
Statement of Environmental Effects

1-into-3 Lot Subdivision



24 Horns Crossing Road
Vacy NSW 2421

Date: December 2024 Reference: 24029

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Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany the Development Application (DA) for the 1-into-3 Lot Subdivision at 24 Horns Crossing Road, Vacy NSW 2421. The aim of this SEE is to assist Council with the assessment of the DA by outlining the following matters:

- The site background and context;
- Details of the proposed development;
- The environmental impacts of the proposed development, and how these have been identified;
- How environmental impacts have been mitigated or minimised;
- Council development controls;
- Any other relevant matters as set out in the relevant legislation.

Applicant

Alva Planning has been authorised to lodge this Development Application to Council with the consent of the landowner, TJ and AJ Pty Ltd.

Site Details

Property Address	24 Horns Crossing Road, Vacy NSW 2421
Lot/Section/Deposit Plan	Lot: 2, Sec: -, DP: 710263
Zone	R5 – Large Lot Residential
Property Size	23,395m ²
Property Constraints	Bushfire Prone Land
Consent Authority	Dungog Shire Council



The site is located at 24 Horns Crossing Road, Vacy NSW 2421. There is a single-storey dwelling currently situated on the site with an Ancillary Awning and Sheds. The site is of a generally regular shape with no significant native vegetation existing on the site which is proposed to be removed as part of the development.

The site is surrounded by other residential accommodation and is a predominantly single dwellings with ancillary structures. Surrounding allotments are a mixtures of sizes, most commonly around 8,000m² in size.

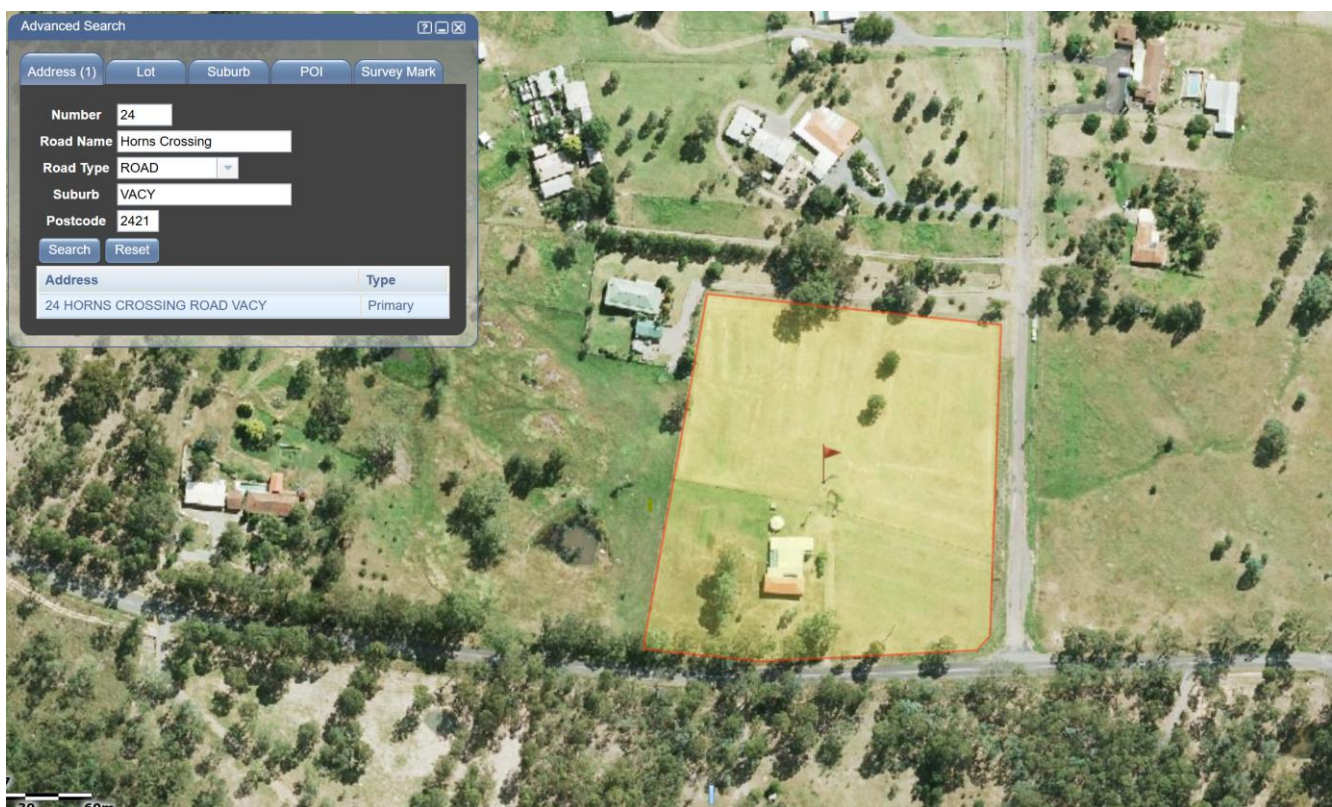


Figure 1: Site Location (SixMaps, December 2024)

Past and Current Use

The site is currently being used for residential accommodation, in the way of a dwelling house. After review of Dungog Shire Council's DA Tracker, it is not evident that other recent applications or approvals have been lodged or granted on the site.

Approvals Sought

The application seeks development consent for the 1-into-3 Lot Subdivision of the existing allotment in accordance with Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Consultation

The proposal has been reviewed against the applicable planning controls, including the Dungog Local Environmental Plan 2014 (LEP) and the Dungog Shire-wide Development Control Plan (DCP). Informal consultation has been held with Council staff prior to the preparation of this document, relating to the merits of the proposed subdivision and associated Clause 4.6 Variation, and application lodgement requirements.

Proposed Development

1-into-3 Lot Subdivision

The subdivision of the existing lot from 1-into-3 Lots as follows:

- Lot 1 – 8,000m²
- Lot 2 – 8,000m²
- Lot 3 – 7,395m²

The existing dwelling will be retained on the proposed Lot 2, while the intended future use of Lot's 1 and 3 are intended to facilitate dwelling houses, consistent with the surrounding area. Through the subdivision works, available services will be extended to the new lots, including water, electricity and communications. Driveway crossovers and fencing will also be installed to provide a point of access, and divide the lots.

The proposed lot layout is shown in the plan below, and this document will address further requirements in relation to the subdivision.



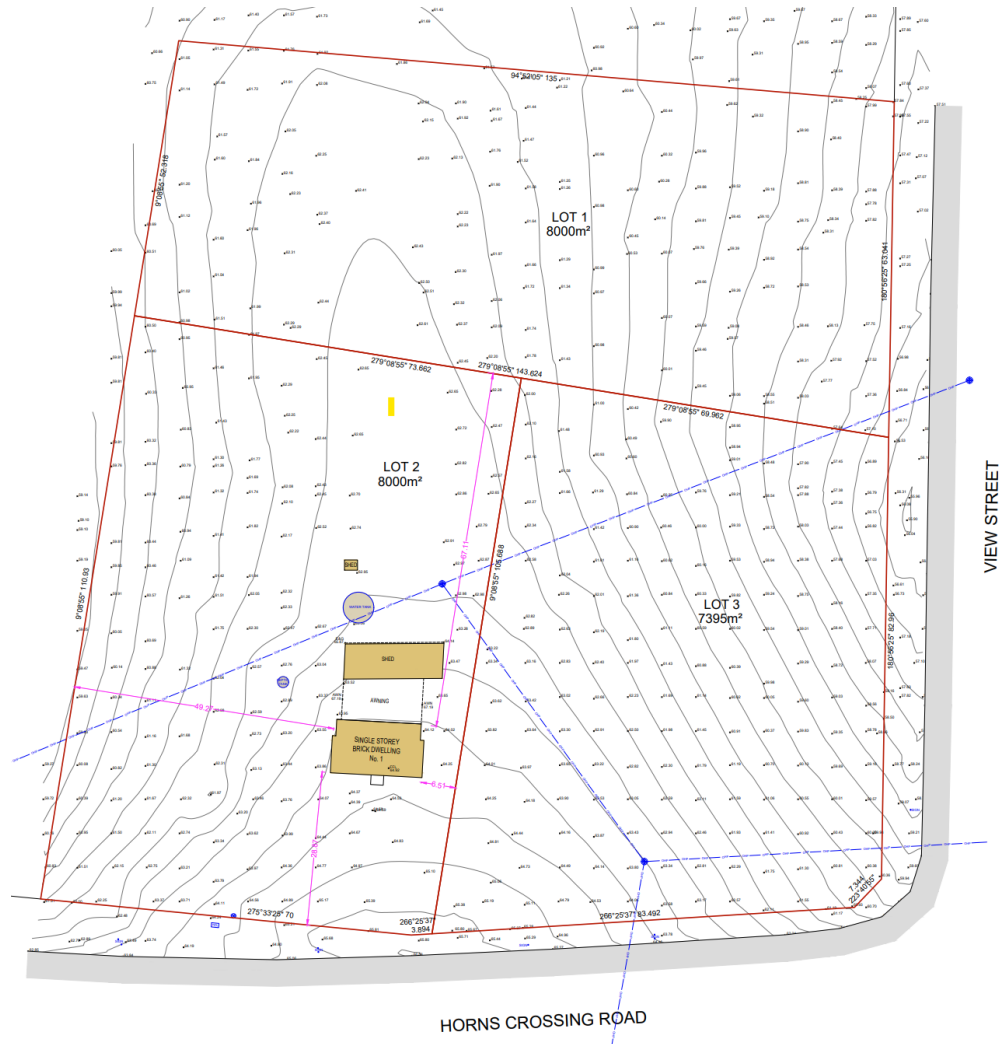


Figure 2: Proposed Lot Layout

Summary

It is considered that the development strongly aligns with the aims and objectives as listed in Councils LEP and DCP. Namely, it is considered to provide for the orderly and economic use of an existing residential site, with suitable intensification to provide further housing opportunities, inspire innovative design, ensure the development does not have an unacceptable level of impact on residential amenity, respond to the existing, and desired-future, character of the site, and the qualities of the surrounding built and natural environments, and addresses Council's development controls. The development further addresses an opportunity to contribute toward State and Local Government

Housing Targets with a low impact, moderate intensification, and practical infill solution, while responding to the existing, and desired future, character of the area.

Planning Controls

The following planning controls have been considered in relation to proposed development, and are addressed within this SEE to support the proposal.

Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the relevant legislation under which approval for the proposed development is sought. This SEE has been prepared in accordance with the matters of consideration under *section 4.15 Evaluation* of the EP&A Act, as outlined in within this document.

Integrated Development

Integrated Development is development that, in order for it to be carried out, requires development consent and one or more approvals from a NSW State Government Agency. Integrated Development links development consent for matters under Part 4 of the Environmental Planning & Assessment Act 1979 with any associated approval, licence, consent, permission, or permit required under other legislation.

The aim of Integrated Development is to promote a unified, whole of government approach to the assessment of development in New South Wales.

Act	Provision	Approval	Comment
Fisheries Management Act 1994 (NSW Fisheries)	s144	Aquaculture permit.	Not Applicable
	s201	Permit to carry out dredging or reclamation work.	Not Applicable
	s205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	Not Applicable
	s219	Permit to: a) Set a net, netting or other material, or	Not Applicable



		<ul style="list-style-type: none"> b) Construct or alter a dam, floodgate, causeway, or weir, or c) Otherwise create an obstruction across or within a bay, inlet, river of creek, or across or around a flat. 	
Heritage Act 1977 (NSW Office of Environment & Heritage)	s58	Approval in respect of the doing or carrying out of an act or matter referred to in s57(1).	Not Applicable
National Parks & Wildlife Act 1974 (NSW Office of Environment & Heritage)	s90	Grant of an Aboriginal heritage impact permit.	Not Applicable
Protection of the Environment Operations Act 1997 (Environment Protection Authority)	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of schedule development works at any premises.	Not Applicable
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of schedule activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	Not Applicable
	ss 43(d), 55 and 122	Environment protection licence to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Not Applicable
Roads Act 1993 (Roads & Maritime Services)	s138	Consent to: <ul style="list-style-type: none"> a) Erect a structure or carry out a work in, or over a public road, or b) Dig up or disturb the surface of a public road, or c) Remove or interfere with a structure, work or tree on a public road, or 	Not Applicable

		<p>d) Pump water into a public road from any land adjoining the road, or</p> <p>e) Connect a road (whether public or private) to a classified road</p> <p>Development is NOT Integrated Development under s138 if in order for the development to be carried out, it requires the development consent of Council and the approval under s138 of the same Council. i.e. works on roads under the care and control of Council including classified roads. Development is ONLY Integrated Development for works on or impacting on motorways i.e., M7 & M5.</p>	
Rural Fires Act 1997 (NSW Rural Fire Service)	s100B	Authorisation under Section 100B in respect of bushfire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.	Referral required
Water Management Act 2000 (Department of Primary Industries – Water)	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3 of the Act.	Not Applicable

Designated Development

Designated Development refers to developments that are high-impact developments (e.g., likely to generate pollution) or are located in or near an environmentally sensitive area (e.g., a wetland). There are two ways a development can be categorised as ‘designated development’:

- The class of development can be listed in Schedule 3 of the EP&A Regulation as being designated development, or
- An LEP or SEPP can declare certain types of development to be designated.

The proposed development is not deemed Designated Development.



Section 4.15 EP&A Act

Section 4.15 of the EP&A Act outlines the matters for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

Environmental Planning Instruments

Dungog Local Environmental Plan 2014

LEP Provision	Details	Comment
Objectives of Zone R5	<ul style="list-style-type: none"> 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 proposal strongly aligns with the objectives as listed in the Zone R5 land use table in that it directly responds to each of the objectives, providing opportunity for housing in a rural setting, maximizing the land use in the context of the surrounding area, and not resulting in unreasonable impact to the public domain.
Land Use Table	<u>Permitted with Consent</u> Agritourism; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition	The subject site is Zone R5 Large Lot Residential. The proposed land use is consistent with the existing land use, with the intention that Dwelling Houses will be constructed by

	villages; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Home-based child care; Home businesses; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Rural supplies; Sewerage systems; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems.	future residents. Dwelling Houses are permissible with consent in the subject zone.
4.1 Minimum Subdivision Lot Size	The minimum lot size for the subject site is 8,000m ²	<p>The existing allotment is proposed to be subdivided into 3 lots of the following sizes:</p> <ul style="list-style-type: none"> - Lot 1 – 8,000m² - Lot 2 – 8,000m² - Lot 3 – 7,395m² <p>Refer to Clause 4.6 below for further commentary.</p>
4.6 Exception to Development Standards	Clause 4.6 outlines the requirements when a proposal seeks to contravene/vary a principal development standard.	The proposal includes a Clause 4.6 variation request relating to the minimum lot size. It is proposed that one of the lots will be 7,395m ² , being 605m ² (7.5%) under the minimum lot size.

		Please refer to the Clause 4.6 Variation Report submitted as part of this application.
7.2 Earthworks	The objectives of Part 7.2 are as follows: (a) 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, (b) to allow earthworks of a minor nature without requiring a separate development consent	There are no foreseen impacts of the minimal earthworks that will be required for the proposed development. They are considered standard for normal subdivision construction, noting that no civil road works are required, and only typical services installation.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal is not defined as BASIX Affected Development, as it is not:

- A New Dwelling
- Alterations or Additions to a Dwelling with a Value of \$50,000 or more
- A Swimming Pool with a Volume of Greater than 40,000 Litres.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Clause 4.6 states that a consent authority must not consent to the carrying out of any development on and 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.



In response to Clause 4.6, it is confirmed that:

- The land is not within an investigation area; and
- The land is not known to have been used for a purpose referred to in Table 1 land on which development for a purpose referred to in Appendix 1, Table 1 of the NSW Contaminated Land Planning Guidelines.

Proposed Environmental Planning Instruments

Nil

Potential Impacts for Consideration

Aboriginal Archaeology

The proposed development is not anticipated to cause any impact or damage to Aboriginal objects, as it is located within an existing residential site area with existing ground disturbances. The site is not mapped as an area containing known Aboriginal Archaeology.

Access and Traffic

It is proposed that each of the resulting lots from the subdivision will be accessed from View Street by a driveway crossover meeting the existing road. It is intended that these driveway crossovers will be constructed as part of the subdivision process. Due to the residential nature of the development, resulting in only two additional residential lots, the level of existing road traffic, and the local road status, the development it is not considered to be significant with regard to traffic generation, and is unlikely to result in any unacceptable level of impact on the local road network.

Bushfire

The site is located within a bushfire prone mapped area.

A Bushfire Report has been prepared by Bushfire Environmental Management Consultancy in relation to the proposed development. It is further understood that Council will refer the Development Application to the NSW Rural Fire Service for concurrence under s100B of the Rural Fires Act 1997.

The Bushfire Report demonstrates that the resulting lots from a subdivision can accommodate dwellings constructed to a Bushfire Attack Level (BAL) of no greater than BAL-29. The report demonstrates that the BAL-29 setback is on each of Horns Crossing Rd, and View Street, while the existing dwelling is sufficiently separated from the setback to the west of the site.

Please refer to the Bushfire Assessment Report by Bushfire Environmental Management Consultancy submitted as part of this application confirming the suitability of the site in relation to bushfire threat.

Ecology

There are no foreseen ecological impacts anticipated as result from the proposed development.



Flooding

The site is not located within a Flood Prone Area.

Heritage

The site does not contain any Heritage Listed items, is not within a Heritage Conservation Area, and is not anticipated to impact on any other items of Heritage significance.

Noise and Vibration

No potential noise or vibration impacts to the proposed development have been identified. Noise generated as a result of construction noise will be in accordance with the *Protection of the Environment Operations Act 1997* and any conditions of the development consent.

Public Domain

Considering the nature of the proposal within an existing residential site, it is not anticipated there will be an unacceptable level of impact to the public domain.

Services

All services to the site are existing including Water, Electricity, and Communications, servicing the existing dwelling. These services are proposed to be provided to the new lots through the subdivision process to allow connection to future dwellings.

The existing dwelling is connected to an on-site waste management system wholly contained within the proposed lot containing the dwelling. It is intended that future dwelling applicants will also apply to Council for an on-site waste management system, to be installed as part of the dwelling works.

Please refer to the On-Site Wastewater Report by GSL Environmental submitted as part of this application confirming the suitability of the site to cater for the existing and future systems and dwellings.

Site Context

The proposed development considered to be consistent with the surrounding locality, and the existing, and future-desired, character of the area.



Social and Economic Impact

The proposed development is for the subdivision of a residential lot to create further residential lots. It is not considered that the development will result in a negative social or economic impact. It is anticipated that the development will have a positive social and impact through the provision of housing opportunities, jobs creation through construction, and additional rate revenue to Council.

Visual Impact

The proposed subdivision is not anticipated to have an adverse impact to the surrounding community and is consistent with the existing streetscape. It is further anticipated that future dwellings to be constructed on the new lots will have sufficient scope to meet the requirements of Dungog's DCP, and can be designed to mitigate and minimize visual impact, and to align with the objectives of the Dungog LEP and DCP.

Site Suitability

The subject site is zoned R5 Large Lot Residential, and the proposed development strongly aligns with the objectives of this zone. The site is considered appropriate for the proposed development as it is surrounded by similar residential development of the same nature, and provides a suitable intensification of the site in the context of the surrounding area.

Submissions

The development application may require notification to adjoining landowners in accordance with Council's Community Participation Plan. Given the minimal impacts of the proposal, and its consistency with the state and local planning instruments and strategies, as well as surrounding development, it is not anticipated to raise significant or material objection.

Public Interest

The proposed development is in the public interest as:

- It provides for the orderly and economic use of an existing residential site, with suitable intensification to provide further housing opportunities;
- It caters for modern day requirements in a large lot / rural setting;
- It will provide employment with associated social and economic benefits during the construction of the development.



Conclusion

As demonstrated within this SEE and the supporting documentation, the proposed development is considered to achieve the following outcomes:

- Provide for the orderly and economic use of an existing residential site, with suitable intensification to provide further housing opportunities
- Inspire innovative design;
- Ensure the development does not have an unacceptable level of impact on residential amenity;
- Respond to the existing, and desired-future, character of the site, and the qualities of the surrounding built and natural environments;
- Addresses Council's development controls.

The proposal is for the 1-into-3 Lot Subdivision of 24 Horns Crossing Road, Vacy NSW 2421. It is considered that the development will contribute to the residential surrounds through suitable intensification of site, and the provision of housing opportunities, responding to, and respecting, the local context.

The SEE demonstrates that the development strongly aligns with the objectives of Council's LEP and DCP, and that health, safety, and amenity have all been carefully considered in the design, while ensuring the proposal will not have an adverse impact on the environment.

The development further addresses an opportunity to contribute toward State and Local Government Housing Targets with a low impact, moderate intensification, and practical infill solution, while responding to the existing, and desired future, character of the area.

It is recommended that Council approve the application as proposed.

Supporting Documentation

- Site Survey and Proposed Lot Layout
- Clause 4.6 Report
- Bushfire Assessment Report
- On-Site Wastewater Report
- Cost of Development Estimate
- Signed Owners Consent



Disclaimer

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