Local Government Act 1993*, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

### **State Environmental Planning Policy No 33 - Hazardous and Offensive Development**

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

### **State Environmental Planning Policy No 36 - Manufactured Home Estates**

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

### **State Environmental Planning Policy No 50 - Canal Estate Development**

Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

### **State Environmental Planning Policy No 55 - Remediation of Land**

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

### **State Environmental Planning Policy No 64 - Advertising & Signage**

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

### **State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development**

Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.





#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

#### **State Environmental Planning Policy (Concurrences) 2018**

If a person whose concurrence to development is required to be obtained by a relevant provision fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so, the Planning Secretary may elect to act in the place of the person for the purposes of deciding whether to grant concurrence to the development.

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

#### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application; identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent; identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act; enabling the progressive extension of the types of development in this Policy; and providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

#### **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

#### **State Environmental Planning Policy (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 by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and by encouraging the identification of areas of core koala habitat, and by encouraging the inclusion of areas of core koala habitat in environment protection zones.

#### **State Environmental Planning Policy (Koala Habitat Protection) 2021**

This Policy 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.



### **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007**

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

### **State Environmental Planning Policy (Primary Production and Rural Development) 2019**

The aims of this Policy are to facilitate the orderly economic use and development of lands for primary production; to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources; to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations; to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts; to encourage sustainable agriculture, including sustainable aquaculture; to require consideration of the effects of all proposed development in the State on oyster aquaculture; to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

### **State Environmental Planning Policy (State and Regional Development) 2011**

This Policy aims to identify development to which State significant development assessment and approval process under Part 4 of the Act applies; development that is State significant infrastructure and critical State significant; and to confer functions on joint regional planning panels to determine development applications.

### **State Environmental Planning Policy (State Significant Precincts) 2005**

The aims of this Policy are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State; and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.



## **SHIRE WIDE DEVELOPMENT CONTROL PLAN No.1**

Shire Wide Development Plan No. 1 affects all land in the Shire. The document compliments Councils Planning Instruments and presents a package of design controls and guidelines intended to assist in the achievement of the Councils Aims and Objectives with regard to development in the Shire

Dungog Shire has become one of the most desirable locations in the Hunter Valley, as much for it's unique natural environment as for its lifestyle and climate attractions.

This Development Control Plan represents the policies of the Dungog Shire Council with regard to certain types of development within the Shire, together with guidelines designed to assist developers in achieving the adopted aims and objectives. It should be read in conjunction with the Dungog Local Environmental Plan 2014.

The Shire Wide Development Control Plan 1 contains the following parts:

<b>Chapter</b>	<b>Adoption Date</b>
<b>PART A</b>	
1. Administration	20/6/2018
<b>PART B</b>	
1. Complying Development	20/6/2018
2. Exempt Development	20/6/2018
<b>PART C</b>	
1. Residential Development	18/5/2004
2. Development in Rural Residential Zones	18/5/2004
3. Building Line Setbacks	19/6/2019
4. Erection of Farm Buildings and outbuildings - sheds	20/6/2018
5. Bushfire	20/6/2018
7. Buffer Zones	16/8/2005
8. Managing Our Floodplains	15/8/2018
9. Employment Development	18/5/2004
11. Tourist Development	18/5/2004
12. Keeping of Dogs for Commercial Purposes	19/2/2002
14. Building Over or Near Sewer	20/3/2001
15. Contaminated Land	29/10/2018
16. Biodiversity	20/5/2003
17. Heritage	21/10/2003
18. Water Efficiency	17/2/2004
19. Wind Energy Generation Facilities	15/8/2006
20. Off Street Parking	9/7/2005
22. Signage	20/5/2008
23. On Site Sewage Management	20/6/2018
24. Site Waste Minimisation and Management	20/6/2018
<b>PART D</b>	
1. South Vacy Village	18/2/2003
2. Clarence Town Local Area Plan	17/5/2005
3. Vacy Local Area Plan	16/8/2005
4. Draft Martins Creek Local Area Plan	
5. Paterson Local Area Plan	15/11/2005
6. Gresford Local Area Plan	16/5/2006
7. Boulton Drive Paterson	20/6/2018
8. Boatfalls Rural Residential Estate	20/6/2018
9. Cangon Park Rural Residential Estate	18/3/2020



## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 2**

#### **Zone R5 Large Lot Residential**

##### **1 Objectives of 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.

##### **2 Permitted without consent**

Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls

##### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

##### **4 Prohibited**

Any development not specified in item 2 or 3



## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 2**

#### **Zone E3 Environmental Management**

##### **1 Objectives of 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.

##### **2 Permitted without consent**

Bee keeping; Home occupations

##### **3 Permitted with consent**

Bed and breakfast accommodation; Boat launching ramps; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Home-based childcare; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Research stations; Roads; Sewerage systems; Tank-based aquaculture; Water recreation structures; Water supply systems

##### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3



## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 4.2A**

#### **4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone E3 Environmental Management,
  - (c) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected:
  - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land on which the dwelling house or dual occupancy is proposed, or
  - (b) is a lot created under this Plan (other than under clause 4.1B or clause 4.2 (3)), or
  - (c) is a lot created before this Plan commenced and:
    - (i) the erection of a dwelling house was permissible on that lot, and
    - (ii) no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot, before that commencement, or
  - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (e) is an existing holding, or
  - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.



(5) In this clause:

**existing holding** means land that:

- (a) was a holding on 1 July 2003, and
- (b) is the same holding at the time of lodging a development application under this clause,

whether or not there has been a change in the ownership of the holding since 1 July 2003.

**holding** means all adjoining land, even if separated by a road, river or railway, held by the same person or persons.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.



### **NOTICE TO PURCHASERS OF LAND IN RURAL AREAS IN DUNGOG SHIRE**

Dungog Shire Council supports the right of persons in rural areas to carry out agricultural production using reasonable and practicable measures to avoid environmental harm.

Intending purchasers are advised that agricultural production practised may include some of the following activities and some activities may have implications for occupiers of adjacent land:-

- Logging and milling of timber
- Dairies
- Intensive livestock production (feedlots, piggeries and poultry farms)
- Intensive Agriculture
- Vegetation clearing
- Cultivation and harvesting
- Bush fire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor bikes etc)
- Pumping and irrigation
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices
- Droving livestock on roads
- Silage production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of wood lots.

Intending purchasers of land in rural areas may have difficulty with some of these activities or the impact of these activities when they are being carried out on land near their proposed purchase. If so, they should seek independent advice and consider their position.

This notice is not intended to affect the rights of individuals to take action under the common law or legislation.

**THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY**





## **S10.7(2 & 5) PLANNING CERTIFICATE**

Environmental Planning & Assessment Act, 1979 (as amended)

**Date:** 29 November 2021

**Certificate :** 2021513      **Fee:** \$133.00      **Receipt :** 791481      **Your Ref:** Lot 94

### **DESCRIPTION OF LAND**

**User Assessment:** 024552414760      **Parish:** Houghton      **County:** Durham

**Assessment:** 83048

**Address:** LOT: 94 DP: 788016, No 256 Lennoxton Road VACY 2421

**Owner:** Mr P J Evans

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This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 10.7(2) & (5) of the Environmental Planning and Assessment Act, 1979.



**1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPS**

**1.1 Which Environmental Planning Instrument/s apply to the carrying out of development on the land?**

Dungog Local Environmental Plan 2014 – Operational 1 June 2014.

State Environmental Planning Policies – Refer to Attachment 1

**1.2 Which proposed Environmental Planning Instruments apply to the carrying out of development on the land that is or has been the subject of community consultation or public exhibition?**

Nil

**1.3 Which Development Control Plan/s apply to the carrying out of development on the land?**

Dungog Shire Wide Development Control Plan No. 1 – Refer to Attachment 2

**2. ZONING AND LAND USE UNDER RELEVANT LEPs**

**FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:**

**2.1 What is the identity of the zoning for the land?**

Under the Dungog Local Environmental Plan 2014 the zoning is:  
R5 Large Lot Residential & E3 Environmental Management

**2.2 For what purposes may development be carried out within the zone without the need for development consent?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.3 For what purposes may development not be carried out within the zone except with development consent?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.4 For what purposes is development prohibited within the zone?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

**2.5 Are there any development standards applying to the land which fix minimum land dimensions for the erection of a dwelling house on the land?**

**Under the Dungog Local Environmental Plan 2014**

Yes for land Zoned E3 –Refer to Attachment 4

No for land Zoned R5



**2.6 Does the land include or comprise a critical habitat?**

**Under the Dungog Local Environmental Plan 2014**

No

**2.7 Is the land in a conservation area?**

**Under the Dungog Local Environmental Plan 2014**

No

**2.8 Is an item of environmental heritage situated on the land?**

**Under the Dungog Local Environmental Plan 2014**

No

**2A. ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006**

This clause is not applicable to the Dungog Local Government Area.

**3. COMPLYING DEVELOPMENT**

**3.1 Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("the SEPP").**

**The extent to which complying development may not be carried out on the land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of the SEPP and the reasons why it may not be carried out under those clauses.**

**Note: This Clause identifies only the land based exclusions listed in clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP. To be complying development, the development must be complying development that meets the standards specified for that development as required by the SEPP.**

**HOUSING CODE**

As of 1 January 2021, the Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

**RURAL HOUSING CODE**

As of 1 January 2021, the Rural Housing Code no longer applies to land within the Dungog Local Government Area. Refer to the provisions of the Inland Code.

**LOW RISE HOUSING DIVERSITY CODE**

Complying Development under the Low Rise Housing Diversity Code may not be carried out on the land as the land is not within an applicable zone.



## **GREENFIELD HOUSING CODE**

Complying Development under the Greenfield Housing Code may not be carried out on the land as the land is not within an applicable area.

## **INLAND CODE**

For land Zoned R5 - Complying Development may be carried out on the land under the Inland Code, subject to the development complying with the general and specific standards for the Code.

For land Zoned E3 - Complying Development under the Inland Code may not be carried out on the land as the land is not within an applicable zone.

## **HOUSING ALTERATIONS CODE**

Complying Development may be carried out on the land under the Housing Alteration Code, subject to the development complying with the general and specific standards of the Code.

## **GENERAL DEVELOPMENT CODE**

Complying Development may be carried out on the land under the General Development Code, subject to complying with the general and specific standards of the Code.

## **COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS & ADDITIONS) CODE**

Complying Development under the Commercial and Industrial (New Buildings & Additions) Code may not be carried out on the land as the land is not within an applicable zone.

## **COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE**

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to complying with the general and specific standards of the Code.

## **SUBDIVISIONS CODE**

Complying Development may be carried out on the land under the Subdivision Code, subject to complying with the general and specific standards of the Code.

## **DEMOLITION CODE**

Complying Development may be carried out on the land under the Demolition Code, subject to complying with the general and specific standards of the Code.



## **FIRE SAFETY CODE**

Complying Development may be carried out on the land under the Fire Safety Code, subject to complying with the general and specific standards of the Code.

### **4. COASTAL PROTECTION**

Repealed

### **4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS**

Repealed

### **4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS**

This clause is not applicable to the Dungog Local Government Area because Dungog Shire Council is not a "coastal council".

### **5. MINE SUBSIDENCE**

**5.1 Is the land proclaimed to be a Mine Subsidence District within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?**

No

### **6. ROAD WIDENING AND ROAD REALIGNMENT**

**6.1 Is the land affected by any road widening or road realignment under:**

- (a) Division 2 of Part 3 of the Roads Act 1993?**
- (b) Any Environmental Planning Instrument?**
- (c) Any Resolution of the Council?**

No

### **7. HAZARD RISK RESTRICTIONS**

**Is the land affected by a policy either adopted by Council or adopted by any other public authority and notified to the Council (for the express purposes of its adoption by that authority being referred to in Planning Certificates issued by the Council) that restricts the development of the land because of the likelihood of:**

**7.1 Landslip**  
No

**7.2 Bush Fire**  
No

**7.3 Tidal Inundation**  
No



**7.4 Subsidence**

No

**7.5 Acid Sulphate Soils**

No

**7.6 Any other risk (other than flooding)**

No

**7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION**

**7A.1 Is the land or part of the land within the flood planning area and subject to flood related development controls?**

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

**7A.2 Is the land or part of the land between the flood planning area and the probable maximum flood and subject to flood related development controls?**

Yes – Council's records indicate that the land is wholly or partially flood prone land. Development on flood prone land is subject to flood related development controls. Information on the extent of flooding and development controls on land is available from Council's Planning Department and you are advised to make further enquiries.

**7A.3 (3) In this clause—**

***flood planning area*** has the same meaning as in the Floodplain Development Manual.

***Floodplain Development Manual*** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

***probable maximum flood*** has the same meaning as in the Floodplain Development Manual.

**8. LAND RESERVED FOR ACQUISITION**

**8.1 Does any Environmental Planning Instrument or proposed Environmental Planning Instrument referred to in item 1 above make provision in relation to acquisition of the land by a public authority, as referred to in section 3.15 of the Environmental Planning & Assessment Act 1979?**

No

**9. CONTRIBUTIONS PLAN**

**9.1 Which contributions plan/s apply to the land?**

Dungog Local Infrastructure Contributions Plan, 2019



**9A. BIODIVERSITY CERTIFIED LAND**

**9A.1 Is the land biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016?**

**Note.** Biodiversity certified land includes land certified under Part 7AA of the Threatened Species Conservation Act 1995 that is taken to be certified under Part 8 of the Biodiversity Conservation Act 2016.

No

**10. BIODIVERSITY STEWARDSHIP SITES**

**10.1 Is the land a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016 (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage)?**

**Note.** Biodiversity stewardship agreements include biobanking agreements under Part 7A of the Threatened Species Conservation Act 1995 that are taken to be biodiversity stewardship agreements under Part 5 of the Biodiversity Conservation Act 2016.

No

**10A. NATIVE VEGETATION CLEARING SET ASIDES**

**10A.1 Does the land contain a set aside area under section 60ZC of the Local Land Services Act 2013, (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section)?**

No

**11. BUSH FIRE PRONE LAND**

**11.1 Is any of the land bushfire prone land as defined in the Environmental Planning & Assessment Act 1979?**

No

**Note:** Council's current mapping for bushfire prone land within the Dungog Local Government Area, as certified by the Commissioner of NSW Rural Fire Service, **does not** include land identified as predominantly grasslands. Planning for Bushfire Protection 2019 (PBP 2019) and the Australian Standard 3959-2018 (AS3959 – 2018) "*Construction of buildings in bush-fire prone areas*" includes "grasslands" as a vegetation classification which applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by PBP 2019 and AS 3959-2018.

**12. PROPERTY VEGETATION PLANS**

**12.1 Does a Property Vegetation Plan under the *Native Vegetation Act 2003* apply to the land, being a plan to which the Council has been notified of**



its existence by the person or body that approved the plan under that Act?

No

**13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006**

**13.1** Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, being an order to which the Council has been notified?

No

**14. DIRECTIONS UNDER PART 3A**

**14.1** Is there a direction by the Minister in force under Section 75P (2) (c1) of the Environmental Planning & Assessment Act 1979 that a provision of an Environmental Planning Instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 3 of that Act does not have effect?

No

**15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING**

**15.1** If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, is there a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land?

No

**15.2** If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, have any terms of a kind referred to in Clause 18(2) of that SEPP been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

**16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE ,SCHOOLS OR TAFE ESTABLISHMENTS**

**16.1** Is there a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which the Council is aware in respect of proposed development on the land?

No





**17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING**

**17.1 Is there a current site compatibility statement (affordable rental housing), of which the Council is aware, in respect of proposed development on the land?**

No

**17.2 Have any terms of a kind referred to in Clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of consent to a development application in respect of the land?**

No

**18. PAPER SUBDIVISION INFORMATION**

**18.1 Is there a development plan adopted by a relevant authority that applies to the land that is proposed to be subject to a consent ballot?**

No

**18.2 Is there a subdivision order that applies to the land?**

No

**Note:** Words and expressions in this clause have the same meaning as they have in Part 16C of the Environmental Planning and Assessment Regulation 2000.

**19. SITE VERIFICATION CERTIFICATES**

**19.1 Is there a current site verification certificate, of which the council is aware, in respect of the land?**

No

**NOTE: MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 (CLM Act)**

**(a) Is the land significantly contaminated land within the meaning of the CLM Act at the date of this certificate?**

No

**(b) Is the land subject to a management order within the meaning of the CLM Act at the date of this certificate?**

No

**(c) Is the land the subject of an approved voluntary management proposed within the meaning of the CLM Act at the date of this certificate?**

No

**(d) Is the land the subject to an ongoing maintenance order within the meaning of the CLM Act at the date of this certificate?**

No



- (e) Is the land the subject of a site audit statement within the meaning of the CLM Act (such a statement having been provided to Council at any time)?  
No

**20. LOOSE-FILL ASBESTOS INSULATION**

- 20.1 Does the land include any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division?**

No

**21. AFFECTED BUILDING NOTICES AND BUILDING PRODUCT RECTIFICATION ORDERS**

- 21.1 Is there any affected building notice of which the council is aware that is in force in respect of the land.**

No

- 21.2 Is there any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with?**

No

- 21.3 Is there any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.**

No

**Note:** affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.

Building product rectification order has the same meaning as in the Building Products (Safety) Act 2017.

**22. ADDITIONAL INFORMATION PURSUANT TO SECTION 10.7(5) OF THE ACT**

- 22.1 Is there a Tree Preservation Order affecting the land?**  
No

- 22.2 Are there any developments approved on this property within the past five (5) years?**  
No

- 22.3 Due to the State Government Payment package of Local Government reforms and guidelines to enable more effective supervision of septic tanks and other small sewerage management facilities, it is now a legal requirement under the Local Government (Approvals) Amendment (Sewerage Management) Regulation 1998 that all systems of sewerage management are the subject of approval to operate. These facilities**



**include septic tanks, septic closets, composting toilets and grey water treatment devices. Applications for such facilities are to be submitted to Council when required to do so by either written notification or at the time of lodging a development application for a new dwelling. In the event of a property being sold, the purchaser of the land should be aware there is a two month period in which to apply for the necessary approval.**

Jenny Webb  
SENIOR TOWN PLANNER

Date: 29 November 2021

Applicant: Perception Planning  
PO Box 107  
CLARENCE TOWN NSW 2321

Access to this land is by a Public Maintained Road. Council's maintained roads vary from time to time and there is no guarantee that this road will remain on the maintained list indefinitely.
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## **STATE ENVIRONMENTAL PLANNING POLICIES**

### **State Environmental Planning Policy No 21 - Caravan Parks**

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the *Local Government Act 1993*, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

### **State Environmental Planning Policy No 33 - Hazardous and Offensive Development**

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

### **State Environmental Planning Policy No 36 - Manufactured Home Estates**

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

### **State Environmental Planning Policy No 50 - Canal Estate Development**

Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

### **State Environmental Planning Policy No 55 - Remediation of Land**

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

### **State Environmental Planning Policy No 64 - Advertising & Signage**

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

### **State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development**

Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.



#### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

#### **State Environmental Planning Policy (Concurrences) 2018**

If a person whose concurrence to development is required to be obtained by a relevant provision fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so, the Planning Secretary may elect to act in the place of the person for the purposes of deciding whether to grant concurrence to the development.

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

#### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application; identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent; identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act; enabling the progressive extension of the types of development in this Policy; and providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

#### **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

#### **State Environmental Planning Policy (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 by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and by encouraging the identification of areas of core koala habitat, and by encouraging the inclusion of areas of core koala habitat in environment protection zones.

#### **State Environmental Planning Policy (Koala Habitat Protection) 2021**

This Policy 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.



### **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007**

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

### **State Environmental Planning Policy (Primary Production and Rural Development) 2019**

The aims of this Policy are to facilitate the orderly economic use and development of lands for primary production; to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources; to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations; to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts; to encourage sustainable agriculture, including sustainable aquaculture; to require consideration of the effects of all proposed development in the State on oyster aquaculture; to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

### **State Environmental Planning Policy (State and Regional Development) 2011**

This Policy aims to identify development to which State significant development assessment and approval process under Part 4 of the Act applies; development that is State significant infrastructure and critical State significant; and to confer functions on joint regional planning panels to determine development applications.

### **State Environmental Planning Policy (State Significant Precincts) 2005**

The aims of this Policy are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State; and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.



## **SHIRE WIDE DEVELOPMENT CONTROL PLAN No.1**

Shire Wide Development Plan No. 1 affects all land in the Shire. The document compliments Councils Planning Instruments and presents a package of design controls and guidelines intended to assist in the achievement of the Councils Aims and Objectives with regard to development in the Shire

Dungog Shire has become one of the most desirable locations in the Hunter Valley, as much for it's unique natural environment as for its lifestyle and climate attractions.

This Development Control Plan represents the policies of the Dungog Shire Council with regard to certain types of development within the Shire, together with guidelines designed to assist developers in achieving the adopted aims and objectives. It should be read in conjunction with the Dungog Local Environmental Plan 2014.

The Shire Wide Development Control Plan 1 contains the following parts:

<b>Chapter</b>	<b>Adoption Date</b>
<b>PART A</b>	
1. Administration	20/6/2018
<b>PART B</b>	
1. Complying Development	20/6/2018
2. Exempt Development	20/6/2018
<b>PART C</b>	
1. Residential Development	18/5/2004
2. Development in Rural Residential Zones	18/5/2004
3. Building Line Setbacks	19/6/2019
4. Erection of Farm Buildings and outbuildings - sheds	20/6/2018
5. Bushfire	20/6/2018
7. Buffer Zones	16/8/2005
8. Managing Our Floodplains	15/8/2018
9. Employment Development	18/5/2004
11. Tourist Development	18/5/2004
12. Keeping of Dogs for Commercial Purposes	19/2/2002
14. Building Over or Near Sewer	20/3/2001
15. Contaminated Land	29/10/2018
16. Biodiversity	20/5/2003
17. Heritage	21/10/2003
18. Water Efficiency	17/2/2004
19. Wind Energy Generation Facilities	15/8/2006
20. Off Street Parking	9/7/2005
22. Signage	20/5/2008
23. On Site Sewage Management	20/6/2018
24. Site Waste Minimisation and Management	20/6/2018
<b>PART D</b>	
1. South Vacy Village	18/2/2003
2. Clarence Town Local Area Plan	17/5/2005
3. Vacy Local Area Plan	16/8/2005
4. Draft Martins Creek Local Area Plan	
5. Paterson Local Area Plan	15/11/2005
6. Gresford Local Area Plan	16/5/2006
7. Boulton Drive Paterson	20/6/2018
8. Boatfalls Rural Residential Estate	20/6/2018
9. Cangon Park Rural Residential Estate	18/3/2020



## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 2**

#### **Zone R5 Large Lot Residential**

##### **1 Objectives of 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.

##### **2 Permitted without consent**

Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls

##### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems

##### **4 Prohibited**

Any development not specified in item 2 or 3





## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 2**

#### **Zone E3 Environmental Management**

##### **1 Objectives of 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.

##### **2 Permitted without consent**

Bee keeping; Home occupations

##### **3 Permitted with consent**

Bed and breakfast accommodation; Boat launching ramps; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Home-based childcare; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Research stations; Roads; Sewerage systems; Tank-based aquaculture; Water recreation structures; Water supply systems

##### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3



## **DUNGOG LOCAL ENVIRONMENTAL PLAN 2014**

### **PART 4.2A**

#### **4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environment protection zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone E3 Environmental Management,
  - (c) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected:
  - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land on which the dwelling house or dual occupancy is proposed, or
  - (b) is a lot created under this Plan (other than under clause 4.1B or clause 4.2 (3)), or
  - (c) is a lot created before this Plan commenced and:
    - (i) the erection of a dwelling house was permissible on that lot, and
    - (ii) no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot, before that commencement, or
  - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (e) is an existing holding, or
  - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.



(5) In this clause:

**existing holding** means land that:

- (a) was a holding on 1 July 2003, and
- (b) is the same holding at the time of lodging a development application under this clause,

whether or not there has been a change in the ownership of the holding since 1 July 2003.

**holding** means all adjoining land, even if separated by a road, river or railway, held by the same person or persons.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.



### **NOTICE TO PURCHASERS OF LAND IN RURAL AREAS IN DUNGOG SHIRE**

Dungog Shire Council supports the right of persons in rural areas to carry out agricultural production using reasonable and practicable measures to avoid environmental harm.

Intending purchasers are advised that agricultural production practised may include some of the following activities and some activities may have implications for occupiers of adjacent land:-

- Logging and milling of timber
- Dairies
- Intensive livestock production (feedlots, piggeries and poultry farms)
- Intensive Agriculture
- Vegetation clearing
- Cultivation and harvesting
- Bush fire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor bikes etc)
- Pumping and irrigation
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices
- Droving livestock on roads
- Silage production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of wood lots.

Intending purchasers of land in rural areas may have difficulty with some of these activities or the impact of these activities when they are being carried out on land near their proposed purchase. If so, they should seek independent advice and consider their position.

This notice is not intended to affect the rights of individuals to take action under the common law or legislation.

**THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY**

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## Appendix D

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Site Photographs



**Photo 1: Residential building, sheds, timber stockyard area adjacent to central driveway / access gate, looking north (7/02/2022).**



**Photo 2: Imported gravel on driveway and access gate, looking north (7/02/2022).**



#### **Photoplates**

**Proposed Subdivision Lot 8 DP  
739338 & Lot 94 DP 788016 -  
256 Lennoxton Road, Vacy**

CLIENT: PJE Management Pty Ltd

PROJECT: 210980.00

PLATE No: 1

REV: 0

DATE: 6-Apr-22





**Photo 3: Broken asphalt on surface of driveway adjacent to central access gate (7/02/2022).**



**Photo 4: Open metal sheet, brick and timber shed (former dairy shed) located in far central southern portion, looking south west (7/02/2022).**



#### **Photoplates**

**Proposed Subdivision Lot 8 DP  
739338 & Lot 94 DP 788016 -  
256 Lennoxton Road, Vacy**

CLIENT: PJE Management Pty Ltd

PROJECT: 210980.00

PLATE No: 2

REV: 0

DATE: 6-Apr-22





Photo 5: Open metal, brick sheet and timber shed (former dairy shed) located in far central southern portion, looking south (7/02/2022).



Photo 6: Timber and fibro sheet clad room comprising empty oil cans and scrap materials connected to open shed, looking west (7/02/2022).





**Photo 7: Fibro board within timber shed, far central southern portion, looking north (7/02/2022).**



**Photo 8: Open timber and metal sheet shed (former dairy shed) in central southern portion, comprising empty metal drums, looking west (7/02/2022).**



#### **Photoplates**

**Proposed Subdivision Lot 8 DP  
739338 & Lot 94 DP 788016 -  
256 Lennoxton Road, Vacy**

**CLIENT:** PJE Management Pty Ltd

**PROJECT:** 210980.00

**PLATE No:** 4

**REV:** 0

**DATE:** 6-Apr-22





**Photo 9: Open timber and metal sheet shed (former dairy shed) in central southern portion, comprising empty metal and plastic drums looking west (7/02/2022).**



**Photo 10: Metal sheet and timber clad residential building within central portion comprising abundant scrap building materials, looking north west (7/02/2022).**



**Photoplates**

**Proposed Subdivision Lot 8 DP  
739338 & Lot 94 DP 788016 -  
256 Lennoxton Road, Vacy**

CLIENT: PJE Management Pty Ltd

PROJECT: 210980.00

PLATE No: 5

REV: 0

DATE: 6-Apr-22





**Photo 11: Metal sheet and timber shed comprising abundant scrap building materials, machinery and imported gravel lined floor, looking east (7/02/2022).**



**Photo 12: Raised firepit located south west of residential building comprising ash, charcoal and oxidised metal cans (7/02/2022).**






**Photo 13: Dam located adjacent to residential building in central portion (Dam 2), looking north east (7/02/2022).**



**Photo 14: Undulated and rolling grass lined paddocks within central eastern portion, looking east (7/02/2022).**

	<b>Photoplates</b> <b>Proposed Subdivision Lot 8 DP 739338 &amp; Lot 94 DP 788016 -</b> <b>256 Lennoxton Road, Vacy</b>	PROJECT: 210980.00
		PLATE No: 7
		REV: 0
	CLIENT: PJE Management Pty Ltd	DATE: 6-Apr-22





**Photo 15: Rolling grass lined paddocks within central eastern portion, looking east (7/02/2022).**



**Photo 16: Farm dam (Dam 1) located in eastern portion, looking north (7/02/2022).**





**Photo 17: Generally flat grass lined paddocks within north eastern portion, looking north east (7/02/2022).**



**Photo 18: Stockpiled metal piping located adjacent to creek embankment in eastern portion, looking north east (7/02/2022).**





**Photo 19: Dilapidated metal tanks and varying vegetation located at the base of the eastern gully leading to the northern creek (7/02/2022).**



**Photo 20: Grass lined area within central northern area south of creek, looking east (7/02/2022).**



**Photoplates**

**Proposed Subdivision Lot 8 DP  
739338 & Lot 94 DP 788016 -  
256 Lennoxton Road, Vacy**

CLIENT: PJE Management Pty Ltd

PROJECT: 210980.00

PLATE No: 10

REV: 0

DATE: 6-Apr-22






**Photo 21: Rolling grass lined area within central northern area north of Rodneys Gully, looking west (7/02/2022).**



**Photo 22: Access gate and track leading to creek along northern boundary comprising some ballast gravel fill, looking south (7/02/2022).**

	<b>Photoplates</b> <b>Proposed Subdivision Lot 8 DP 739338 &amp; Lot 94 DP 788016 -</b> <b>256 Lennoxton Road, Vacy</b>	PROJECT: 210980.00
		PLATE No: 11
		REV: 0
	CLIENT: PJE Management Pty Ltd	DATE: 6-Apr-22






**Photo 23: Stockpiled dismantled metal structure in south central portion, looking south east (7/02/2022).**



**Photo 24: Rolling grass lined paddock in south western portion, looking north west (7/02/2022).**

	<b>Photoplates</b> <b>Proposed Subdivision Lot 8 DP 739338 &amp; Lot 94 DP 788016 -</b> <b>256 Lennoxton Road, Vacy</b>	PROJECT: 210980.00
		PLATE No: 12
		REV: 0
	CLIENT: PJE Management Pty Ltd	DATE: 6-Apr-22






**Photo 25: Farm dam located in central western paddock (Dam 3), looking north (7/02/2022).**



**Photo 26: Generally flat grass lined area in far western portion, looking north (7/02/2022).**

	<b>Photoplates</b> <b>Proposed Subdivision Lot 8 DP 739338 &amp; Lot 94 DP 788016 -</b> <b>256 Lennoxton Road, Vacy</b>	PROJECT: 210980.00
		PLATE No: 13
		REV: 0
	CLIENT: PJE Management Pty Ltd	DATE: 6-Apr-22






**Photo 27: Paterson Creek and embankment along northern boundary within central area, looking north east (7/02/2022).**



**Photo 28: Creek (Paterson Creek) and embankment along northern boundary within western area, looking north west (7/02/2022).**

	<b>Photoplates</b>	PROJECT: 210980.00
	<b>Proposed Subdivision Lot 8 DP 739338 &amp; Lot 94 DP 788016 -</b>	PLATE No: 14
	<b>256 Lennoxton Road, Vacy</b>	REV: 0
	CLIENT: PJE Management Pty Ltd	DATE: 6-Apr-22





**Photo 29: Internal gully (Rodneys Gully) and embankment along within western portion, looking north east (7/02/2022).**