

Maitland Council
PO Box 220
Maitland NSW 2320

24 April 2025

Re: Development Application – 118 and 200 Anambah Road, Anambah

Dear Sir/Madam,

We write to submit a Development Application (DA) relating to 118 and 200 Anambah Road, Anambah, which currently comprises lots 721 in DP 1191240 (200 Anambah Road) and 712 in DP 1233410 (118 Anambah Road) ('the site'). Lot 721 in DP 1191240 contains the State Heritage listed item known as "Anambah House" and is approximately 24.09Ha in area. Lot 712 in DP 1233410 is a vacant rural lot and is currently approximately 53.06Ha in area.

We act on behalf of the owners of the site and seek consent for the subdivision of these two lots into two lots. The application has not been pursued as a Boundary adjustment as it is considered that the change in lot sizes is more than a minor change otherwise allowed by clause 2.75 of SEPP (Exempt and Complying Development Codes (2008)). The existing and proposed lot areas are summaries in the Table below.

Site	Current area	Proposed area	Change
Anambah House (Proposed Lot 200)	24.18Ha	35Ha	+10.82Ha
Vacant Lot (Proposed Lot 199)	52.98Ha	42Ha	-11.98Ha

Table 1: Lot Summary Table

The DA has been prepared in accordance with the *Environmental Planning and Assessment (EP&A) Act 1979* and the EP&A Regulation 2021.

The subdivision is permissible with consent in the RU2 Rural landscape and C2 Environmental Conservation zones that apply and will not give rise to any adverse amenity impact to neighbouring properties.

The application is Integrated Development by virtue of the application being for subdivision of land that includes land containing an item of State Heritage Significance.

The land is identified as being bushfire prone. However consistent with the provisions of Section 4.14(1) of the EP&A Act 1979, the application is for the subdivision of land that could already be lawfully used for rural or residential purposes. As a consequence consultation with the RFS is not required.

Should a dwelling be proposed in future on the vacant lot, in that case consultation would be required.

We trust that the documentation provided is satisfactory. Should you wish to discuss the application, please do not hesitate to contact myself on (02) 9380 9911, or by email at sbarwick@sjb.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Scott Barwick', with a stylized flourish at the end.

Scott Barwick
Director

Statement of Environmental Effects for Development Application 118 and 200 Anambah Road, Anambah

1. Introduction

1.1 Overview

This SEE has been prepared in support of a DA to undertake a boundary adjustment subdivision of the two existing lots to create two new lots of 35ha and 42ha at land known as 118 and 200 Anambah Road, Anambah ('the site').

1.2 Scope and Format of the Statement of Environmental Effects

This SEE has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This SEE has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are included as Attachments to this SEE and are identified in Table 1 below.

Document Name	Prepared by
Statement of Heritage Impact	Weir Phillips
Plan of proposed subdivision	David Cant Surveyors
Clause 4.6 Variation request	SJB Planning

Table 2: Plans and documents prepared to accompany this SEE

2. Site Description and Context

2.1 Site Description

The site is located at 200 Anambah Road, Anambah and is legally described as lots 721 in DP 1191240 and 712 in DP 1233410 ('the site'). Lot 721 in DP 1191240 contains the State Heritage listed item known as "Anambah House". Lot 712 in DP 1233410 is vacant and utilised for grazing purposes.

The site is shown in Figure 1 below.

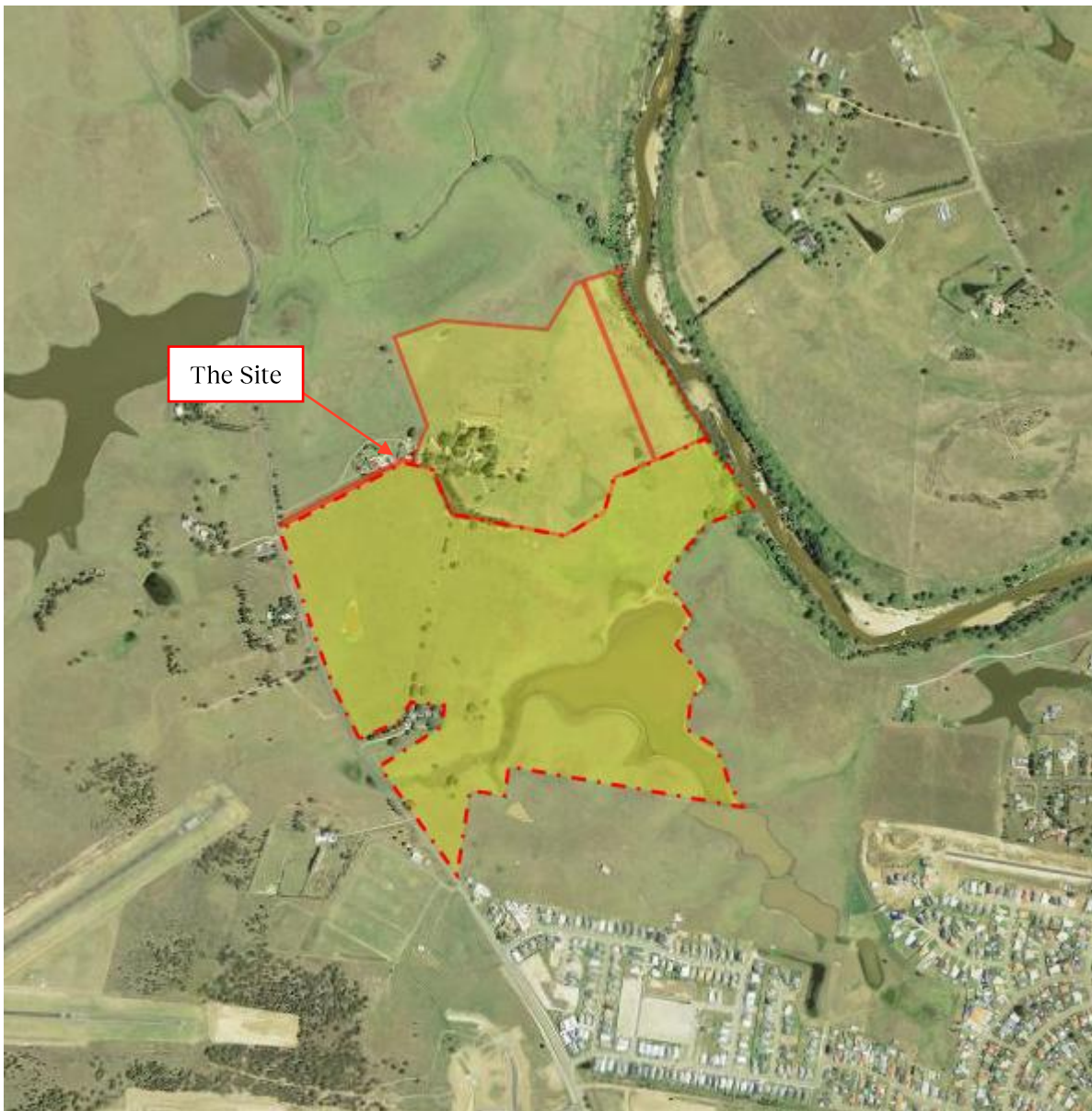


Figure 1: Aerial view of site and locality (Source: SIX Maps)

The site comprising the two existing lots has an area of 77.16ha.

2.2 Existing Development on the Site

The site currently accommodates the heritage significant Anambah House and grazing lands extending to the frontage with the Hunter River to the north east.

The land is separated by another lot to the residential subdivision to the south. The immediate locality is substantially of open grazing lands. Both existing lots have frontage to Anambah Road which would be retained for both proposed lots.

3. Proposed Development

The proposal seeks consent for the re-subdivision of two lots into two lots. The two existing dwelling entitlements would be retained.

4. Statutory Assessment

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

4.1.1 Chapter 4 Remediation of land

Chapter 4 of the Resilience and Hazards SEPP prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 4.6 of the Resilience and Hazards SEPP provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land 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.”*

The site has historically been used for rural purposes and the subdivision does not seek to alter these existing and on-going uses.

On this basis, the proposal is consistent with the provision of the Resilience and Hazards SEPP.

4.2 Maitland Local Environmental Plan 2011

4.2.1 Land Use and Permissibility

The site is located within the RU2 Rural landscape and C2 Environmental Conservation Zones under Maitland LEP 2011 (MLEP) (refer Figure 2). Extensive agriculture is a use permitted without development consent in both zones.

Clause 2.6 identifies that subdivision is permitted with development consent.

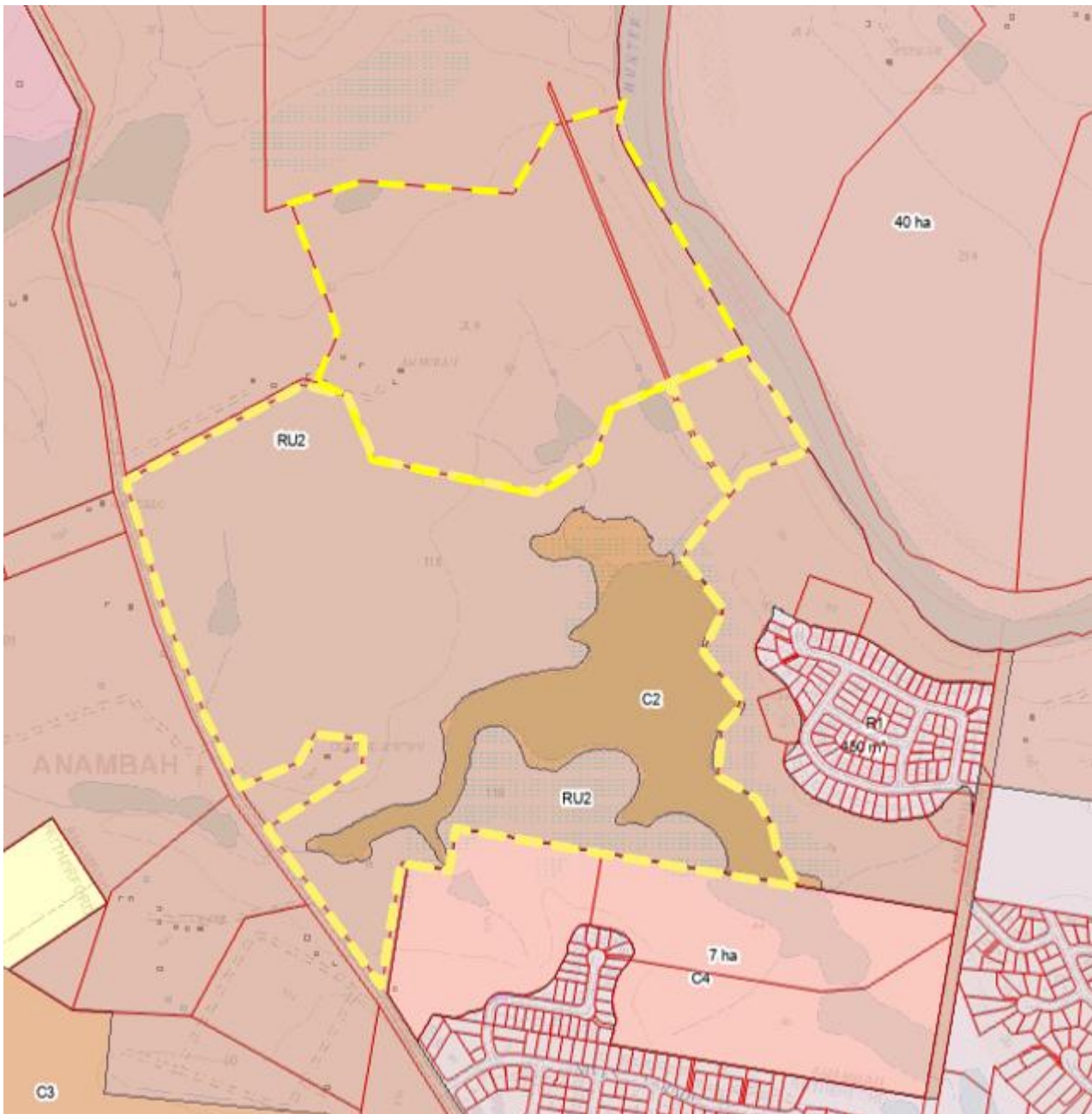


Figure 2: Land use zone extract (source: eSpatial viewer)

4.2.2 Minimum subdivision lot size (Clause 4.1)

The minimum lot size applicable is 40ha. Proposed lot 199 complies while proposed lot 200 is non-compliant. The application is supported by a request to vary the development standard under clause 4.6(3) of the MLEP. The continued ability for the existing dwelling entitlements to be maintained is addressed in the discussion of clause 4.2A - Erection of a dwelling on land in certain rural and conservation zones.

The application is supported by a clause 4.6 variation request to the minimum lot size provisions. Existing dwelling entitlements would be retained as discussed under the consideration of clause 4.2A.

4.2.3 Rural subdivision (Clause 4.2)

Clause 4.2 is not relied upon to create the lot containing Anambah House. Clause 4.2 would permit the creation of a lot less than 40Ha. Such a lot is excluded from being created by Clause 4.2(4).

4.2.4 Erection of a dwelling on land in certain rural and conservation zones (Clause 4.2A)

The land subject to the application is zoned part RU2 Rural Landscape and part C2 Environmental Conservation. Clause 4.2A applies to the land.

Proposed lot 200 containing Anambah House would continue to only include land zoned RU2 Rural Landscape. Proposed lot 199 will continue to be part RU2 Rural Landscape and part C2 Environmental Conservation zone.

Proposed Lot 199 exceeds the minimum lot size to permit the erection of a dwelling required by clause 4.2A(3)(a) subject to future consent.

The lot containing Anambah House, despite continuing to be less than the minimum lot size would continue to be a lot to which clause 4.2A (5) applies as it already contains a lawfully erected dwelling, being the heritage listed Anambah House.

Both proposed lots would maintain their respective dwelling entitlements.

4.2.5 Minimum subdivision lot sizes for certain split zones (Clause 4.2C)

Clause 4.2C is applicable to the land as one of the existing lots includes a split zone.

The provisions are not relied upon as while proposed lot 199 contains all of the C2 Environmental Conservation zoned land, and exceeds the minimum lot size of 40Ha, proposed lot 200 containing Anambah House remains less than the minimum lot size required by Clause 4.2C (3) (b).

4.2.6 Exceptions to development standards (Clause 4.6)

A clause 4.6 variation request to the minimum lot size development standard is able to be considered by the operation of clause 4.6(6).

Clause 4.6(6) applies to proposals for the subdivision of land in, among other zones land RU2 Rural landscape and C2 Environmental Conservation.

Specifically the clause states (with emphasis added):

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, **or***
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Subclauses (a) and (b) are an or provision. The proposed subdivision results in only one lot that less than the minimum specified development standard (being proposed lot 200). The satisfaction of cluse 4.6(6)(a) allows for a cluse 4.6 variation request to be considered in the circumstances.

4.2.7 Heritage Conservation (Clause 5.10)

The site is identified as Heritage Item of State significance (Item I3 within Schedule 5 of MLEP 2011).

A Statement of Heritage Impact (SOHI) prepared by Weir Phillips identifies that the proposed enlargement of the lot occupied by Anambah House does not detract from the heritage significance of the item.

4.2.8 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones (Clause 5.16)

The clause applies by virtue of the land being zoned RU2 Rural landscape and C2 Environmental Conservation.

The subdivision seeks to retain the existing dwelling entitlement of proposed lot 199 and the entitlement for proposed lot 200 which is occupied Anambah House.

In that regard the subdivision does not alter the current number of dwelling entitlements or the number of lots. The outcome is that proposed lot 199 remains compliant with the minimum lot size and the non-compliance of the lot containing Anambah House is reduced.

The Council can be satisfied that the proposed subdivision, which is akin to a boundary adjustment,

- a. Does not conflict with the surrounding rural and rural residential land uses in the vicinity,
- b. The status quo of dwelling entitlements amongst a rural residential area is maintained and would not conflict with surrounding land uses and activities,
- c. The proposed two lot into two lot subdivision remains compatible with the surrounding land uses,
- d. The subdivision does not require the implementation of any measures to address or mitigate land use conflicts.

4.2.9 Flood Planning (Clause 5.21)

Parts of both lots are identified as flood planning area.

Both lots currently benefit from a dwelling entitlement and this circumstance would not change as a consequence of the re-subdivision of the two lots.

Proposed lot 199, being the vacant lot contains significant area out side of the flood planning area which could be considered for a future dwelling.

The proposed subdivision involves no physical works and therefore has no impact upon the existing flood behaviour.

The re-subdivision does not conflict with the considerations of clause 5.21.

4.3 Maitland Development Control Plan 2011

MDCP 2011 is the primary development control plan applicable to development within the Maitland local government area (LGA).

An assessment of the proposal against the following provisions of part C10- Subdivision is provided in the following sections.

It is again noted that the application is a re-subdivision of two lots into two lots. No works are proposed no are any roads proposed or required.

Control	Response
1 <i>EC.1 Flora and fauna</i>	<p>The subdivision is effectively a boundary adjustment and purposes no physical work or clearing of land. Proposed lot 199 will continue to be a vacant rural lot with a dwelling entitlement and proposed lot 200 will contain Anambah House.</p> <p>No further assessment is considered necessary.</p>
2 <i>EC.2 Heritage and Archaeology</i>	<p>The application is supported by a statement of Heritage Impact. No physical works are proposed or required to facilitate the proposed re-subdivision.</p>
3 <i>EC.3 Hazards - Flooding.</i>	<p>As noted the land is partly affected by the flood planning area. The subdivision does not propose any increase in dwelling entitlements or propose works that would impact upon flood behaviour.</p> <p>Proposed lot 199 which will be a vacant lot includes extensive areas that are outside the flood planning area should a dwelling be pursued in the future and will be the appropriate point to address in detail the hazard considerations for a specific proposal.</p> <p>It is reiterated that the subdivision is effectively a boundary adjustment and does not alter or intensify the current dwelling entitlements.</p>
4 <i>EC.3 Hazards - Bushfire Prone Land</i>	<p>The land is mapped as Category 3 Bushfire Prone Land. One of the lots retains the existing dwelling while the second lot remains vacant with a dwelling entitlement.</p> <p>Detailed considerations of bushfire planning would be appropriately addressed and considered should a dwelling be proposed for lot 199 in the future.</p>

5	<i>DC.1 Lot Size and Dimensions – Rural and Conservation Zones</i>	Vanant lot 199 has a substantial area that is mapped as being outside of the flood planning area and being open grazing land is substantially clear of vegetation. Ample scope exists for the location of a dwelling should that be pursued in the future. There is no utility or planning purpose to be served on such a lot identifying a specific dwelling location
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Table 3: Maitland DCP Part C10 Subdivision consideration

5. The Likely Impacts of the Development

This section of the SEE identifies relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

5.1 Amenity Impacts to Neighbouring Properties

The proposal is an amendment to the underlying lot boundaries. The reconfiguration of the two existing lots will have no adverse impacts upon neighbouring lands.

5.2 Social and Economic Impacts

The proposal will not give rise to any adverse social or economic impacts.

Proposed Lot 199 remains compliant with the minimum lot size while the reallocation of land reduces the non-compliance of proposed lot 200, containing Anambah House, with the lot size development standard.

The proposal will have a positive social impact of increasing the curtilage to Anambah House.

5.3 The Suitability of the Site for the Development

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The proposed development is consistent with the objectives of the zone and will result in no adverse impact to surrounding land or to the heritage item known as Anambah House.

There are no significant natural or cultural constraints that would hinder the proposed subdivision and does not result in significant impacts on neighbouring properties or the surrounding area. Accordingly, the site is considered suitable for the proposed development.

5.4 The Public Interest

The development of land in an orderly and economic way is in the public interest. Approval of the re-subdivision of two lots into two lots does not conflict with the public interest.

6. Conclusion

The DA seeks consent the re-subdivision of two lots into two.

The proposal is supported by a clause 4.6 variation request relating to proposed lot 200. As set out in the accompanying clause 4.6 variation request the re-subdivision is supported on heritage grounds and does not conflict with the objectives of the development standard.

The DA has been prepared in accordance with the *EP&A Act 1979* and the *EP&A Regulation 2021*. This SEE provides an assessment of the proposal having regard to the heads of consideration under Section 4.15(1) of the *EP&A Act 1979* and the *EP&A Regulation 2021*, the provisions of the relevant State Environmental Planning policies (SEPPs) and the Maitland Council's LEP and DCP.

The proposal is permissible with consent and based on the assessment undertaken, approval of the DA is sought.