

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED TORRENS TITLE  
SUBDIVISION (1 INTO 2 LOTS) AND  
DEMOLITION OF EXISTING GARAGE**

**125 New England Highway, LOCHINVAR,  
NSW, 2321 (LOT: 1 DP: 743502)**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Chandu Sharma (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into two Lots) and the demolition of an existing garage at 125 New England Highway, Lochinvar, NSW, 2321, legally identified as Lot 1 DP743502 (**'the site'**).

Specifically, the proposal includes:

- Retention of existing dwelling within proposed Lot 1 with an area of 601.4m<sup>2</sup>.
- Creation of proposed Lot 2 as a vacant lot with an area of 2681m<sup>2</sup>.
- Demolition of existing garage.

The proposed subdivision and demolition does not incorporate any built works or vegetation removal. The intention of the proposed subdivision and demolition is to create a lot behind the existing dwelling for future residential development and use.

The key reasons why the proposal should be considered acceptable include:

- is permitted in the R1 General Residential zone and consistent with the R1 zone objectives;
- is consistent with the relevant planning requirements within the Lochinvar URA;
- provides for additional housing lots; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland City Council.

## TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BAL	Bushfire Attack Level
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
MCC	Maitland City Council
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:

Attachment	Document	Prepared by	Reference
1	EPA Regulation Compliance Table	Perception Planning	J002956
2	Certificate of Title	NSW Lands Registry Services	1/743502 26/02/2021
3	Deposited Plan	NSW Lands Registry Services	1/743502 19/06/1987
4	Plan of Subdivision	Delfs Lascelles Consulting Surveyors	Ref: 22431 Rev C 15/09/2023
5	Hunter Water Stamped Plans	Hunter Water Corporation	Ref: 62473 08/08/2023
6	AHIMS Search Results	NSW Department of Environment and Heritage	04/08/2023
7	Before You Dig Australia Search Results	BYDA	07/08/2023
8	Waste Management Plan	Perception Planning	J002956 18/10/2022
9	Traffic Impact Assessment	SECA Solution	P2392 PP 20/06/2022
10	Stormwater Engineering Design	DRB Consulting Engineering	Ref: 221910 Rev: C 23/09/2023
11	Cost Estimate Report	Perception Planning	J002956 30/05/2023
12	Owners Consent	Owner	20/12/2022

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Chandu Sharma (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into two lots) and the demolition of an existing garage at 125 New England Highway, Lochinvar, NSW, 2321, legally identified as Lot 1 DP743502 ('the site').

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposal relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located in Lochinvar within the Maitland Local Government Area (LGA). The site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

This 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.

### 1.1 PURPOSE OF THE STATEMENT

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 accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area 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 (EPIs);
- 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.

### 1.3 SITE DETAILS

<b>Property Address</b>	125 New England Highway, Lochinvar, NSW, 2321
<b>Lot and DP</b>	Lot 1 DP743502
<b>Current Use</b>	Residential
<b>Zoning</b>	R1 General Residential
<b>Size</b>	2,681m <sup>2</sup>
<b>Site Constraints</b>	Minimum lot size – 450m <sup>2</sup> Acid Sulfate Soils – Class 5
<b>Owner</b>	Owner's consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in <b>APPENDIX 2 and APPENDIX 3.</b>

### 1.4 SITE DESCRIPTION

The site is legally described as Lot 1 in DP 743502 and is commonly known as 125 New England Highway, Lochinvar, NSW, 2321. The site is located on the New England Highway, as shown in **FIGURES 1, 2 and 3** below. The site has a long rectangular shape with an area of 2,681m<sup>2</sup> and has the rear boundary adjacent Lochinvar Creek.



**Figure 1** – Aerial view of the site and surrounds (Nearmaps, 2022)



**Figure 2 – Aerial imagery (Department of Customer Service, 2022)**



**Figure 3 – View of the site from New England Highway (Google Maps – Street View, 2022)**

The site is within an established residential area in the township of Lochinvar, within the Maitland Local Government Area and within the Lochinvar Urban Release Area (URA). The site is within Stage 1 of the URA.

The site has been developed with one dwelling and ancillary shed on the Northern portion of the site near the road frontage. The remainder of the site is managed lawn with trees located at the rear on the bank of Lochinvar Creek and one large tree overhanging the site on the

Eastern side boundary. The topography is relatively flat with a gentle slope from the front of the lot to the rear at Lochinvar Creek.

Access to the site is provided from the New England Highway at the front of the property, a traffic impact assessment is provided as **APPENDIX 9**.

The site adjoins land to the West and East that is also zoned R1 General Residential, with the New England Highway to the North and Lochinvar Creek to the South.

The site is not identified as either bushfire prone land or flood prone land under the Maitland Local Environmental Plan 2011. The site is connected to reticulated water and sewer, electricity and telecommunications. The Before You Dig Australia (BYDA) search results are provided at **APPENDIX 7**.

## 1.5 BACKGROUND

A review was conducted of the Maitland Council Development Application Tracker on 18 October 2022 for any lodged and/or determined development consents, with one result being obtained for the existing dwelling. There are no known compliance issues relating to the site.

Application Number	Lodgement Date	Application Type	Site	Description	Applicant
CDC/2022/24	18/01/2022	Complying Development Certificate	125 new England Highway, Lochinvar, NSW, 2321	Dwelling – Single Storey	AP Brown and C Brown

## 2.0 THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

Development consent is sought for subdivision of the site from one into two Torrens title lots and the demolition of an existing garage (the proposal) at 125 New England Highway, Lochinvar (the site).

Specifically, the proposal includes:

- Creation of two lots as follows:
  - Proposed Lot 1 – 601.4m<sup>2</sup> and retention of an existing dwelling.
  - Proposed Lot 2 – 2681m<sup>2</sup> vacant lot.
- Demolition of the existing garage.



## 3.0 PLANNING FRAMEWORK

### 3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & 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 development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

##### **Section 4.46 – Integrated development**

Section 4.46 of the EP&A Act provides that 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 other approval. An assessment has been made against s.4.46 and in this instance the application is deemed to be integrated development (refer to **TABLE 1** below).

*Table 1: Integrated development*

Integrated development	Section	Assessment
<i>Fisheries Management Act 1994</i>	s 144 s 201 s 205 s 219	N/A
<i>Heritage Act 1977</i>	s 58	N/A – The site is not identified as being a heritage item or located within a heritage conservation area.  An AHIMs search conducted on 04 August 2022 ( <b>APPENDIX 6</b> ) did not identify any Aboriginal sites or places within a 50m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	N/A – Not within a mine subsidence district
<i>Mining Act 1992</i>	s 63, 64	N/A

<i>National Parks &amp; Wildlife Act 1974</i>	s 90	N/A
<i>Petroleum (Onshore) Act 1991</i>	s 16	N/A
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
<i>Roads Act 1993</i>	s 138	N/A
<i>Rural Fires Act 1997</i>	s100B	N/A – the site is not identified as bushfire prone land.
<i>Water Management Act 2000 &amp; Water Management Amendment (Controlled Activities) Regulation 2008</i>	ss 89, 90, 91	Yes – The proposed stormwater infrastructure is proposed and required within 40m of Lochinvar Creek to the South of the site. Therefore, the proposed development is integrated development.

### 3.1.2 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act. Stamped plans and the notice of formal requirements in accordance with Section 49 of the HW Act are contained in **APPENDIX 5** of this application.

### 3.1.3 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment, no physical works will take place within 40m of any body of water and nor will the development have a lasting impact on any watercourses or waterbodies on the site. The proposed stormwater infrastructure is proposed and required within 40m of Lochinvar Creek to the South of the site. Therefore, the proposed development is integrated development.

### 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. The proposed development does not require the removal of any significant vegetation and the site is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

## 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 (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021

- SEPP (Biodiversity and Conservation) 2021

### **3.2.1 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021**

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***

As described in the site description, the site will be connected to reticulated electricity. Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance.

#### **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**

The New England Highway is identified as a State road. As such, referral or Transport for NSW (TfNSW) for development on or adjacent to a classified road is triggered under Section 2.119.

The traffic impact assessment is provided as **APPENDIX 9** addresses Section 2.199 of this SEPP.

### **3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021**

#### **Chapter 4 – REMEDIATION OF LAND**

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for residential purposes. It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the future allotment is land considered suitable for the proposed development.

### 3.2.3 SEPP (BIODIVERSITY AND CONSERVATION) – 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 identifies the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- habitat clearing and fragmentation due to development along the coast
- vehicle strike and domestic dog attack
- high-intensity or high-frequency fires cause koala mortality and temporarily eliminate food sources
- competition from rainforest species into eucalypt-dominated koala habitat, which can excessively shade eucalypts and inhibit growth of seedlings
- dense growth of weeds, such as lantana, which can inhibit koala movement
- diseases such as chlamydia and koala retrovirus
- dieback across a range of plant species due to climate changes, bell miners and insects
- potential negative impact of myrtle rust on eucalypts
- potential impact of sea level rise.

The proposed development does not include significant 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.

### 3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

#### Permissibility

The site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011 (LEP). The *subdivision of land* is defined under section 6.2 of the *Environmental Planning and Assessment Act 1979* as follows:

***subdivision of land*** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

The proposed development satisfies the above definitions, as it comprises a three lot Torrens title subdivision and demolition of an existing garage. The proposed development is permissible with the consent of Council in the R1 General Residential zone under clause 2.6 of the LEP.

- **Clause 2.3 – Zone objectives**

The Land Use Table of the LEP identifies the following objectives for the R1 General Residential zone:

- *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.*

The proposal will assist in providing for the housing needs of the community by providing an additional housing lot. The proposal will enable a variety of housing types in a density commensurate with the surrounding area. The proposal will also maintain the residential amenity and character of the locality. The proposal is consistent with the zoning objectives.

- **Clause 2.6 – Subdivision**

This clause provides that land may be subdivided but only with development consent.

- **Clause 4.1 – Minimum subdivision lot size**

Under this clause the size of any lot resulting from subdivision is not to be less than the minimum size that applies to the site under the Lot Size Map in the LEP. The site is subject to a minimum lot size of 450m<sup>2</sup> and each of the proposed lots are in excess of this size. The proposal therefore complies with this clause.

- **Clause 5.10 – Heritage conservation**

The objective of this clause is to conserve the environmental heritage of the Maitland LGA, including heritage items and heritage conservation areas, associated fabric, settings and views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.

An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in **APPENDIX 6**.

- **Clause 6.1 – Arrangements for designated State public infrastructure**

The objective of Clause 6.1 is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.

Because the site is located within the Lochinvar Urban Release Area it is subject to satisfactory arrangements.

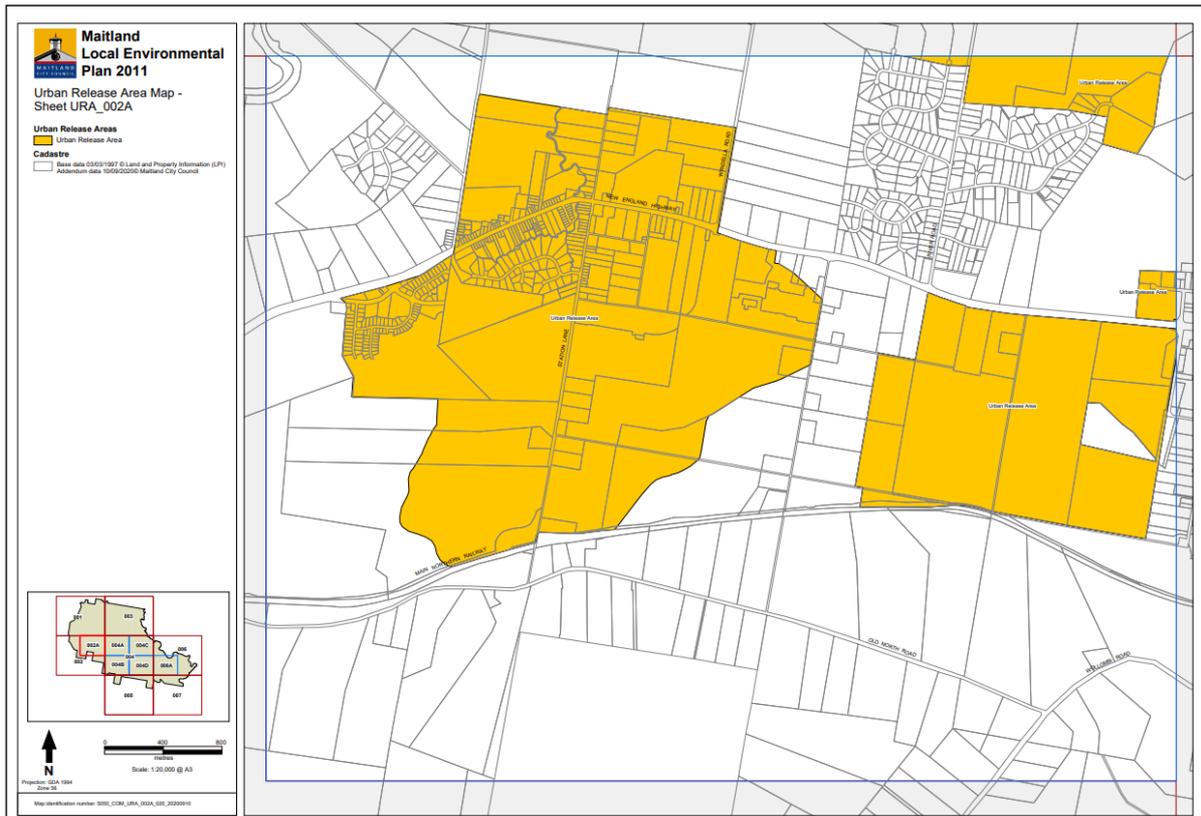


Figure 5 – Lochinvar Urban Release Area (Maitland LEP 2011)

- **Clause 6.2 – Public utility infrastructure**

Clause 6.2 states:

*(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

All necessary public infrastructure is to be made available to the proposed lots, utilising the existing infrastructure available in the area.

- **Clause 6.3 – Development control plan**

Clause 6.3 states that:

*(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

Maitland DCP 2011 Chapter F.9 – Lochinvar Urban Release Area Chapter provides controls relating to the subject site which addresses Clause 6.3. Please refer to a consideration against the requirements of this Chapter below. The proposal generally complies.

- **Clause 7.1 – Acid sulfate soils**

The objective of Clause 7.1 is to ensure that development does not disturb, expose, or drain Acid Sulfate Soils and cause environmental damage. The site is identified as potentially containing Class 5 Acid Sulfate Soils (ASS).

However, as there shall be no works within 500m of Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD an acid sulfate soil management plan is not required.

- **Clause 7.2 – Earthworks**

The application includes minimal earthworks associated with the provision of services.

### 3.4 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (DCP)

Following is an assessment against the relevant parts of the Maitland Development Control Plan (the DCP) including Chapter F.9 which relates to the Lochinvar Urban Release Area.

**Table 2:** Relevant parts of the DCP

MDCP 2011	Controls	Review/Response	Comply
<b>Part A – Administration</b>			
<b>A.4 – Notification</b>	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified and advertised.	Yes
<b>Part B – Environmental Guidelines</b>			
<b>B3 – Hunter River Floodplain</b>	The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.	The development site is NOT identified within a flood planning area	N/A

MDCP 2011	Controls	Review/Response	Comply
<b>B4 – Onsite Sewage Management System</b>	This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.	The site is currently connected to a reticulated sewer service, which will be extended to service the proposed new lot.	N/A
<b>B5 – Tree Management</b>	This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i> .  These provisions only apply to urban land.	The proposal does not seek any native vegetation removal.	N/A
<b>B6 – Waste Minimisation &amp; Management</b>	This section only applies to a specific type of construction development.	A Site Waste Minimisation and Management Plan is attached as <b>APPENDIX 8</b> .	Yes
<b>B7 – Riparian Land and Waterways</b>	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	This subject site does not contain any riparian land and/or waterways.	N/A
<b>Part C – Design Guidelines – C10 – Subdivision</b>			
<b>EC.1 – Flora and Fauna</b>	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	The proposal is not located in proximity and will not affect local flora, fauna or habitats, riparian land or corridors.	Yes
<b>C.4 Heritage and Archaeology</b>	The objective of this section is to protect heritage items, buildings with heritage significance and conservation areas and to protect known potential archaeological relics from damage or destruction.  To ensure these are considered in the new design of subdivisions.	The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.  An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMS Search Results are provided in <b>APPENDIX 6</b> .	Yes
<b>EC.3 Hazards</b>	The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.	The site is identified as Class 5 Acid Sulfate Soils. However, no significant earthworks are proposed that would be considered to risk the potential for acid sulfate soils onsite.  The site is not mapped as being affected by hazards such as	Yes

MDCP 2011	Controls	Review/Response	Comply
		bushfire, flooding, landslip, contamination, salinity. The proposal will not create any risks to life or property and it is suitable for the proposed development.	
<b>DC.1 Lot size and dimensions</b>	These sections objectives are to ensure all new lots have an appropriate size and shape to their proposed use and to allow for the provision of necessary services and other requirements.	The proposal is for a one into two lot subdivision, resulting in the following lots: Lot 1 – 601.4m <sup>2</sup> Lot 2 – 2077m <sup>2</sup> Both lots are greater than the minimum lot size provided by the LEP and they all have a regular shape. The proposal will provide adequate lots consistent with the development of the URA and will provide the necessary services/utilities to each lot.	Yes
<b>Access Handles</b>			
<b>DC.1.8</b>	Access handles and carriageways over them shall be in accordance with the table and associated notes below (Table 1 and Figure 1).	As per Table 1, the required access handle width for the proposed development is 4m, with a pavement width of 3m. The proposed access handle has a width of 5m, complying with this control.	Yes
<b>DC.1.9</b>	No more than 2 lots may be serviced by a reciprocal right-of-carriageway (ROC) which shall be centrally located within both access handles.	No more than 2 lots will be serviced as per the proposed development.	Yes
<b>DC.1.10</b>	Battle-axe lots without public frontage (i.e., road, park, reserve) are discouraged unless part of an integrated approval.	The subject site has public frontage.	Yes
<b>DC.1.11</b>	When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.	The proposed lot 2 area has been calculated excluding the access handle.	Yes
<b>DC.1.12</b>	Shared use handles are to be incorporated into the 10.0m chord frontage around sharp bends and cul-de-sacs to facilitate access width, parking and garbage	The subject site is not located around a sharp bend or cul-de-sac.	Yes

MDCP 2011	Controls	Review/Response	Comply
	collection. See Figure 2 and Table 1 below.		
DC.1.13	Access ways to hatchet shaped or battle axe lots will serve a maximum of 2 lots, have a maximum grade of 25% (4H:1V) at any point.	The proposed access handle will serve 1 lot and will not have a grade above 25% at any point.	Yes
DC. 2 Solar Access and Energy Efficiency	The objective of this section is to encourage the design of residential subdivisions which maximise solar access and allow flexibility in the siting of future buildings to take advantage of a north aspect	The proposed lots have an east-west orientation that allows each lot good solar access consistent with the objectives of this clause. Future development within proposed Lot 2 can be designed to achieve compliant solar access.	Yes
DC.3 – Drainage, Water Quality and Soil Erosion	The objectives of this section are to preserve natural drainage, enhance the environment and maintain the health and quality of the water catchment and its health.	The proposal will preserve natural drainage on site within Lot 2. The existing stormwater arrangements utilised by the existing dwelling shall continue following subdivision. Detailed stormwater design for a future dwelling on Lot 2 can be provided as part of a future development application.	Yes
DC.4 Landscape, Streetscape and Visual Impact.	This sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.	The proposal will not impact the local character of the surrounding landscape and will provide streetscape consistent with the developing area.	Yes
DC.5 Effluent Disposal	The objectives include to ensure that new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	The proposed lot 2 is to be connected to reticulated sewer and water. These services will be timed and augmented to ensure the development is adequately serviced.  A Before You Dig Australia Report is provided at <b>APPENDIX 7</b> indicating the existing services available to the site.	Yes
DC.6 Roads, Access, Pedestrian and Cycleways	The objectives include to provide appropriate access to all new lots created.	The site and proposed lot 1 is currently provided with access to the road network. A new crossover will be provided as part of any application for future development of Lot 2.	Yes
DC.7 Crime Prevention –	This sections' objectives are to achieve effective design of subdivisions to reduce crime.	The proposal will not create opportunity or increase the potential risk of crime/criminal	Yes

MDCP 2011	Controls	Review/Response	Comply
<b>Safer by Design</b>		behaviour in the locality. The proposal has clear sightlines between public and private places. The objectives of this part are satisfied	
<b>DC. 8 Site Filing</b>	The objective of this section is to ensure fill is properly assessed.	Minimal soil disturbance is proposed associated with the provision of services. No extraction or fill from offsite is proposed.	Yes
<b>DC. 9 Reticulated Services (Waste/Sewer/Electricity/Telecommunications)</b>	The objective of this section is to provide utilities and services to new lots in an efficient manner.	Each lot has the ability to be connected to reticulated water, sewer, electricity and telecommunications.	Yes
<b>IC.1 Entry Features</b>	The objective of this section is to ameliorate cumulative visual impact of entry features	Not applicable to this proposal.	N/A
<b>IC. Street Names</b>	Street names to be approved by council	Not applicable to this proposal.	N/A
<b>IC.3 House numbering</b>	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	N/A
<b>Part F – Urban Release Areas</b>			
<b>F.9 – URA – Lochinvar</b>	This Part of the DCP gives detailed guidance to people wishing to develop land identified as an urban release area in the Maitland LEP 2011.	The site is identified within the Urban Release Area (URA) of Lochinvar, and Part F of the DCP applies.	Yes
<b>Staging Plan</b>	To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.  To provide for the logical development of the URA based on the cost-effective provision and availability of infrastructure and servicing arrangements	The subject site is located within 'Stage 1' of the URA staging plan. Staging has been proposed under the URA to provide efficient and timely development of the area, and making provisions for necessary infrastructure such as roads, drainage, water and sewer reticulation, community facilities etc.  The proposed lot 2 is to be connected to reticulated water, sewer, telecommunications and	Yes

MDCP 2011	Controls	Review/Response	Comply
		power. Evidence of satisfactory arrangements from Hunter Water is provided in <b>APPENDIX 5</b> .	
<b>Transport and Movement</b>	To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists  To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents	Given the size of the proposed development an overall transport movement hierarchy is not warranted.	Yes
<b>Landscaping Strategy</b>	To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.	The proposed site does not contain any environmental corridors, riparian zones that require enhancement and protection.  No native tree removal is proposed under this application.  The proposal can satisfy the objectives of this part.	Yes
<b>Passive and Recreational Areas</b>	Neighbourhoods are conveniently located open space areas that offer a range of recreational opportunities for residents, accessible within walking distance from each residence.  To provide a safe and appropriate level of pedestrian and cycleway access linking new development with established urban areas, parks and public transport, including a mix of on-road and off-road cycle routes.	The subdivision does not inhibit future connections and is consistent with the objectives of this part.	Yes
<b>Stormwater and Water Quality Management</b>	The objectives include to protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.	Future application for development of proposed Lot 2 shall ensure that post-development stormwater flows do not exceed pre-development stormwater flows	Yes
<b>Amelioration of Natural &amp; Environmental Hazards</b>	Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation	The site is not mapped as being affected by hazards such as bushfire, flooding, landslip, contamination, salinity or ASS.  This site is considered to not be constrained hence will not create unnecessary risk to life or	Yes

MDCP 2011	Controls	Review/Response	Comply
	<p>from, any land so affected is achieved.</p> <p>To ensure that future residential development is not adversely affected by any noise and vibration from incompatible land uses, including road and rail corridors</p>	<p>property and is suitable for the proposed development.</p> <p>The site is not identified to be impacted by noise or vibration and is considered to be suitable for residential development.</p>	
<b>Aboriginal and European Heritage</b>	Heritage items, buildings with heritage significance and conservation areas are protected.	<p>The site is not identified as being within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.</p> <p>An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in <b>APPENDIX 6.</b></p>	Yes
<b>Key Development Sites</b>	Detailed urban design controls are provided for significant development sites	The site is not a Key Development Site.	N/A
<b>Residential densities</b>	Specified by the LEP	Complies	Yes
<b>Neighbourhood Commercial and retail uses</b>	<p>To accommodate and control appropriate neighbourhood commercial and retail uses.</p> <p>To foster a sense of community and strong local identity and sense of place in neighbourhoods</p>	None proposed or required onsite	N/A
<b>Provision of Public Facilities and Services</b>	Suitably located public facilities and services are provided, including provision for appropriate traffic management facilities and parking.	Complies	Yes.

### 3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

#### *Section 7.11 – Development Contributions*

Development contributions will be calculated and charged in accordance with the Lochinvar S94 Contributions Plan 2014 (CP).

### **3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2000* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

### **3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS**

Section 4.15(1)(a)(ii) requires the consent authority to consider:

*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).*

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or the subject site that require consideration as part of this development application.

### **4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES**

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

#### **4.1 LIKELY IMPACTS OF THE DEVELOPMENT**

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

##### **4.1.1 BUILT ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the built environment:

##### **Context & Setting**

The features of the site have informed the design of the proposal, which is consistent with development surrounding the site and within the broader locality. The proposal complies with the relevant requirements of the planning framework including the minimum lot size and the detailed design provisions of the DCP. All structures are separated from adjoining boundaries by a minimum of 1 metre and therefore comply with the setback provisions of the DCP. The design of the proposal responds appropriately to the context and setting of the site.

### Visual Impact

The proposal has been designed to respond to the existing lot layout and to compliment surrounding future residential development. The visual presentation of the proposed subdivision is consistent with residential development within the locality.

### Access, Transport & Traffic

Access to the existing dwelling shall continue to be provided from the New England Highway. The increase in traffic that will arise from the proposal will not significantly impact the surrounding road network and will be consistent with that anticipated by the zoning of site (outlined in the Traffic Assessment attached as **APPENDIX 9**). The development provides appropriate off-street parking, thereby eliminating impacts on the adjoining road network. Access is well provided from the adjoining road network. Overall, the proposal will not result in any significant impacts to access, traffic or transport in the area.

### Public Domain

The development will not result in any detrimental impacts on the public domain. Development contributions that will be payable will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

### Services

The site is adequately serviced, and the proposed subdivision and demolition will not unreasonably increase demand of these services.

### Safety, security and crime prevention

No safety, security or crime prevention measures are required. The proposed subdivision and demolition will provide opportunities for passive surveillance from the site to adjoining public areas.

## **4.1.2 NATURAL ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the natural environment:

### Ecology

No trees or significant vegetation will be required to be removed in order to facilitate the subdivision and demolition. There will be no significant impacts upon the natural environment as a result of the proposal.

### Landscaping

No landscaping is proposed as part of this development application.

### Noise and vibration

Construction noise associated with the demolition of the existing garage and future development will be as per normal construction times and processes and will cease once construction is completed.

### Stormwater management

A Stormwater Management Plan is provided as **APPENDIX 10**. The existing dwelling will continue to manage stormwater on-site in accordance with the approved and established infrastructure. A future dwelling on proposed Lot 2 will be subject to detailed stormwater design and associated assessment at the relevant stage under a separate DA.

## **4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY**

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity and providing new and diverse density of residential accommodation within a low-density residential environment to meet the needs of the local community.

## **4.4 CUMULATIVE IMPACTS**

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

## **4.5 SUITABILITY OF THE SITE**

The proposal is permitted with consent in the R1 zone and is consistent with both the zoning objectives and the relevant requirements of the Maitland LEP and the DCP.

While the proposal represents an intensification of development on the site, the above assessment demonstrates that the style and form is appropriate in light of the site and surrounds, with no adverse impacts as a result.

The site is therefore considered suitable for the proposed development.

## **4.6 CONSULTATION**

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

In the event that this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

## 4.7 THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use and development of land for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls.

The proposed development is in the public interest as:

- it is permitted in the R1 zone and consistent with the R1 zone objectives;
- it is consistent with the relevant planning requirements;
- it will provide benefits for the community in the form of additional housing stock, in a low-density residential form; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

## 5.0 CONCLUSION

In conclusion, the proposal is permissible under the Maitland LEP and is consistent with the objectives for development in the R1 General Density Residential zone.

The proposal has been assessed against the Maitland DCP and is consistent with the relevant provisions. The proposal will result in positive social and economic benefits, with no adverse impacts anticipated on the residential amenity of surrounding properties, the locality or the natural environment.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal. It is recommended that Council approve the application.



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