

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED ONE INTO FIVE LOT TORRENS
TITLE SUBDIVISION**

**206 FOTHERINGAY ROAD, CLARENCE TOWN
NSW, 2321
(LOT 111, DP1002308)**

Perception Planning PO Box 107 Clarence Town, NSW, 2321		Phone: 0437 195 264 Email: admin@perceptionplanning.com.au		
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Prepared for (client)		Martin Allbut		
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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Martin Allbut (the client) to prepare a Statement of Environmental Effects (SEE) for a proposed one into five lot Torrens title subdivision at 206 Fotheringay Road, Clarence Town NSW 2321 (LOT 111/ DP1002308) (**'the site'**).

The characteristics of the development include:

- One into five lot Torrens title subdivision
- Civil works and landscaping
- Existing dwelling and ancillary structures to be retained within proposed Lot 3

The land, the subject of this development application measures approximately 4.028 ha in size. The site is zoned R5: Large Lot Residential under the Dungog Local Environmental Plan 2014 (the LEP) and is located on the outskirts of the township of Clarence Town, within the Dungog Shire Council Local Government Area (LGA). The property has frontage to Fotheringay Road and contains an existing residential dwelling and ancillary structures.

As a result of the subdivision, the following allotments will be created:

- Proposed Lot 1 – R5 zoned land of area 8,030m².
- Proposed Lot 2 – R5 zoned land of area 8,020m².
- Proposed Lot 3 – R5 zoned land of area 8,169.8m² and retains the existing dwelling and ancillary structures.
- Proposed Lot 4 – R5 zoned land of area 8,062.5m².
- Proposed Lot 5 – R5 zoned land of area 8,003.3m².

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

- The proposed subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing additional developable lots which provide suitable building envelopes to meet the housing needs of the growing community population.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure potential environmental issues have been suitably managed or mitigated where possible to allow the proposed development to be approved by the Consent Authority.

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

TERMS AND ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Table 1 - Attachments

Attachment	Document	Prepared by	Reference
1	Certificate of Title	NSW Lands Registry Service	Ref: 111/1002308 Rev: 6 Dated: 24/11/2025
2	Deposited Plan	NSW Lands Registry Service	Ref: DP1002308 Dated: 06/07/1999
3	AHIMs Search Results	AHIMs	Ref: J005355 Dated: 21/04/2026
4	BYDA Search Results	BYDA	Ref: J005355 Dated: 22/04/2026
5	Plan of Subdivision	Samuel.T.North	Ref: 1332-DP-DRAFT Dated: 01/04/2026
6	Onsite Wastewater Management Report	Whitehead & Associates	Ref: 4105_WMR_001 Rev: 001 Dated: 08/05/2026
7	Civil Engineering Plans	DRB Consulting Engineers	Ref: 265622 Rev: A Dated: 12/06/2026
8	Bushfire Assessment Report	Newcastle Bushfire Consulting	Rev: 1 Dated: 08/05/2026
9	Landscape Plan	Green Space Planning	Ref: 250571-1 Rev: A Dated: 18/06/2026
10	Preliminary Aboriginal Cultural Due Diligence Assessment	East Coast Heritage & Archaeology	Dated: 14/05/2026
11	Preliminary Site Investigation	DRB Consulting Engineers	Ref: 265622 Dated: 11/05/2026
12	Hunter Water Stamped Plans	Hunter Water Corporation	Ref: 201205 Dated: 25/05/2026
13	Cost Estimate Report	Perception Planning	Ref: J005355 Dated: 05/06/2026
14	Site Waste Management Plan	Perception Planning	Ref: J005355 Dated: 05/06/2026
15	Owners Consent	Owners	Dated: 19/06/2026

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1 BACKGROUND

1.1 PURPOSE

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

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address	206 Fotheringay Road, Clarence Town NSW 2321
Lot and DP	LOT 206 DP1002308
Current Use	Large lot residential (single dwelling)
Zoning	R5: Large Lot Residential
Size	Total Area 4.028 ha
Site Constraints	• Drinking Water Catchment Special Area - Williams • Bushfire prone land – vegetation buffer, vegetation category 1, vegetation category 3 • Minimum lot size – 8,000m²
Owner	Owners consent has been provided as ATTACHMENT 15 .
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development. An existing easement for right of carriageway 20m wide is in force along the Southern boundary. The Certificate of Title and Deposited Plan are provided as ATTACHMENT 1 and ATTACHMENT 2.

1.3 SITE DESCRIPTION

The site is located at 206 Fotheringay Road, Clarence Town NSW 2321 (**'the site'**) (**Figure 1**). The site is located between on the outskirts of Clarence Town within the Dungog Local Government Area (LGA).

Direct vehicular access is available from Fotheringay Road and an existing right of carriageway 'F' along the southern boundary.

The site can be described as regular in shape and has a total area of 4.028 ha. Site topography is gently sloped with a gradual fall to northern boundary.

The site currently contains an existing dwelling and ancillary sheds which is provided access to right of carriageway 'F'.

The site is bound by:

- North – R5 properties
- South - Right of carriageway 'F' with R5 properties beyond
- East - Fotheringay Road with R5 properties beyond
- West – R5 property (serviced by RoC 'F') with C3 zoned bushland beyond

The site is connected to existing electricity infrastructure and does not have available connection to water or sewer services.

Tank water supply and a septic system currently service the existing dwelling.

Vegetation across the site generally consists of remnant vegetation, managed grassland, and remnant paddock trees. The subject site has been predominantly cleared and was historically and is currently used as grazing land. The property is currently maintained as a small agricultural holding.

The site contains a second order stream and two small dams.



Figure 1 - Locality Map (Source: NSW Planning Portal Spatial Viewer, 2026)



Figure 2 – Zoning Map (Source: NSW Planning Portal Spatial Viewer, 2026)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The subject site currently contains a dwelling house and ancillary structures.

The Dungog Council Development Application Tracker website identifies no recent development applications relating to the site.

No known compliance issues are known to affect the site.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent for a proposed one into five lot Torrens title subdivision at 206 Fotheringay Road, Clarence Town NSW 2321 (LOT 111/ DP1002308) (**'the site'**).

The characteristics of the development include:

- One into five lot Torrens title subdivision
- Civil works and landscaping
- Existing dwelling and ancillary structures to be retained within proposed Lot 3

The land, the subject of this development application measures approximately 4.028 ha in size. The site is zoned R5: Large Lot Residential under the Dungog Local Environmental Plan 2014 (the LEP) and is located on the outskirts of the township of Clarence Town, within the Dungog Shire Council Local Government Area (LGA). The property has frontage to Fotheringay Road and contains an existing residential dwelling and ancillary structures.

As a result of the subdivision, the following allotments will be created:

- Proposed Lot 1 – R5 zoned land of area 8,030m².
- Proposed Lot 2 – R5 zoned land of area 8,020m².
- Proposed Lot 3 – R5 zoned land of area 8,169.8m² and retains the existing dwelling and ancillary structures.
- Proposed Lot 4 – R5 zoned land of area 8,062.5m².
- Proposed Lot 5 – R5 zoned land of area 8,003.3m².

This development is enabled through the Dungog Local Environment Plan 2014 and the Dungog Development Control Plan. **Figures 3-4** and **ATTACHMENT 5** show the proposed Plan of Subdivision.

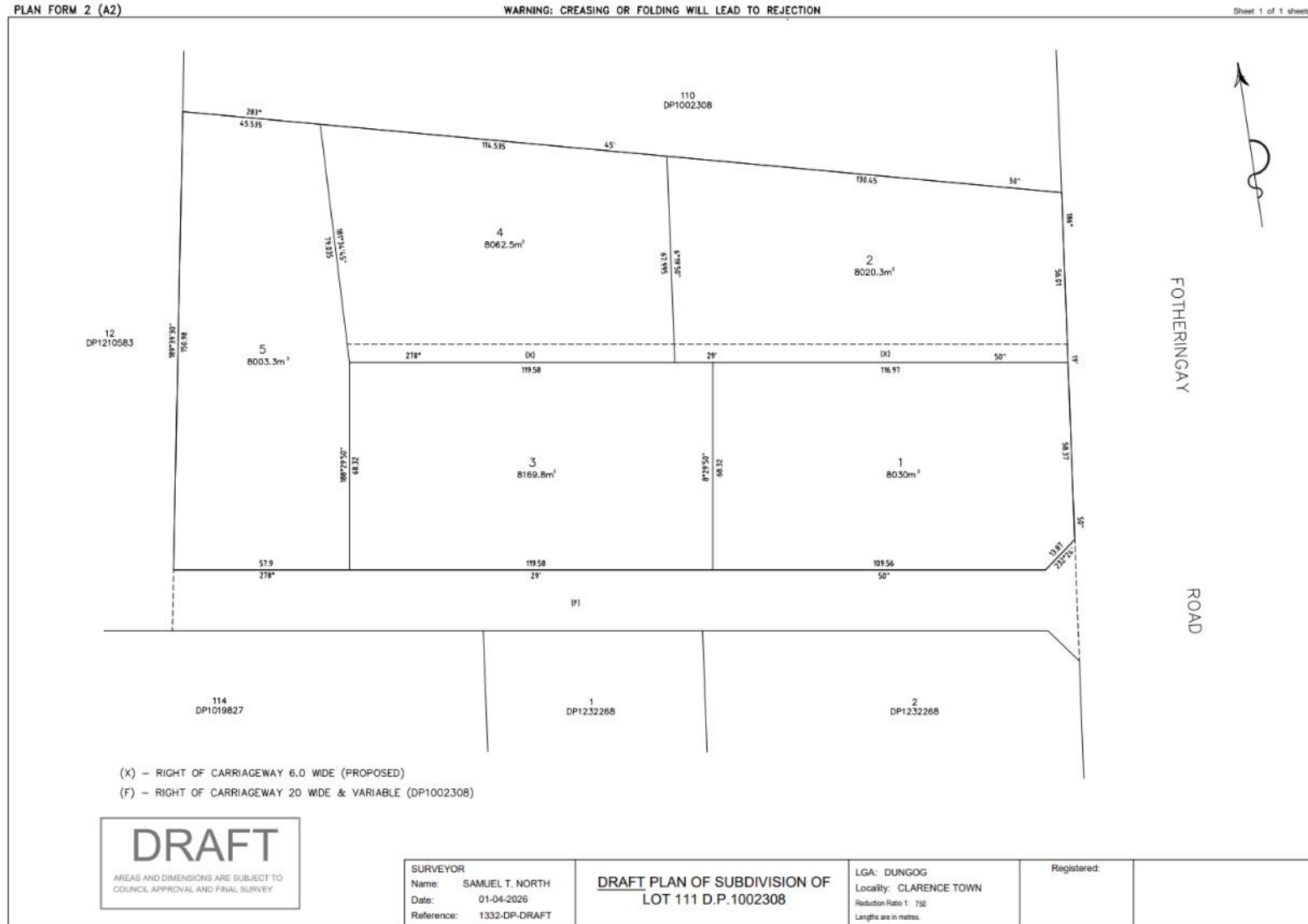


Figure 3 – Proposed Plan of Subdivision (Source: Samuel.T.North, 2026)



Figure 4 - Proposed Plan of Subdivision Aerial Overlay (Source: Samuel.T.North, 2026)

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

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

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Table 2 - Integrated Development

Integrated development	Proposed Development	
Fisheries Management Act 1994	▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219	N/A
Heritage Act 1977	▪ s 58	N/A
Coal Mine Subsidence Compensation Act 2017	▪ s 22	N/A – The site is not identified as being a mine subsidence affected area.
Mining Act 1992	▪ s 63, 64	N/A
National Parks & Wildlife Act 1974 (as amended)	▪ s 90	No – An AHIMs Search conducted on 21 April 2026 with a 200m buffer recorded no Aboriginal

		sites in or near the subject site. The results of this search are contained in ATTACHMENT 3 .
Protection of the Environment Operations Act 1997	▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122	N/A
Roads Act 1993	▪ s 138	N/A
Rural Fires Act 1997	▪ s 100B	Yes – The site is identified as bushfire prone land, thus requires referral to the NSW RFS as the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes. A Bushfire Assessment Report has been prepared as ATTACHMENT 8.
Water Management Act 2000	▪ N/A	Yes – There is a watercourse mapped on the site, and works are proposed to be within 40m of this (about 33m for civil works). As such, referral to NRAR is required.

3.1.2 HUNTER WATER ACT 1991 (HW ACT)

As per **Figure 5** below, the subject site is located within the Williams River Drinking Water Catchment.



Figure 5 - Williams River Drinking Water Catchment (Source: NSW Planning Portal Spatial Viewer, 2026)

To this effect, a referral to HW is required under Section 51 of the HW Act.

Hunter Water Stamped Plans are provided as **ATTACHMENT 12**.

3.1.3 WATER MANAGEMENT ACT 2000

The site contains a second order stream, as shown below at **Figure 6**. As such, referral to NRAR will be required, due to the civil works that are proposed to be within 40m of the stream.



Figure 6 - Stream order map (Source: NSW Government, 2026)

3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Applicants are to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting a development application to the consent authority.

The proposed development does not involve the removal of native vegetation nor does the site contain the mapped presence of biodiversity values mapped land; accordingly, this does not exceed the biodiversity area threshold. Further consideration of the BC Act is not required.

3.1.5 RURAL FIRES ACT 1997

As per **Figure 7** below, the site is identified as bushfire prone land, thus requires referral to the NSW RFS as the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes.



Figure 7 – Bushfire Prone Land (Source: NSW Planning Portal Spatial Viewer, 2026)

A Bushfire Assessment Report has been prepared as **ATTACHMENT 8**.

The report concludes that the proposed development offers compliance with Planning for Bush Fire Protection (2019) and makes the below recommendations:

- 1. There is potential for a future dwelling that will be BAL-29 or lower in accordance with AS3959 (2018) Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and the additional construction requirements of Planning for Bush Fire Protection (2019) Section 7.5.2. Specific assessment should be made for the future building based on legislation current at time of approval.*
- 2. At the commencement of building works, the property where not affected by a mapped waterway or current forest is recommended to be managed as an inner protection area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.*
- 3. It is recommended that an easement be burdened on the land, allowing neighbouring property owners to maintain grass until future dwelling construction occurs.*
- 4. Water, electricity and gas are to comply with Section 5 of Planning for Bush Fire Protection (2019). Water Services*

- a. A 10,000 litre static water supply with firefighting fittings is required.*
- 5. The property access shall comply with Section 5.3b of Planning for Bush Fire Protection (2019) excepting the below conditions:*
- a. a single property exit for a subdivision involving more than 3 properties*
- b. the requirement that all roads are through roads.*
- c. a dead-end road exceeding 200 metres.*
- d. a development comprising more than three dwellings has access by dedication of a road and not by right of way.*
- 6. Landscaping is to be undertaken in accordance with Planning for Bush Fire Protection (2019) Appendix 4 and managed and maintained in perpetuity.*
- 7. It is recommended that the property owner or building users familiarise themselves with the relevant bushfire preparation and survival information provided by the NSW RFS.*
- 8. The existing dwelling shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 millimetres. Where applicable, this includes any subfloor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders*

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All SEPPs have been considered in the preparation of this SEE. An assessment of the applicable SEPPs is provided below, including:

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

3.2.1 SEPP (BIODIVERSITY & CONSERVATION) 2021

Chapter 4 – Koala Habitat Protection 2021

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

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

3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Section 4.6 legislates that a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development or alternatively determine that the land would be suitable once remediated.

A Preliminary Site Investigation has been provided as **ATTACHMENT 11**, concluding that based on the available information, the site is assessed to present a low risk of contamination, with no evidence of significant contaminating activities that would preclude the proposed subdivision.

Accordingly, the site is considered potentially suitable for the proposed residential subdivision, and no additional contamination investigation is considered warranted to support the proposed development.

The proposed development will involve no physical works by which the public could be exposed to any potential contamination, of which there is unlikely to be any given the historic uses of the site.

Further assessment against Chapter 4 is not required, and the land is considered suitable for the proposed development.

3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

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

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

Section 2.48 – Determination of development applications – Other development

Penetration of the ground within 2m of underground electrical infrastructure or an electricity distribution pole triggers referral the electricity supply authority pursuant to Section 2.48(1)(a). While overhead power lines and poles are located along Fotheringay Road, it is

understood that referral to the Electricity Supply Authority is not likely to be triggered for the proposed development.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

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

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

As per **Figure 8** below, Fotheringay Road is identified as a local public road dedicated to Dungog Shire Council.



Figure 8 – Road Network Classifications (Source: TfNSW, 2026)

As such, referral to Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.118, 2.119 and 2.121.

Section 2.122 – Traffic Generating Development

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

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

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

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

The site is zoned R5 Large Lot Residential under the Dungog LEP 2014. The objectives of the R5 zone are as follows, with an appropriate response on the satisfaction of these objectives by the proposed development;

- *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.*

The development seeks to maintain the existing natural resources of the site without impacting on the ecological and aesthetic values of the land.

The proposed subdivision aims to retain the existing structures on proposed Lot 3, whilst also providing four additional R5 lots of compliant minimum lot size for the construction of future dwellings to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties or the public domain. The proposed development will not change or alter the natural land and current vegetation, as the site will continue to be used for its environmental management and rural-residential purpose.

The proposed lots allow for future development that will not impact the rural and scenic amenity.

The subject site is not located in the vicinity of any known intensive agriculture or similar farming operation that may have noise or odour implications on the amenity of the proposed or existing lot.

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

- **Clause 2.6 – Subdivision**

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

- **Clause 4.1 – Minimum Lot Size**

As per **Figure 9** below, the site is prescribed with a minimum lot size of 8,000m².



Figure 9 – Minimum Lot Size Map (Source: NSW Planning Portal Spatial Viewer, 2026)

The proposal includes the creation of five lots with the following compliant areas:

- Proposed Lot 1 – R5 zoned land of area 8,030m².
- Proposed Lot 2 – R5 zoned land of area 8,020m².
- Proposed Lot 3 – R5 zoned land of area 8,169.8m² and retains the existing dwelling and ancillary structures.
- Proposed Lot 4 – R5 zoned land of area 8,062.5m².
- Proposed Lot 5 – R5 zoned land of area 8,003.3m².

Accordingly, the proposed lot sizes meet the minimum lot size.

To this extent, the objective of Clause 4.1 has been met.

- **Clause 4.3 – Height of Buildings**

The site is not prescribed with a maximum building height.

- **Clause 4.4 – Floor Space Ratio**

The site is not prescribed with a maximum floor space ratio.

- **Clause 5.10 – Heritage conservation**

An AHIMS Search conducted on 21 April 2026 with a 200m buffer recorded no Aboriginal sites in or near the subject site. The result of this search is contained in **ATTACHMENT 3**.

A Preliminary Aboriginal Cultural Due Diligence Assessment is provided as **ATTACHMENT 10**, concluding that no Aboriginal objects or cultural heritage features were identified, and no intact land surfaces were observed.

The likelihood of encountering intact Aboriginal archaeological material within the proposed works footprint is considered low.

Given the disturbance of land in the area, it is unlikely that the development will disturb any Aboriginal objects or relics. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

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

The nearest heritage site or item is located at 221 Fotheringay Road (Lot 3, DP 1221980), known as “Homestead, “Fotheringay” as shown in **Figure 10** below.



Figure 10 – Heritage Map (Source: NSW Planning Portal Spatial Viewer, 2026)

No physical works (including future development on each proposed lot) nor element of the development will encroach on or impact this heritage item.

In this regard, the proposed development is consistent with the requirements of clause 5.10.

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

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

The proposed development is considered to satisfy the objectives and requirements of Clause 5.16, as it will not result in land use conflict or compromise any surrounding rural land uses.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU3 Forestry,*
- (d) Zone RU4 Primary Production Small Lots,*
- (e) Zone RU6 Transition,*
- (f) Zone R5 Large Lot Residential,*
- (g) Zone C2 Environmental Conservation,*
- (h) Zone C3 Environmental Management,*
- (i) Zone C4 Environmental Living*

(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,*

The locality is characterised by a mix of rural residential development and agricultural land uses, with a number of established dwelling houses. The proposed subdivision and intent for future low density housing development is consistent with this established pattern of 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,

The proposed development is not expected to result in any significant impact on existing or preferred land uses in the locality.

The predominant and preferred land use of the locality is large lot residential (R5 zone) consisting of single residences on large lots.

As the proposed subdivision will create lots that retain this rural character, it is not considered to adversely affect the surrounding land uses.

(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

The proposed development is compatible with the surrounding rural-residential context.

The creation of additional large lots for future dwellings is compatible with the context of the area and will retain its rural character.

(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

The proposed subdivision, including access arrangements, stormwater management, landscaping, and provision for future dwellings has been designed to integrate seamlessly into the existing rural-residential locality.

- **Clause 5.21 - Flood Planning**

The subject site is not identified as being located within the Flood Planning Area.

Therefore, this clause does not apply to the subject site.

- **Clause 6.1 - Acid Sulfate Soils**

The objective of Clause 6.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. As per **Figure 11** below, the site is not identified to contain any Acid Sulfate Soils.



Figure 11 – Acid Sulfate Soils Map (Source: NSW Planning Portal Spatial Viewer, 2026)

The proposed development does not require works more than 2m below natural ground level or works that are likely to lower the water table by more than 2m below the natural ground surface.

- **Clause 6.2 – Earthworks**

The application does not propose significant earthworks on the site.

Any material that is proposed to be imported or exported from the subject site will consist of Virgin Excavated Natural Materials (VENM), Excavated Natural Materials (ENM) or other certified material. Accordingly, the development complies with the requirements of this clause.

- **Clause 6.4 – Stormwater Management**

This application is accompanied by Civil Engineering Plans (**ATTACHMENT 7**) demonstrating that the proposed subdivision not to result in any negative impacts on the land, water, or vegetation on the site or its surroundings.

Proposed Lots 1,2,4, and 5 will each provide a bioretention basin to accommodate stormwater overflow from future dwellings on each lot.

The existing residence on proposed Lot 3 will retain its existing stormwater management arrangement.

- **Clause 6.5 – Drinking water catchments**

The objective of this clause is to protect drinking water catchments (DWC) by minimising the adverse impacts of development on the quality and quantity of water entering drink water storages.

The subject site is located within the Williams River Drinking Water Catchment (**Figure 12**).

The site contains a second order stream as per **Figure 6**. As such, referral to NRAR will be required, due to the civil works that are proposed to be within 40m of the stream.



Figure 12 - Williams River Drinking Water Catchment (Source: NSW Planning Portal Spatial Viewer, 2026)

This application is accompanied by Civil Engineering Plans (**ATTACHMENT 7**), demonstrating that no impact on the DWC is associated with the proposed development and the requirements of this clause have been met.

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

The site contains a second order stream as per **Figure 6**. As such, referral to NRAR will be required, due to the civil works that are proposed to be within 40m of the stream.

The proposed subdivision will not adversely impact the watercourse or the drinking water catchment.

Wastewater management of any future dwellings has been considered within the requirements of the Development Assessment Framework (DAF) as per the Onsite Wastewater Management Report provided as **ATTACHMENT 6**.

- **Clause 6.8 – Essential Services**

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

- a) Potable water will continue to be supplied to the existing dwelling via onsite rainwater tanks. Any future dwellings on the proposed additional lots will be connected to rainwater tanks. Connection to a reticulated water supply is not available to the site.
- b) Electricity services will be made available to the site as part of the subdivision. This will be addressed during the preparation of the subdivision certificate.
- c) The connection of telecommunications services is not proposed as part of this application, in line with Council's endorsed policy.
- a) The disposal and management of sewage for the existing dwelling will continue to be via the existing onsite sewerage management system. With regard to on-site waste management, please refer to the Onsite Wastewater Management Report provided as **ATTACHMENT 6**. In summary, each of the proposed allotments have a minimum 4000m² of usable land for effluent dispersal. The usable land areas meet the setbacks identified within Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'.
- b) Stormwater impacts have been assessed within the Civil Engineering Plans provided as **ATTACHMENT 7**. The surrounding properties nor the drinking water catchment will not be affected with no adverse impact on receiving environments or adjoining properties attributable to the proposal.
- c) Access for each lot will be provided as follows:
 - Lot 1 – Fotheringay Rd via proposed right of carriageway 'X'
 - Lot 2 – Fotheringay Rd via proposed right of carriageway 'X'
 - Lot 3 – Existing right of carriageway 'F'
 - Lot 4 – Fotheringay Rd via proposed right of carriageway 'X'
 - Lot 5 - Fotheringay Rd via proposed right of carriageway 'X'

The Before You Dig Australia (BYDA) search results are provided at **ATTACHMENT 4**.

- **Clause 6.10 – Williams River Catchment**

The objective of this clause is to protect and improve the environmental quality of the Williams River Catchment. As the subject site falls within this catchment, the requirements of Clause 6.10 apply. Development consent must not be granted to development on land which this clause applies unless the consent authority has considered whether the development promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, promotes the protection and improvement of the environmental quality of the Williams River Catchment, will have any significant adverse

impacts on water quality within the Williams River Catchment, and is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.

The subject site is located within the Williams River Drinking Water Catchment (**Figure 13**).

The site contains a second order stream as per **Figure 6**. As such, referral to NRAR will be required, due to the civil works that are proposed to be within 40m of the stream.



Figure 13 - Williams River Drinking Water Catchment (Source: NSW Planning Portal Spatial Viewer, 2026)

This application is accompanied by Civil Engineering Plans (**ATTACHMENT 7**) demonstrating that the proposed subdivision will not result in any negative impacts on the land, water, or vegetation on the site or its surroundings. A continuation of the rural residential land use will occur as a result of the proposed development.

To this effect, the development is consistent with the requirements of clause 6.10.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP 2014 is provided in the Table of Compliance provided within **Table 3** below. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

Table 3 - DCP Compliance Assessment - Dungog DCP 2014

Section	Requirement	Proposed	Complies
Part A – Administration			
	This Part relates to development application requirements	The proposed development application will be submitted to Council consistent with those requirements.	Yes
Part B – Exempt and Complying Development			
	This Part relates to exempt and complying development.	The proposed development does not meet the development standards for complying development.	N/A
C1 Residential Development			
1.2 Building Height Plane	Building height planes in residential zones shall comply with an envelope that extends vertically from natural ground level at 1.8m and projected from that point 45 degrees to the centre of the lot, the height plane at any point inside the envelope shall not exceed 9m above the natural ground level.	No buildings are proposed by the development.	N/A
1.3 Setbacks	As the site is zoned R5, the required setbacks for the development are as follows: • Front setback: 70m from a main road, 30m from any other public road, 15m from new roads within the subdivision.	The proposed subdivision layout and lot dimensions facilitates the placement of future dwellings in order to achieve compliant building line setbacks.	Yes

Section	Requirement	Proposed	Complies
	•On land zoned R5, side setbacks are required as following; - 30m from unclassified road - 10m from property boundaries On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.		
1.4 Water Supply	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.	The site is not serviced by Hunter Water, as such the existing dwelling relies on rainwater tanks. Future development on the additional proposed lots will rely on rainwater tanks for potable water supply. No connection to reticulated water is proposed by this application.	Yes
1.5 Sewerage	Where the land is not serviced by reticulated sewer, the development is to be serviced by an approved onsite 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.	The site is not serviced by Hunter Water. An Onsite Wastewater Management Report is provided within ATTACHMENT 6. In summary, each of the proposed allotments have a minimum 4000m² of usable land for effluent dispersal. The usable land areas meet the setbacks identified within Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'.	Yes
1.6 Property Access	Access to residential properties is to also include a vehicular footpath crossing between the edge of bitumen and property boundary (with pavement thickness minimum 150mm and bitumen sealed 3m wide including turnouts).	Suitable access for each lot will be provided as follows: • Lot 1 – Fotheringay Rd via proposed right of carriageway 'X' • Lot 2 – Fotheringay Rd via proposed right of carriageway 'X'	Yes

Section	Requirement	Proposed	Complies
		• Lot 3 – Existing right of carriageway 'F' • Lot 4 – Fotheringay Rd via proposed right of carriageway 'X' • Lot 5 - Fotheringay Rd via proposed right of carriageway 'X' All new access crossovers will comply with requirements.	
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.	An application for new rural address numbering can be made prior to SC as required.	Yes
1.8 Energy Efficiency	Energy efficient buildings should be designed to maximise the solar access of the property. Buildings should have living areas facing north and bedrooms facing south, provide cross flow ventilation in all directions by placing windows in suitable locations, concrete slabs placed directly on the ground and internal masonry walls with direct sunlight provide thermal mass for heating qualities.	These controls apply to residential building works.	N/A
1.9 Building Compliance	All building work is to meet compliance with the Building Code of Australia, and the associated standards adopted by the BCA.	This control applies to building works.	N/A

Section	Requirement	Proposed	Complies
1.10 Bushfire Prone Land	In the event that is identified as being bush fire prone the development must meet the requirements of Planning for Bush Fire Protection.	The site is identified as bushfire prone land, thus requires referral to the NSW RFS as the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes. A Bushfire Assessment Report has been prepared as ATTACHMENT 8 .	Yes
1.11 Ancillary Development (Studios)	Council may consider an application to construct a studio on rural property where it can be demonstrated that the studio is required by the owner of the land to carry out a particular activity that cannot be carried out by its nature within the residential house	This control applies to studios.	N/A
1.12 Residential Garages	Within the Residential 2(a) and Village 2(v) zone the enclosed floor area of a detached garage shall be a maximum of 4 bays	These controls apply to residential garages.	N/A
C3 Building Line Setbacks			
2.3.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living	* 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. On land zoned R5* or E4*, the minimum setback from the front property boundary shall be:- 1) 70m from a main road; and 2) 30m from any other public road; or	Fotheringay Rd is not classified as a main road. The proposed subdivision layout and lot dimensions facilitates the placement of future buildings in order to achieve compliant building line setbacks as required. The existing dwelling to be retained within proposed Lot 3 will continue to have compliant setbacks.	Yes

Section	Requirement	Proposed	Complies
	3) 15m from new roads within the subdivision.		
2.4.2 Side and Rear Setbacks	On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.	Fotheringay Rd is not classified as a main road. The proposed subdivision layout and lot dimensions facilitates the placement of future buildings in order to achieve compliant building line setbacks as required. The existing dwelling to be retained within proposed Lot 3 will continue to have compliant setbacks.	Yes
C5 Bushfire			
C.5 Bushfire	Development proposals requiring a BSA under section 100B of the Rural Fires Act 1997 are classed as “integrated development” and will require referral to the RFS.	The site is identified as bushfire prone land, thus requires referral to the NSW RFS as the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes. A Bushfire Assessment Report has been prepared as ATTACHMENT 8.	Yes
C15 Contaminated Land			
15.4 Control Requirements	Council shall ensure that all development in Dungog Shire is carried out having regard to the requirements of the Dungog Shire Council Contaminated Land Policy, along with all supporting guides and documents that may from time to time exist to guide the management of contaminated land.	A Preliminary Site Investigation has been provided as ATTACHMENT 11. The proposed development will involve no physical works by which the public could be exposed to any	Yes

Section	Requirement	Proposed	Complies
		potential contamination, of which there is unlikely to be any given the historic uses of the site.	
C16 Biodiversity <i>The proposed development does not involve the removal of native vegetation nor does the site contain the mapped presence of biodiversity values mapped land; accordingly, this does not exceed the biodiversity area threshold.</i> <i>The proposal will not directly impact any native vegetation and will not impact the area of biodiversity values land associated with the Williams River. Impacts attributable to the establishment of building envelopes, APZ, and access points do not exceed the biodiversity impacts threshold.</i>			
C17 Heritage <i>A search of the Aboriginal Heritage Information Services (AHIMS) database 21 April 2026 did not identify the subject site as containing any Aboriginal sites or places, as shown in ATTACHMENT 3. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</i> <i>The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.</i> <i>The nearest heritage site or item is located at 221 Fotheringay Road (Lot 3, DP 1221980), known as “Homestead, “Fotheringay”.</i> <i>No physical works (including future development on each proposed lot) nor element of the development will encroach on or impact this heritage item.</i>			
C18 Water Efficiency <i>This application is accompanied by Civil Engineering Plans (ATTACHMENT 7) demonstrating that the proposed subdivision not to result in any negative impacts on the land, water, or vegetation on the site or its surroundings.</i>			

Section	Requirement	Proposed	Complies
<i>Proposed Lots 1,2,4, and 5 will each provide a bioretention basin to accommodate stormwater overflow from future dwellings on each lot.</i> <i>The existing residence on propsoed Lot 3 will retain its existing stormwater management arrangement.</i>			
C23 Onsite Sewerage Management			
23.3 Requirements	Development consent will not be granted by Council unless adequate arrangements have been made for the disposal and management of sewage. 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 Manuel for On-site Sewage Management Systems.	The site is not serviced by Hunter Water. An Onsite Wastewater Management Report is provided within ATTACHMENT 6. In summary, each of the proposed allotments have a minimum 4000m² of usable land for effluent dispersal. The usable land areas meet the setbacks identified within Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'.	Yes
C24 Site Waste Minimisation and Management			
24.10 Site Waste Minimisation and	A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during: • demolition • construction	A Site Waste Minimisation and Management Plan is provided as ATTACHMENT 14 .	Yes

Section	Requirement	Proposed	Complies
Management Plans	- ongoing use of the site/premises. In doing so, the SWMMP nominates: - volume and type of waste and recyclables to be generated - storage and treatment of waste and recyclables on site - disposal of residual waste and recyclables - operational procedures for ongoing waste management once the development is complete. The SWMMP highlights the method of recycling or disposal and the waste management service provider.		

4 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development is consistent with the established large lot residential nature of the lots and is characteristic of other developments in both the local and wider community. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Suitable access for each lot will be provided as follows:

- Lot 1 – Fotheringay Rd via proposed right of carriageway 'X'
- Lot 2 – Fotheringay Rd via proposed right of carriageway 'X'
- Lot 3 – Existing right of carriageway 'F'
- Lot 4 – Fotheringay Rd via proposed right of carriageway 'X'
- Lot 5 - Fotheringay Rd via proposed right of carriageway 'X'

Any additional traffic from the proposed subdivision will be minor in nature and will not result in a detrimental impact to the existing street network.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development will provide infrastructure and public domain improvements in accordance with the Dungog Local Infrastructure Contributions Plan.

4.1.4 SERVICES

Electricity, telephone, and physical, legal and emergency services are available to the site.

Water and sewer services are not available for connection, as such; existing and future development on each lot will be provided with onsite wastewater management and rainwater tanks.

The proposed subdivision will not unreasonably increase demand of these services.

4.1.5 NOISE AND VIBRATION

No potential for noise or vibration impacts has been identified. Construction noise will be as per normal construction times & processes and will cease once construction is completed.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

The proposal will not directly impact any native vegetation and will not impact the area of biodiversity values land associated with the Williams River. Impacts attributable to the establishment of building envelopes, APZ, and access points do not exceed the biodiversity impacts threshold.

4.2.2 LANDSCAPING

A Landscape Plan is provided as **ATTACHMENT 9**.

Feature entry tree planting at the front of the site is proposed to create a sense of place. *Backhousia myrtifolia* has been chosen for its impressive floral display and suitability to the local conditions.

Proposed tree planting along new internal road will consist of locally native species *Angophora floribunda*. Large species have been chosen to assist in visually mitigating future dwellings within the site. Trees will be staggered along the access to emulate surrounding rural character and will be spaced to provide sufficient gap between canopies in accordance with bushfire protection requirements.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database 21 April 2026 did not identify the subject site as containing any Aboriginal sites or places, as shown in **ATTACHMENT 3**. Should any Aboriginal objects be uncovered during works, all works will cease in that location, and contact shall be made with the appropriate person.

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

The nearest heritage site or item is located at 221 Fotheringay Road (Lot 3, DP 1221980), known as “Homestead, “Fotheringay” as shown in **Figure 14** below.



Figure 14 – Heritage Map (Source: NSW Planning Portal Spatial Viewer, 2026)

No physical works (including future development on each proposed lot) nor element of the development will encroach on or impact this heritage item.

4.2.3 STORMWATER

This application is accompanied by Civil Engineering Plans (**ATTACHMENT 7**) demonstrating that the proposed subdivision not to result in any negative impacts on the land, water, or vegetation on the site or its surroundings.

Proposed Lots 1,2,4, and 5 will each provide a bioretention basin to accommodate stormwater overflow from future dwellings on each lot.

The existing residence on proposed Lot 3 will retain its existing stormwater management arrangement.

4.3 SOCIAL AND ECONOMIC

Social

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

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

The proposed development is for a subdivision with minimal social impacts. The additional lots proposed will be serviced by suitable facilities and services without burdening the existing supply available within the area. The proposed development provides positive economic and social impacts by providing opportunity for additional residential development in the area to support the growing population and housing market.

The proposed development:

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

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

Economic

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

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

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

5 SUITABILITY OF THE SITE

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

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

To this extent, the site is suitable for development.

6 ANY SUBMISSIONS AND CONSULTATION

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

7 PUBLIC INTEREST

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

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature and appropriateness of the development in conjunction with each lot. Cumulative impacts are positive in that the subdivision will ensure that the site can be utilized to its full potential and creates three additional lots assessed to be suitable for the construction of a future dwelling whilst ensuring the impacts on the site and the surrounding area are minimal in nature.

To this extent, the site is suitable for development.

8 CONCLUSION

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

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

- The proposed subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing additional developable lots which provide suitable building envelopes to meet the housing needs of the growing community population.

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

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



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2321
Phone: 0437 195 267
Email: admin@perceptionplanning.com.au