



Statement of Environmental Effects

Vacy Village – Stage 4

Subdivision of land to create 10 rural residential lots plus 3
residue lots and associated road, drainage and
landscaping works on Lot 123 DP1063557, 598 Gresford
Road, Vacy



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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SoEE) accompanies a Development Application (DA) seeking approval from Dungog Shire Council for a Subdivision of land to create 10 rural residential lots plus 2 residue lots and associated road, drainage and landscaping works on Lot 123 DP1063557, 598 Gresford Road, Vacy.

The proposed development is permissible with consent under the Dungog Local Environmental Plan 2014 (DLEP) and is consistent with the other relevant plans and policies that guide this type of development in this locality.

This SoEE has considered the proposal pursuant to the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. In doing so, the SoEE describes the development, its likely impacts, and measures to be implemented to mitigate the impacts. The SoEE concludes that all anticipated environmental impacts can be satisfactorily managed.

The report concludes that the proposed development is acceptable and should be approved by Council subject to appropriate conditions of consent.



1.0 INTRODUCTION

1.1 BACKGROUND

Minotaur Project Management Pty Ltd has been commissioned by Cornish Group No. Six Pty Ltd to prepare a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) for the subdivision of land to create 10 rural residential lots plus 3 residue lots and associated road, drainage and landscaping works on Lot 123 DP1063557, 598 Gresford Road, Vacy.

This SoEE has been prepared pursuant to Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 and is provided in the following format:

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the background to and the proposed development.
- **Section 4** details the planning framework applicable to the proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SoEE.

This SoEE should be read in conjunction with the plans and reports also accompanying the DA and listed in **Table 1** below.

Table 1 Plans and Reports

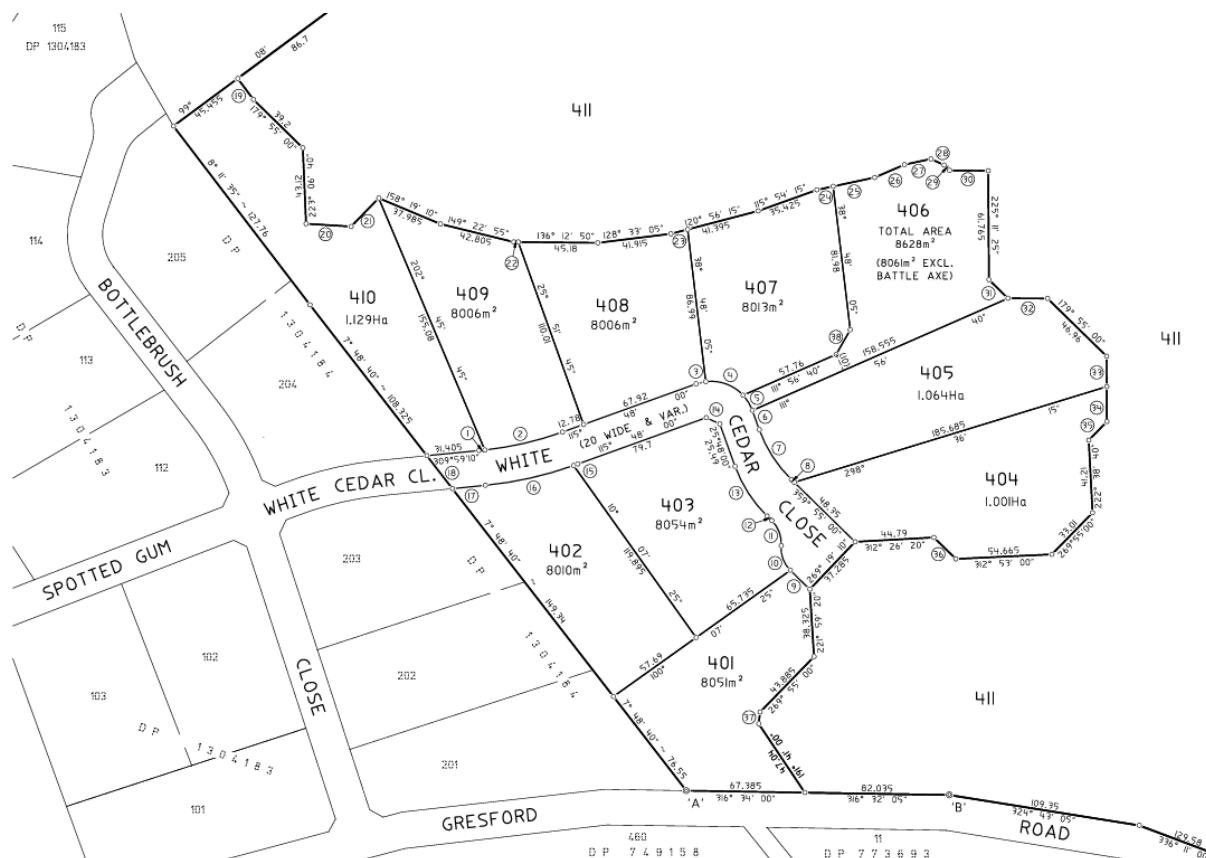
Plans: Survey & Site Plan	
Consultant	Drawing Reference
Premise	P000385_03
Plans: Plan of Proposed Subdivision	
Consultant	Drawing Reference
Premise	P000385.05C.DP
Plans: Civil Concept Plans	
Consultant	Drawing Reference
IDC	24-137-DA-C010-C501
Plans: Landscaping Plans	
Consultant	Drawing Reference
Conzept	LPDA25-05 - Sheets 1-3 Issue B
Report: Stormwater Options Assessment	
Consultant	Report Reference
IDC	24-137-DA-Stormwater Options Assessment
Report: Traffic	
Consultant	Report Reference
SCT	SCT_00618
Report: Flora and Fauna Assessment	
Consultant	Drawing Reference
Lodge Environmental	LE2100
Report: Bushfire	
Consultant	Report Reference
Travers Bushfire and Ecology	CORN06INT – Stage 4 (V2)
Report: Vegetation Management Plan	
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Travers Bushfire and Ecology	Vegetation and Habitat Management Plan
Report: Preliminary Site Investigation - Contamination	
Consultant	Report Reference
Douglas Partners	91432.06 - Preliminary Site Investigation - Contamination



Report: Geotechnical Investigation	
Consultant	Report Reference
Douglas Partners	91432.06 - Preliminary Geotechnical & Effluent Disposal Assessment

These reports, plans and investigations required by Council are referenced later in this SoEE and attached in full as Appendices.





Source: Premise Australia, Plan of Proposed Subdivision, accessed 17TH October 2024

Figure 2 Specific Site Locality

Further site particulars relevant to this proposal are set out in **Table 2** below:

Table 2 Site Particulars

Improvements	The development site for Stage 4 contains no improvements.
Access	Vehicle access to the site is currently available from White Cedar Close to the west.
Topography	The site is a crest that gently slopes toward the Paterson River to the North and a large farm dam to the South
Vegetation	Overall, mostly cleared land with small, scattered patches of vegetation in sparse clusters on the site and trees.
Biodiversity	The site is adjacent to a C3 - Environmental Management zone as identified in the Dungog Shire Local Environmental Plan.
Watercourses	The Paterson River is located to the north of the site and a fourth order stream is located adjoining an existing earth dam within the southeast of the site.
Flooding	The development footprint of the site is not affected by flooding. The overall site on the north of Gresford Road (along the Paterson River) is affected by flooding.
Bushfire	The site has been recently (March 2025) mapped with as Bushfire Prone Land.

A copy of the Plan of Proposed Subdivision is enclosed at **Appendix A**.



2.2 THE LOCALITY

As identified at **Figure 2**, the site is located to the east of Cornish Group's Vacy Village Stages 1-3 development. The Site is a minor extension of White Cedar Close into the remaining zoned Rural Residential footprint in this vicinity of the Vacy Local Area Plan. It is surrounded by:

- To the west – new large lot residential development precinct.
- To the south- future large lot residential development precinct and transition lands.
- To the east- existing transition lands and rural lands.
- To the north – Paterson River.

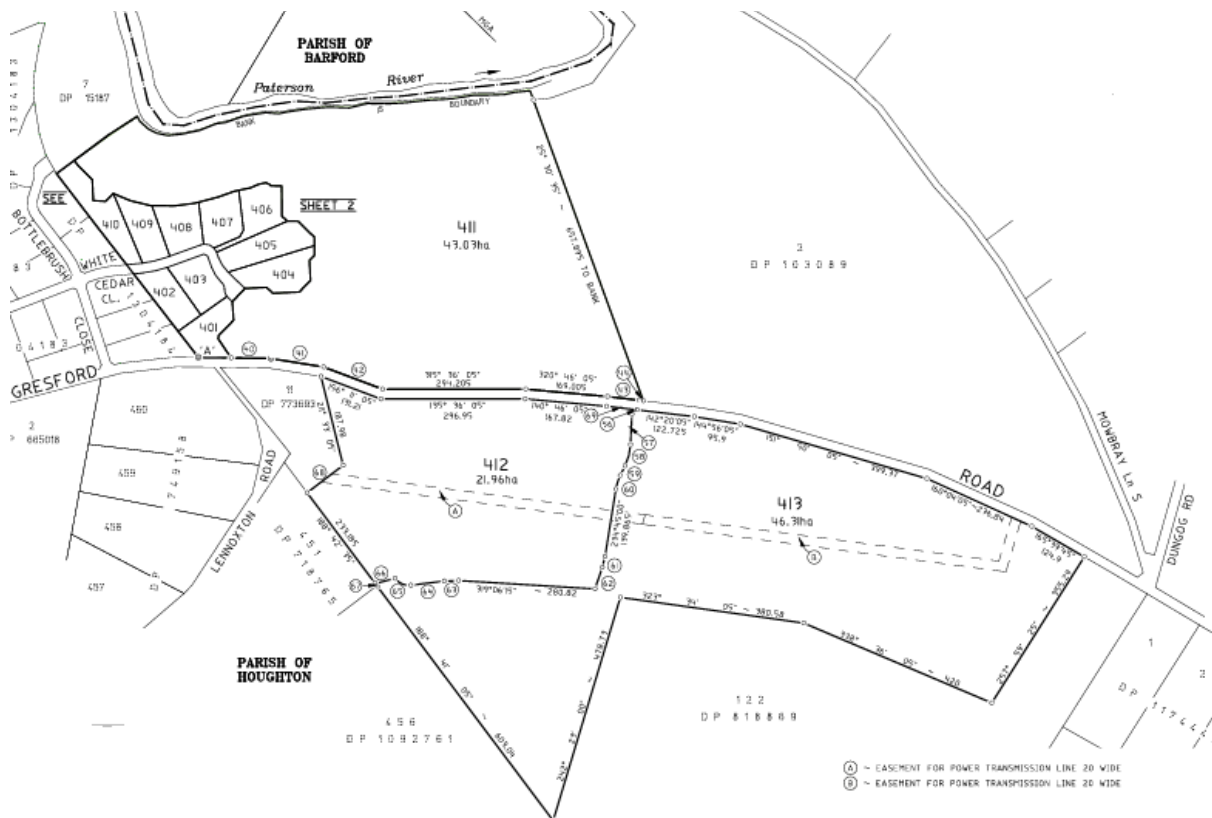


3.0 PROPOSED DEVELOPMENT

3.1 DEVELOPMENT DESCRIPTION

Development consent is sought for:

- Roadworks, associated earthworks, minor tree removal and civil works.
- Subdivision to create 10 rural residential lots plus 3 residue lots – with the Lot 412 residue being created for a future “Vacy Village - Stage 5” Vacy Village large lot residential development precinct of the remaining zoned land.



Source: Premise Australia, Plan of Proposed Subdivision, accessed 17TH October 2024

Figure 3 Proposed Development

Each component is described in more detail in the sections below.

3.2 ROADWORKS, ASSOCIATED EARTHWORKS, MINOR TREE REMOVAL AND CIVIL WORKS

The package of engineering plans outlining the scope of most of the works listed above are at **Appendix B**. The vast majority of existing trees and vegetation on-site are proposed to be kept under this application. The only trees proposed for removal are those in the road reserve or site regrading areas to allow for earthworks and civil works associated with the proposed residential subdivision of the site.

The proposed earthworks and ground contouring will be limited to dam reconfiguration and subsequent site formation to accommodate future dwellings. The relatively gentle slope of the land and road locations provide for minimal civil works to facilitate the development.



The proposed development includes the construction and delivery of the extension of White Cedar Close and associated services and stormwater drainage. This road extension is proposed to be dedicated to Council as part of the subdivision.

3.2.1 Local Road Delivery

A summary of the proposed road design characteristics is provided in Table .

Table 3 Summary of proposed road configuration

Proposed Road / Design	Type	Road Construction Width	Proposed Road Reserve Width
White Cedar Close	Local Road	Full	20m

The roads will be delivered as a full 'Local Roads' width designed pursuant to the Dungog Shire Wide Development Control Plan 2014 (DCP) include a 20m reserve, with a pavement carriage of 6.5m and 1m gravel shoulders on each side.

The Traffic Impact Assessment report prepared by SCT Consulting concludes that:

- *that the impacts of the proposed subdivision are minimal and can be accommodated by the existing and planned infrastructure.*

Further details of each aspect of the proposed road and civil works are outlined in the following sections and detailed in the Civil Works Concept Plans at **Appendix B** and Traffic Impact Assessment Report at **Appendix C**.

The works include the installation of electrical services throughout the site. These electrical reticulation services will be located within the road reserve in accordance with the Essential Energy requirements. Hunter Water were consulted on the matter of water supply and sewerage treatment. A Notice of Requirements has been issued by Hunter Water and a copy of this document is provided in **Appendix D**. It is proposed that, in consultation with Dungog Shire Council and the NSW Rural Fire Services, each lot shall be conditioned to have their own private individual water supply.

3.2.2 Landscaping

Street tree planting is also proposed under this DA.

The Landscaping and Streetscape Plan at **Appendix E** shows the indicative location of the street trees. They have proposed in locations to minimise conflict with future driveways. This will be further refined and checked as part of the detailed subdivision works certificate plans with some minor changes required once the final location of driveways is known.

The street trees will provide a consistent plant type along the full length of each street. This helps to define the street and give each individual street a slightly different streetscape character. Coupled with this is the 10m wide landscaping buffer to Gresford Road as outlined in the Vegetation and Habitat Management Plan at **Appendix J**.



3.3 SUBDIVISION

The DA seeks approval for the subdivision of the site to create 10 torrens title residential lots and 3 residue lots. One of the residue lots (Lot 412 as depicted in **Figure 3**) is the proposed footprint of the remaining future developable area in the parent Lot 123 DP 1063557. This will be the subject of a forthcoming “Stage 5” development application and the residue lot size is permissible under the large lot residential zoning.

A variety of lot sizes are proposed in Vacy Village – Stage 4, with lot sizes ranging between 8006m² and 1.129Ha. This layout has been developed in discussion with Council Officers to comply with the Dungog Shire Council zonings and also the effluent requirements as investigated in the Douglas Partners Geotechnical Investigation Report enclosed in **Appendix I**.

The building envelopes proposed with the subdivision are generally aligned to those prescribed in the Shire Wide DCP controls. That is:

- 15m Setback from the frontages;
- 10m Setback from the rear;
- 10m Setback from the sides.

The exception to this is proposed Lot 401. Given the siting of the said lot with respect to the zoning boundaries, access restrictions and the proximity to Gresford Road, relaxation of the 70m main road setback outlined in the Vacy Local Area Plan (Part D of the Dungog DCP) is sought under this application. This would be consistent with the adjoining Lots 201 & 202 in DP 1304184 and Lot 101 DP1304183 on Bottlebrush Close. The relaxation sought in the setback would be to from 70m to 30m. The justification to support this relaxation is:

1. Additional Detail in the Proposed VMP and landscaping buffer along Gresford Road;
2. Minimisation of the lots fronting Gresford Road through the subdivision layout design; and
3. Market experience from our adjoining development (Vacy Village – Stages 1-3) where the new property owners dislike the significant building footprint reduction associated with the 70m setback.

The draft Plan of subdivision included in **Appendix A** demonstrates that the lots are able to accommodate dwellings that comply with either the built form controls of the DCP or requirements of the State Environmental Planning Policy (Exempt and Complying Codes) 2008. Together the different dwelling types and sizes provide opportunities to facilitate different housing products to achieve a variety of different housing products to achieve a variety of dwelling designs within the suburban streetscape character anticipated by the DCP.



4.0 STATUTORY PLANNING FRAMEWORK

This section provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the EP&A Act, including the following Acts, Regulations, Environment Planning Instruments and Development Control Plans:

Acts:

- NSW Environmental Planning & Assessment (EP&A) Act 1979
- Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999
- Water Management Act 2000 (WM Act)
- Rural Fires Act 1997 (RF Act)
- National Parks and Wildlife Act 1974 (NPW Act)

Environmental Planning Instruments:

1. State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience & Hazards SEPP)
2. State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity & Conservation SEPP)
3. State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)
4. State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
5. Dungog Local Environmental Plan 2014 (DLEP)

Development Control Plans:

- Dungog Shire Wide Development Control Plan 2014 (DCP)

4.1 EP&A ACT

The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment. In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- *To promote the social and economic welfare of the community and a better environment by the proper*
- *management, development and conservation of the State's natural and other resources,*
- *To facilitate ecologically sustainable development by integrating relevant economic, environmental*
- *and social considerations in decision-making about environmental planning and assessment,*
- *To promote the orderly and economic use and development of land,*
- *To promote the delivery and maintenance of affordable housing,*
- *To protect the environment, including the conservation of threatened and other species of native*
- *animals and plants, ecological communities and their habitats,*
- *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- *To promote good design and amenity of the built environment,*



- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- To provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is consistent with the above objects. It is also consistent with facilitating the intended development outcomes set out in the Vacy Local Area Plan, inclusive of the minor setback variation (relaxation from 70m to 30m) requested from Gresford Road.

Section 1.7 – Application of Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species.

The site has almost no vegetation with the exception of a few sparse quadrants identified in the Flora and Fauna Assessment Report (FFA) prepared by Lodge Environmental and included in **Appendix G**.

The matters to be taken into account and an assessment against those matters is provided in **Table 3** below:

Table 4 BC Act Part 7 Matters

Matter	Assessment
In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction;	<p>The FFA was prepared by Lodge Environmental which undertook a site-wide assessment of the development against Section 7.3 of the BC Act ('test of significance') to determine whether the proposal is likely to significantly affect threatened species or ecological communities or their habitats.</p> <p>The assessment relevantly concluded that no threatened flora species listed under the BC Act were identified in the study area.</p>
<p>In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—</p> <ul style="list-style-type: none"> • is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or • is likely to substantially and adversely modify the composition of the ecological community such 	<p>The FFA prepared by Lodge Environmental undertook an assessment of the development against Section 7.3 of the BC Act ('test of significance') to determine whether the proposal is likely to significantly affect threatened species or ecological communities or their habitats.</p> <p>The FFA prepared by Lodge Environmental relevantly concluded that the development will not have any impact on the endangered or critically endangered or ecological community.</p>



that its local occurrence is likely to be placed at risk of extinction,	
<p>In relation to the habitat of a threatened species or ecological community—</p> <ul style="list-style-type: none"> the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality; 	The FFA prepared by Lodge Environmental relevantly concluded that the development will not have any impact on the habitat of a threatened species or ecological community.
Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly);	The FFA prepared by Lodge Environmental relevantly concluded that the development will not have an adverse effect on any declared area of outstanding biodiversity value
Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process;	The FFA prepared by Lodge Environmental relevantly concluded that the development is not part of any key threatening process and is not likely to increase the impact of a key threatening process.

Section 4.14 – Consultation and development consent—certain bush fire prone land

Section 4.14 of the EP&A Act indicates that all new development on bush fire prone land to comply with Bush Fire Protection 2019 (PBP 2019). The proposed site, that is subject of this Development Application (DA) has been recently mapped (March 2025) as bush fire prone land. The application has been accompanied by an updated Bush Fire Assessment Report (BFAR) included in **Appendix H** that explains how the proposed development responds to comply with PBP 2019.

4.2 ENVIRONMENTAL PROTECTION BIODIVERSITY CONSERVATION ACT 2016 ('EPBC ACT')

The FFA prepared by Lodge Environmental in support of the DA, identified that the subject site has potential habitat for two threatened flora species:

- Eucalyptus glaucina (Slaty Red Gum)
- Rutidosis heterogama (Heath Wrinklewort)

and nine threatened fauna species:

- South-eastern Glossy Black-Cockatoo (*Calyptorhynchus lathami lathami*)
- Little Lorikeet (*Glossopsitta pusilla*)



- White-bellied Sea-Eagle (*Haliaeetus leucogaster*)
- Little Eagle (*Hieraaetus morphnoides*)
- Turquoise Parrot (*Neophema pulchella*)
- Eastern Coastal Free-tailed Bat (*Micronomus norfolkensis*)
- Little Bentwing-bat (*Miniopterus australis*)
- Southern Myotis (*Myotis Macropus*)
- Brush-tailed Phascogale (*Phascogale tapoatafa*)

Field investigations concluded:

Flora - *“Targeted flora surveys were not conducted as part of this assessment. Following the site survey and with a greater understanding of the habitat attributes within the Subject Land, no threatened flora species are considered to have potential of occurring within the Subject Land.”*

Fauna - *“After undertaking the AoS (Assessment of Significance) for the above listed entities, under its current layout, the proposal is not considered to have any significant impact on any of the above entities.”*

The FFA concludes:

“The assessments contained within this report have determined that the proposed development is unlikely to have a significant effect on any listed communities or species or their habitat in accordance with the EP&A Act, BC Act and EPBC Act provided the recommendations contained in this report are adhered to. There will not be an impact on any active and mapped areas of Biodiversity Value, nor will there be an impact on native vegetation above the relevant impact threshold. Therefore, the preparation and submission of a BDAR or referral to the Commonwealth is not required.”

4.3 RURAL FIRES ACT 1997 (‘RF ACT’)

The proposed site, that is subject of this Development Application (DA) has been recently mapped (March 2025) as bush fire prone land on the parent title. The application has been accompanied by an updated Bush Fire Assessment Report (BFAR) included in **Appendix H**. The NSW Rural Fire Service (NSW RFS) has, under the RF ACT, a statutory obligation to protect life, property and the environment through fire suppression and fire prevention. Noting this, the BFAS was undertaken and has been enclosed in support of the development as a reasonable extension to the cul-de-sac already approved under the Stages 1-3 development. A referral to the NSW RFS will be required for further consideration of bushfire under the RF ACT for the proposed subdivision.

4.4 NATIONAL PARKS AND WILDLIFE ACT 1974 (‘NPW ACT’)

The limit of works is not nominated in an Aboriginal Archaeological Conservation Area. The existing landform has been heavily modified due to past farming operations. This degree of disturbance make it unlikely that any aboriginal relics, artefacts or sites are likely to be encountered that would trigger an Aboriginal Heritage Assessment Report. This is consistent with the adjoining Stages 1-3 development of Vacy Village by Cornish Group.



4.5 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 ('RESILIENCE & HAZARDS SEPP')

The Resilience & Hazards SEPP relevantly consolidates 3 SEPPs, including State Environmental Planning Policy No 55 – Remediation of Land ('SEPP 55'). Pursuant to Clause 4.6 (Contamination and remediation to be considered in determining development application), a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation ('PSI') has been prepared by Douglas Partners for the proposed development area. The PSI found:

The PSI and preliminary contamination testing was undertaken to assess the identified potential sources of contamination and assess the suitability of the site for the proposed residential subdivision. The results of the assessment indicate the following:

- *Site history assessment indicated that historical and current site use has likely been limited to grazing and agricultural activities on the site;*
- *Site history information and site observations indicated the presence of localised areas of fill, including access tracks in the western and northern portions of the site, and in decommissioned dams. Observations in fill included the presence of localised building materials (brick and tile in Pit 12 within the access track in the northern portion of the site);*
- *Preliminary subsurface investigation across the site suggests the general absence of gross contamination at the test locations and depths assessed, based on field observations and laboratory testing of selected samples; and*
- *Contamination concentrations in the soil samples at the tested locations and depths were within the adopted human health and ecological site assessment criteria for residential land use.*

On the basis of the above, the potential for gross contamination to be present at the site is low. The site is considered to be generally suitable for the proposed residential subdivision with respect to contamination.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 ('BIODIVERSITY & CONSERVATION SEPP')

The Biodiversity & Conservation SEPP relevantly consolidates 11 SEPPs. The provisions of Chapter 6 (Water catchments) - specifically Part 6.2 (Development in regulated catchments) is applicable to the site. An assessment of the proposed development against the provisions of Part 6.2 is provided in the following Table 3:



Table 5 Part 6.2 Assessment

Section	Comment	Complies
6.6 Water quality and quantity		
(1) In deciding whether to grant development consent to development in land in a regulated catchment, the consent authority must consider the following:		
a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway	The proposed development will have no impact on the water quality.	Yes
b) whether the development will have an adverse impact on water flow in a natural waterbody	The proposed development will not have any adverse impacts on water flow in any waterbodies	Yes
c) whether the development will increase the amount of stormwater run-off from a site.	There is no proposed change from the status quo.	Yes
d) whether the development will incorporate on-site stormwater retention, infiltration or reuse	The development does not require OSD. Flood plain storage levels are retained	Yes
e) the impact of the development on the level and quality of the water table	The development does not have the potential to adversely impact the level and quality of the water table; the development does not involve any excavation works that could lower the water table	Yes
f) the cumulative environmental impact of the development on the regulated catchment	The cumulative impact of the development on the regulated catchment is negligible	Yes
g) whether the development makes adequate provision to protect the quality and quantity of ground water	There is no proposed change from the status quo.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures:		
a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial	There is no proposed change from the status quo	Yes
b) the impact on water flow in a natural waterbody will be minimised	There is no proposed change from the status quo	Yes
6.7 Aquatic Ecology		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:		
a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation	The development will not have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation outside of those allowed through biodiversity certification of the subject site.	Yes
b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— (i) a controlled activity approval under the Water Management	The development does not involve the clearing of any riparian vegetation	N/A



Act 2000, or (ii) a permit under the Fisheries Management Act 1994		
c) whether the development will minimise or avoid— (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody	The site abuts a constructed waterbody. No physical works are proposed and the status quo will be maintained for the duration. Soil and erosion control measures proposed as part of the development will negate any impact on the Paterson River	Yes
d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area	There are no wetlands, coastal wetlands or littoral rainforests in proximity to the site	N/A
e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,	Soil and erosion control measures proposed as part of the development will negate any impact.	Yes
f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody	No works are proposed and the effect is neutral. The distance and drainage paths – coupled with the proposed sediment and erosion control measures will ensure the proposed development has a neutral impact.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:		
a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development	The site abuts a natural waterbody. The distance from the top of bank coupled with the design that directs stormwater away from the natural waterbody (Paterson River) for the proposed works ensures that the development does not have the potential to directly, indirectly or cumulatively impact terrestrial, aquatic or migratory animals or vegetation.	Yes
b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves	The development does not have the potential to directly, indirectly or cumulatively impact on any aquatic reserves	N/A
c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained	A CAA will not be required for the development	N/A
d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised	Soil and erosion control measures proposed as part of the development will negate any impact on the Paterson River.	Yes



e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised	The site is not in proximity to wetlands	N/A
6.8 Flooding		
(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not:		
a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or An Engineering Report and Civil Plans have been prepared to accompany the DA which detail the management of stormwater. The development does not include any polluting activities	The development does not include any polluting activities	Yes
b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems	The development does not have the potential to adversely impact the natural recession of floodwaters into wetlands and other riverine ecosystems. It is wholly above the Flood Planning Level.	Yes
6.9 Recreation and Public Access		
1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider:		
a) the likely impact of the development on recreational land uses in the regulated catchment	The development does not have the potential to impact recreational land uses in the drinking water catchment.	Yes
b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation	The development does not impact public access to any natural waterbodies or watercourses, wetlands or riparian vegetation	N/A
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:		
a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation	The development will not impact public access to and from any natural waterbodies.	N/A
b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe	The development does not include any new or existing points of public access between the site and any natural waterbodies.	N/A



c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded	The development does not involve any public access to the foreshore of any natural waterbody.	N/A
6.10 Total Catchment Management		
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact	The development does not have the potential to adversely impact any downstream local government areas.	N/A

4.7 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 ('TRANSPORT & INFRASTRUCTURE SEPP')

The site has frontage to Gresford Road which is a not a classified Road, but under the Vacy Local Area Plan is a Collector Road (MR101). The relevant chapter of the Transport and Infrastructure SEPP is Chapter 2 (Infrastructure), specifically Section 2.119 which indicates regarding development with frontage to classified road. The objective of this section is to ensure that new development does not compromise the effective and ongoing operation and function of classified roads and prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. Further the section indicates that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development is accompanied by a Traffic Impact Assessment prepared by STC Consulting that concludes:

"Hence, this assessment concludes that the impacts of the proposed subdivision are minimal and can be accommodated by the existing and planned infrastructure."



4.8 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021 ('PLANNING SYSTEMS SEPP')

The Planning Systems SEPP relevantly consolidates the provisions of 3 SEPPs, including State Environmental Planning Policy (State and Regional Development) 2011 ('State & Regional Development SEPP').

The Planning Systems SEPP commenced on 1 March 2022 (Amended 5 April 2024). The provisions of the repealed State & Regional Development SEPP have been transferred to Chapter 2 (State and regional development) and Schedule 6 (Regionally significant development) of the Planning Systems SEPP.

Schedule 6 relevantly provides that development that has Estimated Development Cost ('EDC') of more than \$30 million is regionally significant development, pursuant to the provisions of Part 2.4 (Regionally significant development). The development has an EDC which is below the regionally significant development threshold. A pre-development cost estimate feasibility has been included in **Appendix K**.

4.9 DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

The Dungog Local Environmental Plan 2014 (DLEP) provides the broad land use controls for the Dungog Local Government Area. The site is situated within the R5 – Large Lots Residential and E3 – Environmental Management zones.

Under the DLEP, the zoning permit subdivision with consent.

The DLEP contains a number of maps which also set the planning framework or specific matters to be considered through the assessment process. All the lots exceed the minimum lot size on the zoning maps.

There are no variations sought to the provisions of the DLEP.

4.10 SHIRE WIDE DEVELOPEMT CONTROL PLAN

The Shire Wide Development Control Plan (DCP) describes the planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development occurs.

In Part D of the DCP, the Vacy Local Area Plan relates the overarching precinct planning outcomes from the DCP to the proposed subdivision design. The proposed subdivision has been assessed against these provisions of the DCP. Table below provides an assessment of the proposal against the DCP's general controls.

Table 6 Assessment against Shire Wide Development Control Plan

Control	Matter	Comment
Vacy Local Area Plan		
1	To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.	The subdivision is consistent with this objective and the building envelopes have been introduced to promote the principles of ESD.



2	To promote coordinated development that will produce sustainable subdivision patterns to allow for closer settlement and/or changes in land uses in the future.	It is noted that there are no specific environmental or other constraints nominated in this section that would preclude this occurring. The subdivision layout finalises the urban footprint of this area of the Vacy Local Area Plan.
3	To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.	The proposed subdivision will result in lots to support detached dwellings consistent with the intended character of the area and the subdivision civil works have been essentially restricted to the proposed roadworks.
4	To safeguard indigenous vegetation, habitats and water courses.	The subdivision is consistent with this objective and the building envelopes will be introduced at the creation of title to safeguard the existing habitats.
5	To retain and protect the rural character of the area and areas with high visual significance.	The Streetscape Plan has been included in Appendix E .
6	To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone.	The subdivision layout has been designed to promote pedestrian connectivity, pedestrian safety and casual surveillance of future public lands. The subdivision does not compromise any of the identified networks and improves permeability.
7	To minimise the cost to the community of providing, extending and maintaining public amenities and services	The subdivision does not compromise the delivery of any of the identified open space or identified community or other facilities.
8	To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the zone and adjoining areas.	The subdivision does not compromise the delivery of any of the adjoining agricultural interests.



5.0 IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

5.1 4.15(1)(A)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The proposed development has been assessed against the relevant provisions of the following environmental planning instruments:

- a. State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience & Hazards SEPP')
- b. State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP')
- c. State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport & Infrastructure SEPP')
- d. State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

The development is consistent with the provisions of these environmental planning instruments, refer to the detailed discussion at Sections 4.1-4.10 of this SoEE.

5.2 4.15(1)(A)(II) THE PROVISIONS OF ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THE ACT

There are no draft EPIs that would preclude the development as proposed.

5.3 4.15(1)(A)(III) THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

The proposed development has been assessed against the provisions of the Dungog Shire Council Development Control Plan (DCP). The development is generally compliant with the provisions of the DCP, refer to the detailed discussion at Section 4.10 of this SoEE.

5.4 4.15(1)(A)(IIIA) THE PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT UNDER SECTION 7.4

The proposal is not subject to any planning agreements that have been entered into under section 7.4 of the EP&A Act, or any draft planning agreement that a developer has offered to enter into under section 7.4.

5.5 4.15(1)(A)(IV) THE PROVISIONS OF THE REGULATIONS

This DA is being made in accordance with the Environmental Planning and Assessment Regulations 2021.



5.6 4.15(A) THE LIKELY IMPACTS OF THE DEVELOPMENT

Aboriginal Heritage

Consistent with the findings of Vacy Village Stages 1-3 developed by Cornish Group, Stage 4 is an extension to these completed works. There be no net result that would lead to any losses of aboriginal heritage within the proposed site area.

Bushfire

The proposal triggers bushfire controls under S100B of the Rural Fires Act 1997. The site area has no known bushfire events and has recently been mapped (March 2025) as medium risk. The proposed development area will not change the residual bushfire risks within this portion of the site.

Water Quality

The physical works proposed as part of the development have been designed with water quality and water quantity at front of mind. The project outcome is deemed to remain consistent with the site status quo.

Traffic

The proposed development fronts a collector road (Gresford Road) and will not generate significant traffic during peak times. No lots will have access to Gresford Road and will utilise the infrastructure constructed under the previous stages developed by Cornish Group.

Wastewater

The proposed development will ensure that future wastewater is managed within the lots created through linked restrictions to the Effluent Management Plan contained within **Appendix I**.

Soil & Water Management

As there is no physical works proposed as part of the development – there is no construction phase that would initiate any soil and water impacts.

Social and Economic

It is considered that future development will have a positive social impact by facilitating the works for the future development of Northern gateway Precinct of the Western Sydney Aerotropolis. The proposed development will have a positive economic impact through capital investment in the locality and employment generation from the movement of livestock and ancillary development.

5.7 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Having regard to the assessment undertaken by this SoEE and the supporting technical documents and plans, it is considered that the site is suitable to for the proposed development.



5.8 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS

Any public submission will be considered as part of the assessment process as required by the provisions of the Environmental Planning and Assessment Act 1979.

5.9 4.15(1)(E) THE PUBLIC INTEREST

The proposal is in the public interest in this zone of the Vacy precinct of the Dungog Shire. The site will facilitate the future high demand for residential housing in the shire to assist with the demand of the community.



6.0 CONCLUSION

This Statement of Environmental Effects (SoEE) accompanies a Development Application (DA) seeking approval from Dungog Shire Council for a Subdivision of land to create 10 rural residential lots plus 2 residue lots and associated road, drainage and landscaping works on Lot 123 DP1063557, 598 Gresford Road, Vacy. This SoEE has considered the development against the relevant considerations of the Environmental Planning and Assessment Act 1979, relevant State Planning Policies, Dungog LEP and Dungog DCP.

The SoEE describes the development, its likely impacts, and measures to be implemented to mitigate the impacts. The SoEE concludes that all anticipated environmental impacts can be satisfactorily managed.

The proposed development is permissible with consent under the Dungog Local Environmental Plan 2014 (DLEP) and is consistent with the other relevant plans and policies that guide this type of development in this locality. This SoEE report concludes that the proposed development is acceptable and should be approved by Council subject to appropriate conditions of consent.

