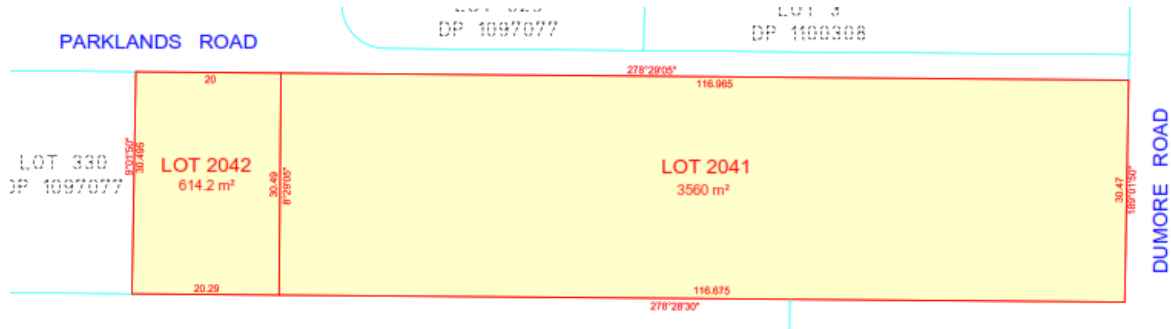




LE MOTTEE GROUP

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



PROPOSED SUBDIVISION AND STAGED DUAL OCCUPANCY
SUBDIVISION

STATEMENT OF ENVIRONMENTAL EFFECTS

LOT 204 DP 1081531

2 DUNMORE ROAD, LARGS

OUR REF: 9296

This report was prepared by Nicole Gerrard from Le Mottee Group Pty Ltd (LMG).

LMG Ref: 9296

Date: 26 March 2024

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1. INTRODUCTION

1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Valley Homes to prepare a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Maitland City Council (MCC) for the subdivision of **Lot 204 DP 1081531** into two lots and the subsequent dual occupancy/subdivision of smaller lot into two Torrens title Lots.

The proposed development is minor in nature and is of minimal environmental impact.

This SoEE provides details about the site and proposed development as well as assessing 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 204 DP 1081531** and the subsequent dual occupancy/subdivision of the “smaller” lot into two (2) Torrens title residential Lots.

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 and the proposed lots meet the required minimum lot size of 450m².

There is nothing in the Maitland LEP (2011) or DCP (2011) that prohibits the proposed subdivision or subsequent dual occupancy/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** – Architectural Plans.
- **Annexure B** – Plan of Proposed Subdivision.
- **Annexure C** – BASIX Certificate.
- **Annexure D** – Stormwater Plans.

2. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The following section identifies the subject land, existing development on site and the surrounding development.

2.1 LOCALITY

The subject land is located in Largs, within the Maitland LGA.

Largs is centrally located within the Maitland LGA, being situated approximately 5.5km northeast of Maitland and approximately 5.3km north of East Maitland. The location of the site and subject land is shown below in Figure 1.

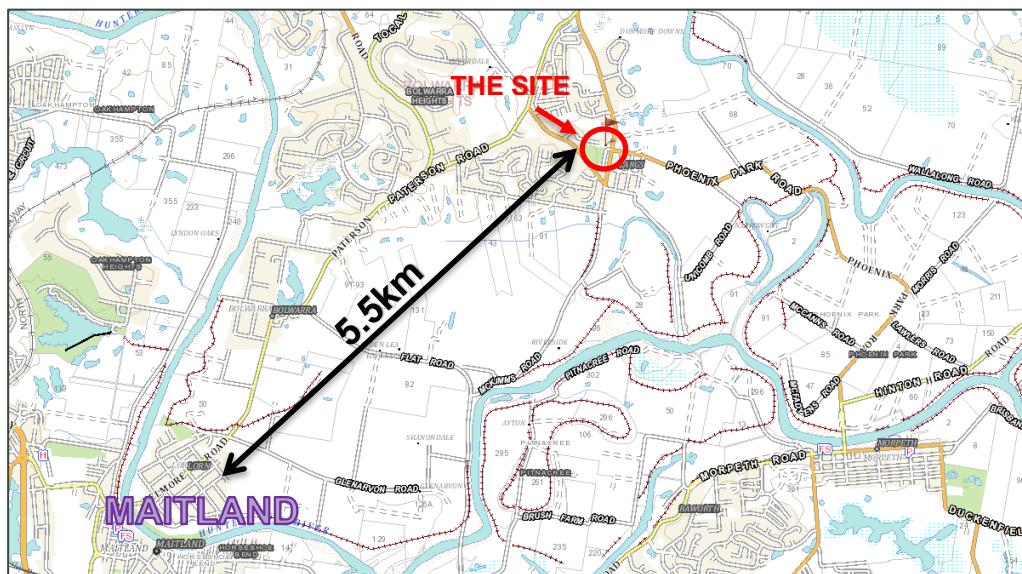


Figure 1: Location of the site and subject land (source: NSW ePlanning Spatial Viewer).

2.2 SUBJECT LAND

The subject land is located at 2 Dunmore Road, Largs. The land is formally identified as **Lot 204 DP 1081531**. For the purpose of this report Lot 204 shall be referred to as 'the site'.

The site has an area of approximately 4174.2m² and is accessed direct from Dunmore Road.



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

2.3 EXISTING DEVELOPMENT

An existing weatherboard and brick dwelling, metal garage, greenhouse, timber shed, and other ancillary structures are supported on the site.

2.4 SURROUNDING DEVELOPMENT

The site is located nearby an established residential neighborhood. Accordingly, the immediate area has been developed for residential purposes.



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

Largs is an expanding Centre located central to Maitland and East Maitland which supports all necessary regional services and facilities.

Located approximately 5.5km southwest of the site is the Maitland shopping centre. Further, East Maitland supports schools, sporting fields, health centres, parks, and areas for public recreation.

The site is considered suitable for further residential development.

3. PROPOSED DEVELOPMENT

3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the site into two allotments. It is then proposed to erect a dual occupancy and subdivide the smaller lot (proposed Lot 2042) into two additional lots.

Subsequently, the proposal will result in a one into three lot subdivision over two stages.

3.1.1 STAGE ONE – SUBDIVISION OF THE SITE INTO TWO LOTS

SUBDIVISION

Stage one involves the subdivision of the site into two lots as follows:

- **Lot 2041:** shall be 3560m² and will support the existing dwelling and ancillary structures. Access to Lot 2041 shall utilise the existing access off Dunmore Road.
- **Lot 2042:** shall be 614.2m² and will support the proposed dual occupancy dwelling. Access to Lot 2042 shall be direct from Parklands Road.

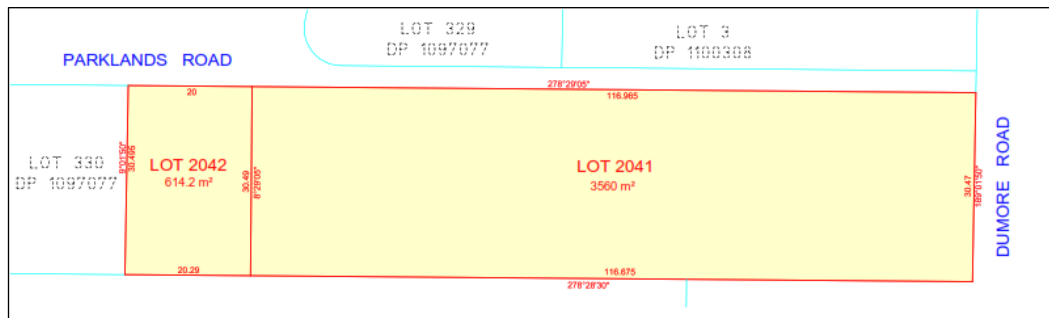


Figure 4: Stage 1 – Proposed Subdivision of the Site into Two Torrents Title Lots (source: Le Mottee Group).

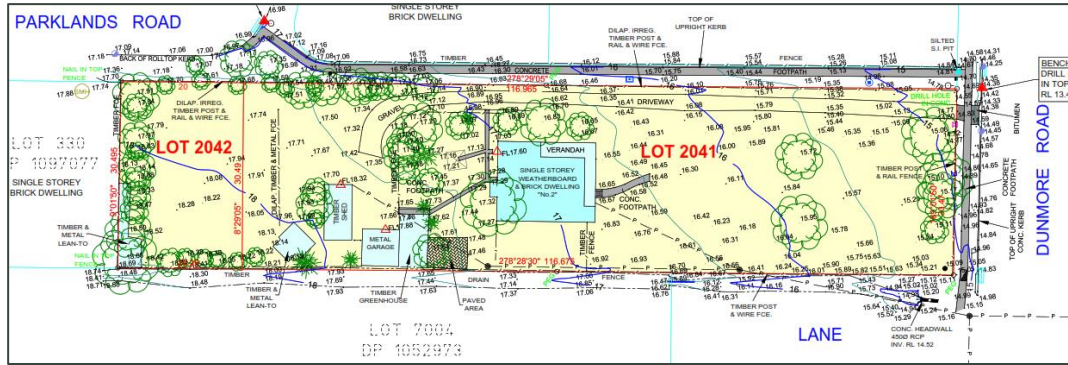


Figure 5: Stage 1 – Proposed Subdivision of the Site into Two Torrens Title Lots (source: Le Mottee Group).

For further details, please refer to the full set of architectural plans provided herewith as Annexure A.

3.1.2 STAGE TWO – DUAL OCCUPANCY AND SUBDIVISION OF PROPOSED LOT 2042

Stage 2 involves the dual occupancy subdivision of newly created Lot 2042 (to be created during stage 1).

It is proposed to construct a proposed dual occupancy and subdivide proposed Lot 2042 into two Torrens title (TT) residential Lots as detailed below:

- **Lot 1:** shall be 304.8m² and will support proposed unit 1. Access to Lot 1 shall be direct from Parklands Road.
- **Lot 2:** shall be 309.3m² and will support the proposed unit 2. Access to Lot 2 shall be direct from Parklands Road.

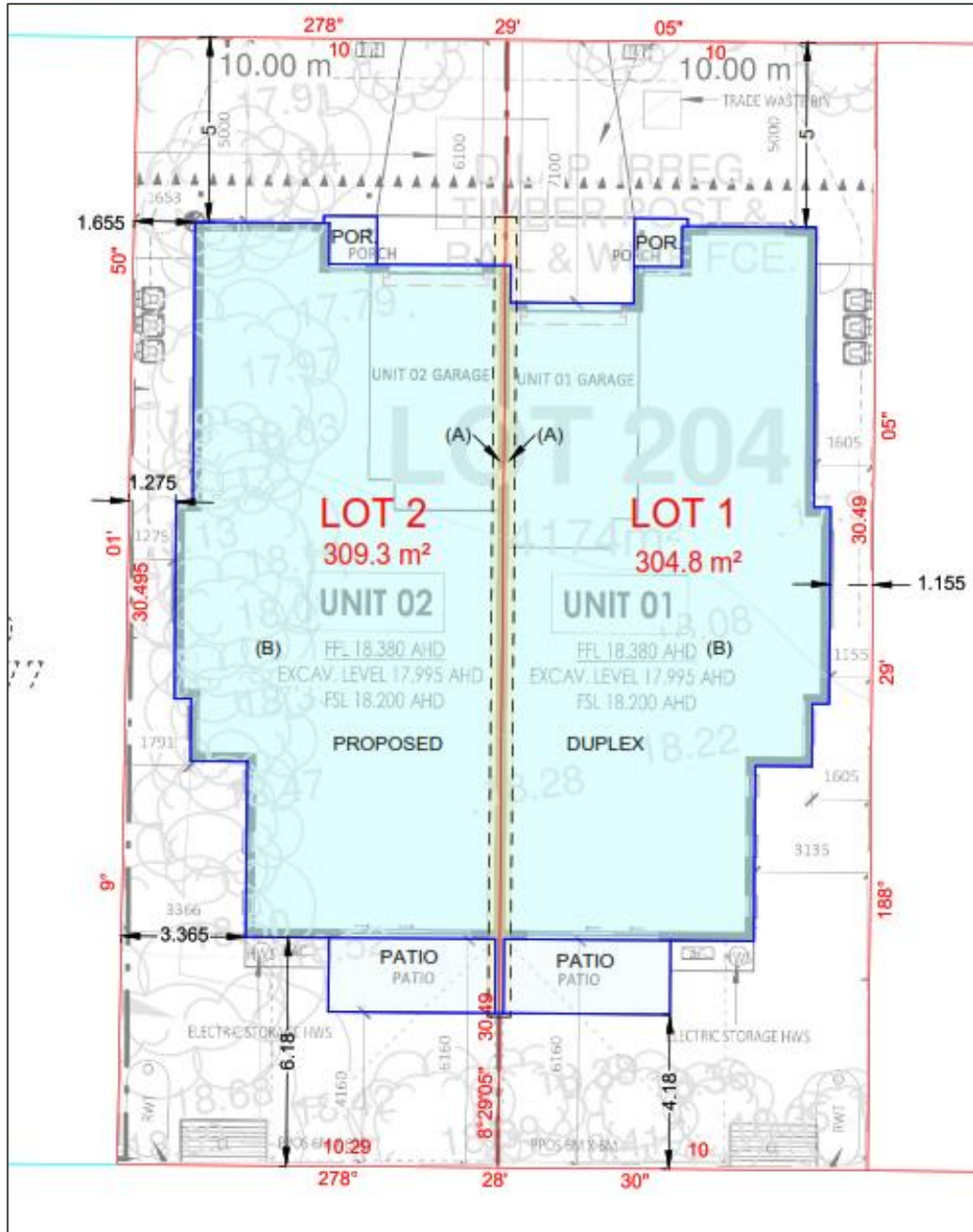


Figure 6: Stage 2 – Proposed Dual Occupancy and Subdivision of Proposed Lot 2042 (source: Le Mottee Group)

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

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),

(v) (Repealed)

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

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 7*.



Figure 7: Maitland LEP 2011 land zoning map (Source: NSW Planning Portal Spatial Viewer)

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.

Stage One of the proposed development subject to this report involves the subdivision of the site into two Torrens Title lots.

Stage Two of the proposed development involves the erection of an attached dual occupancy dwelling on proposed Lot 2042 and subsequent TT subdivision of proposed Lot 2042 into two TT lots. Each of the Lots created will support a unit.

The proposed development is in keeping with the objectives of the R1 zone and the residential character of the area.

CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

Stage One of the proposed development shall fall under the ambit of Clause 4.1 of the Maitland LEP.

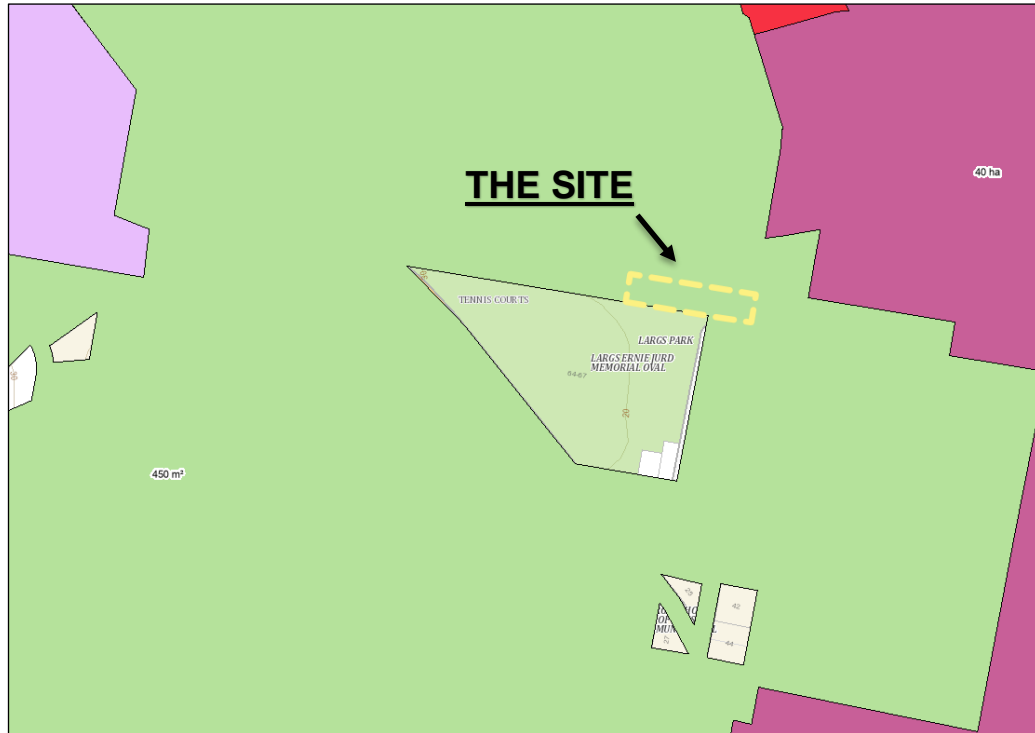


Figure 8: Maitland LEP 2011 minimum lot size mapping extract (=450m²)

(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,

The proposed subdivision will create two (2) lots, each Lot suitable for future residential development and consistent with relevant development controls.

(b) to prevent the fragmentation of rural land.

The subdivision 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 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.

Stage 1 of the proposed development involves the subdivision of the site into two (2) Torrens title Lots as shown below.

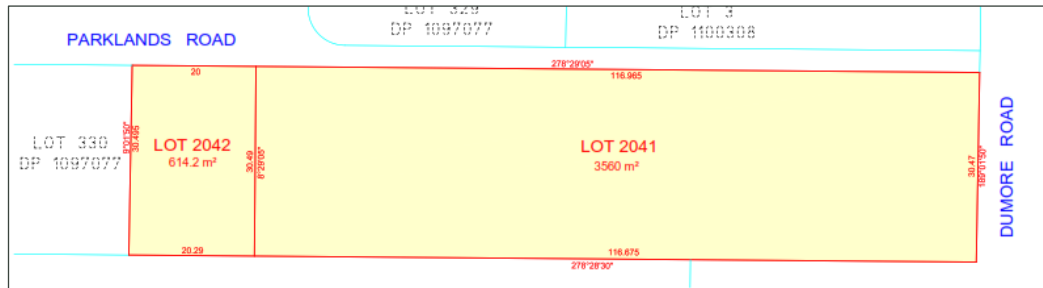


Figure 9: Stage 1 – Proposed Subdivision of the Site into Two Torrens Title Lots (source: Le Mottee Group).

The minimum lot size as required by Maitland LEP 2011 is 450m². Each of the lots proposed for creation during Stage 1 of the development shall comply with the minimum lot size of 450m².

(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 will not create Strata Lots, therefore this subclause is not relevant in this instance.

CLAUSE 4.1A – EXCEPTIONS TO MINIMUM LOT SIZES IN ZONE R1

Stage Two of the proposed development shall fall under the ambit of Clause 4.1A of the Maitland LEP.

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

The site is within an established residential estate and the proposed development will provide housing in accordance with this Clause.

(2) This clause applies to development on land in Zone R1 General Residential.

The site is zoned R1 therefore this Clause can be applied.

(3) Despite clause 4.1, consent may be granted to development on land to which this clause applies if the development includes both of the following:

(a) the subdivision of land into 2 or more lots equal to or greater than 300 square metres,

(b) the erection of an attached dwelling, a semi-detached dwelling or a bris house on each lot resulting from the subdivision.

Stage 2 of the proposed development includes the erection of a Dual Occupancy and the subdivision of proposed Lot 2042 into two (2) TT Lots of 304.8m² and 309.3m². Therefore, this Clause applies and the minimum Lot size of 300m² can be achieved.

CLAUSE 4.3 – HEIGHT OF BUILDINGS

The site is not included on the Maximum Building Height map; therefore, this Clause does not apply in this instance.

CLAUSE 4.4 – FLOOR SPACE RATIO

The site is not included on the Floor Space Ratio map; therefore, this Clause does not apply in this instance.

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.

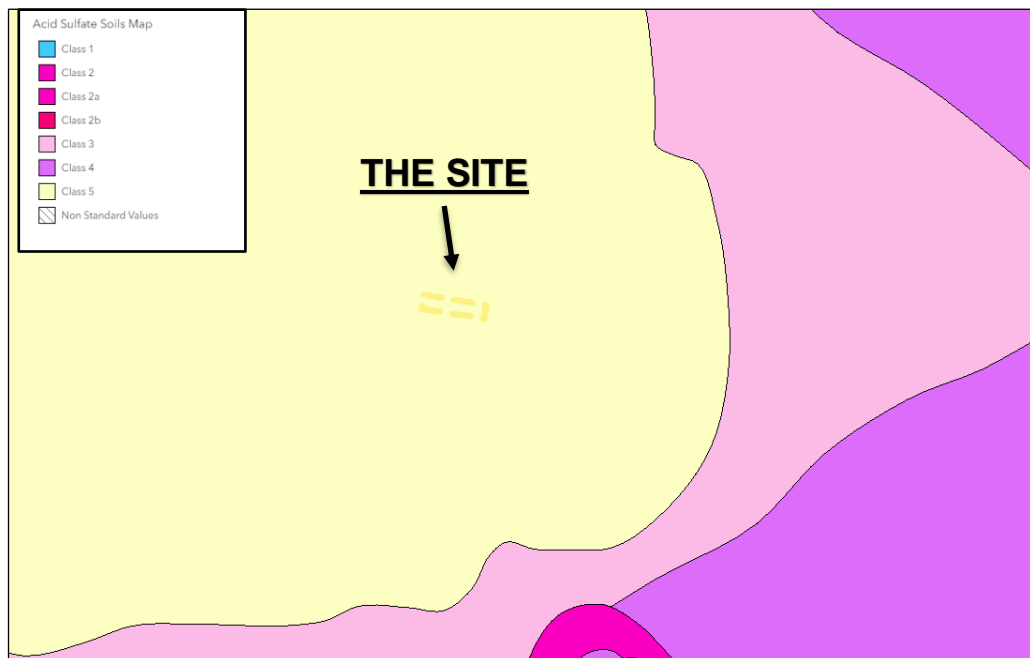


Figure 10: Maitland LEP 2011 Acid Sulfate Soils mapping extract.

The subject site is located on land that potentially contains class 5 ASS. This means that works more than 5m below the natural ground surface will require an ASS management plan. The development will not involve works below the natural ground surface, and therefore the potential for the

development to trigger oxidation and the production of acid from acid sulfate soils is envisaged to be low to none. 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.

CLAUSE 7.2 – EARTHWORKS

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

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

The proposed development will only involve minor cut and fill earthworks to enable the design. The proposal will not result in a detrimental impact to the environmental functions of the site or surrounding land.

(1) Development consent is required for earthworks unless—

(a) The earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) The earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

The earthworks involved with development shall be for slab construction associated with Stage 2 of the development to enable stormwater drainage to the street. These earthworks are considered ancillary to the proposed development.

(2) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) The effect of the proposed development on the likely future use or redevelopment of the land,

(c) The quality of the fill or the soil to be excavated, or both

(d) The effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) The source of any fill material and the destination of any excavated material,

(f) The likelihood of disturbing relics,

(g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The earthworks involved will be minor fill for Stage 2 to create a level building pad for the dual occupancy. All fill shall not exceed 600mm and no significant changes to the natural ground level are proposed.

PERMISSIBILITY:

Under the provisions of the Maitland Local Environmental Plan (2011), the site is zoned R1 General Residential. The proposed subdivision (Stage 1) and subsequent dual occupancy/ subdivision (Stage 2) is permitted under the current zoning.

There is nothing in the Maitland LEP (2011) that prohibits the proposed development.

4.3 MAITLAND DEVELOPMENT CONTROL PLAN, 2011

4.3.1 DCP PART C: DESIGN GUIDELINES

C.8 RESIDENTIAL DESIGN

4. Bulk Earthworks and Retaining Walls

Minor cut and fill is required to enable **Stage 2** of the proposed development to be erected upon a level surface. Further, the proposed development does not include the erection of any retaining walls.

5. Street Building Setbacks:

The proposed street setbacks for **Stage 2** are as follows:

- **Proposed Lot 1** - shall support proposed unit 01 of the dual occupancy and will have a setback of 5m to Parklands Road.
- **Proposed Lot 2** - shall support proposed unit 02 of the dual occupancy and will retain have a setback of 5m to Parklands Road.

The proposal meets the objectives of the MCC DCP (2011) for street setbacks.

6. Side & Rear Setbacks:

All side and rear setbacks of the dual occupancy are considered to meet or exceed the 1m minimum requirement. The dual occupancy will have a minimum rear setback of 4.18m, exceeding this control. Proposed Lot 1 has a minimum side setback of 1.155m. Proposed Lot 2 has a minimum side setback 1.275m.

As the development meets or exceeds the setback requirements, the proposal is not expected to cause adverse impacts on the site or to the surrounding development.

7. Site Coverage & Unbuilt Areas:

The maximum site coverage permitted for the site in accordance with Table 3 is 60%. The proposed development shall have a total site coverage of 59%, therefore it successfully meets the requirements of this control.

8. Building Height, Bulk & Scale:

The maximum building height permitted under the DCP for the proposed dual occupancy is 8m. The units will be single story with a maximum height of approximately 5.949m, therefore complying with this control.

9. External Appearance:

Stage Two of the proposal is for the erection of a dual occupancy on Proposed Lot 2042, and the subsequent subdivision into two Lots, each support a unit of the dual occupancy.

Each unit shall have separate driveway access and individual car parking arrangements. The proposed dual occupancy will be supported by a single lock-up garage and will have direct access from Parklands Road. Both units have separate entrances that are articulated by landscaping and a front porch to frame the front entrance.

The bulk and scale of the dual occupancy has been considered in its design, with each unit being single story and having a stepped back façade to create visual interest. Further, lightweight cladding and brickwork are utilised to enhance the appearance of the front elevation from the public realm.



Figure 11: Front Perspective (source: Valley Homes).

10. Open Space:

The private Open Space (POS) for both units shall be located behind the building line and will comprise of an alfresco area directly accessible from the internal living space and leading on to a turfed yard, providing the opportunity for indoor/outdoor living. POS for each unit is detailed below:

- **Unit 1** – shall have a principal POS area of at least 6m x 6m, with a total of 60m² provided in the rear portion of the yard alone.

- **Unit 2** – shall have a principal POS area of at least 6m x 6m, with a total of 60m² provided in the rear portion of the yard alone.

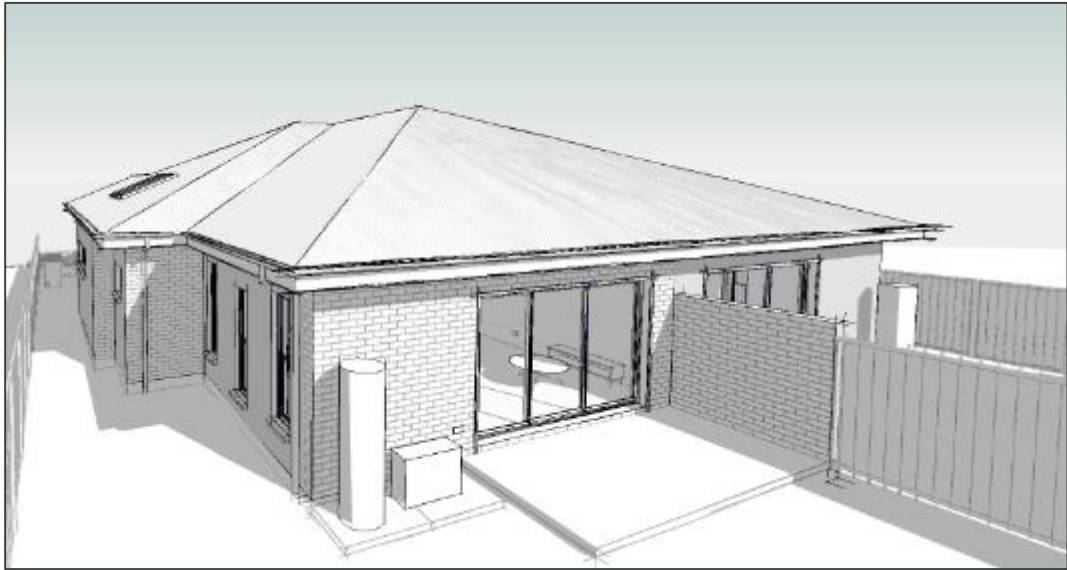


Figure 11: Rear Perspective (source: Valley Homes).

13. Landscape Design:

Soft landscaping and paved areas are proposed to the dual occupancy. The landscaping to the front setback will contribute positively to the streetscape and assist in softening the visual impact of the proposal.

14. Fencing & Walls:

New colourbond fencing shall be provided to internal boundaries of the site with a height of 1.8m, protecting visual and acoustic privacy of each private open space.

15. Driveway Access & Carparking:

Both units shall have individual driveway access from Parklands Road. These will be constructed of coloured concrete and surrounded by landscaping where possible to minimise the visual impact.

Each unit is required to provide one (1) car parking space. Parking has been provided for each unit by means of a single lock-up garage and additional stacked parking space.

Access and parking for the proposed development is in accordance with the requirements of the DCP.

16. Views and Visual & Acoustic Privacy:

In regard to visual privacy, both units of the proposed dual occupancy are single story and will not overlook any future development on adjacent lots. New fencing is proposed to protect private open space, and unit shall uphold visual and acoustic privacy between each other and adjoining properties.

It is not envisaged that the proposed development will result in a negative outcome for visual or acoustic privacy.

17. Water & Energy:

Please refer to the BASIX Certificate provided herewith as *Annexure C*.

18. Stormwater Management:

A 1200L rainwater tank shall be provided to service each unit. Surface water and tank overflow shall be collected via a pit and pipe and directed to the public system where appropriate.

Please refer to the Stormwater Plans provided herewith as *Annexure D* for details.

19. Security, Site Facilities and Services:

Stage Two of the proposed development will result in two (2) residential Lots each supporting a unit. Each unit will be supported by an individual driveway with direct access for pedestrians and vehicles from Parklands Road. Both units provide windows along the front elevation to provide casual surveillance to the public realm.

Further, each unit will be serviced with reticulated water and sewer, energy, and telecommunication.

C.10 SUBDIVISION

DC.1 Lot Size and Dimensions

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 Stage Two (the proposed units) and ensure suitable 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 fit for residential development, with the surrounding area being cleared to expand 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 development will be residential in nature and meets the LEP requirements for Lot size as well as the DCP requirements for site coverage and landscaping. 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.

Stage Two of the proposed development includes the erection of a dual occupancy and subsequently to subdivide the site into two (2) Torrens title Lots.

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

The proposed development includes the subdivision of the site into two TT lots and following this, the erection of a dual occupancy upon proposed Lot 2042 and subsequent subdivision of Lot 2042. The site does not have any existing approvals and therefore the subdivision is permissible.

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.

The proposed subdivision will create residential Lots that shall meet the LEP requirements for Lot size under Clause 4.1 and Clause 4.1A. Each lot shall have direct street frontage and no battle-axe lots are proposed.

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 two lots may be serviced by a reciprocal right-of- carriageway which shall be centrally located within both access handles.

All Lots have direct street frontage and do not require an access handle. Therefore, this part is not relevant.

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 subdivide the site into two lots (**Stage One**) and following, the erection of a dual occupancy dwelling on proposed Lot 2042 and subsequent subdivision of Lot 2042 into two (2) Torrens Title Lots (**Stage Two**). Each Lot within **Stage Two** will support a unit from the proposed dual occupancy and therefore a building envelope is not required in this instance.

Drainage, Access, and Service Provision:

All lots created during both stages of the proposed development shall have direct street access with proposed Lot 2041 using the existing access onto Dunmore Road and proposed Lot 2042 having access to Parkland Road. Lots created during Stage Two shall have direct street access to Parklands Road via individual driveways. Each lot will be serviced with reticulated water and sewer, electricity, and telecommunications.

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.

Both units shall discharge stormwater directly to the street gutter at Parklands Road.

Landscape, Streetscape & Visual Impact:

The proposed Lots shall be appropriately landscaped to improve the streetscape and minimise the visual impact of the development.

Garbage and recycling bins for Stage Two shall be out of view from the public realm.

Please refer to Sheet 4 of the Architectural plans herewith as *Annexure A*.

Solar Access:

Both Lots have exposure to adequate POS. The proposed units (Stage Two) have been designed to provide satisfactory sunlight into the units at all times of the year within habitable rooms.

Please refer to the Architectural plans provided herewith as *Annexure A*.

5. CONCLUSION

The proposed development subject to this application includes the subdivision of the site into two TT lots (**Stage One**) and following, the erection of a dual occupancy and subsequent TT subdivision of Proposed Lot 2042 (**Stage Two**).

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 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

Architectural Plans
Valley Homes

Annexure B

Plan of Proposed Subdivision
Le Mottee Group

Annexure C

BASIX Certificate
Valley Homes

Annexure D

Engineering Plans
Paul Clarke and Associates