



STATEMENT OF ENVIRONMENTAL EFFECTS

95 Lomandra Circuit, Paterson NSW 2421



Development Application

1 into 2 lot Torrens title Subdivision



Prepared by

Shayne Watson at

Council Approval Group

1300008138 | info@councilapproval.com.au

12-09-2025

Checked By:

TVD

Contents

- 1 Introduction..... 1**
- 2 The Subject Site and Locality..... 2**
 - 2.1 Description of site and surroundings 2
 - 2.2 Development history 3
- 3 The Proposed Development 4**
 - 3.1 Description of proposed development 4
 - 3.2 Existing and proposed easements / restrictions..... 4
 - 3.3 Proposed works 5
- 4 Statutory Assessment..... 6**
 - 4.1 Section 4.15 of the EP&A Act 6
 - 4.2 Other approvals / legislation..... 6
- 5 Environmental Assessment..... 7**
 - 5.1 Environmental Planning Instruments..... 7
 - 5.2 Development Control Plan..... 11
 - 5.3 The impacts of the development..... 16
 - 5.4 Suitability of the site..... 17
 - 5.5 Public interest..... 17
- 6 Summary and Conclusion 17**
 - 6.1 Recommendation 17

Appendix

- Appendix A. Site Survey
- Appendix B. Proposed Subdivision Plan
- Appendix C. Onsite Wastewater Report
- Appendix D. Clause 4.6 Variation

1 Introduction

Council Approval Group has been engaged by Rebecca and Christian Odgers to prepare and submit a Development Application (DA) for 1 into 2 lot Torrens title Subdivision at 95 Lomandra Circuit, Paterson.

We are pleased to present this Statement of Environmental Effects (SoEE) in support of this DA, which, once approved will create a new title for the subdivision of the lot.

Specifically, this SoEE includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Dungog Local Environmental Plan 2014 (the LEP), relevant State Environmental Planning Policies (SEPPs) and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) for the purposes of:

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the LEP.

2 The Subject Site and Locality

2.1 Description of site and surroundings

The site is located the western side of Lomandra Circuit, which forms a loop road with Brisbane Circuit and which connects to Martins Creek Road, between the townships of Paterson and Martins Creek.

The site is improved with a main residence built four years ago and a large 12 x 8 metre shed. The shed is used for parking, storage and as a home office. Water storage tanks are also located on the property adjacent to these buildings.

A survey of the site showing the property, existing buildings and relevant levels (RLs to AHD) is provided as **Appendix A**.

The rear of the site adjoins the North Coast railway line that connects Paterson with Maitland to the south. Surrounding development is predominantly low density residential development including detached housing on rural-residential allotments.

Details of the site are provided in the table below, and the location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A street frontage image of the property is included at **Figure 3**.

Address	Title Details	Site Area	Site Frontage
95 Lomandra Circuit, Paterson NSW 2421	Lot 14, DP1177675	22,665 sqm (approx.)	143.49 metres (approx.)
			
Figure 1: Site location (Source: Landchecker)			



Figure 2: Site aerial (Source: Landchecker)



Figure 3: Street frontage photograph (Source: client)

2.2 Development history

A search of Council’s online database reveals the following:

Reference No.	Description of Works	Date Determined
2/2018/2	Single Storey Dwelling	Occupation Certificate approved - 02/04/2024

3 The Proposed Development

3.1 Description of proposed development

The proposed development is for the subdivision of the existing 22,570m² (approx) site, being Lot 14 DP 1177675, into two Torrens title lots.

The proposed subdivision plan is provided as **Appendix B**.

The proposed lots will be as follows:

- Lot 142 – 1.535 hectares with a frontage of 108.55m to Lomandra Circuit

This lot will contain the existing dwelling and shed and the water tanks adjacent to these buildings. The existing vehicle access from Lomandra Circuit to the dwelling and shed will be retained and located within this lot.

- Lot 141 – 7,220m² with a frontage of 34.715m to Lomandra Circuit

This lot will be a vacant lot and a proposed 20m by 20m building envelope is shown on this lot suitable for the construction of a future dwelling.

The proposed boundary between the two proposed lots will be located 5metres from the southern wall of the existing shed, which allows for sufficient width across proposed Lot 141 for the proposed building envelope detailed above.

3.2 Existing and proposed easements / restrictions

The existing site is subject to two existing restrictions (covenants) on the use of land, shown on the Site Survey provided at **Appendix A**, as follows:

- A – a 50metre wide acoustic buffer zone measured from the rear boundary of the site with the North Coast railway corridor.
- B – a building envelope across the site, generally 20 metres from the front (street) boundary of the site and 20 metres from the northern and southern boundaries of the site.

The proposed subdivision will maintain the 50 metres wide acoustic buffer zone on both of the proposed lots. The existing building envelope will also be maintained as it applied to proposed Lot 142.

A new 20m by 20m building envelope is shown on for Lot 141 suitable for the construction of a future dwelling. It will be located clear of the acoustic buffer zone and 10 metres from the proposed new boundary and approximately 15m (at its closest point) to the existing southern boundary of the site.

An easement for electricity is proposed over Lot 141 in favour of Lot 142. It will run from an existing electricity connection located at the southeast corner of the site, across the site to the southern end of the existing shed building. There is a further electricity connection within Lot 142 from the existing shed building to the existing dwelling.

3.3 Proposed works

Future fencing between the two proposed lots will be a civil matter between the owners of the lots and is expected to meet the requirements for Exempt Development.

The only works required for the subdivision relate to the provision of on-site wastewater disposal for the existing dwelling. The existing dwelling (and shed building) to be located on proposed Lot 142 is serviced by an existing AWTS system located adjacent to these existing buildings, followed by surface irrigation which is provided in the southeastern corner of the site. The surface irrigation area will be located within proposed Lot 141.

Accordingly, it will be necessary to remove the connection from the existing AWTS to the existing surface irrigation and provide a new connection to a new surface irrigation field. The new surface irrigation field will be approximately 388m² in area and located to the west of the existing dwelling and within the area of proposed Lot 142.

This work, and a detailed examination of the site conditions demonstrating the suitability of the site to provide for the new surface irrigation field, is all as identified in the Onsite Wastewater Report provided at **Appendix C**.

It is expected that the completion of the works for the on-site disposal of wastewater for the existing dwelling would be required as condition of consent, to be met prior to the issue of a subdivision certificate.

The Onsite Wastewater Report also demonstrates the suitability of land within proposed Lot 141 for an AWTS and surface irrigation area for the future development of a dwelling on that lot. However that system will be further detailed as part of the future development of that lot as is not required to be completed prior to the finalisation of the proposed subdivision.

4 Statutory Assessment

4.1 Section 4.15 of the EP&A Act

This development application is made under Division 4.3 of the EP&A Act. Section 4.15 sets out the statutory matters for consideration against which the proposed development is to be evaluated and the relevant matters are summarised in the following table:

Matters for Consideration	Comment
Section 4.15 (1) (a)(i) – The provisions of any relevant environmental planning instrument - Dungog Local Environmental Plan 2014 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021	Refer to Section 5.1 of this SoEE
Section 4.15 (1) (a)(ii) – The provisions of any proposed instrument	None applicable
Section 4.15 (1) (a)(iii) – The provisions of any development control plan Dungog Development Control Plan 2018	Refer to Section 5.2 of this SoEE
Section 4.15 (1) (a)(iia) – The provisions of any planning agreement or any draft planning agreement	None applicable
Section 4.15 (1) (a)(iv) – The Regulations (to the extent that they are prescribed for the purposes of this paragraph)	This SoEE and the DA have been prepared in accordance with the requirements of the Regulation.
Section 4.15 (1) (b) – The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Refer to Section 5.3 of this SoEE
Section 4.15 (1) (c) – The suitability of the site for the development	Refer to Section 5.4 of this SoEE
Section 4.15 (1) (d) – Any submissions made in accordance with the EP&A Act or Regulations	This is a matter for the Council to consider following any public exhibition of the DA
Section 4.15 (1) (e) – The public interest?	Refer to Section 5.5 of this SoEE

4.2 Other approvals / legislation

Works associated with the on-site disposal of wastewater for the existing dwelling are required to ensure all parts of the facility are located entirely within proposed Lot 142. This will require approval under section 68 of the *Local Government Act 1990* for installation of on-site sewage system, or a modification to the existing approval for this existing system.

This should be required as condition of consent, to be met prior to the issue of a subdivision certificate.

5 Environmental Assessment

5.1 Environmental Planning Instruments

5.1.1 SEPP (Resilience and Hazards) 2021

Clause 4.6 of this Policy requires consent authorities to whether or not the land is contaminated and, if it is contaminated, whether or not remediation is required to make the land suitable for the proposed development.

The existing land used for residential purposes and there has been no activities carried out on any part of the land that would give rise to potential site contamination. Further consideration of the requirements of this clause is not considered necessary.

5.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements

The rear of the site adjoins the North Coast railway line that connects Paterson with Maitland to the south. As such the provisions of clause 2.98 and clause 2.100 are relevant matters of consideration, which require

- referral of the DA to the relevant rail authority, and
- the consent authority to consider and response and any relevant guidelines issued for the purposes of this section of the SEPP.

Additionally, clause 2.100(3) also requires the consent authority to be satisfied that appropriate measures will be taken to ensure that specified noise levels are not exceeded for any proposed residential accommodation.

It is noted that the proposed subdivision does not propose any new residential accommodation. However, the proposed subdivision will maintain the 50 metre acoustic buffer area at the rear of the site which will ensure that compliance with noise requirements can be met for future development on the vacant when that is proposed.

5.1.3 Dungog Local Environmental Plan 2014

Dungog Local Environmental Plan 2014 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned Zone R5 - Large Lot Residential. The Land Use Table for the zone is as follows:

2. Permitted without consent

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

3. Permitted with consent

*Agritourism; 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

Land uses in **red bold text** above, are defined below:

dwelling house means a building containing only one dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

The existing site accommodates a dwelling house and detached shed which is ancillary to the dwelling house.

The subject DA seeks approval for a subdivision of the land for the proposed vacant lot (Lot 141) is also to be developed with a future dwelling house.

The proposal is development (subdivision) and use of both lots is therefore permitted with consent.

Aims and Objectives

The aims of the LEP are set out in clause 1.2 of the Plan and this proposal is considered to be consistent with those aims, namely:

The objectives of the Zone R5 - Large Lot Residential are as follows:

- *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.*

It is considered that the proposal is consistent with these objectives, in that:

- The proposal ensures that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- The proposal does not unreasonably increase the demand for public services or public facilities.

- The proposal minimises conflict between land uses within this zone and land uses within adjoining zones by maintaining appropriate building setbacks to the adjoining railway corridor and the neighbouring properties.

Other relevant mapping overlays

- Minimum Lot Size: 8,000 sq m
- Floor Space Ratio: not applicable
- Building Height: not applicable
- Heritage: not applicable
- Acid Sulfate Soils: Class 5

Relevant LEP clauses

LEP Clause / Provision	Statement of Compliance
Clause 2.6 Subdivision—consent requirement	
(1) Land to which this Plan applies may be subdivided, but only with development consent. Notes— 1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent. 2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land. Note— The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.	COMPLIES This development application seeks consent for subdivision pursuant to this clause.
Clause 4.1: Minimum subdivision lot size	
(1) The objectives of this clause are as follows— (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area, (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties, (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls, (d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural features and retain special features such as trees and views, (e) to protect and enhance waterways by restricting the creation of new riparian rights through subdivision so as to prevent increased direct access onto rivers. (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. (3) The size of any lot resulting from a 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. (4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 2021.	VARIATION SOUGHT The site is mapped with a minimum lot size of 8,000m². The site is over 22,000m² in area and therefore of sufficient size to create two lots which meet this minimum requirement of 8,000 m². However, the location of the existing dwelling and shed does not allow for the creation of two lots at this size without the demolition and/or relocation of the existing shed building and other ancillary facilities. This proposal provides for one lot of 1.5ha, which complies with the minimum lot size, and the second a lot of 7,220m² which is 780m² short of this requirement, or 9.75% of the development standard. Accordingly, a variation to the minimum lot size is sought under clause of the LEP, and the variation request is provided as Appendix D.

LEP Clause / Provision	Statement of Compliance
Clause 4.6: Exceptions to development standards (1) <i>The objectives of this clause are as follows—</i> (a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development;</i> (b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> (2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i> (3) <i>Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</i> (a) <i>compliance with the development standard is unreasonable or unnecessary in the circumstances, and</i> (b) <i>there are sufficient environmental planning grounds to justify the contravention of the development standard.</i> Note—The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b). (4) <i>The consent authority must keep a record of its assessment carried out under subclause (3).</i> (6) <i>Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</i> (a) <i>the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</i> (b) <i>the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</i> Note—When this Plan was made it did not include all of these zones. (8) <i>This clause does not allow development consent to be granted for development that would contravene any of the following—</i> (a) <i>a development standard for complying development;</i> (b) <i>a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</i> (c) <i>clause 5.4,</i> (caa) <i>clause 5.5,</i> (ca) <i>clause 4.1A.</i>	<u>VARIATION SOUGHT</u> This LEP clause provides certain flexibility to the development standards of the LEP in terms of the minimum lot size in clause 4.1. A variation to the minimum lot size is sought under clause of the LEP, and the variation request is provided as Appendix D. In accordance with subclause 6, the proposed subdivision of this land in Zone R5 Large Lot Residential, will only result in: a) 1 lot less than the minimum area specified; and b) 1 lot that is less than 90% of the minimum area specified, with 90.25% achieved. The variation can therefore be properly considered under this clause.

LEP Clause / Provision	Statement of Compliance
Clause 5.16: Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	
(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes— (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling. (4) The following matters are to be taken into account— (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).	COMPLIES This clause applies to land on site Zoned R5 Large Lot Residential. This DA is for the subdivision of land for the future purposes of a dwelling. Surrounding land uses are all residential (dwellings on large lots) and this is the predominant land use in the vicinity. It is unlikely an additional dwelling on the proposed vacant lot will have any adverse impacts on existing uses in the vicinity. The proposed subdivision will include the maintenance of the 50m acoustic buffer to the adjoining rail corridor to ensure future development will not be adversely impacted on by train movements.
Clause 6.8: Essential services	
(2) Development consent must not be granted to development on land to which this clause applies 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) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	COMPLIES The existing dwelling is provided with: • water storage tanks for the supply of potable water, • an existing connection to electricity from Lomandra Circuit which will be continued via an easement over Lot 141 • existing on-site disposal of sewerage which will continue but to a new surface irrigation field contained within Lot 142 as detailed in this DA and the Onsite Wastewater Report at Appendix C • existing vehicle access for the existing dwelling and shed will be maintained. It is anticipated that future development on Lot 141: • will be provided with water storage tanks for the supply of potable water, • will connect to electricity from Lomandra Circuit • can be provided with on-site disposal of sewerage as detailed in the Onsite Wastewater Report at Appendix C • can be provided with vehicle access, which is relatively level from Lomandra Circuit to the location of the proposed building envelope on this lot. Details of the services for any future development on Lot 141 will be included in a future DA for a dwelling on that property.

5.2 Development Control Plan

Dungog Development Control Plan 2018 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan, being Part C.

DCP Clause / Provision	Statement of Compliance
PART C:	
Chapter C1: Residential Development	
Clause 1.4 Water supply	
<i>Council encourages the installation of water tanks on existing buildings (please note that any water tanks within 900mm of the property boundary must be non-combustible). Where the land is not serviced by a reticulated water supply the development is to be provided with a minimum of 20,000 litres of stored water. If the development is on rural land the development is to be provided with an additional 22,500 litres of stored water in a noncombustible tank fitted with a 65mm storz coupling for fire fighting purposes.</i>	COMPLIES The existing dwelling is provided with adequate existing water tanks for the supply of potable water and these will be retained with the existing dwelling and shed within Lot 142. New water tanks will be provided with any new dwelling on proposed Lot 141 at the time a dwelling is proposed for this lot.
Clause 1.5 Sewerage	
<i>Where the land is not serviced by reticulated sewer, the development is to be serviced by an approved on-site sewerage management facility. Council's Department of Environmental Services should be contacted regarding on-site effluent disposal requirements. Applications for sewerage management facilities must be lodged prior to or in conjunction with residential development applications.</i>	COMPLIES The land is not serviced by reticulated sewer. The existing dwelling existing is provided with an on-site sewerage disposal system which will continue but to a new surface irrigation field contained within Lot 142 as detailed in this DA and the Onside Wastewater Report provided at Appendix C. This will require approval under section 68 of the Local Government Act 1990 for installation of on-site sewage system, or a modification to the existing approval for this existing system. This should be required as condition of consent, to be met prior to the issue of a subdivision certificate. A new and separate on-site sewerage disposal system will be provided with any new dwelling on proposed Lot 141 at the time a dwelling is proposed for this lot. The suitability of the land within Lot 141 for this purposes is address in the Onside Wastewater Report at Appendix C.
Clause 1.6: Property Access	
<i>Property access is to be provided in accordance with Council's Engineering requirements. Access to rural properties must comply with the requirements of the latest relevant drawing available from Council. The entrance shall be constructed so as not to impede the flow of water in any table drain.</i> <i>Note: Council's engineering department must be contacted prior to entrance installation to determine the most appropriate point of entry.</i>	COMPLIES The existing vehicle access for the existing dwelling and shed will be maintained for Lot 142. The future development on Lot 141 can be provided will vehicle access, which is relatively level from Lomandra Circuit to the location of the proposed building envelope on this lot.
Clause 1.7 Property identification	
Rural properties are required to ensure that satisfactory arrangements have been made with Council for the supply and erection of a property identification number in accordance with Council's Rural Addressing Program.	COMPLIES The existing dwelling on Lot 142 will continue to be known as 95 Lomandra Circuit. The existing lot to the south is known as 85 Lomandra Circuit. Therefore proposed Lot 142 can be identified as 91 Lomandra Circuit which would be consistent with Council's Rural Addressing Program.

DCP Clause / Provision	Statement of Compliance
Chapter C3: Building Line Setbacks	
Clause 2.3: Building Line Set Backs To Front Property Boundary	
<i>2.3.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living</i> <i>* These setbacks do not replace site specific setbacks included within the Local Area Plans (see Part D of the DCP) for Vacy, Boatfalls Rural Residential Estate and Boulton Drive, Paterson.</i> <i>On land zoned R5* or E4*, the minimum setback from the front property boundary shall be: -</i> <i>1) 70m from a main road; and</i> <i>2) 30m from any other public road; or</i> <i>3) 15m from new roads within the subdivision.</i>	COMPLIES Lomandra Circuit is not a 'main road'. The proposed building envelopment for Lot 141 will be setback over 60metres from the Lomandra Circuit frontage of the site. The complies with the relevant 30m setback which would apply under subclause 2.
Clause 2.4: Side And Rear Boundaries (Including Secondary Road Frontage)	
<i>2.4.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living</i> <i>On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.</i>	COMPLIES The proposed building envelopment for Lot 141 will be setback 10metres to the new 'internal' boundary between Lots 141 and 142, and will be at least 15m at its closest point to the 'existing' southern boundary of the site. Rear setbacks are 50m to the rear rail corridor. This complies with the requirements of this clause. The new 'internal' boundary between Lots 141 and 142 will be located 5m to the south of the existing shed building within Lot 142. It is noted that this proposed setback does not strictly comply with the setback requirement of this clause and there are no alternative (lesser) setbacks applicable to outbuilding and sheds under Chapter C.4 of the DCP. However under clause 3A.18 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: <i>An outbuilding, or alterations and additions to an existing outbuilding, must have a setback from a side or rear boundary of at least—</i> <i>(a) if the only purpose of the outbuilding is for agricultural use—10m, or</i> <i>(b) in any other case—5m.</i> The proposed setback of the existing shed is therefore consistent which what would be allowed for an outbuilding (not used for agricultural use) to be approved as Complying Development.

DCP Clause / Provision	Statement of Compliance
<u>Chapter C23: ON-SITE SEWAGE MANAGEMENT</u>	
Clause 23.3: REQUIREMENTS	
<i>23.3.1 Unsewered Allotments to be Provided with an Onsite Sewage Management System</i> <i>Development consent will not be granted by Council unless adequate arrangements have been made for the disposal and management of sewage.</i> <i>Developments without access to the reticulated sewer of the local water and sewer authority must demonstrate that the proposal for the disposal and management of sewage is adequate and sustainable and how it satisfactorily addresses the Dungog Shire On-site Sewage Management Policy. The Policy incorporates technical tools including the Development Assessment Framework (DAF) and Technical Manual for On-site Sewage Management System</i>	<u>COMPLIES</u> The land is not serviced by reticulated sewer. The existing dwelling existing is provided with an on-site sewerage disposal system which will continue but to a new surface irrigation field contained within Lot 142 as detailed in this DA and the Onside Wastewater Report provided at Appendix C. This will require approval under section 68 of the Local Government Act 1990 for installation of on-site sewage system, or a modification to the existing approval for this existing system. This should be required as condition of consent, to be met prior to the issue of a subdivision certificate. A new and separate on-site sewerage disposal system will be provided with any new dwelling on proposed Lot 141 at the time a dwelling is proposed for this lot. The suitability of the land within Lot 141 for this purposes is address in the Onside Wastewater Report at Appendix C. This addresses the requirements under clause 23.3.1 to clause 23.3.6.
<u>PART D:</u>	
<u>Chapter D5: Patterson Local Area Plan</u>	
Part D of the DCP contains a number of Local Area Plans, including D5 Paterson Local Area Plan (LAP). Clause 2.1 states that: <i>"The Paterson Local Area Plan applies to all land in and adjoining the Village of Paterson which is zoned 9(a) Investigation Zone or Rural Lifestyle 1(I) under the provisions of the Dungog Shire Local Environmental Plan 2005. However as the land."</i> As the subject site has already been rezoned to R5 and subdivided the provisions of Part D, strictly, no longer apply to the site. However, the following is noted in relation to the guiding objectives and desired outcomes of the LAP.	

DCP Clause / Provision	Statement of Compliance
<i>The objectives of the Paterson LAP are:</i> <i>1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.</i> <i>2. To promote coordinated development that will be produce sustainable subdivision patterns to allow closer settlement and/or changes in land uses in the future.</i> <i>3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.</i> <i>4. To safeguard indigenous vegetation, habitats and water courses.</i> <i>5. To retain and protect the rural and historic character of the area and areas with high visual significance.</i> <i>6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone and with Paterson Village.</i> <i>7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.</i> <i>8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the Zone and adjoining areas.</i>	<u>COMPLIES</u> The land has already been subdivided into Rural residential allotments it has been done with regard to ESD principles. The proposed additional lot does not compromise these principles. The proposed subdivision will allow for a future additional dwelling and the topography and environmental features of the area allow for an additional dwelling on the lot proposed. The subdivision and future will not impact on existing vegetation or water courses. The existing access and services within the area are adequate to cater for an additional lot and future dwelling. A subdivision and future dwelling does not prejudice the continued operation of agricultural activities within the wider area. The proposed subdivision is consistent with of the objectives of the Paterson LAP.
Subdivision - Desired Outcomes - No further fragmentation and adhoc subdivision of land. - A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Paterson village. - Co-ordinated approach to staged subdivision and land releases. - To avoid sterilisation of adjoining properties. - Create the opportunity for the development of an integrated community, not a series of separate enclaves. - To create a strong network of pedestrian, cycle and open space links throughout all subdivisions and, where required by Council, between the new subdivisions and Paterson village.	<u>COMPLIES</u> That proposal is for the subdivision of a site within an already established rural residential subdivision. The further subdivision of this site does not fragment the land to prevent establishment of uses which comply with the requirements of the LEP and DCP. The subdivision does not prejudice the continued operation of agricultural activities within the wider area and will not adversely impact on the rural residential use of adjoining and adjacent properties. The proposed subdivision is consistent with the desired outcomes of the Paterson LAP.

5.3 The impacts of the development

The acceptability of the impacts of the proposed development on adjoining properties and the environment in general are in part determined by compliance with relevant provisions of the applicable planning controls.

5.3.1 Lot size

The site is mapped with a minimum lot size for subdivision of 8,000m². The site is over 22,000m² in area and therefore of sufficient size to create two lots which meet this minimum requirement of 8,000 m². However the location of existing development on this site prevents the simple split of the site into lots which meet this size.

Although a variation to the development standard for one of the proposed lots is below the minimum, the proposed subdivision is appropriate to the existing development on the site and this does not allow additional development that could not otherwise occur on the land. Accordingly this does not result in adverse impacts on adjoining land or the environment in general.

5.3.2 Setback requirements

The proposed subdivision will create a new 'internal' boundary between Lots 141 and 142, which will be located 5m to the south of the existing shed building within Lot 142. Although this setback does not strictly comply with the 10m setback requirement of the Council DCP, it does comply with the setback requirement for (non-agriculture) outbuildings to be approved under the state-wide Complying Development Policy. Further, this reduced setback only impacts on lots which are part of the proposed subdivision.

All other minimum setbacks requirements under the Council DCP will be met.

5.3.3 Sewerage management

A key issue with the proposed subdivision of this rural residential property is the provision of suitable on-site sewerage disposal systems for the existing dwelling and for the proposed lot and any future dwelling on that land.

The existing dwelling existing is provided with an on-site sewerage disposal system which will continue but to a new surface irrigation field contained within Lot 142 as detailed in this DA and the Onsite Wastewater Report provided at **Appendix C**.

This will require approval under section 68 of the Local Government Act 1990 for installation of on-site sewage system, or a modification to the existing approval for this existing system. This should be required as condition of consent, to be met prior to the issue of a subdivision certificate.

A new and separate on-site sewerage disposal system will be provided with any new dwelling on proposed Lot 141 at the time a dwelling is proposed for this lot. The suitability of the land within Lot 141 for this purposes is address in the Onsite Wastewater Report at **Appendix C**.

5.4 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality;
- The proposal is consistent with the objectives for development applying to the land, and although a variation to the development standard for one of the proposed lots is below the minimum, the proposed subdivision is appropriate to the existing development on the site and this does not allow additional development that could not otherwise occur on the land; and
- Overall the development is considered an appropriate usage of the site.

5.5 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides for an appropriate future use of the site compatible with surrounding landuses; and
- It is consistent with all relevant LEP aims and objectives.

6 Summary and Conclusion

Council Approval Group is pleased to submit this SoEE and accompanying information for a subdivision of 1 lot into two lot Torrens title at 95 Lomandra Circuit, Paterson.

This Statement of Environmental Effects for the proposed development has considered:

- The circumstances of the case;
- An analysis of the subject site and the surrounding locality;
- An analysis of the proposal against the provisions of the *LEP 2014*, as well as relevant DCPS, SEPPs and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- The proposal does not hinder the proper and orderly development of urban areas in the future.
- The proposal does not unreasonably increase the demand for public services or public facilities.
- The proposal minimises conflict between land uses within this zone and land uses within adjoining zones.

6.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.

Appendix A. Site Survey

Appendix B. Proposed Subdivision Plan

Appendix C. Onsite Wastewater Report

Appendix D. Clause 4.6 Variation

