

9 August 2021

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Maitland City Council
PO Box 220
Maitland NSW 2320

Attention: General Manager

Dear Sir/Madam

Statement of Environmental Effects
96 Belmore Road, Lorn NSW 2320
Alterations, Additions and Change of Use - Single Dwelling to Single Dwelling and Secondary Dwelling

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by SLR Consulting on behalf of Olivia Sharpe for alterations, additions and change of use, to convert an existing single for the purpose of a single dwelling with secondary dwelling located at 96 Belmore Road, Lorn NSW 2320.

This SEE describes the site, its environs, the proposed development and provides an assessment of the proposed development in terms of the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). It should be read in conjunction with the supporting documentation and architectural drawings appended to this SEE.

2 Site Analysis

The proposed works are subject to an existing dwelling, located at 96 Belmore Road, Lorn NSW 2320 (the site). The site is located in the Local Government Area (LGA) of Maitland City Council and is legally identified as Lot 2 in DP1243806.

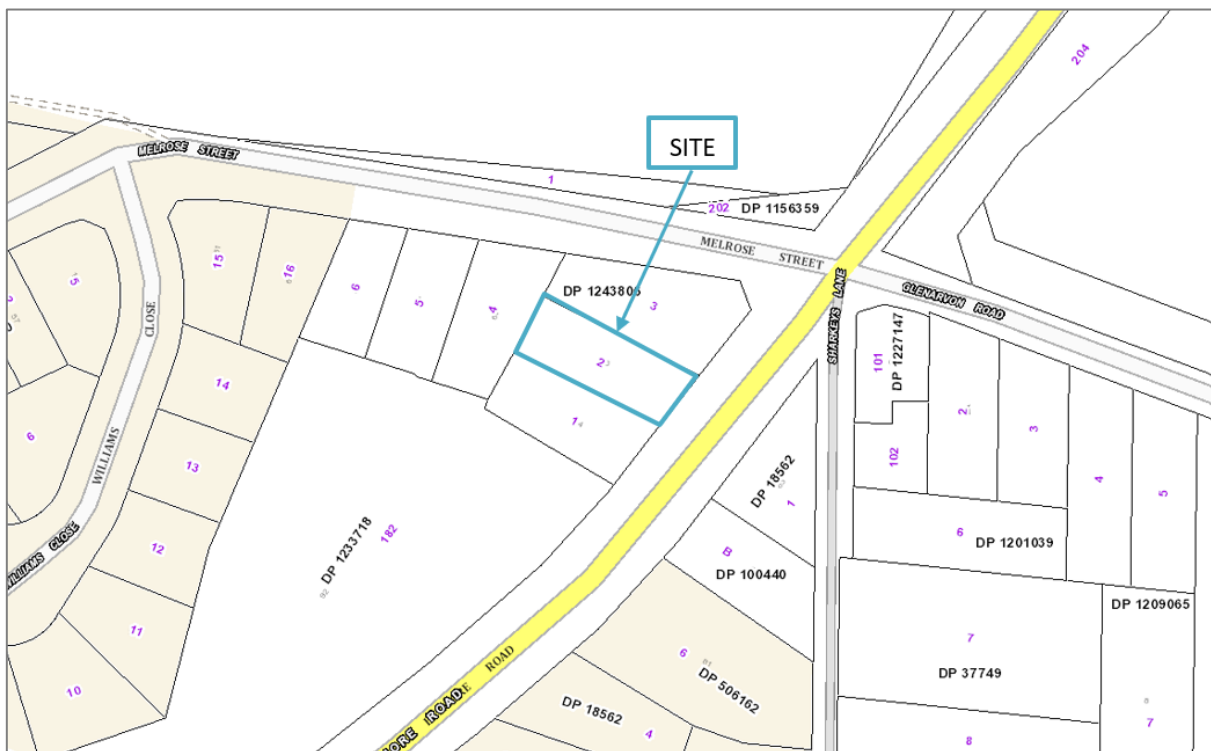
The site located along the western side of Belmore Road with battleaxe access from Melrose Street. The site is irregular in shape and has an area of 619.1m². The site currently contains a single storey residential dwelling, including detached garage, carport and landscaping. The battleaxe from Melrose street provides access to the directly adjoining northern and southern properties. Refer to Figures 1 and 2 for a site aerial and cadastral plan.

The development within the vicinity of the site is predominantly residential dwellings. The site shares a boundary to the south and north with residential lots, while land across Melrose Street is currently developed for agricultural purposes within the RU1 Primary Production zone. Belmore Road is a classified road, hence access to the site is taken from Melrose Street.

Figure 1 Site Aerial (Source: Nearmap, June 2021)



Figure 2 Cadastral Plan (Source: Six Maps)



3 Proposal

This section of the report provides a detailed description of the proposed alterations and additions to the site.

3.1 Elements of the Proposed Development

- Internal alterations including:
 - Closing in an internal door; and
 - Installing a kitchen.
- Change of Use - New secondary dwelling, ancillary to the existing primary dwelling.

Refer to Appendix A for the full details and Architectural Plans prepared by Urban Living.

The proposal seeks to establish a secondary dwelling at the site through the existing infrastructure and structures available. No change to the built form is proposed and a dedicated parking space is provided in the existing car port alongside the double garage. The alterations and additions will optimise the development to cater for an additional household with changing the built form and thereby having little to no affect on the amenity of the area.

3.2 Access and Parking

There are no alterations to the existing access location to the site which will be from the battleaxe driveway via Melrose Street. No alterations are required to provide separate access to the dwelling as access is provided from the front deck.

Parking for the secondary dwelling will be accommodated at the existing carport adjacent to the double garage.

3.3 Private Open Space

The secondary dwelling has direct access to a rear verandah and a front deck, making for adequate private open space. No changes to the landscaping at the site are proposed under this application.

3.4 Stormwater

There are no changes to the existing stormwater system on site under this proposal. The proposal will utilise the existing structures in place to ensure the development will not negatively impact the stormwater management system.

4 Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPI's) and Development Control Plan (DCP) are relevant to the proposed application and have been addressed below:

- Environmental Planning and Assessment Act 1979;
- State Environmental planning Policy 55 (Remediation of Land);
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

- Maitland Local Environmental Plan 2011; and
- Newcastle Development Control Plan (DCP) 2012.

4.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

The proposal is subject to the provision of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Section 4.15 of the EP&A Act 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

4.2 State Environmental Planning Policy 55 (Remediation of Land)

Clause 7 of SEPP 55 states that 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.*

Given the proposal is not changing from a residential use, which has been previously approved by Council, it is considered that the site is suitable for the proposal.

4.3 State Environmental Planning Policy (Affordable Rental Housing) 2009

Part 2 of the Affordable Rental Housing (ARH) SEPP 2009 applies to the development as it involves new affordable rental housing. Secondary dwellings are included at Division 2 where:

22 Development may be carried out with consent

- (1) Development to which this Division applies may be carried out with consent.*
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) A consent authority must not consent to development to which this Division applies unless—*
 - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
 - (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds—

(a) site area

if—

(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or

(ii) the site area is at least 450 square metres,

(b) parking

if no additional parking is to be provided on the site.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

The proposed development results in a principal and secondary dwelling. The proposal does not include any change to the total floor area and the secondary dwelling is only 53.11m². The site is approximately 600m² and no new parking is provided. Accordingly, the proposal is consistent with the requirements of SEPP (ARH).

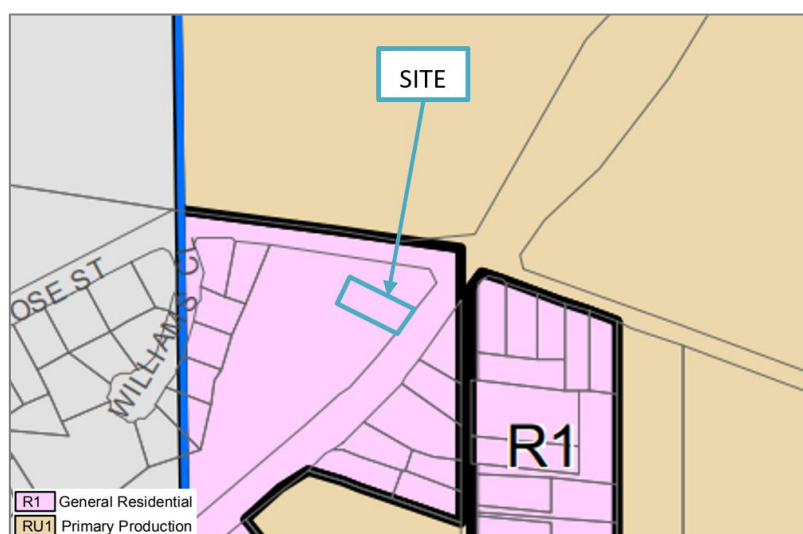
4.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been obtained for the existing development; this is appended to this SEE at **Appendix B**. All relevant BASIX commitments are indicated on the architectural drawings. Furthermore, the architectural plans have been certified and stamped by Urban Living Solutions, located at **Appendix A**.

4.5 Maitland Local Environmental Plan 2011

Under the Maitland Local Environmental Plan (LEP) 2011, the site is identified as being in a R1 General Residential zone (refer to Figure 5).

Figure 3 Land Zoning Map Extract (LZN_004C)



Zone R1 General Residential

1 Objectives of zone

- 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.

2 Permitted without consent

Home occupations

3 Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; **Any other development not specified in item 2 or 4***

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

This development application seeks to make alterations and additions to the existing dwelling to facilitate a secondary dwelling. A 'secondary dwelling' is not specified and therefore is permitted with consent by virtue of 'any other development not specified in item 2 or 4'. Further to this it is considered the proposal meets the objectives of the R1 zone.

The proposal is for internal works only and therefore will not change compliance with and clauses under Part 4 of the LEP. It is noted however, that the site is within a heritage conservation area and therefore subject to Clause 5.10. Notwithstanding the establishment of a secondary dwelling at the site within the existing development footprint will not change the amenity of the area or the effect the site has on the heritage character. The development is also subject to Clause 5.4, which is addressed below.

Clause 5.4 Controls relating to miscellaneous permissible uses

The site is within the R1 General Residential Zone. Under clause 5.4, subclause 9 applies to the development which requires that:

(9) Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

The proposed secondary dwelling is approximately 53.11m² where the remaining primary dwelling will be 123.43m². Therefore the secondary dwelling is less than 60m² and only 43% of the total floor area of the principal dwelling and complies with the clause.

4.6 Maitland Development Control Plan 2011 (DCP)

The Maitland DCP 2011 has been reviewed in respect of the proposal and found that there are no specific parts relating to secondary dwellings. Given there are also no external changes to the building, the proposal remains consistent with the requirement of the DCP 2011. The proposal is considered to uphold the compliance established by the approved dwelling and is in line with the purpose of the Maitland DCP 2011.

5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15 (1) of the EP&A Act 1979 which are relevant to the proposal.

5.1 Traffic and Parking

The proposal is not anticipated to significantly change the traffic generation at the site. One additional traffic movement may be expected each peak period which is considered reasonable and can be easily accommodated by the battleaxe driveway and Melrose Street.

Parking will be accommodated within the existing carport space adjacent to the double garage, resulting in one car parking space dedicated to the secondary dwelling and two spaces within the existing double garage for the principal dwelling. Overall three (3) car parking spaces are proposed which is considered appropriate. There is also a small forecourt area adjacent to the garage which is sufficient to support visitor parking on occasion.

5.2 Visual Impact

The proposed works will not result in any adverse impacts to the surrounding visual amenity of the site. As the proposed works are minor and internal only, visual amenity will not be impacted.

5.3 Noise

The minor alterations and additions to the existing dwelling and introduction of a secondary dwelling does not increase the capacity for people living at the site, as the secondary dwelling will utilise an existing bedroom, and will therefore not cause unreasonable impacts to the surrounding developments in regard to noise. Any minor impacts during construction will be addressed through mitigating measures that will be in place to minimize potential noise impacts.

5.4 Stormwater

The proposed works do not comprise changes to the extent of impermeable surface, existing levels or to the existing stormwater drainage system.

5.5 Waste Management

Waste during the construction phase of development will be minimal given the minor scope of building works proposed to take place.

To facilitate the operation of the secondary dwelling, the proponent will apply for a separate waste service, including an additional bin set. Adequate space is available adjacent to the proposed secondary dwelling to store an additional bin set.

6 Conclusion

The proposed alterations and additions to the existing dwelling at 96 Belmore Road, Lorn are considered to discretely facilitate the development of a secondary dwelling. The proposal is minor in nature and not considered likely to create any adverse impacts in terms of traffic, access, visual impact or amenity.

As discussed in the above report, the proposed development is consistent and compliant with the aims and objectives of all relevant planning instruments and controls, in that it is compliant with the relevant development standards Maitland LEP 2011.

Through the proposal's merits and absence of any significant adverse environmental impacts, the DA is considered to be in the public interest and recommended for Council approval, subject to standard conditions of consent.

We thank you for the opportunity to lodge this application and look forward to timely development consent. Should you have any questions please do not hesitate to contact the undersigned.

Yours sincerely



ROXANNE RICHARDSON
Project Consultant - Planning