



# LE MOTTEE GROUP

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

Pty Limited ABN 38 136 535 156



## PROPOSED TORRENS TITLE SUBDIVISION **STATEMENT OF ENVIRONMENTAL EFFECTS**

Lot 61 DP 233790

16 LARGS AVENUE, LARGS

OUR REF: 8377

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## 1. INTRODUCTION

### 1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by King Fordhill Pty Ltd to prepare a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Maitland City Council (MCC) for the subdivision of **Lot 61 DP 233790** into three (3) Torrens title Lots.

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

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

### 1.2 OVERVIEW

The proposed development subject to this application is the subdivision of **Lot 61 DP 233790** into three (3) Torrens title residential Lots.

This report considers the proposed development against the controls of the Maitland Local Environmental Plan (LEP) & Development Control Plan (DCP). Under the Maitland LEP (2011) the proposed development is permitted with consent in the current R1 General Residential zone.

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

### 1.3 SCOPE AND STRUCTURE OF THE REPORT

The remainder of the report is structured as follows:

- **Section 2** – Site Description
- **Section 3** – Proposed Development
- **Section 4** – Planning Provisions
- **Section 5** – Conclusion

## **1.4 SUPPORTING DOCUMENTS**

The following documents are provided as Attachments to this report:

- **Annexure A** – Plan of Proposed Subdivision.

## 2. SITE DESCRIPTION & PROPOSED DEVELOPMENT

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

### 2.1 LOCALITY

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

Largs is situated approximately 5km north-east of Maitland and approximately 15km north-west of Raymond Terrace.



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

### 2.2 SUBJECT LAND

The subject land is located at 16 Largs Avenue, Largs. The land is formally identified as **Lot 61 DP 233790**. For the purpose of this report Lot 61 shall be referred to as 'the site'.

The site has an area of 8,094m<sup>2</sup> and can be accessed direct from Largs Avenue.



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



### 2.3 EXISTING DEVELOPMENT

The site supports an existing dwelling, garage, shed and swimming pool. The existing pool is proposed to be decommissioned and the shed to be modified to remove any encroachments resulting from the proposed subdivision. All other existing structures shall be retained.

### 2.4 SURROUNDING DEVELOPMENT

The site is located within a new stage of Ridgedale Heights Estate. Accordingly, the immediate area will be developed for residential purposes.



**Figure 3:** The site and surrounding lands (source: NSW Six Map).

Largs is an expanding centre located centrally to Maitland, Raymond Terrace and close to Newcastle. These centres support all necessary regional services and facilities.

### 3. PROPOSED DEVELOPMENT

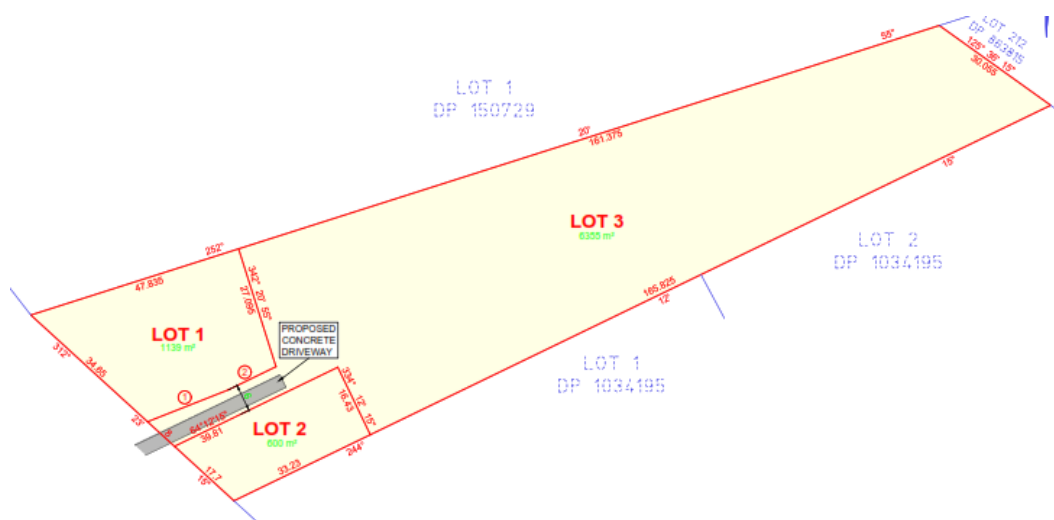
#### 3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide **Lot 61 DP 233790** into three (3) residential Lots. Proposed Lot 1 shall retain the existing dwelling, and proposed Lots 2 and 3 shall be suitable for future residential development.

##### 3.1.1 SUBDIVISION DETAILS

It is proposed to subdivide the site to create three (3) residential Lots as detailed below:

- **Lot 1:** shall be approximately 1139m<sup>2</sup> and will support the existing dwelling. Access to Lot 1 shall be direct from Largs Avenue;
- **Lot 2:** shall be approximately 600m<sup>2</sup> and will be able to support future residential development. The existing metal shed located partly over Lot 2 shall be relocated to be contained wholly within Lot 3. Access to Lot 2 shall be direct from Largs Avenue; and
- **Lot 3:** shall be approximately 6355m<sup>2</sup> and will be able to support future residential development, and the existing garage, metal shed, and concrete slab are to be retained on this lot. Access to Lot 3 shall be direct from Largs Avenue via a battle-axe handle with a new concrete driveway.



**Figure 4:** extract of proposed plan of subdivision.

For further details, please refer to the subdivision plan provided herewith as Annexure B.



## 4. PLANNING PROVISIONS

### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

*‘(1) Matters for consideration--general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

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

*(iii) any development control plan, and*

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

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

*(v) (Repealed)*

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

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

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

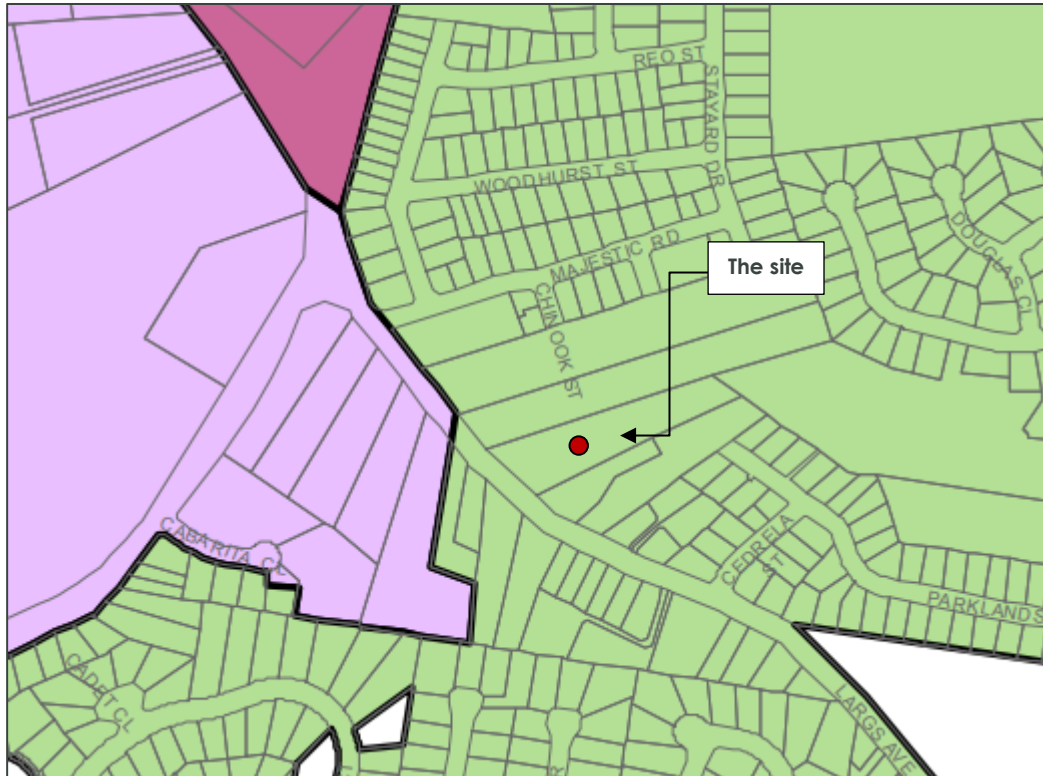
*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

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



**CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE**



**Figure 6:** Maitland LEP 2011 minimum lot size mapping extract (G=450m<sup>2</sup>)

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

(a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

(b) to prevent the fragmentation of rural land.

The proposed subdivision will create three (3) lots, each Lot suitable for supporting residential accommodation. The site is currently used for residential purposes only and therefore subdivision will not fragment rural land. The proposed development is in keeping with the objectives Clause.

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

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

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

The proposed development involves the subdivision of Lot 61 into three (3) Torrens title Lots.

The minimum lot size as required by Maitland LEP 2011 is 450m<sup>2</sup>. Each lot shall exceed 450m<sup>2</sup> and therefore complies with this clause.

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

The proposed subdivision will not create Strata Lots, therefore this subclause is not relevant in this instance.

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

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

The subject site is located on land containing class 5 ASS, meaning works more than 5 metres below the natural ground surface will require an ASS management plan. The development only proposes minor excavation works for the construction of a new concrete driveway. These works shall be negligible and will not exceed 5m below the natural ground surface. Thus, the potential for the development to trigger oxidation and the production of acid from acid sulfate soils is envisaged to be low to none. Therefore, the development does not require an ASS management plan and the provisions of SEPP No. 55 (Remediation of Land) are not applicable to this application.

### 4.3 MAITLAND DEVELOPMENT CONTROL PLAN, 2011

#### 4.3.1 DCP PART C: DESIGN GUIDELINES

##### C.10 SUBDIVISION

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

##### Performance Criteria:

##### **General**

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

There are no natural features on site to guide the proposed boundary line, the subdivision has been designed to suit the existing dwellings and structures on site.

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

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

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

The proposed development will be residential in nature and meets the LEP requirements for Lot size and each structure will be wholly located upon each proposed lot. Therefore, it is considered that the proposed Lots are suitable for their proposed land use.

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

The proposed development includes the subdivision of the site into three



(3) Torrens title Lots, the relocation of the existing metal shed and erection of a new concrete driveway. This development will not contravene the intension of the parent Lot which was created for residential development.

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

The application seeks consent to subdivide of the site into three (3) Torrens title Lots and the existing dwelling and ancillary structures shall be located wholly within each proposed lot. Development will not contravene the requirements of any existing approval.

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

Is noted.

**Residential:**

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

The proposed access handle to Lot 3 is a minimum 6m wide, and a new concrete driveway is proposed within this handle. Both Lots 1 and 2 shall have direct access to Largs Avenue.

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

This application seeks consent from Council to subdivide the site into three (3) Torrens Title Lots. Lot 1 shall retain the existing dwelling and Lot 2 and Lot 3 will be capable of supporting a future dwelling. Each lot will be able to support a building envelope of 15m x 10m.

**Drainage, Access and Service Provision:**

All proposed lots shall have direct street access to Largs Avenue, with lot 3 having access via a battle-axe handle. Each will be serviced with reticulated water and sewer, electricity, and telecommunications.

It is expected that all services will be wholly contained within the benefitted Lot, however, any services or drainage lines not wholly contained within their proposed Lot will be covered by an easement to allow existing provision to be utilised. Each lot will drain to the public system at Largs Avenue.

**Landscape, Streetscape & Visual Impact:**

The site is currently utilised for residential purposes and is considered appropriately landscaped. Proposed Lot 1 shall retain the existing dwelling, and any future development over Lots 2 and 3 shall be subject to a separate Development Application.

**Solar Access:**

The existing dwelling over proposed Lot 1 has exposure to the north for their POS, and any future dwelling shall be able to achieve solar access requirements over proposed Lots 2 and 3.

## 5. CONCLUSION

The proposed development subject to this application includes the Subdivision of **Lot 61 DP 233790** into three (3) residential Torrens Titles Lots.

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

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

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

## **Annexure A**

Plan of Proposed Subdivision  
Le Mottee Group