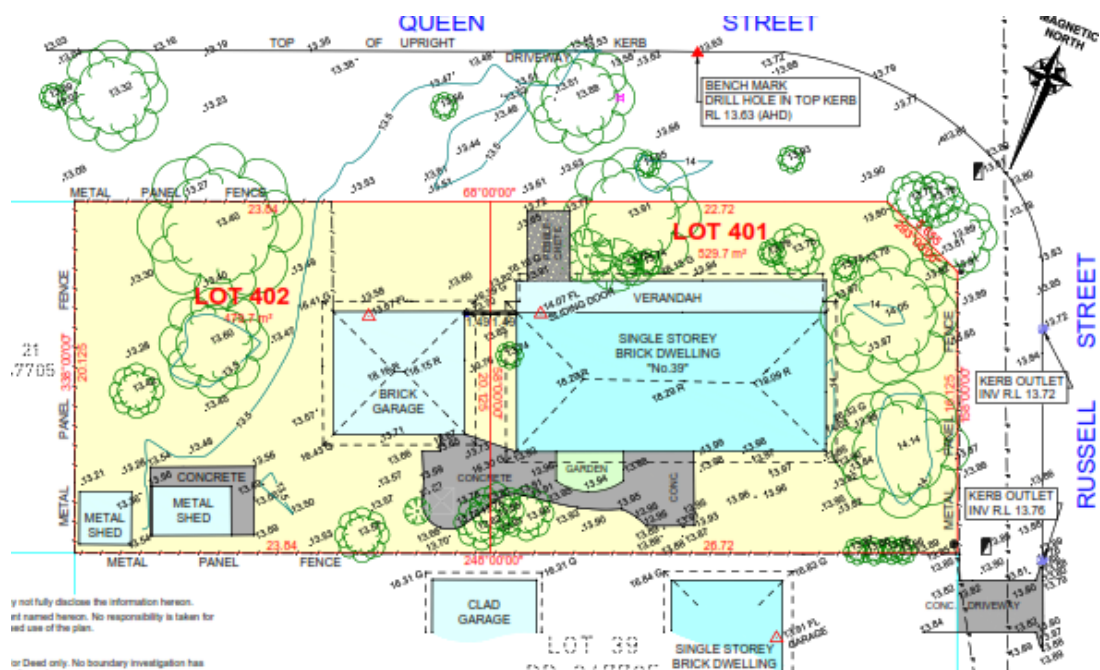




# LE MOTTEE GROUP

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

Pty Limited ABN 38 136 535 156



## PROPOSED SUBDIVISION AND CIVIL ENGINEERING STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 40 DP 247705

39 Russell Street, Clarence Town

OUR REF: 9595

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

LMG Ref: 9595

Date: 7 February 2025

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## 1. INTRODUCTION

### 1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Kurt Gallagher to prepare Plans and a Statement of Environmental Effects to accompany a Development Application (DA) to Dungog Shire Council for the subdivision of 39 Russell Street, 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 purpose of this DA is to seek consent from Dungog Council for the subdivision of **Lot 40 DP 247705** into two (2) Torrens Title Lots.

The site currently supports a single residential dwelling. As a result of the proposed subdivision the existing dwelling will be located on proposed Lot 401 and proposed Lot 402 shall retain the existing ancillary structures. This application includes the proposal for two (2) new driveway crossings to provide access to each new lot.

This report considers the proposed development against the controls of the *Dungog Local Environmental Plan (LEP) & Development Control Plan (DCP)*. Under the Dungog LEP (2014) the proposed subdivision is permitted with consent in the current R1 zone and there is no minimum lot size specified in the LEP. However, the proposed subdivision meets the objectives of *Clause 4.1* and will provide an adequate area for the existing dwelling and future dwelling construction.

There is nothing in the Dungog LEP (2014) or DCP (2014) that prohibits the proposed subdivision.

### **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 Attachments to this report:

- **Annexure A** – Plan of Proposed Subdivision
- **Annexure B** – Engineering Plans
- **Annexure C** – Hunter Water Stamped Plans

## 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 20km south of Dungog and approximately 19km north of Raymond Terrace. The location of the subject land is shown below in Figure 1.



Figure 1: Location of the subject land (Source: Nearmap).

### 2.2 SUBJECT LAND

The subject land is located at 39 Russell Street, Clarence Town. The land is formally identified as **Lot 40 DP 247705**. For the purpose of this report, Lot 40 shall be referred to as 'the site'.

The site has an area of approximately 1,009m<sup>2</sup> and is generally flat. Access to the site is direct from Russell Street.



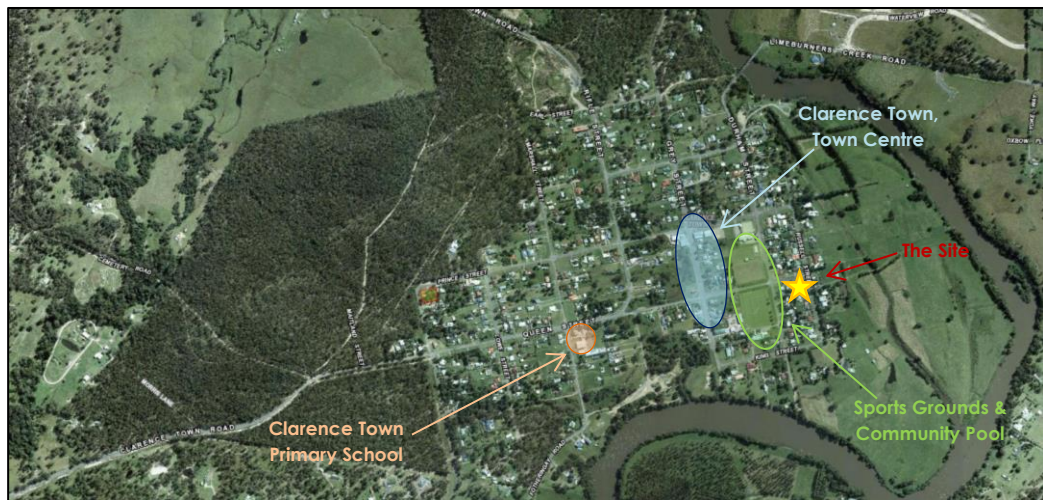
Figure 2: The site (Source: NSW Six Map).

### 2.3 EXISTING DEVELOPMENT

The site supports an existing single residential dwelling and ancillary structures such as a brick garage and several metal sheds, to be retained.

### 2.4 SURROUNDING DEVELOPMENT

Development in the surrounding area is mostly residential in nature.



**Figure 3:** The site and surrounding land (Source: Nearmap).

The Clarence Town town centre is located approximately 320 meters south-east of the site. The town centre has a café, pub, supermarket, butcher, hardware, pharmacy, vet, post office and church.

Clarence Town also supports sporting grounds, a community pool, bowling club and a primary school.



### 3. PROPOSED DEVELOPMENT

#### 3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the site into two (2) Torrens Title Lots with associated civil engineering.

##### 3.1.1 DEVELOPMENT DETAILS

#### SUBDIVISION

The proposed subdivision will create two (2) Lots with the following specifications:

- **Lot 401** – shall be 529.7m<sup>2</sup> and will be a vacant lot. Access to Lot 401 is direct from Russell Street.
- **Lot 402** – shall be 479.7m<sup>2</sup> and will support the existing dwelling. Access to Lot 402 will be direct from Russell Street via the new driveway.

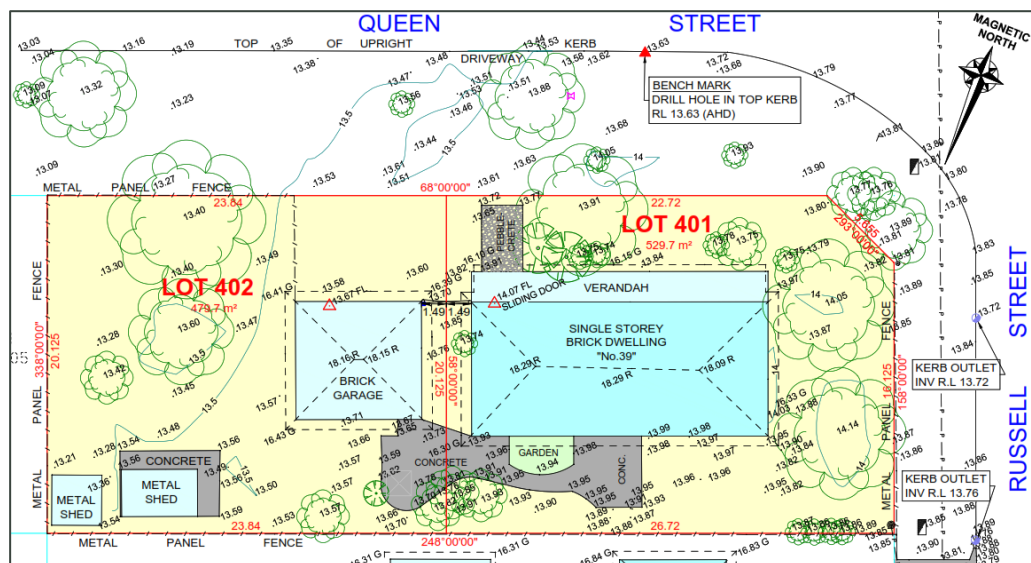


Figure 4: Plan of proposed subdivision.

For further details, please refer to the plan of subdivision included as Annexure A of this report.

#### CIVIL ENGINEERING

It is proposed to construct two (2) new driveways for vehicular and pedestrian access to service proposed Lots 401 and 402 as follows:



- **Lot 401** – It is proposed to install a new 6m wide concrete driveway from Queen Street, providing access to the existing double garage.
- **Lot 402** – It is proposed to install a new 3m wide concrete driveway crossing from Russell Street to the property boundary. Fence panels shall be removed to allow for vehicle entry as required.

Driveway applications will be submitted to Port Stephens Council where necessary following approval.

It is also proposed to construct a new outlet for the exiting rainwater tank servicing the brick garage, which shall conveying overflow to the public system at Queen Street.

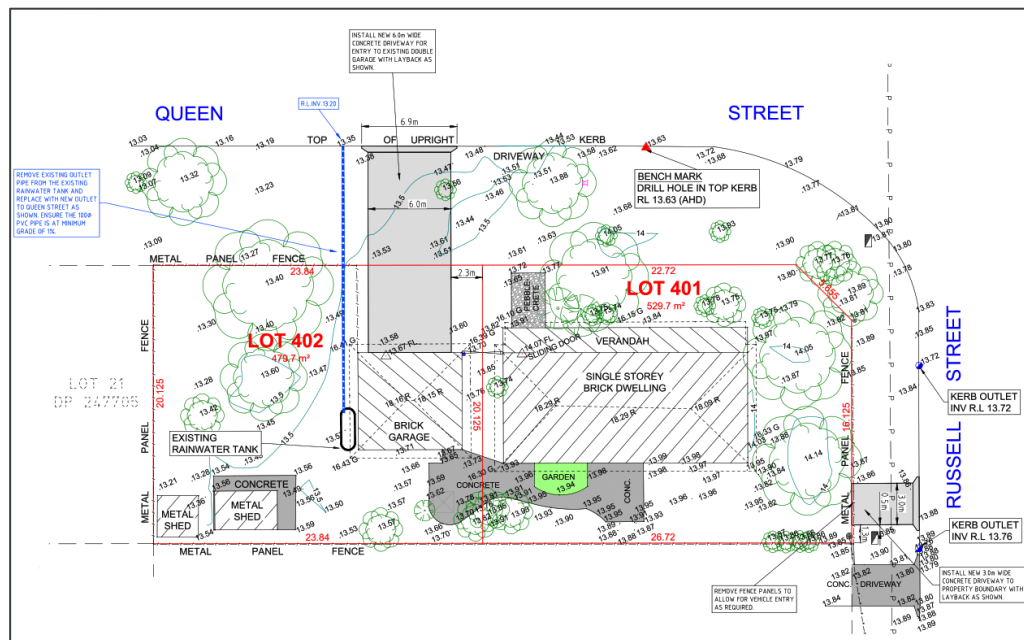


Figure 5: Proposed new driveway access plan (source: Le Mottee Group)

No trees or vegetation removal shall be required to facilitate construction of the proposed driveway. For further details, please refer to the engineering plans included as Annexure B of this report.

## **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 Planning 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,*

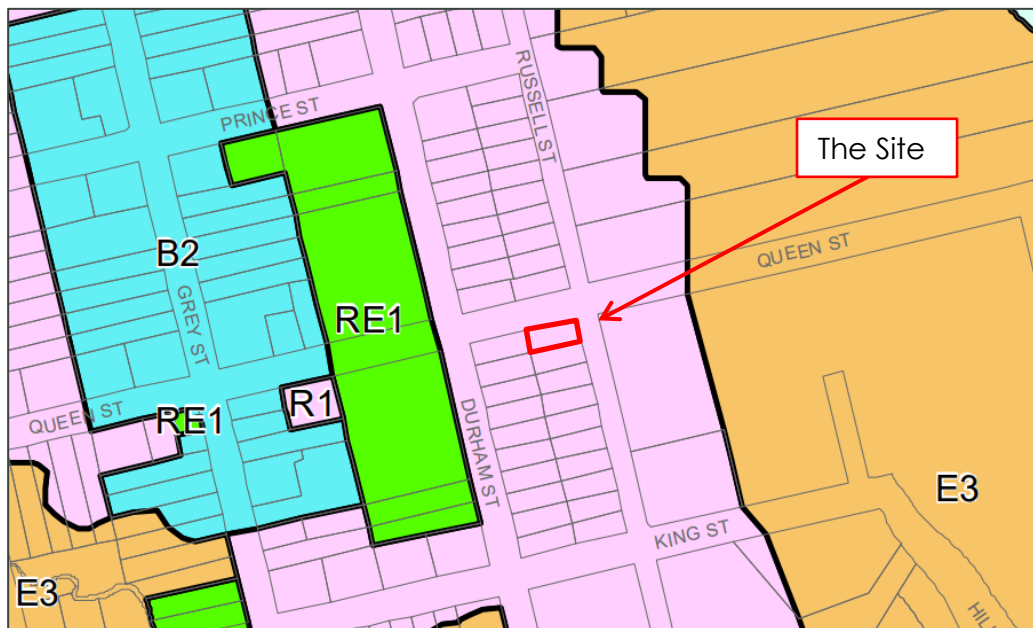
*(e) the public interest.*

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 **R1 General Residential**. A copy of the land zoning map extract is included as *Figure 5*.



**Figure 5:** Dungog LEP 2014 land zoning map extract (map=010AC).

#### ZONE OBJECTIVES:

The objectives of the zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow a mix of community, service and employment activities that are compatible in scale and impact with a residential environment.

The proposed subdivision will create two (2) residential Lots capable of supporting a residential dwelling.

Accordingly, the proposed subdivision is in keeping with the objectives of the R1 zone.

#### CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

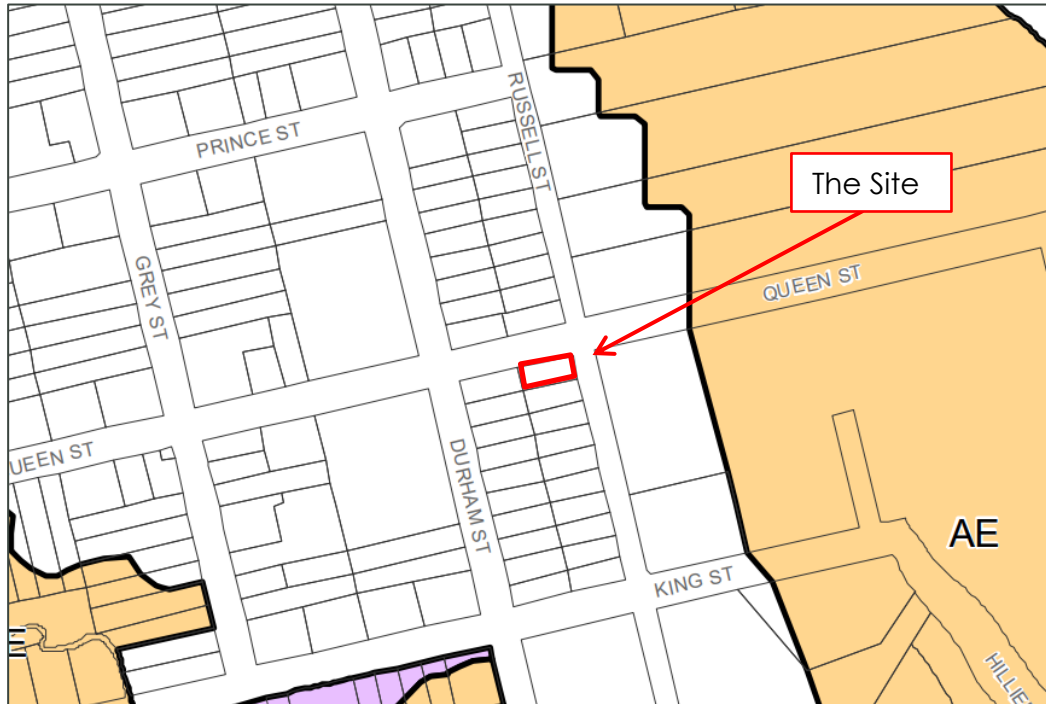


Figure 6: Dungog LEP 2014 minimum lot size map extract.

(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 subdivision pattern of Clarence Town. Proposed Lot 402 shall be capable of supporting a residential dwelling without any negative impact on neighboring properties.

(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.

Whilst there is no minimum lot size specified for the site, it is shown on the Lot size map and consent is required to subdivide, 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 site does not have a minimum Lot size according to the Dungog LEP mapping. Therefore, the size of the Lots is to be determined by their suitability for the existing or proposed development type and by the existing character of the area and subdivision pattern.

Many of the larger Lots within Clarence Town have previously been subdivided, with a number of them subdivided in a similar manner to the proposed subdivision as shown below. It is considered that the proposed subdivision is in keeping with the existing subdivision pattern of Clarence Town.

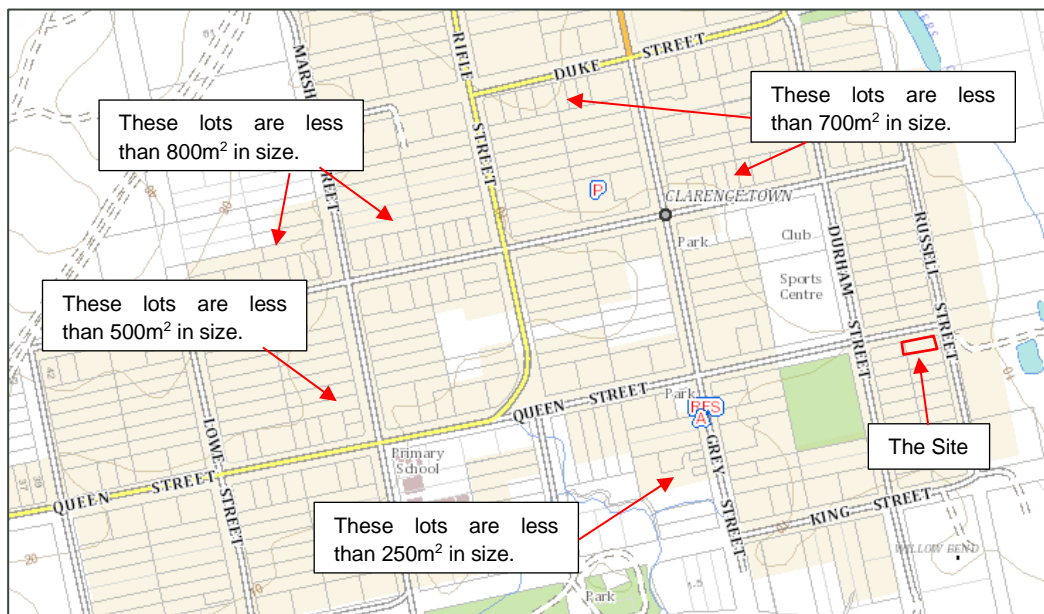


Figure 7: Similar Lot Sizes (source: NSW SixMaps)

*(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 therefore this clause applies.

## 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.

*(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 Drinking Water 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,*

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

This development application is for subdivision with minor civil engineering only, and no structures are proposed with this development application. The site supports an existing dwelling that is connected to reticulated water and sewer. An existing water tank servicing the existing brick garage shall be diverted to Queen Street.

The proposed subdivision will not significantly increase the quantity of storm water leaving the site.

*(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 subdivisions only with minor civil engineering. No structures are proposed with this development

application, therefore the quantity and quality of water leaving the site will not significantly change.

#### **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.*

The site is located more than 390m from the Williams River. Further, this development application is for subdivision with only minor civil engineering to allow for site access and stormwater management. No structures are proposed with this application, therefore the quantity and quality of water leaving the site will not significantly change.

#### **PERMISSIBILITY:**

The proposed development subject to this report is the subdivision of Lot 40 DP 247705 into two (2) lots. There is an existing dwelling located on the site, which shall be located on proposed Lot 401. Both proposed Lots 401 and 402 are in keeping with the existing Clarence Town subdivision pattern.

Under the provisions of the Dungog LEP (2014), the site has a current zoning of R1 General Residential and the proposed subdivision is



permitted with consent. There is nothing in the Dungog LEP that prohibits the proposed development.

## 4.3 DUNGOG DEVELOPMENT CONTROL PLAN, 2014

### 4.3.1 RESIDENTIAL DEVELOPMENT

#### 1.6 Property Access

It is proposed to construct two (2) new driveways for vehicular and pedestrian access to service proposed Lots 401 and 402 as follows:

- **Lot 401** – It is proposed to install a new 6m wide concrete driveway from Queen Street, providing access to the existing double garage.
- **Lot 402** – It is proposed to install a new 3m wide concrete driveway crossing from Russell Street to the property boundary. Fence panels shall be removed to allow for vehicle entry as required.

Driveway applications will be submitted to Port Stephens Council where necessary following approval.

### 4.3.2 LOCAL AREA PLAN – CLARENCE TOWN:

#### Existing Pattern of Subdivision

Desired Outcomes
<ul style="list-style-type: none"> <li>• No further fragmentation and adhoc subdivision of land.</li> </ul>
The proposed subdivision will not fragment rural land and will provide one (1) <u>additional</u> residential Lot within an existing residential area. The proposed Lots are in keeping with the character of the surrounding area.
<ul style="list-style-type: none"> <li>• 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.</li> </ul>
The proposed subdivision will subdivide the site into two (2) residential allotments. The proposed lot sizes are suitable for supporting the existing dwelling on proposed Lot 401 and future development on proposed Lot 402 and are in keeping with the existing subdivision pattern of the area.
<ul style="list-style-type: none"> <li>• Co-ordinated approach which results in masterplans that demonstrate staged subdivision and land release and avoid sterilisation of adjoining properties.</li> </ul>
The proposed subdivision will subdivide the site into two (2) residential allotments. As such a master plan is not warranted in this instance.

<ul style="list-style-type: none"> <li>Create the opportunity for the development of an integrated community, not a series of separate enclaves.</li> </ul>
The proposed subdivision will create one (1) <u>additional</u> lot supporting the existing brick garage and metal sheds.
<ul style="list-style-type: none"> <li>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.</li> </ul>
This control is not relevant in this instance

### Habitat Protection

Desired Outcomes
<ul style="list-style-type: none"> <li>Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.</li> </ul>
The site does not support any identified rare or endangered species.
<ul style="list-style-type: none"> <li>Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.</li> </ul>
The proposed subdivision will not create remote 'islands' of habitat.
<ul style="list-style-type: none"> <li>Protection of watercourses and the vegetation along these watercourses.</li> </ul>
There are no dwellings or other structures proposed with this application other than minor civil engineering, and the subdivision will have no impact on local waterways.

### Waterways – River Foreshores

Desired Outcomes
<ul style="list-style-type: none"> <li>Protection of riparian vegetation.</li> </ul>
There are no dwellings or other structures proposed with this application other than minor civil engineering, and the subdivision will have no impact on local waterways.
<ul style="list-style-type: none"> <li>Maintenance of water quality and water flow.</li> </ul>
There are no dwellings or other structures proposed with this application other than minor civil engineering, and the subdivision will have no impact on local waterways.
<ul style="list-style-type: none"> <li>Providing public or community access to the river foreshore areas.</li> </ul>
The site is not located along the river foreshore.
<ul style="list-style-type: none"> <li>Minimising the impact of flooding on people and property.</li> </ul>
No part of the site is identified as flood prone land.

## Visual Impact

Desired Outcomes
<ul style="list-style-type: none"> <li>Retention of the rural character and setting of Clarence Town.</li> </ul>
This control is not applicable in this instance as the site is located within the town of Clarence Town. However, the proposed subdivision shall not impact the existing rural character and setting of Clarence Town.
<ul style="list-style-type: none"> <li>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.</li> </ul>
The site is not within an area considered to have a high scenic value.
<ul style="list-style-type: none"> <li>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.</li> </ul>
No dwellings or structures are proposed with this application other than minor civil engineering. However, the site supports an existing dwelling which shall be supported on its own lot.
<ul style="list-style-type: none"> <li>(Through landscaping, establish entry statements (eg corridor of trees) to the village along the main access roads)</li> </ul> <p>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)</p>
This control is not applicable in this instance.

## Future Growth of Clarence Town

Desired Outcome
<ul style="list-style-type: none"> <li>Land bank to be identified to accommodate future growth of Clarence Town</li> </ul>
The site is located within the Clarence Town Village which is highly suitable for further subdivision due the growing population of Clarence Town.

## 4.4 OTHER PLANNING MATTERS

### 4.4.1 INFRASTRUCTURE

The site is currently serviced by reticulated sewer and water, electricity, and telecommunications services, as shown in Figure 8, Figure 9 and Figure 10.

It is assumed that any new connections to Hunter Water, Essential Energy or NBN co assets required to service each lot of the proposed subdivision shall be designed, constructed, and certified in accordance with the relevant standards and requirements.

Connections to essential service infrastructure shall be provided to each new lot where appropriate as part of the subdivision works. All new service installations and any upgrades to existing services within the road reserve or other public areas will comply with the relevant authority's guidelines, standards, and specifications.

Should any adjustments to public infrastructure be required to facilitate the subdivision, these works shall be carried out in consultation with the respective authorities and in accordance with their standards.



**Figure 8:** Hunter Water Infrastructure (source: ArcGIS Explorer HWC Asset Locations)

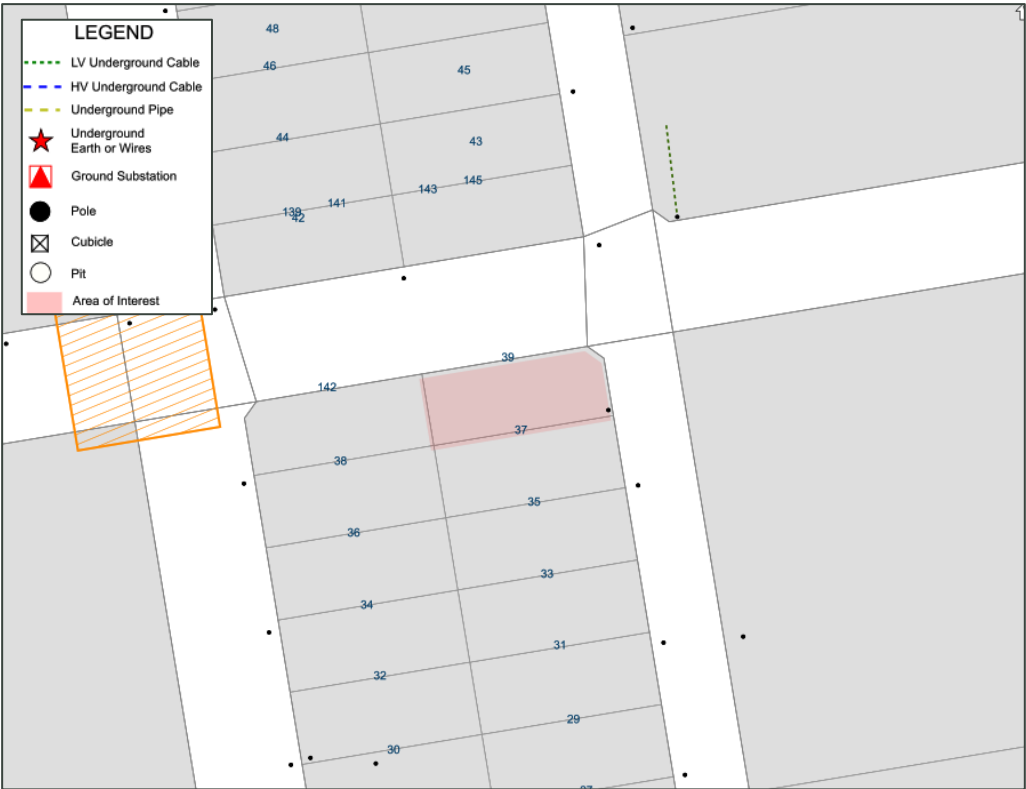
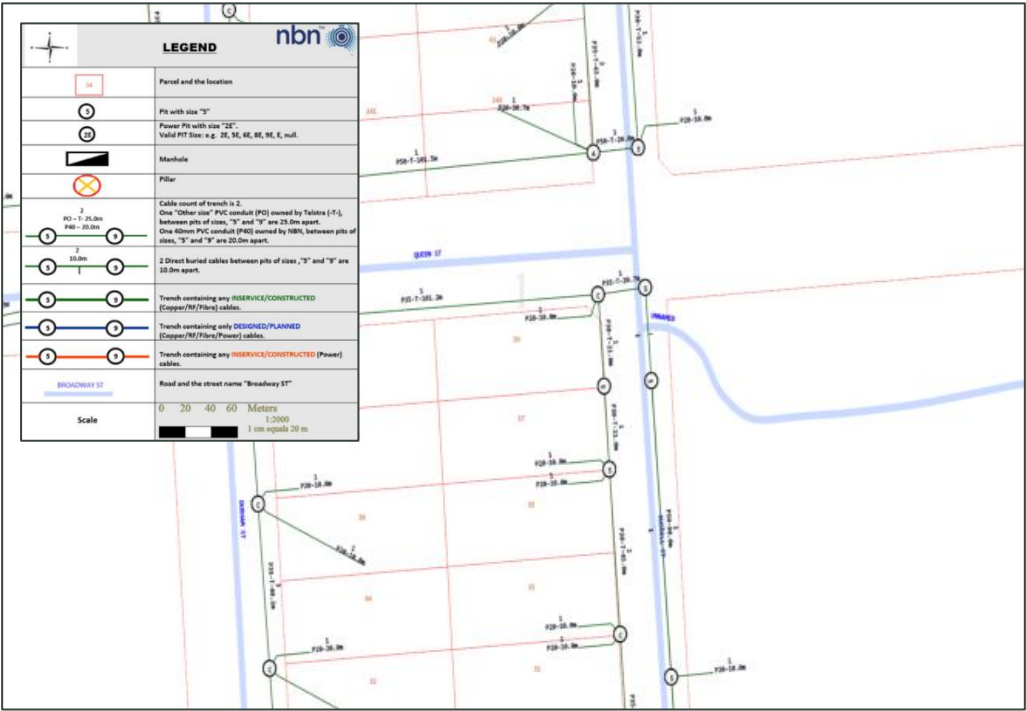


Figure 9: Essential Energy Infrastructure (source: DBYD)



## 5. CONCLUSION

The purpose of this DA is to seek consent from Dungog Council for the subdivision of **Lot 40 DP 247705** into two (2) Torrens Title Lots.

The site currently supports a single residential dwelling. As a result of the proposed subdivision the dwelling shall remain on its own individual Torrens Title Lot and a vacant lot shall be created.

The development is permitted with consent under the provisions of the Dungog Shire 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 several 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**

Engineering Plans

Le Mottee Group

## **Annexure C**

Hunter Water Stamped Plans

Le Mottee Group