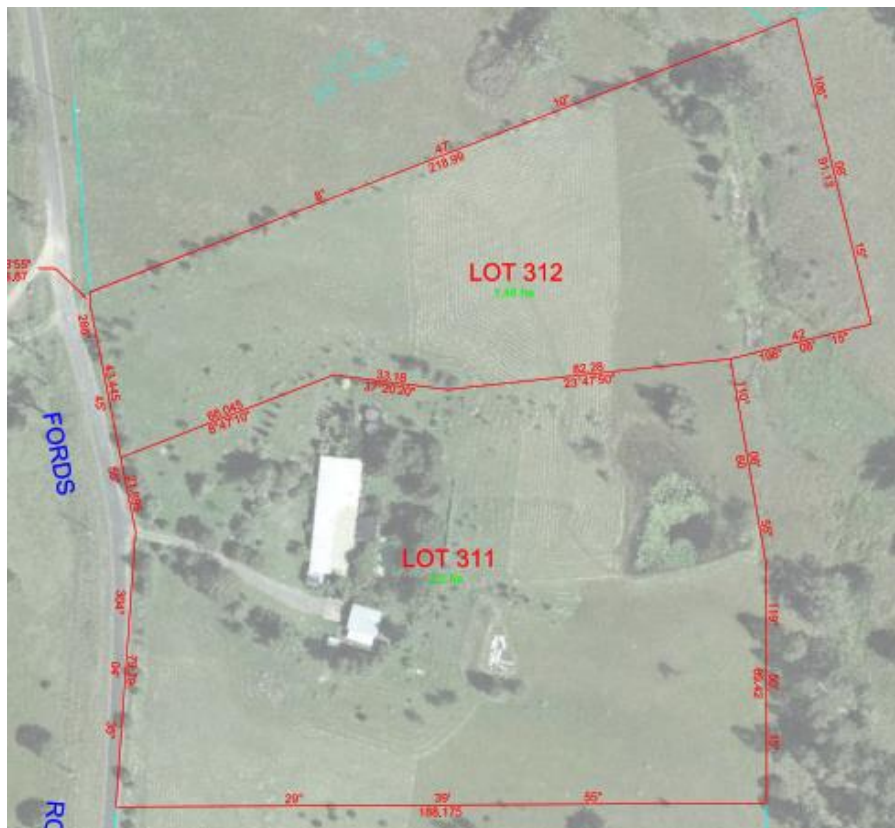




LE MOTTEE GROUP

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT

Pty Limited ABN 38 136 535 156



PROPOSED SUBDIVISION

STATEMENT OF ENVIRONMENTAL EFFECTS

LOT 31 DP 1277655

29 FORDS ROAD, CLARENCE TOWN

OUR REF: 6701

This report was prepared by Liam Davis from Le Mottee Group Pty Ltd (LMG).

LMG Ref: 6701

Date: 22 November 2021

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1. INTRODUCTION

1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Kevin and Pamela Greenhalgh to prepare Plans and a Statement of Environmental Effects to accompany a Development Application (DA) to Dungog Shire Council (DSC) for a two (2) Lot subdivision at 29 Fords Road, Clarence Town.

The proposed development is minor in nature and is of minimal environmental impact.

This Statement of Environmental Effects (SoEE) provides details about the site and proposed development as well as making an assessment of the proposed development pursuant to the relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

1.2 OVERVIEW

The proposed development subject to this report and DA is the subdivision of **Lot 31 DP 1277655** into two (2) large residential allotments.

As a result of the proposed subdivision, proposed Lot 311 shall support the existing dwelling and proposed Lot 312 will be a vacant lot suitable for a future dwelling.

This report considers the proposed development against the controls of the Dungog Local Environmental Plan (LEP) & Development Control Plan (DCP). Pursuant to the Dungog LEP (2014) the proposed subdivision is permitted with consent in the current R5 Large Lot Residential zone and the proposed Lots meet the required minimum lot size of 8000m².

The subdivision makes logical use of the site and there is nothing in the Dungog LEP or DCP that prohibits the development.

1.3 SCOPE AND STRUCTURE OF THE REPORT

The remainder of the report is structured as follows:

- **Section 2** – Site Description
- **Section 3** – Proposed Development

- **Section 4** – Planning Provisions
- **Section 5** – Conclusion

1.4 SUPPORTING DOCUMENTS

The following documents are provided as Annexures to this report:

- **Annexure A** – Plan of Proposed Subdivision
- **Annexure B** – HWC Stamped Plan; and
- **Annexure C** – Geotechnical Assessment.

2. SITE DESCRIPTION

The following section identifies the subject land, existing development on site and the surrounding development.

2.1 LOCALITY

The subject land is located in Clarence Town, within the Dungog LGA.

Clarence Town is situated approximately 21km South of Dungog and approximately 20km North of Raymond Terrace. The location of the subject land is shown below in Figure 1.

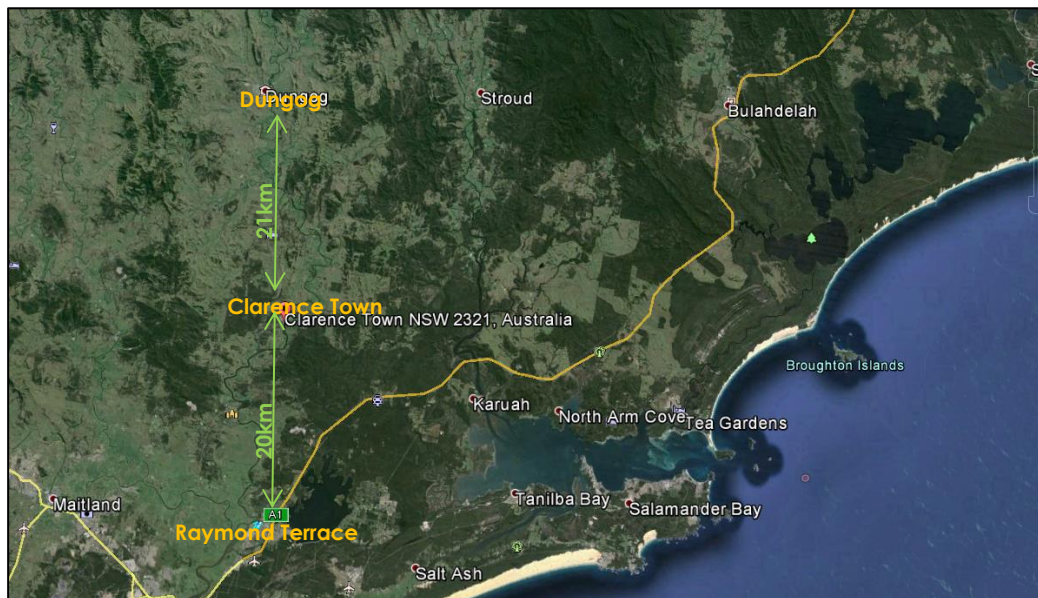


Figure 1: Location of the subject land (Source: NSW Six Map).

2.2 SUBJECT LAND

The subject land is located at 29 Fords Road, Clarence Town and is formally identified as **Lot 31 DP 1277655**. For the purpose of this report Lot 31 shall be referred to as 'the site'.

The site has an area of 3.665 ha with a gentle fall from south to north. Access to the site is from Fords Road.



Figure 2: The site (Source: NSW Six Map).

2.3 EXISTING DEVELOPMENT

The site supports an existing dwelling, pool and ancillary sheds. All of the existing development will remain, with the dwelling and associated structures to be located on proposed Lot 311.

2.4 SURROUNDING DEVELOPMENT

Development in the surrounding area includes other similar large residential allotments mixed with small rural properties. The proposed lots are in keeping with existing development in the immediate area.

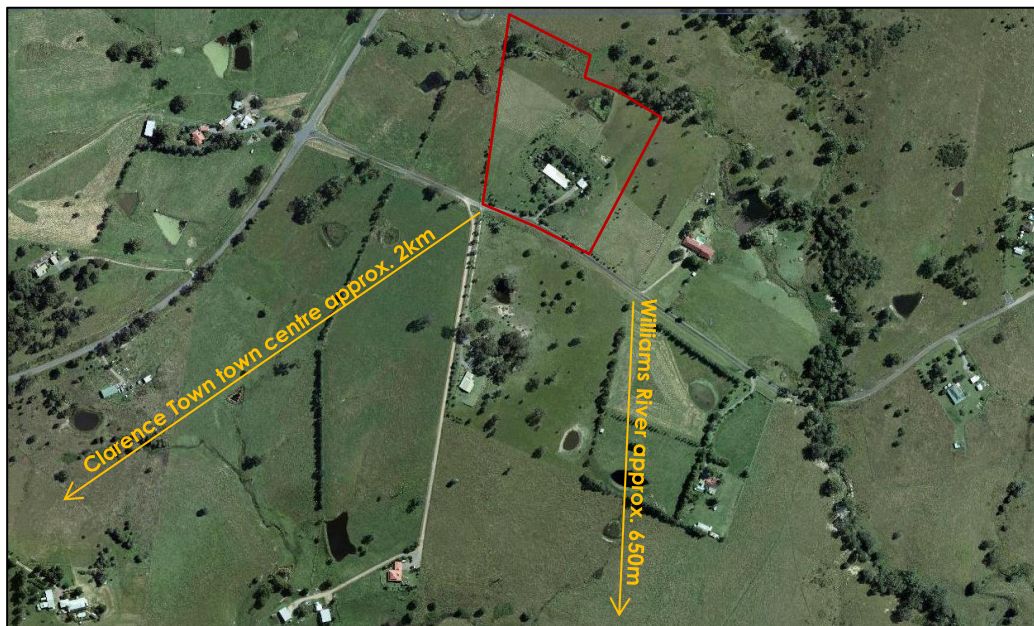


Figure 3: the site and surrounding land (Source: NSW Six Map).

The site is located close to local services and amenities with the Clarence Town village approximately 2km south-west of the site. The Williams River is also located approximately 650m south from the front of the property (on the opposite side of Fords Road).

The location is ideal for large residential lots like those proposed.

3. PROPOSED DEVELOPMENT

3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the site into two (2) large residential allotments.

3.1.1 DEVELOPMENT DETAILS

The proposed subdivision will create two (2) Lots as outlined below:

- **Lot 311:** shall have an area of 2.2 ha and will support the existing dwelling, pool and sheds. The dwelling has an existing on-site wastewater system and transpiration area that will be wholly contained within Lot 311.
- **Lot 312:** shall have an area of 1.46 ha. This lot contains no existing structures and is suitable for future residential development.

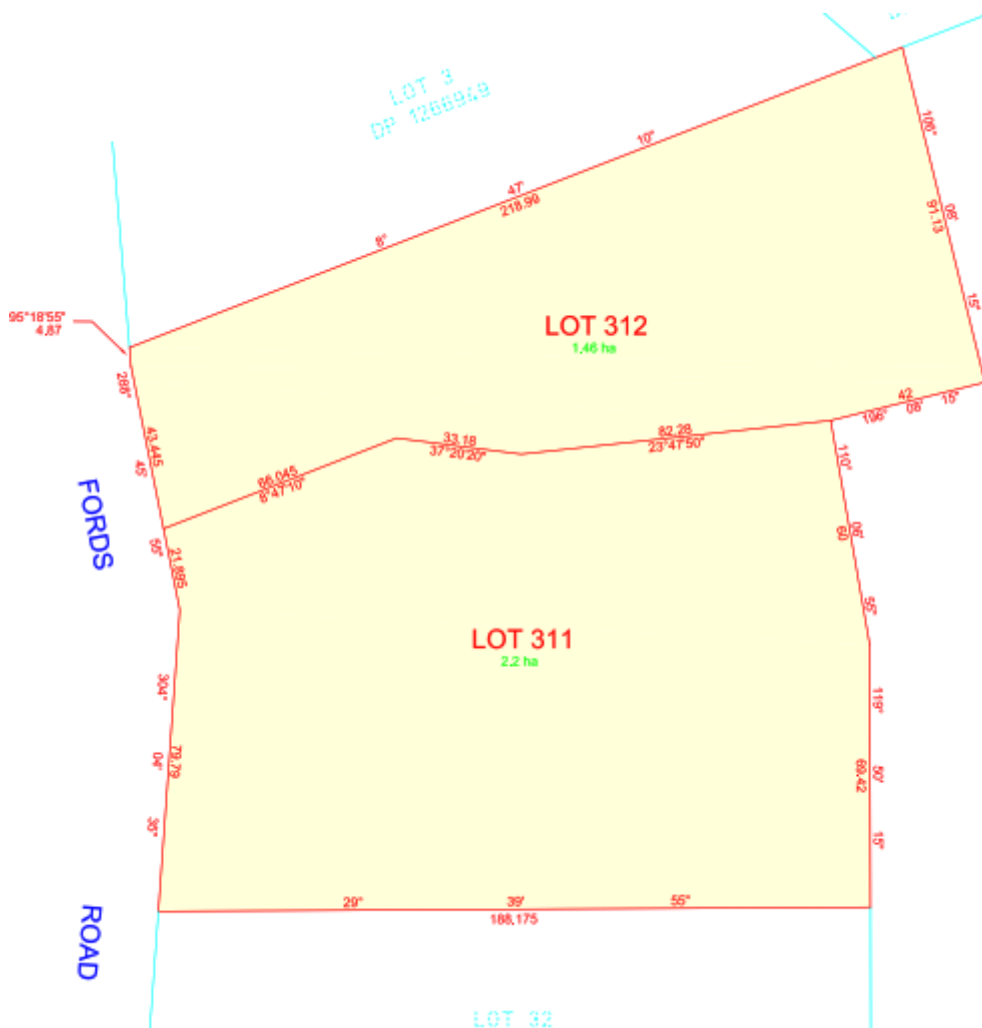


Figure 4: extract from plan of proposed subdivision.

4. PLANNING PROVISIONS

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.15 of the Environmental Planning and Assessment Act, 1979 provides the matters that must be considered in the assessment of any development application.

Section 4.15 of The Environmental Planning and Assessment Act, 1979, as amended, states the following:

‘(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.’

The matters of relevance for this application are dealt with in the following sections of this Statement.

4.2 DUNGOG LOCAL ENVIRONMENTAL PLAN, 2014

4.2.1 EXISTING ZONING

Under the *Dungog Local Environmental Plan (LEP) 2014*, the subject site is zoned **R5 Large Lot Residential**. A copy of the land zoning map extract is included as *Figure 5*.

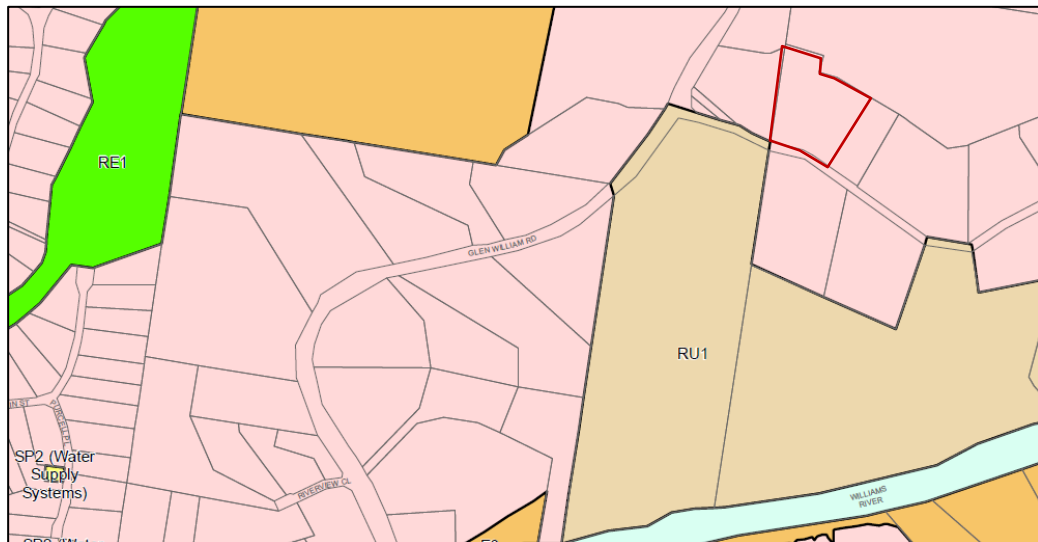


Figure 5: Dungog LEP 2014 land zoning map extract.

ZONE OBJECTIVES:

The objectives of the zone are:

- 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 proposed subdivision will provide further large residential allotments in close proximity to the town center of Clarence Town.

CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

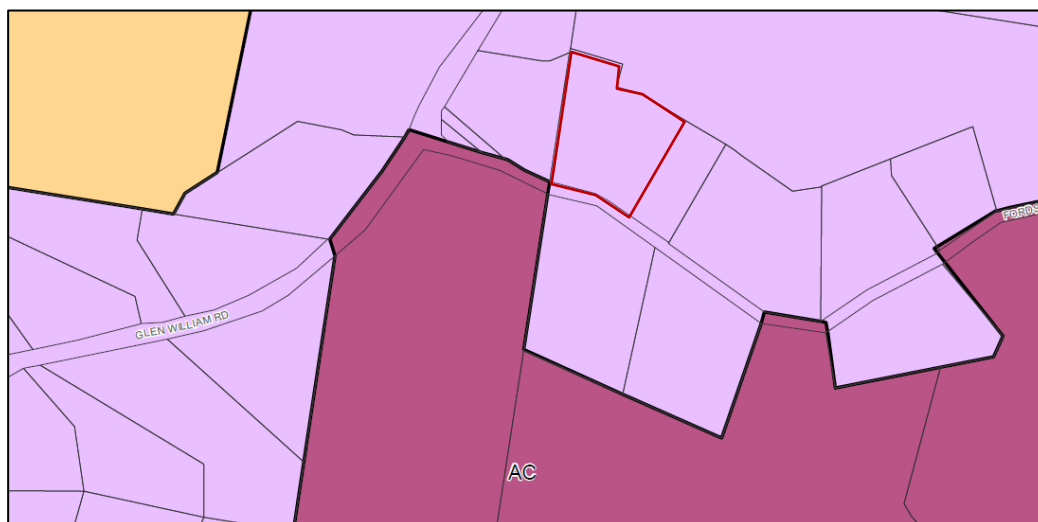


Figure 6: Dungog LEP 2014 land zoning map extract (x=8000m²).

(1) The objectives of this clause are as follows:

- (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,*
- (d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural features and retain special features such as trees and views,*
- (e) to protect and enhance waterways by restricting the creation of new riparian rights through subdivision so as to prevent increased direct access onto rivers.*

The proposed subdivision is in keeping with the objectives of Clause 4.1, providing large residential lots capable of supporting future development without impacting on waterways and the surrounding environment.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

The site is identified on the Lot Size Map as having a minimum lot size of 8000m² and will require development consent, therefore this Clause applies.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The proposed subdivision will subdivide the site into two (2) lots greater than the minimum 8000m² lot size:

- Lot 311 – 2.2ha
- Lot 312 – 1.46ha

Therefore, the proposed subdivision complies with this Clause.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

The proposed subdivision is Torrens title.

CLAUSE 6.5 – DRINKING WATER CATCHMENTS

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

This application is for the subdivision of the site only, no structures are proposed with this application. Therefore, the quantity and quality of water leaving the site will not change as a result of this DA.

(2) This clause applies to land identified as "Drinking water catchment" on the Drinking Water Catchment Map.

The site is mapped by Dungog Council as being located within the Williams River Catchment.

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

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:

(i) the distance between the development and any waterway that feeds into the drinking water storage,

(ii) the on-site use, storage and disposal of any chemicals on the land,

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

The site is located approximately 650m north of the Williams River. This development application is for subdivision only, no structures or dwellings are proposed with this DA and any future dwellings or structures will require further development consent. As a result of this there will be no increase to the quantity of stormwater leaving the site.

A geotechnical report has been prepared by RCA Australia to demonstrate the feasibility of a future On-Site Sewerage Management System (OSSM) over proposed Lot 312. The following controls have been included within the report, and any future installation of an OSSM shall be in accordance with the findings and specifications outlined in this report:

- *Conservatively sizing of the land application area (LAA) using monthly water balance and annual nutrient balance calculations.*
- *The location of the LAA is to be limited to slopes in southern portion of the site at a suitable distance away from the existing watercourse / farm dam.*
- *Application of approximately 0.5kg/m² of lime over the base of the LAA to ameliorate existing poor soil conditions. The lime should be mixed into the existing soil profile / fill material using ripping tynes prior to and during the placement of topsoil fill.*
- *Installation of an upslope bund to divert all run-on stormwater to area downslope of the LAA.*
- *Filling of the LAA with a good quality site won / imported topsoil fill (clean sandy loam / clay loam) to raise the level of the LAA.*
 - o *Some suitable fill material may be won onsite by selectively stockpiling topsoil (the upper ~0.2-0.3m of soil) stripped from the footprint of any proposed buildings (this material is typically considered unsuitable to be left in place below slabs).*
 - o *An average imported thickness of 0.5m is recommended over the LAA to achieve a minimum overall soil depth of 0.7m (0.6m from the bottom of the irrigation line to the limiting layer). Fill material should be battered at 1V:3H at the edges for long term stability.*

It is considered that proposed Lot 312 shall be able to provide sufficient usable area for the treatment, storage and disposal of waste water and solid waste generated by future residential development. The full Wastewater Management Report has been provided as Annexure C.

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

Any future development (dwelling/structure) will be required to mitigate any additional run off from the 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 impact on water quality and flows, or

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

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

This development application is for subdivision only. No dwellings or structures are proposed with this DA, therefore the quantity and quality of water leaving the site will not change.

Any future structures on proposed Lots 311 & 312 will require a further development application.

CLAUSE 6.10 – WILLIAMS RIVER CATCHMENT

(1) The objective of this clause is to protect and improve the environmental quality of the Williams River Catchment.

Is noted.

(2) This clause applies to land identified as “Williams River Catchment Area” on the Williams River Catchment Map.

The site is identified by Dungog Council mapping as being located within the ‘Williams River Catchment Area’.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:

(a) promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, and

(b) promotes the protection and improvement of the environmental quality of the Williams River Catchment, and

(c) will have any significant adverse impacts on water quality within the Williams River Catchment, and

(d) is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.

This development application is for subdivision only. No dwellings or structures are proposed with this DA, therefore the quantity and quality of water leaving the site will not change.

Any future structures on proposed Lots 311 & 312 will require a further development application.

PERMISSIBILITY:

Under the provisions of the Dungog Local Environmental Plan (2014), the site has a current zoning of R5 Large Lot Residential. The proposed subdivision meets the required minimum lot size for both lots and is permitted with consent under the current zoning.

There is nothing in the Dungog LEP 2014 that prohibits the proposed development.

4.3 DUNGOG DEVELOPMENT CONTROL PLAN

4.3.1 LOCAL AREA PLAN – CLARENCE TOWN:

Existing Pattern of Subdivision

Desired Outcomes

- No further fragmentation and adhoc subdivision of land.

The proposed subdivision will not fragment rural land and shall create two (2) large residential allotments in keeping with the character of the area.

- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Clarence Town village.

The proposed subdivision will subdivide Lot 31 DP 1277655 into two (2) large residential allotments. The site is located approximately 2km from the Clarence Town village within a rural residential area. The proposed lot sizes are in keeping with the Dungog LEP and the existing character of the area.

- Co-ordinated approach which results in masterplans that demonstrate staged subdivision and land release and avoid sterilisation of adjoining properties.

The proposed subdivision will subdivide Lot 31 into two (2) large residential allotments. As such a master plan is not warranted in this instance.

- Create the opportunity for the development of an integrated community, not a series of separate enclaves.

The proposed subdivision will create one additional lot within an area that supports a number of large residential lots as well as other land capable of being further subdivided.

- To create a strong network of pedestrian, cycle and open space links within subdivisions, to adjoining subdivisions and between the new subdivisions and Clarence Town village.

The proposed subdivision will subdivide the site into two (2) large residential allotments. The site is located in a rural area and Fords Road is already constructed to the standard typical of the area. As such the road frontage is in keeping with the existing local road network.

Habitat Protection

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.

The site does not support any identified rare or endangered species.

- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.

The proposed subdivision will not create remote 'islands' of habitat.

- Protection of watercourses and the vegetation along these watercourses.

There are no dwellings or other structures proposed with this application and the subdivision of Lot 31 will have no impact on local waterways.

Bushfire

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

The site is not mapped as bushfire prone land.

Waterways – River Foreshores

Desired Outcomes

- Protection of riparian vegetation.

There are no dwellings or other structures proposed with this application. The subdivision of Lot 31 will have no impact on local waterways.

- Maintenance of water quality and water flow.

There are no dwellings or other structures proposed with this application. The subdivision of Lot 31 will have no impact of the local waterways.

- Providing public or community access to the river foreshore areas.

The site is not located along the river foreshore.

- Minimising the impact of flooding on people and property.

No part of the site is identified as flood prone land.

Visual Impact

Desired Outcomes

- Retention of the rural character and setting of Clarence Town.

The site is noted within the Clarence Town LAP as being suitable for subdivision. The proposed subdivision will create two (2) large residential lots and will have little impact on the existing rural character and setting of Clarence Town.

- Retention of areas of high scenic value, including Mill Hills, the Williams River flats and the rural vistas on the access roads into Clarence Town.

The site is not within an area considered to have a high scenic value.

- Minimise visual impact of rural residential development from the main routes through Clarence Town. New development will be appropriately sited with landscaped buffers to these main routes.

No dwellings or structures are proposed with this application.

- (Through landscaping, establish entry statements (eg corridor of trees) to the village along the main access roads)

Establish entry statements to the village to create a sense of arrival to a destination point. Such effects could be established through landscaping (eg. tree lined streets)

This control is not applicable in this instance.

Future Growth of Clarence Town

Desired Outcome

- Land bank to be identified to accommodate future growth of Clarence Town

The site is included within the J2 planning area of the Clarence Town LAP and is identified as being highly suitable for further subdivision. The proposed subdivision will create two (2) lots. Proposed Lot 311 shall support the existing dwelling and proposed Lot 312 shall be capable of supporting a future dwelling.

Issues & Performance Criteria

Issue:	Planning Considerations /Performance Criteria	Comment:
Access to Collector Roads – Glen William Road	<ul style="list-style-type: none"> No additional private driveway or right of way access to Glen William Road. Any additional access to be provided by properly formed and sited road intersections. A series of un-connected cul-de-sac roads to provide access to each development area is also not desirable and will not be approved. 	<p>The proposed subdivision will create one (1) additional lot with direct access to Fords Road.</p> <p>No access is required from Glen Williams Road and no further roads will be created.</p>
Visual Impact from Glen William Road. The Glen William Valley, in particular the hills and ridge lines and the river flats, has been identified by the Clarence Town community as having high scenic value.	<ul style="list-style-type: none"> Development not to occur on the hill and ridge line in the northern part of Area J2. View shed from the Glen William Road and areas of high scenic value to be identified and protected. Development within these areas to have no or minimal impact. 	<p>The site is not located within the hill and ridgeline areas of the J2 Planning area or within an area identified as having high scenic value.</p>
River frontage	<ul style="list-style-type: none"> The river foreshore area cannot be further subdivided to create riverfront lots or provide additional riparian rights. 	<p>The site is not located along the river foreshore.</p>

5. CONCLUSION

The proposed development subject to this development application is the subdivision of the subject land into two (2) lots. As a result of the proposed subdivision, Lot 312 will be a vacant lot suitable for future residential development and Lot 311 shall support the existing dwelling.

The development is permitted with consent under the provisions of the Dungog Council Local Environmental Plan, 2014. The proposed development makes logical and sensible use of the site, as well as being of minimal environmental impact.

This statement sets out the primary matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act and is accompanied by a number of attachments dealing with specific issues related to the site.

Given that there are no matters which justify refusal of the application, we respectfully request that Council provide a favourable determination.

Annexure A

Plan of Proposed Subdivision

Le Mottee Group

Annexure B

Stamped Plans
Hunter Water Corporation

Annexure C

Geotechnical Assessment

Le Mottee Group