

# STATEMENT OF ENVIRONMENTAL EFFECTS

(Amended May 2021)

Proposed Two (2) Lot Subdivision

146 Station Lane, Lochinvar NSW 2321

(LOT 2 DP634523)

## UNIVERSAL PROPERTY GROUP PTY LIMITED



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May 2021

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## 1.0 INTRODUCTION

### 1.1 Overview

This Statement of Environmental Effects (SEE) is submitted to the Maitland City Council in support of a subdivision application (DA) in relation to 146 Station Lane Lochinvar legally known as Lot 2 DP634523.

Development Application (DA/2020/1388) has been lodged for Staged Concept Master Plan for residential subdivision into 855 Torrens Title Lots on the residential zoned part of the subject site (Lot 2 DP634523) and neighbouring properties (Lot 3 and 4 DP634523).

The main intention of lodging this application is to subdivide the RU2 and R1 zoned lands to support the proposed Torrens Title lots subdivision (DA/2020/1388) lodged with the adjoining properties.

The proposed Two (2) lot subdivision is consistent with the objectives of the R1 and RU2 zone pertaining to the site under the Maitland Local Environmental Plan (LEP) 2011.

The proposed subdivision is permissible and entirely consistent with the provision of Maitland Local Environmental Plan 2011 and generally in accordance with the Maitland Development Control Plan 2011.

This Statement of Environmental Effects (SEE) will address the proposal in the context of the applicable planning legislation and policy:

- Maitland Local Environmental Plan 2011; and
- Maitland Development Control Plan 2011.

This report provides an assessment of the environmental impacts and identifies the steps to be taken if there are any potential impacts on the environment. This report is to be read in conjunction with the following associated documents and plans prepared as a part of this DA:

- Subdivision Plan prepared by Universal Property Group Pty Ltd;
- Detailed Survey Plan prepared by De Witt Consulting Pty Ltd;
- Aboriginal Heritage Assessment Report prepared by McCardle Cultural Heritage Pty Ltd
- Geotechnical and Salinity Investigation Report prepared by Geotesta Pty Ltd
- Contamination Report prepared by Geotesta Pty Ltd
- Owner's Consent

## 1.2 Site Location & Context

The subject site (Lot 2 DP634523) is located to the west of Station Lane and a part of ‘Lochinvar – Urban Release Area’ which involves future staged residential development to the east, south and west.

The site is irregular rectangular in configuration with a frontage of approximately 253 metres to the Station Lane resulting in a total site area of approximately 411000 square metres (41.1 hectares) – (Appendix A – Subdivision Plan).

The nearest Maitland train station and The Maitland Hospital are located 12 km away from the site. There are a few schools in close proximity such as Lochinvar Public School, St Joseph’s College and St Patrick’s Primary School.

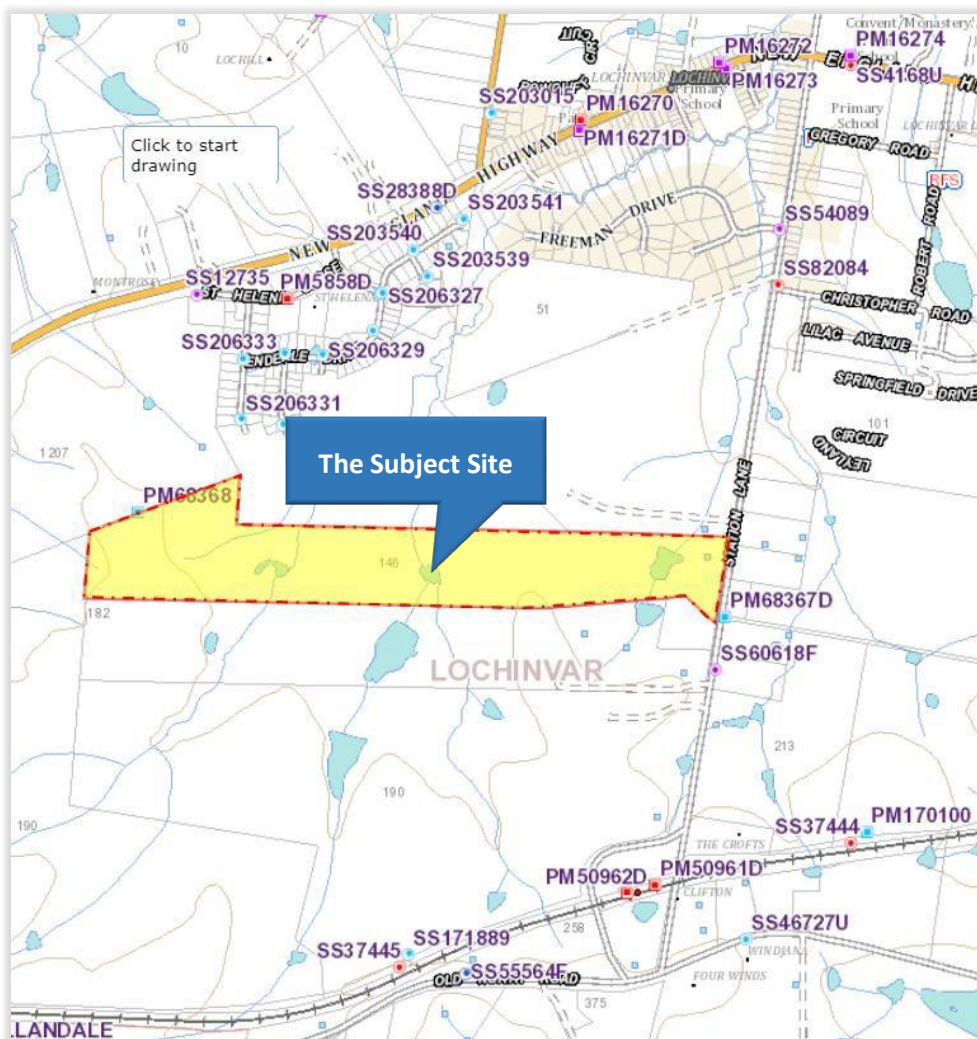


Figure 1: Locality Map (Source: Sixmaps)

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### 1.3 Existing site and Vegetation

The site is mostly vacant except for the dwelling house and sheds on the eastern side of the property (Refer Figure 2).

The site has some topographic variations and supports disturbed forest vegetation associated with Lochinvar Creek. The site is undulating with topographical features matching the drainage patterns of the area.

Available topographical maps indicate that the site lies at an elevation of approximately 48 metres above sea level reference to Australian Height Datum (AHD) (<http://en-au.topographic-map.com>).

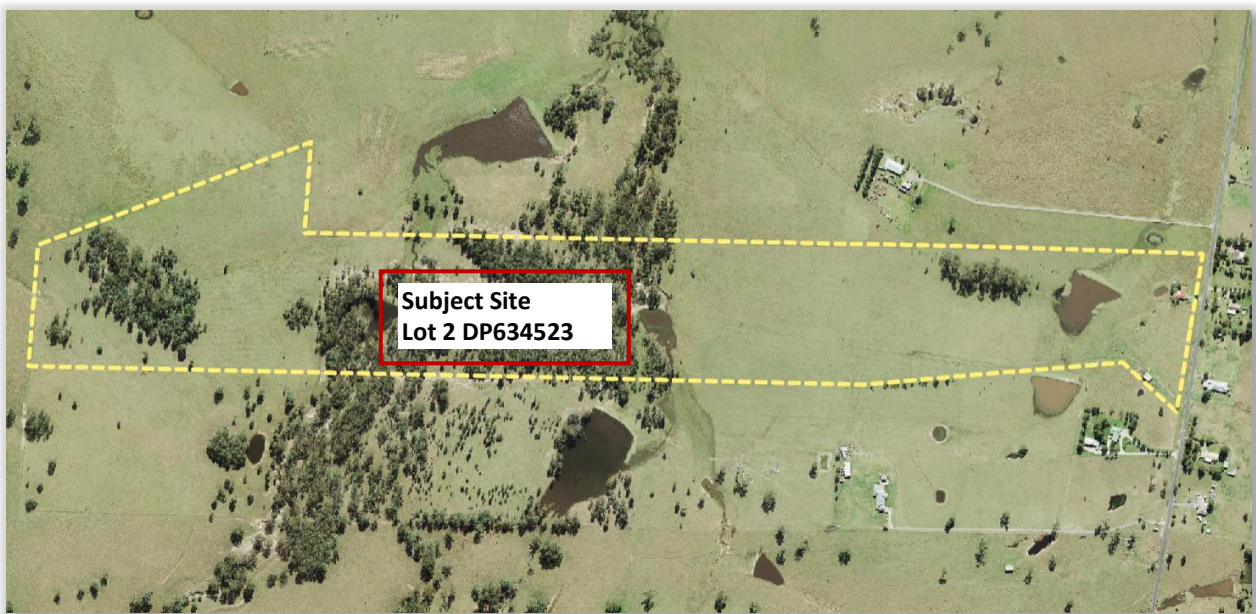


Figure 2: Existing Site and Vegetation (Source: Eplanning Spatial Viewer)

## 2.0 DEVELOPMENT PROPOSAL

This Development Application seeks development consent for the following proposal as detailed in the subdivision drawings prepared by Universal Property Group Pty Ltd.

The proposal seeks consent for:

- A) The subdivision of land into two super lots; and
- B) Associated site work, and stormwater drainage

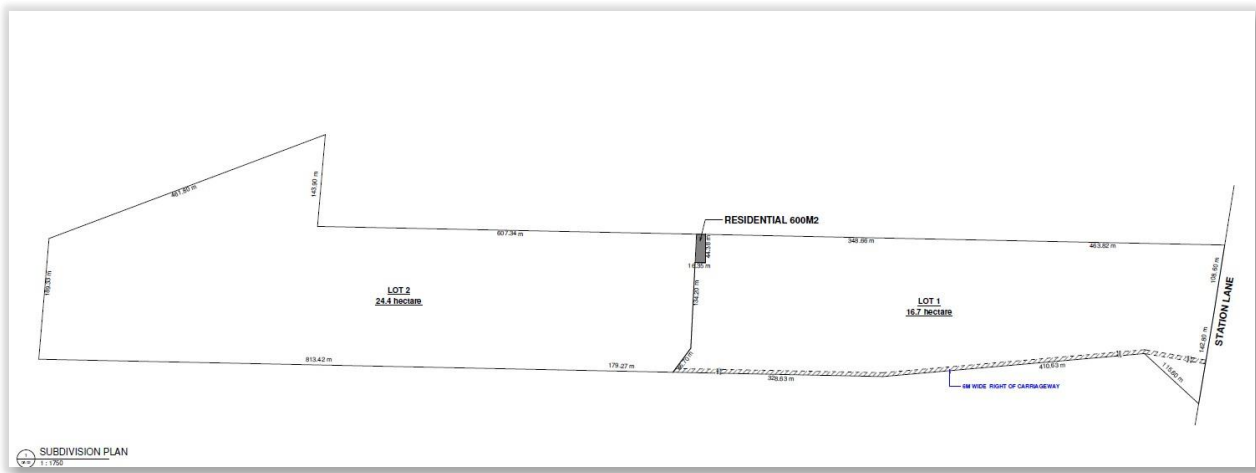


Figure 3: Plan of Subdivision (Prepared by UPG Pty Ltd)

As per the Maitland LEP, The minimum lot size allowed on the subject land is 450m<sup>2</sup> (R1) and 40 Ha (RU2).

According to the proposed subdivision plan, a small portion of R1 zoned land (600m<sup>2</sup>) need to be amalgamated with the proposed Lot 2 which satisfies the minimum lot size requirement of Maitland LEP 2011.

Table 1: A summary of the proposed Two Lot Subdivision		
Lot	Lot Size (m <sup>2</sup> )	Zoning
Proposed Lot 1 (Eastern Side)	16.7 Hectare	R1 (As per the proposed subdivision)
Proposed Lot 2 (Western Side)	24.4 Hectare	RU2 and portion of R1 zoned land (600m <sup>2</sup> )

As shown in Table 1, Proposed Lot 2 (RU2) has an area of approximately 24.4 Ha which is not supporting the minimum Lot size requirement depicted in Maitland LEP 2011.

However, as per **Clause 4.2C** of Maitland LEP, the proposed subdivision can be granted if

- (a) one of the resulting lots will contain—
  - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
  - (ii) all the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to the land.

(Extracted from Maitland LEP, 2011)



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The proposed subdivision satisfies the consideration against **Clause 4.2C** as:

- The Proposed Lot 1 (R1 zoned) has an area of 16.7 Ha which satisfies the minimum lot size requirement depicted in Clause 4.1.
- The Proposed Lot 2 (RU2 zoned) is the part of the original lot (Lot 2 DP634523)
- The resulting lots (Proposed Lot 1) where Torrens title lots subdivision (DA/2020/1388) has been proposed is consistent with the minimum lot size requirement, providing allotments with areas of 450m<sup>2</sup> and greater

The subject site is identified as part of the Lochinvar Urban Release Area. Part 6 of the LEP provides directives for Urban Release Areas.

**Clause 6.1 of the LEP** requires satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.

As per the requirement, an application to provide DPIE Satisfactory Certificate has been made and will be submitted in due course.

**Pursuant to Clause 6.2**, development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available.

Formal notice of the arrangement of water and sewer service from Hunter Water is obtained and attached as Appendix C at the end of this report.



### 3.0 STRATEGIC ASSESSMENT

The relevant environmental planning instruments and development controls plans for the subject site are:

- The Maitland Local Environmental Plan, 2011; and
- The Maitland Development Control Plan, 2011

#### 3.1 Zoning:

Under the Maitland Local Environmental Plan, the subject site is partly zoned R1 General Residential with the balance of the site zoned RU2 – Rural Landscape which permits the subdivision of land subject to Council approval.

#### R1 General Residential

##### Objectives:

- 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.

#### RU2 Rural Landscape

##### Objectives:

- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.

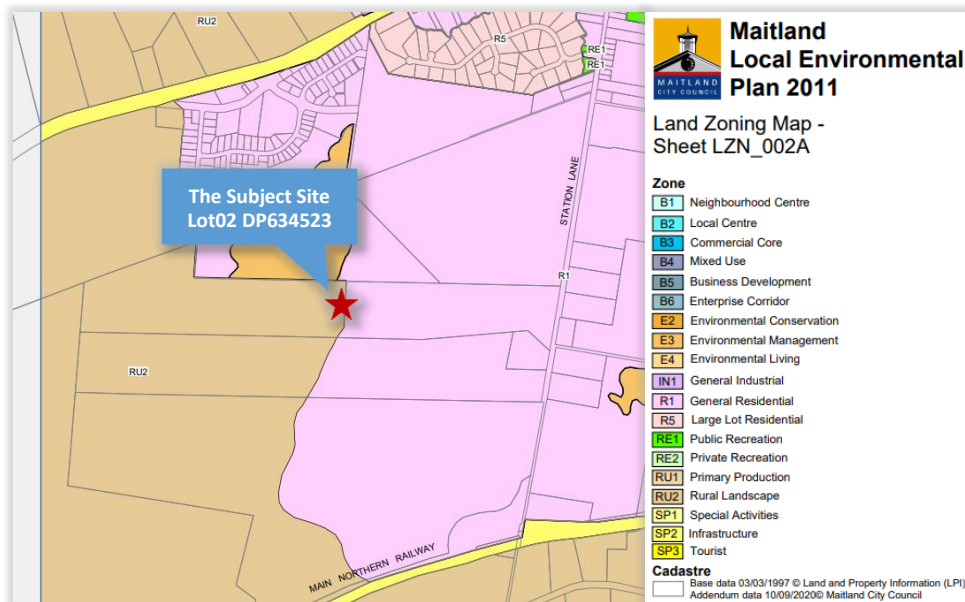


Figure 4: Land Zoning Map Sheet LZN\_002A

The proposed subdivision will ensure that the future development of the land especially R1 zoned will create a quality residential environment.

### 3.2 Minimum Lot Size:

According to the Maitland LEP 2011, the minimum lot size requirement on the subject site is 450m<sup>2</sup> (R1 Zone) and 40 Hectare (RU2 Zone). (See Figure 5).

The proposed two lot subdivision is satisfying the minimum lot size requirement considering Clause 4.2C of the Maitland LEP 2011.

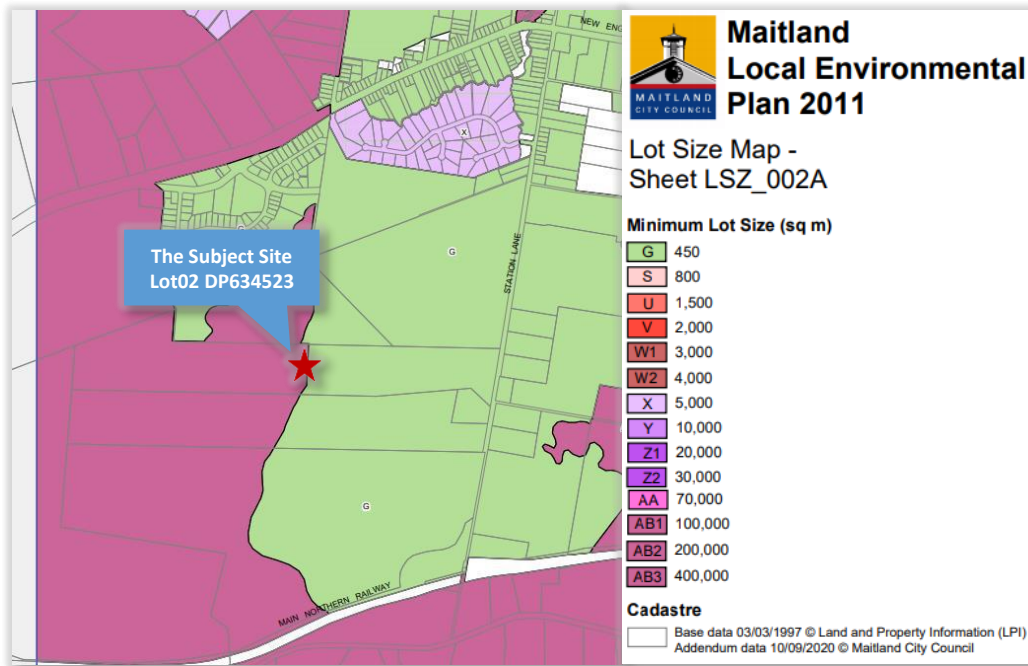
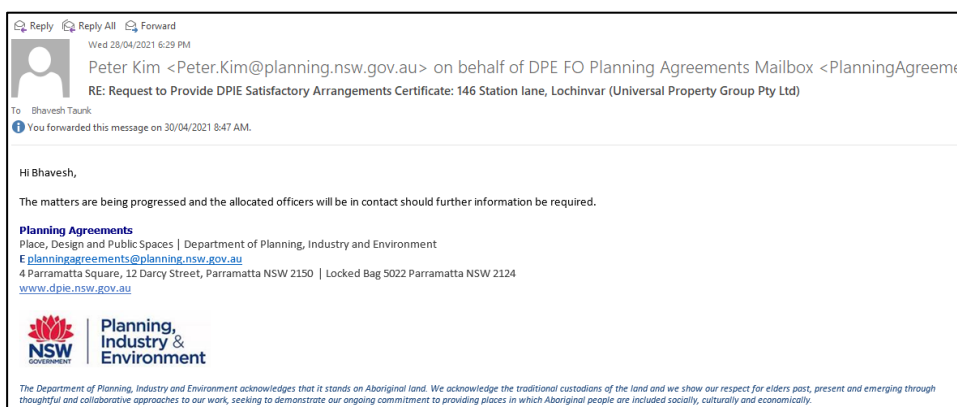


Figure 5: Minimum Lot size Map Sheet LSZ\_002A

### 3.3 Satisfactory Arrangements for State Public Infrastructure

Clause 6.1 of the LEP requires satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.

As per the requirement, an Application to provide DPIE Satisfactory Certificate has been made and will be submitted in due course.



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## 4.0 ENVIRONMENTAL PLANNING ASSESSMENT

### 4.1 Contamination:

The Site Investigation & Contamination report has been completed for the site by Geotesta Pty Ltd on 19th September 2019.

The site is not identified as being contaminated land by Council's records.

*The historic land uses are known and linked with grazing [and. Areas of concern would likely be limited to the dams associated with historic areas of unknown fill origin. A preliminary assessment against SEPP 55 - Remediation of Land will be required prior to redevelopment of the land, in this circumstance, it may be prudent to review areas of land that have been modified as they may include unknown or unrecorded fill.*

*A contamination site investigation of 51, 134 & 146 Station Lane LOCHINVAR NSW-2321 was undertaken by Geotesta to investigate the likelihood of the presence of contamination on the site. The investigations include a review of site history, a site inspection and soil sampling and analysis program. Soil sampling was performed at 58 borehole locations. Two dam water samples were also taken.*

*The results of the site inspection and sampling indicate that the site to be predominantly by topsoils overlying silty clay overlying silty sand overlying sandstone. Selected soil samples were analysed for a range of potential contaminants consisting of Heavy metals - Arsenic (As), Cadmium (Cd), Chromium (Cr), Copper (Cu), Mercury (Hg), Lead (Pb), Nickel (Ni) and Zinc (Zn), Organochlorine Pesticides (OCP)/ Organophosphorus Pesticides (OPP), Total recoverable Hydrocarbons (TRH), Polycyclic Aromatic Hydrocarbons (PAH), Benzene, Toluene, Ethyl Benzene and Xylene BTEX and Asbestos.*

*Concentrations of Organochlorine Pesticides/Organophosphorus Pesticides, TRH, PAH and BTEX are below the site assessment criteria. No asbestos was detected in soil samples.*

*Arsenic and Chromium concentrations above the site assessment criteria were detected in Locations S1, S5, BH101, BH104, COM3, COM5 and COM14. The site can be made suitable for proposed residential development provided that a RAP is developed and implemented accordingly.*

*The RAP is to provide context and a scope of works for a data gap closure investigation required to address data gaps outlined in Section 9.2.*

*A likely remediation strategy may involve the removal and offsite disposal of identified contaminated soils. Following remediation works, a validation report will be required to confirm site suitability for the proposed development. The same assessment criteria as in this report will be used.*

### 4.2 Salinity and Geotechnical Assessment

The Salinity & Geotechnical report has been completed for the site by Geotesta Pty Ltd on 19<sup>th</sup> August 2020.

Based on the Salinity and Aggressivity Assessment, The site is considered to be non-saline to slightly saline. The following table illustrates the soil salinity test results.

Sample ID	Conductivity (Ec) (1:5 Aqueous extract dS/m)	E <sub>ce</sub> <sup>1</sup> (ds/m)	Salinity Classification <sup>2</sup>
BH101 (1.0m)	0.250	2.25	Slightly-saline
BH102 (0.7m)	0.420	3.78	Slightly-saline
BH103 (1.0m)	0.220	1.98	Non saline
BH104 (0.5m)	0.300	2.7	Slightly-saline
BH105 (0.5m)	0.530	4.77	Moderately saline
BH106 (0.5m)	0.110	0.99	Non saline

For further details refer to accompanying Preliminary Salinity and Geotechnical Assessment report.

### 4.3 Heritage Assessment

The site does not contain any items of European heritage. Adjoining the land to the north west is the State listed item of Babworth House.

Two other items are listed and located within proximity of the site. These have been well documented in the context of the preparation of the strategic release of these lands and offer no significant impact for consideration in the development of this site

McCardle Cultural Heritage Pty Ltd (MCH) has been commissioned to undertake an Archaeological Due Diligence Assessment for the proposed residential subdivision.

*The following recommendations are made:*

- 1) *The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974.*
- 2) *If any section of the identified PADs will be impacted upon by any future development an archaeological subsurface investigation will be required in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), and the DECCW Code of Practice for Archaeological Investigation*

## 5.0 SECTION 4.15 - EVALUATION - STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.15 of the Environmental Planning & Assessment Act, 1979 contains the broadheads of consideration related to the assessment of development proposals.

This section undertakes an assessment of the proposal in the context of the heads of the consideration set out in Section 4.15(1) of the Environmental Planning and Assessment Act as follows:

**4.15 Evaluation** (cf previous s 79C)

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

(a) the provisions of—

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (v) (Repealed)

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

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

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

### 5.1 Section 4.15 – Any Environmental Planning Instruments:

The relevant Environmental Planning Instruments have been considered above in Section 4 of this report. The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

Specific requirements within the Maitland Local Environmental Plan 2011 for review and discussed set out in Compliance Table 1 below:

Specific Provision	LEP Clause and Proposed Development	Compliance
Clause 4.1 Minimum subdivision lot size, lot 2 DP634523 is partly in Zone R1 General Residential and partly Zone RU2 Rural Landscape.	Lot 2 DP 634523 is partly Zone R1 General Residential and partly in Zone RU2 Rural Landscape.  The minimum lot size under the lot size map for General Residential R1 is 450sqm and for RU2 is 40ha.  The application is to separate R1 and RU2 zone land and to support the current DA/2020/1388 that has been lodged to the portion R1 zoned to create a residentially zoned allotment	Yes- Complies

	adjoining the RU2 to enable a dwelling house to be erected on this residue.	
Clause 4.2C Minimum subdivision lot sizes for certain split zones Applies to the land.	<p>The proposed two lot subdivision complies with the conditions and objectives:</p> <p>The Proposed Lot 1 (R1 zoned) has an area of 16.7 Ha which satisfies the minimum lot size requirement depicted in Clause 4.1.</p> <p>The Proposed Lot 2 (RU2 zoned) is the part of the original lot (Lot 2 DP634523)</p> <p>The resulting lots (Proposed Lot 1) where Torrens title lots subdivision (DA/2020/1388) has been proposed is consistent with the minimum lot size requirement, providing allotments with areas of 450m2 and greater</p>	Yes-Complies
Clause 5.16 Subdivision of or dwellings on, land in certain rural, residential or environment protection zone-interface issues with the remaining rural lands.	<p>This clause applies to the Zone RU2 Rural Landscape.</p> <p>The proposed development complies with clause 5.16 (3) and also Clause no 5.16 (4) has been taken into consideration.</p> <p>The intention to subdivide RU2 and R1 Zone land is to enable the further subdivision of Land for Residential purpose.</p> <p>Subdivision of the proposed lot 1 under DA/2020/1388 is to be used for dwelling.</p>	Yes-Complies
Clause 7.1 Acid sulfate soils	<p>This application is just for separating RU2 and R1 zoned land.</p> <p>Current DA/2020/1388 has considered this clause and A Geotechnical and salinity investigation report, prepared by Geotesta has been submitted for Council's consideration.</p> <p>As per the Study and Acid Sulfate Risk Mapping, the site is not expected to be underlain by Acid Sulfate Souls.</p>	Yes-Complies
Clause 7.3 Flood Planning	The Flood Study Report has been submitted for DA/2020/1388 for the detailed assessment of flooding and water quality on R1 zoned land of the property. which is consistent with the Council's adopted flood study documents.	Yes-Complies

## 5.2 Section 4.15– Any Draft Environmental Planning Instruments

There are no known draft Environmental Planning Instruments applicable to the subject site.

### 5.3 Section 4.15– Any Development Control Plan

Compliance against the relevant parts of the Maitland DCP has been considered and compliance against the key and relevant features of Maitland Development Control Plan 2011, Part F9, Lochinvar Urban Release Areas is set out in Compliance Table 2 below.

DCP Control	Proposed Development
The Lochinvar URA Staging Plan is to be read in conjunction with the Lochinvar Structure Plan, the Lochinvar Section 94 Contributions Plan and the Maitland Section 94 Contributions Plan (Citywide).	This clause is not relevant to this Two lot subdivision application.  The development proposed on R1 zone land under DA/2020/1388 has considered the Lochinvar Staging Plan and Lochinvar Structure Plan. A staging plan has been prepared according to Council’s recommendations.
Development Applications will need to consider road and drainage infrastructure connection and sequencing in accordance with threshold limitations.	Formal notice of the arrangement of water and sewer service from Hunter Water is obtained and attached as Appendix C at the end of this report.
Development Applications will require evidence of satisfactory arrangements for essential services, including water and wastewater servicing.  The release of allotments will be dependent on the satisfactory provision of reticulated water and wastewater services.	In accordance with Clause 6.1 of the Maitland LEP 2011, certification from the Director-General is requested to demonstrate satisfactory arrangements have been made for state public infrastructure.  DPIE Satisfactory Certificate will be submitted in due course.
Development Applications shall incorporate road networks, stormwater detention areas, active and passive recreation areas, consistent with the overall staging and intended development outcomes for the Lochinvar URA.	This clause is not relevant to the proposed development.  However, the future development on the R1 zoned land has considered this clause.
The stormwater and water quality management controls shall be consistent with the principles of Water Sensitive Urban Design (WSUD) Targets.	The proposed development is consistent with the principles of Water Sensitive Urban Design (WSUD) Targets within the DCP.

### 5.4 Section 4.15 – Any Planning Agreement or Draft Planning Agreement under Section 93f

There are no known planning agreements that apply to the subject site or proposed development.

### 5.5 Section 4.15(1) (a) (iv) – The Regulations

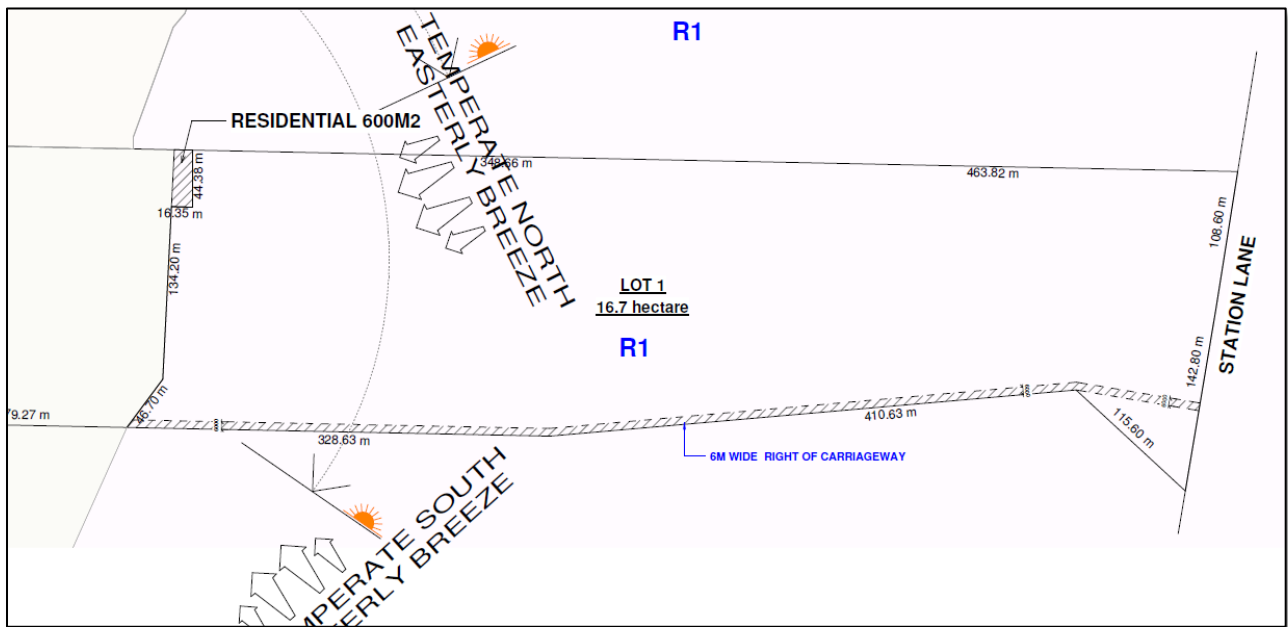
The relevant prescribed conditions of the regulations, such as the requirement for compliance with the Building Code of Australia and fire safety will be imposed as conditions of consent where applicable.



### 5.6 Section 4.15(1) (b) – The Likely Impacts of the Development

This application is just to separate the R1 and RU2 zone land to enable further the Subdivision of R1 zoned (DA/2020/1388) land for residential purpose.

As shown in the figure below, this subdivision also includes the 600sqm lot to be the part of proposed Lot 2 (RU2 zoned land). As per the requirement, a 6m wide right of the carriageway has been provided to the proposed residential 600m2 lot.



### 5.7 Section 4.15(1) (c) – Suitability of the site for development

The subject site has demonstrated the suitability of the site for the proposed development by complying with the relevant requirements of the Maitland Development Control Plan and the Maitland Local Environmental Plan 2011.

The proposed development is consistent with the zoning and intended use of the site and is compatible with the existing development and character of the area.

### 5.8 Section 4.15(1) (d) – Any submissions made in accordance with this Act or the regulations

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

### 5.9 Section 4.15(1) (e) – The Public Interest

The proposed development is consistent with the Maitland Local Environmental Plan 2011, the Maitland Development Control Plan and shall provide benefits to the public through the provision of additional housing and allotment choice, therefore it is considered appropriate in terms of the broad public interest.

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## **6.0 CONCLUSION**

It is concluded that the development proposal which seeks approval for the two (2) lot Subdivision and associated site works at 146 Station lane, Lochinvar is an appropriate and compatible form of development when assessed under headings of consideration of S.4.15 of the Environmental Planning and Assessment Act 1979, The Maitland Local Environmental Plan, 2011; and The Maitland Development Control Plan, 2011.

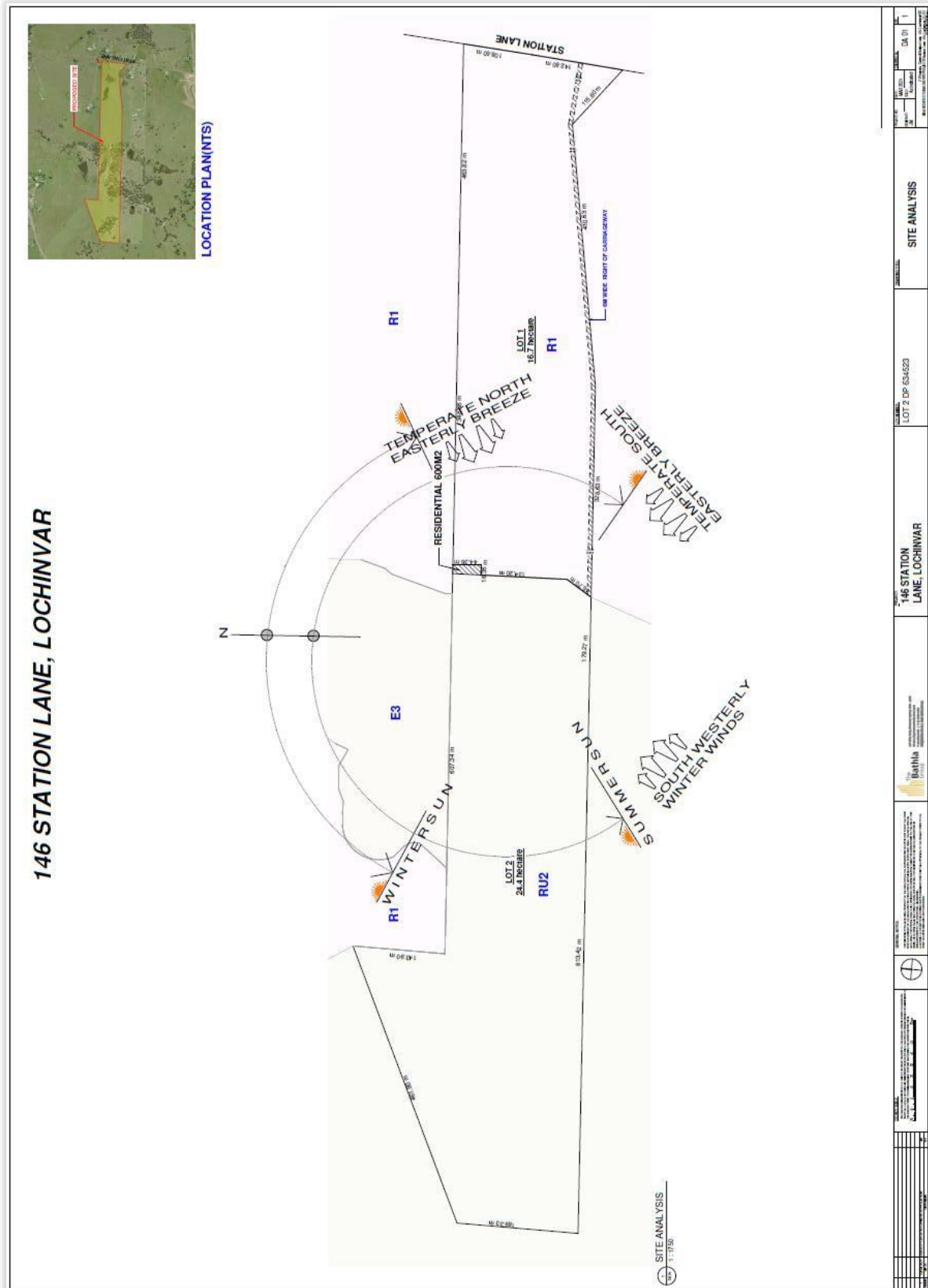
We believe the proposed lot subdivision satisfies and is generally in accordance with the planning controls embodied within The Maitland Local Environmental Plan, 2011 and The Maitland DCP 2011.

Based on the foregoing review and the subdivision plans submitted, it is recommended that the Maitland City Council approve the development application subject to standard conditions appropriate for this form of development.

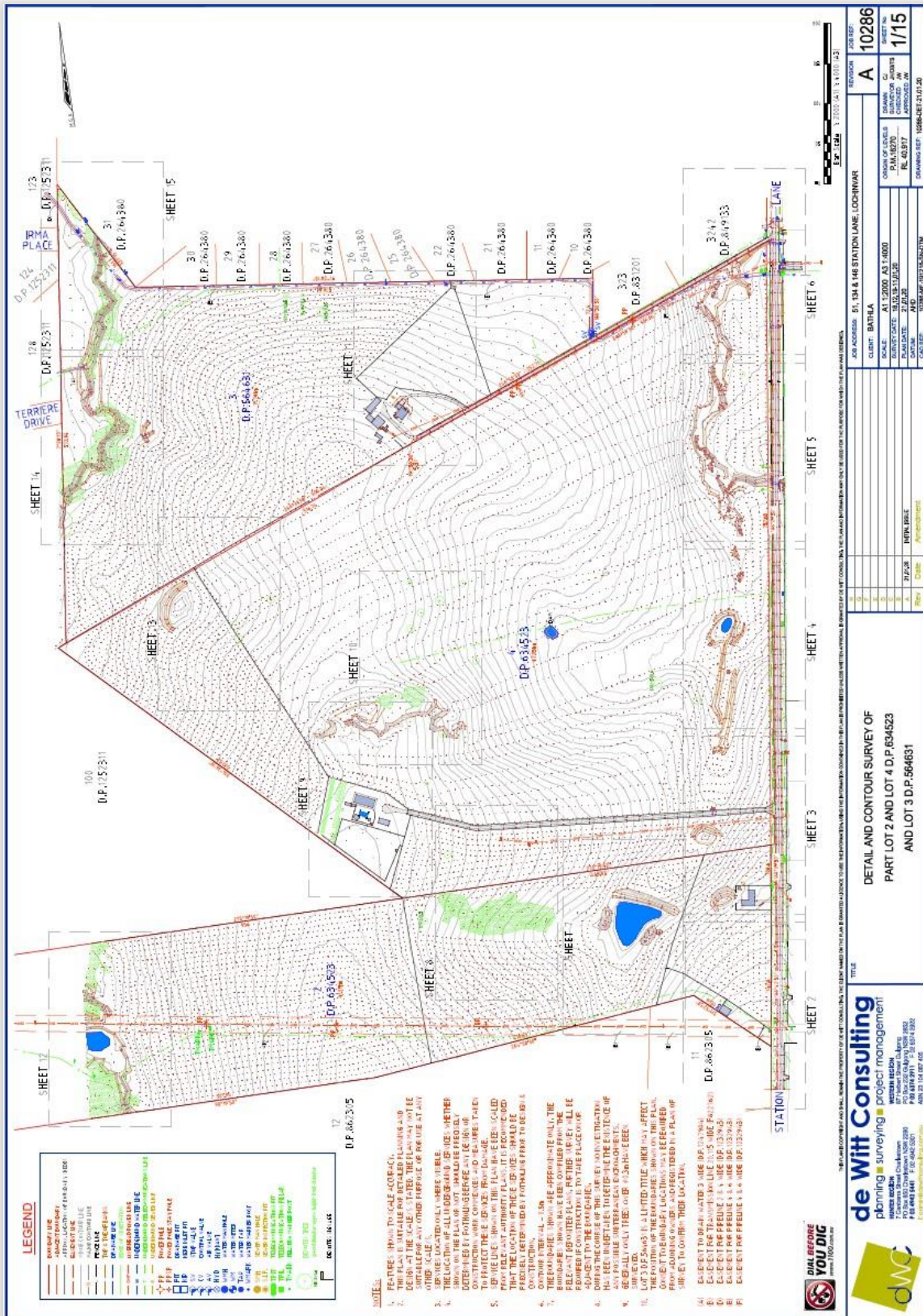
**Universal Property Group**

**10<sup>th</sup> May 2021**

Appendix A: Subdivision and Site Plan



Appendix B: Survey Plan





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Appendix C: Notice of Formal Requirements for Proposed Development (Hunter Water)



Hunter Water Corporation  
ABN 46 228 513 446

PO Box 5171  
HRMC NSW 2310  
36 Honeysuckle Drive  
NEWCASTLE NSW 2300  
1300 857 857 (T)  
(02) 4979 9825 (F)  
hunterwater.com.au

19 March 2021

Ref. 2021-297/1.006

Mr Joy Welbourne  
C/- Universal Property Group Pty Ltd  
137 Gilba Road  
Girraween NSW 2145

Attention: Bhavesh Taunk

Dear Bhavesh

**REVISED NOTICE OF FORMAL REQUIREMENTS FOR PROPOSED DEVELOPMENT**

**Hunter Water is issuing this Revised Notice to address Maitland City Council's request for formal advice on the provision of water and sewer services to the development. Hunter Water's assessment is based on the creation of two unserviced development lots to facilitate future staged development.**

Hunter Water's requirements for the subdivision of 1 lot into 2 lots at Lot 2 DP 634523, 146 Station Lane, Lochinvar to create future development lots are as follows:

**You Are Required To:**

- 1 Water and Sewer Services  
The development site the site is currently remote from Hunter Water's water and sewer services. Hunter Water has advised the Developer that Developer funded water and sewer strategies are required to determine the preferred servicing options for the ultimate Bathla Group development. Hunter Water understands that preparation of the strategies has commenced. The Developer will be required to deliver water and sewer services in the future when further subdivision occurs on each lot currently being created.
- 2 Submit the Development Consent Conditions determined by Council or the Complying Development Certificate for this specific development. Hunter Water will confirm that the final development description is consistent with the details supplied by you for this application. If there are any subsequent amendments to this development consent, Hunter Water will require you to submit a revision application.

Please note, the information shown on the plan provided with this letter may not be up to date and Hunter Water accepts no responsibility for its accuracy. Any contractor(s) or consultant(s) engaged by the developer should confirm all levels by field survey.

These requirements are valid for 12 months from the date of this letter and are specific to this development. All fees and charges are subject to adjustment using the Consumer Price Index (CPI) adjustment on 1 July each year.