

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED TORRENS TITLE  
SUBDIVISION (1 INTO 3 LOTS)**

**58 STATION LANE, LOCHINVAR, NSW, 2321  
(LOT: 1 DP: 836984)**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Kristen and Mitch Thorley (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into three Lots) at 58 Station Lane, Lochinvar, NSW, 2321, legally identified as Lot 1 DP836984 ('the site').

Specifically, the proposal includes:

- Retention of existing dwelling on proposed Lot 1 with an area of 538m<sup>2</sup>;
- Creation of proposed Lot 2 as a vacant lot with an area of 691m<sup>2</sup>; and
- Retention of existing dwelling and shed on proposed Lot 3 with an area 1,205m<sup>2</sup>.

The proposed subdivision does not incorporate any built works or vegetation removal. The intention of the proposed subdivision is to create a lot around each of the dwellings on the site with a residue lot for future residential use.

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

- is permitted in the R1 General Residential zone and consistent with the R1 zone objectives;
- is consistent with the relevant planning requirements within the Lochinvar URA;
- provides for additional housing lots; 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
BAL	Bushfire Attack Level
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
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

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

<b>Attachment</b>	<b>Document</b>	<b>Prepared by</b>
1	EP&A Regulation 2000 – Schedule 1	Perception Planning
2	Certificate of title & existing Deposited Plan	NSW Lands Registry
3	Plan of Subdivision	Delfs Lascelles Consulting Surveyors
4	Hunter Water Stamped Plans	Hunter Water Corporation
5	AHIMS Search Results	NSW Department of Environment and Heritage
6	Dial Before You Dig Search Results	DBYD

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Kristen and Mitch Thorley (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (one into three lots) at 58 Station Lane, Lochinvar, NSW, 2321, legally identified as Lot 1 DP836984 ('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 proposal 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 Lochinvar within the Maitland Local Government Area (LGA). The site is zoned R1 General 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.

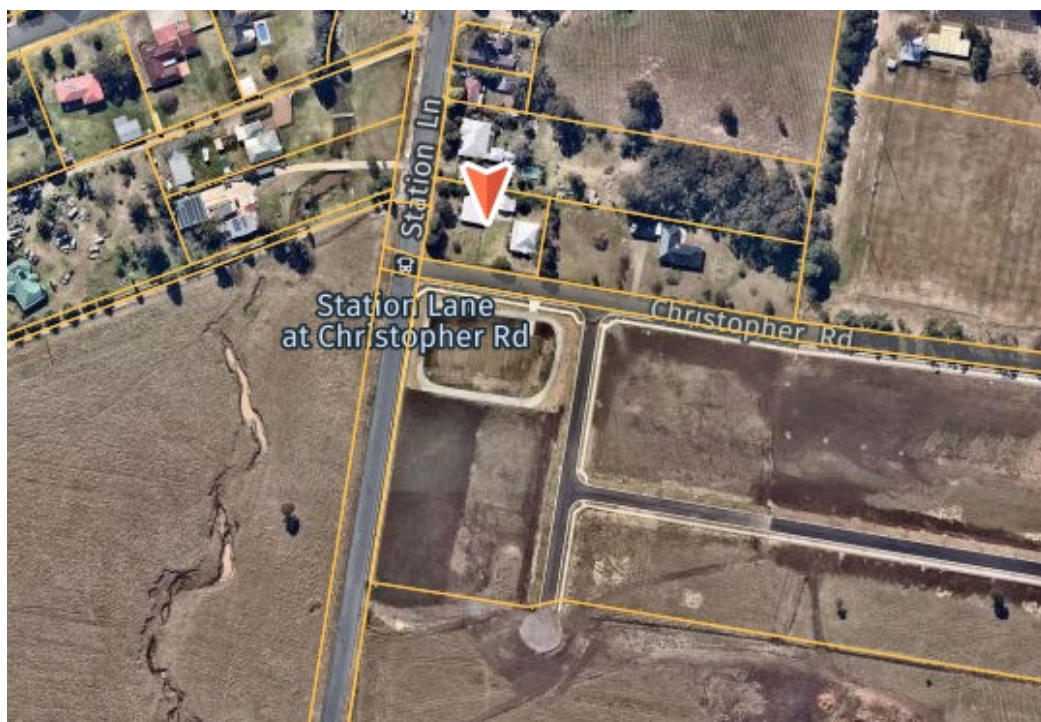


### 1.3 SITE DETAILS

<b>Property Address</b>	58 Station Lane, Lochinvar, NSW, 2321
<b>Lot and DP</b>	Lot 1 DP836984
<b>Current Use</b>	Residential
<b>Zoning</b>	R1 General Residential
<b>Size</b>	2,436m <sup>2</sup>
<b>Site Constraints</b>	Minimum lot size – 450m <sup>2</sup> Acid Sulfate Soils – Class 5
<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 legally described as Lot 1 in DP 836984 and is commonly known as 58 Station Lane, Lochinvar, NSW, 2321. The site is located on the corner of Station Lane and Christopher Road, as shown in **FIGURE 1, 2** and **3** below. The site has a rectangular shape and an area of 2,436m<sup>2</sup>.



*Figure 1: Aerial view of the site and surrounds (Nearmaps, 2021)*



*Figure 2: Aerial imagery (Google maps, 2021)*



*Figure 3: View of the site from Christopher Road (Google Maps, 2021)*

The site is within an established residential area in the township of Lochinvar, within the Maitland Local Government Area and within the Lochinvar Urban Release Area (URA). The site is within Stage 1 of the URA.

The site has been developed with two dwellings – one in the eastern portion that is accessed via Christopher Road, and one in the western portion accessed via Station Lane. The remainder of the site is managed lawn, and the topography is relatively flat.

Access to the site is provided from both Station Lane to the west and Christopher Road to the south.

The site adjoins land on all sides that is also zoned R1 General Residential. The land to the south has been the subject of recent subdivision approval and is currently under construction.

The site is not identified as either bushfire prone land or flood prone land under the Maitland Local Environmental Plan 2011.

The site is connected to reticulated water and sewer, electricity and telecommunications. The Dial Before You Dig (DBYD) search results are provided at **ATTACHMENT 6**.

## **1.5 BACKGROUND**

A review was conducted of the Maitland Council Development Application Tracker on 14 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 subdivision of the site from one into three Torrens title lots (the proposal) at 58 Station Lane, Lochinvar (the site).

Specifically, the proposal includes:

- Creation of three lots as follows:
  - Proposed Lot 1 – 538m<sup>2</sup> and retention of an existing dwelling.
  - Proposed Lot 2 – 691m<sup>2</sup> vacant lot.
  - Proposed Lot 3 – 1,205m<sup>2</sup> and retention of an existing dwelling.
- Access and Services – The site has access to reticulated water, sewage, electricity and telecommunications. An access driveway is already provided to the dwellings on proposed Lot 1 and 3 respectively. Access for proposed Lot 2 shall be detailed as part of a future application to develop the lot.

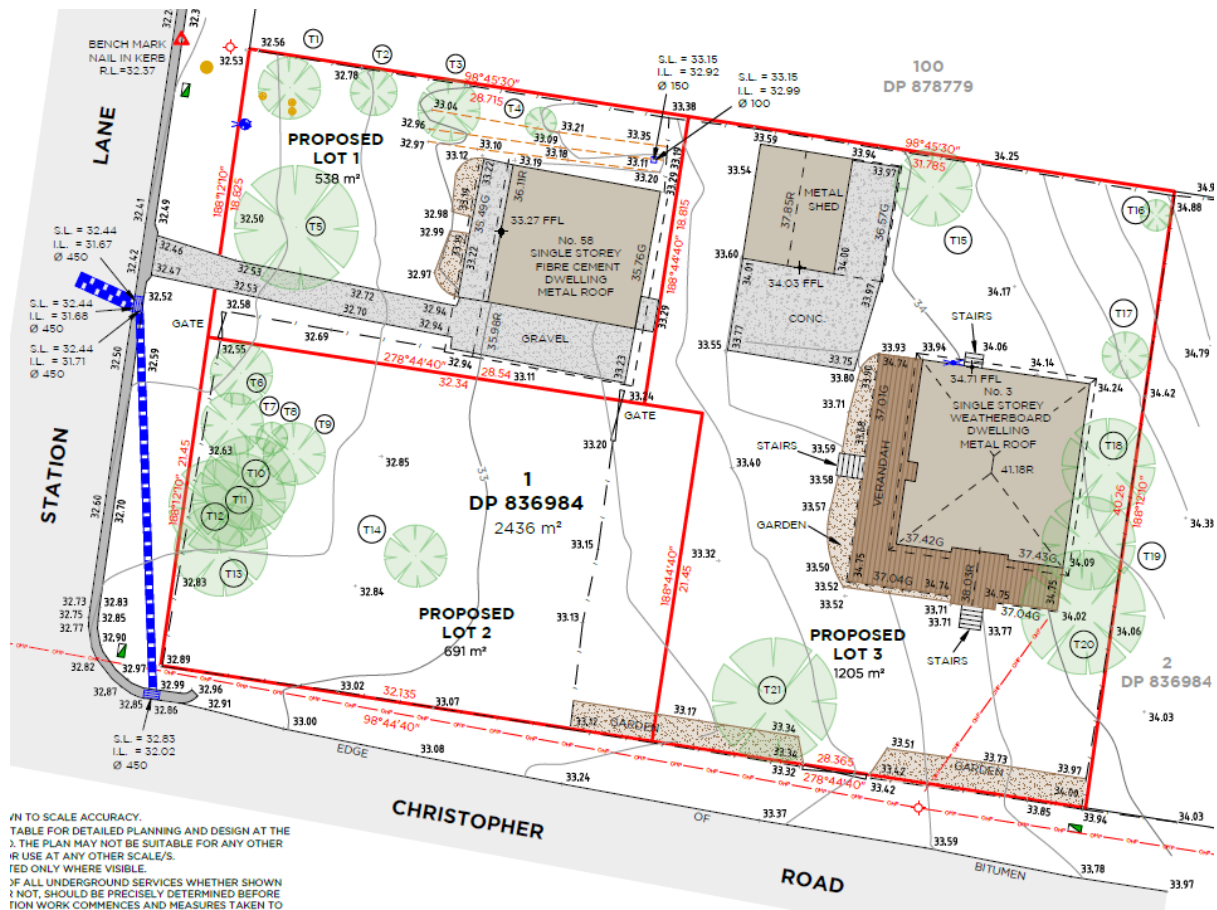


Figure 4: Proposed plan of subdivision (Delfs Lascelles, 2021)

### 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*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *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.

### Section 4.46 – 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>
<i>Fisheries Management Act 1994</i>	s 144 s 201 s 205 s 219	N/A
<i>Heritage Act 1977</i>	s 58	N/A – The site is not identified as being a heritage item or located within a heritage conservation area.  An AHIMs search conducted on 14 October 2021 ( <b>ATTACHMENT 8</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.
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	N/A – Not within a mine subsidence district
<i>Mining Act 1992</i>	s 63, 64	N/A
<i>National Parks &amp; Wildlife Act 1974</i>	s 90	N/A
<i>Petroleum (Onshore) Act 1991</i>	s 16	N/A
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
<i>Roads Act 1993</i>	s 138	N/A – an application under Section 138 of the Roads Act will be required prior to issue of the subdivision certificate.
<i>Rural Fires Act 1997</i>	s100B	N/A – the site is not identified as bushfire prone land.
<i>Water Management Act 2000 &amp; Water Management Amendment (Controlled Activities) Regulation 2008</i>	ss 89, 90, 91	N/A

### **3.1.2 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 and the notice of formal requirements in accordance with Section 49 of the HW Act are contained in **ATTACHMENT 4** of this application.

### **3.1.3 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 and nor will the development have a lasting impact on any watercourses or waterbodies on the site.

### **3.1.4 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.

As described in Section 1.4, the subject site is connected to overhead power. The proposed development is within 5m from the overhead powerline (the electrical infrastructure is located on the northern side of Christopher Street) and therefore before determining a development application the consent authority must give written notice to the electricity supply authority, inviting comments about any potential safety risks 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 residential purposes 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**

SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Maitland City Council is included in Schedule 1 – and therefore this policy applies to land in Maitland LGA.

However, as there is no approved Koala Plan of Management for the Maitland LGA and the subject site has an area less than one hectare further assessment under the SEPP is not required.

## **3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011**

### Permissibility

The site is zoned R1 General 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 three lot Torrens title subdivision. Subdivision is permissible with the consent of Council in the R1 General Residential zone under clause 2.6 of the LEP.

### Zone objectives

The Land Use Table of the LEP identifies the following objectives for the R1 General Residential zone:

- *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 proposal will assist in providing for the housing needs of the community by providing an additional housing lot. The proposal will enable a variety of housing types in a density commensurate with the surrounding area. The proposal will also maintain the residential amenity and character of the locality. The proposal is consistent with the zoning objectives.

#### Clause 2.6 – Subdivision

This clause provides that land may be subdivided but only with development consent.

#### Clause 4.1 – Minimum subdivision lot size

Under this clause the size of any lot resulting from subdivision is not to be less than the minimum size that applies to the site under the Lot Size Map in the LEP. The site is subject to a minimum lot size of 450m<sup>2</sup> and each of the proposed lots are in excess of this size. The proposal therefore complies with this clause.

#### Clause 5.10 – Heritage conservation

The objective of this clause is to conserve the environmental heritage of the Maitland LGA, including heritage items and heritage conservation areas, associated fabric, settings and views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.

An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMS Search Results are provided in **ATTACHMENT 5**.

#### Clause 6.1 – Arrangements for designated State public infrastructure

The objective of Clause 6.1 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.

Because the site is located within the Lochinvar Urban Release Area it is subject to satisfactory arrangements.



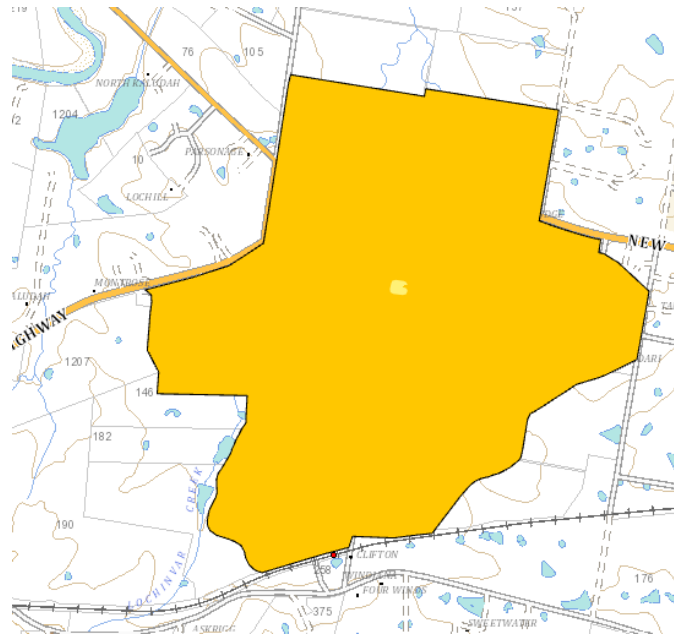


Figure 5: Lochinvar Urban Release Area

### Clause – 6.2 Public utility infrastructure

Clause 6.2 states:

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

All necessary public infrastructure is to be made available to the proposed lots, utilising the existing infrastructure available in the area.

### 6.3 – Development control plan

Clause 6.3 states that:

- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

Maitland DCP 2011 Chapter F.9 – Lochinvar Urban Release Area Chapter provides controls relating to the subject site which address Clause 6.3. Please refer to a consideration against the requirements of this Chapter below. The proposal generally complies.

### Clause 7.1 – Acid sulfate soils

The objective of Clause 7.1 is to ensure that development does not disturb, expose, or drain Acid Sulfate Soils and cause environmental damage. The site is identified as potentially containing Class 5 Acid Sulfate Soils (ASS).

However, as there shall be no works within 500m of Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD an acid sulfate soil management plan is not required.

#### Clause 7.2 – Earthworks

The application includes minimal earthworks associated with the provision of services.

### **3.4 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (DCP)**

Following is an assessment against the relevant parts of the Maitland Development Control Plan (the DCP) including Chapter F.9 which relates to the Lochinvar Urban Release Area.

**Table 2:** Relevant parts of the DCP

<b>MDCP 2011</b>	<b>Controls</b>	<b>Review/Response</b>	<b>Comply</b>
<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 and advertised.	Yes
<b>Part B – Environmental Guidelines</b>			
<b>B3 – Hunter River Floodplain</b>	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.	The development site NOT identified within a flood planning area	N/A
<b>B4 – Onsite Sewage Management System</b>	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.	The proposal will be connected to reticulated sewer and water.	N/A

MDCP 2011	Controls	Review/Response	Comply
<b>B5 – Tree Management</b>	This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i> . These provisions only apply to urban land.	The proposal does not seek any native vegetation removal.	N/A
<b>B6 – Waste Minimisation &amp; Management</b>	This section only applies to a specific type of construction development.	No demolition or construction of buildings is applicable to 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.	This subject site does not contain any riparian land and/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.	The proposal is not located in proximity and will not affect local flora, fauna or habitats, riparian land or corridors.	Yes
<b>C.4 Heritage and Archaeology</b>	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. To ensure these are considered in the new design of subdivisions.	The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts. An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in <b>ATTACHMENT 5</b> .	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 is identified as Class 5 Acid Sulfate Soils. However, no significant earthworks are proposed that would be considered to risk the potential for acid sulfate soils onsite. The site is not mapped as being affected by hazards such as bushfire, flooding, landslip, contamination, salinity. The proposal will not create any risks to life or property and it is	Yes

MDCP 2011	Controls	Review/Response	Comply
		suitable for the proposed development.	
<b>DC.1 Lot size and dimensions</b>	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.	The proposal is for three x residential Lots with the following areas – 538m <sup>2</sup> , 691m <sup>2</sup> and 1205m <sup>2</sup> . All lots are greater than the minimum lot size provided by the LEP and they all have a regular shape. The proposal will provide adequate lots consistent with the development of the URA and will provide the necessary services/utilities to each lot.	Yes
<b>DC. 2 Solar Access and Energy Efficiency</b>	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	The proposed lots have an east-west orientation that allows each lot good solar access consistent with the objectives of this clause. Future development within proposed Lot 2 can be designed to achieve compliant solar access.	Yes
<b>DC.3 – Drainage, Water Quality and Soil Erosion</b>	The objectives of this section are to preserve natural drainage, enhance the environment and maintain the health and quality of the water catchment and its health.	The proposal will preserve natural drainage on site within Lot 2. The existing stormwater arrangements utilised by the existing dwelling shall continue following subdivision. Detailed stormwater design for a future dwelling on Lot 2 can be provided as part of a future development application.	Yes
<b>DC.4 Landscape, Streetscape and Visual Impact.</b>	This sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.	The proposal will not impact the local character of the surrounding landscape and will provide streetscape consistent with the developing area.	Yes
<b>DC.5 Effluent Disposal</b>	The objectives include to ensure that new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	The proposed development is to be connected to reticulated sewer and water. These services will be timed and augmented to ensure the development is adequately serviced.  A Dial Before You Dig Report is provided at <b>ATTACHMENT 6</b> indicating the existing services available to the site.	Yes
<b>DC.6 Roads, Access,</b>	The objectives include to provide appropriate access to all new lots created.	Lots 1 and 3 are currently provided with access to the road network. A new crossover will be	Yes

<b>MDCP 2011</b>	<b>Controls</b>	<b>Review/Response</b>	<b>Comply</b>
<b>Pedestrian and Cycleways</b>		provided as part of any application for future development of Lot 2.	
<b>DC.7 Crime Prevention – Safer by Design</b>	This 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 has clear sightlines between public and private places. The objectives of this part are satisfied	Yes
<b>DC. 8 Site Filing</b>	The objective of this section is to ensure fill is properly assessed.	Minimal soil disturbance is proposed associated with the provision of services. No extraction or fill from offsite is proposed.	Yes
<b>DC. 9 Reticulated Services (Waste/Sewer/ Electricity/Tele communications)</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 water, sewer, electricity and telecommunications.	Yes
<b>IC.1 Entry Features</b>	The objective of this section is to ameliorate cumulative visual impact of entry features	Not applicable to this proposal.	N/A
<b>IC. Street Names</b>	Street names to be approved by council	Not applicable to this proposal.	N/A
<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.	N/A
<b>Part F – Urban Release Areas</b>			
<b>F.9 – URA – Lochinvar</b>	This Part of the DCP gives detailed guidance to people wishing to develop land identified as an urban release area in the Maitland LEP 2011.	The site is identified within the Urban Release Area (URA) of Lochinvar, and Part F of the DCP applies.	Yes
<b>Staging Plan</b>	To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing. To provide for the logical development of the URA based on the cost-effective provision and	The subject site is located within 'Stage 1' of the URA staging plan. Staging has been proposed under the URA to provide efficient and timely development of the area, and making provisions for necessary infrastructure such as roads, drainage, water and sewer	Yes

MDCP 2011	Controls	Review/Response	Comply
	availability of infrastructure and servicing arrangements	reticulation, community facilities etc. The proposed development is to be connected to reticulated water, sewer, telecommunications and power. Evidence of satisfactory arrangements from Hunter Water is provided in <b>ATTACHMENT 4</b> .	
<b>Transport and Movement</b>	To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents	Given the size of the proposed development an overall transport movement hierarchy is not warranted.	Yes
<b>Landscaping Strategy</b>	To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.	The proposed site does not contain any environmental corridors, riparian zones that require enhancement and protection. No native tree removal is proposed under this application. The proposal can satisfy the objectives of this part.	Yes
<b>Passive and Recreational Areas</b>	Neighbourhoods are conveniently located open space areas that offer a range of recreational opportunities for residents, accessible within walking distance from each residence. To provide a safe and appropriate level of pedestrian and cycleway access linking new development with established urban areas, parks and public transport, including a mix of on-road and off-road cycle routes.	The subdivision does not inhibit future connections and is consistent with the objectives of this part.	Yes
<b>Stormwater and Water Quality Management</b>	The objectives include to protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.	Future application for development of proposed Lot 2 shall ensure that post-development stormwater flows do not exceed pre-development stormwater flows	Yes
<b>Amelioration of Natural &amp;</b>	Amelioration of natural and environmental hazards, including	The site is not mapped as being affected by hazards such as	Yes

<b>MDCP 2011</b>	<b>Controls</b>	<b>Review/Response</b>	<b>Comply</b>
<b>Environmental Hazards</b>	<p>bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected is achieved.</p> <p>To ensure that future residential development is not adversely affected by any noise and vibration from incompatible land uses, including road and rail corridors</p>	<p>bushfire, flooding, landslip, contamination, salinity or ASS.</p> <p>This site is considered to not be constraint hence will not create unnecessary risk to life or property and is suitable for the proposed development.</p> <p>The site is not identified to be impacted by noise or vibration and is considered to be suitable for residential development.</p>	
<b>Aboriginal and European Heritage</b>	Heritage items, buildings with heritage significance and conservation areas are protected.	<p>The site is not identified as within a Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts.</p> <p>An AHIMS search of the site area with a 50m buffer revealed no items, sites or places of known aboriginal significance were present. The AHIMs Search Results are provided in <b>ATTACHMENT 5</b>.</p>	Yes
<b>Key Development Sites</b>	Detailed urban design controls are provided for significant development sites	The site is not a Key Development Site.	N/A
<b>Residential densities</b>	Specified by the LEP	Complies	Yes
<b>Neighbourhood Commercial and retail uses</b>	<p>To accommodate and control appropriate neighbourhood commercial and retail uses.</p> <p>To foster a sense of community and strong local identity and sense of place in neighbourhoods</p>	None proposed or required onsite	N/A
<b>Provision of Public Facilities and Services</b>	Suitably located public facilities and services are provided, including provision for appropriate traffic management facilities and parking.	The development is subject to provision of road widening along Christopher Road as per the DCP.	Yes.

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

#### ***Section 7.11 – Development Contributions***

Development contributions will be calculated and charged in accordance with the Lochinvar S94 Contributions Plan 2014 (CP). Section 1.5 of the CP (updated) provides that the contribution rates per new lot is \$25,744.00.

As the site has previously paid contributions in accordance with an approval for a dual occupancy (DA/2004/864), contributions are only applicable for one new lot.

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

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City 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 **ATTACHMENT 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 minimum lot size and the



detailed design provisions of the DCP. All structures are separated from adjoining boundaries by a minimum of 1 metre and therefore comply with the setback provisions of 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 residential development within the locality.

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

Access to the existing dwellings shall continue to be provided from Station Lane (Lot 1) and Christopher Road (Lot 3). New access shall be detailed as part of any future application for the development of Lot 2. The increase in traffic that will arise from the proposal will not significantly impact the surrounding road network and will be consistent with that anticipated by the zoning of site. The development provides appropriate off-street parking, thereby eliminating impacts on the adjoining road network. Access is well provided from the adjoining road network. Overall, 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 subdivision will not unreasonably increase demand of these services.

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

No safety, security or crime prevention measures are required. The proposed subdivision provides opportunities for passive surveillance from the site to adjoining public areas.

## **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 subdivision. There will be no significant impacts upon the natural environment as a result of the proposal.

### **Landscaping**

Proposed Lot 1 and Lot 3 have already been developed with a dwelling and landscaping. Lot 2 will be suitably landscaped consistent with residential lots in the area. A landscaping plan has not been provided at this stage.

### **Noise and vibration**

No construction or built works are proposed.

### **Stormwater management**

No construction or built works are proposed. Existing dwellings will continue to manage stormwater on-site in accordance with the approved and established infrastructure. A future dwelling on proposed Lot 2 will be subject to detailed stormwater design and associated assessment at the relevant stage under a separate DA.

## **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 facilitating construction activity and providing new and diverse density of residential accommodation within a low-density residential environment to meet the needs of the local community.

## **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 R1 zone and is consistent with both the zoning objectives and the relevant requirements of the Maitland LEP and the DCP. A review of the site has identified the following constraints:

- Acid sulphate soils (Class 5)

The proposed works have been found to be acceptable against clause 7.1 of the LEP. Therefore, this issue has been addressed and there are no other constraints that would render the site unsuitable for the proposal.

While the proposal represents an intensification of development on the site, the above assessment demonstrates that the style and form is appropriate in light of the site and surrounds, with no adverse impacts as a result.

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 R1 zone and consistent with the R1 zone objectives;
- it is consistent with the relevant planning requirements;
- it will provide benefits for the community in the form of additional housing stock, in a low-density residential form; 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 Maitland LEP and is consistent with the objectives for development in the R1 General Density Residential zone.

The proposal has been assessed against the Maitland DCP 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.

## ATTACHMENT 1 – EP&A Regulation 2000 – Schedule 1

A development application under Schedule 1 (2) – Forms of the Environmental Planning and Assessment Regulation 2000 is to be accompanied by the following information.

No	Requirement	Response
Information to be included in development application		
1(a)	Name and address of the Applicant	This is provided on the Council DA Form and within the SoEE.
1(b)	A description of the development to be carried out	
1(c)	The address, and formal particulars of title, of the land on which the development is to be carried out	
1(d)	An indication as to whether the land is, or is part of, critical habitat	The site is not identified as a critical habitat. The proposed development will not have a significant impact on any threatened species, populations or ecological communities, or their habitats,
1(e)	An indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is to be taken to be development that is not likely to have such an effect because it is a biodiversity compliant development.	
1(ea)	For biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development.	
1(f)	A list of authorities from which concurrence must be obtained before the development may be lawfully carried out or from which concurrence would have been required, but for section 4.13 (2A) or 4.41	
1(f1)	In the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016.	The proposal does not involve the removal of any significant vegetation and is not identified on the Biodiversity Values Map. Accordingly, the application does not require a BDAR.

1(f2)	If the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies.	
1(g)	A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may be lawfully carried out.	The development is not identified as integrated development.
1(g1)	In the case of State significant development, a list of any authorisations that must be provided under section 4.4 of the Act in relation to the development.	The development is not identified as State significant.
1(h)	The estimated cost of the development.	The estimated cost of the development is identified on the Council DA Form.
1(h1)	In the case of State Significant development, the capital investment value of the development.	The development is not defined as State significant.
1(i)	Evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation.	The owners' consent is provided on the Council DA Form.
1(j)	A list of the documents accompanying the application.	A list of documents accompanying this application is provided within this Statement of Environmental Effects.
<b>Documents to accompany development application</b>		
2 (a)	A site plan of the land	A site plan is provided within this Statement of Environmental Effects.
2(b)	A sketch of the development	Plan of subdivision is provided within this Statement of Environmental Effects.
2(c)	A statement of environmental effects (in the case of development other than designated development or State significant development)	This table is an attachment to the SEE.
2(d)	In the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external	No buildings are proposed to be erected.

	configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation)	
2(e)	An environmental impact statement (in the case of designated development or State significant development)	The development is not defined as designated or state significant.
2(f)	A species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats, but not if the development application is for State significant development)	Nothing on the site suggests that an Ecological Assessment should be prepared for this DA.
2(g)	If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out	The development proposal includes a three lot Torrens title subdivision. A plan of subdivision is contained within the documents submitted as part of this application.
2(h)	If an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made.	The site can be adequately serviced.
2(i)	If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):  (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and  (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use	The proposed development is not a change of use.
2(j)	If the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building	The proposed development is not an alteration, expansion or rebuild of an existing building.
2(k)	If the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent	The proposed development is not located within a wilderness area.

	of the Minister for the Environment to the carrying out of the development	
2(k1)	In the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application.	The development does not compromise mining for coal.
2(l)	In the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application.	The development does not require a BASIX certificate to be supplied.
2(m)	In the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application	
2(n)	<p>If the development involves the erection of a temporary structure, the following documents:</p> <p>(i) documentation that specifies the live and dead loads the temporary structure is designed to meet,</p> <p>(ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,</p> <p>(iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),</p> <p>(iv) documentation describing any accredited building product or system sought to be relied</p>	The development does not involve the erection of any temporary structures.

	<p>on for the purposes of section 4.15 (4) of the Act,</p> <p>(v) copies of any compliance certificates to be relied on</p>	
2(o)	<p>In the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</p>	<p>This development will not involve a building as an entertainment venue or a function centre, pub, registered club or restaurant.</p>

The following attachments are provided under separate cover:

- ATTACHMENT 2 – Certificate of title & Deposited Plan
- ATTACHMENT 3 – Plan of Subdivision
- ATTACHMENT 4 – Hunter Water Stamped Plans
- ATTACHMENT 5 – AHIMS Search Results
- ATTACHMENT 6 – Dial Before You Dig Search Results





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