

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED TORRENS TITLE
SUBDIVISION (1 INTO 3 LOTS) AND
DEMOLITION OF METAL SHED AND
SWIMMING POOL**

**10 HERMITAGE CLOSE, THORNTON, NSW
(LOT 9116 DP874539)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Adrian Sorensen (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 3 Lots) and demolition of existing metal shed and swimming pool at 10 Hermitage Close, Thornton, NSW (Lot: 9116 DP874539) ('the site').

Specifically, the proposal includes the creation of the following Lots:

- **Lot 1:** 501m²
- **Lot 2:** 508m²
- **Lot 3:** 1,467m² and retention of existing dwelling.

The proposed subdivision does not incorporate any built works or vegetation removal. The key reasons why the proposal should be considered acceptable include that the subdivision:

- is permitted in the R1 zone and consistent with the R1 zone objectives
- is consistent with both Regional and Local Planning Strategies (Hunter Regional Plan, MUSS, LSPS)
- provides new street frontages, activating the street and additional passive surveillance
- will provide new landscaping opportunities to create a high standard of amenity and design in the area
- is consistent with the objectives of the DCP
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

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

TERMS & ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	EP&A Regulation 2021 – Approved Form	Perception Planning	
2	Certificate of title and existing Deposited Plan 874539	NSW Lands Registry	
3	Proposed Subdivision Plan	North Point Surveys	37926 PSP Dated: 28/11/22
4	Draft Deposited Plan	North Point Surveys	37926
5	AHIMs Search Results	Heritage NSW	N/A
6	Topographical Plan	North Point Surveys	37926 TS 09/11/2022
7	Stormwater Management Plan	DRB Consulting Engineers	222243 Rev B and dated 10.11.22
8	Demolition Plan	Sorensen Design	2203332 Rev A and dated 9/11/22
9	Legal Advice	Long Legal	100501 Dated: 12 September 2022
10	Stamped HWC Plans	Hunter Water Corporation	N/A
11	DBYD Search Results	DBYD	N/A

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Adrian Sorensen (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 3 Lots) and demolition of existing metal shed and swimming pool at 10 Hermitage Close, Thornton, NSW (Lot: 9116 DP874539) ('the site').

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

The site is in Thornton 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 DPE) 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.

1.2 SITE DETAILS

Property Address	10 Hermitage Close, Thornton, NSW 2322 (FIGURE 1).
Lot and DP	Lot 9116 DP874539
Current Use	Residential
Zoning	R1 General Residential
Size	2477m ²
Site Constraints	Minimum lot size – 450m ² Acid Sulfate Soils – Class 5
Owner	Owner’s consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Yes – please refer to clause 1.9a of the LEP below. The certificate of title is contained in APPENDIX 2 .

1.3 SITE DESCRIPTION

The site is located at 10 Hermitage Close, Thornton, NSW, 2322 (**‘the site’**) and has a total area of 2477m² (**FIGURE 1**). The site is located within the township of Thornton, within the Maitland Local Government Area (LGA).

The site is surrounded by other R1 General Residential zoned land with two road frontages to Hermitage Road and Grange Avenue. Frontage of the house and access are via Hermitage Road. The proposed additional subdivided lots will have access via Grange Avenue and provide a frontage towards it. The site currently contains a dwelling house and associated outbuildings/ancillary structures in the form of a swimming pool and shed.

Thornton North Urban Release Area is further to the north of the site with a denser residential layout. Considering the future residential subdivision in this area the site will be located in the heart of Thornton close to the exiting centre. The smaller lot sizes will fit in with the rest of the character of the Thornton area considering the future pressures on housing within the area.

The site is subject to a restriction created by Somerset Estate Pty Ltd which dictates that further subdivision of the lots in DP874539 is prohibited. Legal advice concerning the site and proposed development identified that this restriction is set aside by clause 1.9A in the Maitland Local Environmental Plan 2011.

Keeping future housing pressures in mind but also considering the development envisioned by Maitland City Council as communicated in the LSPS the proposed subdivision is in line with the set goals. Newcastle Metropolitan Plan 2036 set greenfield housing targets at 40% and 60% infill. Maitland currently has 94% greenfield housing. A denser layout for the site is therefore in line with the LSPS by providing more infill housing and creating the compact design planned for by Maitland City Council.

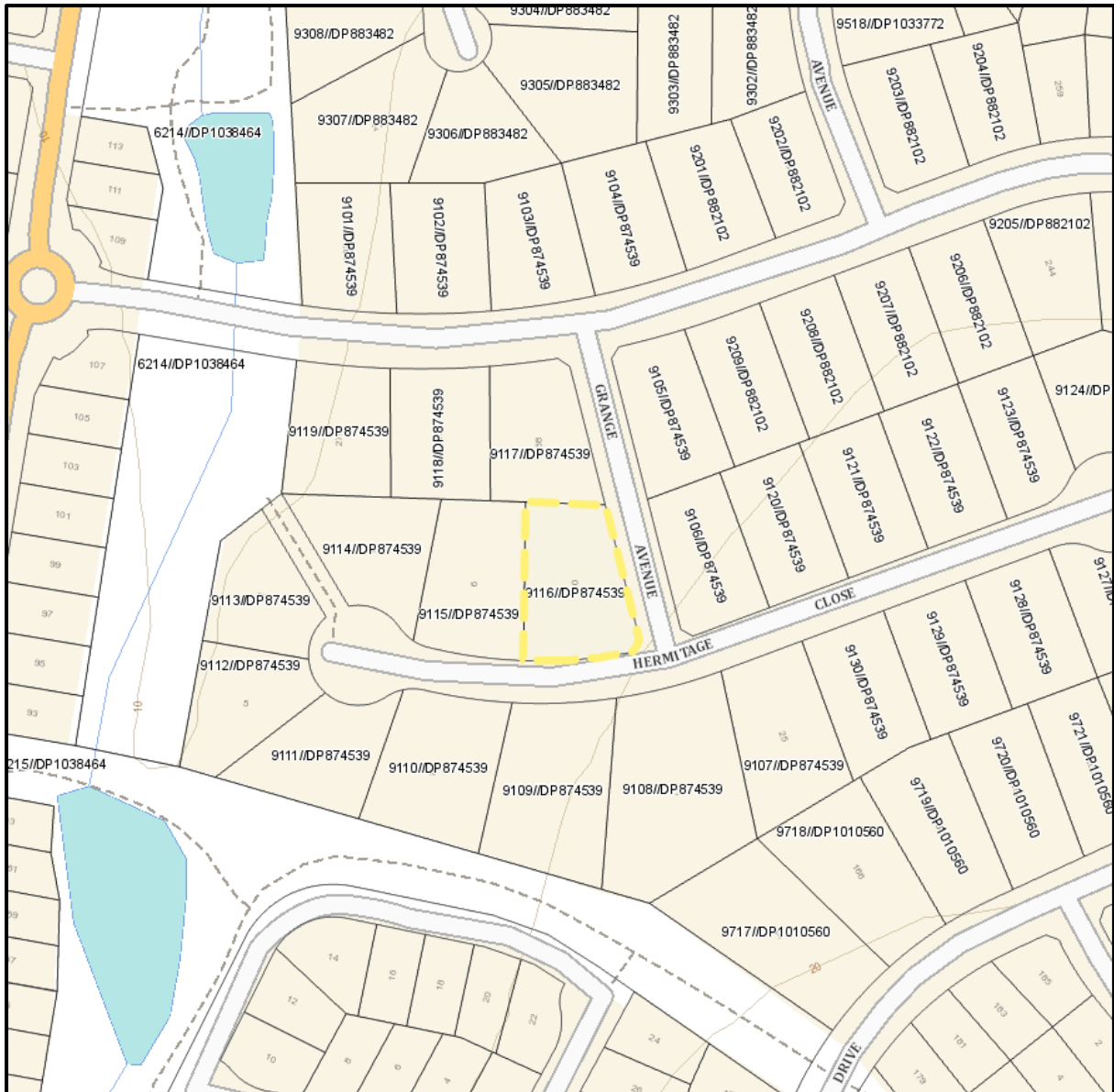


Figure 2: Locality image (NSW ePlanning Spatial Viewer, 2022)

1.4 BACKGROUND

The site contains an existing dwelling, swimming pool and shed under historic approval. The NSW Planning Portal Application Tracker was reviewed without any significant findings.

2.0 THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for a Torrens title subdivision (one into three Lots) and demolition of existing metal shed and swimming pool (**FIGURE 3 and 4**).

Specifically, the proposal includes the creation of the following Lots:

- **Lot 1:** 501m²
- **Lot 2:** 508m²
- **Lot 3:** 1,467m² and retention of existing dwelling.

The proposed subdivision does not incorporate any built works or vegetation removal.

Figure 3: Proposed subdivision plan (NorthPoint Surveys, 2022)

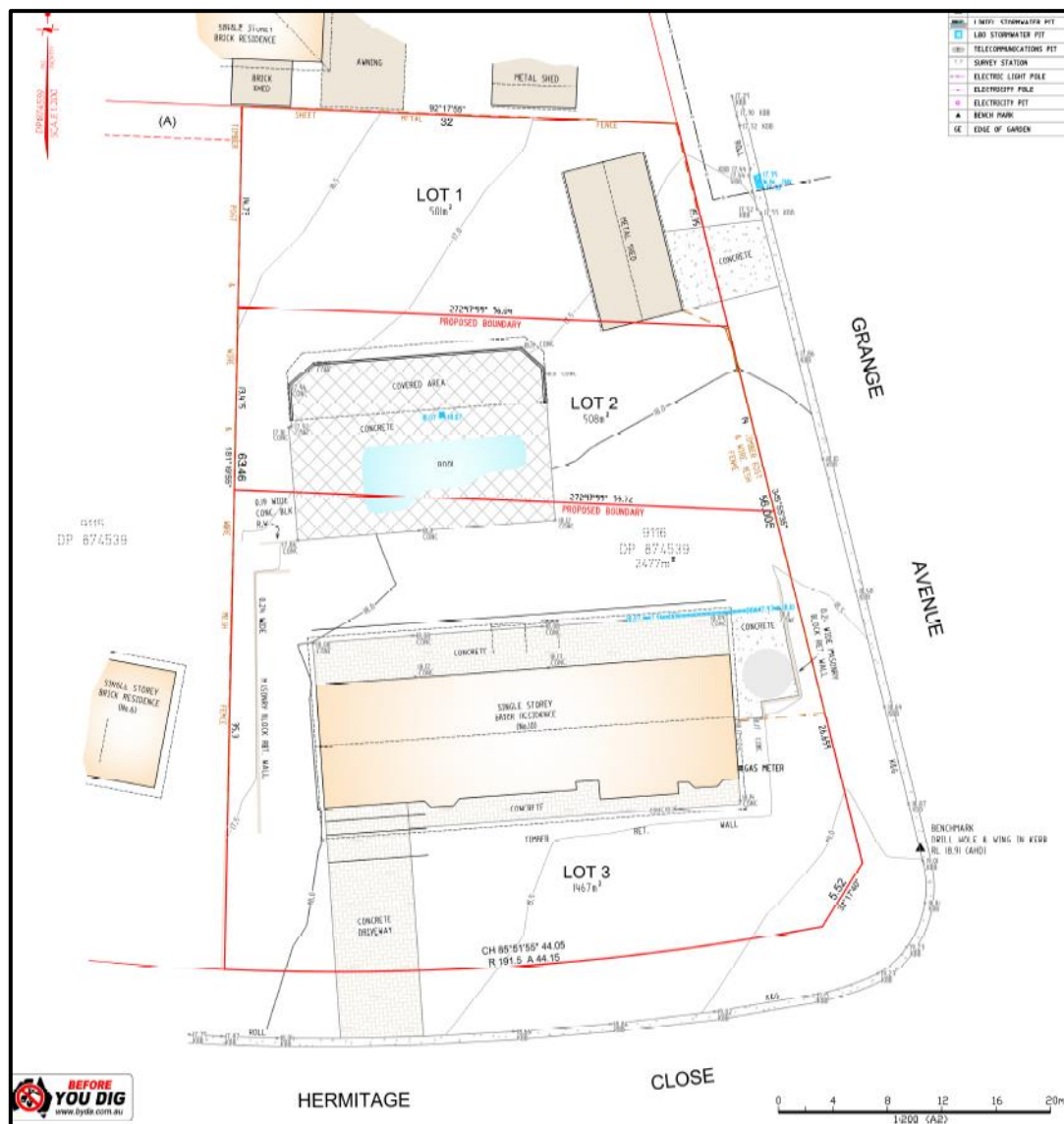
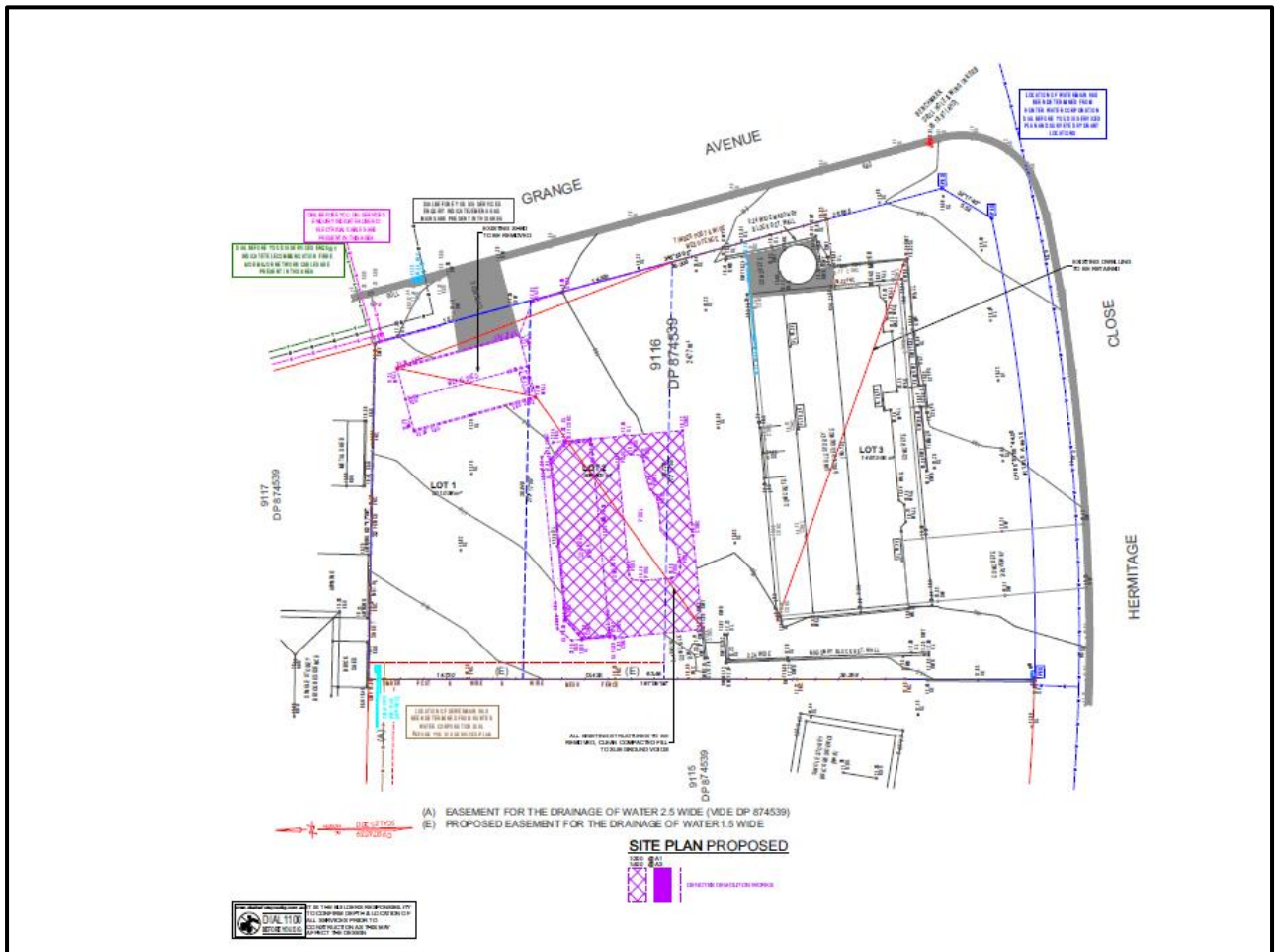


Figure 4: Proposed demolition plan in purple (Sorensen Design, 2022)



3.0 PLANNING FRAMEWORK

3.1 ACTS

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

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

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Integrated development

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

Table 1: Integrated development

Integrated development	Section	Assessment
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	NA
Heritage Act 1977	s 58	NA – The site is not identified as being a heritage item or located within a heritage conservation area. An AHIMs search conducted on 16 November 2022 (APPENDIX 4) did not identify any Aboriginal sites or places within a 200m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all

		works will cease immediately, and the relevant authority will be notified.
Coal Mine Subsidence Compensation Act 2017	s 22	No – The site is not located within a mine subsidence district.
Mining Act 1992	s 63, 64	NA
National Parks & Wildlife Act 1974	s 90	NA
Petroleum (Onshore) Act 1991	s 16	NA
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	NA
Roads Act 1993	s 138	NA
Rural Fires Act 1997	s100B	No – the site is not identified as bushfire prone land.
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	ss 89, 90, 91	NA

3.1.2 COAL MINE SUBSIDENCE COMPENSATION ACT 2017

The site is not located within a mine subsidence area, thus this Act does not apply.

3.1.3 HUNTER WATER ACT 1991

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

3.1.4 WATER MANAGEMENT ACT 2000

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

3.1.5 RURAL FIRES ACT 1997

The site is not identified as bushfire prone, thus this Act does not apply.

3.1.6 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The proposed development does not require the removal of any significant vegetation and the site is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

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

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 4 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 2 – Coastal Management*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*

3.2.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

CHAPTER 4 – KOALA HABITAT PROTECTION 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identifies the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area. The key threats within the Central Coast Koala Management Area have been identified as:

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

The Maitland City Council do not have an approved Koala Plan of Management for Land. Therefore, under Section 11 the policy applies to land that has an area of at least one hectare. The site does not contain 'Highly Suitable Habitat' as defined by the Koala SEPP 2021 (Koala feed trees listed in Schedule 2 do not comprise greater than 15% of overstorey species). As such, the site does not support Core Koala Habitat, thus a Koala Assessment Report is not required.

3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021

CHAPTER 2 – COASTAL MANAGEMENT

The site does not contain areas mapped as any of the four coastal management areas. As such, the *Coastal Management Act 2016* does not apply to this development.

CHAPTER 4 – REMEDIATION OF LAND

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Under Section 4.6 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 there is no evidence to suggest that contaminating activities have occurred on the site. As such, further consideration under this SEPP is not required.

3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 2 – INFRASTRUCTURE

The purpose of this Chapter 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 types of infrastructure.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

Section 2.48 – Determination of development applications – Other development

The site will be connected to underground reticulated electricity. Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licensed' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

Grange Avenue and Hermitage Close are identified as local public roads dedicated to Maitland City Council. As such, referral, or Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.117, 2.118 and 2.119.

Section 2.121 – Traffic Generating Development

In accordance with Section 2.121, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW.

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 definition, 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 site is zoned R1 – General Residential under the Maitland LEP 2011. The R1 zone objectives are as follows:

- *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 contribute to providing for the housing needs of the community, will provide a variety of lot sizes for housing density in the area, and enables support to local services and facilities by attracting population to the locality. The proposal is consistent with the objectives for development in the R1 zone.

The proposal will have improved outcomes for the area and the streetscape. The current street frontage towards Grange Avenue in the form of an existing shed is less than desirable considering the character and rest of the estate. The street presentation can also be improved with future dwellings and the inclusion of additional landscaping on the proposed new lots.

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

Table 2: MLEP Compliance Assessment

Clause	Control	Comment
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1.9A	Suspension of covenants, agreements and instruments	<p>For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>This clause does not apply to a covenant imposed by the Council or that the Council requires to be imposed.</p> <p>DP 874539 contains a restriction on the use of land, burdening the site, which states:</p> <p style="padding-left: 40px;"><i>(k) No lot burdened shall be the subject of any future subdivision (including any strata / community title subdivision) nor divided into one or more further separate Lots in any way whatsoever.</i></p> <p>Per the advice prepared and provided at APPENDIX 9, Council can suspend the covenant under this Clause, to enable subdivision to occur. The proposed Lots exceed the minimum Lot size and enable the zone objectives to be achieved, to provide for the housing needs of the growing population within the Maitland Local Government Area.</p>
4.1	Minimum subdivision lot size	<p>The minimum subdivision lot size applicable to the site is 450m². Each Lot meets the MLS as follows:</p> <ul style="list-style-type: none"> • Lot 1: 501m² • Lot 2: 508m² • Lot 3: 1,467m² and retention of existing dwelling.
4.3	Height of buildings	The site is not affected by a maximum height of buildings.
4.4	Floor space ratio	The site is not subject to a maximum floor space ratio.
5.10	Heritage conservation	The subject site is not identified as a heritage item under the MLEP. The AHIMS search conducted on 16 November 2022 did not identify any Aboriginal sites or places within a 200m buffer of the site and given no physical works are proposed, no further assessment is required.
5.21	Flood Planning	The site is not identified as flood prone as per LEP Map FLD_006A as shown in FIGURE 6 below.

		<p>Figure 5: Flood planning map (FLD_006A, LEP Maps 2022)</p>
7.1	Acid sulfate soils (ASS)	The site is identified as Class 5 ASS under the MLEP. The proposal does not include any earthworks and thus there is no requirement for an ASS management plan.
7.2	Earthworks	No earthworks are proposed as part of the subdivision.
7.6	Essential services	The site (and existing dwelling) is already provided with all essential services. Essential services will be available within the adjoining Lot once subdivided as per the BYDA Search Results provided at APPENDIX 10 to service a proposed dwelling within the building envelope provided on the subdivision plan. The site has access to gas, electricity, reticulated water, internet and telecommunications. The envelope has been strategically placed to be easily accessible by a future road and associated services.
7.8	Drinking water catchments	The site is not located within a Drinking Water Catchment Area.

3.4 MAITLAND DEVELOPMENT CONTROL PLAN (DCP)

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

Table 3: MDCP Compliance Table

MDCP 2011	Controls	Review/Response	Comply
Part A – Administration			
A.4 – Notification	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified.	Yes
Part B – Environmental Guidelines			
B3 – Hunter River Floodplain	<p>The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.</p>	The development site is not located within a flood planning area or floodplain as discussed in Section 3.3 of this SEE.	Yes
B4 – Onsite Sewage Management System	<p>This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.</p>	<p>Each Lot has the ability to be connected to reticulated sewer, noting that no change to the existing site arrangements servicing the dwelling on Lot 3 will occur as part of this application. The BYDA search result for the site showing the possible connection to essential services can be found in APPENDIX 10.</p>	N/A

MDCP 2011	Controls	Review/Response	Comply
B5 – Tree Management	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.	No vegetation removal is proposed as part of the subdivision.	Yes
B6 – Waste Minimisation & Management	This section only applies to a specific type of construction development.	No construction of buildings or subdivision works is proposed as part of this development application.	N/A
B7 – Riparian Land and Waterways	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	The site is not located within or adjoining riparian land or waterways.	N/A
Part C – Design Guidelines (C8 – Residential Design)			
3. Development Incorporating Existing Dwellings	The objectives of this section include the retention and continuous use of existing residential dwellings, provide existing dwellings with high standard of amenity and facilities and encourage sustainable building practices should there be any demolitions.	The existing dwelling will be retained and further used as a residential dwelling. Any new developments on the subdivided lots will ensure appropriate setbacks to the existing development.	Yes
5. Street Building Setbacks	This part of the DCP ensures that setbacks are incorporated to complement the streetscape, allow flexibility in the siting of buildings and allow for landscape and open space. New development should create appropriate and attractive streetscapes that fit in with the locality and reinforce the function of the street.	The proposed subdivided lot allow for residential development that complies with setbacks. Future new residential dwelling will also create opportunity for additional landscaping and reinforce the function of the street by providing additional frontages towards Grange Avenue.	Yes

MDCP 2011	Controls	Review/Response	Comply
6. Side and Rear Setbacks	This section clarifies design requirements for setbacks for new developments. The setbacks allow for flexibility in the siting of buildings, landscaping, privacy, natural light and ventilation between buildings.	The existing building is approximately 7 meters away from the closer proposed subdivided lot. The location of possible future developments would therefore be possible while complying with setbacks and ensuring privacy and ventilation.	Can Comply
Part C – Design Guidelines (C10 – Subdivision)			
EC.1 – Flora and Fauna	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	No vegetation removal is proposed as part of the subdivision.	Yes
EC.2 Heritage and Archaeology	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 a listed Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts. No built or subdivision works are proposed as part of the development, thus the proposal is not considered likely to cause any adverse impacts to any European or aboriginal heritage items, buildings, conservation areas, deposits or relics.	Yes
EC.3 Hazards	The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.	The site mapped as containing watercourses, is identified as Class 5 Acid Sulfate Soils. The site is not mapped as bushfire prone. The site is not mapped as being affected by hazards such as flooding, landslip, contamination and salinity.	Yes
DC.1 Lot size and dimensions	These sections objectives are to ensure all new lots have an appropriate size and shape to their	The lots meet the LEP lot size requirements and are of an appropriate size and shape to allow for the provision of necessary services and other requirements.	Yes

MDCP 2011	Controls	Review/Response	Comply
	proposed use and to allow for the provision of necessary services and other requirements.		
DC. 2 Solar Access and Energy Efficiency	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.	No impacts on solar access to the existing dwelling will occur as a result of the subdivision. Sufficient area is available for the location of an indicative building envelope to achieve solar access on each proposed Lot.	Yes
DC.3 – Drainage, Water Quality and Soil Erosion	The objective of this section is to preserve natural drainage, enhance environmentally significant and maintain the health and quality of the water catchment and its health.	The proposal will preserve natural drainage onsite within. The existing stormwater arrangements utilised by the existing dwelling and outbuildings will continue following subdivision. On site detention tanks are incorporated into the proposal (APPENDIX 7). The existing outlet will remain and will provide the connection point for the subdivision.	Yes
DC.4 Landscape, Streetscape and Visual Impact.	These 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 character of the surrounding landscape and will provide streetscape as consistent with the developing area.	Yes
DC.5 Effluent Disposal	This sections objective is to ensure new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	Each Lot has the ability to be connected to reticulated sewer, noting that no change to the existing site arrangements servicing the dwelling on Lot 3 will occur as part of this application (APPENDIX 10).	Yes
DC.6 Roads, Access, Pedestrian and Cycleways	This section's objective is to provide adequate road networks, functioning, traffic and speeds as well as safe and appropriate access to traffic, pedestrians and public that is convenient.	Existing access to the dwelling on-site will remain at completion of the subdivision. Access to Lot 1 & 2 will be via Grange Avenue creating new street frontages to the east of the site.	Yes

MDCP 2011	Controls	Review/Response	Comply
DC.7 Crime Prevention – Safer by Design	These sections objectives are to achieve effective design of subdivisions to reduce crime.	The proposal will not create opportunity or increase the potential risk of crime/criminal behaviour in the locality. The proposal is adequately designed for the locality and is in context. Crime Prevention is not considered to be impacted by the proposed layout and satisfies the objectives of this development control.	Yes
DC. 8 Site Filing	The objective of this section is to ensure fill is properly assessed.	No fill or associated earthworks is proposed.	N/A
DC. 9 Reticulated Services (Waste/Sewer/Electricity/Telecommunications)	The objective of this section is to provide utilities and services to new lots in an efficient manner.	Each Lot has the ability to be connected to reticulated sewer, telecommunications, gas, internet and electricity noting that no change to the existing site arrangements servicing the dwelling on Lot 3 will occur as part of this application.	Yes
IC.1 Entry Features	The objective of this section is to ameliorate cumulative visual impact of entry features	No entry features are required or proposed given the small scale nature of the subdivision.	N/A
IC. Street Names	Street names to be approved by council	Not applicable to this proposal.	N/A
IC.3 House numbering	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	Yes

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

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

3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City Council in accordance with the Approved Form, per the *Environmental Planning Assessment Regulation 2021* (EPA Regulation). Assessment against the Approved Form is provided in **APPENDIX 1**.

3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

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

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

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

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

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

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

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1.1 BUILT ENVIRONMENT

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

Context & Setting

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

The existing dwelling, proposed to be retained on Lot 3 maintains sufficient setbacks to the created Lot boundaries, and also maintains generous private open space compliant with the DCP.

Visual Impact

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

Access, Transport & Traffic

Access to the existing dwelling will continue to be provided via Hermitage Close. Access to the proposed Lot 1 and 2 will be via Grange Avenue. The proposal will not result in any significant impacts to access, traffic, or transport in the area.

Public Domain

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

Services

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

Safety, security and crime prevention

No safety, security or crime prevention measures are required.

4.1.2 NATURAL ENVIRONMENT

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

Ecology

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

Landscaping

No landscaping works are proposed or required given the small-scale nature of the proposal. All existing landscaping will remain.

Noise and vibration

No construction or built works are proposed.

Stormwater management

No construction or built works are proposed.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by providing additional residential allotments to support a growing population within the Maitland Local Government Area, consistent with the aims and objectives of the Hunter Regional Plan, local strategies and the DCP. The proposed subdivision enables the logical and economic management the land, whilst protecting the natural attributes of the land.

Hunter Regional Plan 2036 identifies the need to investigate infill housing in the longer term as this will also revitalise existing suburbs and neighbourhoods (p63 and 65). Infill housing is seen as a regional priority. The Maitland Urban Settlement Strategy 2012 (MUSS) also shows the disparity between greenfield and brownfield (infill) housing and identifies the need to reduce this. Infill housing is proposed as a great opportunity to provide more accessibility to transport, existing services and facilities while also ensuring a range of available housing types within a location. The MUSS sees “compact urban form” through infill housing as a key principle of best practice planning, however it also points out the issues associated with it like change of local character or impact on infrastructure. These issues have been addressed previously and have been found to be well mitigated by the proposal. The MUSS also sets the specific goal of reaching 25% infill housing which this proposal will help to achieve. As discussed previously the LSPS and Council also encourages more infill housing which is highlighted by it's own local planning priority (Priority 02).

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 MLEP and the MDCP. A review of the site has identified the following constraint:

- Acid sulphate soils (Class 5)

It is understood that the covenant on site was put in place by the developer at the time to allow for Lots larger than the minimum Lot size (MLS) and for single dwellings. Suspension of this restriction however can occur under the LEP, with the MLS prevailing. The current use of the site shows that the larger lot area led to cluttering of the site with ancillary structures (swimming pool, cabana, sheds), which does not achieve an activated street front, particularly on a corner lot. The proposed new lots will face Grange Avenue creating new street frontages. This will create better street activation and additional passive surveillance. The existing structure on site, a shed, is less than desirable for the character the estate is trying to achieve. New developments would also bring landscape opportunities with them increasing the appeal of the area. 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
- is consistent with both Regional and Local Planning Strategies (Hunter Regional Plan, MUSS, LSPS)
- provides new street frontages, activating the street and additional passive surveillance
- will provide new landscaping opportunities to create a high standard of amenity and design in the area
- is consistent with the objectives of the DCP
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

5.0 CONCLUSION

In conclusion, the proposal is permissible under the MLEP and is consistent with the objectives for development in the R1 General Residential zone. The proposal has been assessed against the MDCP and is consistent with the relevant provisions.

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

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



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