

Statement of Environmental Effects
One (1) into Three (3) Lot Torrens Title Subdivision
34 Crestwood Road Thornton

Thornton Brentwood Pty Ltd

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Thornton Brentwood Pty Ltd.

This SEE will accompany a Development Application (DA) seeking consent for a one (1) into three (3) lot Torrens Title Subdivision of 34 Crestwood Road, Thornton NSW.

The subject site, known as Lot 502 DP 1276572, has been recently developed and registered as part a master planned subdivision approved under **DA932-11**.

A detailed description of the proposed development is provided in Section 3.0.

The Subdivision Plans are included in Appendix A of this report.

This report has determined that the proposal is generally compliant with the relevant State and various Maitland City Council (MCC) Instruments.

2. Site Analysis

2.1 Site Description

The subject site, known as Lot 502 DP 1276572, is located at 34 Crestwood Road, Thornton. Please see Figure 1 below for an aerial photo of the site.

The site is currently unoccupied, and has a total area of 1,824m². The site slopes gently from north to south but would be considered a flat site when considering construction of any potential future dwelling houses. Please refer to Appendix B for a copy of the Survey Plan for the site.

The site does not contain any trees or other vegetation, given it has only recently been constructed as part of a new development. Therefore it is not included as part of the DA to remove any vegetation.

Access to the site is provided via Crestwood Road, which creates the southern boundary of the site.

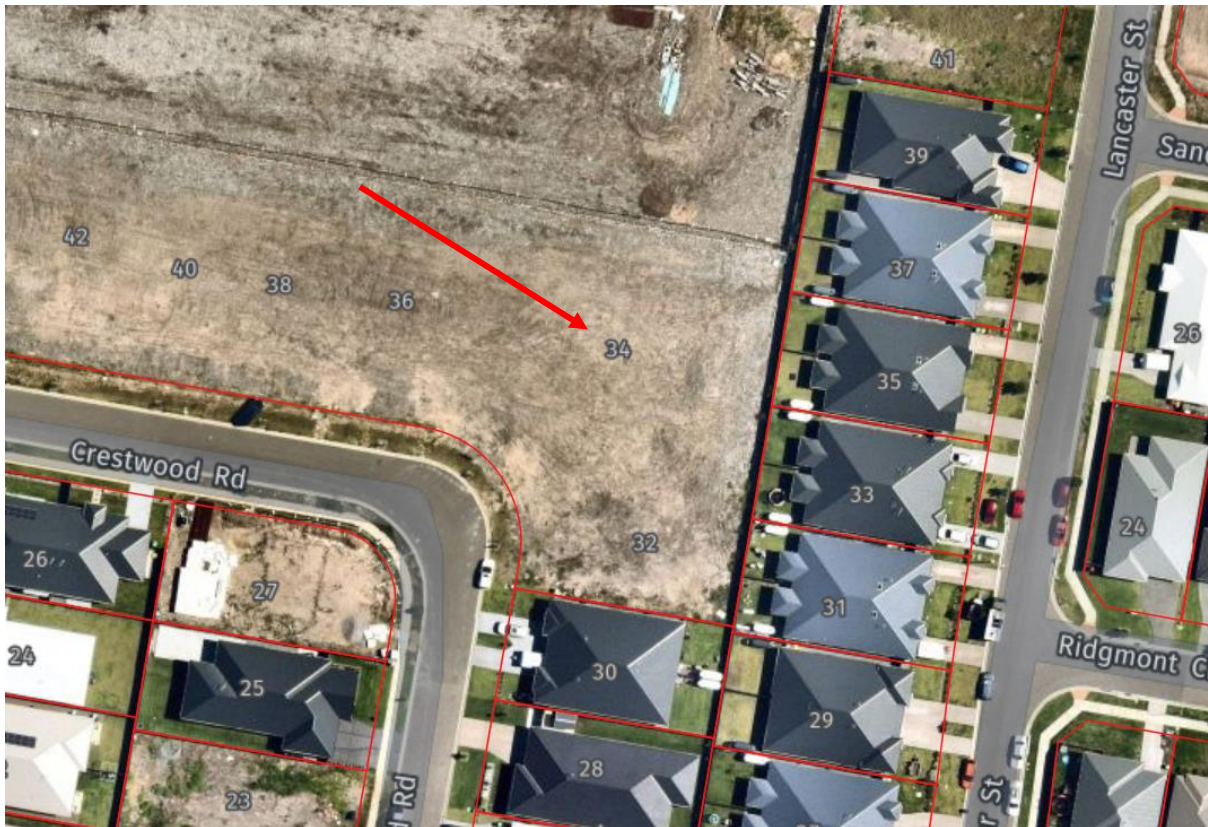


Figure 1 – Aerial Photo of the Subject Site

2.2 Locality

Thornton, and more specifically the area in which the subject site is located, is characterised by low density, low rise residential land. However more broadly the Thornton area contains all relevant retail and service land uses, along with local and private transport infrastructure, to support the suburbs recent growth.

The site is bordered by low density residential land uses on all boundaries, and is close proximity to:

- Thornton Shopping Centre;
- Thornton Public School;
- Several parks including a specifically dedicated park at the southern end of Crestwood Road along with A&D Field; and
- Thornton Train Station, along with several bus stops.

The site is services by existing stormwater infrastructure within Crestwood Road.

2.3 Infrastructure

The site is serviced by power, water, sewer, recommunication and stormwater infrastructure. All services are available for connection to any future residential development on the site via underground connections available in Crestwood Road.

As detailed above, the site is serviced by an extensive bus network, with several stops available within a few hundred metres of the site. Further, Thornton Train Station is located approximately 2.8kms from the site.

3. Proposed Development

As detailed in Section 1 above, the DA seeks consent for a one (1) into three (3) lot Torrens Title Subdivision of the subject land.

Table 2 below details the proposed lot sizes for the various lots, with total and final sizes excluding access handles included for clarification.

PROPOSED LOT	OVERALL SIZE	SIZE MINUS HANDLE
5021	556.3m ²	N/A
5022	596.2m ²	534m ²
5023	671.5m ²	615m ²

Table 1 – Breakdown of proposed Subdivision

Figure 2 below shows the current lot spatial detail, while Figure 3 demonstrates the proposed lot layout for the subject site.

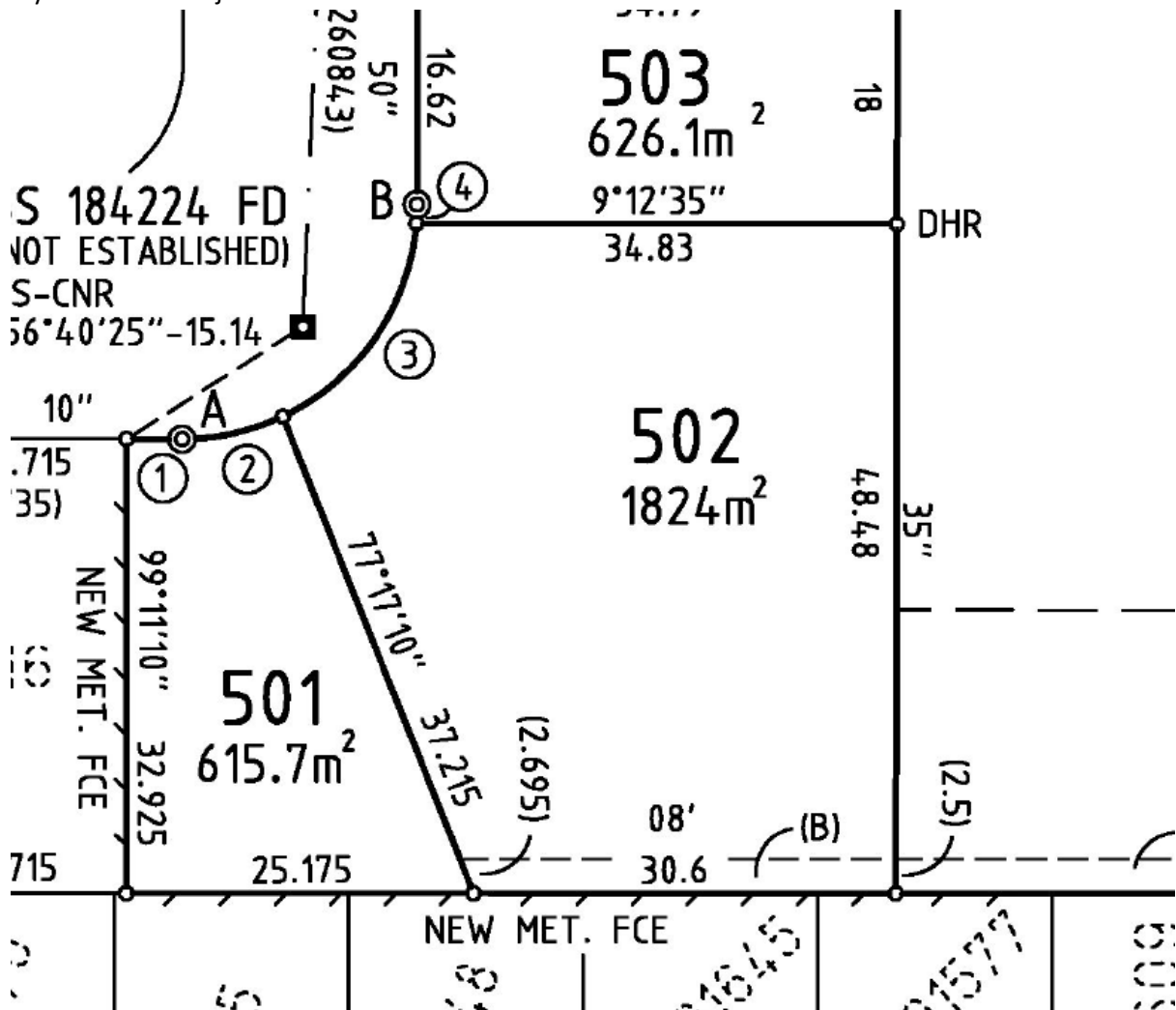


Figure 2 – Current Lot Details

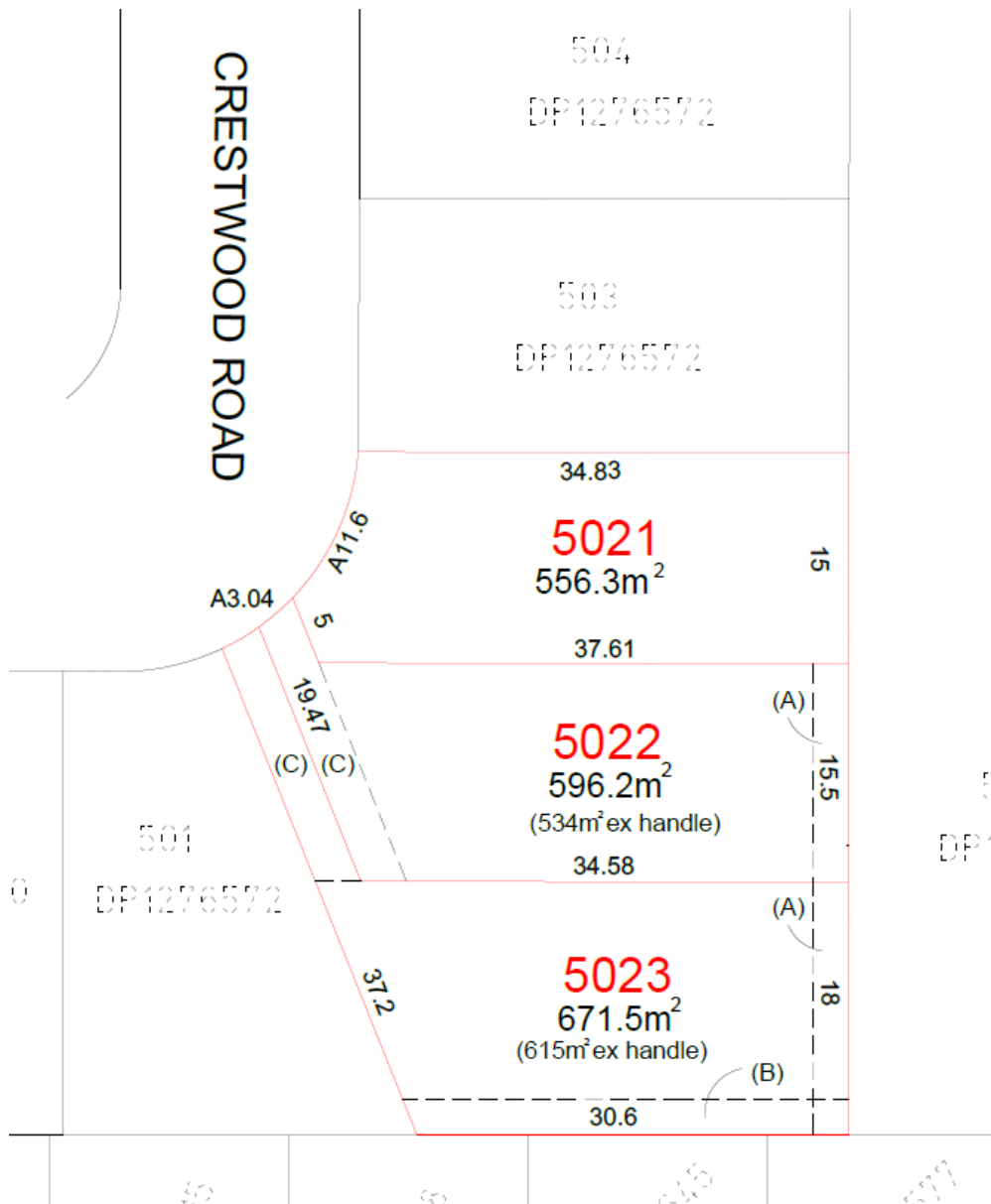


Figure 3 – Proposed Subdivision

No building works are proposed under this DA; any future development will be required to be assessed through the relevant approval pathway.

As detailed in Section 2 above, stormwater drainage is available for the site within Crestwood Road. Further, it is proposed to create two (2) stormwater easements through Lots 5022 and 5033 to allow connection of these allotments into existing stormwater services provided to the northern portion of the subdivision in which the subject site is located. Please refer to appendix B for further details.

A shared accessway, with a total width of 6 metres is proposed to service Lots 5022 and 5023. This width and associated carriageway allows for a two way driveway to be constructed when a future DA is provided for these allotments. Proposed lot 5021 has an arc frontage distance of 11.6 metres to Crestwood Road.

Please see Table 2 below for a summary of site regulations.

Zoning	R1 General Residential
Minimum Subdivision Lot Size	450m ²
Heritage	The site is not considered to be a local heritage item and is not located within a heritage conservation area. Any potential for Aboriginal heritage at the subject site would have been address during the subdivision construction phase.
Bushfire	The site is currently mapped as being bushfire prone, however there are no longer any bushfire risks nearby to the site noting the significant levels or urban growth since updated bushfire maps have been developed by MCC.
Flooding	The site is not considered to be flood prone.
Mine Subsidence	The site is not impacted by underground mining.
Acid Sulfate Soils	Class 5
Urban Release Area	The site is considered part of Thornton North Urban Release Area

Table 2 – Summary of Site Regulations

4. Legislative Controls

4.1 State Environmental Planning Policies

4.1.1 SEPP No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent of the authority to consider whether land is contaminated during the development application process. Given the recently constructed nature of the site, it is not anticipated that the proposed development requires any remediation works to ensure it is functional and suitable for the proposed future residential land use and does not pose a threat to the general public.

4.1.1 State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Greenfield Housing Code) 2017

This Code sits within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (State Policy) and aims to:

- simplify the standards in the State Policy for greenfield areas;
- tailor development standards to suit market demand, housing types and lot sizes typically delivered in greenfield areas; and
- increase the take up of complying development to help achieve faster housing approvals.

The Code will apply to greenfield areas across NSW, which applies to the subject site. The Code allows 1 – 2 storey homes, alterations and additions to be carried out under complying development approval pathway.

Regardless, no construction works are proposed under this DA, and any future dwelling homes that are being considered for the site will need to follow the required approval pathways.

4.2 Maitland Local Environmental Plan 2011

Under the provisions of the Maitland Local Environmental Plan (LEP) 2011, the site is zoned R1 General Residential. The zone objectives 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.*

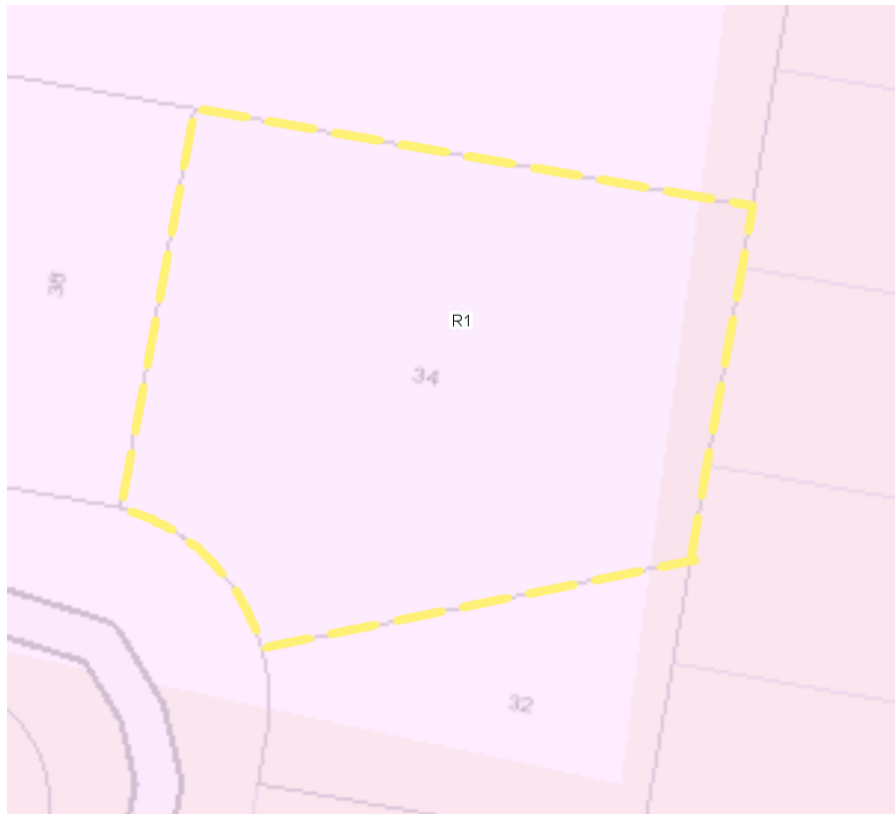


Figure 4 – Land Zoning Map

The proposed subdivision complies with the zone objectives for the following reasons:

- The proposal creates an additional two Torrens Title lots catering for the demand for housing in the community; and
- The potential lots provide variety in the types of lot shapes and densities available within the locality.

The proposed subdivision is permissible and should therefore be supported. Further, the R1 General Residential zone allows for attached dwellings, dwelling houses, group homes, multi dwelling housing and semi-detached dwellings with consent. The proposed subdivision does not seek consent for any construction works relating to these land uses but allows facilitation of these land uses where possible. Any future construction will be subject to the relevant approval processes.

Other Relevant Clauses

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Clause 4.1 Minimum subdivision lot size

The objectives of Clause 4.1 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 LEP applies a 450m² minimum lot size to the subject site, as shown in Figure 5 below.



Figure 5 – Minimum Lot Size Map

The proposed subdivision complies with the requirements of clause 4.1 in that all lots, even excluding the access handle space, are sought to be above the minimum lot size of 450m². Therefore, the proposed development is considered appropriate when assessed against this clause.

PART 5 MISCELLANEOUS PROVISIONS

Clause 5.10 Heritage conservation

The site is not located within a heritage conservation and is not considered to be an item of local or State heritage significance.

Further, noting the site is considered to be a greenfield development within a recently constructed subdivision, it is unlikely that any items or places of Aboriginal heritage significance are located at the site. However the relevant procedures should be enacted during any future construction works

to ensure no objects or relics of Aboriginal nature should be improperly impacted should they be discovered, however unlikely that occurrence is.

Based on the assessment of the proposed subdivision, noting no construction works are proposed, it is considered compliant with Clause 5.10.

PART 6 URBAN RELEASE AREAS

Clause 6.1 Arrangements for designated State public infrastructure

The subject site is located within the Thornton North Urban Release area as identified by MCC mapping. However, the application of this clause to the proposed development is not appropriate in this instance given that the subject lot and wider master planned subdivision of which the subject site is located has already been subject to relevant SIC requirements. Please refer to the highlighted sections of Clause 6.1 below clarifying this consideration:

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot to be created by a subdivision on land that was the subject of a previous development consent granted in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

PART 7 ADDITIONAL LOCAL PROVISIONS

Clause 7.1 Acid Sulfate Soils

The site is considered to have Class 5 acid sulfate soils. However, given the nature of the proposed development and the exclusion of any physical works within this DA, it is considered that this clause is not applicable.

4.3 Maitland Development Control Plan 2011

Refer to Appendix C for the DCP Assessment Table. As Council are aware, the DCP is a guideline only, and the proposal should be supported given the general compliance, suitability of the proposal taking into account the constraints of the locality and subject site and overall design performance.

4.4 Other Policies, Strategies & Controls

Water Management Act 2000

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval.

Given the proposed development is not close proximity to a watercourse, concurrence from the NSW Department of Natural Resources Access Regulator will not be required.

Rural Fires Act & Planning for Bushfire Protection

Figure 6 below shows that the subject site is considered to be bushfire prone land.

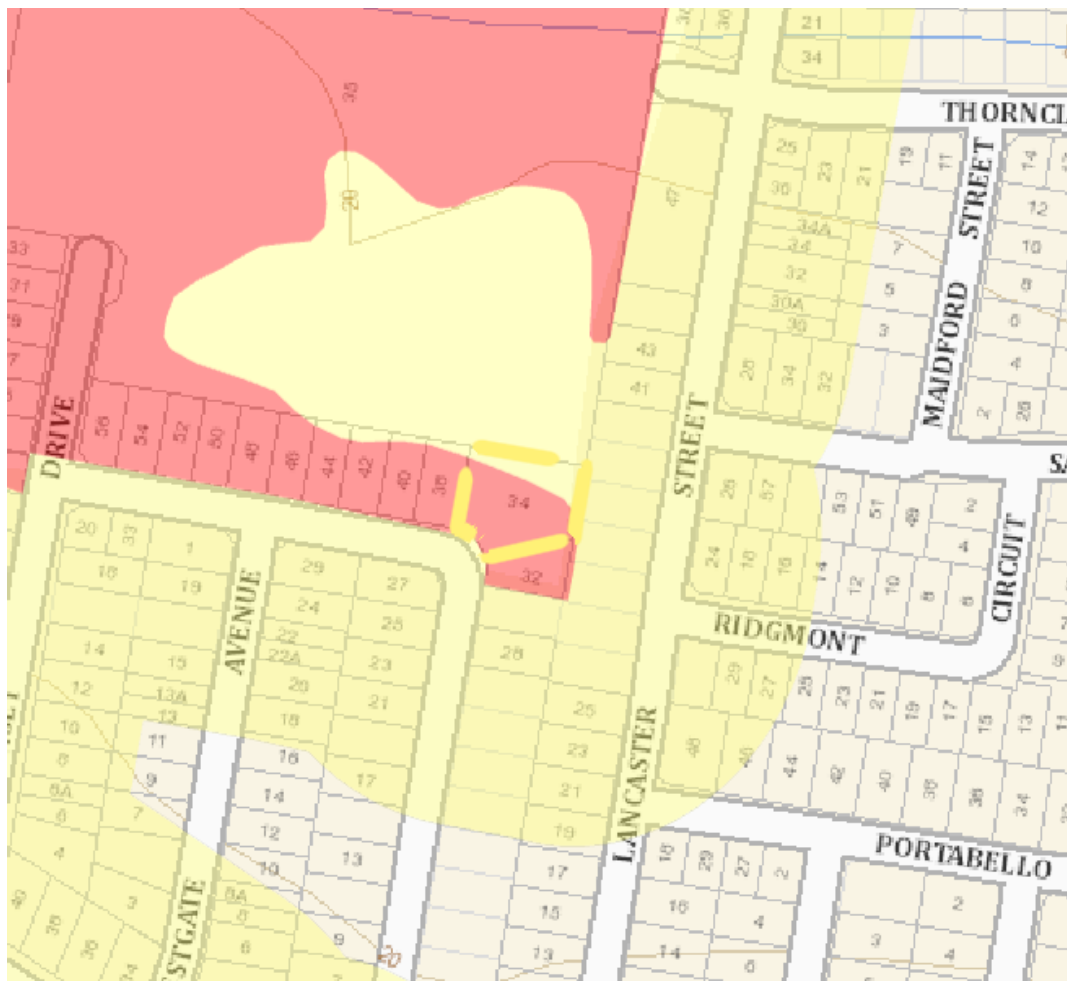


Figure 6 – Bushfire Prone Land Map

As demonstrated in Figure 7 below, the actual risk to the site is no longer present as the mapping was seemingly based on the previous bushland present at the subject site prior to the significant level of urban development at and nearby to the site.



Figure 7 – Locality

Therefore, it is considered that there is no bushfire risk to the subject land, and referral to the NSW Rural Fire Service for assessment is not applicable for this DA.

Biodiversity Conservation Act 2016

The BC Act aims to conserve biological diversity and promote ecologically sustainable development. This is to be achieved by preventing the extinction and promoting the recovery of threatened species, populations and ecological communities

The proposed site is clear of vegetation. Therefore, any BDAR reporting or ecological investigations are not required.

5. Section 4.15(C) Review

5.1 4.15(C)(a)(i) – The Provisions of any Environmental Planning Instrument

The proposal has been prepared having regard for the relevant environmental planning instruments. Please refer to Section 5 for further details.

5.2 4.15(C)(a)(iii) – The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements. Please refer to Section 5 and Appendix C for further details.

5.3 (b) – The Likely Impacts of That Development

5.3.1 Environmental Impacts

Ecological Values & Tree Preservation

There are no anticipated ecological impacts created by the proposed subdivision, as the site is already free of trees and vegetation. Further, no physical works are proposed.

Scenic Values

The proposed development does not create any view loss to or from any grand views or vistas.

Acoustic Impact

There are no acoustic impacts anticipated by the proposed development.

Traffic & Parking

There are no tangible traffic and parking impacts created by the proposed subdivision as no dwellings are proposed.

Regardless, the proposed access handle for Lots 5023 and 5023 create a suitably wide (6 metre) access handle with right of carriageway for both lots across the future driveway. The 6 metre width will allow a driveway to be constructed that could provide two way passing to ensure vehicles ingressing and egressing from site can pass in a forward direction.

Suitable allowances for parking will need to be consider during the design and approval phases for any future development of the proposed allotments.

5.3.2 Social & Economic Impacts

- Positive social and economic impacts include:
- Provision of additional housing options for the local community;
- Variety in the housing allotments in the local area;
- Allowance for future dwelling options that can provide considered design, bulk and scale integration into the current and future character locality;

- Short term, construction phase employment; and
- Long term, housing stock within an identified growth area that is close to employment centres.

No adverse social or economic impacts are anticipated.

5.3.3 Heritage

The site is not located within a heritage conservation and is not considered to be an item of local or State heritage significance.

Further, noting the site is considered to be a greenfield development within a recently constructed subdivision, it is unlikely that any items or places of Aboriginal heritage significance are located at the site. However the relevant procedures should be enacted during any future construction works to ensure no objects or relics of Aboriginal nature should be improperly impacted should they be discovered, however unlikely that occurrence is.

5.3.4 Infrastructure

The site is serviced by power, telecommunication, sewer, water and stormwater drainage. This infrastructure is considered appropriate for the potential future use of the site.

5.3.5 Traffic, Parking, Access & Servicing

The proposed subdivision provides suitable accessibility to each of the lots. As detailed in the report above, a two way driveway is possible to be provided within the proposed right of carriageway included in the current Subdivision Plan. Please refer to Appendix A for further details.

Any future residential development on the site will be required to provide the suitable number of parking spaces for the type of dwelling proposed, while also ensuring waste/bins are collected on Crestwood Road by the standard council pickup service.

There are no details within the current subdivision layout that indicate any future residential development would be impeded by the access and widths proposed for each allotment.

5.3.6 Amenity

The proposal delivers similar development to that already existing in the locality. No adverse impacts on the amenity of the site or surrounding properties are anticipated.

5.4 (c) – The Suitability of the Site for the Development

This report has determined that there are no constraints that would restrict the proposed development. The site is therefore suitable for the proposed development.

5.4 (e) – Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposal will generate positive social, environmental and economic benefits. Accordingly, the proposal is considered to be in the public interest.

6. Conclusion

This SEE has been prepared having regards for the requirements and guidelines of Section 4.15C of the Environmental Planning & Assessment Act 1979 and satisfies all relevant planning legislative requirements.

Assessment of the proposal confirms that the development:

- Complies with the minimum lot size applied to the site under the LEP.
- Allows for suitable residential land uses in the future
- Will not create any adverse traffic or parking outcomes for the site or surrounding road network;
- Generally complies with the DCP guidelines; and
- Generates positive social and economic benefits for the community in the short and long term.

The proposal represents rational, orderly, economic and sustainable use of the land and should therefore be supported.

7. Appendices

Appendix A: Subdivision Plan

Appendix B: Site Survey Plans

Appendix C: DCP Assessment Table

Appendix A
Subdivision Plans

Appendix B
Site Survey Plans

Appendix C
DCP Assessment Table

MAITLAND DCP 2011

DCP Section C.10 – Subdivision		
Section 4.0 – Design Elements		
DCP Guideline	Compliance (Y/N)	Comment
<p><u>EC.1 Flora & Fauna</u> <i>e) Areas of significant habitat must be protected. f) Design subdivision layout to avoid significant stands of vegetation. Where the subdivision proposal affects significant stands of vegetation, lot layout and lot size must take into account the need to retain the vegetation and [MAITLAND DEVELOPMENT CONTROL PLAN] December 2011 Part C – Design Guidelines –Subdivision Page 260 the impact of likely future development on the lots, including building envelopes, parking, access and other development requirements such as Asset Protection Zones. g) Retain existing natural drainage lines and watercourses where practicable, revegetate where necessary and incorporate into open space areas (including pedestrian and/or cycleway corridors) or include in common property. h) Link existing vegetation corridors through open space provision and appropriate planting. i) Lot boundaries should be located to incorporate the whole of any significant stand of vegetation that is not included in common areas. j) Land title choices should reflect the need to protect and enhance vegetation. For example, Community Title may be appropriate where degraded areas need to be rehabilitated and maintained as part of the consent.</i></p>	<p>Yes</p>	<p>The proposed subdivision complies with Section EC.1 of the DCP guideline in that there is no vegetation removal is proposed as part of this development. The subject site is located within a recently developed subdivision which was previously cleared of any vegetation.</p>
<p><u>EC.2 Heritage and Archaeology</u> <i>Clause 5.10 in the Maitland LEP 2011 and Parts C.4: Heritage Conservation and E.3: Heritage Conservation Areas in this DCP contain provisions which require investigation and protection of heritage items in certain circumstances. These provisions apply in some cases to subdivision and must be complied with</i></p>	<p>Yes</p>	<p>As noted in the above report, the proposed paper subdivision is located within a recently constructed subdivision and there are no identified items or sites of Aboriginal or European heritage significance within the allotment.</p>
<p><u>EC.3 Hazards – Bushfire Prone Land</u> <i>e) Proposals in areas subject to bushfire risk must indicate that measures to reduce risk to an acceptable level have been considered and can be achieved (for both the subdivision works and the resultant development) without significant loss of vegetation. The NSW</i></p>	<p>Yes</p>	<p>As detailed in Section 4.4 of the above SEE, the site is identified as being bushfire prone land. However this is based off mapping in which none of the surrounding residential development was provided; which has created a significant buffer from the site to the nearest bushfire threat. Noting the most</p>

<p><i>Rural Fire Service publication “Planning for Bushfire Protection” 2006 and related guidelines should be consulted. f) Bushfire protection measures (including setbacks) necessary for the safety of development and firefighters must be contained wholly within the site of the subdivision unless the most extraordinary circumstances apply.</i></p>		<p>current aerial view of the site in Figure 7, the current conditions demonstrates there is no bushfire threat experienced at the site.</p>
<p><u>Land contamination</u> v) <i>All development applications for subdivision shall provide documentation to satisfy the requirements of State Environmental Planning Policy No. 55 – Remediation of Land. The provisions in SEPP55 will be used by Council to determine if and how land must be remediated. Comments will be sought from the Environment Protection Authority.</i></p>	<p>Yes</p>	<p>Noting the site is part of a recently developed subdivision it is anticipated that there is no potential for contamination.</p>
<p>DC.1 Lot Size & Dimensions</p>		
<p><u>General</u> 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. b) Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses. 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. 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. e) Subdivision proposals must not conflict with the requirements of 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.</p>	<p>Yes</p>	<p>The proposed lot sizes are in exceedance of the minimum lot size applied to the site under the LEP. Further, the proposed lot layouts allow for suitable residential land use in the future.</p> <p>Any future residential development will need to be approved via the relevant approval process, including any attached (dual occupancies) or semi-attached dwellings.</p> <p>With specific focus on Subclause 7 of this guideline, the proposed development complies with the performance solution in that only 2 allotments are serviced by a shared battle-axe handle while providing lot sizing in excess of the minimum lot size.</p>
<p><u>Residential</u> i) <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</i></p>	<p>No – Sufficient Justification Provided</p>	<p>The proposed subdivision seeks to provide a 6 metre handle in lieu of the guideline width of 7 metres.</p> <p>The 6 metre width will allow a sufficiently sized two lane driveway; noting that the driveway only services two allotments and</p>

<p><i>shall be centrally located within both access handles. j) A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.</i></p>		<p>does not create a significant traffic, access or parking impacts by move away from the suggested width. Therefore, the departure from the guideline should be supported in this instance.</p>
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