



Statement of Environmental Effects

Vacy Village – Stage 5

Subdivision of land to create 19 rural residential lots and associated road, drainage and landscaping works on Proposed Lots 411 & 412 DP1323439 (PPN), 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 Vacy Village – Stage 5. This application will be for the subdivision of land to create 19 rural residential lots and associated road, drainage and landscaping works on **Lots 411 & 412 DP1323439 (PPN)**, 598 Gresford Road, Vacy (current parent lot prior to the Stage 4 Subdivision creation is Lot 123 DP 1063557).

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 19 rural residential lots and associated road, drainage and landscaping works on Lots 411 & 412 DP1323439 (PPN), 598 Gresford Road, Vacy (current parent lot prior to the Stage 4 Subdivision creation is Lot 123 DP 1063557).

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_02E – TP01 Revision G
Plans: Plan of Proposed Subdivision	
Consultant	Drawing Reference
Premise	P000385.04C.DP
Plans: Civil Concept Plans	
Consultant	Drawing Reference
IDC	24-107-DA-STG5 - C010-C700
Plans: Landscaping Plans	
Consultant	Drawing Reference
Conzept	LPDA25-05 - Sheets 1-8 Issue D
Report: Stormwater Options Assessment	
Consultant	Report Reference
IDC	24-107-DA-Stormwater Options Assessment
Report: Traffic	
Consultant	Report Reference
SCT	SCT_00618 Version 4.0
Report: Flora and Fauna Assessment	
Consultant	Drawing Reference
Lodge Environmental	LE2230
Report: Bushfire	
Consultant	Report Reference
Travers Bushfire and Ecology	CORN06INT – Stage 5 (V2)
Report: Vegetation Management Plan	
Consultant	Report Reference
Travers Bushfire and Ecology	CORN06INT - 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
Report: Flood Evacuation Response	
Consultant	Report Reference
IDC	24-107- Flood Evacuation Response

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



2.0 THE SITE AND LOCALITY

This section of the report describes the physical characteristics of the site, the adjoining development and character of the locality relevant to the preparation of a site analysis.

2.1 THE SITE

The site the subject of this DA is addressed as 598 Gresford Road, Vacy as indicated on **Figure 1**. It is located within Precinct A of the Vacy Local Area Plan. The legal description of the overall site is Lot 123/-/DP1063557. This parent site is currently the subject of a development application that will create the residue Lots 411 & Lot 412 DP1323439 (PPN) – which covers the zoned “large lot residential” lands of the parent lot on the southern side of Gresford Road. The proposed development site has a total area of 62.08Ha (Lot 411) and 21.96 Ha (Lot 412) and is located entirely on the southern side of Gresford Road – with the exception of proposed Lot 519, which will be located entirely on the south of Gresford Road. It adjoins similar large lot residential on Lennoxton Road to the West, Proposed Vacy Village Stage 4 to the northern (also large lot residential) to the East and transition lands to the East towards Paterson as indicated on **Figure 1** below. The site is situated fronting Gresford Road within the township of Vacy. It is located approximately 31km south-west from the Dungog Shire Council offices.

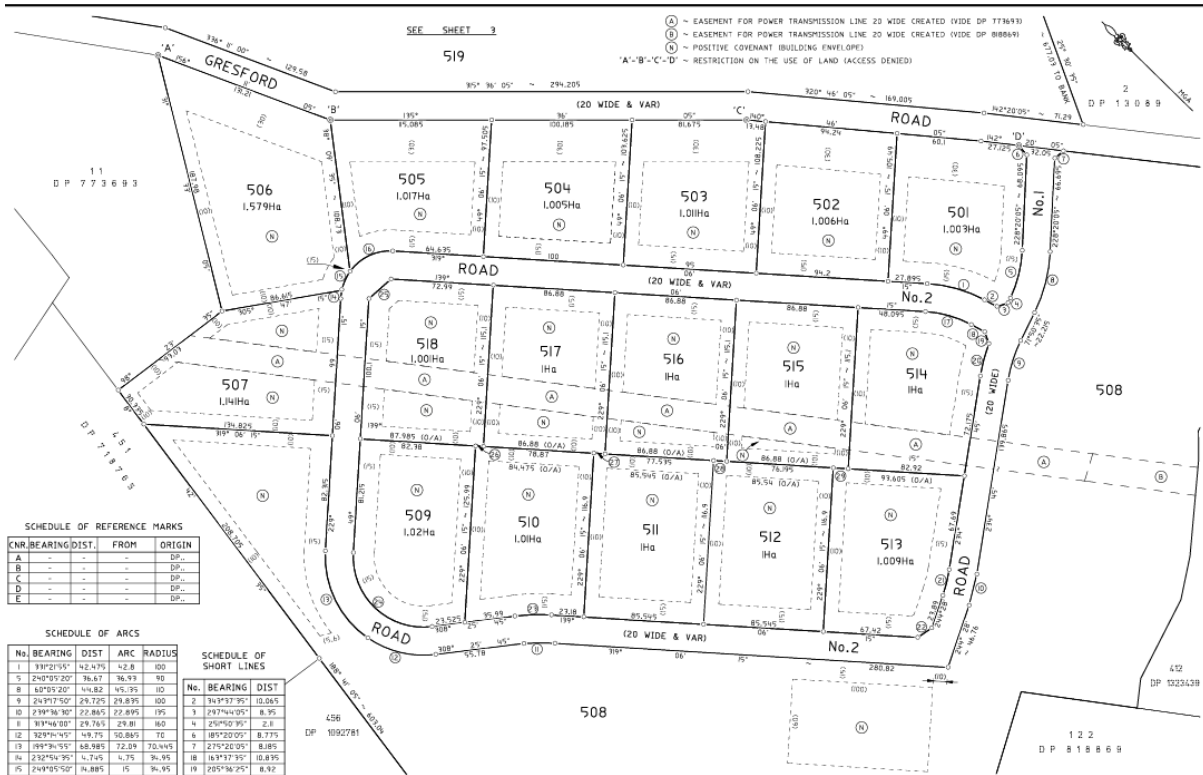


Source: Six Maps, accessed 15TH October 2025

Figure 1 Site location

Vacy Village – Stage 5 (The Site), is situated in the south parcel of the parent landholding (south of Gresford Road) and is the focus subject of this DA. An extract of the Plan of Proposed Subdivision is indicated on **Figure 2** below.





Source: Premise Australia, Plan of Proposed Subdivision, accessed March 2026
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 5 contains no improvements.
Access	Vehicle access to the site is currently available from Gresford Road to the North.
Topography	The site is gently slopes toward the North – generally towards Gresford Road.
Vegetation	Overall, mostly cleared land with small, scattered patches of vegetation in sparse clusters on the site and trees.
Biodiversity	The site is predominantly R5 (Lot 412) with 2 lots proposed in 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 some minor fourth order streams are located traversing the site towards Gresford Road.
Flooding	The development footprint of the site has a minor flood affectation from backwater from the Paterson River flood. All of the proposed building envelopes are situated above the flood planning level.
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 south and east of Cornish Group's Vacy Village Stages 1-3 development (immediately adjacent to the south of the current Stage 4 subject to assessment by Dungog Shire Council. The Site proposes a new road connection to Gresford Road in line with the Vacy Local Area Plan and is the remaining zoned large lot Rural Residential footprint in this vicinity of the current Vacy Local Area Plan. It is surrounded by:

- To the west – established large lot residential development precinct.
- To the south- native bushland from the parent lot that will remain so for perpetuity.
- To the east- existing transition lands and rural lands.
- To the north – Vacy Village Stage 4 and thence the Paterson River.

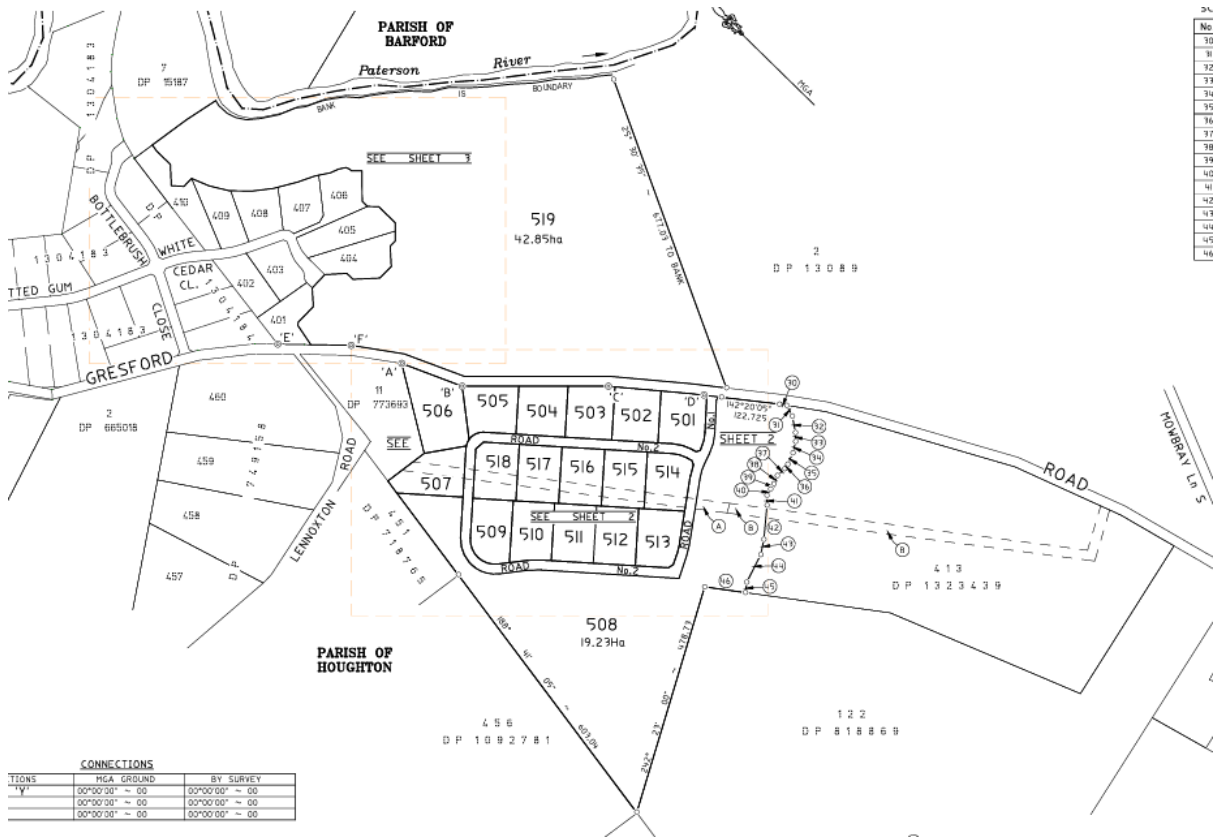


3.0 PROPOSED DEVELOPMENT

3.1 DEVELOPMENT DESCRIPTION

Development consent is sought for:

- Roadworks, associated earthworks, minor tree removal and civil works.
- Subdivision to create 19 rural residential lots – from the Stage 4 residue Lots 411 & 412 DP1323439 (PPN) being created under Vacy Village - Stage 4.



Source: Premise Australia, Plan of Proposed Subdivision (Lots 510-519), accessed March 2026
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 roadworks, drainage 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 a new intersection with Gresford Road and associated services and stormwater drainage. This intersection and new internal road 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
New Road	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 19 torrens title residential lots and is permissible under the large lot residential zoning.

A variety of lot sizes are proposed in Vacy Village – Stage 5, with lot sizes ranging between 10000m² and 42.85Ha. 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 exceptions to this are the proposed lots fronting Gresford Road - Lots 501-506. Given the siting of the said lots 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 and proposed Lot 401 DP1323439 (PPN). 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)
- Roads Act 1993 (RA 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
<p>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>	<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,	
In relation to the habitat of a threatened species or ecological community— <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*)
- Yellow-bellied Sheath-tailed-Bat (*Saccolaimus flaviventris*)
- Southern Myotis (*Myotis Macropus*)
- Brush-tailed Phascogale (*Phascogale tapoatafa*)
- Koala (*Phascolarctos cinereus*)
- Grey Headed Flying Fox (*Pteropus poliocephalus*)

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 - *“There were no threatened fauna species identified within the Subject Land. In general, the habitat potential of the Subject Land for specialist native species, such as the listed threatened species, is poor. This is primarily due to the isolated nature of the native vegetation and historical land use, which has degraded much of the Subject Land’s natural habitat value.”*

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.”

No referral or further investigation is deemed to be 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. A referral to the NSW RFS will be required for further consideration of bushfire under the RF ACT for the proposed subdivision.

4.4 ROADS ACT 1993 (‘RA ACT’)

The proposed site, that is subject of this Development Application (DA) proposes a new intersection from the site to Gresford Road – with Dungog Shire Council being the Road Authority as prescribed under the RA Act. The application has been accompanied by the proposed road, intersection and civil works detailed in the Civil Works Concept Plans at **Appendix B** and Traffic Impact Assessment Report at **Appendix C**. The application will be integrated with Dungog Shire Council being the agency.



4.5 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 1-4 development of Vacy Village by Cornish Group. No referral or further investigation is deemed to be required.

4.6 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;*
- *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 site is considered to be suitable for the proposed residential subdivision with respect to contamination.

No referral or further investigation is deemed to be required.

4.7 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	Minor road and drainage works will augment the degraded fourth order streams. The subject works coupled with the proposed sediment and erosion control measures will ensure the proposed development has a neutral impact to the heavily degraded environment.	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 two natural waterbodies – low order, heavily degraded streams. The distance from the top of bank coupled the sensitive design manages and integrates stormwater into these natural waterbodies. These 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 be required for the development.	Yes



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	The development does not include any new or existing points of public access	N/A



and the site of the development will be stable and safe	between the site and any natural waterbodies.	
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

A referral to the NSW DPE will be required for further consideration of and processing of a Controlled Activity Approval for the proposed subdivision.

4.8 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:



4.10 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. Some specific items of note in relation to the DLEP have been gone into further detail below:

4.10.1 - DLEP CLAUSE 5.21 - FLOOD PLANNING

(1) 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 has all of the proposed lots on R5 lands with all of the proposed building envelopes located above the Flood Planning level as defined by the DLEP. There is minor flood affection on Proposed Lot 505 – all of which is minor backwater from downstream and as note, is outside the proposed building envelope. Our Stormwater Management Strategy outlines that there are no adverse impacts and the cumulative impact of this minor development is negligible in the Paterson River flood planning event. All of the future residents will have safe occupation (above the flood planning level) and efficient flood evacuation in line with the remainder of Vacy Village.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affection of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Please refer to the above point. The lot layout proposed has been specifically designed to ensure this compliance.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*



- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Based on the information provided herein along with the Flood Evacuation Response document provided in **Appendix K**, it is understood that this planning submission gives Council satisfactory assurance that all of these matters have been satisfied and addressed to the letter.

4.10.2 - DLEP CLAUSE 6.2 - EARTHWORKS

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

As shown on sheet C130 of the submitted Engineering Concept Plans in the development application, the only proposed earthworks have been provided to facilitate the new roadworks and drainage associated with the subdivision.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

This Development Application has been lodged to satisfy this clause.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

There are no predicted or likely detrimental effects on the drainage patterns or soil stability. A level spreader has been proposed at the end of the drainage line prior to discharge to the downstream farm dam to ensure this is the case.

(b) the effect of the development on the likely future use or redevelopment of the land,

The engineering concept plans are detailed to ensure that the earthworks will have no detrimental impact on any future development.

(c) the quality of the fill or the soil to be excavated, or both,

The proposed earthworks is a balance of cut/fill on site and won primarily from the road area. It will be VENM plus the usual natural quarried road materials only used in the future roads.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

The proposed earthworks are deemed minor – with cut to fill and dam decommissioning. It will have negligible impact on the amenity of adjoining properties.



(e) the source of any fill material and the destination of any excavated material,

The proposed development will essentially involve a balance cut and fill – see Sheet C130 of the submitted Engineering Concept plans coupled with the dam de-commissioning. No excavated material is proposed to leave site.

(f) the likelihood of disturbing relics,

In a similar vein to the Stages 1-4 Vacy Village works the heritage due diligence deem it highly unlikely that the earthworks will disturb any relics. This aligns with our AHIMS due diligence for the Stages 1 – 4, where the nearest documented and reported AHIMS registered site is over 6km away.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The site is not within a drinking water catchment or sited anywhere near any environmentally sensitive areas. With the controls proposed as part of the development, there is not potential for any adverse impacts on waterways.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The concept plans and reports provided in this SoEE outline the measure proposed with the development to minimise and mitigate any adverse earthworks impacts.

4.10.3 – DLEP CLAUSE 6.4 - STORMWATER MANAGEMENT

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

(2) This clause applies to all land in residential, employment and mixed use zones.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

The proposed development is for large rural residential lots – minimum lot size is actually 1Ha. The nature of this type of development ensures that the urban footprint of each lot maximises water retention for domestic use and minimal impervious surfaces comparable to each individual lot area and also the surrounding surplus residue allotments.

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

The proposed development is for large rural residential lots from the new road network. These proposed lots will include (and be burdened with) the same 88B restrictions imposed on our adjoining Stages 1-4 development. This ensures that the on-site stormwater retention will take place for potable water and firefighting. No mains water will be required.



(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

There is no predicted or likely detrimental or adverse effects from the development stormwater runoff. Some of the state mapped hydrolines are proposed for re-assessment to align with the findings of the submitted Flora and Fauna Assessment in **Appendix G**. The redundant farm dams are proposed to be decommissioned and the discharge to Gresford Road managed through the current infrastructure and correct mapped hydrolines. All engineering measures to minimise/mitigate any impact have been provided to support the proposed development. This is supported by the Stormwater Options Assessment Report that accompanies this submission.

4.10.4 - DLEP CLAUSE 6.6 - RIPARIAN LAND AND WATERCOURSES

(1) The objective of this clause is to protect and maintain the following—

- (a) water quality within watercourses,*
- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic and riparian habitats,*
- (d) ecological processes within watercourses and riparian areas.*

(2) This clause applies to all of the following—

- (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map,*

The Flora and Fauna investigation provided in **Appendix G** documents the hydrolines (watercourses) identified during the detailed site investigation and analysis. The proposed civil works will trigger integration with the Department of Planning and Environment with the re-definition of these hydrolines required to aligned with the detailed findings of the site investigations.

(b) all land that is within 40 metres of the top of the bank of each watercourse identified as “Watercourse” on that map.

See the above-mentioned point.

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—

- (a) whether or not the development is likely to have any adverse impact on the following—*
 - (i) the water quality and flows within the watercourse,*

As outlined under Section 4.10.3 of this SoEE, the water quality and flows within the watercourse have been preserved through thoughtful engineering design. The flows join the water course and dissipated overland flow through the primary point of discharge - being the farm dam.

(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,

Please see the above point coupled with the findings of the flora and fauna assessment – that makes recommendations on minimisation of the development impact on the development environs.

(iii) the stability of the bed and banks of the watercourse,

The proposed development will have no adverse impact on the bed and bank stability.

(iv) the free passage of fish and other aquatic organisms within or along the watercourse,



The proposed stormwater management documented in this application ensures the stormwater joins the water course as dissipated overland flow. It will have negligible impact any aquatic organisms or fish passage from the status quo.

(v) any future rehabilitation of the watercourse and riparian areas, and

The application will work through the integration (Controlled Activity Approval) process to correctly define the impacted hydrolines. As such, any additional treatments will be subject to a unified and collaborative approach with the DPE to ensure that any required rehabilitation is documented and implemented.

(b) whether or not the development is likely to increase water extraction from the watercourse, and

The development will not increase water extraction from any watercourse.

(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

As outlined under Section 4.10.3 of this SoEE, the water quality/quantity through a thorough engineering design process. The Stormwater Options Assessment Report outlines the mechanisms employed to avoid, minimise and mitigate the impacts of Development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

See all the above points.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

See all the above points.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Not applicable.



4.11 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 1-4 developed by Cornish Group, Stage 5 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

The Stormwater Options Assessment Report outlines the mechanisms employed to avoid, minimise and mitigate the impacts of Development and appropriately manage sediment control.

Social and Economic

It is considered that future development will have a positive social impact by facilitating the works for the creation of additional housing in the Dungog Shire. The proposed development will have a positive economic impact through capital investment in the locality and employment generation from the addition of 18 residential dwellings to Dungog and the associated 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 Vacy Village – Stage 5. This application seeks the subdivision of land to create 19 rural residential lots and associated road, drainage and landscaping works on Lots 411 & 412 DP1323439 (PPN), 598 Gresford Road, Vacy (current parent lot prior to the Stage 4 Subdivision creation is Lot 123 DP 1063557). 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.

