

Statement of Environmental Effects
Proposed subdivision of land at 139 Mulconda Lane, Bandon Grove

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1. Introduction

This Statement of Environmental Effects (SoEE) assesses the environmental impact of the proposed subdivision of 139 Mulconda Lane, Bandon Grove and accompanies a development application (DA) submitted to Dungog Shire Council (DSC), which is the consent authority for the DA. It contains an assessment of the environmental, physical, and social implications of the subdivision.

The DA requirements relevant to this SoEE and where they have been addressed are listed in Table 8.2.

The SoEE incorporates comments received from DSC during pre-consultation and that received following initial submission.

2. Applicant details

The applicant is Daryl Ross Frankham (as an individual person), owner of Lot 1 DP 198791, being 139 Mulconda Lane, Bandon Grove, NSW 2420.

3. Application justification

This purpose of this DA is to support intergenerational primary production at 139 Mulconda Lane. The applicant intends to utilise the subdivision to facilitate a land transfer of the proposed lot 1, to his son, Thomas Ross Frankham (as an individual person). Thomas Ross Frankham intends to continue agricultural use of the proposed lot 1, with the future intent of building a new residence (subject to future Council consideration) upon the proposed lot 1, and moving his family to the Dungog Shire.

4. Subject site location and existing environment

The subject site is located at 139 Mulconda Land, Bandon Grove: Lot 1 DP 198791.

The proposed subdivision relates to land wholly located within Lot 1 DP198791 and is depicted in Figure 4.4.

The subject site is a large rural farming site of approximately 290 hectares, zoned entirely RU1 - Primary Production. The surrounding countryside is quality grazing and cropping land. There is a strong agricultural history and tradition in the area and wider context. The subject site is located 15 minutes' drive to the north of the township of Dungog and south of the Barrington Tops National Park region.

The subject site is accessed directly off Mulconda Lane, a dirt/gravel laneway, via existing access points. The new proposed lot (proposed lot 1) has no existing residences or associated development. Within the existing lot footprint, a dwelling and farm out building was subject of Council approval in 2024 and is currently under construction (DA2023/189).

The subject site and surrounding area is generally cleared pastoral land, with the exception of vegetated creeks lines, including Mulconda Creek. There are areas of mapped biodiversity value within the subject site,

associated with Mulconda Creek (Figure 4.1). The subject site is within the Drinking Water Catchment map. There are no environmentally sensitive lands within the subject site.

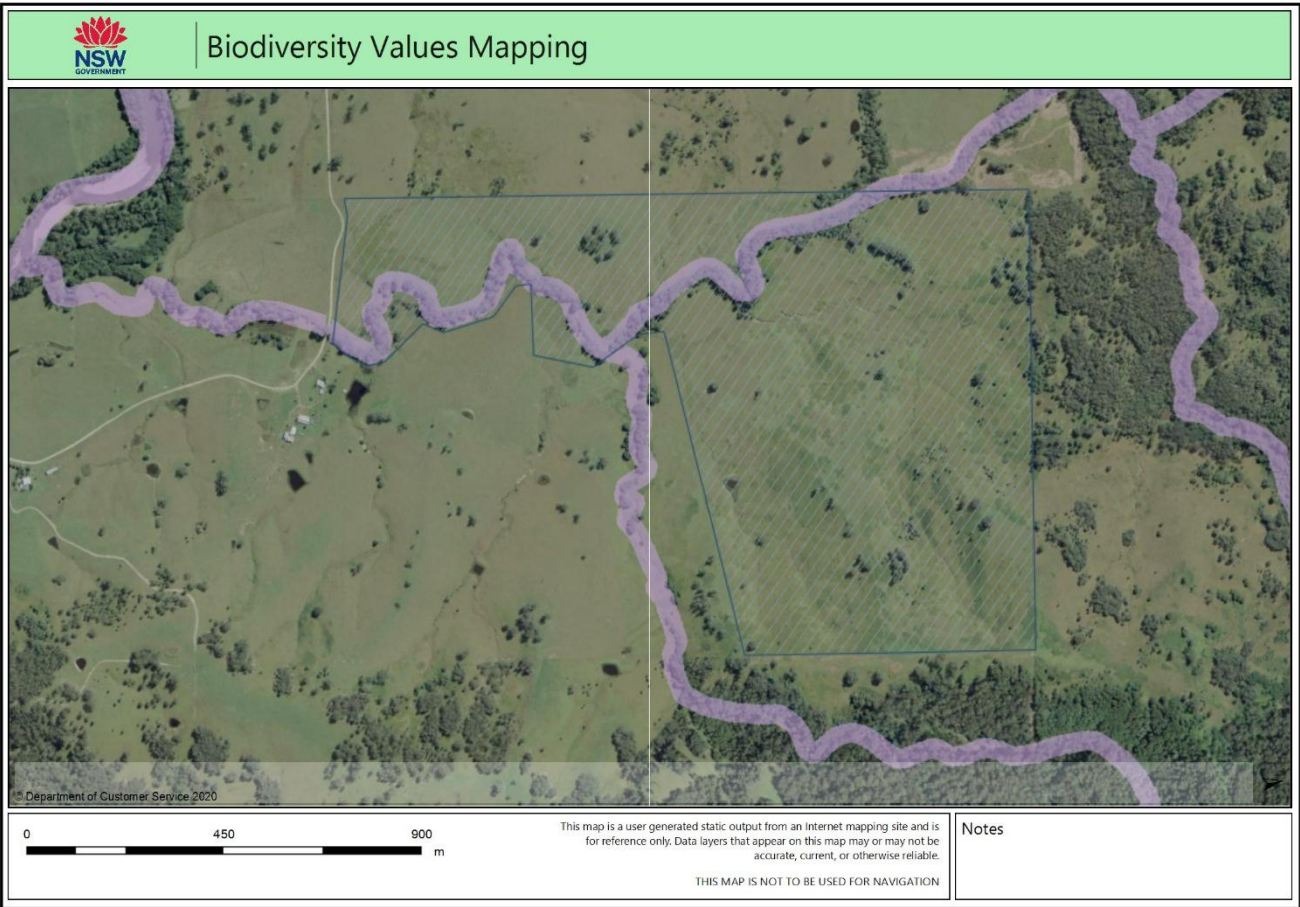


Figure 4.1 – Biodiversity values mapping and proposed lot 1 (NSW SEED Portal, 2025)

Power is provided to the subject site and there is a private power pole located near the dwelling currently under construction.

The proposed lot 1 contains bushfire hazard land with parcels of vegetation category 2 and 3 (Figure 4.2). A Bushfire Assessment has been completed which determined the proposal is fully compliant with Planning for Bushfire Protection 2019. The Bushfire Assessment has been included within the DA submission.

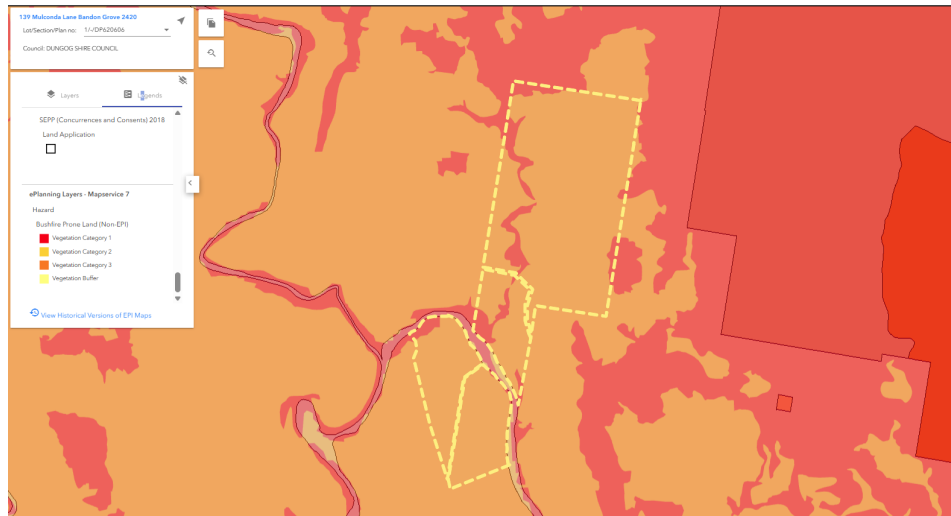


Figure 4.2 – Bushfire prone land, vegetation categories at the subject site (Planning Portal Spatial Viewer, 2025)

The proposed boundary of the proposed lot 1 has been positioned so that it avoids areas of mapped Biodiversity Value.

There are sections of Biophysical Strategic Agricultural Land (BSAL) located at the subject site (Figure 4.3). As the intent of the subdivision is to facilitate intergenerational primary production (Section 3), there is no proposed impact to BSAL.

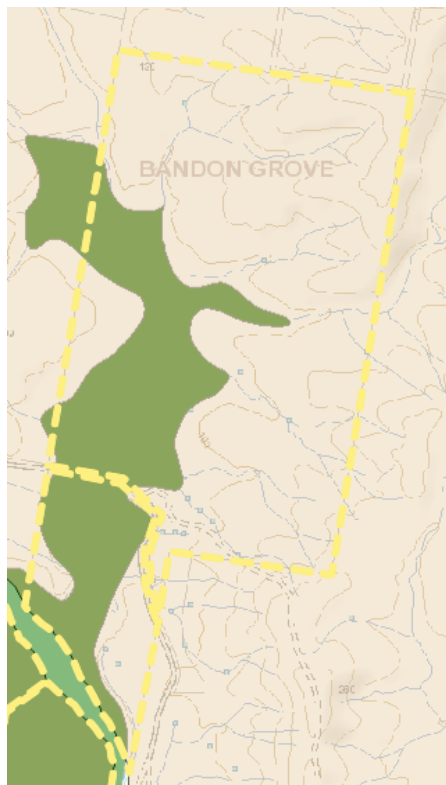


Figure 4.3 – BSAL Mapping at the subject site (Planning Portal Spatial Viewer, 2025)

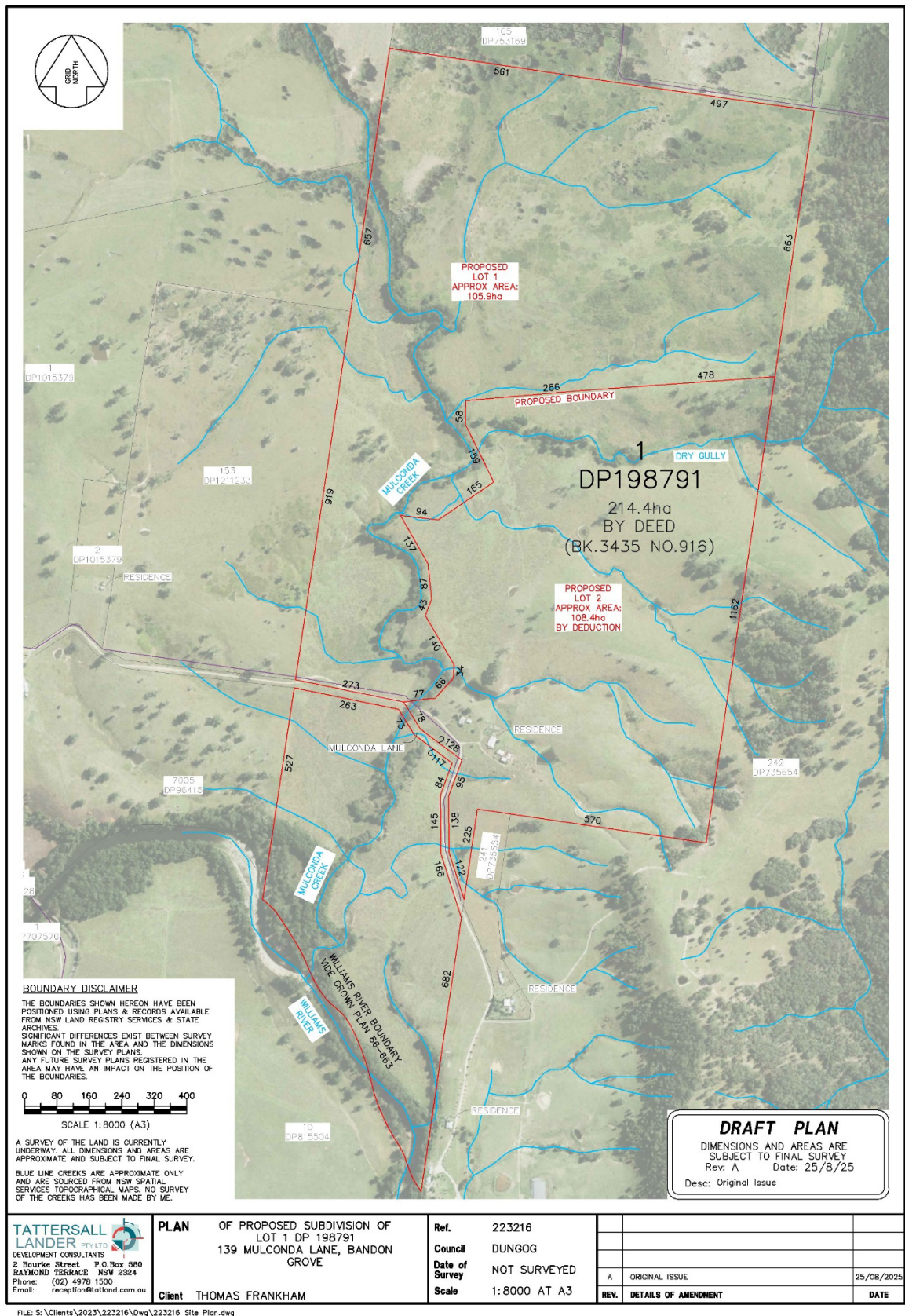


Figure 4.4 – Site Plan (Tattersal Lander, 2025)

5. Description of Proposal

The accompanying DA seeks approval to subdivide Lot 1 DP 198791 of 139 Mulconda Lane, Bandon Grove into two separate land parcels as displayed in Figure 4.3. Lot 1 and Lot 2, as identified in Figure 4.4, are approximately 105.5 ha and 108.5 ha respectively, meeting the minimum lot size requirements (60 hectares). Lot 2 would continue to be relied upon for the purposes of primary production. A proposed plan of subdivision is available within Appendix 1.

To delineate the boundary, existing fence lines will largely be relied upon. A new fence line is required to be established to the east of Mulconda Creek. The new fence line has been sighted as to not impact native vegetation proximate to Mulconda Creek and to be located above the high-water line. No native vegetation is proposed to be impacted by the establishment of new boundary fences associated with this DA, as they have been sighted on historically cleared land.

Access to the proposed lot 1 would be via existing access points located along Mulconda Creek.

Power is currently provided to the existing lot, via a private pole located approximate to the dwelling currently under construction. The proponent will engage power utilities in regard to providing power to the proposed lot 1 once a future dwelling site is determined, and subject to future DA approvals.

The proposed lot 1 ownership is intended to be transferred between family members to facilitate intergenerational primary production enterprise.

6. Statutory context

This SoEE has been prepared by the applicant to address:

- The requirements of Part 4, Division 4.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- the provisions of section 24 of the NSW Environment Planning and Assessment Regulation 2021
- the *Application Requirements for development applications, modification applications, State significant development and complying development certificates* (DPE 2022).
- Dungog Shire Council Local Environment Plan (LEP)
- Dungog Shire Council Development Control Plan (DCP)
- Dungog Rural Strategy 2003

7. Approval pathway

The approval pathway is via a DA under Part 4 of the EP&A Act. Dungog Council is the consent authority for the development application under Section 4.5(d) of the EP&A Act.

8. Matters for consideration

In determining a DA, a consent authority is to consider the matters listed under Section 4.15(1) of the EP&A Act. These matters and where they are addressed in this SoEE are detailed in Table 8.1.

Table 8.1 - Section 4.15(1) matters for consideration

Matter	Comment
a) The provisions of: any environmental planning instrument, and	The relevant planning instruments include: Dungog LEP, Dungog DCP and Dungog Rural Strategy.
i) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred definitely or has not been approved), and	There are no proposed or draft instruments relevant to this DA.
ii) any development control plan, and	The Dungog DCP covers the development application area. The Dungog DCP is addressed in Section 8.4.
iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There are no planning agreements associated with this DA.
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates	The requirements of the EP&A Regulation are addressed in Section 8.1.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The only activity proposed as part of this DA is the installation of boundary fences, which create negligible environmental impacts to the natural environment. The DA is required to facilitate intergenerational primary production enterprise. The DA will support the introduction of a new family to the Dungog Shire, creating a net positive social and economic impact to the locality.
c) the suitability of the site for the development,	The development application area is suitable for the project given its rural location.

d) any submissions made in accordance with this Act or the regulations,	This SoEE will be placed on public exhibition and submissions will be sought from the community. It is anticipated that any submissions received by Dungog Council will be forwarded for consideration and response.
e) the public interest.	The DA is required to facilitate intergenerational primary production enterprise, introducing a new family to the Dungog Shire, which is in the public interest.

8.1 NSW Environmental Planning and Assessment Regulation 2021

8.1.1 Schedule 1 requirements

Part 3, Division 1 of the EP&A Regulation applies to all development applications and details procedures relating to a DA. Under Section 24(1) of the EP&A Regulation, a DA must be in the approved form and contain all the information and documents required by the approved form, the EP&A Act and the EP&A Regulation. The approved form is defined in Schedule 7 of the EP&A Regulation as a form approved by the Planning Secretary and published on the NSW Planning Portal. Information requirements for this DA are summarised in Table 8.2.

Table 8.2 - Development application requirements

Requirements	Section addressed in this report
Part 1: development applications (DAs) (excluding SSD) and their amendment and modification	
a) the name and address of the application	Section 2 - Applicant details
b) a description of the development to be carried out	Section 5 - Description of Proposal
c) the address, the formal particulars of title, of the land on which the development is to be carried out	Section 5 - Description of Proposal
d) an indication as to whether the land is, or is part of, critical habitat	Section 4 - Site location and existing environment
e) an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity complaint development	The only activity associated with this DA is installation of a new fence line. The new fence line has been positioned outside of the edge of Mulconda Creek, and outside of areas of Biodiversity value (Figure 4.1 and Figure 4.4). There are no predicted impacts to threatened species, populations or ecological communities, or their habitats.
f) the estimated cost of the development	\$70,000

g) evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner's consent is required by the Regulation	The landowner is the DA applicant.
h) a list of the documents accompanying the application	Figure 4.4 and Appendix 1
i) a Statement of Environmental Effects	This document
j) a site plan of the land	Figure 4.4
k) drawings of the development	See Appendix 1

1.2 Requirements for Statement of Environmental Effects

A Statement of Environmental Effects must document:

a) the environmental impact of the development	As there is significant disturbance or construction proposed, there are no environmental impacts to the natural or built environment.
b) how the environmental impacts of the development have been identified.	Not applicable.
c) the steps to be taken to protect the environment or lessen the expected harm to the environment	Not applicable.
d) any matters required to be indicated by any guidelines issued by the Planning Secretary	Not applicable.
e) drawings of the proposed development in the context of surrounding development, including the streetscape	Figure 4.4
f) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations	The subdivision is consistent with LEP and DCP requirements. Notably the both the proposed and existing Lots will exceed the minimum lot size of 60 ha.
g) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context.	Not applicable.
h) if the proposed development is within an area in which the built form is changing, statements of existing and likely future contexts.	Not applicable.
i) photomontages of the proposed development in the context of surrounding development	Not applicable.
j) a sample board of the proposed materials and colours of the façade	Not applicable.

k) detailed sections of proposed facades	Not applicable.
l) if appropriate, a model that includes the context.	Not applicable.

1.3 Requirements for a Site Plan

A site plan must indicate:

- | | |
|---|------------|
| a) the location, boundary dimensions, site area and north point of the land | Figure 4.4 |
| b) existing vegetation and trees on the land | |
| c) the location and uses of existing buildings on the land | |
| d) existing levels of the land in relation to buildings and roads | |
| e) the location and uses of buildings on sites adjoining the land | |

8.2 Relevant legislation

Relevant legislation requiring consideration is summarised in Table 8.3.

Table 8.3 - Applicable legislation

Legislation	Comments
Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	The project will not require vegetation clearing and does not significantly impact Commonwealth listed communities or species. The project is not a nuclear action, coal seam gas development or a large coal mining development. Consequently, the project does not require referral under the EPBC Act for determination as a controlled action.
Commonwealth <i>Native Title Act 1993</i>	A search of the Native Title Register undertaken on 18 August 2025 returned no results for Native Title determinations or Native Title Claim areas within the subject site.
NSW <i>Biodiversity Conservation Act 2016</i> (BC Act)	As no clearing is proposed for the DA, there will be no impact on regional biodiversity values.
NSW <i>Biosecurity Act 2015</i>	The project will not introduce any new weeds or pests.
NSW <i>National Parks and Wildlife Act 1974</i> (NPW Act)	A search of the AHIMS database was undertaken on 2 August 2025, which found there are no known items or places of Aboriginal cultural heritage significance located within the subject site.
NSW <i>Heritage Act 1997</i> (Heritage Act)	A search of the Dungog LEP was undertaken on 8 August 2025 which identified the Bandon Grove General Cemetery on Lot 7005, DP 96415. The cemetery is located approximately 730m south-west of the house site of 139 Mulconda Lane and is outside of the subject site. Accordingly, there will be no impact to the Bandon Grove General Cemetery.

Rural Fires Act 1997 (NSW) (RF Act) The RF Act aims to prevent, mitigate, and suppress bushfires and other fires in local government areas of the State. The Proposed lot 1 is located within a designated bush fire prone area and includes parcels of Vegetation Category 2 and 3. As no development is proposed, no further assessment is required.

8.3 Dungog Local Environment Plan 2014

The project is located on land zoned RU1 Primary Production under the Dungog LEP. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RU1 zone are to:

- *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 Development Application does not conflict with the objectives of the RU1 zone. Other sections of the Dungog LEP that apply to the project are addressed in Table 8.4.

Table 8.4 - Compliance with Dungog LEP

Provision	Comment	Compliance
5.10 Heritage conservation		
The objectives of this clause are as follows — a) to conserve the environmental heritage of Dungog, b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, c) to conserve archaeological sites, d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The Proposed lot 1 is not located in a heritage conservation area. The project will not impact upon known heritage items.	Compliant
5.21 Flood planning		
The objectives of this clause are as follows— a) to minimise the flood risk to life and property associated with the use of land, b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, c) to avoid adverse or cumulative impacts on flood behaviour and the environment, d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	The development application area is not mapped on the flood planning map (as shown on the ePlanning Spatial Viewer). The project is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.	Compliant

8.4 Dungog Council Development Control Plan

The Dungog DCP provides guidance on controls for various types of development. The DA aligns with the objectives of the DCP which are to ensure that there is no unreasonable interference with the comfort or use of adjoining land and no unreasonable impacts on the amenity of adjoining land users, the broader community or the travelling public.

The project will not conflict with local character, amenity, agricultural productivity and environmental values of the Dungog LGA, and is therefore in alignment with the Dungog DCP. Table 8.5 assess the relevant requirements of the Dungog DCP against the development.

Table 8.5 – Compliance with Dungog DCP

Provision	Comment	Compliance
PART C1 – Residential Development		
1.6 Property Access		
<i>“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>	Access to the proposed Lot is via existing access point along Mulconda Lane. No new access point is proposed under the DA.	Compliant
1.10 Bush fire prone land		
<i>“In the event that is identified as being bush fire prone the development must meet the requirements of Planning for Bush Fire Protection. A Bushfire Assessment must be provided by the applicant that complies with the requirements of Planning for Bushfire Protection.”</i>	The site is mapped bush fire hazard. A Bushfire Assessment has been completed, which concluded the DA complies with the requirements of Planning for Bushfire Protection. The Bushfire Assessment has been lodged as part of the DA application.	Compliant
PART C2 – Development in Rural Residential Zones		
Roads and road access	Existing access road off Mulconda Lane Provided. Site access is existing. There is an existing road entry point from Chichester Dam Road. All vehicle turning can be completed on site and vehicles can safely enter and leave the site. No driveway profiles are required due to the flat nature of the site.	
Pedestrian and cycle access	Pedestrian and cycle access possible on site.	Compliant
Existing pattern of land subdivision	Pattern of land subdivision consistent with neighboring land parcels and respects the natural topology and hydro lines within the existing lot. The proposed eastern boundary, allows adequate access along Mulconda Creek, ensures fencing is sighted outside of high-water line and does not result in the disturbance of any natural vegetation. The applicant during pre-DA engagement with Council enquired regarding the location of the eastern boundary of the proposed subdivision which was not raised as an issue.	Complaint
Need to protect habitat	The DA does not result in any direct impacts to native vegetation.	Complaint

Provision	Comment	Compliance
The need to protect the waterways	The DA does not result in any direct impacts to waterways.	Compliant
Flooding	The DA does not result in any adverse flooding impacts. Existing fence lines will largely be relied upon to provide a boundary, except for a new fence line required east of Mulconda Creek. This has been sighted above the highwater / flood area.	Compliant
The need to retain the rural character of the area and protect areas of high visual significance.	The DA will facilitate the ongoing use of the property for intensive agricultural purposes.	Compliant
PART C3 – Building Line Setbacks		
2.6 Summary of Building Line Setbacks	The DA provides numerous areas of land which would comply RU1 building line setbacks to support future property development.	Compliant

8.5 Dungog Rural Strategy

The Rural Strategy is intended to provide a basis for sustainable and desirable rural growth throughout the Dungog Shire, while retaining the area's original character. It provides a strategic approach to planning for rural development. The Rural Strategy examines local opportunities and constraints, within a shire wide context, and provides a basis for assessment of future rural development.

This DA is consistent with the aims of the Dungog Rural Strategy, noting it will facilitate the continued use of the land for intensive agricultural purposes with no impact to the areas original character.

9. Conclusion

This DA is for the subdivision of an existing agricultural holding into two Lots, to facilitate intergenerational primary production enterprise. This SoEE has been prepared in accordance with the provisions of the EP&A Act and the relevant requirements of the Dungog LEP, Dungog DCP, Dungog Rural Strategy and relevant policies. The only activity associated with this development application is the installation of a small portion of boundary fence line. Accordingly, there are no environmental impacts predicted associated with this DA.

The development application meets the objectives of the strategic and statutory planning frameworks.

Appendix 1

