



For and on behalf of:



Statement of Environmental Effects

Proposed Torrens Title Subdivision
One into Two Lots

94 Redwood Drive, Gillieston Heights


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Disclaimers

The following report has been provided in accordance with the Environmental Planning and Assessment Regulations 2000 in the form of a Statement of Environmental Effects pursuant to Schedule 1 Part 1 to support an application for development consent pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (As Amended). The assessment conclusions and detail contained herein are undertaken to the best of our knowledge and ability in response to the information made available to us at the time of writing.

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Addendum

Plan / Report	Author	Detail / Label	Rev	Date
Site Survey	Aspect Development & Survey Pty Ltd	-	-	18/09/2019
Plan of Subdivision	De Witt Consulting	Surveyors Reference 10870	-	02/07/2020
Bushfire Threat Assessment	Firebird ecoSultants Pty Ltd	-	1	October 2019
Stormwater Management Plan	ALW design	Site Stormwater Management Layout Plan	A	03/06/2020

Statement of Environmental Effects

Proposed Torrens Title Subdivision – One into Two Lots
94 Redwood Drive, GILLIESTON HEIGHTS

1 Introduction

Valley Planning has been approached by the owners of the land to assist in preparing an application for the subdivision of a dual occupancy development that has been made prior. The application is made pursuant to clause 4.1A of the Maitland LEP and is to be read and linked with the current DA for the two dwellings on the site.

Accordingly, the application seeks development consent to facilitate the subdivision of the subject site proposing a one (1) lot into two (2) lot Torrens Title.

The subject land is a vacant lot referred to as Lot 925 in DP 1254132 and is part of the Wallis Creek residential estate in the suburb of Gillieston Heights.

The subject land has existing vehicular access from Redwood Drive. The site is situated in bushfire affected land and a supporting report has been prepared to consider this constraint and propose a suitable outcome for this site.

The line of subdivision and easements created relate to the current application to Council for the dual occupancy. This report has been compiled in the form of a Statement of Environmental Effects (SEE) undertaken in accordance with the *Environmental Planning and Assessment Regulations 2000* to support an application to Council pursuant to *Section 4.12* of the *EP&A Act 1979*.

The following report provides a detailed description of the site in its current context; it considers the development proposal against the legislative requirements and provides a detailed environmental assessment against the criteria outlined in *s4.15* of the *EP&A Act*.

2 Site

2.1 Location & Context

The application site is located in the suburb of Gillieston Heights. A suburb of Maitland, the land is situated close to the banks of Wallis Creek in Wallis Creek Estate. The land was formerly farming land.

The suburb is accessed by road and is located 7km from Maitland CBD, 22km to Cessnock, 38 km to Newcastle CBD and 10km to the Hunter Expressway, providing links to the Pacific Motorway to Sydney, Newcastle and Singleton in the Upper Hunter Valley. The subject is located a short distance from Cessnock Road which benefits from the local bus route network and Maitland train station is within 7km of the site providing transportation links to Newcastle, Sydney and the Hunter Valley.

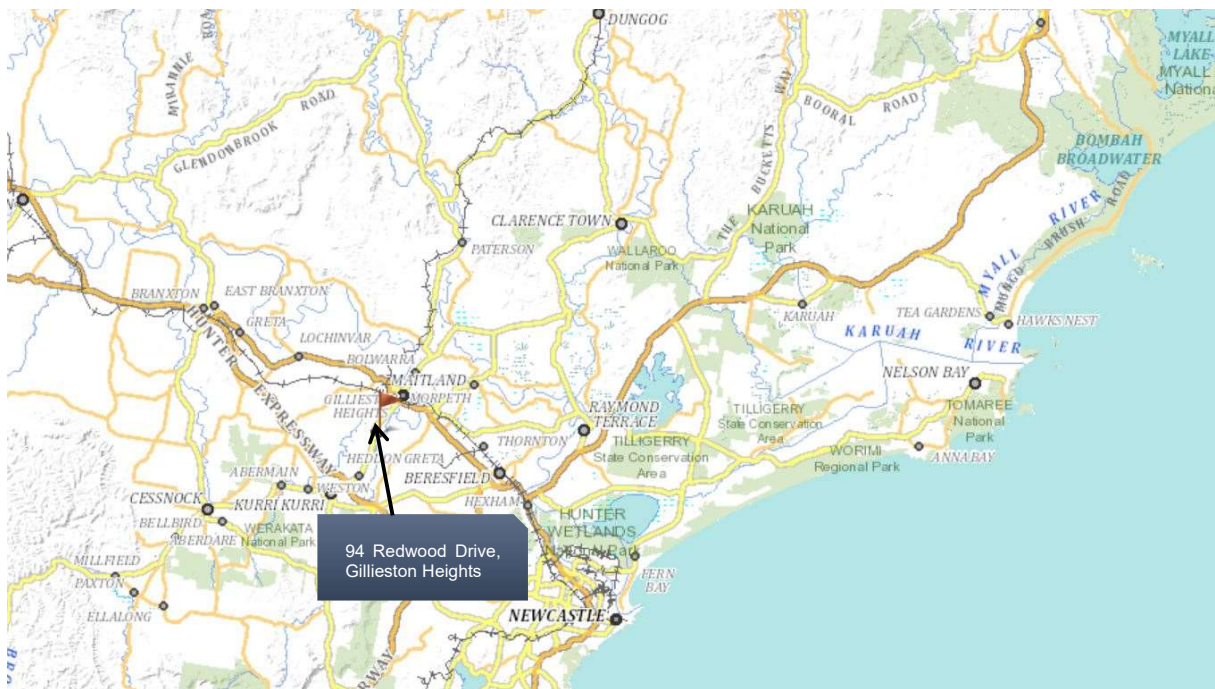


Figure 1 - Extract from Sixmaps demonstrating the sites location in the broader context

2.2 Description of Site

The application site comprises of one residential allotment orientated on a northwest / southeast axis. The lot can be described as being irregular rectangular in shape having a 33.75m frontage and 40m depth. Tapered to the rear of the lot to account for the road curvature in the subdivision, the rear boundary is 13m. Vehicular access is available from a formed road with kerb and gutter and is accessed from the southeast directly off Redwood Drive.

The land has a gradual slope from the northeast to the south west and falls approximately 800mm across the width of the land.

Lot 925 is approximately 648.2m² in area and is currently vacant. The land is surrounded by single residential dwellings of varying character, location and style.

Figure 2 below shows recent photographs of the site and Figure 3 shows the site location in the broader context of the Maitland LGA and surrounds.



Figure 3 - views over the valley and low lying plains afford



Figure 2 - Views of the site from Redwood



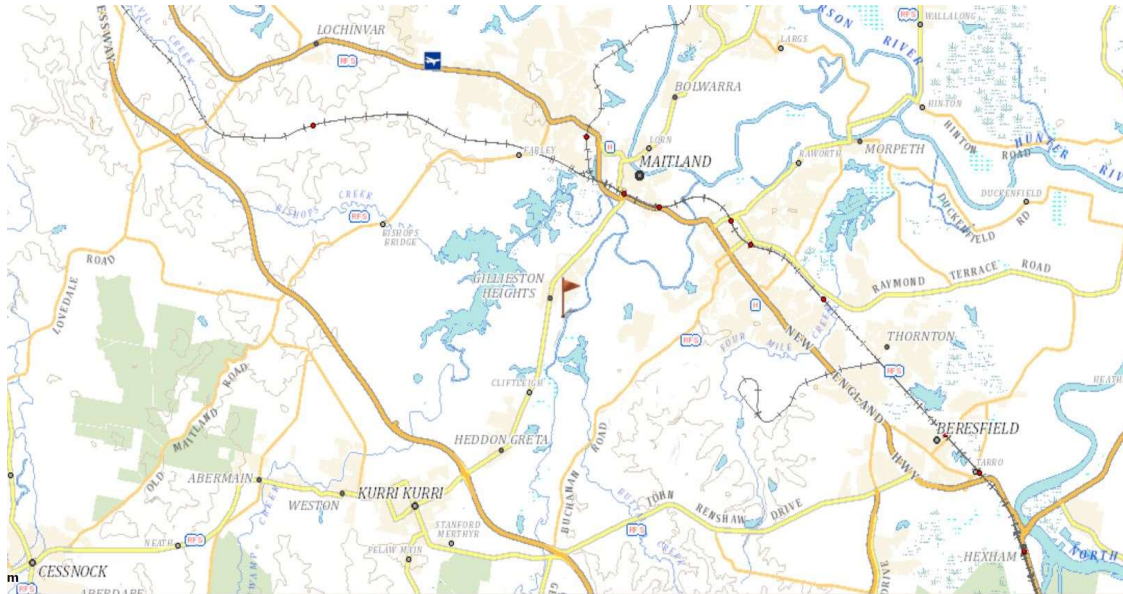


Figure 4 - Extract from Sixmaps demonstrating the sites location in the broader context of Maitland LGA

3 Proposed Development

The application proposes subdivide the existing single lot into two equal sized torrens title lots consisting of Lot 1 being 324.2m² and Lot 2 being 324.1m².

The application is to be read with and in conjunction with an existing application for a Dual Occupancy development that is currently with Council. Accordingly, no associated works are proposed as these will all be undertaken under the provisions of that consent. The final development will facilitate the provision of two independent dwellings on the lot with a party wall arrangement. Each dwelling will have separate independent services.

A Torrens Title subdivision is proposed in accordance with Cl 4.1 and 4.1A of the Maitland Local Environmental Plan 2011 (MLEP). As the site is zoned R1, under Clause 4.1A of the MLEP, a lot can be subdivided into two equal lots resulting in lots which are equal to or greater than 300m² in size and an attached dwelling is proposed on each lot.

The following table describes the subdivision.

	Lot width (front)	Lot width (rear)	Lot Depth	Lot Size	Clause
Lot 1	9.5m	6.655m	40m	324.2m ²	4.1A
Lot 2	9.5m	6.655m	39.965m	324.1m ²	4.1A

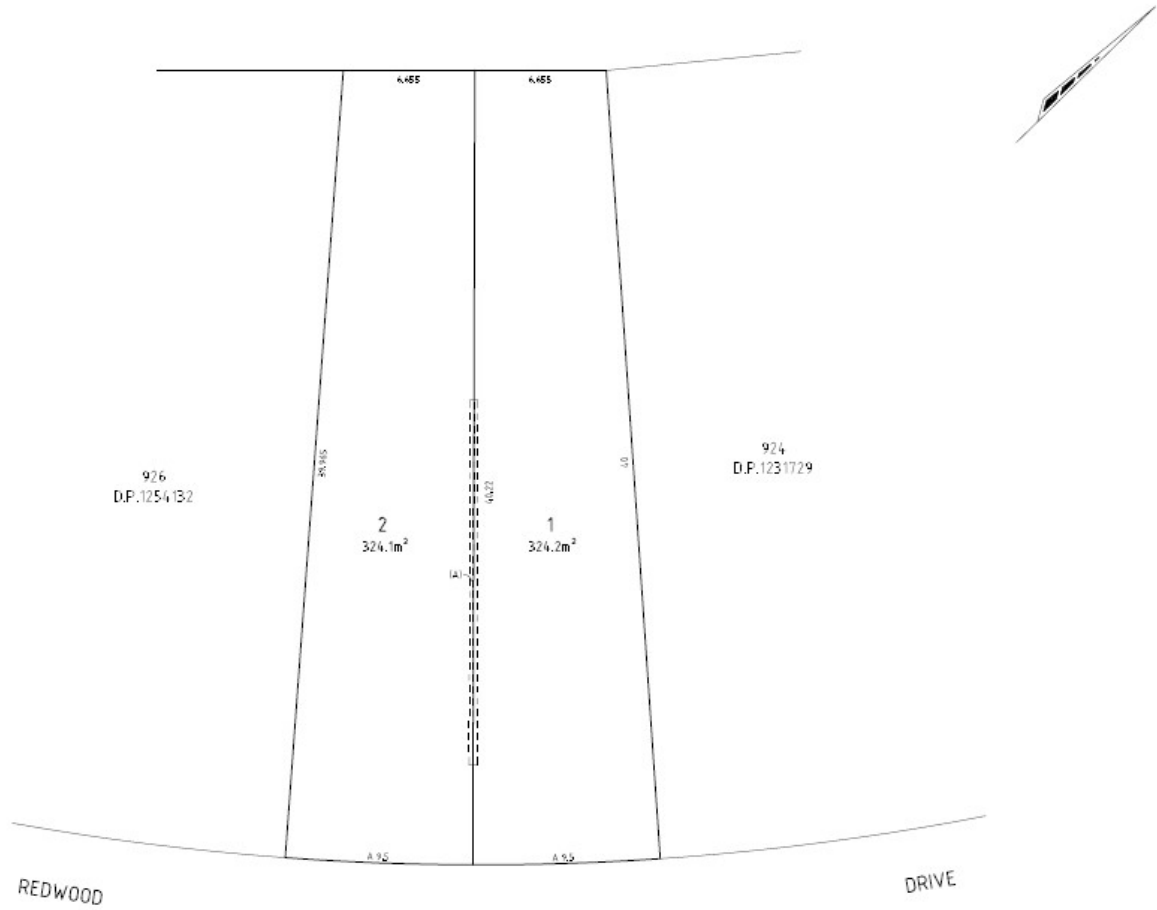


Figure 5 – Proposed subdivision of site - 94 Redwood Drive (deWitt Consulting)

3.1 Permissibility

The application site is located within an R1 – General Residential Zone within the Maitland City Council Local Environmental Plan 2011.

The subdivision is permissible with consent in the zone pursuant to clauses 2.6, 4.1 & 4.1A.

All lots meet the minimum requirements of these clauses. As access exists for each lot in its current form, no works are proposed.

3.2 Likely Environmental Impacts

Valley Planning has reviewed the proposal in light of the existing area and context and has identified that the likely environmental impacts will be those associated with the environmental constraints and the impact the subdivision will have relative to these in introducing a new residential allotment. These are summarised as below:

<i>Constraint</i>	<i>Potential Impact</i>	<i>Resolution</i>	<i>Comment</i>
<i>Bushfire</i>	Creation of additional risk to life by introducing new residential density and altering boundaries affecting the management of vegetation and bushfire sources	Bushfire consultant engaged. Subject to assessment pursuant to s100b of the Rural Fires Act.	The bushfire source, cited in the report as being 'rainforest' vegetation to the south and east has been assessed as having less than 56m separation distance from the site. The bushfire attack level (BAL) has been calculated as BAL-12.5. The subdivision is suitable in its current form. This is discussed in detail in this report.
<i>Access</i>	The new lot 2 is of suitable size to facilitate level access to the road network	The dimensions of the site and frontage considered to ensure level access can be negotiated	The lot dimension are suitable for level access.

These matters are examined in more detail below.

4 Matters for Consideration - General (s4.15)

4.1 Current and Proposed Environmental Planning Instruments

4.1.1 Regional Environmental Plans

The site is located in a suburb within close proximity to Maitland. The proposal assists in the delivery of additional dwellings and more intense development in existing established areas so as to utilise the existing established (and establishing) infrastructure.

The proposed development has no implications in the delivery of the Hunter Regional Plan or the Newcastle Metropolitan Plan, in fact it assists in the delivery of the objectives by supporting additional housing densities and housing forms in existing established areas.

4.1.2 State Environmental Planning Policies

SEPP 44 – Koala Habitat

The site is within a developing urban environment. Vegetation to the south and east of the site which co-exists next to Wallis Creek. The land is segregated from this patch of vegetation by an existing vehicular road servicing lots on Redwood Drive. The site has no remnant trees or vegetation on the site. No Koala Habitat is identified on the site.

SEPP 55 – Remediation of Land

There is no indication that the site has been used for any activities that would result in land contamination. The land has recently been the subject of a recent land subdivision development. The site is not identified on Council's contaminated lands register.

4.1.3 Local Environmental Plans

Maitland City Council LEP 2011 is relevant and applicable to this site. The application proposes a vacant subdivision only. The only ancillary works are those associated with the provision of services and utilities to the new lots. The subdivision aligns with an application for an additional residential dwelling in a residential zoned area and the development is permissible in the zone with consent.

CI 2.6 – Subdivision – Consent Requirements – The proposal includes an application for subdivision. This clause requires subdivision to be required with consent.

CI 4.1 – Minimum Subdivision lot size – The minimum subdivision area for a vacant allotment is 450m². The application is to be read and assessed in conjunction with a current application with Council for a Dual Occupancy Development and this proposal is to be considered under cl4.1A.

CI 4.1A – Exceptions to minimum lot sizes – The application proposes to be considered in conjunction with an application currently with council for the construction of a dual occupancy development. This proposal will facilitate the subdivision of the land resulting in one dwelling on each lot. The lot sizes will be 324.1m² and 324.2m². This clause permits a lot to be subdivided to 300m² if a dwelling will be provided on each lot. The proposal complies with this clause.

CI 7.1 – Acid Sulfate Soils – The site is within an area affected by Class 5 acid sulfate soils. The works proposed will not affect or lower the water table within 500m of a class 1 – 4.

CI 7.2 – Earthworks – No earthworks are required or proposed as part of this subdivision.

CI 7.21 – Essential Services – The land is serviced by utilities servicing the residential area of Wallis Creek. Both new lots will have adequate access. Stormwater will be gravity directed to Councils stormwater drainage. Refer to Annexure for the Site Stormwater Management Plan.

4.2 Development Control Plans

Maitland Development Control Plan 2011 (DCP) is relevant to the proposal. The application proposes a new lot to be created through torrens title subdivision and has been considered against the following Sections:

Part C C.10 - Subdivision

4.2.1 Summary of compliance

The DCP is met in all aspects except as discussed in further detail in the assessment below:

4.2.2 Detailed Assessment

Section	Control	Comment	Compliance
2. DESIGN CRITERIA	Site Analysis and Site Context	A site survey has been undertaken.	Objectives Met
		A recent site visit has been completed. Detailed analysis of the site and surrounds has been incorporated into the supporting documents and provided within part 1 of this statement	

C.10 SUBDIVISION			A torrens title subdivision is proposed.	
EC.1 FLORA AND FAUNA	Flora and Fauna	Avoid and minimise impact to native flora and fauna	No existing flora and fauna on site.	No impact
	Preservation of Trees & vegetation	Retain trees and vegetation where possible	No trees and vegetation on site.	No impact
EC.2 HERITAGE AND ARCHAEOLOGY	European Heritage	Protect and Maintain European heritage items	No heritage items in the vicinity. The development will not impact this site.	N/A
	Aboriginal Heritage	Due diligence taken to ensure protection of aboriginal items	No aboriginal heritage known on the site.	The site is recently been prepared for residential development and no known reported finds were disclosed for this lot. The applicant is aware of their requirements to disclose any finds that me unearthed during construction.
	Natural heritage	Protect natural heritage	The new subdivision is unlikely to require significant earthworks to affect the natural heritage	No impact
EC.3 HAZARDS	Landslip	A geotechnical investigation is required on certain land	The site was made suitable for development prior to sale.	Meets requirement and is suitable
	Mine Subsidence	Written concurrence required from SAB	The site is not located within a mine subsidence area.	Not required
	Contaminated Land	Ensure the site is suitable for purpose	The land is not known to be contaminated.	Land suitable.
	Acid Sulfate	The soil type classification is class 5	The development will be impacted or impact upon acid sulfate soils.	Suitable
	Water catchment flood management	Certain lands to consider impact on flooding	The site is not affected by flooding	Not affected
	Natural Water Systems	Riparian zones to be protected	This site is not affected by riparian zones.	No impact.
	Bushfire	Manage bushfire affected land that poses risk to property and life	A bushfire report has been prepared in accordance with this section and S100b of the Rural Fires Act.	The bushfire report identifies that the whole of the site is to be managed as an inner protection zone. Land suitable.
DC.1 LOT SIZE AND DIMENSIONS	Lot sizes and dimension in R1 zones	Subdivided lots in a R1 zone are to be at least 300m2 and are to consist of at least 2 lots. An attached, semi-attached or dwelling is required to be erected on each lot resulting from the subdivision.	All lots exceed the required minimum lot sizes. Two lots of equal size are proposed in the subdivision. Each lot resulting from the subdivision will contain a semi-detached dwelling.	Suitable
DC.3 DRAINAGE, WATER QUALITY AND SOIL EROSION	Water Cycle Management	Ensure the natural water flow regimes are not affected	The proposal involves the creation of one additional lot. Each lot has an onsite detention tank of 2500L and a 1500L rainwater tank. Stormwater flows via a charged	See Annexure for Pit and tank details and Site Stormwater Management Plan that is extracted for information purposes from the dual occupancy development.

			line and is gravity fed to Councils stormwater system to the front of the site. It is noted that this will be assessed as part of the dual occupancy development.	
DC.4 LANDSCAPE, STREETScape & VISUAL IMPACT	Scenic Values	Landscape, Streetscape and visual assessment required in certain circumstances	The proposal results in the creation of one new lot. Native vegetation will not be affected, no significant tree is nominated on the site.	Not required
DC.9 RETICULATED SERVICES	Provision of water, sewer, electricity and telecommunications,	All lots to have access to water, sewer, electricity, telecoms, and gas (if available)	The site is serviced.	Suitable

4.3 Planning Agreements

The site is not affected by any planning agreement.

4.4 Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

An assessment against the relevant Acts is provided in Table 3 below.

The site is located in a mapped bushfire affected area and is required to be assessed and considered under s100b of the Rural Fires Act. It is noted that the dwellings are assessed under this report and considered pursuant to 79ba of the EP&A Act, the subdivision aspect requires referral to the RFS. A condition is expected to be imposed requiring the whole of the site to be managed an Inner Protection Area.

4.5 Environmental Planning and Assessment Regulation 2000

- cl50 – The prepared application supporting this report contains all information required by this clause noting in particular this Statement of Environmental Effects.

4.6 Impacts on the Natural Environment

4.6.1 Flora and Fauna

The site is located within an area that has been modified by past activities.

The proposal does not include any works apart from the subdivision works apart from the creation of an additional lot that will facilitate a new dwelling.

Having a slope gradient of 1:5, a dwelling pad and access to this will require additional site works. Whilst the subject of a separate development application, the impacts of such works are considered in this application.

No vegetation required to be removed. A street tree will be repositioned by the owner and is addressed in the associated Development Application for the dwellings.

No koala feed tree's were identified.

4.6.2 Hydrology

The land is permeable and naturally slopes to the side and rear of the site. The Stormwater Management Layout plan shows each lot has separate stormwater drainage to the inlet pit at the front of the property whilst sanitary drainage is directed to Hunter Water's sewer.

4.6.3 Bushfire

A bushfire report was undertaken to consider the impacts of the proposal in regard to S100b of the Rural Fires Act. The report concluded that the site is suitable for further development relative to the proposed subdivision and can comply with the Planning for Bushfire Protection guidelines.

The report recommends that all fencing and gates be constructed of materials that are constructed in accordance with the NSW Rural Fire Service Guideline 'Fast Fact – Fences or Gates in Bushfire Prone Areas'.

4.7 Impacts on the Built Environment

4.7.1 Design and Layout

The proposed lots exceed the minimum requirements for new lots within the MLEP 2011 cl4.1A.

4.7.2 Traffic and Parking

The development proposes a residential use in a residential suburb. The addition of one additional lot will not create significant movements to impact upon the road network. Both lots will contain private driveways and will have direct vehicular access to Redwood Drive. All lots retain the ability to facilitate vehicles to enter and exit in forward gear.

4.7.3 Adjoining Uses

The site is surrounded by residential land and residential dwellings. The proposed arrangement would not be out of character with the surrounding area and would be a suitable neighbour.

4.7.4 Contamination

There are no known previous contaminated uses occurring on this site. The previous use was farmland. No contamination is expected to be identified, however, the state policy relating to that of unexpected finds will be adhered to if these are found during the excavation.

4.7.5 Construction Impacts

There will be some impact in the short term during any required construction to install utilities. Some acoustic and air quality impacts may occur during the construction period along with minor traffic disruption, however, these would be ameliorated through adherence to reasonable working hours and suitable traffic management practices.

Any perceived impacts would be minor and limited in time.

4.8 Social and Economic Impacts

The development proposal considers the introduction of an additional residential lot in a residential area. This achieves the aims of the Hunter Regional Plan 2036 and Maitland Urban Settlement Strategy 2001-2020 in promoting new residential development to support future population growth. The lots are appropriately located and designed to not impact on the area or the immediate streetscape and would offer a range of lots in this location.

4.9 Suitability of the site

The development considers a residential subdivision in a residential area. The site has adequate access to existing road infrastructure and services. The land is suitable for this use.

4.10 Public Interest

The proposal brings into use an existing vacant site providing additional population in an establishing suburb.

The use and design of the development is in the public interest.

5 Conclusions

The application proposes for the subdivision of an existing vacant lot in the growing residential suburb of Gillieston Heights to create two (2) lot sizes on Redwood Drive of 324.1m² and 325.2m².

Proposing a subdivision less than the 450sqm minimum prescribed by MLEP cl 4.1, the application is made to be read, assessed and implemented in accordance with an existing Development Application for a dual occupancy on the site and therefore invoke the standards of cl4.1A.

The land is affected by bushfire. The application is prepared in conjunction with specialist advice from a subdivision engineer and bushfire consultant. The proposal identifies the most suitable outcome for this land proposing a new residential allotment in an established residential suburb. The new lot provides a suitable land area to ensure the objectives of the area and zone are met.

The proposal meets all requirements of the Maitland LEP 2011 and the Maitland DCP 2011 for subdivision.

This report is in the form of a formal Statement of Environmental Effects and has considered all relevant aspects as required by the *Environmental Planning and Assessment Act 1979*. The proposal in its proposed form is considered suitable for this location and this site.

Valley Planning note that the development is fitting in the established urban environment, it will have minimal impact on the natural and built environment. We are confident in supporting the development in its current form and recommend that Council consider a positive determination for this application.

Kind regards



Chris Speek
Director
Valley Planning Pty Ltd