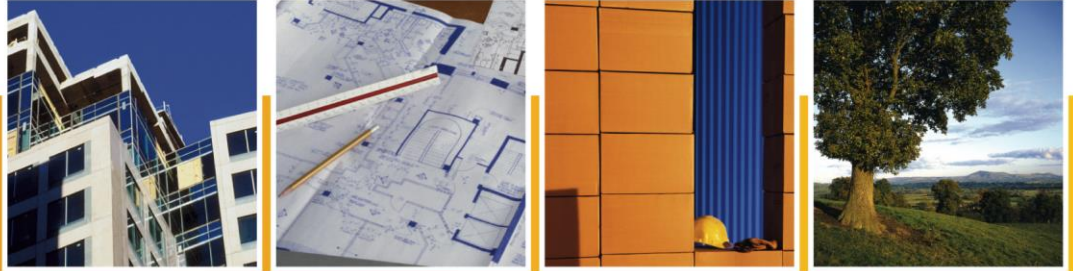


STATEMENT OF ENVIRONMENTAL EFFECTS



For
**Change of Use and Additions and Alterations to the
existing Coach House and Studio**

At
245 Station Lane, Lochinvar 2321

Prepared for
Craig Favelle

May 2024
Report 24/006 RevA

Prepared by



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 HDB Reference Number: 24006

Project Manager:**Date: 26.06.2024**

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1.0 EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by HDB Town Planning and Design on behalf of Craig Favelle. This SEE supports the lodgement of a development application seeking consent for a Change of use along with some additions and alterations to regularise the development at 245 Station Lane, Lochinvar NSW 2321 (Lot 80 DP1003006).

The SEE provides the following:

- Details of the application (Section 2)
- An extensive assessment/analysis of the existing site (Section 3)
- A detailed description of the proposed development (Section 4)
- An assessment of the proposed development against all the relevant planning controls and matters as outlined under Section 4.15 (Section 5)
- An assessment of the proposal with regard to the key planning and environmental issues identified (Section 6)
- Justification and Need for the Project (Section 7).

The subject lot sits in the RU2 – Rural Landscape zone in Lochinvar. Primary access to the lot is via Station Street. Old North Road runs along the south boundary of the site. The site consists of a heritage-listed dwelling (Clifton House), detached loft, Coach House, and studio located in the northwest of the property and storage sheds.

The proposal seeks a Change of Use (including some additions and alterations) to the existing Coach House and Studio. The following describes the details of the proposal:

- Change of Use of the existing Coach House to a Dwelling; and
- Change of Use of the existing Studio to an ‘Eco-tourism’ facility.

Minor additions to the buildings have already been made without any consent.

This application is submitted for the Council’s consideration on behalf of our client. Based on the assessment undertaken we recommend approval of the application with appropriate conditions.

2.0 INTRODUCTION

2.1 PURPOSE

The SEE addresses the planning requirements associated with the proposed development and undertakes an assessment of the potential environmental impacts pursuant to the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The SEE has been prepared by HDB Town Planning and Design (HDB) on behalf of Craig Favelle. The application is lodged with the Maitland City Council pursuant to Section 4.12 of the EPA Act.

2.2 SITE DESCRIPTION

Lot 80 DP1003006

245 Station Lane, Lochinvar NSW 2321

2.3 APPLICATION DETAILS

2.3.1 APPLICANT DETAILS

Craig Favelle
C/- HDB Town Planning & Design
PO Box 40
MAITLAND NSW 2320

2.3.2 CONTACT DETAILS

Aprajita Gupta
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2.3.3 OWNERSHIP DETAILS

SEAN MICHAEL O'ROURKE

CRAIG GEOFFREY FAVELLE, please refer to *Appendix A – Title Search*.

2.4 DOCUMENT STRUCTURE

The SEE has been structured as follows:

- Section 1 - Executive Summary - provides a general overview of the projects its findings and conclusions
- Section 2 – Introduction - provides a general background of the project and defines the site, the current owner and contact details
- Section 3 – Site Analysis – provides a detailed analysis of the site proposed for the development.
- Section 4 – Proposed Development – provides a detailed description of the proposal including its suitability to the site.
- Section 5 - Legislative Context – provides the legislative context of the development.
- Section 6 – Key Planning and Environmental Issues – provides details of any potential impacts of the project on the subject site and includes mitigation measures that are proposed to reduce and / or remove the potential impacts.
- Section 7 – Project Justification and Need – provides a summary of the project and a justification of the proposal with reference to the principles of ecologically sustainable development and objectives of the Environmental Planning and Assessment Act, 1979.
- Section 8 – Conclusion – provides a conclusion and requests that Maitland City Council grant conditional consent to the proposed development.

3.0 SITE ANALYSIS

3.1 LOCATION

Address:	Lot 80 DP 1003006, 245 Station Lane Lochinvar 2321
Local Government:	Maitland City Council
Locality:	Lochinvar
Area of site:	2.925 hectares
Zone:	RU2 – Rural Landscape

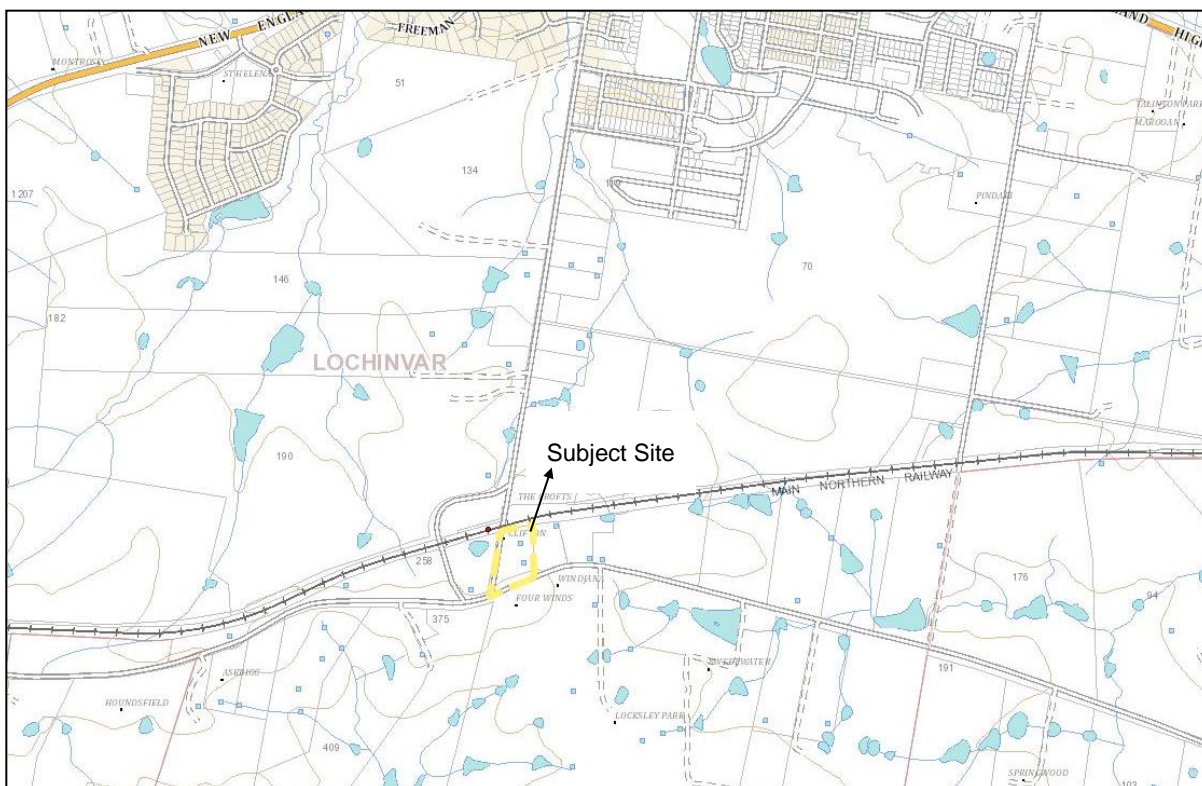


Figure 1: Location Plan

Source: NSW Planning Portal Spatial Viewer accessed May 2024

3.2 EXISTING SITE

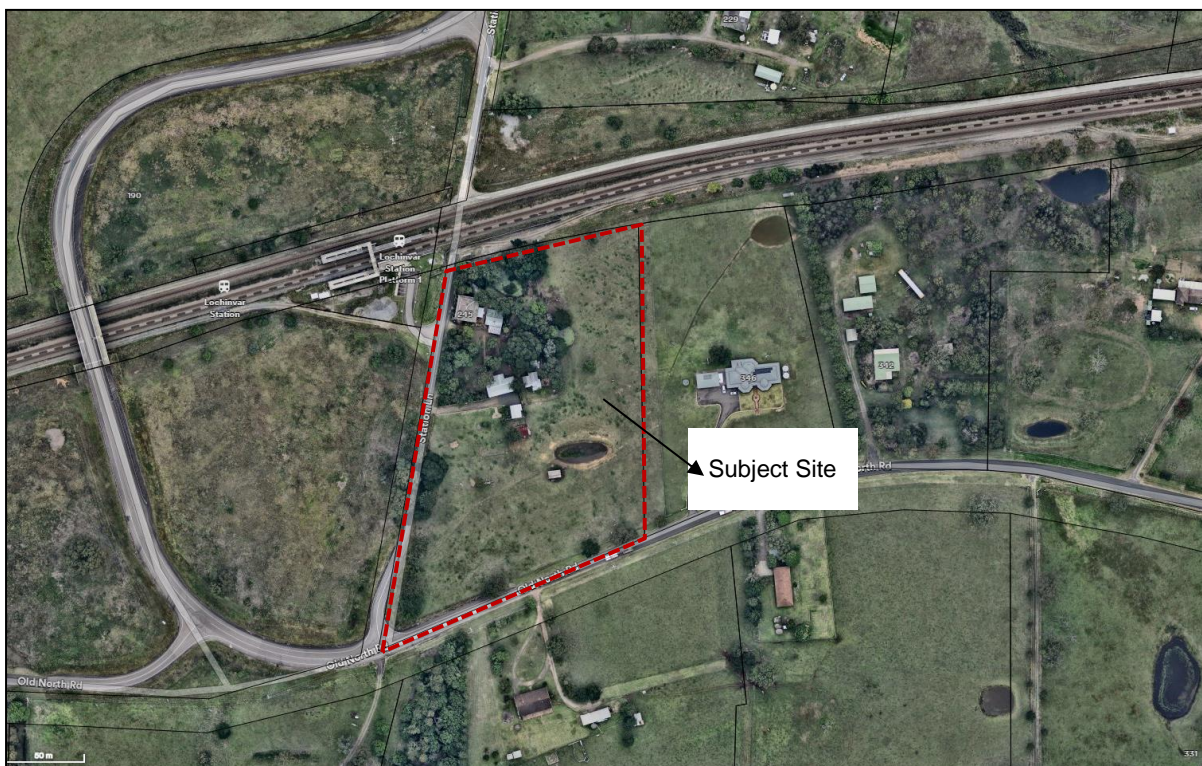


Figure 2: Site Plan

Source: Nearmap Imagery accessed May 2024



Figure 3: Existing Building Structures

Source: Nearmap Imagery accessed May 2024

The site is a 2.92-ha parcel of rural land in the suburb of Lochinvar. The existing site developments are confined to the northwest corner of the site, while the remaining area is mostly vacant with low-lying grass and some natural dams. The whole premise comprises the following distinguishable structures (refer to *Figure 3* above):

- Dwelling - Clifton House
- Detached Loft
- Coach House
- Secondary Dwelling/ Studio
- Other ancillary Sheds



Figure 4: Existing Coach House and Studio

Source: HDB

3.3 TOPOGRAPHY, HYDROLOGY, AND VEGETATION

The subject site is generally flat and has a gentle slope from north to south. The contour varies from 70m to 82m across a length of about 240m, with the highest elevation point to the northern site boundary.

The site is not mapped as having Bio-diversity Values under the council mapping. There is existing landscaping around the established structures to the northwest and some screening trees to the west boundary.

There are three(3) natural dams located on the site. Refer to *Appendix B – Site Survey*.

3.4 ACCESS AND TRANSPORT

The primary access to the site is via Station Lane running along the west boundary. There is Old North Road to the south of the site.

The Lochinvar Station is just 50m away from the site.

3.5 SURROUNDING LAND USE

The site is located in the rural area of Lochinvar and has similar uses of Rural Landscape to its east, south, and west. There are Residential uses to its immediate north.

3.6 ARCHAEOLOGY AND HERITAGE

A desktop investigation of the Aboriginal Heritage Information Management System (AHIMS) was undertaken (refer to *Appendix C – AHIMS Report*), which confirmed that there are no records of Aboriginal Heritage or archaeological items found within 50m of the site.

Clifton House with other structures is located on the site and the site has been, mapped as of some local or European Heritage significance in Council mapping. Please refer to *Figure 5*.

The Clifton House is a major heritage structure and was erected in 1862. It is with its curtilage considered as the surviving evidence of the foundation settlement of the Hunter Region. Further details on the heritage significance of the site have been included in *Appendix D – Statement of Heritage Impact (SoHI)*.

3.7 ACID SULFATE SOILS

The subject site is mapped to a Class 5 Acid Sulfate Soil, refer to *Figure 6*.

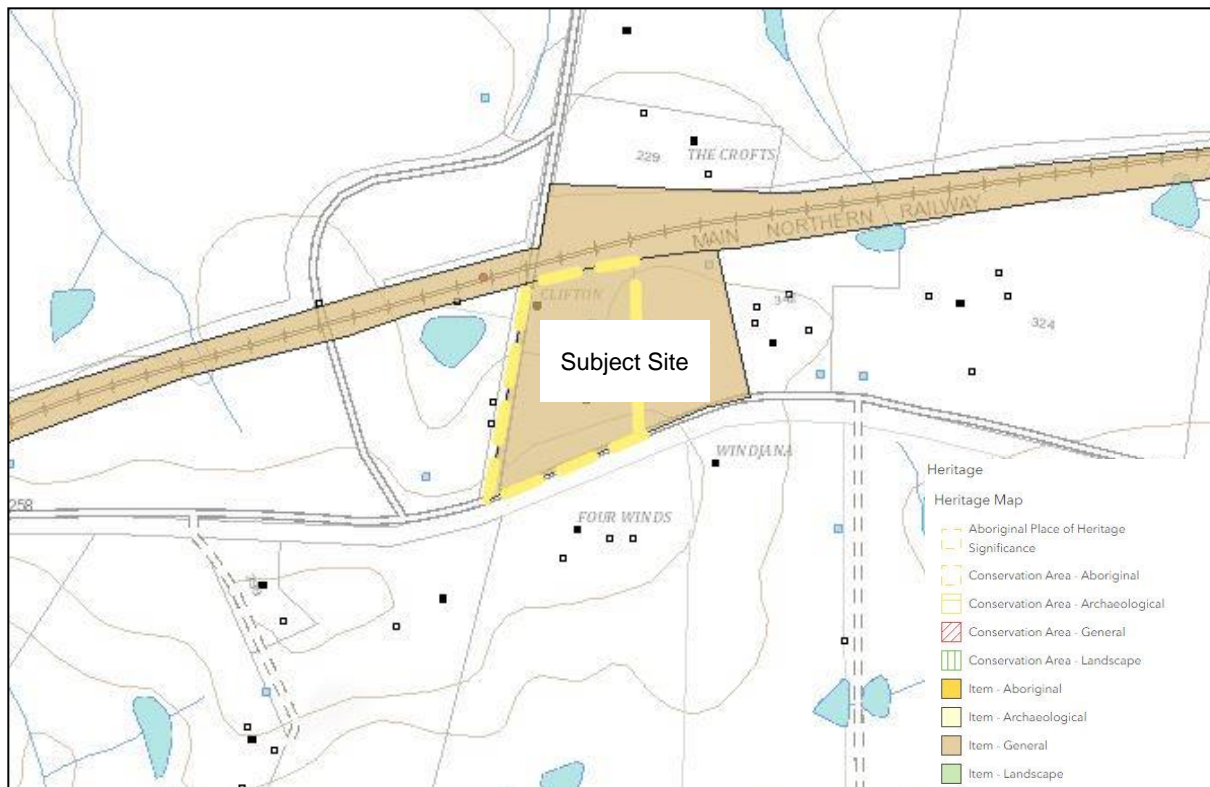


Figure 5: Heritage Mapping

Source: NSW Planning Portal Spatial Viewer accessed May 2024

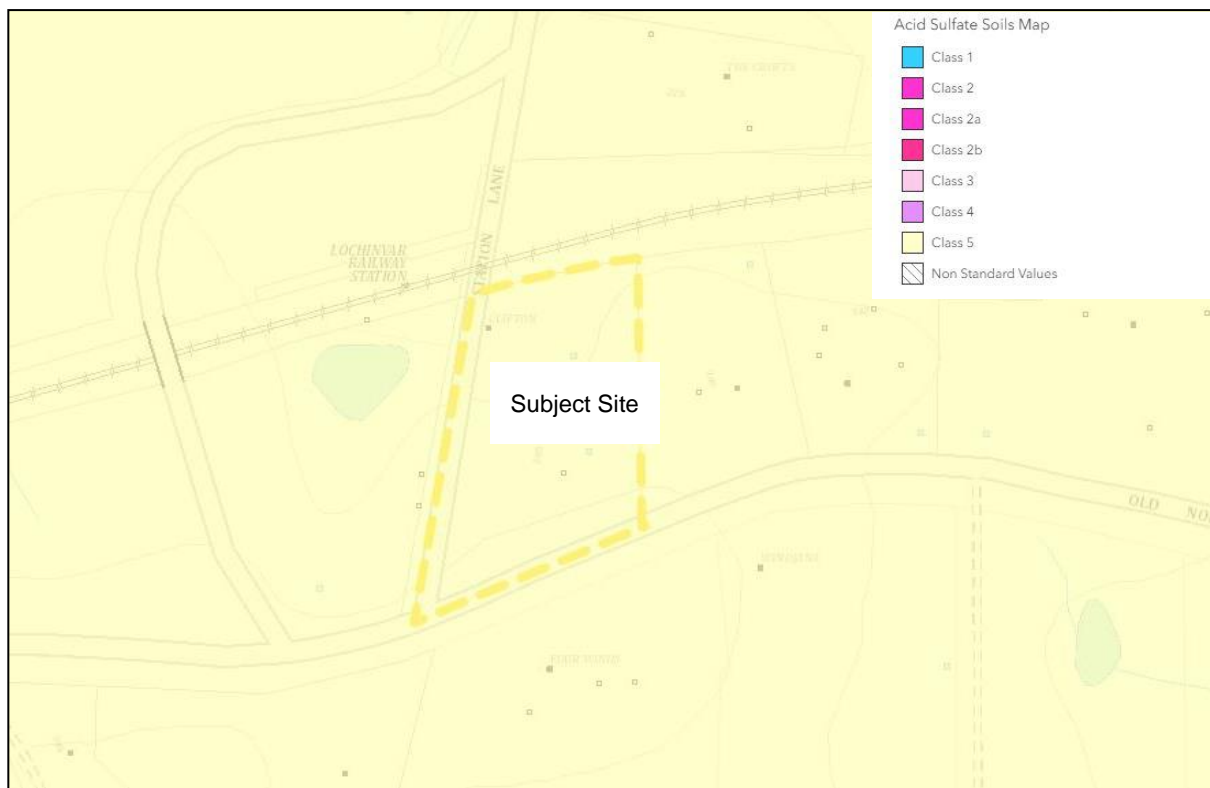


Figure 6: Acid Sulfate Soils

Source: NSW Planning Portal Spatial Viewer accessed May 2024

3.8 BUSHFIRE

The site is identified as Bushfire-prone land in the Bushfire Planning map by Maitland City Council, containing *Vegetation Category 3*, as shown in **Figure 7**.



Figure 7: Bushfire Prone Land Map
 Source: NSW Planning Portal Spatial Viewer accessed May 2024

3.9 SERVICES TO SITE

The site has access to all the essential services including electricity, telecommunication, water, and sewer.

Power is from overhead poles and wires in the station lane. Water Tanks and wells have been integrated on-site for potable water supply. Sewage management is by an existing OSSM (On-Site Sewage Management).

4.0 PROPOSED DEVELOPMENT

4.1 SUMMARY

The applicant seeks consent for the Change of Use of the existing two(2) structures.

Pursuant to Cessnock Local Environmental Plan 2011, the proposed uses are permitted with consent under *clause 2.1 -Land Use Zones*.

The following section of the report detailed the proposal with respect to the targeted structures/buildings. *Figure 8* below shows the subject structures for the proposal;



Figure 8: Subject Structures

Source: Nearmap Imagery accessed May 2024

4.2 DETAILS

1. Existing Dwelling to Eco-tourist facility

This structure was first constructed in the 1900s as Gardners Cottage, see *section 3.2 of Appendix D – SoHI*.

The owners have since made some minor additions/alterations to the building, as described below;

- Changes to the internal layout of the building,
- Painting of the building (inside only),
- Minor repairs to flooring and electricals,

- Decking replaced
- Semi-enclosed with vintage windows
- Connected downpipes to stormwater drainage

The proposal seeks approval to change the use of the dwelling to an Eco-tourist facility. Please refer to *Appendix E – Development Plans (Eco-tourist Facility)*.

2. Existing Coach House to Dwelling

Similar to the dwelling Coach House was also constructed around the similar period of the 1900s. Refer to *section 3.2 of Appendix D – SoHI*.

The owners have undertaken some external structural works and made some internal alterations to the building. These works include the following;

- New floor for the main building,
- Front door entrance and four windows installed with brickwork cut-out,
- New fit-out of the bathroom and WC area,
- New kitchen installed,
- Replaced electricals,
- New plumbing,
- New partition wall between bedroom and living area,
- Changes to the internal layout of the building,
- Painting of the building (inside only).

A new detached steel Garage (6m x 8m) as an ancillary structure was also constructed on-site.

A Building reclassification report has been obtained for the building by a qualified structural engineer (Hunter Structural) and is attached as *Appendix G*.

The proposal seeks approval to change the use of this Coach House to a Dwelling. Please refer to *Appendix F – Development Plans (Dwelling)*.

This application, therefore, seeks to formalise the works undertaken without approval and seeks to Change the use of the existing structure as detailed above.

5.0 LEGISLATIVE CONSIDERATION

5.1 STATUTORY PLANNING FRAMEWORK

5.1.1 INTRODUCTION

The statutory planning framework provides the legislative guidelines for regulating development at the state, regional, and local levels.

The statutory planning instruments applicable to the proposal are discussed below:

5.1.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT

The *Environmental Planning & Assessment Act 1979* (EP&A Act) provides the overarching statutory framework for planning in NSW.

The objectives of this Act are:

- i. *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- ii. *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- iii. *to promote the orderly and economic use and development of land,*
- iv. *to promote the delivery and maintenance of affordable housing,*
- v. *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- vi. *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- vii. *to promote good design and amenity of the built environment,*
- viii. *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- ix. *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- x. *to provide increased opportunity for community participation in environmental planning and assessment.*

Comment:

The proposal is consistent with the objectives of the Act in the following manner:

- It promotes orderly and economic use and development by not affecting but

utilising the existing infrastructure networks, services, and facilities.

- The design promotes good urban development principles and responds well to the context, and historical significance of the site; and
- The alterations can be realised with minimal impact on the existing development, site, and surrounding environments.

5.1.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

Part 2.1 – Land Use Zones

The site is zoned RU2 Rural Landscape as indicated in **Figure 9** below:

Zone RU2 – Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

*Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; **Dual occupancies**; **Dwelling houses**; **Eco-tourist facilities**; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems*

4 Prohibited

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 34

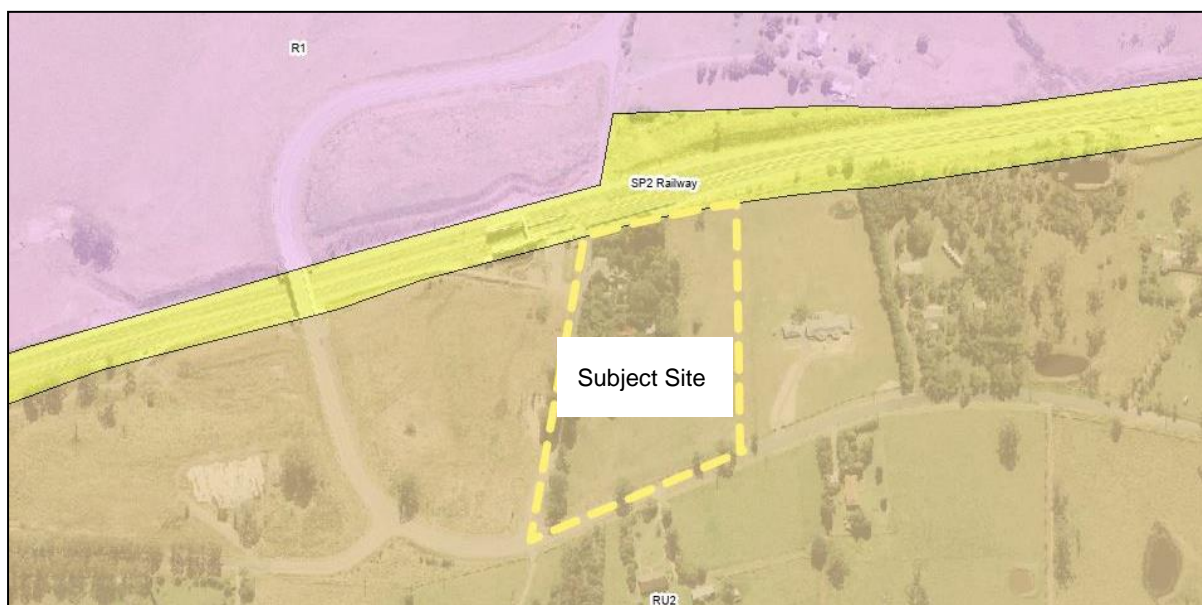


Figure 9: Land Use Zone Map

Source: NSW Planning Portal Spatial Viewer accessed May 2024

Comment:

The proposed uses of Dual Occupancy and Eco-tourist facility are permissible with consent in the RU2 zone.

As the application only seeks for Change of Use and no new building (except an ancillary double garage) will be constructed on the site, there will not be any further impact on the surrounding rural landscape than what is existing.

4.2A Erection of dwelling houses on land in certain rural and conservation zones

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

- (a) *to minimise unplanned rural residential development,*
- (b) *to enable the replacement of lawfully erected dwelling houses and dual occupancies in certain rural and conservation zones.*

(2) *This clause applies to land in the following zones—*

- (a) *Zone RU1 Primary Production,*
- (b) *Zone RU2 Rural Landscape,*
- (c) *Zone C3 Environmental Management,*
- (d) *Zone C4 Environmental Living.*

(3) *Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies unless the land—*

- (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
- (b) *is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*
- (c) *is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (d) *would have been a lot or a holding referred to in paragraph (a), (b) or (c) had it not been affected by—*
 - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) *a subdivision creating or widening a public road or public reserve or for another public purpose, or*
 - (iii) *a consolidation with an adjoining public road or public reserve or for another public purpose.*

Note—

A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) *Development consent must not be granted under subclause (3) unless—*
 - (a) *no dwelling house or dual occupancy has been erected on the land, and*
 - (b) *if a development application has been made for development for the purpose of a dwelling house or dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and*
 - (c) *if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.*
- (5) ***Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.***
- (6) *Subclause (3) (b) and (c) do not apply to any lot created by consolidation.*
- (7) *(Repealed)*

Comment:

Currently, there are two existing dwellings on the site – Clifton House and the studio (secondary dwelling), see **Figure 2** of the report.

The proposal seeks to change the use of the studio to an eco-tourist facility. The coach house will be utilised as a dwelling instead.

Therefore, the proposal does not vary the number of dwellings on site. There will only be two(2) dwellings, as existing.

5.10 Heritage Conservation

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

- (a) *to conserve the environmental heritage of Maitland,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(5) **Heritage assessment** *The consent authority may, before granting consent to any development—*

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Comment:

A Statement of Heritage Impact was prepared by Eikos Environment and Heritage, see **Appendix D**.

The assessment examines the work completed for the subject structures from a heritage perspective. It has been concluded in the report that the works have minimal impact on the heritage significance of the buildings and the site. The change of use from the former Coach House and Gardeners Cottage to habitable dwellings will likely result in a more promising future for the conservation of the buildings. Adaptive reuse is likely to generate income, some of which may be used for maintenance and conservation purposes.

No changes are proposed to the main house (Clifton House) or to the Loft (former Servants Quarters) as part of the proposal.

5.13 Eco-tourist facilities

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

- (a) *to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
- (b) *to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*

- (2) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*
- (3) *The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—*
- (a) *there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
 - (b) *the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
 - (c) *the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
 - (d) *the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
 - (e) *the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
 - (f) *waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
 - (g) *the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
 - (h) *any infrastructure services to the site will be provided without significant modification to the environment, and*
 - (i) *any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
 - (j) *the development will not adversely affect the agricultural productivity of adjoining land, and*
 - (k) *the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—*
 - (i) *measures to remove any threat of serious or irreversible environmental damage,*
 - (ii) *the maintenance (or regeneration where necessary) of habitats,*
 - (iii) *efficient and minimal energy and water use and waste output,*
 - (iv) *mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
 - (v) *maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

Comment:

The proposal seeks to change the use of the existing secondary dwelling(studio) to Eco Tourist Facility.

Council’s LEP defines Eco Tourist Facility as follows;

eco-tourist facility means a building or place that—

(a) provides temporary or short-term accommodation to visitors on a commercial basis, and

(b) is located in or adjacent to an area with special ecological or cultural features, and

(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

The subject site has significant heritage value associated with it. The Clifton House dates back to 1862. It is with its curtilage considered as the surviving evidence of the foundation settlement of the Hunter Region. The intend of the Eco-touristy facility is not just to provide accodomation for the visitors but also to provide them with a glimpse of Australian rich heritage and culture. The accommodation is nested within the rural environment. As the proposal only seeks to utilisie the existing structure no disturbance to the site, or existing ecological values is expected.The proposal for Eco tourist facility is considered a sensitive and sustainable outcome for the subject site.

It is specified in the *clause* that the consent authority must not grant consent for the purpose of carrying out an Eco-tourist Facility unless it is satisfied that the proposal addresses the requirements listed under *subclause (3)*. The following table (Table 1) addresses these requirements;

Clause 5.13 Eco Tourist Facility		
Item	Comment	Compliance
<i>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and</i>	<p>The subject site is a heritage significant site. Clifton House was constructed on site in 1862 and the other structures in around 1900’s. The site has historic and cultural values associated with it. Being situated within RU2 zone the landscaping on the site has been maintained in a way that captures the historic and rural natural environment.</p> <p>The proposal will only enhance the environmental/historical values associated with the site by preserving the associated</p>	Yes

	<p>values for the amenity of the tourism facility, and use in historical/cultural tours.</p> <p>The income from the eco-tourism will help in renovating/maintaining the historical structures.</p>	
<p><i>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and</i></p>	<p>No construction has been proposed as part of the proposal. The existing heritage structure will be utilised for the proposed tourist facility. Minor renovations have been undertaken to enhance and extend the life of the building.</p> <p>The proposed development being a tourist development will be managed and maintained regularly to ensure the amenity of the tourists.</p> <p>No/minimal environmental impact is considered with the proposal.</p>	Yes
<p><i>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and</i></p>	<p>The proposed tourist accommodation intends to enhance the heritage and cultural significance of the site by allowing visitors to experience and gain an understanding of the heritage values of the area.</p>	Yes
<p><i>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and</i></p>	<p>The proposal seeks adaptive reuse of the existing structure to house tourist accommodation.</p> <p>No major construction works have been undertaken and no disturbance has been caused to existing site features/or environmental values. Heritage values will be significantly enhanced as part of the proposal.</p>	Yes
<p><i>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and</i></p>	<p>The site will be maintained to enhance the existing natural environment.</p> <p>The income from the eco-tourism will be utilised in maintaining the heritage structures and natural landscape settings.</p>	Yes

<p><i>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and</i></p>	<p>No/Minimal waste will be generated as part of the proposal.</p> <p>Operational waste will continue to be disposed of as per the existing arrangements.</p>	<p>Yes</p>
<p><i>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and</i></p>	<p>The proposal seeks to change the use of the existing dwelling to the proposed use i.e., the Eco tourist facility.</p> <p>The existing structure is a single-story heritage structure and has been located on the site since the 1900s. The renovations to the structure are in line with the existing character of the building in terms of the design, material, and colour, refer to Appendix D – SoHI for further details.</p> <p>Change of use to Eco tourist facility will not add to the visual intrusion/impact.</p>	<p>Yes</p>
<p><i>(h) any infrastructure services to the site will be provided without significant modification to the environment, and</i></p>	<p>The site has access to all the essential services including electricity, telecommunication, water, and sewer.</p> <p>There are overhead power lines for electricity. Water Tanks have been integrated on-site for potable water supply. Sewage management is by an existing OSSM (On-Site Sewage Management).</p> <p>A wastewater report has been prepared by Whitehead & Associates Environmental Consultants, see Appendix I. They have presented a review of the existing OSSM system on site and recommended that the existing septic tank should be decommissioned and a Secondary Treatment (with disinfection) to be installed on the site.</p>	<p>Yes</p>
<p><i>(i) any power and water to the site will, where possible, be provided through the use of passive</i></p>	<p>The site has access to the essential services of electricity, and water.No changes are proposed to the existing services.</p>	<p>Yes</p>

<p><i>heating and cooling, renewable energy sources and water efficient design, and</i></p>		
<p><i>(j) the development will not adversely affect the agricultural productivity of adjoining land, and</i></p>	<p>The proposal seeks to change the use of the existing structure. No new structures/additional buildings are proposed on the site.</p>	<p>Yes</p>
<p><i>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—</i></p> <p><i>(i) measures to remove any threat of serious or irreversible environmental damage,</i></p> <p><i>(ii) the maintenance (or regeneration where necessary) of habitats,</i></p> <p><i>(iii) efficient and minimal energy and water use and waste output,</i></p> <p><i>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</i></p> <p><i>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to</i></p>	<p>A monitoring and maintenance plan will be developed by the owners and a suitably qualified professional. It will be developed in accordance with relevant standards ISO 14000.</p> <p>The recommendations under the various expert reports will be considered and the upgrades will be undertaken accordingly.</p>	<p>Yes</p>

<i>management and quality control.</i>		
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Table 1: Compliance with Clause 5.13*Source: HDB Town Planning and Design***7.1 Acid Sulfate Soils**

(1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

(2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

<i>Class of Land</i>	<i>Works</i>
<i>1</i>	<i>Any works.</i>
<i>2</i>	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>
<i>3</i>	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>
<i>4</i>	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>
<i>5</i>	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>

Comment:

The subject site lies within an area mapped as Class 5 Acid Sulfate Soils. Acid sulfate soils are not typically found in Class 5 areas. The subject site is not located in close proximity (within 500) to any land identified as class 1,2,3, or 4.

Moreover, no site works apart from minor stormwater drainage have been required as part of the proposal.

5.2 DEVELOPMENT CONTROL PLANS

The following **Table 2** shows the relationship of the proposed development to the Council's guidelines in the Maitland Development Control Plan 2011. In reviewing the table, it should be noted that a Development Control Plan is a guide only, and as such any variation and their impacts have been justified in the following section:

Item	DCP Requirements	Proposed	Comment
Part C – Design Guidelines			
C4 Heritage Conservation			
Application and Objectives	<ul style="list-style-type: none"> a) This chapter applies to all heritage items and heritage conservation areas, to which clause 5.10 in the Maitland LEP 2011 applies. b) Promote an attractive living and working environment for the community of Maitland, which builds on its particular identity. c) Requirement of Heritage Impact Statement (HIS) to assist in the assessment of a development application. 	<p>A Heritage Impact Statement is prepared and is attached as <i>Appendix D</i>.</p> <p>The statement concludes that the works have minimal impact on the heritage significance of the buildings and the site. The change of use from the former Coach House and Gardeners Cottage to habitable dwellings will likely result in a more promising future for the conservation of the buildings.</p>	Complies
C8 Residential Design			
Site Analysis & Site Context	To ensure that residential development is of a high quality and is sensitive to the existing character of the area and the opportunities and constraints of both the site and its surrounds.	<p>No new buildings have been proposed as part of the proposal except an ancillary double garage (6mX6m). The proposal only seeks to change the use of the two existing buildings. Only minor additions and renovations have been made to the structures.</p> <p>The proposed uses are permissible in the RU2 zone. Moreover, there had been no incident of land use conflict from the existing site operations.</p>	Complies

		The proposal is, therefore, considered consistent and compatible with the existing, as well as, surrounding uses.	
Development Incorporating Existing Dwellings	<ul style="list-style-type: none"> • To ensure that, where possible, existing buildings are retained and used for ongoing residential use. • To ensure that buildings and streetscapes of conservation significance are retained and incorporated into new development where possible. • To ensure that existing dwellings are provided a high standard of amenity and facilities when being incorporated into a residential redevelopment project. • To encourage sustainable building practices and resource efficiency by minimising the amount of material being diverted to landfill as a result of building demolition. 	The proposal seeks to retain the existing heritage structures. Only minor additions/and alterations have been made to the structures to enhance the quality of the buildings. These alterations are sympathetic to the existing heritage character of the buildings and area and will only result in a more promising future for the conservation of the buildings.	Complies
Bulk Earthworks and Retaining Walls	<ul style="list-style-type: none"> • To ensure that development responds sensitively to the topography of the land. • To restrict and control excessive earthworks in order to preserve, as much as practicable, the existing topography and character of the neighbourhood affected by the proposed development. 	No site works have been proposed as part of this application.	Not Applicable

	<ul style="list-style-type: none"> • To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties, solar access, amenity and bulk, height and scale at the boundary interface. • To minimise the effect of disturbance on any land and ensure that dangerous/unstable excavations are avoided, or where necessary, are properly retained. • To reduce the potential for the siltation of waterways and erosion of land disturbed by the development. • To ensure that the site is appropriately rehabilitated as an integral part of the development. • To preserve topsoil. • To ensure that adequate provision is made for drainage in relation to cut and fill practices. 		
<p>Street Building Setbacks</p>	<ul style="list-style-type: none"> • To provide setbacks that complement the streetscape, allow flexibility in the siting of buildings and allow for landscape settings and open space requirements. • To ensure that new development establishes appropriate and attractive streetscapes which reinforce the function of the street and is 	<p>There will be no changes to the existing front, side, or rear setbacks, as the proposed alterations are majorly internal and only minor external changes have been made.</p>	<p>Complies</p>

	sensitive to the landscape and environmental conditions of the locality.		
Side and Rear Setbacks	<ul style="list-style-type: none"> • To allow flexibility in the siting of buildings and the provision of side and rear setbacks. • To allow adequate building setbacks for landscaping, privacy, natural light and ventilation between buildings. 	There will be no changes to the existing front, side, or rear setbacks, as the proposed alterations are only minor.	Complies
Site Coverage and Unbuilt Areas	<ul style="list-style-type: none"> • To promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces. • To maximise opportunities for landscaping of the site which incorporate larger scale plantings consistent with reducing the visual impact of hard building finishes and promoting improved amenity within the site and enhanced streetscapes . • To ensure that development maximises permeable surfaces and maintains a balance between the ‘built’ and ‘unbuilt’ areas. • To ensure that development provides for unbuilt areas that are of suitable size, dimension, and slope. 	<p>The proposed alterations to the existing structures are minor and will not impact the existing site coverage.</p> <p>The only other structure is a 6m x 8m (about 48 sqm) double garage which is insignificant on a 2.925 ha property.</p>	Complies
Building Height, Bulk, and Scale	<ul style="list-style-type: none"> • To ensure that the height, scale, and length of new development is not excessive and relates 	No new development has been proposed except an ancillary double garage.	Complies

	<p>well to the local context and overall siteconstraints.</p> <ul style="list-style-type: none"> • To ensure that the amenity of surrounding properties is properly considered. • To minimise site disturbance and cut and fill. 	<p>The proposed metal garage is single-story and consistent with the height of the other structures.</p> <p>Minor alterations do not increase the height, or scale or add bulk to the existing development.</p>	
External Appearance	<ul style="list-style-type: none"> • To encourage the creation of attractive, well-designed residential development. • To allow flexibility in design and use of materials while encouraging high architectural standards. • To ensure good design which provides continuity of character between existing building forms, new development and surrounding landscape by using a selection and/or combination of characteristic elements and mass. • To ensure that new residential development in Heritage Conservation Areas or on identified heritage sites is designed having regard to the heritage significance of the area or item and compliments the character of these buildings, places and streetscapes. 	<p>The existing structures have been renovated to improve the quality and aesthetic appearance of the building. The colours have been chosen sympathetic to the existing heritage character. A Heritage Impact Statement has also been prepared to address these changes and has concluded that the works have minimal impact on the heritage significance of the buildings and the site. The change of use from the former Coach House and Gardeners Cottage to habitable dwellings will likely result in a more promising future for the conservation of the buildings. Refer to <i>Appendix D</i>.</p> <p>Moreover, a heritage grant approval was given by MCC to the client to undertake renovations to the buildings in July 2023, see <i>Appendix H</i>.</p>	Complies
Open Space	<ul style="list-style-type: none"> • To provide sufficient and accessible open space for the reasonable recreational needs of residents; 	<p>The proposal does not seek to vary the existing building structures, therefore, the footprint of the buildings generally remains the same as existing.</p>	Complies

	<ul style="list-style-type: none"> • To ensure that private open space meets requirements for privacy of the residents and adjoining properties, safety, access to outdoor activities and landscaping. • To locate open space to take account of outlook, natural features of the site and neighbouring buildings or public open space. 	The existing site is rural in nature and there is plenty of open space around the subject structures. It promotes a good connection between the built and the open and meets the recreation needs of the residents.	
Landscape Design	<ul style="list-style-type: none"> • To enhance the appearance, amenity, and energy efficiency of new development for the benefit of users and the community in general. • To encourage the use of water efficient landscape systems embracing the principals of water sensitive urban design (WSUD). • To encourage the integration of building and landscape elements. • To protect existing landscape features including natural landforms, watercourses and native vegetation and integrate them, where possible, with new development. • To enhance the acoustic environment (eg: through fencing, blade walls and location of open space areas) of a development and provide visual privacy and shade. • To blend new development into an established streetscape and neighbourhood. 	<p>The subject property is a heritage-significant rural property. The application does not propose any site/or building works. It only seeks to change the use of the existing buildings.</p> <p>No impacts on existing vegetation/landscape have been considered as part of the application. The existing landscaping will be maintained or enhanced where required.</p>	Complies

	<ul style="list-style-type: none"> • To encourage the use of native plantspecies. 		
Fencing and Walls	<ul style="list-style-type: none"> • To ensure that all fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape, adjacent buildings, or the use of open spaces areas within the development or on adjoining land. 	The buildings are adequately setback from the surrounding properties. There is existing appropriate fencing on the site. No major building works have been proposed in this application. The existing will be maintained to avoid any issues of privacy, security, or noise.	Complies
Driveway Access and Carparking	<ul style="list-style-type: none"> • To provide convenient, accessible and safe parking to meet the needs of residents and visitors which does not dominate the streetscape or cause congestion in nearby streets. • To ensure that parking areas are designed to accommodate the needs of those persons with a disability. • To encourage the design of access and parking as part of the overall landscape design. 	No changes have been proposed to the existing driveways and the car parks.	Not Applicable
Views, and Visual and Acoustic Privacy	<ul style="list-style-type: none"> • To encourage the sharing of views whilst not restricting the reasonable development potential of a site. • To site and design buildings to meet projected user requirements for visual and acoustic privacy. • To protect the visual and acoustic privacy of nearby buildings and private open space. 	<p>The subject property is a rural property of heritage significance. The structures have adequate setbacks and have appropriate landscaping around them.</p> <p>No new structures or vegetation removal is proposed as part of the development. No impact on visual and acoustic privacy is therefore considered as part of the change of use.</p>	Complies

<p>Stormwater Management</p>	<ul style="list-style-type: none"> • To provide an effective stormwater management system which is sustainable and requires minimal maintenance. • To prevent erosion, sedimentation and other pollution. • To ensure that the rate of post-development stormwater discharge should be no greater than that of the pre-development stormwater discharge. • To ensure that control flow paths (eg: spillways, swales) are provided to cater for stormwater overflows. • To cater for flows entering the site and to ensure that there are no adverse effects from flows leaving the site. • To encourage the use of rainwater tanks as a means of reducing separate stormwater detention requirements and achieving more sustainable water reuse within the dwelling and for landscaping purposes. • To ensure that drainage systems are designed for safety and that the systems avoid any potential for stormwater inundation of habitable floor areas. 	<p>Existing stormwater has been assessed. It has been concluded that the existing stormwater system captures a proportion of the roof water for potable water use on site.</p> <p>The remainder of the stormwater goes from pipes to dams on site and is used for irrigation purposes.</p> <p>Some minor piped infrastructure will be installed to connect some downpipes to the existing stormwater system.</p>	<p>Complies</p>

C11 Vehicular Access & Car Parking			
Change of Use	<p>Where the use of an existing building is to be changed, or where an existing building is to be replaced with a new building, the following method of calculation shall apply:</p> <ul style="list-style-type: none"> -The parking requirements of the previous or existing premises is to be determined in accordance with Appendix A of this policy; -The parking requirement of the proposed development is to be determined in accordance with Appendix A of this policy; -Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above; -The difference calculated in (c) above represents the total number of parking spaces to be provided in addition to the existing off-street car parking. 	<p>At present, six (6) cars can be accommodated on the site. There is a double garage, single garage, carport, and two open car spaces.</p> <p>There are no car parking rates given for the ecotourist facility in the DCP. It is considered the facility would have similar requirements as a dwelling.</p> <p>Therefore, 6 car parking spaces are considered sufficient for the development.</p> <p>There will be two spaces each for Clifton House, the proposed dwelling, and the eco-tourist facility.</p>	Complies
Renovation of Existing Buildings	Nothing in this Plan requires the provision of additional parking where an existing building is being renovated for its existing use.	Noted.	Complies
Extensions/Additions to Existing Development	Where existing premises are being extended to create additional floor space, the additional parking requirement shall be calculated in	Noted.	Complies

	accordance with Appendix A of the policy on the basis of the increased floorspace.		
Small Scale Additions	Council may, at its discretion, waive the car parking requirement for small scale additions where the extension is not directly related to the parking generation potential of the development.	Noted.	Complies

Table 2: DCP Compliance Table*Source: HDB Town Planning and Design*

6.0 KEY PLANNING/ENVIRONMENTAL ISSUES

6.1 CONTEXT AND SETTING

The subject site is a site of heritage significance in the area of Lochinvar. It houses Clifton House which is a major heritage structure and was erected in 1862. It is with its curtilage considered as the surviving evidence of the foundation settlement of the Hunter Region.

The proposal includes changing the use including minor additions/alterations to the existing buildings, keeping with the existing heritage character and appearance of the site/and buildings.

6.2 ACCESS, TRANSPORT, AND TRAFFIC

Currently, there are three (3) existing driveways from Station Lane that provide access to the property. No changes have been proposed to these access as part of the proposal.

6.3 SERVICES

The site has access to all the essential services including electricity, telecommunication, water, and sewer.

There are underground cable lines for electricity by Ausgrid. Water Tanks have been integrated on-site for potable water supply. Sewage management is by an existing OSSM (On-Site Sewage Management).

A wastewater report has been prepared by Whitehead & Associates Environmental Consultants, see *Appendix I*. They have presented a review of the existing OSSM system on site and recommended that the existing septic tank should be decommissioned and a Secondary Treatment (with disinfection) to be installed on the site.

6.4 STORMWATER

Existing stormwater has been assessed. It has been concluded that the existing stormwater system captures a proportion of the roof water for potable water use on site. The remainder of the stormwater goes from pipes to dams on site and is used for irrigation purposes.

Some minor piped infrastructure will be installed to connect some downpipes to the existing stormwater system. Please refer to *Appendix M – Stormwater Management Plan*.

6.5 HERITAGE

A Statement of Heritage Impact was prepared by Eikos Environment and Heritage, see *Appendix D*.

The assessment examines the work completed for the subject structures from a heritage perspective. It has been concluded in the report that the works have minimal impact on the heritage significance of the buildings and the site. The change of use to the former Coach House and Gardeners Cottage to habitable dwellings will likely result in a more promising future for the conservation of the buildings. Adaptive reuse is likely to generate income, some of which may be used for maintenance and conservation purposes.

No changes are proposed to the main house (Clifton House) or the Loft (former Servants Quarters) as part of the proposal.

6.6 BUSHFIRE

The development site is identified as a bushfire-prone area, under the mapping by Maitland City Council.

A Bushfire Report has been obtained for the proposed Change of Use, see *Appendix J*. The recommendation of a 20,000L static water supply will be installed as part of the development works.

6.7 NOISE

Because of the close proximity of the site to the Railway Station, a Rail Noise Assessment has been prepared for the proposal.

The assessment recommends acoustic treatments for the windows of the bedrooms on the northern façade of both developments to achieve compliance with the noise intrusion and satisfy relevant internal criteria. It has been concluded that the proposal is supported considering that the recommendations outlined are implemented. Refer to *Appendix K – Noise Assessment*.

6.8 CONTAMINATION

A Preliminary Site Investigation is currently under assessment with Douglas Partners for the site. Please refer to *Appendix L – Letter from DP regarding Contamination* summarising the works undertaken to date. Further investigations are currently underway in accordance with the preliminary findings.

6.9 WASTE

No/Minimal waste will be generated as part of the proposal.

6.10 SAFETY AND SECURITY

Given the minor nature of the development, it is anticipated that the proposal would not cause a rise in anti-social activities or adversely impact the safety of the surrounding area.

7.0 PROJECT JUSTIFICATION AND NEED

The proposal seeks a change of use for the existing two(2) buildings on site. It includes some renovations and minor additions to the buildings which have already been undertaken by the client. The proposed changes are minor and are consistent with the existing development. The proposed change of use is permissible within the Council's LEP.

Additionally, the proposal has shown compliance with relevant state and local policy, statutory and non-statutory planning provisions, objectives, and standards, established under *Section 5* of the report. It is anticipated that the proposed alterations/changes of use are permissible and consistent with the existing broader development and surroundings. These can be implemented with minimum adverse impacts on the surrounding environment, and would only add to the historical significance of the site, and should, therefore, be supported.

8.0 CONCLUSION

This Statement of Environmental Effects has been prepared having regard to the requirements of Sec. 4.15 of the *Environmental Planning and Assessment Act 1979*. In reviewing the relevant statutory and non-statutory planning standards and objectives, it is concluded that the proposal is:

- Mostly consistent with no or minimal adverse impacts to the existing development and surrounding land uses;
- Respective to the surrounding landscape and rural character of the area with no/minimal changes to the existing external building structure;
- The proposal will result in a more promising future for the conservation of the building and only enhance the heritage significance of the site; and
- Compliant with all relevant statutory and non-statutory planning provisions.

Maitland City Council is therefore respectfully requested to grant consent to this development application, with appropriate conditions.

APPENDIX A

TITLE SEARCH

APPENDIX B

SITE SURVEY

APPENDIX C

AHIMS REPORT

APPENDIX D

STATEMENT OF HERITAGE IMPACT (SOHI)

APPENDIX E

DEVELOPMENT PLANS (ECO-TOURIST FACILITY)

APPENDIX F

DEVELOPMENT PLANS (DWELLING)

APPENDIX G

STRUCTURAL ENGINEER REPORT

APPENDIX H

HERITAGE GRANT APPROVAL BY MCC

APPENDIX I

WASTEWATER MANAGEMENT REPORT

APPENDIX J

BUSHFIRE REPORT

APPENDIX K

NOISE ASSESSMENT

APPENDIX L

LETTER FROM DP REGARDING CONTAMINATION

APPENDIX M

STORMWATER MANAGEMENT PLAN