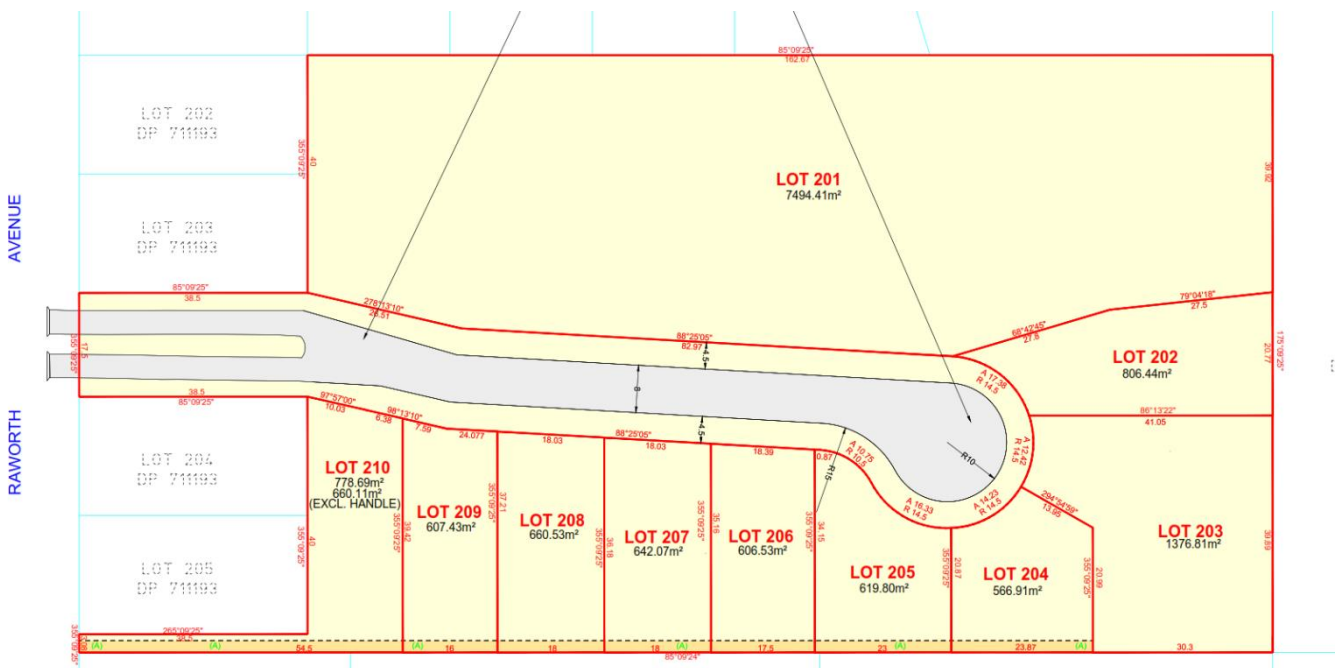




LE MOTTEE GROUP

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT
Pty Limited ABN 38 136 535 156



PROPOSED SUBDIVISION STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 201 DP 711193

28 RAWORTH AVENUE, RAWORTH

OUR REF: 8955

This report was prepared by Lucy Stanton from Le Mottee Group Pty Ltd (LMG).

LMG Ref: 8955

Date: 28 June 2023

Prepared by:

Le Mottee Group Pty Ltd

Lucy Stanton

Cadet Town Planner

Bachelor of Environmental Science and Management (Undergraduate)

Reviewed by:

Le Mottee Group Pty Ltd

Kate Wheeler

Senior Town Planner

Bachelor of Design (Architecture), Masters of Urban & Regional Planning, PIA (Member)

Table of Contents

1.	Introduction	1
1.1	BACKGROUND	1
1.2	OVERVIEW	1
1.3	SCOPE AND STRUCTURE OF THE REPORT	2
1.4	SUPPORTING DOCUMENTS	2
2.	Site Description	3
2.1	LOCALITY	3
2.2	SUBJECT LAND	3
2.3	EXISTING DEVELOPMENT	4
2.4	SURROUNDING DEVELOPMENT	4
3.	Proposed Development	5
3.1	AIM OF THE PROPOSED DEVELOPMENT	5
3.1.1	Details of proposed development	5
4.	Planning Provisions	8
4.1	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	8
4.2	MAITLAND LOCAL ENVIRONMENTAL PLAN, 2011	9
4.2.1	Existing Zoning	9
	Clause 4.1 – Minimum subdivision lot size	10
	Clause 7.1 – Acid Sulfate Soils	11
4.3	MAITLAND DEVELOPMENT CONTROL PLAN, 2011	12
4.3.1	DCP Part C: Design Guidelines	12
5.	Conclusion	16

1. INTRODUCTION

1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Park and Shop Pty Ltd to prepare a Torrens Title Subdivision Plan and a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Maitland City Council (MCC) for a one (1) into ten (10) Lot Torrens Title Subdivision of **Lot 201 DP 711193**. Minor demolition works to remove an existing carpark, landscaping and a tennis court is required to enable the proposed development.

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 proposed development subject to this application is the subdivision of **Lot 201 DP 711193** into ten (10) Torrens Title Lots. The proposal is consistent with the current subdivision pattern of the area and is in keeping with the character of the locality.

It is to be noted that the proposed development is located upon land that has historically been used as a Tennis Resort. The current landowner seeks to subdivide the site into ten (10) Lots. One (1) Lot will retain the existing tourist accommodation, being a Motel / Villa, and nine (9) vacant Lots will become suitable for future residential development. To enable the proposed subdivision, minor demolition works are required to remove existing landscaping, a carpark and a tennis court. However, the motel, pool and parking that exists within proposed Lot 201 is to be retained.

This report considers the proposed development against the controls of the Maitland Local Environmental Plan (LEP) and Development Control Plan (DCP). Under the Maitland LEP (2011) the proposed development is permitted with consent in the current R1 General Residential zone.

There is nothing in the Maitland LEP (2011) or DCP (2011) 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** – Draft Stormwater and Drainage Plan; and,
- **Annexure C** – Landscaping Plan.

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 Raworth, within the Maitland LGA.

Raworth is situated approximately 2.5km northeast of East Maitland and approximately 4.5km southeast of Maitland.

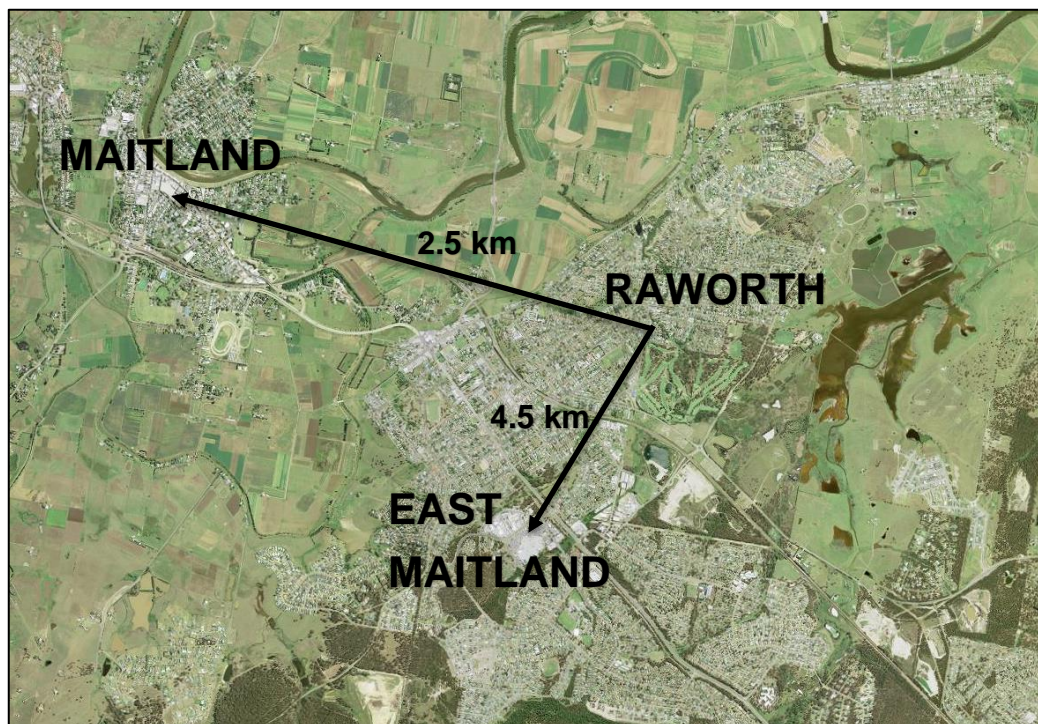


Figure 1: Location of the subject land (source: NSW Six Map).

2.2 SUBJECT LAND

The subject land is located at 28 Raworth Avenue, Raworth. The land is formally identified as **Lot 201 DP 711193**. For the purpose of this report Lot 201 shall be referred to as 'the site'.

The site has an area of approximately 1.715ha and has access via a right of carriageway to Raworth Avenue.



Figure 2: The site (source: NSW ePlanning Spatial Viewer)

2.3 EXISTING DEVELOPMENT

The site exists as the Hunter Morpeth Motel and Villa and is upon generally vacant land. Existing development associated with the site includes brick buildings for accommodation, a pool, parking, a tennis court and a landscaped area. To facilitate the proposed development, existing parking, landscaped area and a tennis court are to be demolished. However, the motel, pool and parking that exists within proposed Lot 201 is to be retained.

2.4 SURROUNDING DEVELOPMENT

The site is located within Raworth, an existing residential area within the Maitland LGA.

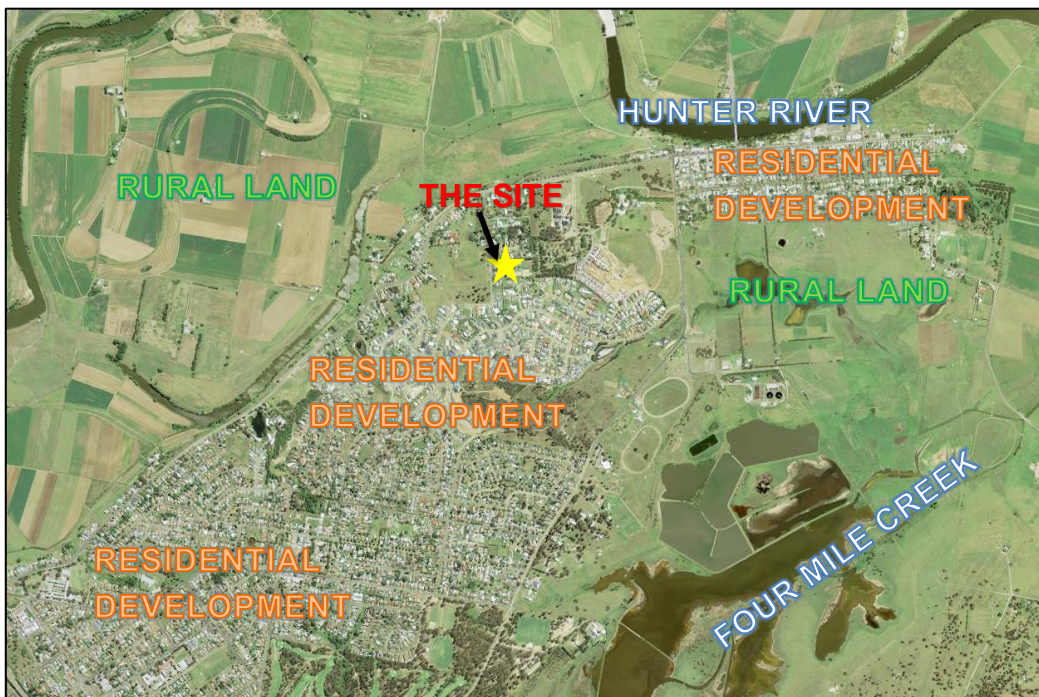


Figure 3: The site and surrounding lands (source: NSW Six Map).

Raworth is an existing rural residential area located centrally to Maitland, East Maitland and close to Raymond Terrace. These centres support all necessary regional services such as shopping centres, educational and health care facilities.

3. PROPOSED DEVELOPMENT

3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the land into ten (10) Torrens Title Lots. Details of the subdivision are provided in the following section.

All existing buildings are to be retained.

3.1.1 DETAILS OF PROPOSED DEVELOPMENT

DEMOLITION

To facilitate the proposed development, demolition of an existing small carpark, landscaping and a tennis court is required to be demolished.

All waste and associated materials resulting from the physical works will mainly consist of asphalt, concrete, and garden organics waste such as branches and trees. Tree waste can be broken down to wood chipping and spread throughout existing or proposed landscaping. Additionally, any asphalt or concrete can be broken down. Where reuse is not feasible, all demolition waste will be taken to the appropriate reputable licensed concrete recycling facility such as Concrush, to be repurposed.

The management of waste on the site has been detailed further in this report.

Please see *Figure 4* below with all development proposed to be demolished outlined in a red dashed line.

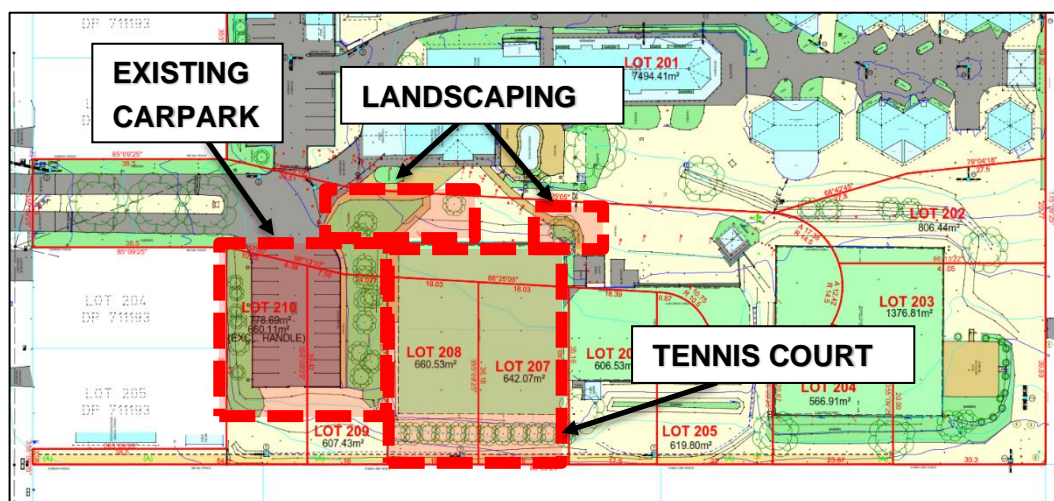


Figure 4: proposed demolition works (Le Mottee Group)

SUBDIVISION

It is proposed to create ten (10) Torrens Title Lots as described below:

- **Lot 201** – shall support the existing development associated with the Motel and Villa with a total area of 7494.41m². Access to Lot 201 shall be via a new road.
- **Lot 202** – shall be vacant and suitable for future residential development. The area of this lot is 806.44m² and will have access via a new road.
- **Lot 203** – shall have a total area of 1376.81m². Access to Lot 203 shall be via a new road.
- **Lot 204** – shall have a total area of 566.91m². Access to Lot 204 shall be via a new road.
- **Lot 205** – shall have a total area of 619.80m². Access to Lot 205 shall be via a new road.
- **Lot 206** – shall have a total area of 606.53m². Access to Lot 206 shall be via a new road.
- **Lot 207** – shall have a total area of 642.07m². Access to Lot 207 shall be via a new road.
- **Lot 208** – shall have a total area of 660.53m². Access to Lot 208 shall be via a new road.
- **Lot 209** – shall have a total area of 607.43m². Access to Lot 209 shall be via a new road.
- **Lot 210** – shall have a total area of 778.69m², 660.11m² excluding the handle. Access to Lot 210 shall be via a new road.

An extract from the Subdivision Plan is provided over the page in *Figure 5*:

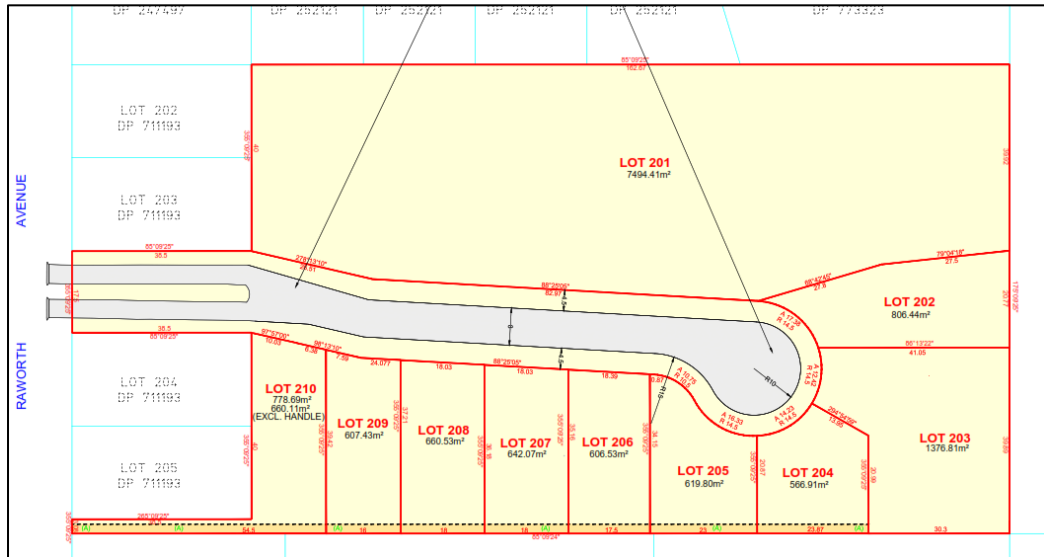


Figure 5: Extract of proposed plan of subdivision (Le Mottee Group)

For further details, please refer to the proposed subdivision plan provided herewith as Annexure A.

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 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), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

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 MAITLAND LOCAL ENVIRONMENTAL PLAN, 2011

All relevant sections of the *Maitland Local Environmental Plan (LEP) 2011* have been addressed below.

4.2.1 EXISTING ZONING

Under the *Maitland Local Environmental Plan (LEP) 2011*, the subject site is zoned **R1 General Residential**. A copy of the land zoning map extract is included as *Figure 6*.

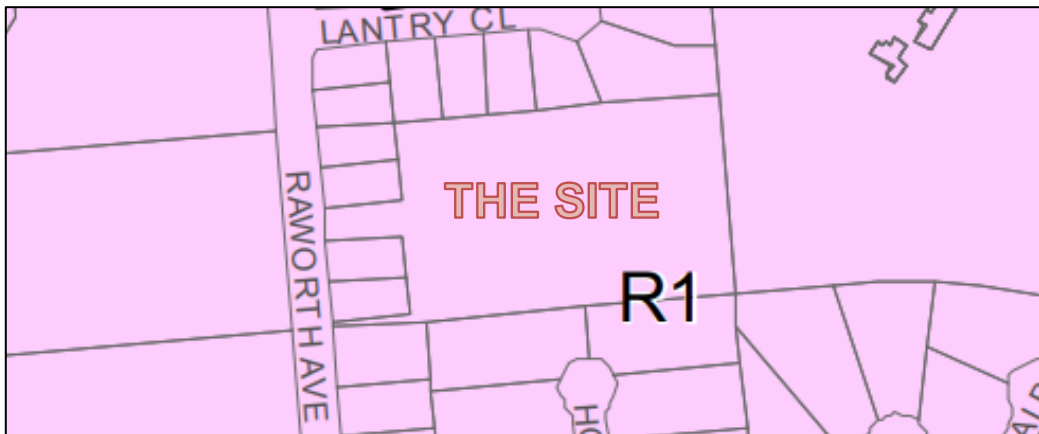


Figure 6: Maitland LEP 2011 land zoning map extract (map= 004C).

ZONE OBJECTIVES:

The objectives of the R1 General Residential 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.*

The proposed subdivision is permitted within the R1 Zone with consent. The proposed development will provide additional housing opportunities in an existing residential area and therefore is in keeping with the objectives of the R1 General Residential Zone.

CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE



Figure 7: Maitland LEP 2011 minimum lot size mapping extract (G=450m²)

(1) The objectives of this clause are as follows:

(a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

(b) to prevent the fragmentation of rural land.

The proposed development located upon the site is approved as Tourist Accommodation; however, it is located within a residential estate. This application aims to subdivide the site creating one (1) Lot to retain as the Motel/Villa and (9) Residential Lots suitable for future residential development. The proposed subdivision is in keeping with the established fabric of the area and will not fragment rural land. Therefore, the proposed development is in keeping with the objectives Clause.

(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.

This clause applies as the site is located on land shown on the Lot Size Map and the proposed development requires development consent.

(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.

Each lot of the proposed subdivision meet or exceed the required 450m² minimum lot size.

(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 7.1 – ACID SULFATE SOILS

Acid sulfate soils (ASS) are naturally occurring sediments deposited under estuarine conditions; ASS contains iron sulphides (pyrite). When these soils are exposed to oxygen due to disturbance, they produce excess sulfuric acid, this makes the soils more acidic.

The subject site is located on land containing class 5 ASS, meaning works more than 5 metres below the natural ground surface will require an ASS management plan. No physical works are proposed with this application. Therefore, the development does not require an ASS management plan and the provisions of SEPP No. 55 (Remediation of Land) are not applicable to this application.

PERMISSIBILITY:

The proposed development subject to this report and development application is for the subdivision of **Lot 201 DP 711193** into ten (10) Torrens Title Lots.

Under the provisions of the *Maitland Local Environment Plan (2011)*, the site has a current zoning of R1 General Residential and a dual occupancy is permitted with consent.

There is nothing in the *Maitland Local Environmental Plan (2011)* that prohibits the proposed development.

4.3 MAITLAND DEVELOPMENT CONTROL PLAN, 2011

All relevant sections of the *Maitland Development Control Plan (DCP) 2011* have been addressed below.

4.3.1 DCP PART C: DESIGN GUIDELINES

C.10 - SUBDIVISION

Performance Criteria:

General

a) Lot boundaries should follow natural features such as water courses and ridges (rather than cut across them) to minimise the potential for soil erosion.

There are no natural features on site to guide the proposed boundary line, the subdivision has been designed to suit the existing and desired future use of the site, and access arrangements.

b) Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.

The site and surrounding area are used generally for the purpose of residential development. There are no other adjoining land uses that would require screening or buffering from the site.

c) Lot size and dimensions are to be suitable for the existing or proposed use, including any requirement for building envelopes, ancillary buildings, farm dams, access, parking, landscaping, solar access, provision of services and/or other requirement of any existing Council development consent.

The proposed subdivision will create one (1) Lot to retain the existing tourist accommodation on site, and nine (9) residential Lots. The size of these Lots meets or exceed the LEP requirements. Therefore, it is considered that the proposed Lots are suitable for their proposed land use.

d) In assessing the re-subdivision of an existing lot, Council will have regard to the circumstances and planning rationale that formed the basis for the creation of the parent lot the subject of the application.

The proposed subdivision will result in ten (10) Torrens Title Lots. One (1) Lot will retain the existing use of the site, and nine (9) Lots will be suitable for

future residential infill. This will not contravene the intention of the parent Lot which was created for the purpose of a Motel and Villa.

e) Subdivision proposals must not conflict with the requirements of any existing approvals.

The site currently supports a Motel and Villa development which has been approved and lawfully erected. The proposed subdivision will not conflict with the requirements on any existing approval and has been designed to suit the existing development.

f) 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.

All lots associated with the proposed subdivision shall meet or exceed the LEP requirements for Lot size under Clause 4.1.

Residential:

i) Access handles must have a minimum width of 3.5 metres for single lots, and be constructed in accordance with Council's Manual of Engineering Standards. No more than 2 lots may be serviced by a reciprocal right-of-carrageway which shall be centrally located within both access handles.

The site has an existing driveway which shall be upgraded to provide access to each Lot as a public road. There are no access handles proposed.

j) A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.

This application seeks consent from Council to erect a dual occupancy and then subdivide the site into ten (10) Torrens Title Lots. Each Lot will provide the appropriate dimensions for a suitable building envelope.

Flora and Fauna:

It is proposed to remove a portion of the existing landscaping to enable the proposed development. The subdivision has been designed to ensure that the majority of the existing vegetation remains and will not emanate adverse impacts to the existing environment. The site does not contain areas of significant habitat and was previously wholly utilised for tourist accommodation. The establishment of nine proposed lots with future residential development will encourage additional landscaping and planting of vegetation. Therefore, it is expected that the proposed development will not have an overall adverse impact upon the vegetation and landscaping and will in fact result in additional flora beyond what currently exists.

Solar Access and Energy Efficiency:

The nine Lots that are suitable for the establishment of future residential development generally have a northern orientation, obtaining sufficient solar access. The site is situated approximately 29m AHD and is given sufficient solar access.

Drainage, Access and Service Provision:

The nine Lots suitable for the establishment of future residential development generally have a northern orientation, with direct access to the new road. Each lot has been designed to enable the appropriate stormwater and drainage, electricity and telecommunications to service future development.

It is expected that all services will be wholly contained within the benefitted Lot. However, any services or drainage lines not wholly contained within their proposed Lot will be covered by an easement to allow existing provision to be utilised.

All units shall discharge stormwater directly to the street gutter at Raworth Avenue. Please refer to the draft Stormwater and Drainage plan herewith as *Annexure B* for further details.

The Lots will be suitable to establish residential development and will be consistent with the scale of the surrounding area to achieve an integrated streetscape along the proposed road.

Please refer to the site plan provided in Annexure A.

Landscape, Streetscape & Visual Impact:

The proposed subdivision will support street trees and Lots will be appropriately landscaped with future applications for dwellings which will improve the streetscape and minimise the visual impact of future development.

There is a new public road proposed; however, the shape of the existing driveway will be retained as part of the new road in order to maintain existing trees where possible. The waste produced by the landscaping proposed to be removed will predominantly contain branches and leaves which will be able to be broken down and reused for the proposed development.

Any other existing vegetation will be retained and protected where possible.

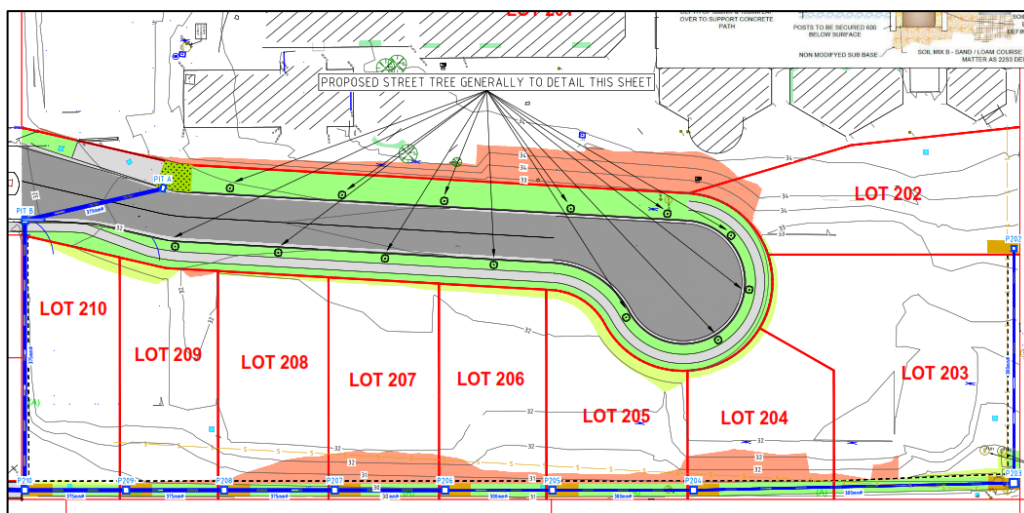


Figure 8: Proposed Street tree landscaping (Sheet 17 of the concept engineering plans)

Please refer to the landscaping plans provided herewith on Sheet 17 of the concept engineering plans for proposed street trees to enhance the subdivision.

Roads & Access, Pedestrian & Cycleways:

Each Lot shall be accessed via the proposed road to enable safe and direct access from a public road, being Raworth Avenue. The proposed cul-de-sac will be 17.5m in width and will be less than 200m in length. Additionally, the road will be suitable to accommodate necessary service and emergency vehicles when required.

Crime Prevention – Safer By Design:

The proposed development will result in 10 Torrens Title Lots, one Lot will retain the existing tourist accommodation and the remaining nine Lots will be able to facilitate future residential development. The subdivision design provides a clear layout of the boundaries for each Lot, which will be situated along a new proposed road. All Lots are orientated toward the proposed road to enable future residents to share access, and passively survey the streetscape. The proposed road will not become gated; therefore, the site is not expected to facilitate anti-social activity by future residents. The addition of street lighting will be provided where required to areas used by pedestrians, cyclists and vehicles that enter and exit the area. The proposed development ensures that crime is prevented by creating optimal surveillance opportunities where possible.

5. CONCLUSION

The proposed development subject to this application is the subdivision of **Lot 201 DP 711193** into ten (10) Torrens Title Lots. One (1) lot shall retain the existing use of the site as a Motel/Villa, and nine (9) lots will become fit for future residential development.

The development is permitted with consent under the provisions of the *Maitland Council Local Environmental Plan, 2011*. 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 a number of 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

Draft Stormwater and Drainage Plan

Le Mottee Group

Annexure C

Landscaping Plan

Le Mottee Group