

# STATEMENT OF ENVIRONMENTAL EFFECTS

## PROPOSED TORRENS TITLE SUBDIVISION (1 INTO 2 LOTS)

442 LOUTH PARK ROAD, LOUTH PARK,  
NSW (LOT 1 DP221762)



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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by NewPro 25 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 2 Lots) at 442 Louth Park Road, Louth Park, NSW, 2320, legally identified as Lot 1 DP221762 (**'the site'**).

Specifically, the proposal includes:

- Retention of the existing dwelling and outbuilding on proposed Lot 1 measuring 3.74 ha in size; and
- Proposed residue Lot 2 measuring 7.63 ha in size with associated building envelope.

The proposed subdivision does not incorporate any built works or vegetation removal. The intention of the proposed subdivision is to enable independent further subdivision of proposed Lot 2 in accordance with the Louth Park Urban Release Area and associated DCP requirements, whilst retaining the dwelling and associated use on Lot 1 in the short term. It is noted that the majority of Lot 1 is identified as a riparian area within the DCP, for protection, primarily due to the vegetation, water courses and farm dams located throughout.

The key reasons why the proposal should be considered acceptable include:

- is permitted in the R5 zone and consistent with the R5 zone objectives;
- is consistent with the relevant planning requirements within the Louth Park URA;
- provides a layout to enable future subdivision of Lot 2 within the URA, consistent with the objectives of the DCP;
- enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland City Council.

## TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
MCC	Maitland City Council
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects
URA	Urban Release Area

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

<b>Appendix</b>	<b>Document</b>	<b>Prepared by</b>
1	EP&A Regulation 2000 – Schedule 1	Perception Planning
2	Certificate of title and existing Deposited Plan	NSW Lands Registry
3	Subdivision Plan	Delfs Lascelles Consulting Surveyors
4	AHIMs Search Results	NA
5	Bushfire Threat Assessment	FireBird
6	Draft Deposited Plan	Delfs Lascelles Consulting Surveyors
7	Draft 88B Instrument	Delfs Lascelles Consulting Surveyors
8	Stamped Subsidence Advisory Plans	Subsidence Advisory NSW
9	Stamped HWC Plans	Hunter Water Corporation
10	DBYD Search Results	DBYD

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by NewPro 25 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 2 Lots) at 442 Louth Park Road, Louth Park, NSW, 2320, legally identified as Lot 1 DP221762 ('**the site**').

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposed relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located in Louth Park within the Maitland Local Government Area (LGA). The site is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

This SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

### 1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPIs);
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.



### 1.3 SITE DETAILS

<b>Property Address</b>	442 Louth Park Road, Louth Park NSW 2320 ( <b>FIGURE 1</b> ).
<b>Lot and DP</b>	Lot 1 DP221762
<b>Current Use</b>	Residential
<b>Zoning</b>	R5 Large Lot Residential
<b>Size</b>	11.38 ha
<b>Site Constraints</b>	Bushfire Prone Land – Vegetation buffer and category 1 Minimum lot size – 1,500m <sup>2</sup> , 2,000m <sup>2</sup> , 4,000m <sup>2</sup> Urban Release Area (Louth Park) Acid Sulfate Soils – Class 5 Mine Subsidence District – Guideline 7
<b>Owner</b>	Owner’s consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in <b>APPENDIX 2</b> .

### 1.4 SITE DESCRIPTION

The site is located at 442 Louth Park Road, Louth Park, NSW, 2320 (**‘the site’**) and has a total area of 11.38 ha (**FIGURE 1**). The site is located within the township of Louth Park, within the Maitland Local Government Area (LGA) and within the Louth Park Urban Release Area (URA).

The Louth Park URA is located off Louth Park Road and Dagworth Road, adjoining the existing R5 Large Lot Residential subdivision known as Waterforde Estate and other rural allotments. The URA has traditionally been used for grazing and is within the visual catchment of the Waterforde Estate, and is also visible from the north, south and west. The site is located within the southern precinct of the URA, within Stage 2 of the land release.

The site is immediately bound by R5 Zoned land in all directions for residential development purposes consistent with the URA intention. Rural land is located further to the south-east. The site contains an existing dwelling house and associated outbuildings / ancillary structures. The site currently maintains direct vehicular access from Louth Park Road, however future subdivision adjoining the site will enable additional access via new roads from the east.

Vegetation on the site generally consists of natural grasses with scattered trees within the southern portion of the site, with more dense vegetation located around the existing structures. Two farm dams are located on the site with associated natural water course lines running through these dams into surrounding catchments.



**Figure 1 - Aerial image of site (NSW ePlanning Spatial Viewer, 2021)**



**Figure 2 - Locality image (NSW ePlanning Spatial Viewer, 2021)**

## 1.5 BACKGROUND

A review was conducted of the Maitland Council Development Application Tracker on 12 October 2021 for any lodged and/or determined development consents, with no results being obtained. There are no known compliance issues relating to the site.

## 2.0 THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

Development consent is sought for a Torrens title subdivision (one into two Lots) (**FIGURE 3**). Specifically, the proposal includes:

- Retention of the existing dwelling and outbuilding on proposed Lot 1 measuring 3.74 ha in size; and
- Proposed residue Lot 2 measuring 7.63 ha in size with associated building envelope.

The proposed subdivision does not incorporate any built works or vegetation removal. The intention of the proposed subdivision is to enable independent further subdivision of proposed Lot 2 in accordance with the Louth Park Urban Release Area and associated DCP requirements, whilst retaining the dwelling and associated use on Lot 1 in the short term. It is noted that the majority of Lot 1 is identified as a riparian area within the DCP, for protection, primarily due to the vegetation, water courses and farm dams located throughout.

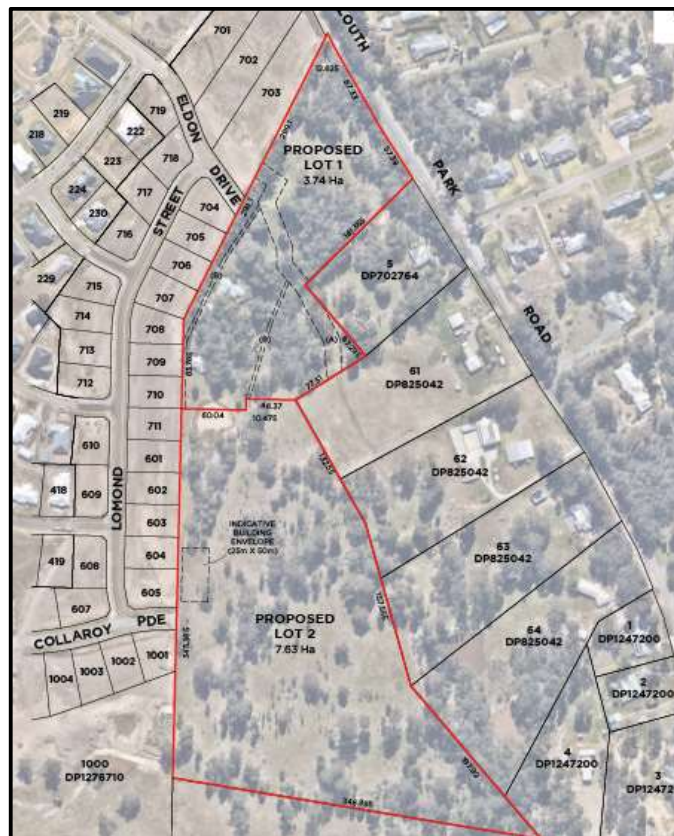


Figure 3 - Proposed subdivision plan (DELACS, 2021)

## 3.0 PLANNING FRAMEWORK

### 3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Coal Mine Subsidence Compensation Act 2017*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

##### ***Integrated development***

Section 4.46 of the EP&A Act provides that integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more other approval. An assessment has been made against s.4.46 and in this instance the application is not deemed to be integrated development (refer to **Table 1** below).

**Table 1** - Integrated development

<b>Integrated development</b>	<b>Section</b>	<b>Assessment</b>
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	NA
Heritage Act 1977	s 58	NA – The site is not identified as being a heritage item or located within a heritage conservation area.  An AHIMs search conducted on 12 October 2021 ( <b>APPENDIX 4</b> ) did not identify any Aboriginal sites or places within a 50m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all

		works will cease immediately, and the relevant authority will be notified.
Coal Mine Subsidence Compensation Act 2017	s 22	Yes – The site is located within a mine subsidence district. Stamped Subsidence Advisory Plans are provided at <b>APPENDIX 8</b> .
Mining Act 1992	s 63, 64	NA
National Parks & Wildlife Act 1974	s 90	NA
Petroleum (Onshore) Act 1991	s 16	NA
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	NA
Roads Act 1993	s 138	NA
Rural Fires Act 1997	s100B	Yes – the site is identified as bushfire prone land, as further assessed below and within the Bushfire Assessment Report provided at <b>APPENDIX 5</b> .
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	ss 89, 90, 91	NA

### 3.1.2 COAL MINE SUBSIDENCE COMPENSATION ACT 2017

The site is located within a mine subsidence area. Stamped Subsidence Advisory NSW Plans are provided at **APPENDIX 8**.

### 3.1.3 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act. Stamped plans in accordance with Section 49 of the HW Act are contained in **APPENDIX 9** of this application.

### 3.1.4 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment. No physical works will take place within 40m of any body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site.

### 3.1.5 RURAL FIRES ACT 1997

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The subject site is identified as bushfire prone, vegetation category 1 and buffer. The development includes a subdivision that will result in land that can lawfully be used for residential purposes, and therefore requires referral to the NSW Rural Fire Service as 'integrated development', requesting the issue of a Bushfire Safety Authority.

A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at **APPENDIX 5** to enable referral to the NSW RFS. The BAR provides recommendations in relation to bushfire protection on the site, including:

- The existing dwelling on proposed Lot 1 is to be upgraded for ember protection, and a 20,000L water tank is to be provided for firefighting purposes. Additionally, the existing access road on Lot 1 is to be upgraded to meet the acceptable solution set out in Table 5.3b of PBP 2019 and Section 6 of the BAR. These upgrades provide a better outcome for bushfire protection than the measures that are currently in place.
- The existing class 10a storage building on proposed Lot 1 is greater than 6m from any habitable building, and therefore does not require any bushfire protection measures in accordance with Section 8.3.2 of PBP 2019.
- Assessment in accordance with Table A1.12.5 of PBP 2019 has shown that any future dwellings on proposed Lot 2 will meet the requirements of BAL-29. This is based on the provision of APZs as per Section 4 of the BAR, which are indicative only and do not require clearing at this stage.
- Fencing – All new fencing and gates shall be constructed in accordance with the NSW Rural Fire Service Guideline: Fast Fact – Fences or Gates in Bushfire Prone Areas.

### 3.1.6 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The

proposed development does not require the removal of any significant vegetation and the site is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

### **3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)**

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and are discussed in further detail below.

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*

#### **3.2.1 SEPP (INFRASTRUCTURE) 2007**

The purpose of this SEPP is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 66C. No development is proposed within 5m from the overhead powerline and therefore does not trigger referral to the electricity supply authority pursuant to Clause 45 (1) (b) (iii). The development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

#### **3.2.2 SEPP NO.55 – REMEDIATION OF LAND**

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 legislates that a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site has historically been used for rural residential purposes and prior to this was extensively vegetated and is therefore unlikely to include any contamination. Further assessment against SEPP 55 is not required and the land is considered suitable for the proposed development.

#### **3.2.3 SEPP (KOALA HABITAT PROTECTION) 2021**

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 6 and Schedule 1 of the SEPP identify the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The Maitland City Council do not have an approved Koala Plan of Management for Land. Therefore, under Section 11 the policy applies to land that has an area of at least one hectare. The site measures greater than 1 ha, however given no vegetation removal is proposed, and the land will remain 'as is' from a vegetated and developed perspective, it is argued that no ecology report or further assessment against the requirements of this SEPP is required.

### 3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

#### Permissibility

The site is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (LEP).

The *subdivision of land* is defined under section 6.2 of the *Environmental Planning and Assessment Act 1979* as follows:

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

The proposed development satisfies the above definitions, as it comprises a two lot Torrens title subdivision. Subdivision is permissible with the consent of Council in the R5 Large Lot Residential zone under clause 2.6 of the LEP.

#### Zone objectives

The Land Use Table of the LEP identifies the following objectives for the R5 Large Lot Residential zone:


- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*



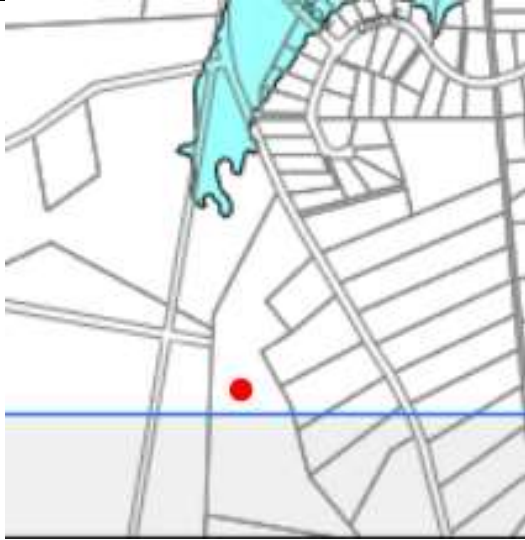
The proposal will assist in providing two separate entitlements to enable future subdivision of Lot 2 within the URA which will in turn provide for the housing needs of the community. Lot 1 will continue to be utilised for the purpose of a large rural-residential Lot, preserving the natural characteristics and associated constraints of that Lot, being vegetation, waterways and dams. The proposal provides for a rural-residential character commensurate with a large lot density residential environment. The proposal is consistent with the objectives for development in the R5 zone.

Further assessment against the relevant requirements of the MLEP is provided in **Table 2** below.

**Table 2** - MLEP Compliance Assessment

Clause	Control	Comment
4.1	Minimum subdivision lot size	<p>The minimum subdivision lot size applicable to the site varies between 4,000m<sup>2</sup> in the north and south, 1,500m<sup>2</sup> (central) and 2,000m<sup>2</sup> in the south as shown in <b>FIGURE 4</b> below. At completion of the subdivision, proposed Lot 1 will measure 3.74 Ha and will incorporate land with a 4,000m<sup>2</sup> and 1,500m<sup>2</sup> MLS. Lot 2 will measure 7.63 ha in size and will incorporate land with all three applicable MLS. The development is compliant with this clause.</p>  <p><b>Figure 4</b> - MLS (NSW ePlanning Spatial Viewer, 2021)</p>

4.3	Height of buildings	The site is not affected by a maximum height of buildings.
4.4	Floor space ratio	The site is not subject to a maximum floor space ratio.
5.10	Heritage conservation	The subject site is not identified as a heritage item under the MLEP. The AHIMS search conducted on 12 October 2021 did not identify any Aboriginal sites or places within a 50m buffer of the site and given no physical works are proposed, no further assessment is required.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses). This clause applies to land within the R5 Zone. In response to subclause (4), it is noted that the site is located within the Louth Park URA. Land to the east and north have recently been subdivided in line with the DCP and associated staging of the URA. The intention of the proposed subdivision is to enable independent further subdivision of proposed Lot 2 in accordance with the Louth Park URA and associated DCP requirements, whilst retaining the dwelling and associated use on Lot 1 in the short term. It is noted that the majority of Lot 1 is identified as a riparian area within the DCP, for protection, primarily due to the vegetation, water courses and farm dams located throughout. To this extent, the subdivision is consistent with the requirements of clause 5.16.
5.21	Flood Planning	The site is not identified as flood prone as per LEP Map FLD_004B as shown in <b>FIGURE 5</b> below.

		 <p><b>Figure 5</b> - Flood planning map (FLD_004B, LEP Maps 2021)</p>
6.1	Arrangements for designated State public infrastructure	<p>The site is located within an Urban Release Area (URA) pursuant to LEP Map URA_004B and 005. Subclause 6.12(1) states that the objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>Subclause 6.1(2) states that 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.</p> <p>The proposed subdivision will result in Lots that are above the MLS applicable to the land (the relevant date is not expressly identified within subclause (5) of the Louth Park URA) and does not result the land being developed intensively for urban purposes, thus arrangements for designated State public infrastructure in accordance with this clause is argued to not be required.</p>
7.1	Acid sulfate soils (ASS)	<p>The site is identified as Class 5 ASS under the MLEP. The proposal does not include any earthworks and thus there is no requirement for an ASS management plan.</p>
7.2	Earthworks	<p>No earthworks are proposed as part of the subdivision.</p>

7.6	Essential services	<p>The site (and existing dwelling) is already provided with all essential services. Essential services will be available within the adjoining Lot once subdivided as per the DBYD Search Results provided at <b>APPENDIX 10</b> to service a proposed dwelling within the building envelope provided on the subdivision plan. The envelope has been strategically placed to be easily accessible by a future road and associated services.</p> <p>Future subdivision of Lot 2 will detail the approach to provision and extension of essential services to each Lot proposed.</p>
7.8	Drinking water catchments	<p>The site is not located within a Drinking Water Catchment Area.</p>

### 3.4 MAITLAND DEVELOPMENT CONTROL PLAN (DCP)

The Maitland Development Control Plan (MDCP) 2011 outlines the relevant design controls applicable to the site. Assessment of the development against the relevant parts of the MDCP is contained in **Table 3** below.

**Table 3 - MDCP Compliance Table**

MDCP 2011	Controls	Review/Response	Comply
<b>Part A – Administration</b>			
<b>A.4 – Notification</b>	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified.	Yes
<b>Part B – Environmental Guidelines</b>			
<b>B3 – Hunter River Floodplain</b>	<p>The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.</p>	The development site is not located within a flood planning area or floodplain as discussed in Section 3.3 of this SEE.	Yes
<b>B4 – Onsite Sewage Management System</b>	<p>This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.</p>	Each Lot has the ability to be connected to reticulated sewer, noting that no change to the existing site arrangements servicing the dwelling on Lot 1 will occur as part of this application.	N/A
<b>B5 – Tree Management</b>	<p>This section prescribes the types of trees and vegetation where development approval is required</p>	No vegetation removal is proposed as part of the subdivision.	Yes

MDCP 2011	Controls	Review/Response	Comply
	<p>under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i>.</p> <p>These provisions only apply to urban land.</p>		
<b>B6 – Waste Minimisation &amp; Management</b>	This section only applies to a specific type of construction development.	No construction of buildings or subdivision works is proposed as part of this development application.	N/A
<b>B7 – Riparian Land and Waterways</b>	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	The site is not located within or adjoining riparian land or waterways.	N/A
<b>Part C – Design Guidelines (C10 – Subdivision)</b>			
<b>EC.1 – Flora and Fauna</b>	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	No vegetation removal is proposed as part of the subdivision.	Yes
<b>EC.2 Heritage and Archaeology</b>	<p>The objective of this section is to protect heritage items, buildings with heritage significance and conservation areas and to protect known potential archaeological relics from damage or destruction.</p> <p>To ensure these are considered in the new design of subdivisions.</p>	<p>The site is not identified as a listed Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.</p> <p>No built or subdivision works are proposed as part of the development, thus the proposal is not considered likely to cause any adverse impacts to any European or aboriginal heritage items, buildings, conservation areas, deposits or relics.</p>	Yes
<b>EC.3 Hazards</b>	The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.	The site mapped as containing watercourses, is identified as Class 5 Acid Sulfate Soils, and is not identified within the URA DCP as having potential for Saline Soils. The site is also mapped as bushfire prone.	Yes

MDCP 2011	Controls	Review/Response	Comply
		<p>The site is not mapped as being affected by hazards such as flooding, landslip, contamination and salinity.</p> <p>The bushfire report provided demonstrates compliance with PBP 2018. Further, given no built or subdivision works are proposed, the possibility of impact is negligible.</p>	
<b>DC.1 Lot size and dimensions</b>	<p>These sections objectives are to ensure all new lots have an appropriate size and shape to their proposed use and to allow for the provision of necessary services and other requirements.</p>	<p>The lots meet the LEP lot size requirements and provide two Lots capable of further subdivision in accordance with the URA requirements.</p>	Yes
<b>DC. 2 Solar Access and Energy Efficiency</b>	<p>The objective of this section is to encourage the design of residential subdivisions which maximise solar access and allow flexibility in the siting of future buildings to take advantage of a north aspect.</p>	<p>No impacts on solar access to the existing dwelling will occur as a result of the subdivision. Sufficient area is available for the location of an indicative building envelope to achieve solar access. Future lots within Lot 2 have the ability to be designed to achieve compliant solar access.</p>	Yes
<b>DC.3 – Drainage, Water Quality and Soil Erosion</b>	<p>The objective of this section is to preserve natural drainage, enhance environmentally significant and maintain the health and quality of the water catchment and its health.</p>	<p>The proposal will preserve natural drainage onsite within Lot 2. The existing stormwater arrangements utilised by the existing dwelling and outbuildings will continue following subdivision.</p>	Yes
<b>DC.4 Landscape, Streetscape and Visual Impact.</b>	<p>These sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.</p>	<p>The proposal will not impact the character of the surrounding landscape and will provide streetscape as consistent with the developing area.</p>	Yes

<b>MDCP 2011</b>	<b>Controls</b>	<b>Review/Response</b>	<b>Comply</b>
<b>DC.5 Effluent Disposal</b>	This sections objective it to ensure new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	Each Lot has the ability to be connected to reticulated sewer, noting that no change to the existing site arrangements servicing the dwelling on Lot 1 will occur as part of this application.	Yes
<b>DC.6 Roads, Access, Pedestrian and Cycleways</b>	This section's objective is to provide adequate road networks, functioning, traffic and speeds as well as safe and appropriate access to traffic, pedestrians and public that is convenient.	Existing access to the dwelling on-site will remain at completion of the subdivision. Access to Lot 2 will be facilitated by roads constructed as part of the adjoining subdivision.	Yes
<b>DC.7 Crime Prevention – Safer by Design</b>	These sections objectives are to achieve effective design of subdivisions to reduce crime.	The proposal will not create opportunity or increase the potential risk of crime/criminal behaviour in the locality. The proposal is adequately designed for the locality and is in context. Crime Prevention is not considered to be impacted by the proposed layout and satisfies the objectives of this development control.	Yes
<b>DC. 8 Site Filing</b>	The objective of this section is to ensure fill is properly assessed.	No fill or associated earthworks is proposed.	N/A
<b>DC. 9 Reticulated Services (Waste/Sewer/Electricity/Telecommunications)</b>	The objective of this section is to provide utilities and services to new lots in an efficient manner.	Each Lot has the ability to be connected to reticulated sewer, telecommunications and electricity noting that no change to the existing site arrangements servicing the dwelling on Lot 1 will occur as part of this application.	Yes
<b>IC.1 Entry Features</b>	The objective of this section is to ameliorate cumulative visual impact of entry features	No entry features are required or proposed given the small scale nature of the subdivision.	N/A
<b>IC. Street Names</b>	Street names to be approved by council	Not applicable to this proposal.	N/A



MDCP 2011	Controls	Review/Response	Comply
<b>IC.3 House numbering</b>	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	Yes
<b>Part F – Urban Release Areas</b>			
<p>The site is located within the Louth Park URA thus the requirements of Part F apply. The site is primarily located within the southern precinct of the URA, within Stage 2 of the land release as shown in <b>FIGURE 6</b> and <b>7</b> below.</p> <p>The intention of the proposed subdivision is to enable independent further subdivision of proposed Lot 2 in accordance with the Louth Park URA and associated DCP requirements, whilst retaining the dwelling and associated use on Lot 1 in the short term. It is noted that the majority of Lot 1 is identified as a riparian area within the DCP, for protection, primarily due to the vegetation, water courses and farm dams located throughout.</p> <p>An indicative building envelope has been strategically located in the short-term, enabling possible dwelling construction adjoining future local roads and infrastructure. The proposed subdivision meets the intent of the URA and provides a layout to enable future subdivision of Lot 2 within the URA, consistent with the objectives of this Part. The proposed subdivision enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land.</p>			Yes

MDCP 2011	Controls	Review/Response	Comply
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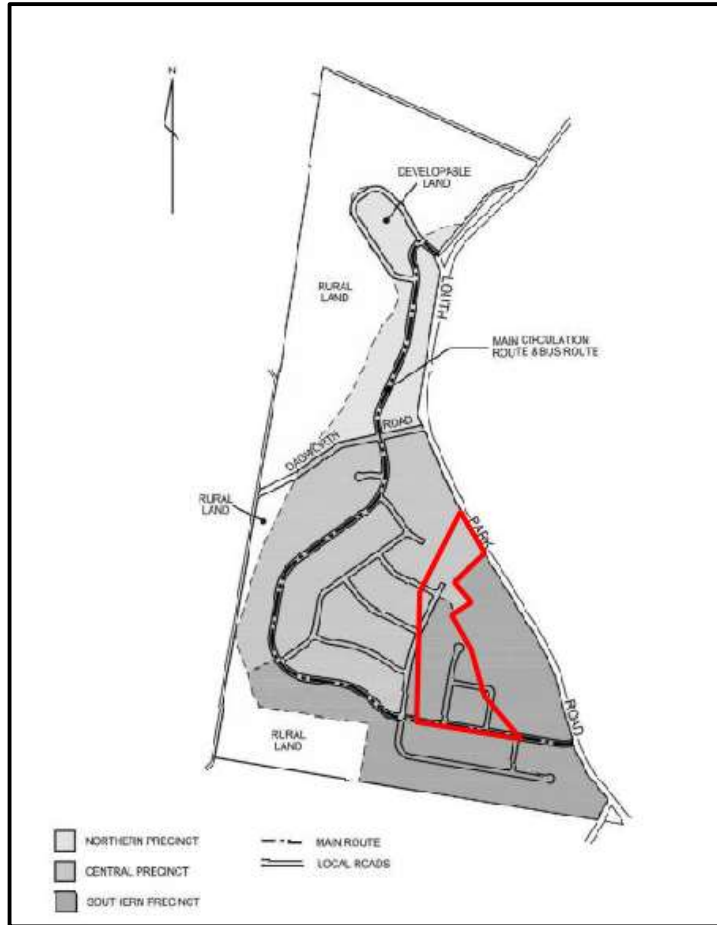


Figure 6 - Louth Park URA (MDCP, 2011)

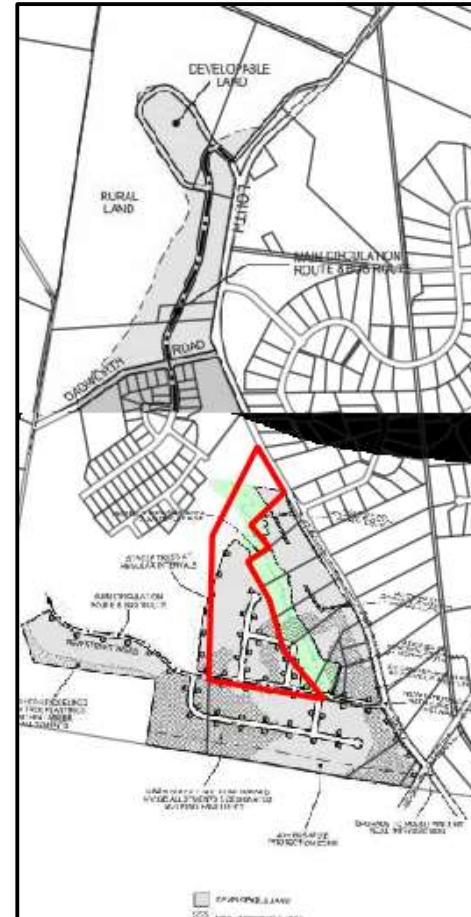


Figure 7 - Southern precinct overlaid (Perception Planning, 2021)

### **3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN**

Development contributions will be calculated and charged in accordance with the Maitland s94 Contributions Plan (CP).

### **3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

This Statement has been prepared to support a development application, as described in Section 2, to Port Stephens Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2000* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

### **3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS**

Section 4.15(1)(a)(ii) requires the consent authority to consider:

*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).*

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or the subject site that require consideration as part of this development application.

### **4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES**

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

### **4.1 LIKELY IMPACTS OF THE DEVELOPMENT**

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

#### **4.1.1 BUILT ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the built environment:

### **Context & Setting**

The features of the site have informed the design of the proposal, which is consistent with development surrounding the site and within the broader locality. The proposal complies with the relevant requirements of the planning framework including the detailed design provisions for subdivisions under the DCP. The design of the proposal responds appropriately to the context and setting of the site.

### **Visual Impact**

The proposal has been designed to respond to the existing lot layout and to compliment surrounding future residential development. The visual presentation of the proposed subdivision is consistent with intended residential development within the locality.

### **Access, Transport & Traffic**

Access to the existing dwelling will continue to be provided via Louth Park Road. Access to the proposed Lot 2 and associated indicative building envelope is via the proposed adjoining road network within the URA. The proposal will not result in any significant impacts to access, traffic or transport in the area.

### **Public Domain**

The development will not result in any detrimental impacts on the public domain. Development contributions that will be payable will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

### **Services**

The site is adequately serviced, and the proposal will not result in any undue pressure or impacts.

### **Safety, security and crime prevention**

No safety, security or crime prevention measures are required.

## **4.1.2 NATURAL ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the natural environment:

### **Ecology**

No trees or significant vegetation will be required to be removed in order to facilitate the development. There will be no significant impacts upon the natural environment as a result of the proposal.

### **Landscaping**

No landscaping works are proposed or required given the small scale nature of the proposal.

### **Noise and vibration**

No construction or built works are proposed.

### **Stormwater management**

No construction or built works are proposed.

## **4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY**

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by providing a layout to enable future subdivision of Lot 2 within the URA, consistent with the objectives of the DCP. The proposed subdivision enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land.

## **4.4 CUMULATIVE IMPACTS**

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

## **4.5 SUITABILITY OF THE SITE**

The proposal is permitted with consent in the R5 zone and is consistent with both the zoning objectives and the relevant requirements of the MLEP and the MDCP. A review of the site has identified the following constraints:

- Acid sulphate soils (Class 5)
- Bushfire prone land
- Mine subsidence area
- Urban release area.

Given no built or subdivision works are proposed, the development has been found to be acceptable against clause 7.1 of the MLEP and the Subsidence Advisory requirements. The existing dwelling is identified as suitable under the PBP 2018 requirements relating to bushfire. Future subdivision of the land within the URA will be made feasible in the future by facilitating this one into two Lot subdivision. The site is therefore considered suitable for the proposed development.

## **4.6 CONSULTATION**

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

In the event that this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

#### **4.7 THE PUBLIC INTEREST**

The public interest is best served by the orderly and economic use and development of land for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls. The proposed development is in the public interest as:

- it is permitted in the R5 zone and consistent with the R5 zone objectives;
- it is consistent with the relevant planning requirements within the Louth Park URA;
- provides a layout to enable future subdivision of Lot 2 within the URA, consistent with the objectives of the DCP;
- enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

#### **5.0 CONCLUSION**

In conclusion, the proposal is permissible under the MLEP and is consistent with the objectives for development in the R5 Large Lot Residential zone. The proposal has been assessed against the MDCP and is consistent with the relevant provisions.

The proposal will result in positive social and economic benefits, with no adverse impacts anticipated on the residential amenity of surrounding properties, the locality or the natural environment.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal. It is recommended that Council approve the application.



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