

STATEMENT OF ENVIRONMENTAL EFFECTS

TORRENS TITLE SUBDIVISION (TWO INTO TWO LOTS)

AT 335 BINGLEBURRA ROAD, SUGARLOAF NSW
2420 (LOT 212/-/DP1119828 3041 AND
PATERSON RIVER ROAD, LOSTOCK NSW 2311
(LOT 11/-/DP1141481

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Paul Middlebrook (**the client**) to prepare a Statement of Environmental Effects (SEE) for a Torrens Title subdivision (Two into two lots) over 335 Bingleburra Road, Sugarloaf NSW 2420 (Lot 212/-/DP1119828) & 3041 Paterson River Road, Lostock NSW 2311 (Lot 11/-/DP1141481) (**the site**). The characteristics of the development include:

The subject site consists of two lots held under different ownership. 335 Bingleburra Road is formally known as Lot 212/-/DP1119828 and 3041 Paterson River Road is formally known as Lot 11/-/DP1141481. The lots are zoned as RU1 Primary Production pursuant to the Dungog Local Environmental Plan 2014 (the LEP).

335 Bingleburra Road (Lot 212/-/DP1119828) has an existing area of 346.1 ha and 3041 Paterson River Road (Lot 11/-/DP1141481) has an existing area of 161.87 ha before the proposed boundary adjustment.

The proposed development is considered a Torrens Title subdivision (Two into two lots), due to no clauses relating to boundary adjustments for RU1 zoned land provided within the Dungog LEP 2014. The proposed subdivision will not impact on the current or permissible uses of the land, nor will it affect adjacent properties.

New fencing will be required for the proposed boundary, a distance of approximately 141m. No other physical works are proposed. A draft subdivision plan demonstrating the proposed subdivision and resultant sizes is contained here as **FIGURE 2** and attached as **APPENDIX 4**, the below table also describes the proposed development.

Property	Current Area	Proposed Area
Lot 212/-/DP1119828 335 Bingleburra Rd	346.1 ha	238.2 ha
Lot 11/-/DP1141481 3041 Paterson River Rd	161.87 ha	269.8 ha

The existing use of both properties is primary production. The existing uses of both holdings will not be undermined.

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

- The proposed Torrens Title subdivision (Two into two lots) is permissible on the site with consent, with all proposed lots meeting the minimum lot size requirement.
- No adverse impact on the existing character or amenity of the area will result;
- No adverse impact on the ecological values of the site is attributable to the proposed development; and
- The proposed Torrens Title subdivision (Two into two lots) is consistent with the desired character of the existing area as demonstrated by the land-use zoning of the subject site, without burdening the essential services supply.

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

TERMS AND ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

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Appendix	Document	Prepared by	Reference
1	Original Deposited Plans	NSW Lands Registry	DP1119828 & DP1141481
2	AHIMs Search Results	AHIMs	J004383 Dated: 26.08.24
3	BYDA Search Results	BYDA	37443987 Dated: 26.08.24
4	Draft Subdivision Plan	Delfs Lascelles Consulting Surveyors	24195
5	Bushfire Threat Assessment	Firebird	Sugarloaf/Lostock – Perception Planning – September 2024
6	DCP Compliance Table	Perception Planning	J004383 Dated: 04.09.24

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1 BACKGROUND

1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address	335 Bingleburra Road, Sugarloaf NSW 2420 3041 Paterson River Road, Lostock NSW 2311
Lot and DP	Lot 212/-/DP1119828 Lot 11/-/DP1141481
Current Use	335 Bingleburra Road – Existing primary production use 3041 Paterson River Road – Existing primary production use
Zoning	RU1 Primary Production
Size	335 Bingleburra Road (Lot 212/-/DP1119828) has an existing area of 346.1 ha. 3041 Paterson River Road (Lot 11/-/DP1141481) has an existing area of 161.87 ha.
Site Constraints	<ul style="list-style-type: none"> Minimum lot size – 60 ha (RU1)
Owner	Owners consent for both lots has been provided as APPENDIX 6 and APPENDIX 7 .
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development. Deposited Plan 1119828 and 1141481 are supplied here at APPENDIX 1 .

1.3 SITE DESCRIPTION

The site is located at 335 Bingleburra Road, Sugarloaf, and 3041 Paterson River Road, Lostock. The sites are respectively legally known as Lot 212/-/DP1119828 and Lot 11/-/DP1141481. 335 Bingleburra Road (Lot 212/-/DP1119828) has an existing area of 346.1 ha, while, 3041 Paterson River Road (Lot 11/-/DP1141481) has an existing area of 161.87 ha prior to the proposed subdivision.

The site is located in Sugarloaf and Lostock, within the Dungog Shire Council Local Government Area (LGA). The site is used for general agricultural purposes. 3041 Paterson River Road contains ancillary agricultural structures. 335 Bingleburra Road is located adjacent to the aforementioned roadway, while 3041 Paterson River Road is located away from Bingleburra Road.

The site is substantially vegetated, with some areas being cleared over time for agricultural and grazing purposes. The site is notably hilly in its terrain.



Figure 1 – Site Locality Plan (Source: NearMap, 2024)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The Dungog Council Development Application Tracker website has not identified any recent development applications relating to the lands subject to this development application.

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

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The proposed development seeks a Torrens Title subdivision (Two into two lots) at 335 Bingleburra Road, Sugarloaf and 3041 Paterson River Road, Lostock. New fencing will be required for the proposed boundary, a distance of approx. 141m. No other physical works are proposed. A draft Subdivision Plan demonstrating the proposed subdivision and resultant lot sizes is contained here as **FIGURE 2**, the below table also describes the proposed development.

The proposed development is considered a Torrens Title subdivision (Two into two lots), due to no clauses relating to boundary adjustments for RU1 zoned land provided within the Dungog LEP 2014. The proposed subdivision will not impact on the current or permissible uses of the land, nor will it affect adjacent properties.

Property	Current Area	Proposed Area
Lot 212/-/DP1119828 335 Bingleburra Rd	346.1 ha	238.2 ha
Lot 11/-/DP1141481 3041 Paterson River Rd	161.87 ha	269.8 ha

The proposed Subdivision Plan is provided below in **FIGURE 2** and attached at **APPENDIX 4**. Nothing on the DP or 88B Instrument prohibits the proposed development. Deposited Plan 1119828 and 1141481 are supplied here at **APPENDIX 1**.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment 1979*
- *Hunter Water Act 1991*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

3.1.1 Biodiversity Conservation Act 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. Applicants are to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting a development application to the consent authority. Section 7.2 of the BC Act states that a development will 'significantly affect threatened species' if:

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

The area subject to the proposed subdivision does contain areas identified on the Biodiversity Values Map (**FIGURE 3**) as land with high biodiversity value and sensitive to impacts from development and clearing. It should be noted that any fencing proposed along new boundary lines resulting from this proposed development will not traverse any BV mapped land.



Figure 3 – Biodiversity (NSW Planning Portal - Biodiversity Values Mapping Tool 2024)

3.1.2 Environmental Planning and Assessment Act 1979

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

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

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

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Dungog Local Infrastructure Contributions Plan 2019. As no new lots or dwelling entitlements will be created it is understood they will not apply to the proposed development.

3.1.3 Hunter Water Act 1991

The subject site is located within a Drinking Water Catchment.

Given the minor nature of the development and the absence of any proposed building works, stamped plans and a Notice of Formal Requirements have not been provided.

3.1.4 Rural Fires Act 1991

The site is identified as bushfire prone land, with the following vegetation categories:

- Vegetation Buffer
- Vegetation Category 1
- Vegetation Category 2

Preparation of a Bushfire Assessment Report to accompany this application is underway and will be provided at **APPENDIX 5. FIGURE 4** below shows the extent of the bushfire prone land on the site.

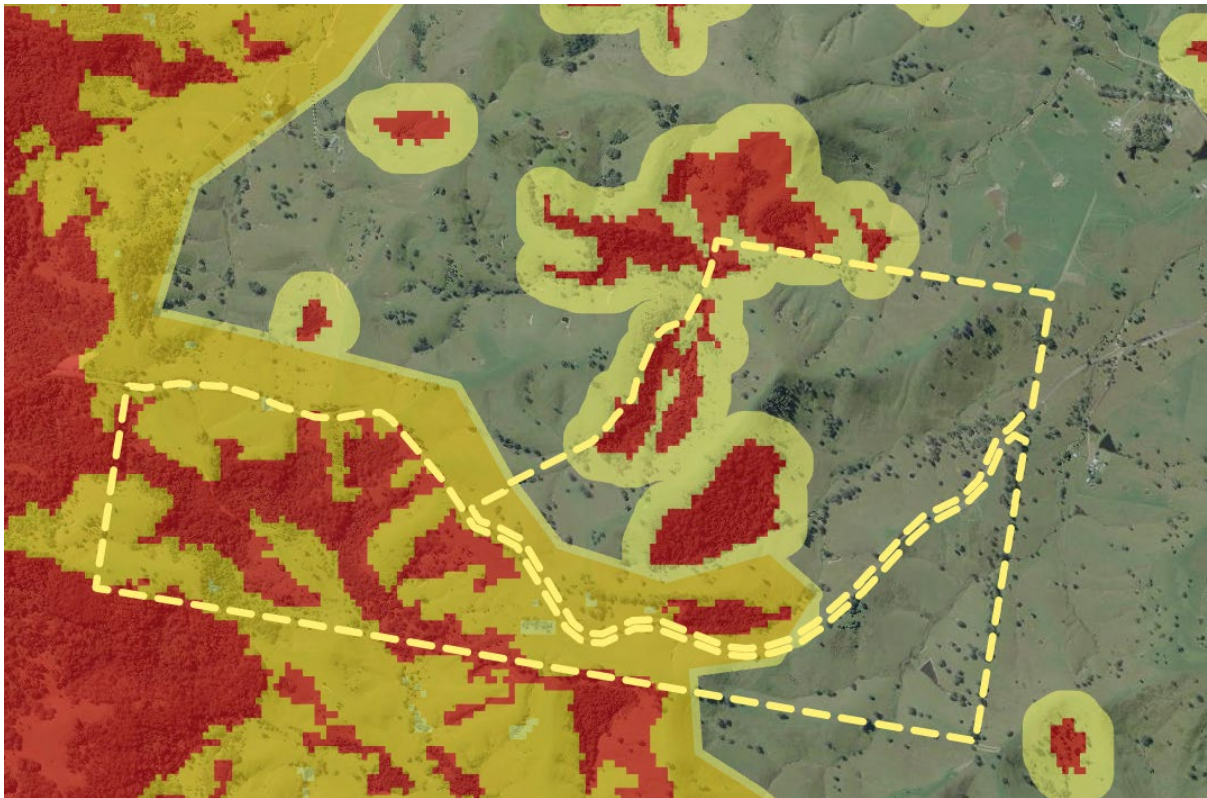


Figure 4 – Bushfire prone land (NSW Planning Portal Spatial Viewer, 2024)

3.1.5 Water Management Act 2000

No physical works will take place within 40m of any body of water nor will the development have a lasting impact on any watercourses or waterbodies on site.

Table 2 – Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	N/A Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	Yes, the site is identified as bushfire prone land.
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	No construction works are proposed within 40m of a watercourse thus a referral to the Natural Resource Access Regulator as integrated development is not required as part of this application.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Transport and Infrastructure) 2021*
- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Primary Production) 2021*

3.2.1 RESILIENCE AND HAZARDS 2021

Chapter 4 – Remediation of land

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for primary production purposes. It is noted that the land subject to this subdivision is largely undeveloped and containing limited development (one ancillary farm structure), and as such, it is not likely the site is considered to be contaminated. It is not expected or known that the surrounding locality has the potential to be contaminated. Further, a review of the EPA contaminated sites register does not show the site or surrounding area being contaminated. To this extent, the subject site is land considered suitable for the proposed development and future uses of the site.

3.2.2 TRANSPORT AND INFRASTRUCTURE 2021

Chapter 2 – Infrastructure

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

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

Section 2.48 – Determination of development applications – Other development

Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). Referral to the Electricity Supply Authority is not triggered for the proposed Torrens Title subdivision (Two into two lots).

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licensed' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

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

Bingleburra Road is identified as a regional road dedicated to Dungog Council. As such, referral or Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.118, 2.119 and 2.121.

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW.

A traffic impact assessment is not considered necessary for the proposed subdivision.

3.2.3 BIODIVERSITY AND CONSERVATION 2021

Chapter 3 – Koala habitat protection 2020

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

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

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The proposed development does not include any vegetation removal and as such there is no impact identified on koala habitat and the free-living population. Further assessment of this Chapter is not warranted.

3.2.4 PRIMARY PRODUCTION 2021

Chapter 2 – Primary production and rural development

SEPP (Primary Production) 2021 applies to the proposed development due to the RU1 zoning of the land. The aims of the SEPP applicable to the proposed development include to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources and to encourage sustainable agriculture.

The proposed Torrens Title subdivision (Two into two lots) does not propose any new physical works or lots and will not adversely affect capacities of either lot to carry out agricultural related activities.

Through this process, rural land will not be sterilised, rather it will provide an opportunity to better define the land use, zoning and ownership. At the completion of the proposed development, primary production and agriculture will continue to be maintained and encouraged without harming the natural environment.

With regard to Part 2, Schedule 4 of the SEPP, a consent authority must take into account the matters specified in subclause (5) in determining whether to grant development consent to development on land to which this clause applies for either subdivision of land proposed to be used for the purposes of a dwelling or the erection of a dwelling. These matters include:

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

The predominant land uses within proximity to the subject site relate to small and large primary production land holdings with dwelling houses, reflecting the exact nature of the proposed development. In addition, the proposed development poses no adverse environmental, social, economic, or visual effects on the subject site or adjacent land. To this effect, the proposed development is not inconsistent or incompatible with the existing amenity of the locality and meets the objectives of the SEPP.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

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

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

The subject site is zoned RU1 Primary Production. The proposed development includes a Torrens Title subdivision (Two into two lots) which is permissible with consent in the zone in accordance with Clause 2.6 below.

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

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

The proposed Torrens Title subdivision (Two into two lots) does not hinder the agricultural potential of the site and does not increase or create new land use conflicts on the site or within adjoining areas. The proposed development does not make any changes to the scenic qualities of the site or surrounding area.

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

- **Clause 2.6 – Subdivision**

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

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause applicable to the proposed development is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that it is consistent with the relevant development controls. The size of any lot resulting from the subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map in relation to that land.

The minimum lot size in relation to the RU1 area of the proposed subdivision is 60 ha with each proposed Lot meeting this minimum, as specified below:

The proposed Torrens Title subdivision (Two into two lots) is as follows;

Property	Current Area	Proposed Area
Lot 212/-/DP1119828 335 Bingleburra Rd	346.1 ha	238.2 ha
Lot 11/-/DP1141481 3041 Paterson River Rd	161.87 ha	269.8 ha

The resulting Lot sizes are compliant with the minim lot size of 60 ha.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (26 August 2024) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 2**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

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

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

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

The matters to be considered in this clause mirror those of Chapter 2 of SEPP (Primary Production) 2021 are addressed above. As such, no further consideration is required.

- **Clause 5.21 – Flood Planning**

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

- **Clause 6.1 – Acid Sulfate Soils**

The objective of Clause 6.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is not identified to contain Acid Sulfate Soils (ASS). Potential earthworks associated with any future dwelling on the subject site can be addressed through the subsequent development approval.

- **Clause 6.2 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes,

No physical works are proposed outside of boundary fencing; accordingly, the development complies with the requirements of this clause.

- **Clause 6.4 – Stormwater Management**

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

As no physical works are proposed a stormwater management report has not been completed for the proposed development.

- **Clause 6.5 – Drinking water catchments**

The objective of this clause is to protect drinking water catchments (DWC) by minimising the adverse impacts of development on the quality and quantity of water entering drink water storages. The subject site is located within the Williams River drinking water catchment. The proposed subdivision will not result in any physical works on the site aside from fencing, and as such is considered to comply with the requirements of this clause.

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

The objective of this clause is to protect any riparian land or watercourses located on or near the site. The subject site is identified as containing riparian land or watercourses. Any physical works relating to the proposed fencing on the site will not impact on any riparian lands or watercourses. The proposed development is considered to comply with this clause.

- **Clause 6.8 – Essential Services**

This clause specifies that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

- a) Potable water will continue to be supplied to the existing and approved dwellings via onsite rainwater tanks. Connection / extension of the reticulated water supply is not proposed as part of this application.
- b) Electricity services will not be affected by this application.
- a) The connection of telecommunications services will not be affected by this application
- b) The disposal and management of sewage for the existing dwelling and approved dwelling will not be affected by this application. Each of the proposed allotments will continue to maintain a minimum 4000m² of usable land for effluent dispersal.
- c) Stormwater impacts are not required to be assessed for this application.
- d) Access will not be affected by this application.

The Before You Dig Australia (BYDA) search results are provided at **APPENDIX 3**.

- **Clause 6.10 – Williams River Catchment**

The subject site is located within the DWC. No physical works are proposed outside of a fence line, and as a result the proposed subdivision is not considered to raise any non-compliances with this clause.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

The proposed development has been assessed for compliance and/or consistency with the relevant provisions of the Dungog Development Control Plan (DCP). The proposed boundary adjustment complies with minimum lot sizes and does not make any changes to existing setbacks or sight distances. While there are no specific clauses relating to RU1 land in the DCP, the proposed development is considered to comply with the aims of the DCP insofar that it is a compliant development that meets community expectations, as is required under 1.2 of the DCP.

4 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development seeks a Torrens Title Subdivision (Two into two lots) achieving compliant minimum lot size and is consistent with the prevailing rural and primary production nature of the locality and is characteristic of other developments in both the local and wider community. There are no anticipated adverse impacts on the rural amenity or built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access from Bingleburra Road for both lots will not be altered and will not result in a detrimental impact to the existing street network. No additional vehicle crossings are proposed as a result of this development application.

4.1.3 PUBLIC DOMAIN

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

4.1.4 SERVICES

Electricity, telephone and physical, legal and emergency services are currently connected to the dwellings that relate to the subject land. The proposed subdivision will not unreasonably increase the demand on these services.

4.1.5 NOISE AND VIBRATION

No construction other than new boundary fencing is proposed as part of this development.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

No removal of vegetation to facilitate the proposed subdivision is required. It is not anticipated that the development will have a detrimental impact on the ecology on the site or the surrounding area.

Regarding potential bushfire impacts, compliance with Planning for Bushfire Protection 2019 is demonstrated in the Bushfire Report provided as **APPENDIX 5**.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (26 August 2024) did not identify the subject site as containing any Aboriginal sites or places as shown

in **APPENDIX 2**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

4.2.3 STORMWATER

As no physical works are proposed a stormwater management report has not been completed for the proposed development.

4.3 SOCIAL AND ECONOMIC

Social

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development is for a Torrens Title subdivision (Two into two lots) with minimal social impacts. The lots resulting from the boundary adjustment will not adversely impact the provision of services to dwellings. The proposed development provides positive social impacts through the continuation of the orderly economic use of land for permissible uses on the site.

The proposed development:

- Will service the needs of the property owners without impacting on the surrounding area,
- Will not disadvantage or benefit any particular social group,

There are no anticipated adverse economic impacts as a result of the proposed development as the properties are not utilised for any sort of intensive agricultural use. The proposed development is not out of character with the existing development context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

Economic

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

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.

5 SUITABILITY OF THE SITE

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

The proposed subdivision will not have any adverse impacts on surrounding properties or amenity of the locality. The proposal is within the public's best interest.

To this extent, the site is suitable for development.

6 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

7 PUBLIC INTEREST

The subject sites are located within an existing large lot residential area. The site has existing access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature and appropriateness of the development in conjunction with each lot.

To this extent, the site is suitable for development.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed Torrens Title subdivision (Two into two lots) development is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

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

- The proposed Torrens Title subdivision (Two into two lots) is permissible on the site with consent, with all proposed lots meeting the minimum lot size requirement.
- No adverse impact on the existing character or amenity of the area will result;
- No adverse impact on the ecological values of the site is attributable to the proposed development; and
- The proposed Torrens Title subdivision (Two into two lots) is consistent with the desired character of the existing area as demonstrated by the land-use zoning of the subject site, without burdening the essential services supply.

It is considered that the proposal will have no impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter.

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



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