



Statement of Environmental Effects for Maitland City Council

TWO LOT SUBDIVISION, ERECTION OF A DUAL OCCUPANCY
DEVELOPMENT & A FURTHER TWO LOT SUBDIVISION

37 EURIMBLA STREET THORNTON

December 2021

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1. INTRODUCTION

Property Details

Lot	4	Section	K	DP	10725
House No.	37	Street	Eurimbla Street		
Suburb	Thornton			Postcode	2322

Description of Proposal

Proposed two lot subdivision, erection of a detached dual occupancy and a subsequent two-lot Torrens Title subdivision.

DETAILED DESCRIPTION

The proposal is seeking Council approval to carry out development of the subject property in the following stages:

- Stage 1: Two lot Torrens Title subdivision creating Proposed Lot 41 with a land area of 633.6m² and Proposed Lot 42 with a land area of 751.9m².
- Stage 2: Construction of a detached dual occupancy development on Proposed Lot 42. Both dwellings will contain 3 bedrooms and an attached double garage.
- Stage 3: Two lot Torrens Title subdivision of the completed dual occupancy on Proposed Lot 42 creating Proposed Lot 421 with a land area of 313.8m² and Proposed Lot 422 with a land area of 314.9m² which excludes an access handle of 123.2m².

This Statement has been prepared with reference to the following plans and reports:

Title	Author	Date	Version
Architectural Drawings	CEO Architectural Drafting	13/12/2021	F
BASIX Certificate	CEO Architectural Drafting	14/12/2021	1247360M
Site Survey	David Cant Surveyors	15/1/2021	
Subdivision Plans	CEO Architectural Drafting	22/11/2021	E
Water Cycle Management Plan	SRB Consulting Engineers	20/12/2021	A
Erosion & Sediment Control Plan	SRB Consulting Engineers	20/12/2021	A
Traffic & Parking Impact Assessment Report	Barker Ryan Stewart Pty Ltd	17/12/2021	2
Landscape Plan	CEO Architectural Drafting	13/12/2021	F

Description of the Site

Area of the Site: 1,385m²

DETAILED DESCRIPTION OF THE SITE

The subject property is located on the southwestern side of Eurimbla Street opposite its intersection with Redman Cove at Thornton. It has a 20.085m frontage to Eurimbla Street and the depth of the property is 40.235m. The rear boundary of the property adjoins an unformed laneway, and the eastern side boundary also adjoins an unformed laneway – although this laneway appears to have a primary function of a drainage reserve.

Council has advised that these unformed laneways can be treated as side and rear boundaries and are not to be used for pedestrian or vehicular access in any future development of the land. The subject property is not mapped as being flood affected or bushfire prone. The property is currently vacant. It is fenced on the western side and rear boundaries



Location plan: Source – NSW Six Maps – October 2021



DESCRIPTION OF THE ADJOINING LAND USES

The subject property is located within an established residential area and the adjoining properties contain a mix of well-maintained dwellings.

Present & Previous Uses

Present Use: Vacant

Previous Uses: Residential

Potential Contaminated Uses: There are no known contamination issues associated with the property

2. PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENTS

Regional Environmental Plans

Relevant REP	Comment
Nil	Nil

State Environmental Planning Policies

Relevant SEPP	Comment
SEPP BASIX 2004	See the BASIX certificate submitted with this application.
SEPP 55 – Remediation of Land	Given the historic residential use of the property, there is a low risk of the land requiring any remediation

Local Planning Controls

RELEVANT PLANNING INSTRUMENT

Maitland Local Environmental Plan 2011 (MLEP 2011)

CURRENT ZONING

R1 – General Residential

DEFINITION OF PROPOSED DEVELOPMENT

WLEP 2013 defines the resulting development as follows:

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of dual occupancy.

In accordance with the Land Use Tables contained in Part 2 of MLEP 2011, dual occupancies are permitted with consent in the R1 General Residential zone.

The proposal also includes Torrens Title subdivisions. Clause 6.2 of the Environmental Planning and Assessment Act 1979 defines the subdivision of land as follows:

subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

The proposal satisfies the above definition. Under the provisions of Clause 2.6 of MLEP 2011, the proposed Torrens title subdivisions are permissible with consent.

CLAUSE 2.3: ZONE OBJECTIVES AND LAND USE TABLE

Clause 2.3(2) of MLEP 2011 states that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R1 General Residential zone and a response to each of these, are as follows:

To provide for the housing needs of the community.

The proposal will provide for a slight increase to the residential capacity of the area which will address the housing needs of the community and in particular the shortage of housing opportunities in the area.

To provide a variety of housing types and densities.

The properties in the general vicinity of the subject site already contain a variety of housing types. The proposed development will further contribute to this mix of housing types and will complement the residential character of the area.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is for a residential land use only.

CLAUSE 2.6 SUBDIVISION – CONSENT REQUIREMENTS

Clause 2.6(1) of MLEP 2011 states that land to which this Plan applies may be subdivided, but only with development consent. A 2 lot Torrens Title subdivision is proposed as part of Stages 2 & 4 of this application.

CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

Clause 4.1(3) of MLEP 2011 states that “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.” The Lot Size Map designates a minimum lot size of 450m² for the subject property. Each proposed lot to be created as part of Stage 1 of this proposal exceeds this minimum lot size.

The subdivision of the completed dual occupancy development as part of Stage 3 of this proposal will create two lots with a land area below this designated minimum lot size. See the discussion below in relation to Clause 4.1A in relation to that aspect of the proposal.

CLAUSE 4.1A EXCEPTIONS TO MINIMUM LOT SIZES IN ZONE R1

Clause 4.1A(3) states:

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 dwelling house on each lot resulting from the subdivision.*

Stages 2 and 3 of the proposal will satisfy the above requirements. The subdivision of the completed detached dual occupancy development will result in the creation of two lots with land areas of 313.8m² and 314.9m² (excluding the access handle of 123.2m²) with each new allotment containing a dwelling house.

CLAUSE 4.3: HEIGHT OF BUILDINGS

Clause 4.3(2) of MLEP 2011 states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Height of Buildings Map does not designate a maximum building height for the subject property. The proposed development will have a maximum building height of 4.65m and is consistent with other buildings within the immediate vicinity.

CLAUSE 4.4: FLOOR SPACE RATIO

Clause 4.4(2) of MLEP 2011 states that the height of a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map does not designate a maximum floor space ratio for the subject property. The proposed development of the detached dual occupancy on Proposed Lot 42 will have a floor space ratio of 0.35:1 and is consistent with other properties in the immediate vicinity.

CLAUSE 7.1 ACID SULFATE SOILS

The subject property is mapped as being within area affected by Class 5 Acid Sulfate Soils. Clause 7.1 (2) of MLEP 2011 states that development consent is required for 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.

The proposal is not within 500m of adjacent Class 1, 2, 3 or 4 land and therefore is not expected to disturb any acid sulfate soils.

CLAUSE 7.2 EARTHWORKS

Minimal earthworks are proposed as part of this development application. These earthworks will not interfere with any existing drainage patterns in the area or have any adverse impacts on an adjoining property.

3. PROVISION OF ANY PROPOSED INSTRUMENTS

At the time of preparing this Statement, there were no draft or proposed instruments that affected the subject property.

4. PROVISION OF ANY DEVELOPMENT CONTROL PLANS

MAITLAND DEVELOPMENT CONTROL PLAN 2011 (MDCP 2011)

There are 7 Parts of MDCP 2011 that are relevant to the proposed development. These are:

- Part A.4 Notification
- Part B.2 Domestic Stormwater
- Part B.6 Waste Not – Site Waste Minimisation & Management
- Part C.8 Residential Design
- Part C.10 Subdivision
- Part C.11 Vehicular Access & Traffic
- Part C.12 Crime Prevention Through Environmental Design

PART A.4 NOTIFICATION

The proposal as one that is to be notified for 14 days.

PART B.2 DOMESTIC STORMWATER

See the Water Cycle Management Plan submitted with the application.

PART B.6 WASTE NOT - SITE WASTE MINIMISATION & MANAGEMENT

See the Waste Management Plan submitted with the application.

PART C.8 RESIDENTIAL DESIGN

The proposed development complies with each of the relevant requirements of this Part. A response to each of these requirements of this Part is set out in the table below:

Clause Reference	Response	Complies (Y/N)
Site Analysis	A Site Analysis Plan has been submitted with the application.	Yes
2. Context Analysis	See the description of the site and surrounding development mentioned earlier in this document.	Yes

3. Development Incorporation Existing Dwellings	Not Applicable	N/A
4. Bulk Earthworks & Retaining Walls	Minimal earthworks are proposed.	Yes
5. Street Building Setbacks	The Street setback for dwelling on Proposed Lot 421 is 12.58m.	Yes
6. Side & Rear Setbacks	The minimum side and rear setbacks for the dwelling on Proposed Lot 421 is 1.0m. The minimum side and rear setbacks for the dwelling on Proposed Lot 422 is also 1.0m. The side setback for the attached garage on Proposed Lot 422 is zero.	Yes
7. Site Coverage & Unbuilt Areas	The Site Coverage % for the dual occupancy development on Proposed Lot 42 is 65.3% leaving the unbuilt area as 34.7%	No – Variation requested
8. Building Height, Bulk & Scale	The maximum building height for the dual occupancy development is 4.65m	Yes
9. External Appearance	The proposed dwellings are consistent with the existing residential character of the area and will create architectural interest through the positioning of the dwellings and the use of materials. The garages and car parking will not dominate the street appearance of the development.	Yes
10. Open Space	Both private open space areas exceed the minimum area requirement although the minimum area dimensions are not achieved.	No – Variation requested
11. Sites Having a Boundary to a Laneway	Not Applicable – Council has directed that the boundaries adjoining the unformed laneways be treated as side and rear boundaries.	N/A
12. Accessibility & Adaptable Housing	Not Applicable	N/A
13. Landscape Design	See the landscape plan submitted with the application.	Yes
14. Fencing & Walls	See the landscape plan for details of the proposed fencing.	Yes
15. Driveway Access & Carparking	The driveway design complies with the requirements of this clause except for the setback from the side boundary which is 500mm instead of the required 900mm. See the swept path analysis submitted with the application. The proposal complies with the carparking requirements of this Clause noting that a visitor space is not required given only two dwellings are proposed.	No – variation requested

16. Views & Visual & Acoustic Privacy	The proposal will not impact on any valuable views and no adverse impact on acoustic privacy.	Yes
17. Water & Energy Conservation	See the BASIX Certificate submitted with the application.	Yes
18 Stormwater Management	See the Stormwater Management plan submitted with the application.	Yes
19. Security, Site Facilities & Services	Not Applicable	N/A

VARIATION TO MAITLAND DEVELOPMENT CONTROL PLAN 2011

Clause 1.7 of Part A of MDCP 2011 states:

Council may consent to an application that departs from the provisions of this DCP. In this case, the request for a departure shall be in writing (either as part of the Statement of Environmental Effects or a separate submission) justifying the need for the departure. Such justification may necessitate the need for additional plans, photomontages and the like, or additional studies and reports such as traffic or car parking studies.

Any departure from this DCP will only be considered where it can be demonstrated to the satisfaction of the consent authority that the departure has merit.

As shown in the table above, the proposal does not fully comply with all requirements of Part C.8 of MDCP 2011. The following table details each of the requested variations and demonstrates how the proposal still meets the objectives of the various requirements.

Clause Ref	Requirement	Provided	Response to Objectives
7e Site Coverage	Dual Occupancy: Site Coverage = 60% Unbuilt Area = 40%	Dual Occupancy: Site Coverage = 65.3% Unbuilt Area = 34.7%	<p>a) To promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces.</p> <p>The minor variation to the site coverage requirements will not adversely impact on stormwater infiltration or flows in the area. See the Stormwater Management plan submitted with the application. It is also noted that the laneway adjacent to the side boundary acts as a drainage reserve.</p> <p>b) 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.</p> <p>See the landscape plan submitted with the application. It should also be noted that the development is setback 12.58m from the street</p>

			frontage which softens the impact of the buildings on the streetscape.
10i Private Open Space	Unit 1: 5m X 5m & 40m ² Unit 2: 6m X 6m & 45m ²	Unit 1: 5m X 5m & 48m ² Unit 2: 5.2m X 9.6m & 45m ²	<p>a. To provide sufficient and accessible open space for the reasonable recreational needs of residents;</p> <p>The amount of open space for each unit meets or exceeds the required minimum area.</p> <p>b. To ensure that private open space meets requirements for privacy of the residents and adjoining properties, safety, access to outdoor activities and landscaping.</p> <p>The location of each of the private open space areas does not adversely impact on the privacy of adjoining properties and is accessible from the main living areas of each dwelling.</p> <p>c. To locate open space to take account of outlook, natural features of the site and neighbouring buildings or public open space.</p> <p>The location of each private open space area seeks to take advantage of solar access whilst not impacting on any neighbouring buildings.</p>
15e Driveway Access and Car Parking	Driveways shall be located no closer than 900mm from any side boundary for the full depth of the building line.	The driveway has a minimum side boundary setback of 500mm.	<p>a) 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.</p> <p>Each dwelling complies with the offsite car parking requirements of this Clause. The setback between the side boundary (which contains an unformed public laneway) and the driveway will be landscaped.</p> <p>b) To ensure that parking areas are designed to accommodate the needs of those persons with a disability.</p> <p>Not applicable.</p> <p>c) To encourage the design of access and parking as part of the overall landscape design.</p> <p>See the landscape plan submitted with the application.</p>

The above variations to Council DCP requirements are minor in nature and it has been demonstrated that despite these minor non-compliances, the proposal still meets the objectives of each requirement. The proposed variations are worthy of Council support in this instance.

PART C.10 SUBDIVISION

The proposed development complies with each of the relevant requirements of this Part. A response to each of these requirements of this Part is set out in the table below:

Clause Reference	Response	Complies (Y/N)
4. Design Elements		
EC.1 Flora & Fauna	Not Applicable	N/A
EC.2 Heritage & Archaeology	Not Applicable	N/A
EC.3 Hazards	The property is not mapped as being flood or bushfire prone. It is also not identified as being potentially contaminated or subject to landslip.	Yes
DC.1 Lot Size & Dimensions	The proposed lot sizes comply with the requirements of MLEP 2011. The width of the proposed access handle exceeds the requirement of this clause.	Yes
DC.2 Solar Access & Energy Efficiency	The orientation of the subdivided lots as part of Stage 1 is generally north/south.	Yes
DC.3 Drainage, Water Quality & Soil Erosion	See the stormwater management plan for details	Yes
DC.4 Landscape, Streetscape & Visual Impact	See the landscape plan for details	Yes
DC.5 Effluent Disposal	See the servicing plan for details of sewer connections.	N/A
DC.6 Roads & Access, Pedestrians & Cycleways	Not Applicable	N/A
DC.7 Crime Prevention – Safer by Design	The proposed subdivisions meet several of the design principles.	Yes
DC.8 Site Filling	Not Applicable	N/A
DC.9 Reticulated Services (Water/Sewer/Electricity /Telecommunications)	All essential services are available to each of the proposed allotments.	Yes
IC.1 Entry Features	Not Applicable	N/A
IC.2 Street Names	Not Applicable	N/A

IC.3 House/Lot Numbering	Noted	Yes
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PART C.11 VEHICULAR ACCESS & CAR PARKING

The proposal complies with the relevant requirements of this Part of MDCP 2011

PART C.12 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The proposal addresses several of the CPTED principles and objectives although it is noted that a detailed CPTED assessment is not required.

5. OTHER LOCAL ISSUES

Temporary development

Description of any temporary uses: Not Applicable

Covenants, agreements or instruments

Description of any covenants, agreements or instruments: Not Applicable. The proposal does not conflict with any covenants or restrictions on the land.

Foreshore building lines

Does a foreshore building line apply?	No
What is the FBL?	N/A
Description of any structures within FBL?	Nil

Subdivision

Is a subdivision proposed?	Yes
Number of existing lots	1
Description of proposed subdivision:	2

Control of pollution

Does the proposal result in air, noise or water pollution? No

Comment: Nil

Erosion and sediment control

Description of erosion and sediment control measures: See the details included on the erosion and sediment control plan submitted with the application.

Flood prone land

Is the land flood affected?	No
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Comment: Nil

Bushfire considerations



Is the site classed as bushfire prone? No

Comment: Nil

Trees and native vegetation

Does the proposal involve any clearing? Yes

Comment: Two trees in the rear of the property will be required to be removed.

Acid sulphate soils

Will the proposal disturb any acid sulphate soils? No

Comment: Nil.

Heritage

Is the proposal a heritage item? No

Is the proposal in the vicinity of a heritage item? No

Is the proposal within a heritage conservation area? No

Does the land contain any known Aboriginal sites or places? No – confirmed by an AHIMS Web Service search dated 13/10/2021.

6. LIKELY IMPACTS OF THE DEVELOPMENT

ENVIRONMENTAL IMPACTS ON BOTH NATURAL & BUILT ENVIRONMENTS

As outlined above, there are not expected to be any adverse impacts on the natural or built environments as a result of the development. The applicant understands that Council may impose conditions of consent seeking to control the impact of the construction works on the surrounding environment.

SOCIAL IMPACTS

There are not expected to be any negative social impacts as a result of this development.

ECONOMIC IMPACTS

The proposed development represents a moderate investment in the area and will result in local firms being utilised during the construction phase.

7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is well suited to accommodate the proposed development. The proposal is a permissible use within the R3 Medium Density Residential zone and the proposal complies with the relevant development controls.

8. THE PUBLIC INTEREST

The public interest is best served by developing the land in an efficient and economical way that provides for the development of the land for residential purposes.

9. CONCLUSION

The proposed development is a permissible use within the R1 General Residential zoning and generally complies with Council's Development Control Plan. The proposal will not result in any adverse amenity impacts on the surrounding area and meets the aims and objectives of Council's controls for this type of development. It is recommended that Council approve the application as submitted.

AHIMS Search Result



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Eurimbla Street

Client Service ID : 629937

Paul Bowditch

Date: 13 October 2021

PO Box 8161

Tumbi Umbi New South Wales 2261

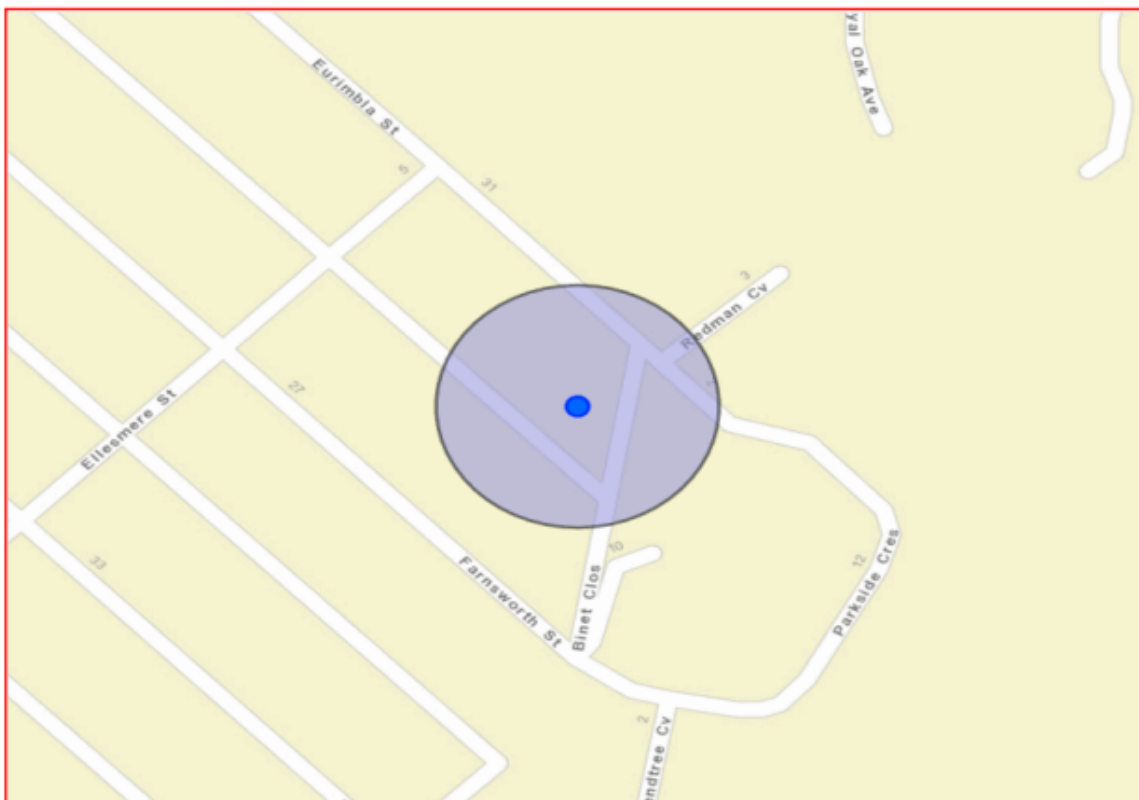
Attention: Paul Bowditch

Email: paul@progressivepropertysolutions.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 37 EURIMBLA STREET THORNTON 2322 with a Buffer of 50 meters, conducted by Paul Bowditch on 13 October 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *