

**Statement of Environmental Effects**  
**for demolition of existing dwelling and**  
**proposed new residence and inground pool**  
**at Lot 16 DP 32523**  
**34 Melrose Street Lorn**

**Statement of Environmental Effects – 34 Melrose Street Lorn**

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# 1. INTRODUCTION

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The following Statement of Environmental Effects has been prepared to assist Maitland City Council in the processing of the attached development application for the demolition of an existing dwelling and associated garage/carport and erection of new dwelling with inground pool on land described as Lot 16 DP 32523, 34 Melrose Street Lorn.

The subject DA relates to the following works:

- Demolition of existing dwelling, garage, car port and clearing the site;
- Preparatory site works and civil works including stormwater infrastructure;
- Erection of new dwelling and pool; and,
- Construction of driveway, fencing and landscaping of the site.

The land is zoned R1 General Residential and located in the Lorn Heritage Conservation Area under the provisions of Maitland LEP 2011. The development is permissible on this site with development consent.

This report is structured to facilitate a logical understanding of the proposed development, an identification of the key issues, and a summary assessment of the proposed development. The proposed development is consistent with Council's objectives as contained within the Maitland Local Environmental Plan (LEP) 2011 and the development principles contained within the Maitland Development Control Plan (DCP) 2011 and the Environmental Planning and Assessment Act 1979.

## 2. LOCALITY

The site is located within the residential village of Lorn. The site is surrounded by other residential development. Lorn Park and Lorn Bowling Club are located within the vicinity of the site. Single storey residential dwellings are located on either side of the property. Two (2) storey dwellings are located opposite the site.

An aerial photo and topographic map of the site is shown in Figures 1 and 2 below.



Figure 1 - Aerial photo of site (Source: Six Maps 2022)

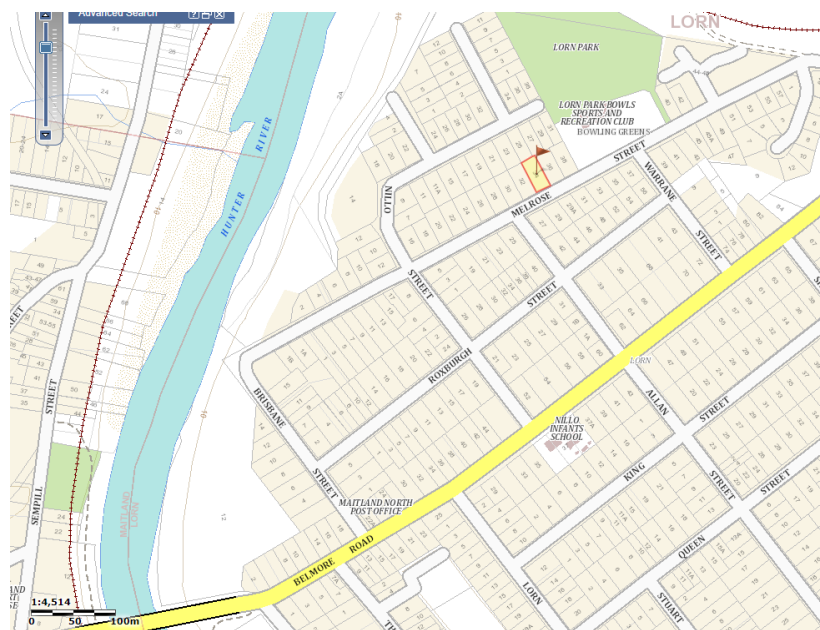


Figure 2 – Topographic map of site (Source: Six Maps 2022)

### 3. THE SITE

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The site to be developed is known as 34 Melrose Street Lorn. The site is flat and rectangular in shape with a single storey weatherboard residence, fibro garage and carport with a metal roof situated on the site. Direct access to the site is gained from Melrose Street. The land is fenced and is fully serviced.

A photo of the existing dwelling on the site is shown in Figure 3 below.



**Figure 3 – Existing house on site to be demolished**

The site is located in Lorn heritage conservation area.

The site is not located in a proclaimed Mines Subsidence Area.

The site is identified as having potential for Acid Sulfate Soils Class 5. The site is not listed within the EPA Contaminated Land Record.



**Figure 4 – Existing adjoining house at 36 Melrose Street Lorn**



**Figure 5 – Existing adjoining house at 32 Melrose Street Lorn**





**Figure 6 – Existing dwellings opposite the site on Melrose Street Lorn**



**Figure 7 - Existing streetscape on Melrose Street Lorn**

## 4. PROPOSED DEVELOPMENT

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### The Proposal

The proposal entails the demolition of the existing dwelling and associated garage/carport on site and erection of new dwelling with inground fibreglass pool/spa combo at 34 Melrose Street Lorn.

The subject DA relates to the following works:

- Demolition of existing dwelling, garage, car port and clearing the site;
- Preparatory site works and civil works including stormwater infrastructure;
- Erection of new dwelling and pool/spa combo; and,
- Construction of driveway, fencing and landscaping of the site.

### Demolition

The existing single storey weatherboard dwelling associated fibro garage and carport will be demolished and the site cleared.

### Proposed dwelling

A new four (4) bedroom single storey dwelling with double garage will be erected on the site. A fibreglass pool/spa combo will be constructed at the rear of the site.

The dwelling will contain 4 bedrooms, bathrooms, lounge/kitchen/dining combo, laundry with an adjoining alfresco area. The dwelling will be 341.9m<sup>2</sup> in size (excluding garage) and 7410mm in height to the ridgeline. The dwelling will be constructed of a combination of weathertex cladding, rendered finish brickwork, feature cladding stacked stone, terracotta tile roofing with a 26° pitch. The garage will be a panel lift door.

New driveway strips will be provided from Melrose Street to the garage.

The inground fibreglass pool/spa proposed at the rear of the site will have a volume of 38,000 litres.

### Stormwater

A stormwater concept plan is included in the plans submitted to Council. Refer to plans attached.

### Waste

No changes are proposed to current waste disposal system using Council's domestic bin service.

## **5. STATUTORY PLANNING CONTROLS**

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The following legislation, Environmental Planning Instruments (EPIs), regional strategies and local controls are relevant to the proposed development:

### **5.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The proposed development is not classified as integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.

### **5.2. STATE ENVIRONMENTAL PLANNING POLICIES**

The following State Environmental Planning Policies (SEPPs) are relevant to the proposed development:

#### **5.2.1. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

State Environmental Planning Policy Building Sustainability Index (BASIX) applies to the development. A BASIX Certificate is submitted with the application for the proposed new dwelling confirming that the proposal meets the NSW Government's requirements for sustainability.

#### **5.2.2. SEPP 55 – REMEDIATION OF LAND**

Clause 7 of SEPP 55 requires a consent authority to consider whether land is contaminated based on the knowledge of previous land uses on the site.

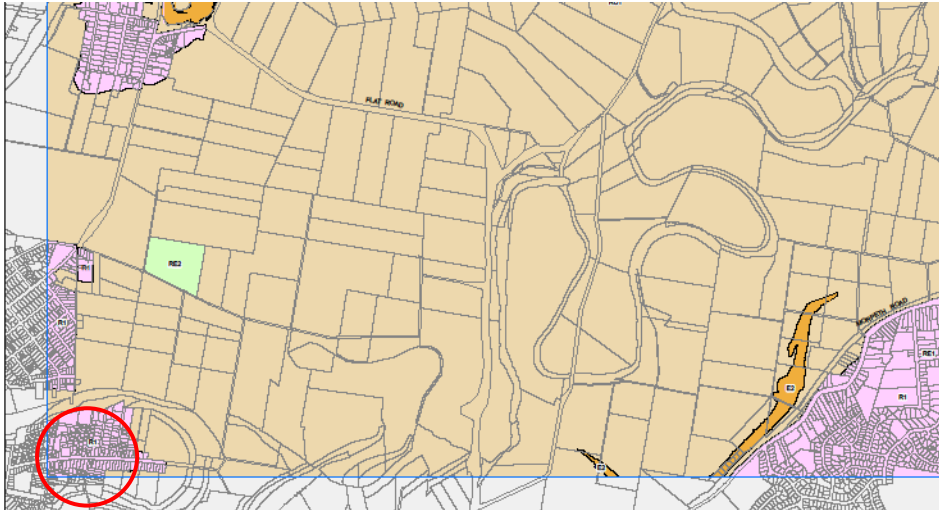
The site currently contains an existing habitable dwelling. No changes to the current use of the site is proposed.

It is determined that the land is suitable or can be made suitable, for the purposes of residential development.

### **5.3. MAITLAND LEP 2011**

The land is zoned R1 General Residential under the provisions of Council's LEP 2011. An extract of the zoning map is provided in Figure 8 below.

The proposed development is defined under the LEP as "dwelling house" being a building containing only one dwelling. The development is permissible with consent.



**Figure 8 – Zoning Plan - Maitland LEP 2011**

The objectives of the relevant zone are as follows:

***Zone R1 General Residential***

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

The proposed development will provide new housing to service the needs of the community and will provide an alternative housing choice in the Lorn locality. The existing housing is old and dated and will be demolished to make way for a new dwelling on site.

***Part 4 – Principal Development Standards***

The site is not identified on the Floor Space Ratio map of the Building Heights map.

***Part 5 – Miscellaneous Provisions***

**Clause 5.9 – Preservation of trees or vegetation**

Removal of vegetation on site requires the consent of the Council. There are no trees or significant vegetation to be removed from the site.

**Clause 5.10 – Heritage Conservation**

Demolition and erection of a building on land identified in a Heritage Conservation Area requires consent from Council in accordance with Clause 5.10 of Maitland LEP 2011.

The objectives of clause 5.10 are as follows—

- (a) to conserve the environmental heritage of Maitland,*

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

The land is located within the Lorn Heritage Conservation Area. The proposal meets the objectives of the clause. This matter is further addressed in Section 5.4 in relation to Council's Development Control Plan.

### **Part 7 – Additional local provisions**

#### **Clause 7.1 – Acid Sulfate Soils**

The land is identified as Class 5 potential acid sulfate soils under Council's LEP. There is minimal site regrading proposed in conjunction with the future construction of the new dwelling and driveways on the site to replace the existing dwelling and therefore the disturbance of any potential acid sulfate soils is not likely as a result of the proposed development.

#### **Clause 7.2 – Earthworks**

Minor earthworks are required to be undertaken to facilitate the construction of the development. There are no significant cut and fill works proposed.

#### **Clause 7.3 – Flood Planning**

Development on land at or below the flood planning level must have regard to flood hazard and flood behaviour. The site is not identified by Council's LEP mapping as flood prone land.

### **5.4. MAITLAND DEVELOPMENT CONTROL PLAN 2011**

The provisions of the DCP have been taken into consideration in the design of the proposed subdivision.

Table 1 following provides a description of compliance with the relevant provisions of Maitland Development Control Plan 2011.

The proposed development satisfies the performance criteria and the intent of Council's DCP.

**Table 1 – Consistency with Maitland DCP**

<b>C.8 – RESIDENTIAL DESIGN</b>			
<b>SECTION</b>	<b>DEVELOPMENT CONTROL</b>	<b>COMMENT</b>	<b>CONSISTENT</b>
2.0	Design Criteria Site Analysis and Site Context	A site analysis plan is submitted with the application	YES
3.0	Development Incorporating Existing Dwellings	The existing dwelling on site will be demolished	N/A

4.0	Bulk Earthworks	The site contains an existing dwelling which will be demolished. The land is generally level. No bulk earthworks on site are required.	YES
5.0	Street Building Setbacks	<p>The front setback to Melrose Street varies to provide variety and interest to the front façade to establish an attractive streetscape in accordance with the objectives of the DCP. The distance varies from more than 6000mm to the front door to line up with the adjoining setback at 32 Melrose Street 5970mm to the corner of the proposed dwelling on the southeastern boundary to 4500mm to the brick stack at the front of the dwelling. The garage is setback 8220 from the front boundary.</p> <p>The majority of the dwelling is located 5 metres to the principal street frontage with the exception of a small variation in order to achieve design interest.</p> <p>The DCP allows variations to setbacks in Heritage Conservation Areas having regard to the setbacks of existing buildings adjacent to the site.</p> <p>A streetscape plan has been submitted with this application showing variations to setbacks along Melrose Street. For example, the dwelling at 38 Melrose Street is located 3850mm from the front boundary. The variation to the proposed setback is relatively minor and is consistent with the setbacks of existing buildings adjacent to the site.</p>	YES minor variation sought
		The garage is located more than 6 metres to the street boundary at the principal frontage.	YES
6.0	Side Setbacks	<p>1m side setback to southwestern boundary and 988 setback on northeastern boundary.</p> <p>The variation is minor. The building is single storey and there will be no impact on privacy, open space or solar access for the adjoining property.</p>	YES Minor variation sought
	Rear Setback	Rear setback varies > 1m	YES
7.0	Site Coverage	Site coverage is 51.5% which is below the maximum site coverage of 60%	YES
8.0	Building Height, Bulk & Scale	Single storey development on level ground (height <8m)	YES
9.0	External Appearance	The proposed dwelling has been designed to provide architectural interest compatible with the character of the heritage conservation area. A neutral palette with variable building setbacks, building materials, driveway, pathway, fencing and landscaping is proposed to achieve variety and interest. Articulation is proposed on the front elevation in accordance with the design principles of the DCP together with a variety of textures and materials to encourage interest rather than a bland façade. The proposed dwelling is considered	YES

		<p>compatible to adjoining dwellings and complements the significance of the heritage conservation area.</p> <p>The entry point to the proposed dwelling addresses the street and reinforced with landscaping and fencing to provide a clear entry statement.</p> <p>The garage is less than 50% of the total width of the dwelling frontage.</p> <p>The garage is setback from the front boundary and the main building façade to not dominate either the frontage of the dwelling or the streetscape.</p>	
10.	Open Space	<p>The proposed private open /alfresco area is directly accessible from the living area at ground level. A pool/spa is proposed at the rear of the site.</p> <p>The proposal complies with the open space requirements of the DCP.</p>	YES
11.	Sites having a boundary to a laneway	Site does not have a boundary to a laneway.	N/A
12.	Accessibility and Adaptable Housing	Accessible and adaptable housing is not proposed.	N/A
13.0	Landscaping	Future landscaping will be designed with consideration to the streetscape, adjoining properties, privacy, access and safety. As a single dwelling, a landscape plan is not required in accordance with the requirements of the DCP.	N/A
14.0	Fencing	Examples of front fencing and gates is proposed as shown on the site plan submitted with the development application.	YES
15.0	Driveway Access and Parking	<p>A double garage is proposed with driveway strips proposed as shown on the site plan attached. Sufficient parking is available on site for the proposed new dwelling.</p> <p>New vehicle crossings will be constructed in accordance with Council's requirements in a Heritage Conservation Area. Adequate sight distance is available in a low-speed environment.</p>	YES
16.0	Views and Visual and Acoustic Privacy	The proposed dwelling will not restrict the views or outlook of any surrounding dwellings and will not significantly impact upon the privacy of established dwellings noting that a dwelling currently exists on the site therefore the status quo will remain of the current environment. There will not be an unreasonable impact upon any properties as a result of this proposal.	YES
17.0	Water and Energy Conservation	A BASIX certificate is attached.	YES
18.0	Stormwater Management	A stormwater concept plan is submitted with the application.	YES

19.0	Security, Site Facilities and Services	The front door will be directly accessible from the street frontage. Exterior lighting, a letterbox, clothes drying area and garbage bin storage area will be provided for the new dwelling and will be well positioned and functional	YES
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#### E.4 – LORN HERITAGE CONSERVATION AREA

SECTION	CONSERVATION POLICIES	COMMENT	CONSISTENT
1.3	Retain narrow carriageways lined with informal grass verges and plantings or gravel shoulders	A vehicle crossing will be constructed to provide access to the new dwelling in accordance with Council's requirements.	YES
	Retain single storey street frontage	Proposed dwelling is single storey construction.	YES
	Retain contributory street plantings	Landscaping has been proposed with consideration to the streetscape, safety and privacy, and is consistent with the feature plantings of the surrounding area.	YES
	Encourage fencing designs and materials suited to the period of the dwelling.	Fencing details are shown on the DA plans attached. The fencing proposed is consistent with the surrounding area and compatible with the design elements used in the proposed dwelling.	YES
	Encourage the predominance of single residences per allotment	A single residence is proposed.	YES
	Encourage infill development which does not modify the historic character of Lorn	The design of the proposed dwelling and the external materials and colours are consistent with the character of the existing dwellings within Lorn.	YES
	Roof form and pitches	The roof of the proposed dwelling has been designed with a 26° pitch which is consistent with the qualities of the surrounding residential properties within the suburb of Lorn.	YES
	Encourage new garages behind the rear building line as detached structures	The garage, whilst attached to the dwelling, has been located behind the building line and designed so as to not dominate the streetscape or the appearance of the dwelling.	YES



## **6. ASSESSMENT OF PLANNING ISSUES**

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The following assessment considers the environmental impacts of the proposal on the natural and built environments and the social and economic impacts in the locality, as are relevant to the proposal.

### **6.1. DESIGN AND LAYOUT**

The proposed development involves the demolition of the existing dwelling on site and the construction of a new dwelling at 34 Melrose Street Lorn. The development plans are attached.

The dwelling is constructed of a combination of materials in a neutral palette. The roof has been designed with a 26 degree pitch with terracotta roof tiles. The colour schedule and window and door schedule is included in the Development Plans. The design is consistent with the character of the Lorn area.

The dwelling will have an alfresco outdoor area with an inground pool/spa combination in the rear yard.

A new fence is proposed along the front boundary of the site.

New paved driveway strips will be constructed from the garage to the kerb of Melrose Street.

A BASIX certificate for the proposed new dwelling to satisfy the requirements of energy smart housing is attached.

### **6.2. ACCESS AND PARKING**

The site is located on Melrose Street and the new dwelling proposed on site will replace an existing dilapidated but habitable dwelling on the site. There is adequate sight distance available to enable safe access for the new dwelling. A double garage is provided for the new dwelling. Stack parking is available if required within the driveway.

Public transport is available to the site via the public bus network (Hunter Valley Buses) operating in the Maitland area and the site is within walking distance of the Lorn Village neighbourhood shops and the Maitland CBD.

### **6.3. WASTE**

A bin storage area is provided to the new dwelling alongside the new garage and the boundary fencing to enable easy and direct access to the street frontage. The new dwelling will be serviced by Council's waste and recycling contractor. A Waste Management Plan is provided in Appendix A.

### **6.4. HERITAGE**

The site is located within the Lorn Conservation Area as identified in Schedule 5 of the Maitland LEP 2011.

The closest Item of Heritage Significance to the site is Nillo House at 14 Nillo Street and Ingleburn at 33 Roxburgh Street Lorn. Both dwellings are listed in the MLEP 2011 as an item of Local heritage significance. Neither building is located within the vicinity of the subject site.

The development of the subject land with free-standing, single storey residence is consistent with the character statement from the DCP. The proposed dwelling is considered sympathetic to the character of Lorn by including traditional and contemporary design elements. The neutral colour scheme that has been selected for the dwelling is compatible with the surrounding development and the character of the Lorn Heritage Conservation Area.

#### **6.5. STORMWATER AND DRAINAGE**

A stormwater concept plan has been prepared and is attached with the architectural plans submitted with this application.

#### **6.6. LANDSCAPING**

Future landscaping of the site has taken into consideration to the streetscape, maintaining sight lines for access, and the creation of useable private open space areas for the new dwelling.

#### **6.7. AMENITY**

The proposed new dwelling is entirely appropriate within this context being sympathetic in design and scale to surrounding development. The development will incorporate architectural features and materials, landscaping and fencing to complement the existing streetscape. A photo montage is submitted with this application depicted the existing streetscape of Melrose Street.

There are unlikely to be any adverse effects on other residential properties in the immediate vicinity.

## **7. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

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### **7.1. SECTION 4.15 (1)(A) – STATUTORY PLANNING CONSIDERATIONS**

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15(1) of the EP&A Act 1979. Each of the relevant matters is addressed below.

Section 4.15(1)(a) requires the consent authority to take into consideration the provisions of any environmental planning instrument (EPI), draft EPI, DCP, planning agreement that has been entered into under Section 7.4 of the Regulations.

These matters (and others) are addressed in this report and below.

The proposal is permissible with consent of Council and is consistent with the provision and objectives of Maitland LEP 2011 and Maitland DCP 2011.

## **7.2. SECTION 4.15(1) (B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS**

The relevant matters are addressed below:

### **7.2.1 Impacts on the Natural Environment**

The proposed development has been designed to minimise impacts on the natural environment where possible. Cut and fill is minimised and no vegetation is to be removed as the site is cleared.

The proposal will not create or permit any adverse impacts on air or microclimate of the area. The development will not create any adverse impacts on the soil, surface water or ground water of the area.

The impacts on the natural environment are therefore minimal.

### **7.2.1 Impacts on the Built Environment**

The proposal is consistent with the objectives and development controls contained within the various planning instruments and development control plans that apply to the site. The proposal will not affect the visual, acoustic, recreational or social amenity of any neighbouring property. The proposal will not cause overshadowing within the subject or adjoining lots. The proposal will not create any negative impacts on the public domain within the locality.

The development will not adversely impact on the character of the locality and is consistent with existing nearby built form within the Lorn Heritage Conservation Area.

The proposed development will not create any additional negative impacts on the environment or the locality.

The proposed development will enhance the streetscape with well-designed dwellings, landscaping and fencing constructed in this area.

### **14.2.3 Social and Economic Impacts**

The proposal consists of a new dwelling to be constructed to replace an existing dilapidated dwelling on site.

The area contains a mixture of residential types. The proposed dwelling will be compatible with the mix of existing and future dwellings in the area in terms of building heights, scale, colours and material. The proposal positively contributes to the significance of the heritage conservation area.

The site has access to existing services and infrastructure, schools, shopping centres, community facilities, public open space and recreational areas.

No foreseeable cumulative impacts are expected as a result of the proposed development. Any negative impacts such as increased noise and traffic in the local area during construction are temporary in nature.

The proposal is not considered to have a detrimental impact on the social and economic fabric of the community.

### **7.3. SECTION 4.15(1)(C) - SITE SUITABILITY**

The land is zoned R1 General Residential pursuant to Maitland Local Environmental Plan 2011. The development is defined as a dwelling house and is permissible with the consent of Council. The proposal represents an appropriate use of the site by replacing the existing dwelling on site with a new dwelling.

The proposal has been designed in accordance with the principles of the Maitland LEP 2011 and Maitland DCP 2011. Including design principles for Lorn Heritage Conservation Area.

The site is located within the established village of Lorn. The design will result in a sympathetic and high-quality residential development within an established residential area. The design will positively contribute to the heritage conservation area of Lorn.

The dwelling house development will contribute to the provision of residential housing in close proximity to existing services and facilities, schools and public open space, within Lorn and the wider Maitland CBD.

The site is not constrained by way of flooding, bushfire, native vegetation, or contamination. The land is not located in a Mine Subsidence District.

Apart from the short-term impacts of construction, the development will have no potentially adverse impacts on the natural environment. Potential sedimentation, dust or noise from demolition and construction can be controlled by appropriate work practices and Council regulation.

It is determined that the site is suitable for the development proposed.

### **7.4. SECTION 4.15(1)(D) – SUBMISSIONS**

Any relevant representations will need to be considered by the Council in the determination of the development application.

### **7.5. SECTION 4.15(1)(E) - PUBLIC INTEREST**

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development is a permissible form of development and consistent with strategic and statutory policies for Heritage Conservation Areas. The residential outcome is appropriate and will have no significant adverse environmental, social or economic impact on the built environment. It is considered that the proposed development is in the public interest.

## **8. CONCLUSION**

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This Statement of Environmental Effects has been prepared to support the development application for the demolition of the existing dwelling on site and the construction of a new dwelling and inground pool/spa combo at 34 Melrose Street Lorn.

The development is permissible with the consent of Council.

The development satisfies the relevant statutory requirements and the requirements of Council's Local Environmental Plan (LEP) and is consistent with the design principles provided within Council's Development Control Plan (DCP) including those for Lorn Heritage Conservation Area.

The proposal is considered suitable for the site.

The environmental effects of the development have been considered in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is not considered to have a significant impact upon the built or natural environments, or the social or economic fabric of the locality.

It is recommended that the development be supported by Council by the granting of development consent.



# **APPENDIX A**

## **WASTE MANAGEMENT PLAN**

## Demolition and Construction Stage

Materials On-Site		Destination		
		Reuse and Recycling		Disposal
Type of Material	Estimated Volume (m <sup>3</sup> ) / Weight (t)	On-Site (proposed reuse/recycling method)	Off-Site (contractor / recycling outlet)	Contractor and Landfill Site
Excavation Material	To be determined	Cut and fill will be minimised to reduce excess fill. Any excess fill be used for backfill behind retaining walls where necessary	Excess material will be sold as clean fill or sold to the nearest recycling contractor	Will not be disposed of to landfill
Green Waste (Topsoil and Trees)	N/A	Stockpiled for later reuse in landscaping / mulched	Excess sold to nearest recycling contractor	Will not be disposed of to landfill
Weathered Rock / Sandstone	None expected	Stockpiled for later reuse in landscaping	Excess sold to nearest recycling contractor	Will not be disposed of to landfill
Concrete	To be determined	Any excess used for footpaths / minor works	Excess taken to nearest recycling contractor	Will not be disposed of to landfill
Timber Pallets	<10 pallets		To be collected by supplier or recycled	Will not be disposed of to landfill
Timber-other	<20 m <sup>3</sup>	Offcuts reused onsite ie formwork	Recycled by waste contractor	Recycled by Thiess where possible
Steel reinforcement	<15 m <sup>3</sup>	Order to suit – offcuts reused	Recycled by waste metal recycler	Will not be disposed of to landfill
Scrap metal	<10 m <sup>3</sup>		Recycled by waste metal recycler	Will not be disposed of to landfill
Other – mixed waste	<35 m <sup>3</sup>			Skip bin will be placed on site – removed by Commercial Contractor to approved landfill site

## Use of Premises

Type of Waste Generated	Proposed On-site Storage and Treatment Facilities	Destination
Paper / Cardboard Boxes/bottles	Waste storage area / recycled	Recycling (Council)
Green waste	Waste storage area / recycled	Council
General waste	Waste storage area / recycled	Council