



# Statement of Environmental Effects

1 INTO 13 LOT SUBDIVISION, CIVIL WORKS AND NEW ROAD

20 HERITAGE DRIVE,  
CHISHOLM

31 JANUARY 2022



# CONTENTS

<b><u>EXECUTIVE SUMMARY</u></b>	<b><u>4</u></b>
<b><u>SITE, LOCALITY AND CONTEXT</u></b>	<b><u>6</u></b>
BRIEF HISTORY	6
SUBJECT SITE	7
ZONING CONTROLS	8
HERITAGE	9
BUSHFIRE	10
<b><u>DESCRIPTION OF DEVELOPMENT</u></b>	<b><u>11</u></b>
<b><u>ASSESSMENT OF PLANNING ISSUES &amp; CONTROLS</u></b>	<b><u>13</u></b>
STATE ENVIRONMENTAL PLANNING POLICY NO.55 – REMEDIATION OF LAND	13
STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017	15
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	15
MAITLAND LOCAL ENVIRONMENTAL PLAN 2011	16
MAITLAND DEVELOPMENT CONTROL PLAN 2011	19
<b><u>CONCLUSION</u></b>	<b><u>24</u></b>

## TABLE OF FIGURES

Figure 1: Aerial Photograph of Site (Source: Near Maps).....	7
Figure 2: Maitland LEP 2011 Land Zoning Map (Source: ePlanning Spatial Viewer).....	8
Figure 3: Maitland LEP 2011 Heritage Map (Source: ePlanning Spatial Viewer).....	9
Figure 4: Maitland LEP 2011 Bushfire Prone Land Map (Source: ePlanning Spatial Viewer).....	10
Figure 5: Maitland LEP 2011 Land Zoning Map (Source: ePlanning Spatial Viewer).....	16

QUALITY ASSURANCE	
PROJECT:	13 lot subdivision
ADDRESS:	Lot 12, 20 Heritage Drive, Chisholm
LOT/DP:	Residue lot 12 in Lot 1 DP1224700
COUNCIL:	Maitland City Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
SR/JW	Draft Issue	27 January 2022
<i>Reviewed by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
JW	Final Issue	31 January 2022

**Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?**

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	Yes*
Water Management Act 2000	No

**Concurrence**

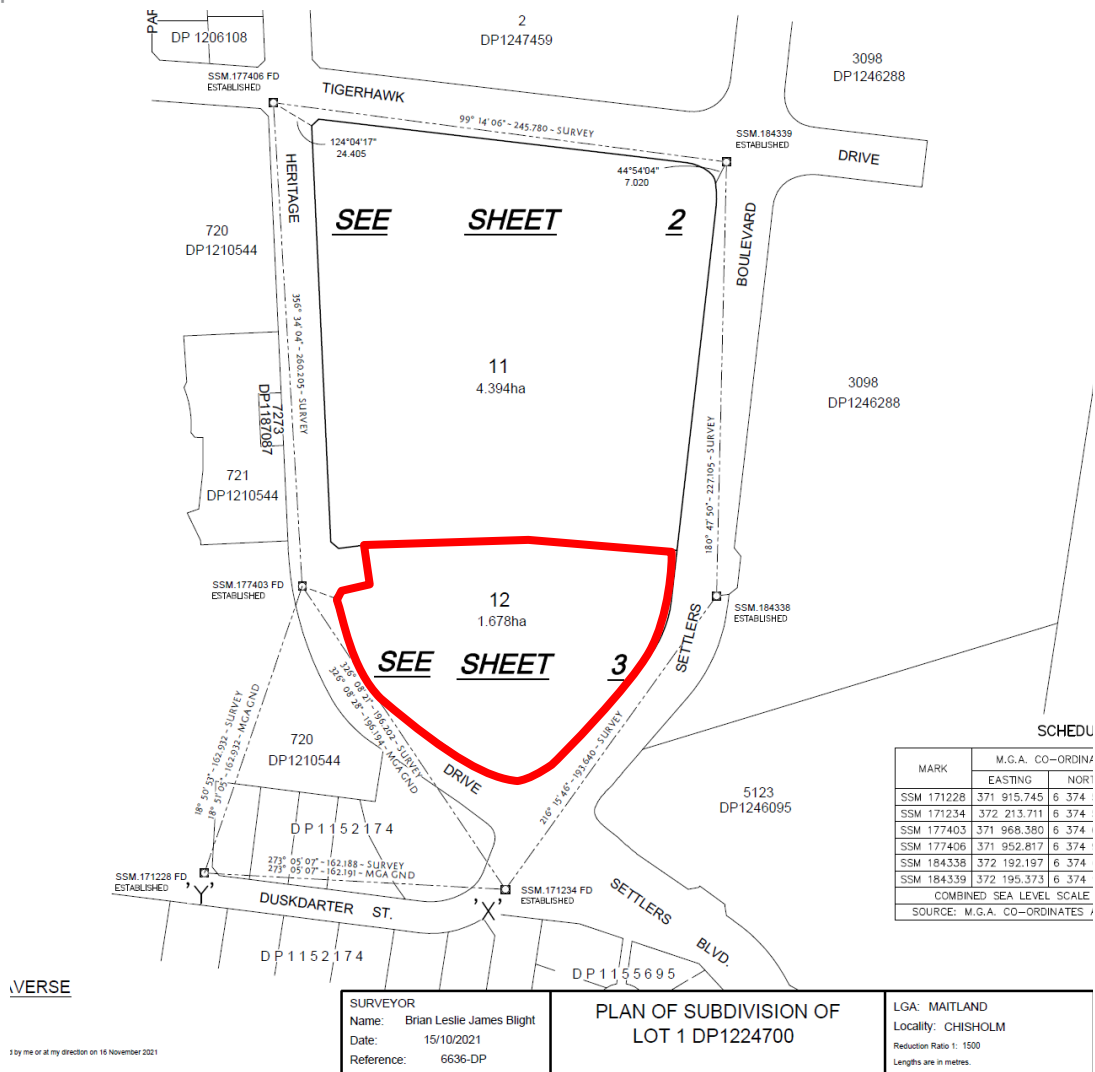
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

\*Site is mapped as bushfire prone.

## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a new Development Application seeking consent for the subdivision of residue lot 12 under DA/2021/677 to create a total of 12 residential lots and 1 new super lot that will contain future medium density forms. The proposal also involves the creation of a new loop road within the site.

This application relates only to residue lot 12 which is located in the southern side of the parent site. It is noted that DA/2021/1702 is currently under assessment for a “Mixed use development including Commercial Premises with retail premises, supermarket, mini major and liquor shop, Recreational Facility (Indoor) with gym and swimming pool, Food and Drink premises with Pub, Centre based Child Care Facility (112 children), Health Services Facility with Medical Centre, Car Wash and Signage” on lot 11 of the approved subdivision. An extract of the approved subdivision plan is provided below with the site shown in red.



The development proposal involves the creation of twelve (12) new residential lots and one (1) new super lot. A building envelope plan is included with the application, which indicates the proposed dwelling types for the lots to demonstrate their development potential given the dual frontages and relatively shallow allotment typologies proposed.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land; this development application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## SITE, LOCALITY AND CONTEXT

### BRIEF HISTORY

#### Subdivision of parent site (DA/2021/677)

Maitland City Council on the 16<sup>th</sup> of November 2021 granted consent for; “*Two Lot Torrens Title Subdivision,*” of the parent lot. A subdivision certificate was also issued for the DA (SC/2021/172). The land has now been registered.

#### Development of the adjoining lot (DA/2021/1702)

DA/2021/1702 is currently under assessment for a “*Mixed use development including Commercial Premises with retail premises, supermarket, mini major and liquor shop, Recreational Facility (Indoor) with gym and swimming pool, Food and Drink premises with Pub, Centre based Child Care Facility (112 children), Health Services Facility with Medical Centre, Car Wash and Signage*” on lot 11 of the approved subdivision.

**SUBJECT SITE**

Situated within a recently developed residential/rural area, the development site comprises of a large irregular shaped site with large frontages to Heritage Drive and Settlers Boulevard, with a site area of 1.678Ha. The site is currently vacant.

This is illustrated by an aerial photo of the subject site in the following page.

**Figure 1: Aerial Photograph of Site (Source: Near Maps).**

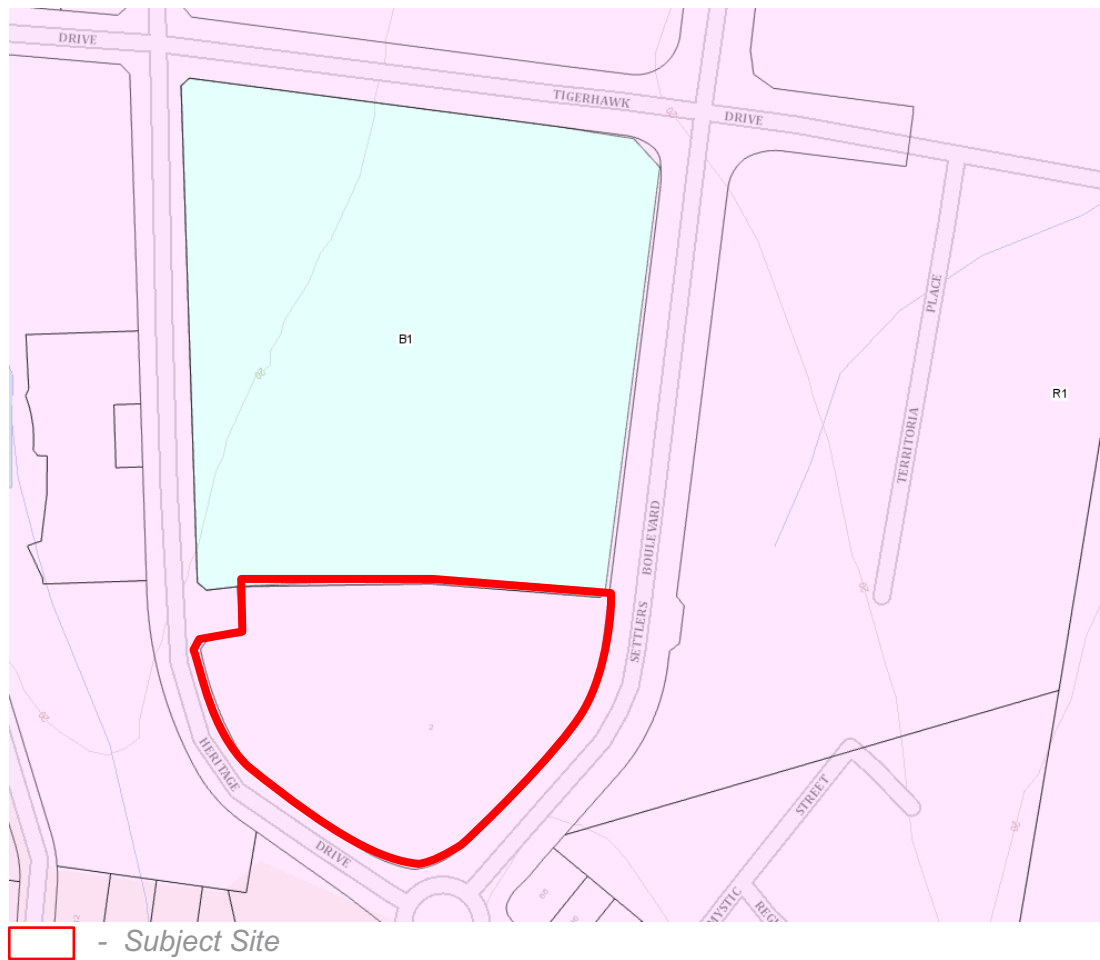


## ZONING CONTROLS

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provisions of the Maitland LEP 2011.

'Subdivision' is permissible with Council consent within the R1 Zone.

Figure 2: Maitland LEP 2011 Land Zoning Map (Source: ePlanning Spatial Viewer).



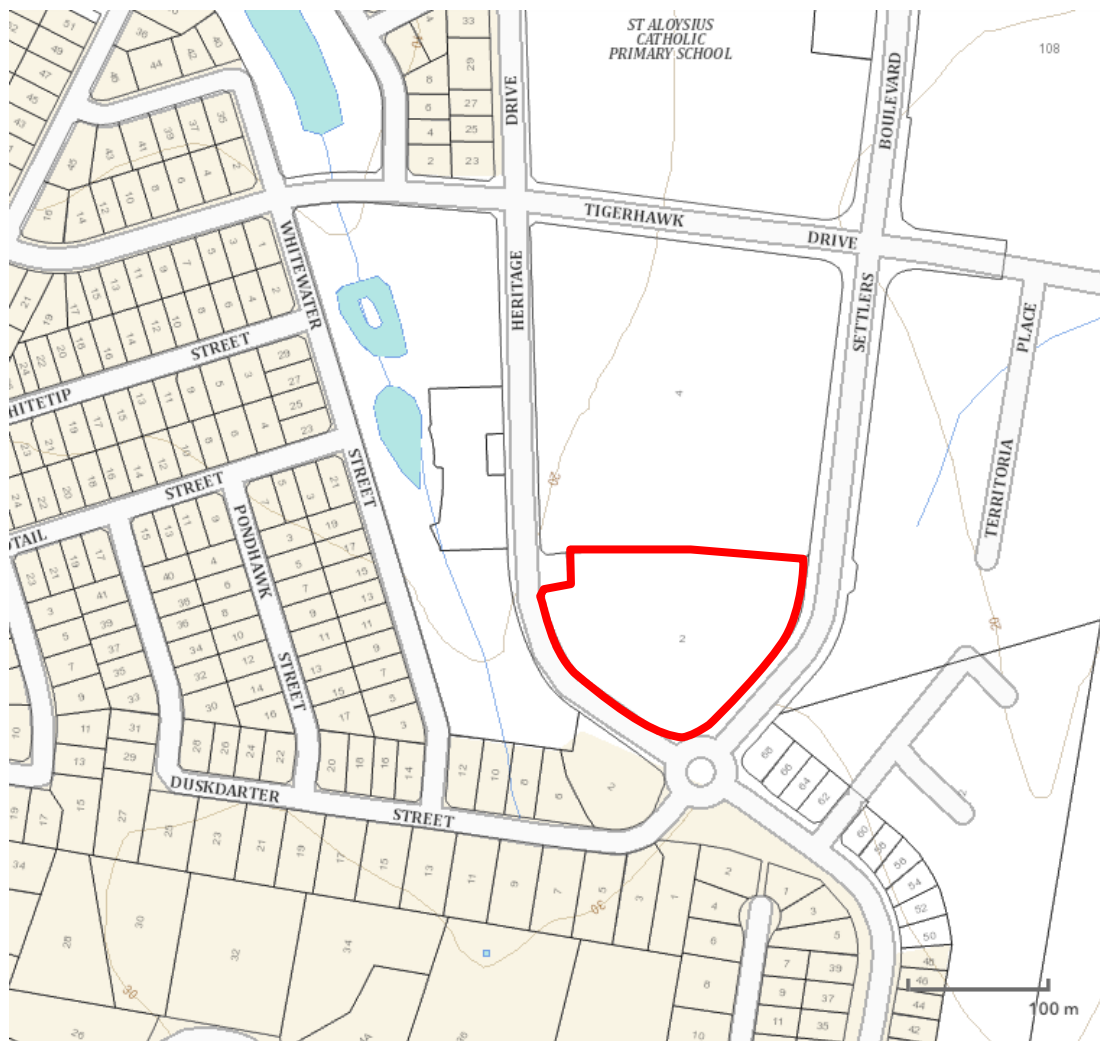
The subdivision of the site will play a role in the on-going transformation of the Precinct.




## HERITAGE

The subject site is not heritage listed nor is it located with a Heritage Conservation Area. The subject is not located in the immediate proximity to any heritage listed properties as illustrated by the extract from the heritage map below.

Figure 3: Maitland LEP 2011 Heritage Map (Source: ePlanning Spatial Viewer).



 - Subject Site

As a result, the subject site will not unduly impact on the curtilage of heritage items in the wider vicinity of the site.

## BUSHFIRE

The land is mapped as bushfire prone by Maitland Council. The image below shows the site and the bushfire mapping.

Figure 4: Maitland LEP 2011 Bushfire Prone Land Map (Source: ePlanning Spatial Viewer).

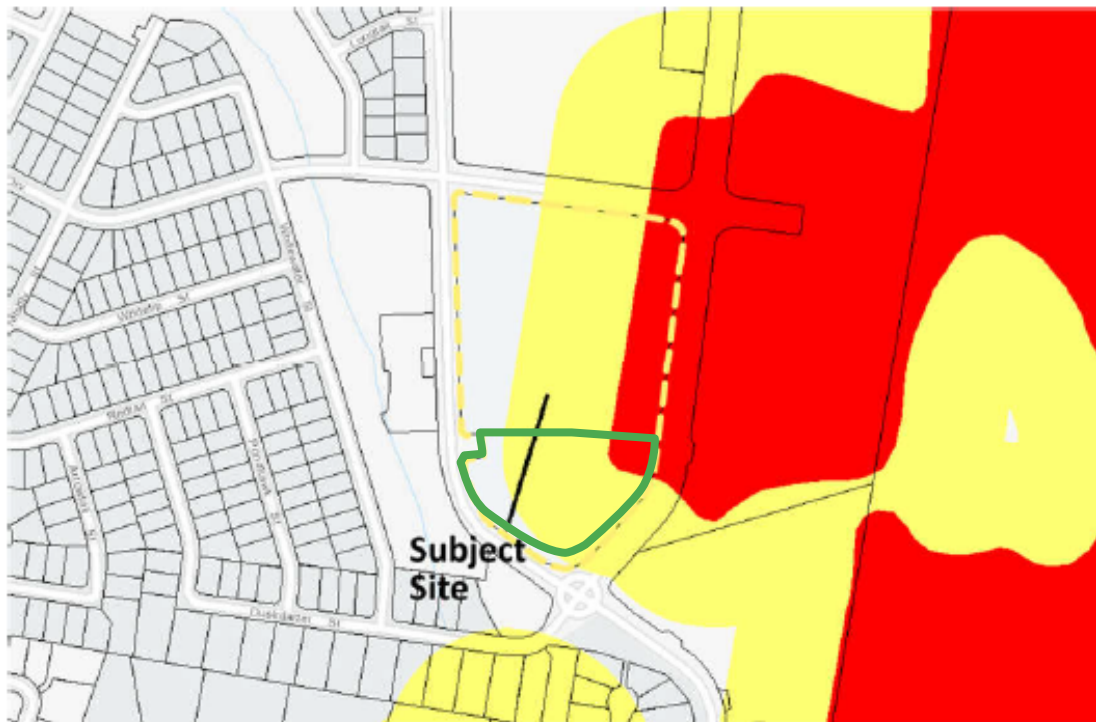


FIGURE 3 – COUNCIL'S BUSHFIRE PRONE LAND MAP

 - Subject Site

A Bushfire Report by Newcastle Bushfire Consulting was prepared subdivision of the parent lot. The report concluded the following; *“The final recommendation is that the proposed development offers compliance with Planning for Bush Fire Protection (2019). There is potential for bushfire attack at this site and a list of recommendations has been included in the above assessment to reduce that risk.”*

Therefore the proposal will be satisfactory in terms of bushfire however it is noted that the development is ‘integrated development’ as the site is mapped as bushfire prone and a Section 100B Certificate under the Rural Fires Act 1997 will be required.

## DESCRIPTION OF DEVELOPMENT

This Statement of Environmental Effects has been prepared in support of a new Development Application seeking consent for the subdivision of residue lot 12 under DA/2021/677.

### ***Subdivision and BEP***

The development proposal involves the creation of twelve (12) new residential lots and one (1) new super lot.

A building envelope plan is included with the application, which indicates the proposed dwelling types for the lots. It is noted that this application is solely for the subdivision of the land, dwelling construction will be undertaken via a separate application.

The future dwelling mix resulting from the lot types of the proposed subdivision is outlined below, noting all lots have vehicular access from the new loop road.

- Seven (7) x terrace houses;
- Ten (10) x semi-detached units;
- 41 x medium density units on Lot 13 that will be subject to a future application.

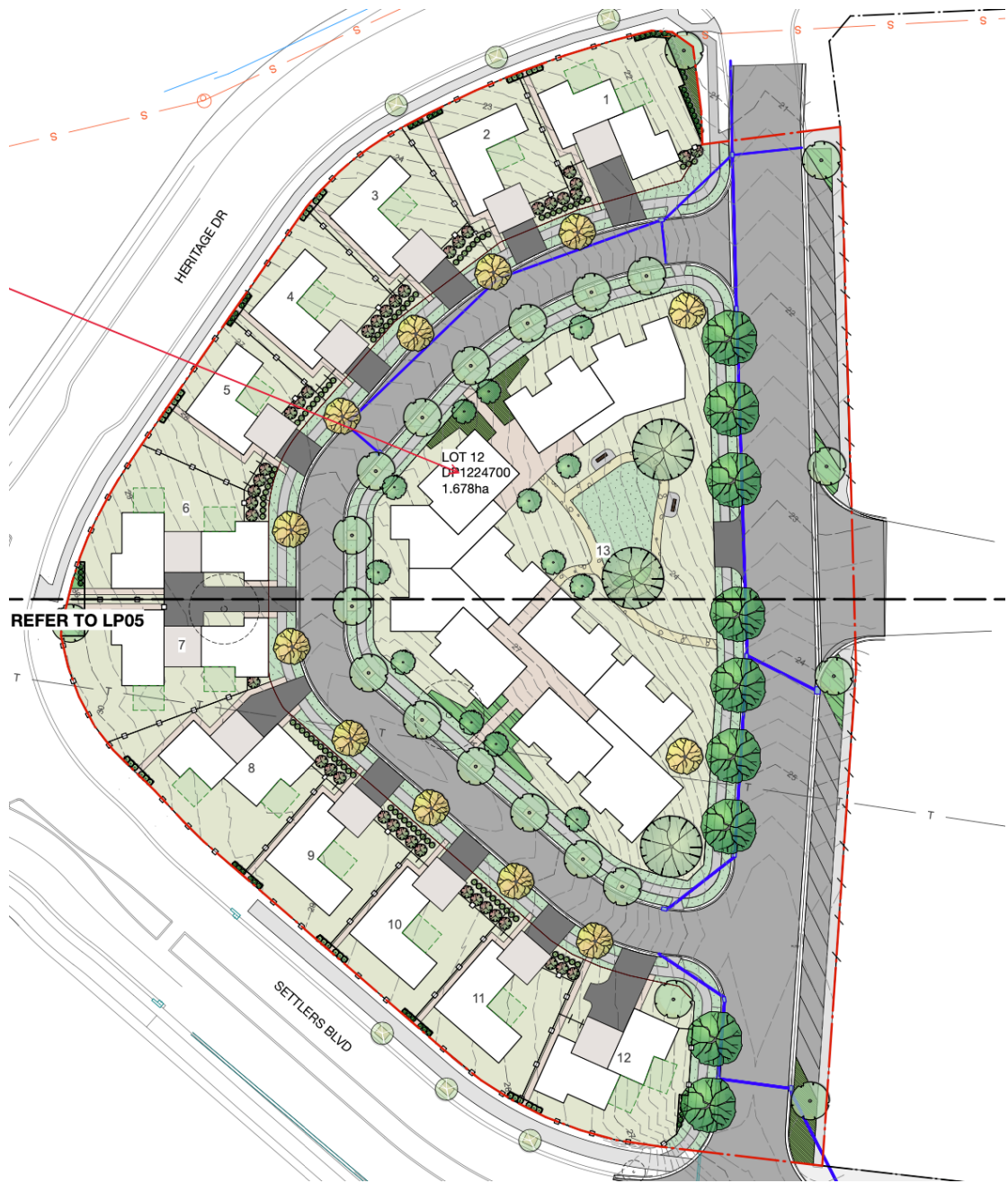
### ***New Road and Vehicular Access***

All vehicle access to Lots 1 to 12 will be via a proposed internal local road from the New Link Road, whilst vehicle access to the Lot 13 is proposed via the New Link Road.

The link road has an 8m pavement width for 2 way movement and then a 4.5m verge area on either side for a total of a 17m carriageway that aligns with the Council DCP provisions.

### ***Landscaping***

The proposal incorporates new landscaping to the road verge areas and nominates future landscaping to the residential allotments to establish a landscape setting. An extract of the combined BEP and landscape plan is provided below for context which is an extract of the detailed landscape plan by Moir Landscape Architecture.



## ASSESSMENT OF PLANNING ISSUES & CONTROLS

### STATE ENVIRONMENTAL PLANNING POLICY NO.55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - a) *it has considered whether the land is contaminated, and*
  - b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		

Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X

A Preliminary Site Investigation report has been prepared by Environmental Consulting Services. The report concludes the following; *“The Site is currently vacant and aerial photographs show the land has been vacant since 1954. Based on the region that the Site is located, it is not expected that there would have been any development of use prior to 1954.*

*The certificates of title indicate some owners are described as farmers. However, farming activities at the Site are expected to be limited to grazing.*

*It appears land was cleared of native vegetation prior to 1965 and has remained cleared since this time. The absence of bush regrowth supports the expectation that grazing has occurred on the land.*

*There is no evidence of filling on the Site or that significant earthworks have been undertaken.*

*The past use of the Site is not associated with any potential sources of contamination that may preclude residential or commercial land use.*

*The Site is considered suitable for redevelopment for proposed residential and commercial use.”*

Given the findings of the report, the development is considered acceptable with regards to contamination.

## STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The current application is an administrative exercise to enable future subdivision of the residue lot 11 at 20 Heritage Drive, Chisholm; noting that potential removal of vegetation has been addressed via DA/2021/677.

## STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

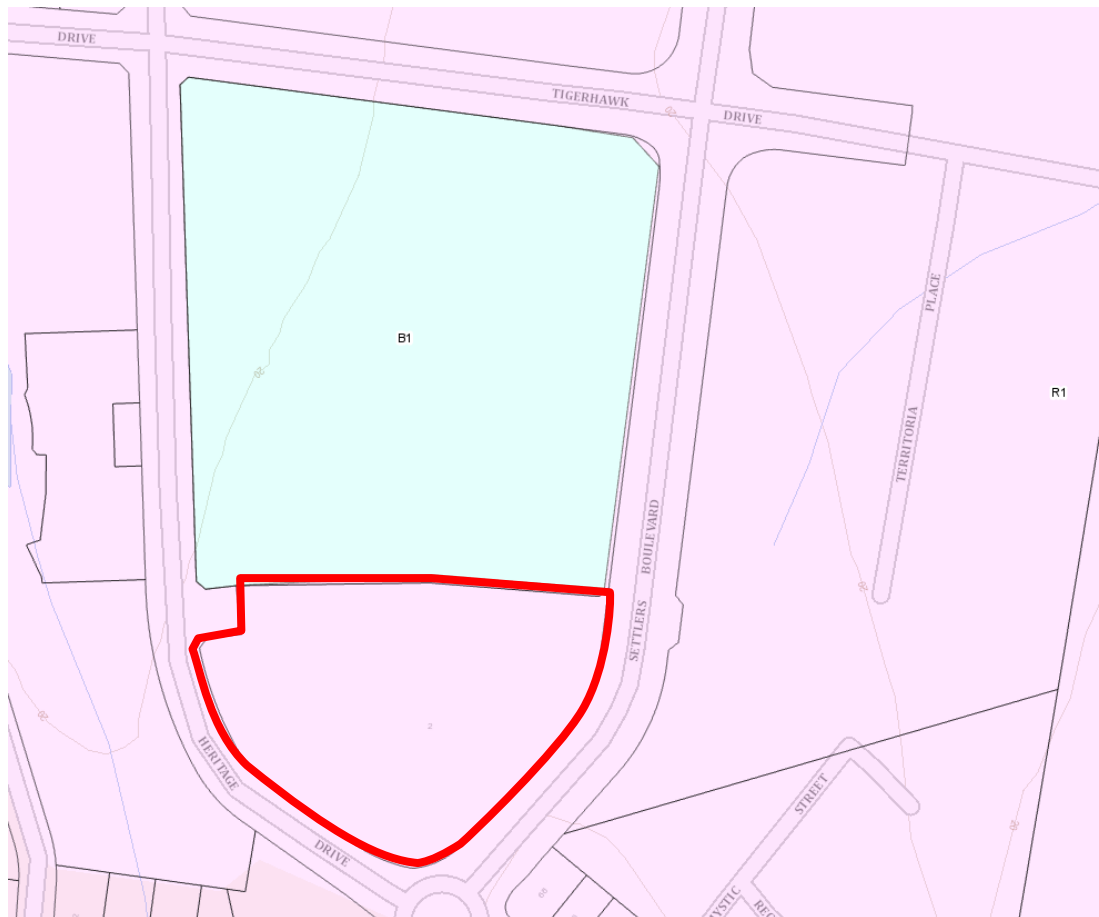
The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of Clause 102 of the SEPP that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.

MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provisions of the Maitland LEP 2011.

Figure 5: Maitland LEP 2011 Land Zoning Map (Source: ePlanning Spatial Viewer).



 - Subject Site

'Subdivision' is permissible with Council consent within the R1 Zone.

The application to create the 13 allotments from the approved residue lot is consistent with the prescribed objectives of the R1 zone in that it will facilitate future residential development in-accordance with the LEP.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.



Maitland Local Environmental Plan 2011			
Clause	Controls	Comment	Complies
Zoning	R1 General Residential	Subdivision to facilitate future residential development is permissible with consent in the R1 General Residential zone.	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
2.3	Zone objectives and land use table	The application to create the 13 allotments from the approved residue lot is consistent with the prescribed objectives of the R1 zone in that it will facilitate future residential development in-accordance with the LEP.	Yes
2.6	Subdivision requirements – consent	This application seeks Council approval to undertake a 1 into 13 lot subdivision as set out previously in this statement.	Yes
2.7	Demolition requires consent	No additional demolition works is proposed than that approved via the previous DAs.	N/A
<b>Part 4 Principal Development Standards</b>			
4.1	Minimum subdivision lot size – 450m <sup>2</sup>	The development site is subject to a minimum subdivision lot size of 450m <sup>2</sup> under the Maitland Local Environmental Plan 2011.  The development complies with this requirement, providing a minimum lot size of 450m <sup>2</sup> - 603m <sup>2</sup> .	Yes
4.3	Height of buildings	The development site is not subject to building height control; and no building works are proposed.	N/A
4.4	Floor space ratio	The development site is not subject to FSR controls; and no building works are proposed.	N/A

Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The subject site is not heritage listed nor is it located with a Heritage Conservation Area. The site is not located within proximity to any identified heritage items. Accordingly, the development will not impact on the curtilage of any heritage items within the wider vicinity of the site.	Yes
5.21	Flood Planning	As per the section 10.7 certificate obtained for the site, the development site is not subject to flood planning related controls under the Maitland LEP.	Yes
Part 6 Urban release areas			
6.2	Public utility infrastructure	This has been addressed via the approved DA for the parent site.	Yes
6.3	Development control plan	The development has been designed to comply with the site specific DCP. See the discussion later in this report for detail.	Yes
Part 7 Additional Local provisions			
7.1	Acid sulfate soils	The development is identified as containing class 5 acid sulfate soils. This will be addressed in a future development application for the construction of dwellings; however, it is noted that a future development for residential dwellings is unlikely to impact on the water table.	N/A

## MAITLAND DEVELOPMENT CONTROL PLAN 2011

All relevant Council controls have been identified and considered in the following compliance table, noting that the majority of the 'big picture' issues were considered as part of the parent DA as this application relates only to lot 12.

Maitland Development Control Plan 2011 – Compliance Table			
Clause	Controls	Comment	Complies
Part B – Environmental Guidelines			
B.5	Tree management	Tree management has been addressed under State Environmental Planning Policy (Vegetation In Non-Rural Areas) 2017.	Yes
Part C – Design Guidelines			
C.10	Subdivision		Yes
	EC.1 Flora and Fauna		
	EC.2 Heritage and Archaeology		
	EC.3 Hazards	Bushfire	Yes
		Contamination	Yes
	DC.1 Lot Size and Dimensions	General Controls	
	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.	The proposal is graded to follow the natural topography of the site.	Yes
	b) Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.	Lot boundaries and interfaces have been considered through the design.	Yes
	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	The lot sizes and configurations are suitable as evidenced by consistency with the lot size control and the BEP that shows the future built forms that are achievable on the site.	Yes

existing Council development consent.

- |  |   |     |
|--|---|-----|
| d) In assessing the re-subdivision of an existing lot, Council will have regard to the circumstances and planning rationale that formed the basis for the creation of the parent lot the subject of the application. | Noted.  | Yes |
| e) Subdivision proposals must not conflict with the requirements of any existing approvals.  | Noted there is no conflict with existing approvals. | Yes |

*Specific Controls:  
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- carriage way which shall be centrally located within both access handles. | There are no battle-axe handles proposed as part of the subdivision however a shared ROW is nominated on the BEP for Lot 6 and 7 which will be assessed as part of a future application. | N/A |
| j) A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.  | The BEP's show that there is a suitable building envelope for each of the lots that satisfies the DCP provisions.  | Yes |

DC.2 Solar Access and Energy Efficiency

- |   |   |     |
|---|---|-----|
| a) 80% of new lots are to have 5 star solar access, as defined by an analysis determined from the "Possible Design Solutions – Solar Access" booklet, and the remainder a 3 or 4 star rating. | The BEPs show that POS can be oriented in a northerly direction as can living areas as reflected on the BN Architecture drawings. | Yes |
| b) Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximize solar access.  | This has been considered noting the BEP's show the careful design and siting of footprints.                                       | Yes |

DC.3 Drainage, Water Quality & Soil Erosion	The civil and stormwater plans provide detail on these aspects of the proposal and the proposal has been designed to comply.	Yes
DC.4 Landscape, Streetscape & Visual Impact  <i>Existing landscape and streetscape character should be maintained and enhanced through retention of existing vegetation, provision of additional landscaping and selection of other streetscape items including surface treatments and street furniture.</i>	The proposal incorporates new landscaping to the road verge areas and nominates future landscaping to the residential allotments to establish a landscape setting. See the detailed landscape plan by Moir Landscape Architecture.	Yes
DC.6 Roads & Access, Pedestrian & Cycleways	The new road has been designed to meet Council requirements with a 17m total width noting an 8m pavement and then 4.5m verge on either side. See traffic report for further detail.	Yes
DC.7 Crime Prevention – Safer By Design	The dual frontages means that ‘eyes on the street’ can be achieved as shown on the BEP particularly on redevelopment of the units on Lot 13. Ultimately a matter for future dwelling designs but capable of achieving this.	Yes
DC.8 Site Filling Maximum 2m	The civil drawings show the extent of cut and fill and the site is generally subject to balanced cut and fill with some additional filling required. The extent of cut and fill is no more than 2m and generally is a maximum of 1.5m.	Yes
DC.9 Water and Sewer and Power	Water and sewer are available to the site as is electricity.	Yes

<p><b>C.11</b></p>	<p>Vehicular Access &amp; Car Parking</p>	<p>A Traffic and Parking Impact Assessment Yes has been prepared for the proposal by McLaren Traffic Engineering.</p> <p>The report concludes that; <i>“In view of the foregoing, the subject proposed residential subdivision at 20 Heritage Drive, Chisholm (as depicted in Annexure A) is fully supportable in terms of its traffic and parking impacts.</i></p> <p><i>The proposed subdivision layout is consistent with Maitland City Council Engineering Standards – Road Design and Maitland Council Development Control Plan 2011 Part C – Design Guideline and provides appropriate road widths for vehicular access.”</i></p> <p>Refer to the report for detail.</p>
--------------------	---	--

Part F – Urban Release Area – Thornton Urban Release Area

	<p>It is noted that given the proposal is for the procedural subdivision of an approved super lot the majority of the DCP provisions have been considered in the prior parent DA for the site and preceding subdivision DAs for the locality. As well as the recently lodged development application for the commercial precinct that adjoins the site. Hence a number of the ‘big picture’ issues on road networks, stormwater and the like have been dealt with under previous DAs. Hence only those parts of the DCP that remain relevant are addressed below.</p>
--	---

<p><b>1.1</b></p>	<p>Staging Plan</p>	<p>The development is not to be constructed N/A in stages given the relatively small scale of the subdivision proposal. The broader release area has already been ‘rolled out’ in terms of infrastructure staging and the like.</p>
-------------------	---------------------	---

1.2	Transport and movement	A Traffic and Parking Impact Assessment Yes has been prepared for the proposal by McLaren Traffic Engineering.
		<p>The report concludes that; <i>“In view of the foregoing, the subject proposed residential subdivision at 20 Heritage Drive, Chisholm (as depicted in Annexure A) is fully supportable in terms of its traffic and parking impacts.</i></p> <p><i>The proposed subdivision layout is consistent with Maitland City Council Engineering Standards – Road Design and Maitland Council Development Control Plan 2011 Part C – Design Guideline and provides appropriate road widths for vehicular access.”</i></p> <p>All vehicle access to Lots 1 to 12 will be via a proposed internal local road from the New Link Road, whilst vehicle access to the Lot 13 is proposed via the New Link Road. The link road has an 8m pavement width for 2 way movement and then a 4.5m verge area on either side for a total of a 17m carriageway that aligns with the Council DCP provisions.</p>
1.5	Stormwater and water quality management	<p>The site is required to provide a drainage reserve as per figure 35 however this has been resolved through the parent subdivision of the site.</p> <p>A stormwater consultant has been engaged for this application. Refer to the stormwater engineer report for details on this matter.</p>
1.8	Residential Densities	<p>There are no specific residential densities and each lot complies with the MLEP 2011. Yes</p>

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed application for the subdivision of the residue lots is an appropriate outcome on the site and remains consistent with the design intent of the original proposal.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the development application is submitted to Council for assessment and granting of consent.

Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.