



109 FORDS RD, CLARENCETOWN
BEING LOT 150 IN DEPOSITED
PLAN 1223420.

- TORRENS TITLE SUBDIVISION

STATEMENT OF ENVIRONMENTAL EFFECTS – OCTOBER 2024

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16 January 2025

OUR REF: 5802

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INTRODUCTION

Overview

This Statement of Environmental Effects (SEE) has been prepared by Centurion Survey Pty Ltd (CS) to support a development application and relates to the proposed one into two lot Torrens Title subdivision of Lot 150 in DP 1223420.

The site is zoned R5 – Large Lot Residential under the Dungog Local Environmental Plan 2014. The site is also located within the Dungog Shire Council area.

This SEE provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021.

SITE ANALYSIS

1. The Subject Site

The site is located at Lot 150 DP 1223420 and is known as 109 Fords Road, Clarencetown.

2.1 Site Details

The site currently has a total area of 3.94 Ha (Lot 150). The proposal is to subdivide this lot into two lots, creating new areas of:

- Proposed lot 1 = 8024 m²
- Proposed lot 2 = 3.139 Ha

Figure 1 shows the site as an irregularly shaped lot with a frontage to a Right of Carriageway over Lot 149 DP 1223420 with frontage to Fords Road. The site is fenced and currently contains a large shed and other subsidiary structures such as a septic system and water tanks. The site is mostly rolling/sloping terrain with narrow creek along the western edge (as shown), and a detention basin/dam not shown due to the age of the aerial image. The slope of the land is mostly west or south-west.



Figure 1: The site – 109 Fords Road – prior to proposed subdivision (Source: Google Maps)

2.2 Site Surrounds

Immediate surrounding land uses are R5 large residential. The site is not within a heritage conservation area nor have heritage items been located on site, at time of reporting.

PROPOSED DEVELOPMENT

3. Overview

The proposal relates to the subdivision of Lot 150 DP 1223420 to create two new Torrens Title lots shown in Figure 2, of 8024m2 for proposed lot 1 and 3.139Ha for proposed lot 2.

No changes to the use, built form or vegetation will occur because of the proposed subdivision.

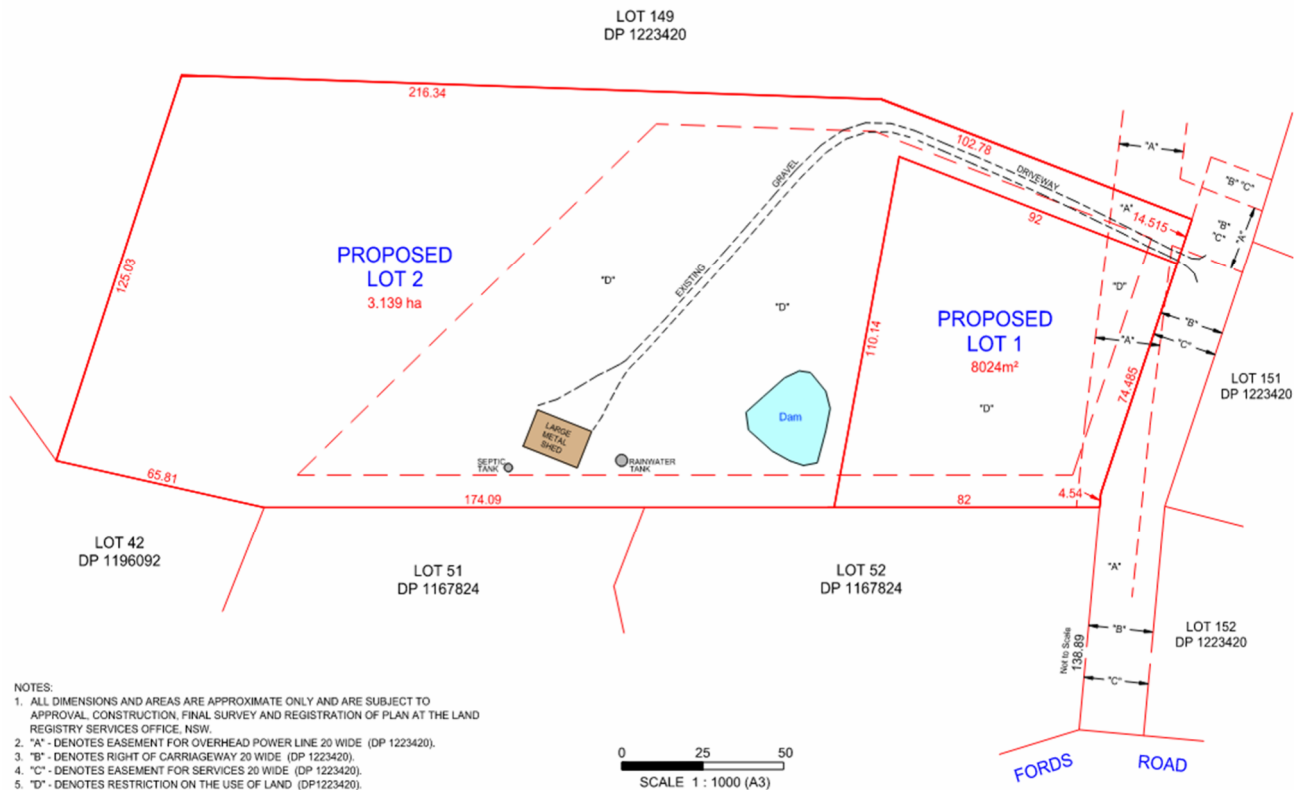


Figure 2: Draft proposed plan of subdivision of Lot 150 in DP 1223420.

LEGISLATIVE FRAMEWORK

4. Overview

This Part of the SEE assesses and responds to the legislative and policy requirements for the project in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act).

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts—Regional) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- *DRAFT* State Environmental Planning Policy (Exempt and complying Development Codes) 2008 - Proposed changes to complying development for farm buildings, rural sheds and earthworks.
- *DRAFT* State Environmental Planning Policy (Housing) 2021 - Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings Exhibition From: 17/11/2023 To: 19/1/2024
- *DRAFT* State Environmental Planning Policy (Transport & Infrastructure) 2021 - Exempt and complying development within existing cemeteries Exhibition From: 23/10/2023 To: 19/11/2023
- *DRAFT* Housing SEPP EIE Exhibition From 22/11/2022 To: 13/01/2023
- *DRAFT* Transport and Infrastructure SEPP amendment (Chapter 4 Major Infrastructure Corridors) Exhibition From: 22/08/2022 To: 19/09/2022
- *DRAFT* local character clause Exhibition From: 12/11/2020 To: 29/01/2021
- *DRAFT* ISEPP amendment – health infrastructure Exhibition From: 20/11/2020 To: 17/12/2020
- *DRAFT* State and Regional Development SEPP - Water Treatment Plants Exhibition From: 02/03/2020 To: 16/03/2020

Local Planning Context

- Dungog Local Environmental Plan 2014
- Dungog Shire Wide Development Control Plan No. 1

This planning framework is considered in detail in the following sections:

4.1 Environmental Planning and Assessment Act 1979

Division 4.3 Section 4.15 of the Environmental Planning and Assessment Act 1979 requires that in determining a development application, a consent authority is to take into consideration the following matters as of relevance to the development:

Section 4.15 – Matters for Consideration	Comment
<i>(a) The provisions of-</i> <i>(i) any environmental planning instrument, and</i>	See relevant sections of this report.
<i>(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Nil
<i>(iii) any development control plan, and</i>	The proposal generally satisfies the objectives and controls of the Dungog Shire Wide Development Control Plan No. 1. See below for relevant details.
<i>(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</i>	Dungog Local Infrastructure Contributions Plan, 2019. Contributions Plan for Heavy Haulage Generated by Extractive Industries, 2017
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	The relevant clauses of the Regulations have been satisfied.
<i>(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,</i>	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposal will not result in detrimental social or economic impacts on the locality.
<i>(c) the suitability of the site for the development,</i>	The proposed development is suitable for the site.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	No submissions have been raised at this stage, and the applicant has not notified each adjoining neighbour of this proposal.
<i>(e) the public interest.</i>	The proposal is in the public interest as it provides subdivision of residential land, and will not impact upon the streetscape character and not result in detrimental amenity impacts to neighbours. It also helps satisfy New South Wales' need for increased housing.

The legislation addressed hereunder have been addressed in accordance with the Act:

4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed subdivision does not propose the removal of any vegetation, and therefore the provisions of the SEPP do not apply.

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

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.4 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

No exempt or complying development has been proposed as part of this assessment.

4.5 State Environmental Planning Policy (Housing) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.6 State Environmental Planning Policy (Industry and Employment) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.7 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.8 State Environmental Planning Policy (Planning Systems) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.9 State Environmental Planning Policy (Precincts—Regional) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.10 State Environmental Planning Policy (Primary Production) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.11 State Environmental Planning Policy (Resilience and Hazards) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.12 State Environmental Planning Policy (Resources and Energy) 2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.13 State Environmental Planning Policy (Sustainable Buildings) 2022

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.14 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal does not include altering any access from any classified road.

4.15 *DRAFT* State Environmental Planning Policy (Exempt and complying Development Codes) 2008 - Proposed changes to complying development for farm buildings, rural sheds and earthworks.

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.16 *DRAFT* State Environmental Planning Policy (Housing) 2021 - Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings Exhibition From: 17/11/2023 To: 19/1/2024

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.17 *DRAFT* State Environmental Planning Policy (Transport & Infrastructure) 2021 - Exempt and complying development within existing cemeteries Exhibition From: 23/10/2023 To: 19/11/2023

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.18 *DRAFT* Housing SEPP EIE Exhibition From 22/11/2022 To: 13/01/2023

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.19 *DRAFT* Transport and Infrastructure SEPP amendment (Chapter 4 Major Infrastructure Corridors) Exhibition From: 22/08/2022 To: 19/09/2022

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.20 *DRAFT* local character clause Exhibition From: 12/11/2020 To: 29/01/2021

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.21 *DRAFT* ISEPP amendment – health infrastructure Exhibition From: 20/11/2020 To: 17/12/2020

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.22 *DRAFT* State and Regional Development SEPP - Water Treatment Plants Exhibition

From: 02/03/2020 To: 16/03/2020

Not applicable. If any future development applications for any built form works were to occur, then the provisions of the SEPP will apply and form part of the assessment of such application.

4.23 Dungog Local Environmental Plan 2014

The relevant provisions of the Dungog Local Environmental Plan 2014 (DLEP2014) are considered below:

Permissibility

The subject site is located in the R5 Large Lot Residential Zone pursuant to DLEP2014. The objectives of the R5 Large Lot Residential Zone are as follows:

- 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 one into two lot subdivision is consistent with the above-stated objectives for this zone, with two examples being both proposed lots achieve minimum lot area for R5 zone, and the environmental impact will be minimal (no trees to be removed).

Clause 2.6 – Subdivision

The proposal is to create a second Torrens Title lot, making it a one into two lot subdivision.

Clause 4.1 – Minimum subdivision lot size

The minimum lot size for subdivision in the R5 zone is 8000m². Both proposed lots exceed 8000m².

Clause 4.3 – Height of buildings

No buildings are proposed as part of this proposal, therefore considerations are irrelevant in this case.

Clause 4.4 – Floor space ratio

No buildings are proposed as part of this proposal, therefore considerations are irrelevant in this case.

4.24 Dungog Shire Wide Development Control Plan No. 1

Contamination

The proposed one into two lot subdivision will not be affected by the potential presence of existing contamination, nor will it produce contamination of the land.

Acid Sulfate Soils

From planning portal NSW: “Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land.” – proposed subdivision not affected by this development control.

Flood related development controls (Part C8 DCP)

With reference to document TPA3013/313; FC2/2024, the property is identified to be flood prone land impacted by Dungog Council’s adopted Williams River Flood Study. Council has advised that the flood planning level for Lot 150 of DP 1223420 is RL 10.9 AHD, being a 0.5 metre freeboard above the 1% AEP flood level of RL 10.4 AHD.

LIKELY IMPACTS OF DEVELOPMENT

5. Overview

The likely environmental impacts of the proposed development that have been assessed include:

- Land use
- Design and appearance
- Access and traffic
- Amenity
- Social, environmental and economic impacts, and
- Suitability to site.

5.1 Land use

The proposed land use is large lot residential is permitted within the development consent area.

5.2 Design and appearance

The resultant one into two lot subdivision complies with the minimum lot size, layout and dimensions required by Council. No changes to built form have been proposed.

5.3 Access and traffic

Existing Lot 150 access (proposed Lot 2) will be maintained. A new access may be created for proposed Lot 1 (future application).

5.4 Amenity

In summary, the proposal will not exhibit and significant environmental impacts or adversely impact on the amenity of the adjoining lots or streetscape.

5.5 Social, environmental and economic

The proposal adds another lot – which meets minimum lot size – to the area, potentially meaning another family can move into the area and impact Dungog socially and economically. Otherwise, this proposal will have no adverse impacts on the environment.

5.6 Suitability to site

The site is considered suitable as it meets minimum lot size requirements, as well as all previously discussed impacts.

5.7 Any Submissions made in accordance with the Act

No submissions are apparent at time of reporting.

5.8 Public interest

The proposed development will have no adverse impact on the public interest. The proposal takes into consideration: adjoining sites, streetscape and local character as well as housing needs at a national level. It satisfies the zone objectives and desired future character under the LEP, as well as the requirements under the DCP.

CONCLUSION

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including the Dungog LEP and DCP.

The assessment finds that the proposal is consistent with the objectives and controls of the relevant statutory and policy framework. No adverse environmental, economic or social impacts have been identified as resulting from the proposed development.

No additional significant adverse impacts have been identified as likely to arise from the proposed development which has been favourably assessed against the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is therefore considered that the proposal responds to site constraints and provides a suitable outcome. Accordingly, it is requested that Council grant consent to the proposal.