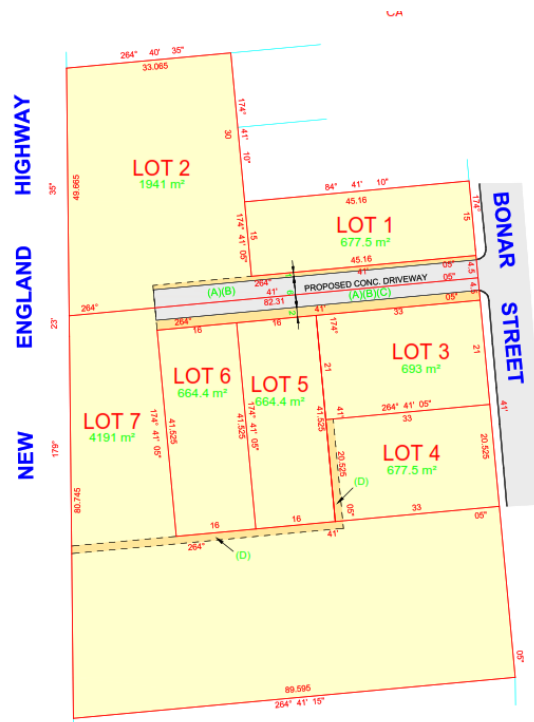




# LE MOTTEE GROUP

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT  
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT

Pty Limited ABN 38 136 535 156



PROPOSED TORRENS TITLE SUBDIVISION

## STATEMENT OF ENVIRONMENTAL EFFECTS

LOTS 23 & 24 IN DP 738348

LOTS 1 & 2 IN DP 826940

LAND COMPRISED IN BK 4792 NO 798

LAND COMPRISED IN BK 4792 NO 799

50 TO 56 BONAR STREET, MAITLAND

OUR REF: 7680

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LMG Ref: 7680

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## 1. INTRODUCTION

### 1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by PW Projects Pty Limited to prepare Plans and a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Maitland City Council (MCC) for a six (6) into seven (7) Lot Torrens title Subdivision of the land formally described as:

- **Lots 23 and 24 in DP 738348**
- **Lots 1 and 2 in DP 826940**
- **Land Comprised in BK4792 No 798**
- **Land Comprised in BK4792 No 799**

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

This Statement of Environmental Effects (SoEE) provides details about the site and proposed development as well as making an assessment of the proposed development pursuant to the relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

### 1.2 OVERVIEW

The proposed development subject to this application is the subdivision of **50 to 56 Bonar Street, Maitland** into seven (7) residential Lots. The proposal is consistent with the current subdivision pattern of the area and is in keeping with the character of the locality.

This report considers the proposed development against the controls of the Maitland Local Environmental Plan (LEP) and Development Control Plan (DCP). Under the Maitland LEP (2011) the proposed development is permitted with consent in the current R1 General Residential zone and the proposed lots meet the required minimum lot size of 450m<sup>2</sup>.

There is nothing in the Maitland LEP (2011) or DCP (2011) that prohibits the proposed subdivision.

### 1.3 SCOPE AND STRUCTURE OF THE REPORT

The remainder of the report is structured as follows:

- **Section 2** – Site Description

- **Section 3** – Proposed Development
- **Section 4** – Planning Provisions
- **Section 5** – Conclusion

#### **1.4 SUPPORTING DOCUMENTS**

The following documents are provided as Attachments to this report:

- **Annexure A** – Plan of Proposed Subdivision
- **Annexure B** – Stormwater and Driveway Plan
- **Annexure C** – AHIMS Search Results
- **Annexure D** – Survey Plan of Redefinition

## 2. SITE DESCRIPTION & PROPOSED DEVELOPMENT

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

### 2.1 LOCALITY

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

Maitland is centrally located within the Maitland LGA. Maitland is situated approximately 17.5km North West of Raymond Terrace, approximately 2km North West of East Maitland and approximately 30km north west of Newcastle.

The location of the subject land is shown below in *Figure 1*.



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

### 2.2 SUBJECT LAND



*Figure 2: The site (source: NSW Six Map).*

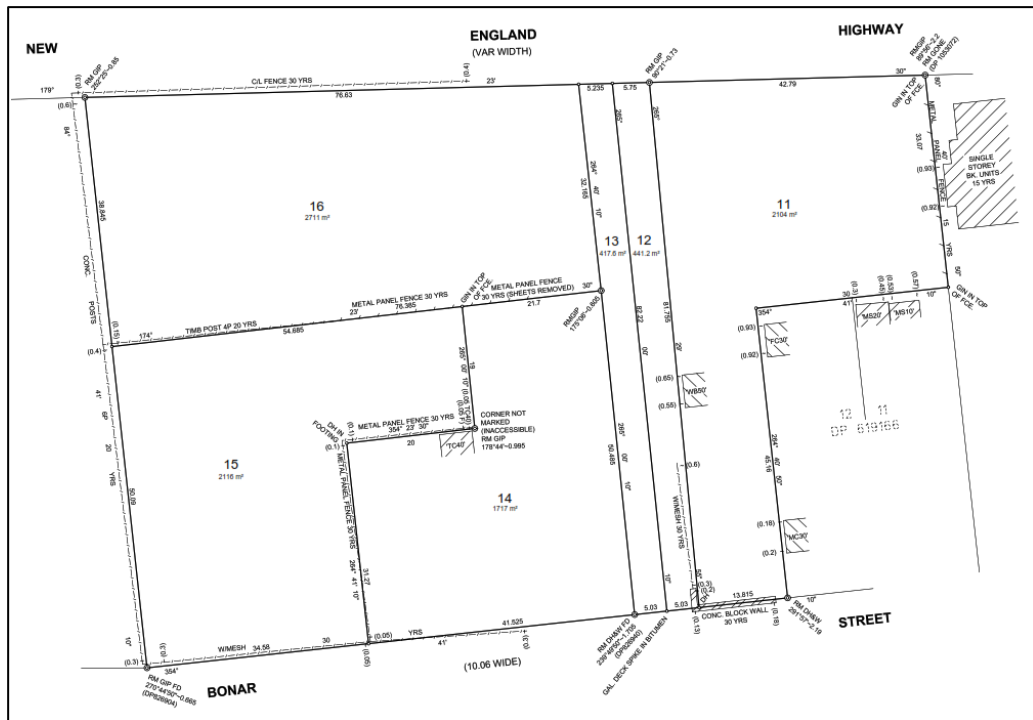


Figure 3: Plan of Redefinition (source: Le Mottee Group).

The subject land is located at 50 to 56 Bonar Street, Maitland. The land is formally identified as

- **Lots 23 and 24 in DP 738348**
- **Lots 1 and 2 in DP 826940**
- **Land Comprised in BK4792 No 798**
- **Land Comprised in BK4792 No 799**

For the purpose of this report the land described above shall be referred to as 'the site' and the individual lots by their lot number.

The site has an area of approximately 9506.8m<sup>2</sup> and has direct access from Bonar Street.

Further, the site is currently undergoing a Plan of Redefinition with NSW Land Registry Services (LRS). Upon registration the land shall be formally known as Lots 11, 12, 13, 14, 15 & 16 DP 1268451. A copy of this Survey Plan of Redefinition has been attached as **Annexure D**.



### 2.3 EXISTING DEVELOPMENT

The site currently supports a single storey brick dwelling, a single storey weatherboard dwelling and ancillary structures such as garages and storage containers. These structures shall remain and be demolished as part of a future Development Application (DA).

### 2.4 SURROUNDING DEVELOPMENT

The site is located within an existing, well establish suburb of close to the Maitland town centre. Accordingly, the immediate area will be developed for residential purposes.

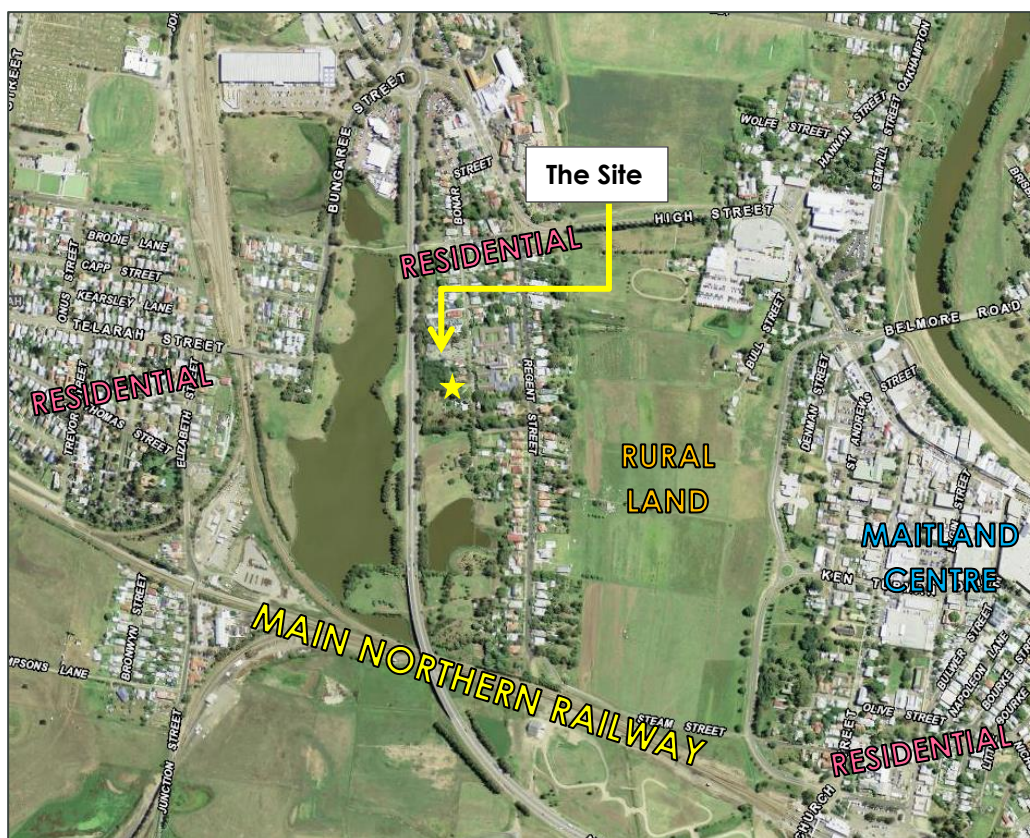


Figure 4: The site and surrounding lands (source: NSW Six Map).

The site is located within a short distance of the Maitland city centre, supporting various hospitality, retail and business opportunities, and community facilities. Maitland supports professional services, Maitland Hospital, and a variety of government departments and transport options.



### 3. PROPOSED DEVELOPMENT

#### 3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the site into seven (7) residential Lots.

##### 3.1.1 DEVELOPMENT DETAILS

There are two existing single storey dwellings located upon the site, in addition to several ancillary structures such as garages and storage containers. These structures shall remain and be demolished as part of a future Development Application (DA).

##### **SUBDIVISION:**

It is proposed to subdivide the site into seven (7) residential allotments as detailed below:

- **Lot 1:** shall be approximately 677.5m<sup>2</sup>. Access to Lot 1 shall be direct from Bonar Street and alternate access via a right-of-way and shared concrete driveway.
- **Lot 2:** shall be a battle-axe allotment of approximately 1941m<sup>2</sup>. Access to lot 2 shall be from Bonar Street via a right-of-way and shared concrete driveway.
- **Lot 3:** shall be approximately 693m<sup>2</sup>. Access to Lot 3 shall be direct from Bonar Street and alternate access via a right-of-way and shared concrete driveway.
- **Lot 4:** shall be approximately 677.5m<sup>2</sup>. Access to Lot 4 shall be direct from Bonar Street.
- **Lot 5:** shall be approximately 664.4m<sup>2</sup>. Access to Lot 5 shall be from Bonar Street via a right-of-way and shared concrete driveway.
- **Lot 6:** shall be approximately 664.4m<sup>2</sup>. Access to Lot 6 shall be from Bonar Street via a right-of-way and shared concrete driveway.
- **Lot 7:** shall be a battle-axe allotment of approximately 4191m<sup>2</sup>. Access to Lot 7 shall be direct from Bonar Street and alternate access via a right-of-way and shared concrete driveway.

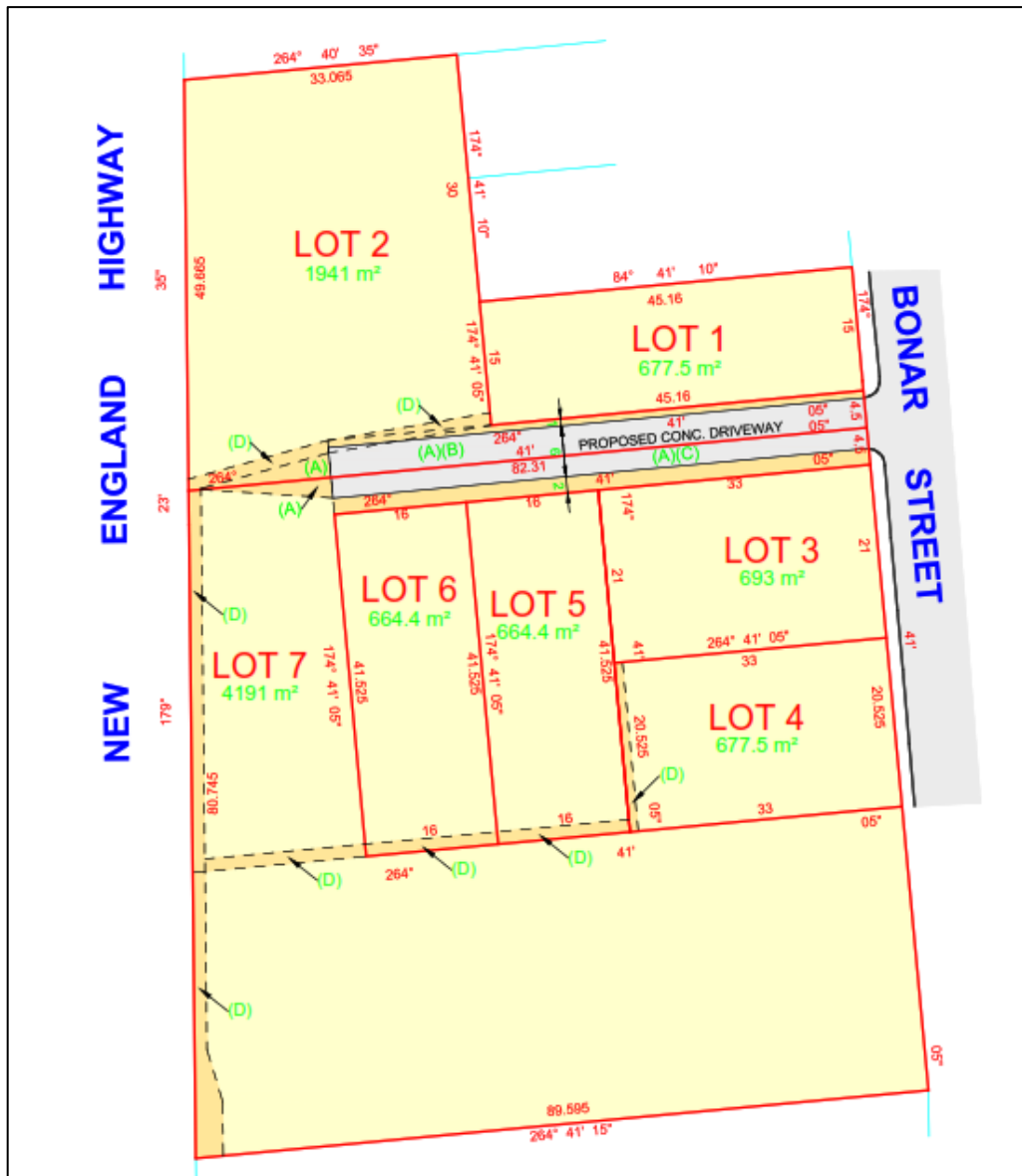


Figure 5: extract of proposed plan of subdivision.

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

## 4. PLANNING PROVISIONS

### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.15 of the Environmental Planning and Assessment Act, 1979 provides the matters that must be considered in the assessment of any development application.

Section 4.15 of The Environmental Planning and Assessment Act, 1979, as amended, states the following:

*'(1) Matters for consideration – general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

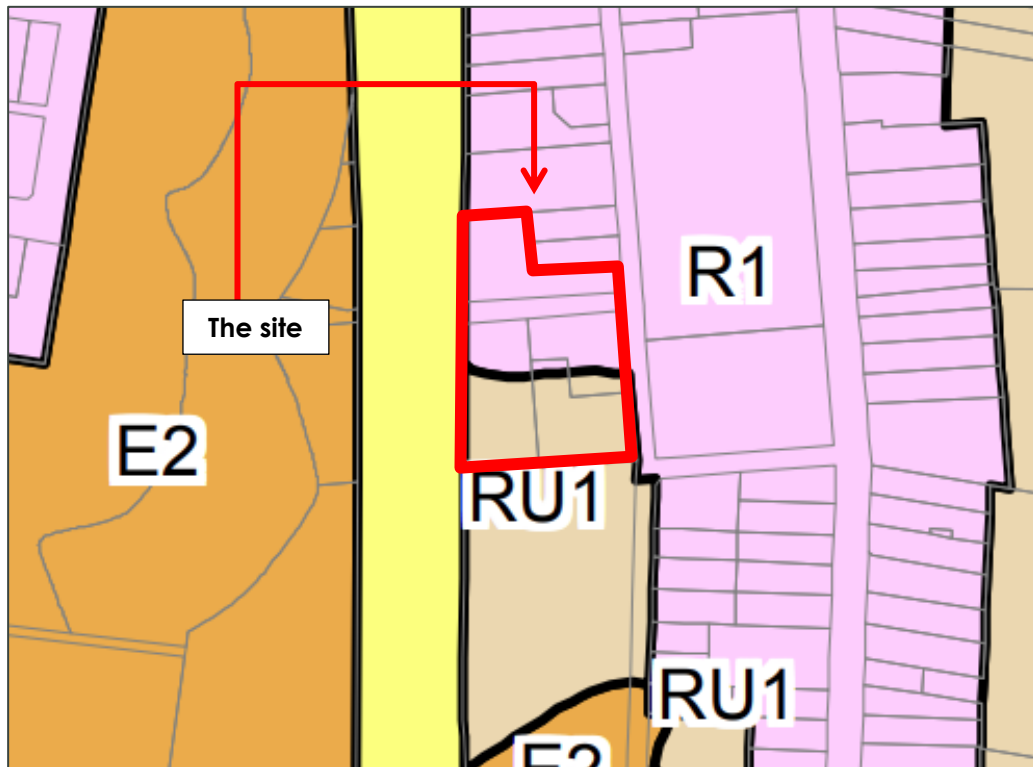
*(e) the public interest.'*

The matters of relevance for this application are dealt with in the following sections of this Statement.

## 4.2 MAITLAND LOCAL ENVIRONMENTAL PLAN, 2011

### 4.2.1 EXISTING ZONING

Under the *Maitland Local Environmental Plan (LEP) 2011*, the subject site is zoned **R1 General Residential** and **RU1 Primary Production**. A copy of the land zoning map extract is included as *Figure 6*.



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

### ZONE OBJECTIVES:

#### **R1 General Residential zone**

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development subject to this report includes the subdivision of the site into seven (7) residential Lots. Each lot shall be able to support a future dwelling. The proposed development is in keeping with the objectives of the R1 zone and the existing residential character of the area.

### **RU1 Primary Production zone**

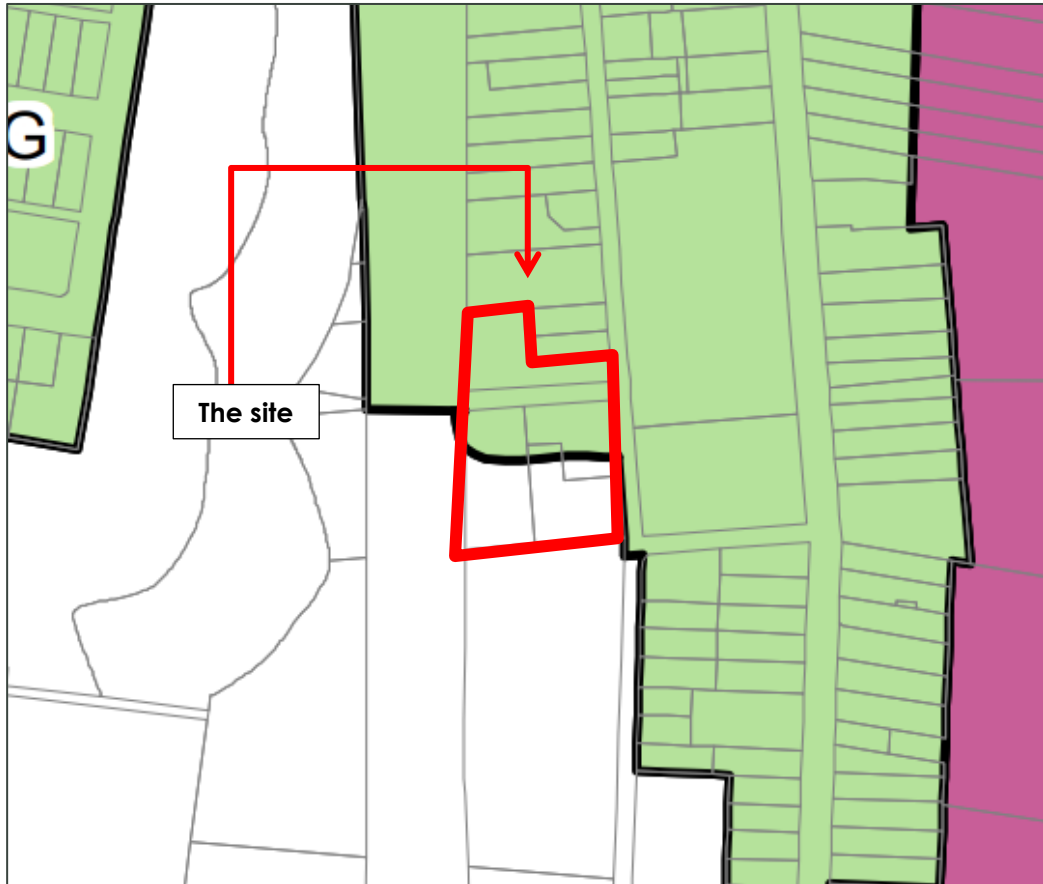
The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

An objective of the RU1 zone is to minimise fragmentation and alienation of resource lands. However, Council have split-zoned three parcels of land that are evidently not encompassing a rural outlook or comprising enough land to be agriculturally viable. The existing land zoning has already created alienation of land, so allowing the proposed development shall create a clear progression from residential development to rural land and avoid land being sterilized that that is not suitable for rural use and is not zoned correctly to achieve similar development on the surrounding lands. Therefore, it is concluded that the proposed development will minimise the existing fragmentation of land and is thus in accordance with the objectives of the zone.



**CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE**



**Figure 7:** Maitland LEP 2011 minimum lot size mapping extract (G=450m<sup>2</sup>)

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

- (a) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (b) *to prevent the fragmentation of rural land.*

The proposed subdivision will create seven (7) Lots, each capable of supporting a future dwelling. This development is within an established residential area and will not fragment rural land. Therefore, the proposed development is in keeping with the objectives Clause.

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

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

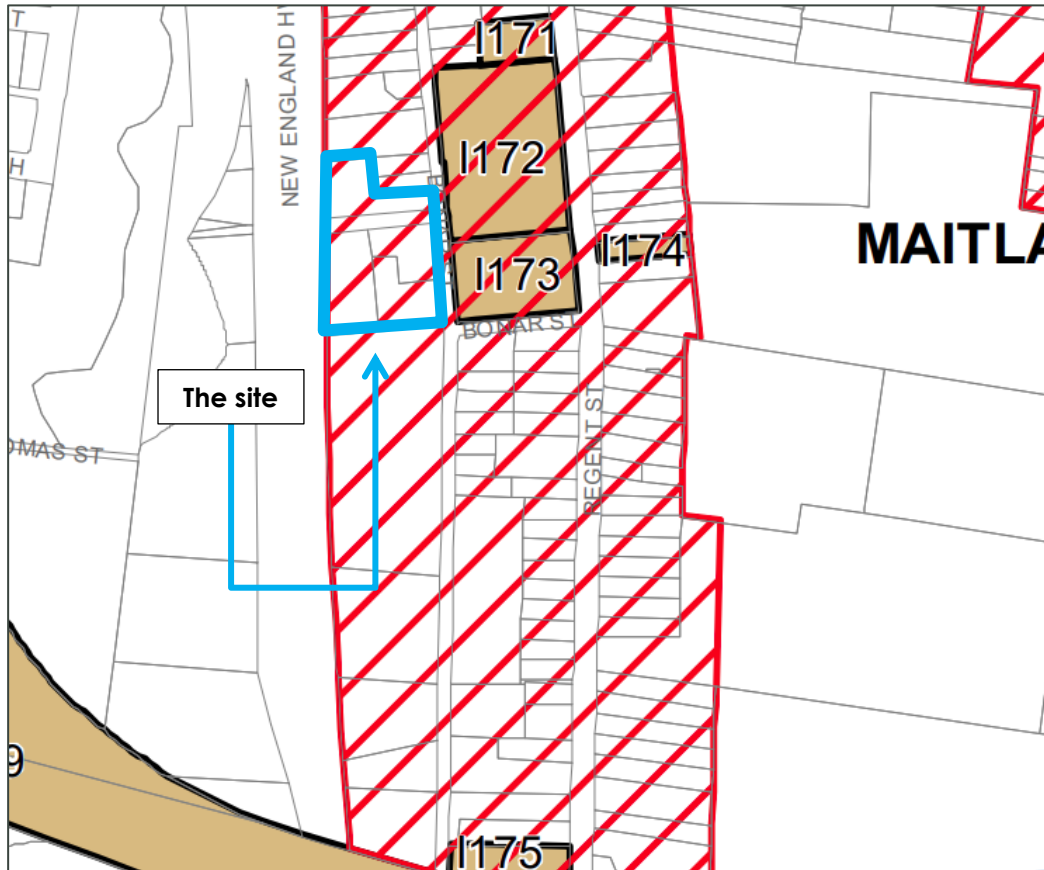
(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Each lot of the proposed subdivision exceeds the required 450m<sup>2</sup> minimum lot size.

*(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*

The proposed subdivision is Torrens title therefore this clause applies.

### **CLAUSE 5.10 – HERITAGE CONSERVATION**



**Figure 8:** Maitland LEP 2011 Heritage mapping extract (Conservation Area - General)

*(1) 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.*

The site is located within the Regent Street Heritage Conservation area and across the road from local heritage listed buildings, being:

- "Benhome" house;

- “Cintra” house & Stables; and
- A local heritage significant un-named house.

A State significant heritage item is located diagonally across the road from the site, being “Cintra House”, Garden and Stables. Accordingly, a Statement of Heritage Impact has been prepared to guide development design and further support this application.

The proposed development shall be located at least 18m from any of the above-mentioned heritage buildings and any future development shall follow the historical nature of development and the emerging future character of the area.

Therefore, the proposed subdivision shall activate the site and allow future development to positively respond to the heritage character of the area, desired future streetscape, and the objectives of this clause.

**(2) Requirement for consent** Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

No demolition or alterations to existing buildings are proposed.

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

This subclause is not relevant in this instance. Development consent is required under subclause (2)(f).

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

This subclause is not relevant in this instance. Development consent is required under subclause (2)(f).

(d) disturbing or excavating an Aboriginal place of heritage significance,

This subclause is not relevant in this instance. Development consent is required under subclause (2)(f).

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

This subclause is not relevant in this instance. Development consent is required under subclause (2)(f).

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

The proposed development shall involve the six (6) into seven (7) lot Torrens title subdivision of the site; thus, consent is required. The proposal shall enable orderly redevelopment of the site in line with established developments within the Regent Street HCA, and the desired future streetscape of Bonar Street.

**(3) When consent not required** However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

Pursuant to sub-clause (2), the proposed development requires consent, therefore, the effect of this clause does not apply in this instance.

**(4) Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The proposed development is for Subdivision ONLY. Any future development of the site will be subject to a future development approval and will use the existing building stock and the historical pattern within Bonar Street to inform design. Accordingly, any future development shall be suitable to the heritage nature of the area and the removal and activation of the site is in line with the growing character of the area.

**(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.

The proposed development involves Subdivision ONLY. Therefore, a supporting Statement of Heritage Impact is not required to support this application. Any future development of the site will be subject to a future development approval and will use the existing building stock and the historical pattern within Bonar Street to inform design. Future applications involving dwellings shall be supported by a Statement of Heritage Impact.

**(6) Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.



The proposal does not propose any changes or amendments to any heritage item; therefore, this clause is not applicable in this instance.

(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

A search of the Aboriginal Heritage Information Management System (AHIMS) has been undertaken with a 200m buffer of the site. Accordingly, the site or 200m surrounding the site does not comprise any aboriginal archaeological sites or places. Therefore, this clause does not apply in this instance.

(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

A search of the Aboriginal Heritage Information Management System (AHIMS) has been undertaken with a 200m buffer of the site. Accordingly, the site or 200m surrounding the site does not comprise any aboriginal archaeological sites or places. Therefore, this clause does not apply in this instance.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

The proposed development does not involve the demolition of any listed heritage buildings or items; therefore, this clause does not apply in this instance.

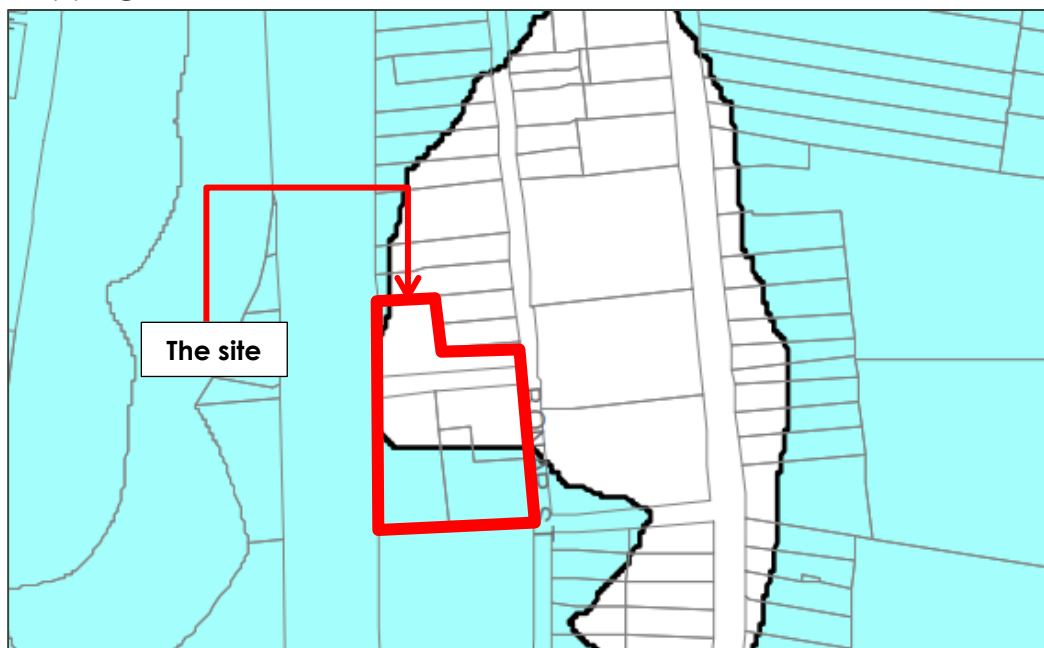
(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The proposed development does not involve the demolition of, alterations to, or change of use to any listed heritage buildings or items. Therefore, this clause does not apply in this instance.

### **CLAUSE 5.21 – FLOOD PLANNING**

The site is mapped as partially flood prone by Maitland City Council, see mapping below:



**Figure 9:** Extract from Maitland Council flood prone land mapping.

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

*(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*

*(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*

*(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The proposed development will not increase the impact of flood on life and property. The proposal is for a subdivision of the site with minor engineering works, and all lots suitable for future urban housing shall provide land above the flood planning area. A safe and maneuverable access to the public road system is provided by way of a shared concrete driveway to Bonar Street.

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

All flood prone land is retained in proposed lots 2 and 7, however all lots shall provide ample space above the flood planning area for the provision of future urban housing and access.

*(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

*(b) the intended design and scale of buildings resulting from the development,*

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposed development will not significantly affect flood behaviour, nor will it detrimentally increase the potential flood affection of surrounding properties or development. All future development is able to be provided upon flood free land and the portions of the site that are subject to flooding shall be retained upon proposed lots 2 and 7 and will be managed appropriately.

#### **CLAUSE 7.1 – ACID SULFATE SOILS**

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

The subject site is located on land potentially containing class 5 ASS and a small portion in the southwest containing class 4 ASS. Majority of the development is located within class 5 ASS, meaning works that are beyond 5 metre below natural ground surface will require an ASS management plan. The development will not require excavation works beyond 5m below natural ground level. Thus, the potential for the development to trigger oxidation and the production of acid from acid sulphate soils is envisaged to be low to none. Therefore, the development does not require an ASS management plan and the provisions of SEPP No. 55 (Remediation of Land) are not applicable to this application.

### **4.3 MAITLAND DEVELOPMENT CONTROL PLAN, 2011**

#### **4.3.1 DCP PART B: ENVIRONMENTAL GUIDELINES**

##### **B.3 – HUNTER RIVER FLOODPLAIN**

###### **DC.1 Lot Size and Dimensions**

This application proposes minor engineering works located upon flood prone land; however, the proposed stormwater infrastructure will not alter the flow distribution or flood behaviour. No future residential accommodation will be located on land located below the FPL, and the site is not located on land identified as floodway.

The proposed concrete driveway and any future development will be located above flood prone land. Therefore, the proposal will not increase the flood hazard on the site or within the locality.

#### **4.3.2 DCP PART C: DESIGN GUIDELINES**

##### **C.4 – HERITAGE CONSERVATION**

The site is located within the Regent Street Heritage Conservation area and across the road from local heritage listed buildings, being:

- “Benhome” house;
- “Cintra” house & Stables; and
- A local heritage significant un-named house.

A State significant heritage item is located diagonally across the road from the site, being “Cintra House”, Garden and Stables.

The proposed development shall be located at least 18m from any of the above-mentioned heritage buildings and any future development shall follow the historical nature of development and the emerging future character of the area.

Therefore, the proposed subdivision shall activate the site and allow future development to positively respond to the heritage character of the area, desired future streetscape, and the objectives of this clause.

Any future development of the site will be subject to a future development approval and will use the existing building stock and the historical pattern within Bonar Street to inform design. Accordingly, any future development shall be suitable to the heritage nature of the area



and the removal and activation of the site is in line with the growing character of the area.

The proposed development does not involve the demolition of, alterations to, or change of use to any listed heritage buildings or items.

## C.10 – SUBDIVISION

### DC.1 Lot Size and Dimensions

#### General

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

Owing to the flooding constraints in the southern portion of the site (generally RU1 zoned land), the proposed development subdivision will create lots predominantly within the R1 zoned portion of the site, being relatively constraint free and zoned for residential development. Proposed Lot 7 shall contain constrained land.

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

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

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

The proposed development will be residential in nature and meets the LEP requirements for Lot size. Therefore, it is considered that the proposed Lots are suitable for the intended land use.

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

The proposed development is the subdivision of the site into seven (7) Torrens title lots. This development will not contravene the intension of

the parent Lot which was created for residential development.

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

This application seeks consent to subdivide the site into seven (7) Torrens title lots. This does not conflict with any existing approvals.

*f) When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.*

Is noted.

**Residential:**

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

Proposed Lots 2 & 3 and 5 to 7 will gain access to Bonar Street via a reciprocal right-of-carriageway and new concrete driveway. This driveway shall be centrally located within the battle-axe handles of proposed Lots 2 and 7. The width of each battle-axe handle shall be 4.5m, with a total right of way shall being 9m. Further, access to Lots 1, 3 & 4 shall be direct from Bonar Street.

A variation is requested to the number of lots serviced by the reciprocal right-of-carriageway. The proposed subdivision will not impede or jeopardise appropriate access and proposed configuration makes the most practical use of the site.

Further, the carriageway has been designed to significantly exceed the controls of the MDCP in terms of carriageway and driveway widths.

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

This application seeks consent from Council to subdivide the site into seven (7) Torrens Title lots. Each Lot will be able to wholly contain a future dwelling house with minimum dimensions meeting or exceeding 15 metres by 10 metres.

### **DC.2 Solar Access and Energy Efficiency**

All Lots will have adequate exposure to daylight and the proposed subdivision will not affect the provision of future Private Open Space (POS) or the POS of adjacent properties.

Please refer to the Plan of Proposed Subdivision provided herewith as Annexure A.

### **DC.3 Drainage, Water Quality & Soil Erosion**

The proposal shall meet the required stormwater drainage targets as per the provided stormwater drainage design in order to satisfy run-off from impervious surfaces. Inter-allotment drainage shall convey stormwater flows from each lot to a rock mattress at the south-east corner of proposed Lot 7 adjacent to the New England Highway.

### **DC.4 Landscape, Streetscape & Visual Impact**

No physical works are proposed with this application other than the civil infrastructure associated with the Subdivision (driveway and stormwater). It is considered that the future redevelopment of the site represents a positive outcome for the area and will provide net benefits for the Bonar Street streetscape.

### **DC.5 Effluent Disposal**

The site shall be serviced by Hunter Water's reticulated sewer infrastructure system. No on-site waste water system is required.

### **DC.6 Roads & Access, Pedestrian & Cycleways**

No roads are proposed as part of this subdivision. Each lot shall obtain street access to Bonar Street via a battle-axe handle and right of way. Lots 1, 3 and 4 will have the ability to obtain direct access from Bonar Street.

### **DC.7 Crime Prevention – Safer by Design**

All crime prevention design has been considered and no shared car parks or pedestrian areas are proposed with this development. Future development shall consider crime prevention by applying Natural surveillance principals, and no part of the subdivision is considered to create or exacerbate crime risk or community fear within the Bonar Street area.

### **DC.8 Site Filling**

Minor earthworks for the establishment of stormwater drainage and the shared driveway are required to facilitate subdivision of the site. No major filling is required at this stage of development.

### **DC.9 Reticulated Services (Water/Sewer/Electricity/Telecommunications)**

All lots shall have access to Bonar Street via the proposed driveway. Each dwelling will be serviced with reticulated water, sewer, electricity, and telecommunications.

### **IC.3 Lot Numbering**

Lot numbering will be acquired prior to the release of the Subdivision Certificate.

## 5. CONCLUSION

The proposed development subject to this application is the subdivision of the land formally described as:

- **Lots 23 and 24 in DP 738348**
- **Lots 1 and 2 in DP 826940**
- **Land Comprised in BK4792 No 798**
- **Land Comprised in BK4792 No 799**

The proposed subdivision shall create seven (7) Torrens Title Lots for residential purposes.

The development is permitted with consent under the provisions of the Maitland Council Local Environmental Plan, 2011. The proposed development makes logical and sensible use of the site, as well as being of minimal environmental impact.

This statement sets out the primary matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act and is accompanied by a number of attachments dealing with specific issues related to the site.

Given that there are no matters which justify refusal of the application, we respectfully request that Council provide a favourable determination.

## **Annexure A**

Plan of Proposed Subdivision  
Le Mottee Group

## **Annexure B**

Stormwater and Driveway Plan  
Le Mottee Group



## **Annexure C**

AHIMS Search Results  
Office of Environment and Heritage

## **Annexure D**

Survey Plan of Redefinition  
Le Mottee Group