



# STATEMENT OF ENVIRONMENTAL EFFECTS

## Torrens Title Subdivision, New Roads, Basins, Associated Infrastructure

457, 463, 501, 507 & 527 Cessnock Road, Gillieston Heights  
Lot 1 DP302745, Lot 2 DP302745, Lot 1 DP 311179, Lot 1 DP 601226, and Lot 2 DP 601226

Date June 2023



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|----------------------|------------------------------|
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| <b>Date</b>          | June 2023                    |
| <b>Document Name</b> | SEE South Gillieston Heights |
| <b>Version</b>       | Final V1                     |

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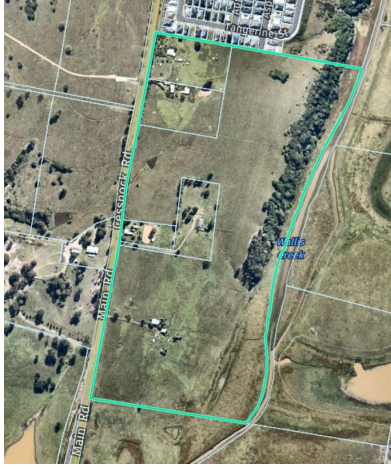
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# 1.0 Summary

## Development application details

|                                  |   |
|----------------------------------|---|
| <b>Proposed development</b>      | <p>Residential subdivision to create 322 residential lots and includes the following works:</p> <ol style="list-style-type: none"> <li>a. demolition of existing dwellings and ancillary structures, and removal of vegetation;</li> <li>b. construction of retaining walls and associated earthworks, including regrading of the site.</li> <li>c. stormwater basins and associated drainage works</li> <li>d. footpaths and roads;</li> <li>e. landscaping and fencing; and</li> <li>f. servicing.</li> </ol>   |
| <b>Documents accompanying DA</b> | <p><b>Admin:</b></p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Owner's Consent – <ul style="list-style-type: none"> <li>○ Walker Gillieston Heights Pty Ltd</li> <li>○ 527 Cessnock Road, Gillieston Heights</li> </ul> </li> <li>• DA submission checklist</li> <li>• Political Gift Disclosure Statement</li> </ul> <p><b>Plans:</b></p> <ul style="list-style-type: none"> <li>• Existing Site Survey Plan</li> <li>• Subdivision Plan</li> <li>• Staging Plan</li> <li>• Land Use Plan</li> <li>• Engineering Plans</li> <li>• Demolition Plans</li> <li>• Landscape Plans</li> <li>• Solar Access Diagrams</li> </ul> <p><b>Reports:</b></p> <ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Cost of Works Summary</li> <li>• Water and Sewer Cycle Management</li> <li>• Urban Design Report</li> <li>• Aboriginal Cultural Heritage Assessment Report</li> <li>• Traffic Impact Assessment</li> <li>• Detailed Site Investigation</li> <li>• Geotechnical Report</li> <li>• Earthworks Strategy Report, including Site Investigations</li> <li>• Streamlined Biodiversity Development Assessment Report</li> <li>• Bushfire Assessment Report</li> <li>• Acoustic Assessment</li> <li>• Design Guidelines</li> <li>• Biodiversity Management Plan</li> <li>• Riparian Assessment Report</li> </ul> |
| <b>Type of approval sought</b>   | <p>Development Consent pursuant to Section 4.16(1)(a) <i>EP&amp;A Act 1979</i> –</p> <p><i>"A consent authority is to determine a development application by: (a) granting consent to the application, either unconditionally or subject to conditions..."</i></p>  |
| <b>Site address</b>              | <p>457, 463, 501, 507 and 527 Cessnock Road, Gillieston Heights</p>   |

|                           |  |
|---------------------------|--|
| Real property description | Lot 1 DP 302745, Lot 2 DP 302745, Lot 1 DP 311179, Lot 1 DP 601226, Lot 2 DP 601226 (“The Site”)   |
| Site area                 | 43.57ha  |
| Site Plan                 |   |
| Cost of works             | \$28,500,642 (Construction Cost) / \$29,868,396 (CIV)  |
| Owner                     | Walker Gillieston Heights Pty Ltd  |
| Applicant                 | Walker Gillieston Heights Pty Ltd  |
| Consent authority         | CI 1.6 of the MLEP 2011 nominates the Council as the consent authority for the purpose of the LEP, subject to the provisions of the <i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i> . |
| Contact                   | <p>Sam Smith<br/> Walker Corporation Pty Limited<br/> GPO Box 4073, Sydney NSW 2001<br/> Tel: 0439 805 876<br/> E: <a href="mailto:sam.smith@walkercorp.com.au">sam.smith@walkercorp.com.au</a></p>        |

## Planning Assessment Details

| ASSESSMENT MATTERS  | STATUS / COMMENT   |
|---|--|
| Assessment Manager  | Maitland City Council  |
| Consent Authority   | Maitland City Council  |
| Concept DA  | No   |
| Crown Development   | No   |
| State Significant Development   | No   |
| Integrated Development  | Applicable.  |
| <i>National Parks and Wildlife Act 1974</i>                           | Yes. An Aboriginal Heritage Impact Permit (AHIP) is required for the development of the Site under s90 of the <i>National Parks and Wildlife Act 1974</i> relates to AHIPS.  |
| <i>Roads Act 1993</i>   | Yes. Consent is required to connect a road to a classified road under s138 of the <i>Roads Act 1993</i> .  |
| <i>Rural Fires Act 1997</i>   | Yes. The Site is mapped as Bushfire Prone Land, and a bushfire safety authority is required under s100B of the <i>Rural Fires Act 1997</i> .   |
| <i>Water Management Act 2000</i>                                      | Yes. The development is a controlled activity under s91 of the <i>Water Management Act 2000</i> , and a referral to the NSW Office of Water is required.   |
| Critical Habitat  | No   |
| Threatened Species  | No   |
| Biodiversity Assessment   | Applicable.<br>The NSW Biodiversity Values Map shows the Site as located outside the land mapped as "Biodiversity Values".<br>The Site is mapped as Coastal Environment Area and Coastal Use Area.   |
| State Planning Policies   | SEPP – Transport and Infrastructure 2021<br>SEPP – Biodiversity and Conservation 2021<br>SEPP – Planning Systems 2021<br>SEPP – Resilience and Hazards 2021  |
| SEPP (Transport and Infrastructure) 2021<br>Infrastructure            | Complies.<br>Division 12A Pipelines and pipeline corridors: Subdivision 2 Development adjacent to pipeline corridors requires consideration of potential safety or risks to the pipeline's integrity from the proposed development.<br>Division 17 Roads and traffic: Subdivision 2 Development with frontage to classified road requires consideration of potential impacts resulting from the proposed development.<br>Schedule 3 Traffic-generating development to be referred to TfNSW requires a referral to TfNSW of a subdivision for more than 50 lots with access to a classified road.   |
| SEPP (Biodiversity and Conservation) 2021<br>Koala Habitat Protection | Complies.<br>The Site is considered to be core koala habitat as it has an area of more than 1ha and contains vegetation that are koala use trees.<br>Two SAT surveys, numerous koala call playbacks and nocturnal surveys were undertaken on 31/08/2022 and 01/09/2022 and did not result in the identification of evidence of site use by Koalas. Additionally, there have been no records of koalas within 2.5km of the Site over the last 18 years. Given the degraded and cleared nature of the site, coupled with the fact that the proposal will only remove 0.40ha of remnant vegetation, this allows for the conclusion that the proposed development is unlikely to result in any impact on koalas. |



| ASSESSMENT MATTERS   | STATUS / COMMENT   |
|--|--|
| <p>SEPP (Planning Systems) 2021<br/>State and Regional Development</p> <p>Concurrence and Consents</p>   | <p><b>Noted.</b> The proposed development is not considered regionally significant development as it is not outside the "metropolitan coastal zone" or considered a "sensitive coastal location".</p> <p><b>Noted.</b></p>   |
| <p>SEPP (Resilience and Hazards) 2021<br/>Coastal Management</p> <p>Remediation of Land</p>  | <p><b>Complies.</b></p> <p>The Site is partially mapped as Coastal Environment Area and Coastal Use Area; as such, the Council must consider the likelihood of an adverse impact on the coastal environment. The development has been designed and sited to actively avoid any impacts on the coastal environment. Additionally, the stormwater management plan includes provisions for water sensitive urban design that results in a development that exceeds Council's water quality targets.</p> <p><b>Complies.</b></p> <p>The proposal is supported by an Earthworks Strategy that addresses the possibility of contamination on the Site and provides recommendations to be included during the construction stage to ensure the Site is suitable for residential development.</p>  |
| <p><b>Maitland LEP 2011</b></p> <p>Objectives/Aims</p> <p>Land Use Table – Zone</p> <p>Subdivision</p> <p>Demolition</p> <p>Minimum subdivision lot size</p> <p>Minimum subdivision lot size – community title</p> <p>Exceptions to minimum lot sizes in zone R1</p> <p>Rural subdivision</p> <p>Erection of dwelling houses on land in certain rural and environmental protection zones</p> <p>No strata plan subdivision in certain rural, residential or environmental protection zones</p> <p>Minimum subdivision lot sizes for certain split zones</p> <p>Height of buildings</p> | <p><b>Complies.</b> The proposal is consistent with the relevant zone objectives and permissible with consent.</p> <p><b>R1 General Residential</b> – DA is consistent with the objectives of the R1 zone, providing for the community's housing needs with a variety of types and densities. The proposal is permissible with consent in the zone.</p> <p><b>RU2 Rural Landscape</b> – DA is generally consistent and proposes some drainage and minor batter works within this zone.</p> <p><b>C2 Environmental Conservation</b> – DA proposes no works within this zone.</p> <p><b>C3 Environmental Management</b> – DA proposes some drainage and minor batter works in this zone.</p> <p>Permissible with consent. DA complies.</p> <p>Permissible with consent. DA complies.</p> <p><b>R1 General Residential</b> – 450m<sup>2</sup> – DA complies</p> <p><b>RU2 Rural Landscape</b> – 40ha – Inconsistency justified.</p> <p><b>C2 Environmental Conservation</b> – 40ha – Inconsistency justified.</p> <p><b>C3 Environmental Management</b> – 40ha – Inconsistency justified.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p><b>Complies.</b></p> <p>Not applicable.</p> |

| ASSESSMENT MATTERS   | STATUS / COMMENT   |
|--|--|
| Floor space ratio  | Not applicable.  |
| Calculation of floor space ratio and site area   | Not applicable.  |
| Exceptions to development standards  | Not applicable.  |
| Development on land intended to be acquired for public purposes  | Not applicable.  |
| Classification and reclassification of public land   | Not applicable.  |
| Development near zone boundaries   | Not applicable.  |
| Controls relating to miscellaneous permissible uses  | Not applicable.  |
| Controls relating to secondary dwellings on land in a rural zone   | Not applicable.  |
| Architectural roof features  | Not applicable.  |
| Development below mean high water mark   | Not applicable.  |
| Conversion of fire alarms  | Not applicable.  |
| Dwelling house or secondary dwelling affected by natural disaster  | Not applicable.  |
| Heritage conservation  | <p>Complies.</p> <p>The Aboriginal Cultural Heritage Assessment Report has identified seven previously unknown Aboriginal archaeological sites and one known site within close proximity to the Site.</p> <p>An Aboriginal Cultural Heritage Assessment has been undertaken to consider these sites, and following development consent, an Aboriginal Heritage Impact Permit will be sought.</p> |
| Bush fire hazard reduction   | Noted.   |
| Infrastructure & buildings of the Crown  | Not applicable.  |
| Eco-tourist Facilities   | Not applicable.  |
| Siding Spring Observatory – maintaining dark sky   | Not applicable.  |
| Defence Communications facility  | Not applicable.  |
| Subdivision of, or dwellings on, land in certain rural, residential or conservation zones                  | Complies.  |
| Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations | Not applicable.  |
| Intensive livestock agriculture  | Not applicable.  |
| Pond-based, tank-based and oyster aquaculture  | Not applicable.  |
| Standards that cannot be used to refuse consent—playing and performing music                               | Not applicable.  |
| Flood planning   | Not applicable.  |
| Special flood considerations   | Not applicable.  |
| Arrangements for designated State public infrastructure  | Capable of compliance.   |

| ASSESSMENT MATTERS   | STATUS / COMMENT   |
|--|--|
| Public utility infrastructure  | Complies.  |
| Development control plan   | Complies.  |
| Relationship between Part and remainder of Plan  | Noted.   |
| Acid sulfate soils   | Complies.  |
| Earthworks   | Complies.  |
| Riparian land and watercourses   | Complies.  |
| Significant extractive resources   | Not applicable.  |
| Location of sex services premises  | Not applicable.  |
| Certain development at Racecourse Road, Rutherford   | Not applicable.  |
| Certain development at Racecourse Road, Rutherford   | Not applicable.  |
| <b>Development Control Plan</b>  | <b>Maitland Development Control Plan 2011</b>  |
| Compliance – DCP   | Compliance achieved. Any inconsistencies have been appropriately justified.  |
| <b>Environmental Planning &amp; Assessment Act 1979 – S.4.14 – Certain bush fire prone land.</b> | <b>Bush fire prone land</b><br>The subject site is within an area mapped as Bushfire Prone land. A Bushfire Assessment Report by Building Code & Bushfire Hazard Solutions Pty Ltd has been prepared in accordance with s.4.14(1)(a) of the EP&A Act 1979 and accompanies the DA. The report recommends the development should be granted a Bushfire Safety Authority subject to conditions. |
| <b>Advertising</b>   | <b>Advertising / Notification of DA</b> period of 28 days (nominated integrated development) under EP&A Act 1979 – Schedule 1, Part 1, Division 2.   |

## Referral Agencies

| Referral requirement                          | Referral agency and role   |
|---|--|
| Integrated Development – S.4.46 EP&A Act 1979 | <p>Department of Premier and Cabinet - National Parks and Wildlife Act - An Aboriginal Heritage Impact Permit (AHIP) is required to develop the Site, and s90 of the NPW Act relates to AHIPS.</p> <p>Transport for NSW - <i>Roads Act 1993</i> - Consent is required to connect a road to a classified road under s138 of the <i>Roads Act 1993</i>.</p> <p>Rural Fire Service – <i>Rural Fires Act 1993</i> – the Site is mapped as Bushfire Prone Land. A bushfire safety authority is required under s100B of the <i>Rural Fires Act 1997</i> for subdivisions of land that could lawfully be used for residential or rural residential purposes.</p> <p>NSW Office of Water - <i>Water Management Act 2000</i> - The development is a controlled activity under s91 of the <i>Water Management Act 2000</i>, and a referral to the NSW Office of Water is required.</p> |
| Other Concurrence                             | <p>Transport for NSW - State Environmental Planning Policy (Infrastructure) 2007 – Clause 2.119 Development with frontage to a classified road</p> <p>Transport for NSW - State Environmental Planning Policy (Infrastructure) 2007 – Clause 2.122 Traffic-generating development</p>  |

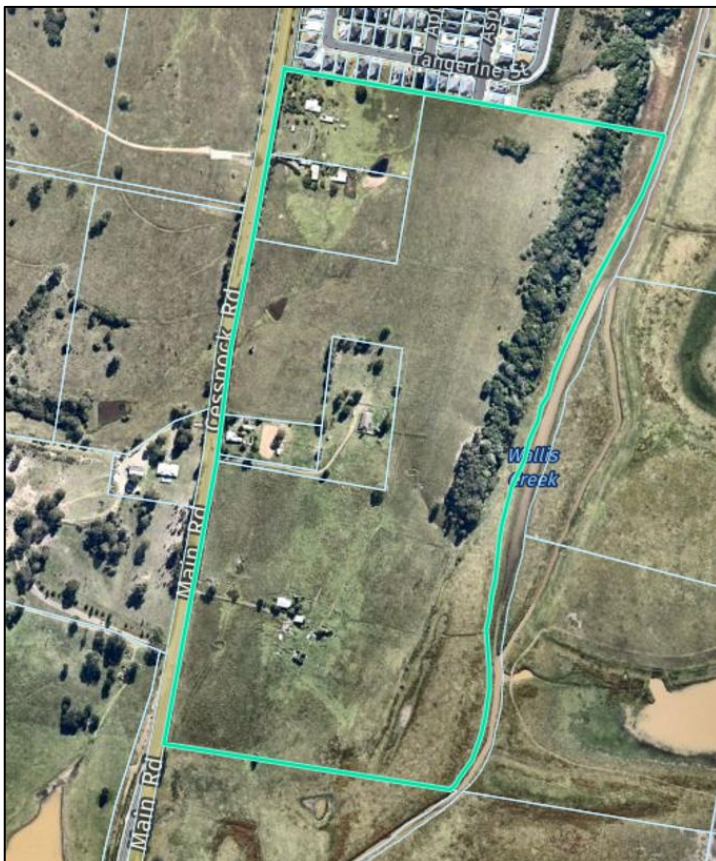
## Preamble

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- 1.1 Walker Gillieston Heights Pty Ltd (Walker) submits this development application to Maitland City Council to facilitate the development of a Torrens title subdivision to create 322 residential lots across six stages. In facilitating the proposed subdivision, approval is sought for the following works:
- demolition of existing dwellings and ancillary structures, and removal of planted vegetation;
  - construction of retaining walls and associated earthworks, including regrading of the site;
  - stormwater basins and associated drainage works;
  - footpaths and roads;
  - landscaping and fencing; and
  - servicing.
- 1.2 This Statement of Environmental Effects is provided as a report in support of the Development Application.
- 1.3 The Development Application is submitted under the provisions of Part 4 and sections 4.2 and 4.12(1) of the *Environmental Planning & Assessment Act, 1979*, as follows:
- S.4.2 (Development that needs consent). If an environmental planning instrument provides specified development may not be carried out except with development consent, a person must not carry out the development to which the provision applies unless (a) such a consent has been obtained and (b) the development is carried out in accordance with the consent.  
An assessment of environmental planning instruments has been undertaken. **Maitland Local Environmental Plan 2011 (MLEP 2011)** is the relevant environmental planning instrument for the purposes of s.4.2 of the *EP&A Act*. DA consent is requested under Maitland LEP 2011
  - S.4.12(1) (Application). A person may apply to a consent authority for consent to carry out development. The applicant hereby applies to the consent authority (Maitland City Council) to carry out the development.
  - The Development Application is also submitted under the provisions of the *Environmental Planning & Assessment Regulation 2001* Part 3 Division 1 Making development applications.
- 1.4 The Statement of Environmental Effects (SEE) provides an assessment of the development under Section 4.15 (**Evaluation**) of the *Environmental Planning and Assessment Act, 1979*.
- 1.5 The Statement of Environmental Effects (SEE) is prepared by Sam Smith and is based on the plans for subdivision of the Site accompanying the Development Application. The SEE is to be read in conjunction with the accompanying documentation.
- 1.6 Maitland City Council is the consent authority for the Development Application.

## 2.0 Site Details

- 2.1 The Site is legally identified as Lot 1 DP 302745, Lot 2 DP 302745, Lot 1 DP 311179, Lot 1 DP 601226, and Lot 2 DP 601226 with addresses of 457, 463, 501, 507 and 527 Cessnock Road, Gillieston Heights, as shown in **Figure 1**.
- 2.2 The Site adjoins the existing residential subdivision of Wallis Creek to the north.
- 2.3 The Site is accessed from Cessnock Road to the west and will also be accessible from the existing Wallis Creek residential development to the north via Aspen Drive.
- 2.4 Wallis Creek borders the Site to the south and east.
- 2.5 The Site is predominately cleared land containing five (5) existing dwellings and associated structures associated with rural residential living.
- 2.6 The Site is currently used for rural residential living and intermittent grazing of cattle.
- 2.7 The Site is mapped as being bushfire prone land and partly within the Coastal Environment Area and Coastal Use Area.
- 2.8 There are five dams on the Site, in varying sates of function/use.



**Figure 1:** Site Plan (Nearmap)

## Legal Description and Existing Survey

2.9 The Site comprises the lots described in **Table 3**. The Site survey is provided under a separate cover.

**Table 3:** List of properties that comprise the subject Site

| Lot Number | Deposited Plan | Address           | Land Ownership  | Area    |
|------------|----------------|-------------------|---|---------|
| 1          | DP 302745      | 457 Cessnock Road | Walker Gillieston Heights P/L   | 2.45Ha  |
| 2          | DP 302745      | 463 Cessnock Road | Walker Gillieston Heights P/L   | 2.47Ha  |
| 1          | DP 311179      | 501 Cessnock Road | Walker Gillieston Heights P/L   | 0.85Ha  |
| 1          | DP 601226      | 507 Cessnock Road | Walker Gillieston Heights P/L   | 2.13Ha  |
| 2          | DP 601226      | 527 Cessnock Road | G D V Warby, G V Heskeith, V F Warby (Walker has Put and Call Option) | 35.67Ha |

2.10 The Site is not burdened with easements or restrictions.

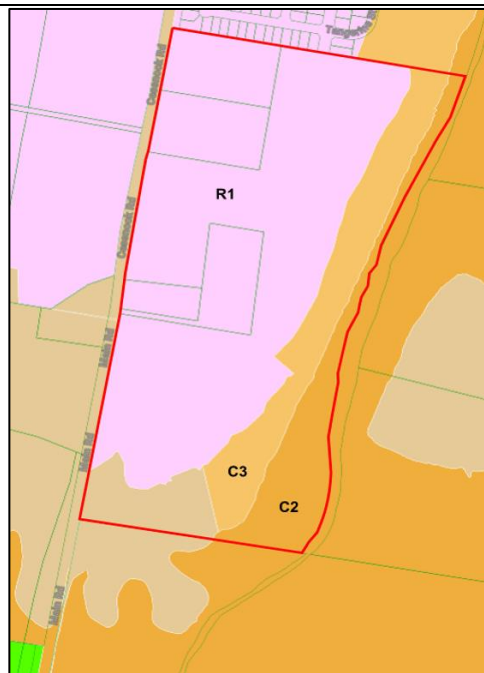
2.11 An unmarked gas pipeline runs adjacent to Cessnock Road, but the proposed development actively avoids this area.

## Statutory Planning Context

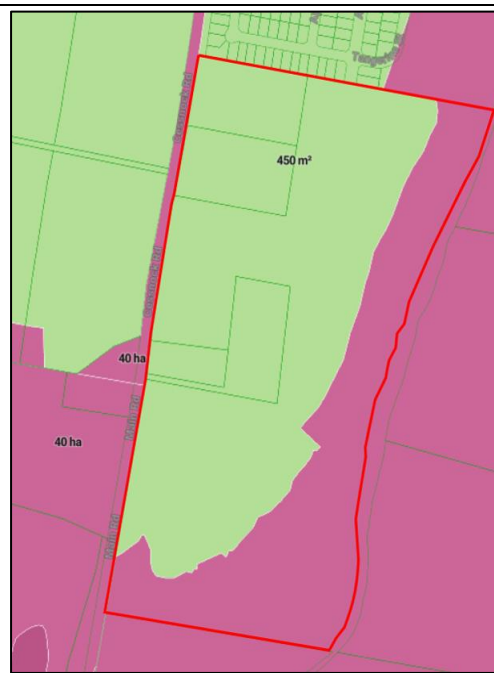
2.12 The Maitland LEP 2011 details the key planning controls, development standards and other provisions that apply to the Site, as set out below in **Table 4**.

**Table 4:** Key planning controls and development standards

| Principle Development Standard       | Maitland LEP 2011   |
|--------------------------------------|---|
| Zone ( <b>Figure 3</b> )             | R1 General Residential<br>RU2 Rural Landscape<br>C2 Environmental Conservation<br>C3 Environmental Management |
| Minimum lot size ( <b>Figure 4</b> ) | 450m <sup>2</sup><br>40ha   |

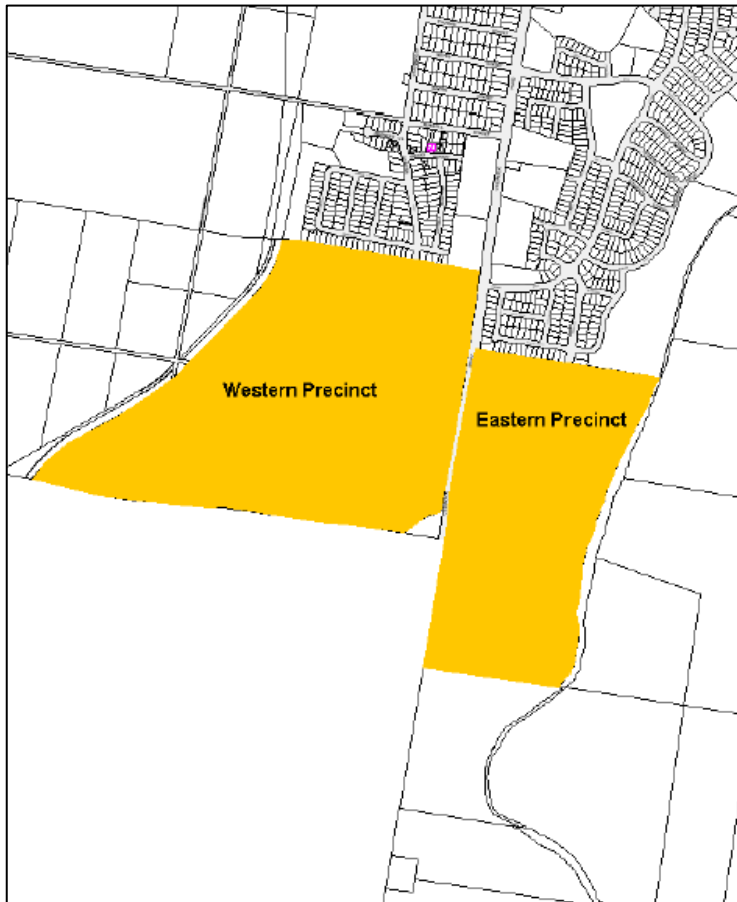


**Figure 3:** Land Zoning Map



**Figure 4:** Lot Size Map

2.13 The Site is located within the Gillieston Heights Urban Release Area, as shown in **Figure 5**.



**Figure 5:** Urban Release Area Map – identifying the Site within the Gillieston Heights Urban Release Area- Eastern Precinct

## Site Analysis

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### Landform and Topography

2.14 The Site can be characterised as undulating, rising from Cessnock Road in the west to a plateau before sharply dropping away towards Wallis Creek, which borders the Site to the south and east.

2.15 The Site is consistent with rural residential living with no significant or distinguishable landforms.

### Geology and Hydrology

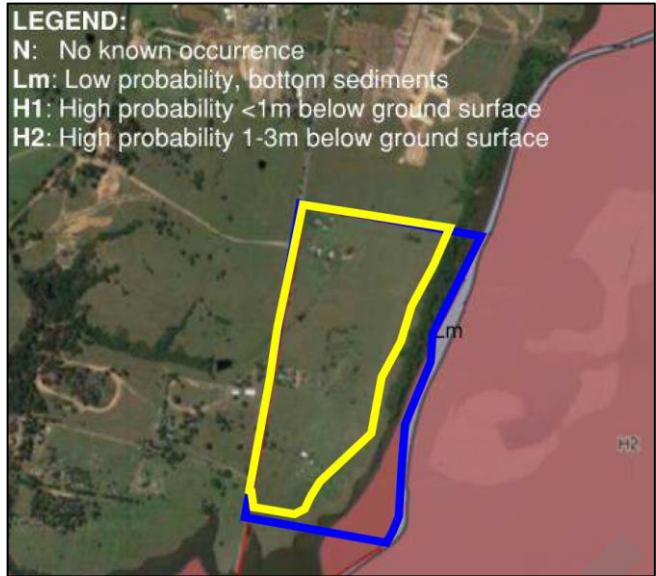
2.16 The Site is identified as being underlain by several formations of the Maitland Group, being Branxton Formation, Muree Sandstone and Mulbring Siltstone. Quaternary Alluvial backswamp deposits underlie the Site's far eastern and southern portions, generally comprising organic-rich mud, peat, silt and clay.

2.17 The development footprint would sit within the Branxton Formation (Pmtb) and Muree Sandstone (Pmtu), as shown in **Figure 6**.

2.18 The development footprint would occur outside the area of acid sulfate soils mapped on the Site, and the laboratory testing indicates the soils are naturally acidic but are not considered acid sulfate soils (refer **Figure 7**)

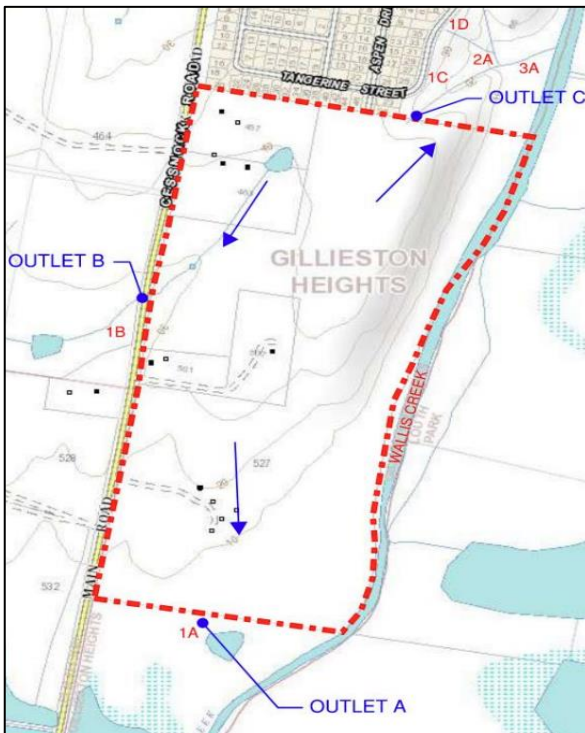


**Figure 6:** Geological Formations under the Site (blue outline), with the development footprint overlaid (yellow outline) (Stantec)

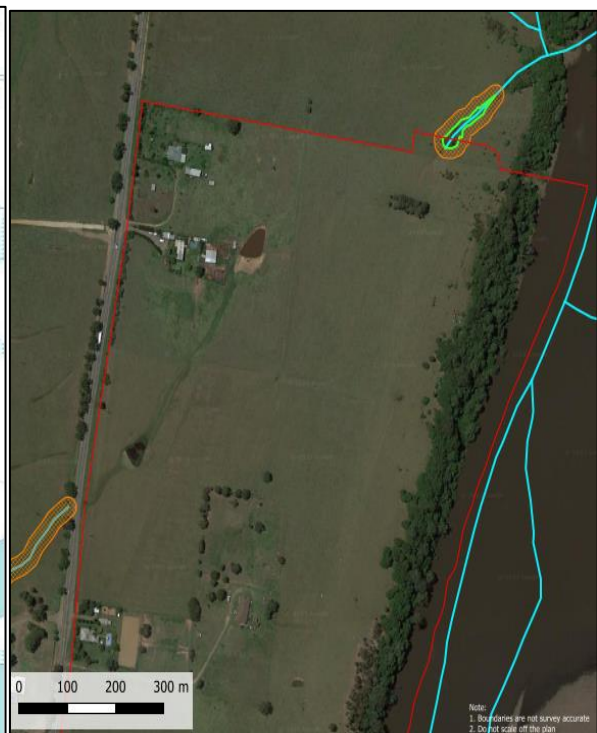


**Figure 7:** The Site (blue outline), with the development footprint overlaid on The NSW Office of Environment and Heritage Acid Sulfate Soils Risk Map (Stantec)

- 2.19 A ridge line runs north to south through the middle of the site directing stormwater runoff catchments to the south east and south west. A third smaller catchment is directed north east to a naturally formed gully (**Figure 8**).
- 2.20 Wallis Creek adjoins the Site to the east and south.
- 2.21 There are five farm dams scattered throughout the Site in varying degrees of function.
- 2.22 A mapped First Order Stream (**Figure 9**) in the north-west portion of the Site links two of the dams and then goes under Cessnock Road via existing culverts. Ground truthing of the watercourse deems that it does not meet the criteria for a First Order Stream.



**Figure 8:** Existing discharge points (Enspire)



**Figure 9:** Vegetated Riparian Zones of ground-truthed watercourses relative to the Ecological Study Area (AEP)



### Existing Development and Improvements

- 2.23 There are five existing dwellings on the Site and several ancillary structures in varying forms associated with rural residential activities. All existing structures would be removed as part of the proposed development.
- 2.24 Historically the southern central area was used as a dairy, although this has not operated for several decades.
- 2.25 There is some rural fencing that generally aligns with the property boundaries, along with some planted native vegetation.

### Surrounding Land Uses

- 2.26 The Site directly adjoins the recently developed Wallis Creek residential estate to the north.
- 2.27 The Site's western boundary adjoins Cessnock Road, a State road, which is the main arterial road between Maitland and Kurri Kurri.
- 2.28 On the western side of Cessnock Road, the land is currently being developed in a similar fashion to what is proposed and is aligned with the R1 zoning provisions.
- 2.29 The eastern and southern boundaries adjoin Wallis Creek and Testers Hollow (a tributary of Wallis Creek). Beyond this are larger rural-style allotments with some agricultural grazing.

### Traffic and Transport

- 2.30 Vehicular access to the Site is currently provided at several locations along Cessnock Road via private residential driveways.
- 2.31 Access to the north via Aspen Drive is possible, but this is yet to be formalised.

**Table 5: Road Network**

| Road           | Description   |
|----------------|---|
| Cessnock Road  | A State road under the control of TfNSW provides a connection to the New England Highway in the north and Hunter Expressway in the south. |
| Aspen Drive    | A local road that provides a direct link to the Gillieston Heights Community Hub via Saddlers Drive.                                      |
| Saddlers Drive | A local road that provides a connection to Redwood Drive and Cessnock Road, further to the north.   |
| Redwood Drive  | A local road that provides a connection to Cessnock Road via a signalised intersection.   |

- 2.32 Cessnock Road and Wallis Creek are serviced by the 164 and 166 bus routes between Maitland and Cessnock (via Kurri Kurri). Bus stops are located on Cessnock Road, with services running hourly between 6 am and 8 pm Monday to Friday, 8 am and 7 pm Saturday and every two hours between 9 am and 7 pm on Sunday.

### Flora and Fauna

- 2.33 The site is primarily cleared, aligning with historical agricultural practices.
- 2.34 Remnant native vegetation is restricted to the eastern extremity of the Site adjacent to Wallis Creek. The remnant vegetation would be retained as part of the proposed development and would be subject to a 5-year Biodiversity Management Plan.

- 2.35 The Site is not mapped on the NSW Biodiversity Values Map, nor does it contain species of Matters of National Environmental Significance.
- 2.36 A Streamlined Biodiversity Development Assessment Report (SBDAR) has been prepared in support of the proposed development.

### **Heritage**

- 2.37 No known European heritage items are within the Site, nor does the Site form part of a Heritage Conservation Area.
- 2.38 An ACHAR has been prepared to support the planning proposal, establishing seven (7) newly discovered Aboriginal cultural heritage sites. There was also one previously recorded site immediately south of the subject Site adjacent to Testers Hollow.
- 2.39 An AHIP will be required under the provisions of the *National Parks and Wildlife Act 1974*, and this can not occur until development consent is received.

### **Utilities, Infrastructure and Services**

#### Water and Sewer

- 2.40 Potable water is available to the Site via connections in Cessnock Road and Aspen Drive.
- 2.41 The reticulated sewer system does not currently extend into the Site, although there is a connection available from the north via Aspen Drive and Tangerine Street. The existing allotments are serviced by their own on-site sewer management system.

#### Gas

- 2.42 Gas is currently provided in Aspen Drive and Cessnock Road

#### Telecommunications

- 2.43 NBN is currently provided in Aspen Drive and Cessnock Road.

#### Local Services

- 2.44 There are local shops, including a supermarket, medical centre, pharmacy, fast food outlet and community centre located 1km north of the Site.

### **Consent Authority**

- 2.45 Cl 1.6 of the Maitland LEP 2011 nominates the Council as the consent authority for the purpose of the LEP, subject to the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

## 3.0 Proposed Development Details

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### Summary

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- 3.1 The Development Application seeks staged Torrens title subdivision to facilitate 322 residential allotments and includes the following works:
- Demolition of the five existing dwellings, ancillary structures and vegetation;
  - Remediation;
  - Bulk Earthworks & Retaining Walls;
  - Staged Torrens Title subdivision comprising 322 residential lots, three drainage lots, residue lot and roads;
  - Roads and Connection to Approved Signalised Intersection (DA 2020/169);
  - Boundary Adjustment
  - Stormwater Drainage Works
  - Landscaping & Fencing
  - Public Open Space; and
  - Utilities.
- 3.2 The proposed development has been designed in consultation with Maitland City Council and Transport for New South Wales to deliver a development that responds to the Site's constraints.
- 3.3 A copy of the Pre-DA minutes from 30 March 2023 is provided under a separate cover.

### Demolition & Vegetation Removal

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- 3.4 The existing dwellings and ancillary structures are proposed to be demolished and removed from the Site.
- 3.5 Suitably qualified and experienced contractors would carry out the demolition in accordance with the requirements of the Earthworks Strategy.
- 3.6 The proposal has actively avoided the remnant vegetation along the eastern boundary.
- 3.7 The remnant vegetation along the eastern boundary will be managed in accordance with the Biodiversity Management Plan that seeks to rehabilitate and protect these ecological communities.
- 3.8 There will be the need to remove some planted native trees within the development footprint. This is unavoidable, given the topographical changes throughout the Site and the ability to deliver a safe and efficient residential subdivision.
- 3.9 The vegetation within the Cessnock Road corridor has been considered as part of DA/2022/193 - 464 Cessnock Road, Gillieston Heights, which was approved at the Ordinary Council Meeting on 13 June 2023.
- 3.10 The removal of native vegetation would be appropriately offset, as detailed in the Streamlined Biodiversity Development Assessment Report, which supports the proposed development.
- 3.11 All waste would be disposed of at a licensed waste facility.

### Remediation

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- 3.12 The Site is capable and suitable for the proposed development, given there is an absence of gross contamination.

- 3.13 The supporting Earthworks Strategy identified the following recommendations that are to be implemented to address the contamination concerns for the Site:
- *The implementation of the Earthworks Strategy presented in Section 4.*
  - *HAZMAT survey of existing structures and subsequent inspections and/or sampling.*
  - *Assessment of existing areas of uncontrolled filling for either incorporation within the bulk earthworks or off-site disposal*
  - *Removal of a nominal portion of soil in proximity to DP pits 13 and 301.*
  - *Soil improving techniques to address microbiological concerns for areas in the vicinity of DP pits 302 and 305*
  - *The implementation of an unexpected finds protocol to address any potential issues that may be uncovered during the course of the development.*
  - *Any soil to be excavated and transported off Site for disposal requires classification in accordance with the NSW EPA Waste Classification Guidelines or relevant guidelines.*
  - *Presence of any sundry items to be assessed for offsite disposal or recycled. This can be undertaken during the construction phase.*
  - *Preparation of a report detailing the recommended works undertaken.*
- 3.14 The aforementioned recommendations can easily be accommodated during the construction phase.

## Bulk Earthworks & Retaining Walls

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- 3.15 The proposed development seeks to balance the cut and fill within the Site to reduce the environmental impact and footprint of the development.
- 3.16 In achieving a cut and fill balance and considering the existing topographical constraints, there will be the need for cut of between 6 and 7 metres and some isolated filling in excess of 5m in the natural depressions and as part of the decommissioning of the dams (**Figure 10**).
- 3.17 To achieve the balance of cut and fill and provide allotments that have a grade of generally between 1-3%, there is an integrated retaining wall network across the Site. There are four proposed retaining wall types throughout the development (**Figure 11**):
- Concrete sleeper retaining walls (max height of 1m on side boundaries and 1.5m in rear boundaries)
  - Terraced concrete sleeper retaining walls (max. height of 3m, terraced at max. 1.5m heights)
  - Blockwork retaining walls (max height of 3m); and
  - Sandstone retaining walls (max height of 600mm).
- 3.18 All proposed retaining walls would be located within private allotments, and there will be no retaining of Council's future assets, ie. roads.



Figure 10: Proposed Cut and Fill Plan (Enspire)

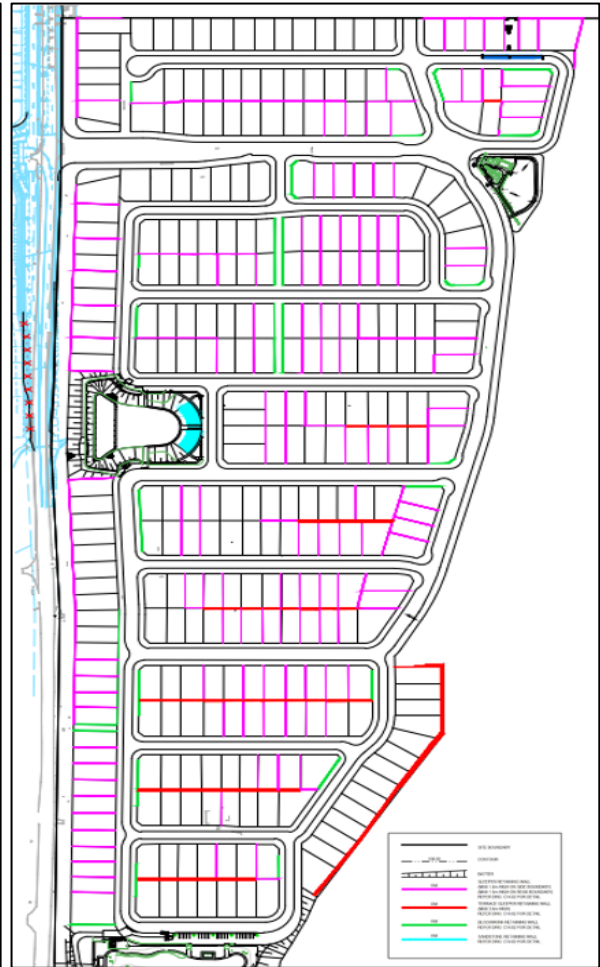


Figure 11: Proposed Retaining Walls (Enspire)

- 3.19 The proposal is supported by a Geotechnical Investigation that indicates the Site is capable of supporting the proposed bulk earthworks and retaining wall strategy.
- 3.20 A structural engineer will design and certify all retaining walls greater than 1m.

### Staged Torrens Title Subdivision

- 3.21 The proposed subdivision will be staged to allow the release of residential allotments efficiently and cost-effectively.
- 3.22 The proposal will deliver the residential allotments over six stages considering the servicing, topographical, ecological, and traffic constraints.

Table 5: Proposed Staging

| Stage | Lot Numbers    | Res. Lots  | Public Lots | All Lots   |
|-------|----------------|------------|-------------|------------|
| 1     | 101-149        | 47         | 2           | 49         |
| 2     | 201-269        | 67         | 2           | 69         |
| 3     | 301-347        | 46         | 1           | 47         |
| 4     | 401-464        | 64         | -           | 64         |
| 5     | 501-551        | 51         | -           | 51         |
| 6     | 601-650        | 47         | 3           | 50         |
|       | <b>Totals:</b> | <b>322</b> | <b>8</b>    | <b>330</b> |

- 3.23 Stage 1 will include a Local Park in addition to the 47 residential allotments; this will mean that the future community will have access to public amenities from the time the first allotment is delivered.
- 3.24 Stage 2 will include the connection into the previously approved signalised intersection (DA 2020/193) and entry features, with proposed lots 268 and 269 being delivered as road widening allotments that will be dedicated to Council once the last residential allotment has been delivered.
- 3.25 Stage 3 will deliver a permanent stormwater basin along with the 46 residential allotments.
- 3.26 Stages 4 & 5 will deliver the 64 and 51 residential allotments, respectively.
- 3.27 Stage 6 will include the Dog Park (Lot 649), a third stormwater basin (Lot 650) and a Hunter Water sewer pump station lot (Lot 648) in addition to the 47 residential allotments.
- 3.28 The Traffic Impact Assessment prepared by Arcadis supports this staged approach, with the traffic modelling indicating that Aspen Drive is capable of supporting the delivery of Stage 1.
- 3.29 Transport for NSW has been consulted about this staging approach and supports up to 90 lots being delivered via Aspen Drive before the need for the signalised intersection on Cessnock Road to be complete and operational.
- 3.30 This staged approach has also been developed with the consultation of the essential service providers, namely Hunter Water, which has the capacity for Stage 1 to be serviced via the existing infrastructure that services the residential development to the north.

## Roads and Connection to the Signalised Intersection

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- 3.31 The Site is currently serviced by several driveway connections with Cessnock Road. These are proposed to be removed and replaced with one signalised intersection with Cessnock Road.
- 3.32 The signalised intersection would form a four-way intersection aligned to the recently approved intersection associated with DA/2022/193 - 464 Cessnock Road, Gillieston Heights.
- 3.33 The proposed development would only require minor tie-in works with the approved intersection design and could be done through the WAD process with TfNSW.
- 3.34 The tie-in works to service the proposed development from Cessnock Road would be dedicated left-hand turn lanes from Cessnock Road into the Site.
- 3.35 Leaving the Site onto Cessnock Road, there would be dedicated right-hand and left-hand turn lanes and a straight-through that would connect to the residential development on the western side of Cessnock Road, approved under DA/2022/193.
- 3.36 Transport for NSW has been involved in developing this intersection and has indicated that they support the ultimate four-way intersection design proposed.
- 3.37 The swept paths for the signalised intersection ultimate design show that a double-diamond signal phasing is possible for a 19.0m semi-trailer without conflict.
- 3.38 Aspen Drive to the north of the development would be extended to connect to the proposal. Aspen Drive provides another link to the wider network via Saddlers Drive and Redwood Drive.
- 3.39 The staged delivery and existing capacity of Aspen Drive allow for the delivery of Stage 1 and up to 90 lots without the need to provide a vehicular connection onto Cessnock Road. This staged approach is supported by the traffic modelling presented in the addendum to the Traffic Impact Assessment prepared by Arcadis. TfNSW has also

reviewed the modelling to deliver Stage 1 through Aspen Drive and has raised no concerns with this aspect of the proposal.

- 3.40 The proposed development facilitates a bus route that would run through the development and provide efficient access to future public transport with the potential to link to Maitland and Kurri Kurri.
- 3.41 The internal road network has been designed to be consistent with Maitland’s Manual of Engineering Standards (MOES) requirements, where possible. Some minor changes have been required to facilitate the bus route and Hunter Water’s service vehicle to circulate the Site.

**Table 6: Proposed Internal Road Network (Enspire)**

| Road   | Category       | Road Reserve Width   | Typical Road Carriageway  | Comments  |
|--|----------------|--|---|---|
| ROAD 01  | Collector Road | 21.0m  | 12.0m<br>(3.5m Traffic lane,<br>2.5m parking bay)                                 | 4.5m verge both sides<br>Variable footpaths, refer to Enspire Drawing Pack for details.                     |
| ROAD 01 (Perimeter)  | Collector Road | 22.0m  | 12.0m<br>(3.5m Traffic lane,<br>2.5m parking bay)                                 | 4.5m verge one side<br>5.5m verge one side<br>Variable footpath, refer to Enspire Drawing Pack for details. |
| ROAD 02  | Local Road     | 17.0m, locally widened around dog park, refer to Enspire Drawing Pack for details. | 8.0m, locally widened around dog park, refer to Enspire Drawing Pack for details. | Variable, refer to Enspire Drawing Pack for details.  |
| ROAD 03<br>ROAD 04<br>ROAD 05<br>ROAD 06<br>ROAD 08<br>ROAD 09<br>ROAD 10<br>ROAD 11 | Local Road     | 17.0m  | 8.0m  | 1.5m wide footpath on one side<br>4.5m wide verge on one side   |
| ROAD 07  | Sub – Arterial | 25.5m  | Variable, refer to Enspire Drawing Pack for details.                              | Variable, refer to Enspire Drawing Pack for details.  |

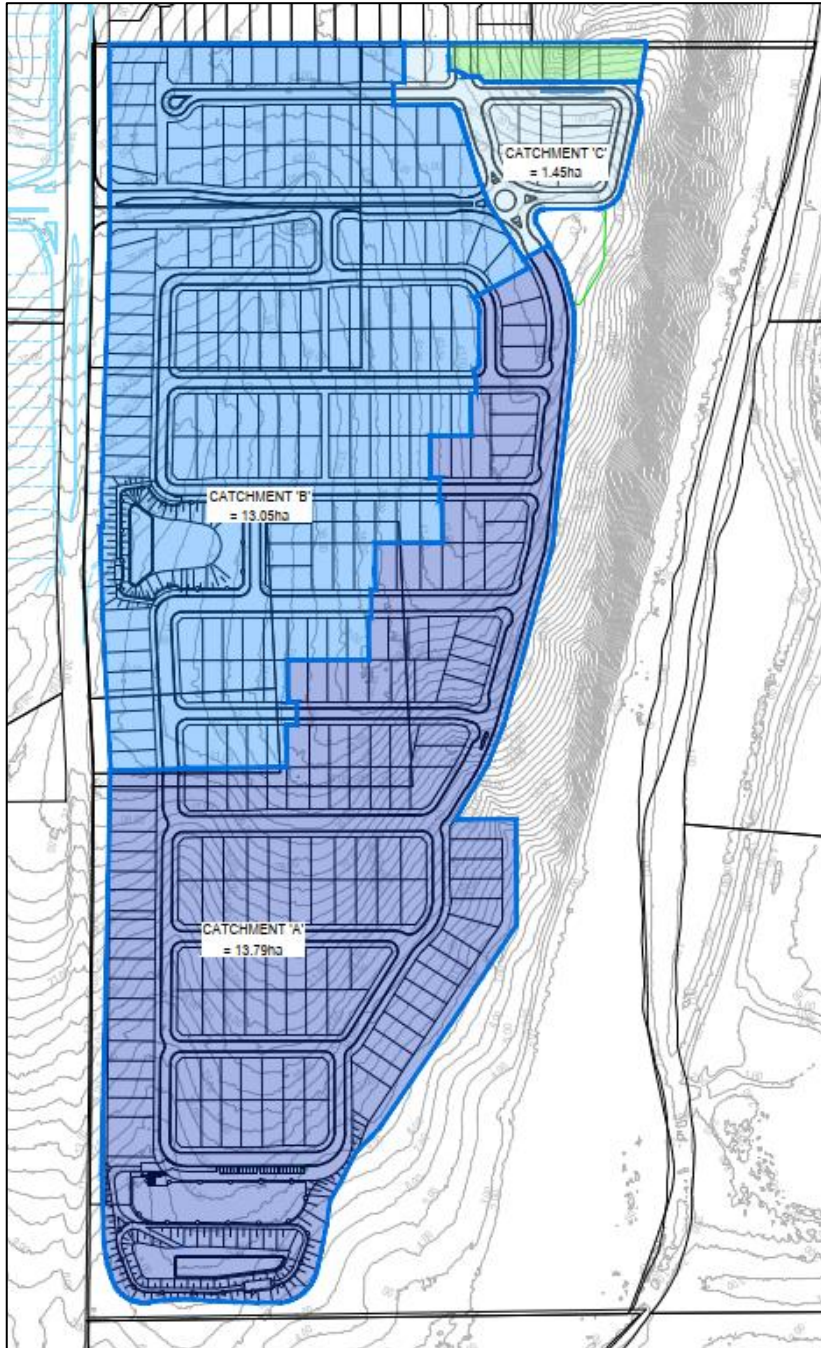
## Boundary Adjustment & Titling

- 3.42 Others will deliver the ultimate design for Cessnock Road for the full extent of the frontage and will require widening the road reserve by 12.5m to the east.
- 3.43 The subdivision plans have considered the road widening requirement and incorporated it into the design.
- 3.44 A small easement is proposed over neighbouring property at 65 Redwood Drive (legally identified as Lot 2 DP1230739) to the north of the Site. No physical works are associated with the easement; it is only proposed to facilitate APZ maintenance, support retaining walls on the Site, and formalise a drainage discharge point.

## Stormwater Drainage Works

- 3.45 The proposal seeks approval for the necessary stormwater drainage works, including earthworks for installing pipes and constructing detention basins, including the temporary installation of erosion and sedimentary control measures.

- 3.46 The proposal seeks to control and convey stormwater via the existing low points to ensure the development does not adversely impact the function of the external ecological functions.
- 3.47 The proposal utilises the existing low points for controlled discharge results in three catchments, as detailed in **Figure 12**.



**Figure 12:** Proposed catchment boundaries post-development (Enspire)

- 3.48 The proposed catchments will be serviced by basins that are to be serviced by three stormwater detention basins:
- Catchment 'A' – Discharges to the existing flood plain (Wallis Creek) to the south via a proposed OSD/WSUD Basin 'A'.
  - Catchment 'B' – Discharges through the proposed OSD/WSUD Basin 'B' and into the existing roadside swale. The flow is then conveyed under Cessnock Road by an existing 750mm RCP culvert.



- Catchment ‘C’ – Discharges to the north via a below-ground OSD culvert system. The flow is then conveyed to Wallis Creek through the existing low point.

- 3.49 The proposed basins have all been designed to capture and convey the 1% AEP storm events. The modelling indicates that the post-development flow rates will be lower than pre-development.
- 3.50 A drainage easement (5m x 20m) is proposed over a small portion of 65 Redwood Drive land to formalise a point of discharge for Catchment ‘C’, which will mimic the existing informal natural watercourse. This easement will require no physical works within 65 Redwood Drive. The proposed stormwater design indicates that the pre-development stormwater discharge will be retained post-development, and there will be a no worsening impact.
- 3.51 The water quality outputs of the proposed basins have been assessed using MUSIC modelling, with the results showing reductions in pollutant loads beyond the Council’s targets, as replicated in **Table 7**.

**Table 7: MUSIC modelling results (Enspire)**

| Control Node              | Gross Pollutants (GP) Removal (%) | Total Suspended Solids (TSS) Removal (%) | Total Phosphorous (TP) Removal (%) | Total Nitrogen (TN) Removal (%) |
|---------------------------|-----------------------------------|--|------------------------------------|---------------------------------|
| <b>Performance Target</b> | <b>70.0</b>                       | <b>80.0</b>                              | <b>45.0</b>                        | <b>45.0</b>                     |
| Basin A & C               | 96.0                              | 80.7                                     | 59.1                               | 50.0                            |
| Basin B                   | 99.0                              | 82.2                                     | 62.1                               | 50.7                            |

- 3.52 The proposed basins have been designed to comply with Council’s Manual of Engineering Standards and provide sufficient access for Council services vehicles into and around the top of the basins.
- 3.53 The Civil Engineering and Stormwater Management Report, prepared by Enspire Solutions Pty Ltd, 09 June 2023, attached under a separate cover, provides more specific details on the stormwater design and respective modelling.

## Landscaping and Fencing

- 3.54 The proposal includes detailed landscaping works throughout the development as detailed in the Landscape Masterplan prepared by Terras Landscape Architects. The Landscape Masterplan has been developed in association with the Visual Impact Assessment prepared by Terras Landscape Architects to ensure the development sits sympathetically into the landscape.
- 3.55 The Landscape Masterplan utilises a variety of native and endemic species that celebrate the Site’s history and assists in creating a sense of place for future residents.
- 3.56 The proposed fencing strategy leans on the area’s rural character and promotes the significant view corridors to the east.
- 3.57 The proposed fencing along the Cessnock Road interface is densely landscaped and provides acoustic protection to the future residences that directly adjoin Cessnock Road.

## Public Open Space

- 3.58 The proposal includes provisions for two designated parks, a Local Park in the northeast of the Site and a Dog Park in the south.
- 3.59 There are also informal public open space areas in the form of green pedestrian links throughout the development that provide important pedestrian connections whilst also assisting in breaking up the bulk and scale of residential super-lots.

Local Park

- 3.60 The siting of the Local Park, adjacent to the intersection of the boulevard entry road and perimeter road, is located at the high point of the site and takes advantage of the significant view corridors to the east but also represents a significant meeting point for pedestrians that will encourage community use and engagement.
- 3.61 The park would include a variety of play equipment structures for children of all ages and picnic shelters for more formal gatherings.
- 3.62 The inclusion of a large level grassed area provides the perfect location for children to kick a ball and run around in a well-defined, safe and visible area.
- 3.63 The internal path network would be lit, with the landscaping also assisting in territorial reinforcement that promotes pedestrian safety.
- 3.64 The Lots adjacent to the park would provide passive surveillance, contributing to a safe and welcoming area.

Dog Park

- 3.65 The Dog Park to the south provides a perfect opportunity for residents and the wider community to meet and interact with their dogs.
- 3.66 The Dog Park would be securely fenced in an open style fence and include several amenities for dogs and their owners to enjoy the space, including an obstacle course, informal play open play areas with different ground finishes, picnic shelters and dog-friendly bubblers.
- 3.67 The proposed 20 car parking spaces, 1 accessible car space, and bicycle parking makes the area accessible to the broader community and encourages greater community interaction and ownership.

Green Links

- 3.68 The provision of green pedestrian links throughout the development provides the community with safe and efficient connections that also assist in reducing the bulk and scale of the residential super-lots.
- 3.69 These Green Links have flowed through to the delivery of the stormwater basins. The central basin that adjoins Cessnock Road has been designed to encourage community interactions around the perimeter. This basin includes some street-level open space on the eastern extent that would allow for the inclusion of some formal exercise equipment or passive community land.
- 3.70 The extensive public open space network, coupled with the Landscape Masterplan, assists in addressing the urban heat island effect and would actively encourage greater community interaction and ownership.
- 3.71 Once established, the public open space network has been designed to require minimal ongoing maintenance so the spaces continually benefit the community without burdening Council's resources.

**Utilities**

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- 3.72 Electricity, gas, NBN and water services are currently afforded to the existing residential subdivision to the north of the Site and on the western side of Cessnock Road.
- 3.73 The Site is currently not serviced by Hunter Water's reticulated sewer system.

**Potable Water and Waste Water**

- 3.74 Hunter Water has indicated that it is possible to service the proposed development and the plans.

- 3.75 The proposal is part of Hunter Water's regional area sewer and water upgrade strategy.
- 3.76 Walker is currently working with the residential development on the western side of Cessnock Road to connect to the reticulated sewer system. This will likely involve a sewer pump station in the south western corner of the development, which has been allowed for in proposed Lot 648.
- 3.77 There is likely capacity, subject to Hunter Water Approval within the existing network that services the development to the north to connect Stage 1 via Aspen Drive or Tangerine Street.

**Electricity**

- 3.78 Ausgrid connections are available on Cessnock Road and Aspen Drive.

**Natural Gas**

- 3.79 Jemena connections are available on Cessnock Road and Aspen Drive.
- 3.80 APA has an approved high-pressure gas pipeline through the adjoining allotment to the south of the Site. The approved pipeline does not impact the proposed development and is not within any statutory easements. There are no provisions for the proposed APA pipeline to service the Site.

**NBN**

- 3.81 NBN connections are available on Cessnock Road and Aspen Drive.

## 4.0 Planning Assessment

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### Key Issues

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- 4.1 The key issues in the assessment of the proposal are Indigenous Heritage, Biodiversity Management, Traffic, Acoustic Assessment, Urban Design, Crime Prevention / Safety, Bushfire Management, Retaining Walls, Flooding, Contamination, and Management of Construction Impacts.

#### Indigenous Heritage

- 4.2 An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been completed by Niche Environment and Heritage for the Site in consultation with Registered Aboriginal Parties and is provided under a separate cover.
- 4.3 The ACHAR found that the Site contains seven (7) newly discovered Aboriginal cultural heritage sites. There was also one previously recorded site immediately south of the subject Site adjacent to Testers Hollow.
- 4.4 These sites were located during a site inspection by Niche and a representative of the Mindaribba Local Aboriginal Land Council (MLALC) in compliance with the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.
- 4.5 The sites consist of three isolated artefacts, one isolated artefact and three Potential Archaeological Deposit (PAD).
- 4.6 The entire Site holds cultural significance to the local aboriginal community due to elevated landforms, views of the surrounding landscape and access to water.
- 4.7 The overall scientific (archaeological), educational, representativeness, rarity and aesthetic value of the Site is considered to be low. Isolated artefacts are the most frequent Aboriginal cultural heritage site type located within the Central Lowlands of the Hunter region. The large number of these site types that have been recovered through the environmental impact assessment and Aboriginal Heritage Impact Permit (AHIP) process and the high number of representative Aboriginal objects from similar settings in the Hunter Region means that the current Aboriginal cultural heritage sites discovered in the Site are not rare or unique and do not have high conservation value.
- 4.8 The ACHAR determined that the development of the Site has the potential to impact four of the identified cultural sites. The other three sites are located within areas proposed to be zoned C2 Environmental Conservation or C3 Environmental Management, where no works are proposed.
- 4.9 Part 6 of the National Parks and Wildlife Act 1974 protects all Aboriginal objects and declares Aboriginal places from harm. Harm is defined as destroying, defacing, damaging or moving an object from the land. An AHIP is a legal document that grants permission to harm Aboriginal objects or declared Aboriginal places.
- 4.10 A referral to the Department of Premier and Cabinet in accordance with sec.90 of the *National Parks & Wildlife Act 1974*.

#### Biodiversity Management

- 4.11 The proposed development has actively avoided the significant ecological constraints of the Site.
- 4.12 The proposed development is supported by a Streamlined BDAR prepared by AEP, dated June 2023. The Streamlined BDAR did not identify any Serious and Irreversible Impacts (SAIL) as a result of the proposed development.
- 4.13 No threatened species have been identified on-site, and as such, no Species Credits under the Biodiversity Offset Scheme (BOS) will be incurred.

- 4.14 Despite the proposal avoiding the vegetated areas, given the topographical constraints and fixed points of access, there is a need to remove 0.93ha of native vegetation in the following form:
- 0.40ha of remnant native vegetation in degraded and poor condition.
  - 0.53ha of planted native vegetation in highly degraded to severely degraded conditions.
- 4.15 To offset the residual impacts of the proposal on the identified biodiversity values, the proposal seeks to retire a total of:
- 4 x PCT 1600 Ecosystem Credits
  - 2 x PCT 1525 Ecosystem Credit
- 4.16 In addition, the proposal includes a Biodiversity Management Plan that seeks to manage and enhance approximately 3.56ha of remnant vegetation that has been retained adjacent to Wallis Creek. The Biodiversity Management Plan will run for five years, at which point the remnant vegetation should be in a self-sustaining state.
- 4.17 Stormwater management within the proposed development promotes ecologically sustainable development through retaining and enhancing the ecological functions. The proposed stormwater provisions ensure that the proposed development would have a no worsening impact on the water quality or quantity discharged post-development.

### Traffic

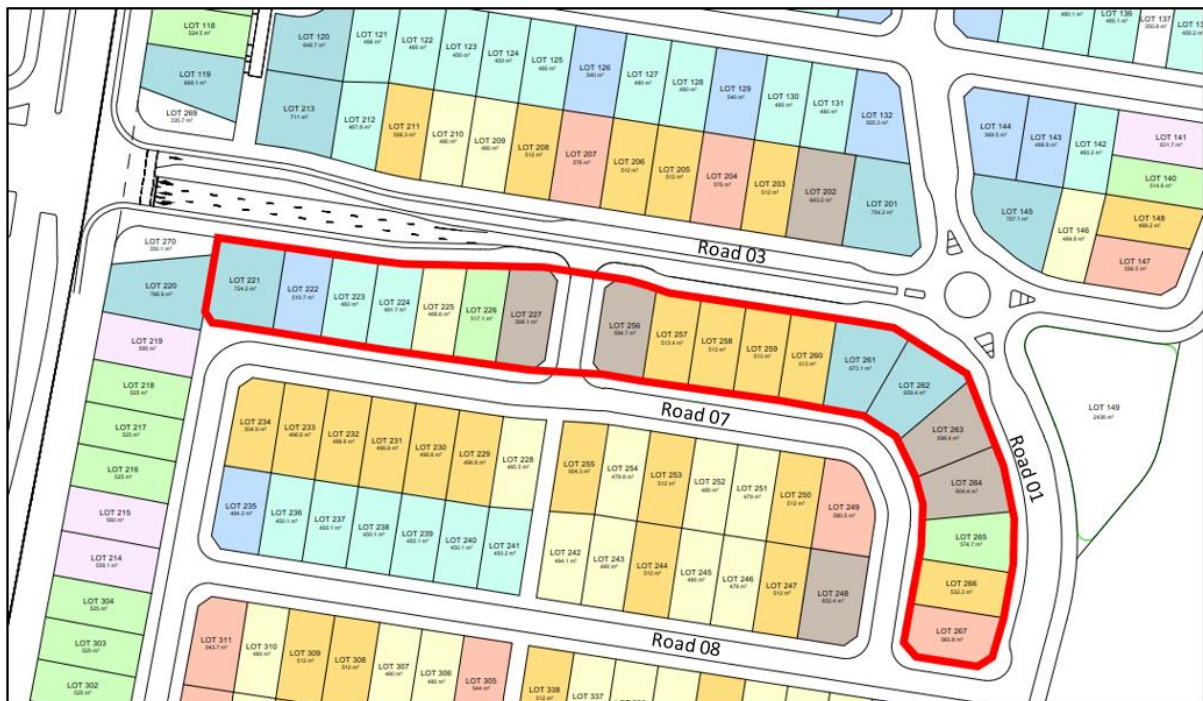
- 4.18 As outlined above, the Traffic Impact Assessment has been prepared in response to technical reports, and models agreed to by TfNSW.
- 4.19 Based on the analysis and discussions presented within this report, as well as previous technical advice and assumption papers, it can be concluded that the proposal would have a minor impact on the existing Cessnock Road corridor traffic flows, with an increase in traffic volumes of between 3% -7%.
- 4.20 The minor impacts on the wider network mean that there are upgrade works required as a result of the proposed development.
- 4.21 The proposed development would be accessed via Aspen Drive to the north and a signalised intersection with Cessnock Road to the east.
- 4.22 The connection into Aspen Drive will require minor tie-in works to the existing road that terminates at the northern property boundary.
- 4.23 The signalised intersection with Cessnock Road will also involve minor tie-in works to the recently approved signalised intersection associated with DA 2002/193 to create a 4-way intersection. The minor work will involve a dedicated left-hand slip lane off Cessnock Road into the proposed development and dedicated left, right and straight-through lanes exiting the Site.
- 4.24 The existing local network that includes the signalised intersection at Cessnock Road / Heyes Street / Redwood Drive that can be accessed via Aspen Drive has the capacity to cater for 90 additional lots meaning the development can be staged to allow for the first 90 allotments prior to the 4-way intersection being operational.
- 4.25 The internal road network has been designed to be compliant with Council's Manual of Engineering Standards; this includes the provision of a bus route and Hunter Water's service vehicle.
- 4.26 The permeable network has been designed to ensure there are no pinch points and alternative access is available throughout the development should a road be blocked or closed in an emergency situation.

### Acoustic Assessment

- 4.27 The Acoustic Assessment prepared by Spectrum Acoustics indicates that the Site is capable of supporting the proposed development. The Acoustic Assessment details that the traffic noise can be readily controlled using standard building techniques. These techniques include adequate ventilation, wall, window and house layout design.
- 4.28 The inclusion of a 1.8m lapped and capped timber fence along the interface between the proposed residential allotments and Cessnock Road may provide adequate noise reduction to the ground flood levels of future dwellings.
- 4.29 Allotments removed from Cessnock Road will not require acoustic treatments.

**Urban Design**

- 4.30 The proposal is supported by an Urban Design Report that details the site assessment and reasoning behind the proposed development design approach.
- 4.31 The supporting Design Guidelines build on the existing controls to provide some site-specific provisions to help shape and deliver a diverse and well-connected community that responds to its surrounding environment.
- 4.32 There are provisions for urban design requirements that focus on environmental conservation and sustainability, solar access, and efficient and permeable vehicular and pedestrian network.
- 4.33 The allotments along the southern side of the entry road (Road 03) will be a rear loaded product meaning the façade and entry doors will address Road 03, while the garages would be accessible from Road 07. This rear loaded product creates a consistent and clear entry statement that reduces the conflicts between vehicles exiting the Site, provides for increased landscape planting along the entry road and reduces garage dominance.
- 4.34 The rear-loaded lots will continue along the southern side of the entry road, continuing around the bend south down Road 01 to the intersection with Road 08 for a total of 19 rear-loaded dwellings. No other allotments are proposed to be rear loaded across the masterplan.



**Figure 13: Proposed Rear Loaded Residential Dwelling Locations (red outline) (Walker)**

- 4.35 Building envelope plans for these lots have been provided in conjunction with the Design Guidelines. The Maitland Development Control Plan does not detail specific controls for a rear loaded product meaning the Design Guidelines would be relied upon.

4.36 For the rear loaded product, the Design Guidelines propose the following setback requirements:

- Minimum 3m setback from the principal street (Road 03);
- Minimum 2m from the rear street frontage for the garage and any articulation. This will create a well-appointed streetscape that is not dominated by garages. The minimum 2m setback will also be sufficient for vehicles to enter and leave their garages with minimum disruption to the form and function of the street. The setback will also present an excellent opportunity to incorporate landscaping to assist in the physical setback. Footpaths were located along the southern half of Road 07 to provide additional verge softscape for additional streetscape planting to further break up the bulk and scale of garages.

4.37 The proposed rear loaded product represents an advantageous product in this location for the following reasons:

- It provides a consistent built form that would present well to the Entry (Road 03), removing driveway hardstand in lieu of additional street softscape planting.
- It controls traffic conflicts with vehicles exiting the Site via the signalised intersection and the roundabout.
- The permeable street network provides alternative access while improving vehicular and pedestrian safety at no expense to quality urban design outcomes.
- It encourages pedestrian access through the visually prominent front of house via a direct connection to a shared path.

4.38 The specific controls for rear loaded products in the Design Guidelines address the objectives of the dwelling controls within the Maitland DCP and directly relate to the following:

- To set appropriate standards for all forms of housing within the City of Maitland.
- To provide measures to protect the natural and built environment and minimise conflicts that often arise through development.
- To ensure that development relates to site conditions and that the amenity of adjacent residential development is appropriately considered.
- To support the efficient use of residential land and expand the variety of housing options available in the City of Maitland.

4.39 The Site's northern portion presented an urban design challenge, given the fixed locations of the signalised intersection with Cessnock Road and Aspen Drive to the north. As replicated in Figure 14, the proposed design addresses Council's and Planning for Bushfire Protection 2019 requirements while delivering an efficient and practical subdivision layout.

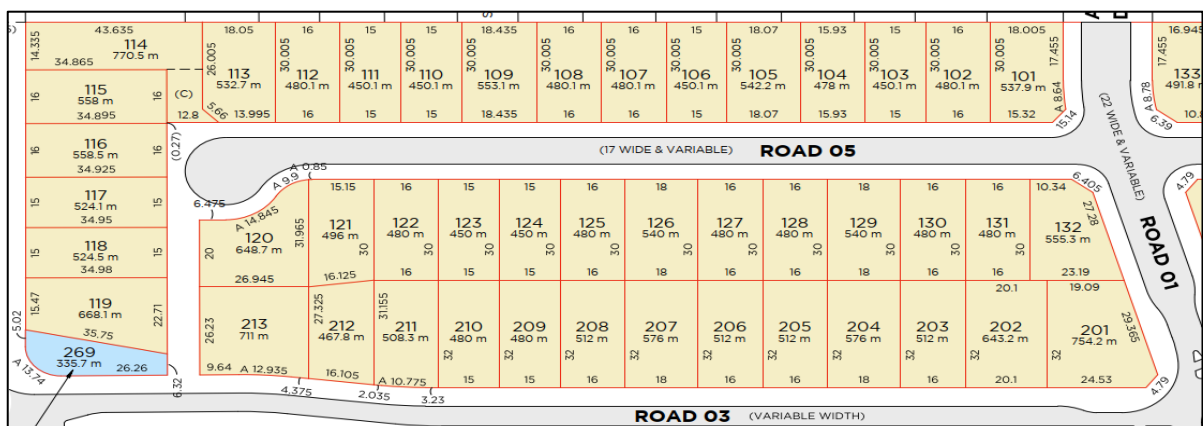


Figure 14; Northern Portion Subdivision Layout (DELFS)

4.40 The design considers and provides the following:

- The cul-de-sac head is visible from the connecting road, Road 01 and the cul-de-sac head commences less than 200m from the intersection with Road 01.

- Proposed lot 115 will be accessed via a right of way over proposed Lot 114; this results in an access handle width of greater than 8m and a chord length of more than 10m.
- Proposed Lots 116 and 117 will have direct access from Road 05.
- Proposed Lots 118 and 119 have been designed to have access off the road reserve link between Road 05 and Road 03. This link will include physical barriers to prevent vehicles from going beyond Lot 119 or allowing vehicle access between Road 05 and Road 03. Pedestrians, however, will be able to pass, creating greater pedestrian flexibility and connectivity throughout the development.
- The design has considered Council's waste service vehicles and bin pads can be accommodated within the cul-de-sac head to service proposed Lots 113 – 120.
- The design is capable of compliance with the vehicular movement requirements of Planning for Bushfire Protection 2019.

4.41 Proposed Lots 545 – 551 and 641 – 647 on the eastern side of the development would not be serviced by a perimeter road. This layout arrangement has been designed in response to steep topography in the area and in lieu of a perimeter road along the edge of the R1 zoning as depicted in Maitland City Council's DCP Part F – Urban Release Areas, Figure 22. Delivering these allotments on the interface with the C3 zoned land avoids the need for retaining to support Council's assets, satisfying Council's request that all retaining be wholly within privately owned allotments. The provision of a perimeter road in this area would result in a similar retaining wall arrangement to what was delivered in the earlier stages of the 'Wallis Creek' development, which Council have made clear would not be supported again. Extracts below in **Figure 15** depict the 1m contours over the DCP Figure 22 (referenced above), an earlier version of the masterplan endeavouring to adhere to this DCP layout, and the proposed masterplan layout, the subject of this development application. These images depict the challenges of providing a perimeter road without retaining in this area. When considering these topographical constraints with the bushfire requirements of the Site, the proposed layout promotes the orderly and economic use and development of land without compromising on bushfire safety. These lots also provide for appropriate landscape screening to mitigate any visual impact of the development on surrounding rural vantage points.



**Figure 15;** Council DCP Part F - Urban Release Area Figure 22 overlaid on existing contours (left), earlier revision of the masterplan layout (middle), proposed masterplan layout (right)

4.42 The Planning for Bushfire Protection requirements are addressed later in this report surmising that the proposed layout and proposed bushfire protection measures provide a reasonable and satisfactory level of protection.

### Crime Prevention / Safety

4.43 The proposed development has been designed to address the four key elements of Crime Prevention Through Environmental Design:

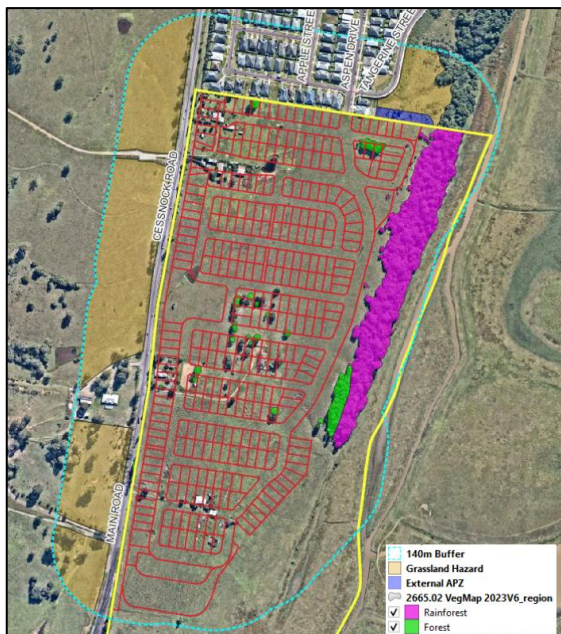
1. Territorial re-enforcement;
2. Surveillance;
3. Access control; and
4. Space/activity management.



- 4.44 The subdivision layout creates allotments that will have dwellings that front the street and address the public domain to encourage passive surveillance. Passive surveillance is reinforced throughout the public domain with well-connected and visible public open spaces.
- 4.45 The proposed parks are well signposted and would be provided with appropriate lighting to provide users with safe and convenient access. The materials and equipment to be used within the parks would encourage use by a broad cross-section of the community whilst robust enough to support safe ongoing use.

**Bushfire Management**

- 4.46 Building Code & Bushfire Hazard Solutions Pty Ltd has prepared a Bushfire Assessment Report in support of the proposed development, which is attached under a separate cover.
- 4.47 The Site is identified as containing Category 3 Vegetation and Vegetation Buffer on Maitland City Council’s Bushfire Prone Land Map and is therefore considered bushfire prone land under the provisions of the *Rural Fires Act 1997*.
- 4.48 The proposal is considered integrated development under section 4.46 of the *Environmental Planning and Assessment Act 1979* and will require a Bush Fire Safety Authority in accordance with 100B of the *Rural Fires Act 1997*.
- 4.49 The Bushfire Assessment Report identifies the following vegetation classifications impacting the proposed development and further replicated in **Figure 16**:
  - Grasslands to the northeast on the adjoining allotment (Lot 2 DP 1230739).
  - Remnant vegetation is identified as Dry Rainforest and a small southern section of Dry Sclerophyll Forest to the east.
  - Grassland on the western side of Cessnock Road, although this area is subject to DA/2022/193, which Council endorsed on 13 June 2023.



**Figure 16: Bushfire Hazard (BC&BHS)**



**Figure 17: Proposed APZ (BC&BHS)**

- 4.50 To deliver the proposed development in accordance with Planning for Bushfire Protection 2019 and the Environmental Planning and Assessment Regulation 2021, the hazard to the northeast and east needs to be managed via an Asset Protection Zone (Inner Protection Zone) (APZ). **Figure 17** details the extent of the required APZs:

- 4.51 The APZ detailed in **Figure 17** would be delivered in two components:
1. A 20 metre access and maintenance easement over 65 Redwood Drive to the north allows proposed Lots 135-139 access to maintain this 20 metre strip that directly adjoins their lots to the north as an APZ in accordance with the Planning for Bushfire Protection 2019. The maintenance of this APZ will require no physical work or tree removal other than keeping the area in a state similar to what currently exists. The owners of 65 Redwood Drive have been approached with negotiations underway for an agreed easement imposition on their land that is subject to Authority approval.
  2. Similarly, there would be a need for an APZ to be retained along the full extent of the residential footprint's eastern boundary. This APZ would be wholly contained within the Site and would not require the removal of any trees within the area included in the Biodiversity Management Plan.
- 4.52 As the proposed development is staged, temporary APZs would be provided between each stage of the proposal until such time the adjacent stage is developed. The temporary APZs would have a minimum depth of 50 metres and would not encroach on the protected areas identified in the Biodiversity Management Plan.
- 4.53 The Bushfire Assessment Report concludes the proposed development is capable of satisfying the requirements of Planning for Bushfire Protection 2019.

### Retaining Walls

- 4.54 To achieve the proposed cut and fill balance, there is a need for several retaining walls throughout the Site.
- 4.55 The retaining walls vary depending on the existing topography and the need to balance the cut and fill, including a mix of masonry sleepers and traditional blockwork.
- 4.56 The proposed retaining walls range in height from 200mm up to a 3m terraced wall and would all be provided within private property.
- 4.57 These retaining structures allow for the delivery of residential allotments that have a grade of 1-3%, which results in the need for very minimal earthworks to site and construct a residential dwelling.
- 4.58 Delivering relatively flat allotments provides Council and prospective purchasers a level of comfort in the built form that can and would be delivered.
- 4.59 Providing the proposed integrated retaining walls ensures consistency, structural integrity and longevity of the walls.
- 4.60 A suitably qualified engineer would design all proposed retaining structures greater than 1m.
- 4.61 The supporting Geotechnical Investigation considered the underlying soil profile and indicated that it could support the proposed development.
- 4.62 The proposed 3m terraced retaining walls had been discussed previously with Council at the Pre-DA meeting, and given the topographical constraints of the Site, it was agreed that it would be acceptable in this instance. A copy of the Pre-DA minutes has been attached under a separate cover.
- 4.63 The proposal has also provided shadow diagrams that include the proposed retaining walls to show that future dwellings would still receive the necessary solar access. The solar access diagrams, provided under a separate cover, show that the allotments that are most heavily impacted by retaining walls, including the 3m terraced walls, are capable of receiving the necessary solar access on the winter solstice.
- 4.64 At the time of subdivision, the relevant easements and restrictions would be placed on the Titles of the burdened and benefitted allotments.

## Flooding

- 4.65 The Site is partially mapped flood affected within the Maitland LEP 2011.
- 4.66 The proposed development includes some minor works within the mapped Flood Fringe and Flood Storage areas. There are no works proposed to be carried out in the Floodway.
- 4.67 The works within the Flood Fringe and Flood Storage areas are inconsequential when considered in the context of the entire Site, and the inclusion will allow for the development to improve the overall environmental functions.
- 4.68 The minor works involve the delivery of the southern stormwater basin (Basin A), Dog Park and some minor batter to support the proposed Lots 545-550 and 626.
- 4.69 The proposed filling within the ‘Flood Storage’ and ‘Flood Fringe’ areas occurs on land zoned C3 and RU2. *Environment Protection Works* is listed as *permitted with consent* in both the C3 and RU2 zoned land. The proposed minor filling works assist in preventing environmental degradation through controlling stormwater and erosion and sediment control throughout this impacted area.
- 4.70 Council’s Manual of Engineering Standards details that it is permissible to incorporate drainage infrastructure below 1% AEP as long it is above the 5% AEP this would be the proposed works associated with Basin A.
- 4.71 Further, in delivering Basin A, some cut will increase the flood storage area, offsetting any impact of the minor filling works adjacent to proposed Lots 545-550 and 626.
- 4.72 No filling within the ‘Flood Fringe’ and ‘Flood Storage’ areas would result in an inefficient development that adversely impacts the natural environment and ecological functions. Without the proposed minor filling, there would be no scope to control and manage stormwater discharged from the Site at pre-development levels. The proposal allows all stormwater within the residential allotments to be captured and treated in a manner that is likely to improve the environmental quality of the surrounding ecological systems.
- 4.73 The filling does not restrict any future development within the C3 and RU2 zoned land that would otherwise be permitted and allows the R1 zoned land to be developed in a manner that is aligned to the zone objectives.
- 4.74 This being the case, the proposed filling is permitted with consent, and it is unlikely to have any adverse impacts on the flood affectation on the Site or the adjoining land.

## Contamination

- 4.75 The proposed development is supported by an Earthworks Strategy prepared by Stantec, to address contamination on the Site.
- 4.76 In preparing the Earthworks Strategy, Stantec carried out site inspections, a geotechnical investigation and reviewed the following reports previously considered by Council:
- Douglas Partners (DP) assessment of the 501-527 Cessnock Road Site referenced “Report on Preliminary Site Investigation and Detailed Site Investigation (Contamination) – Proposed Residential Subdivision, 501-527 Cessnock Road, Gillieston Heights, Project 204921.00, dated May 2022”; (completed as part of the rezoning) and
  - Practical Environmental Solutions (PES) assessment of the 457-463 Cessnock Road site referenced “Preliminary Site Investigation for Contamination 457-463 Cessnock Road, Gillieston Heights NSW”, dated 14 February 2020 (completed as part of DA 2020/169).
- 4.77 Based on the previous investigations undertaken by DP and PES, site inspections and geotechnical investigations undertaken by Stantec, no signs of gross contamination were observed at the Site. The Site, although not considered to be grossly contaminated, will require minor works and site preparation to accommodate the proposed residential

development. It is considered that it can be managed as part of the Earthworks Strategy during the construction phase.

4.78 The Earthworks Strategy identified the following recommendations:

- *The implementation of the Earthworks Strategy presented in Section 4.*
- *HAZMAT survey of existing structures and subsequent inspections and / or sampling.*
- *Assessment of existing areas of uncontrolled filling for either incorporation within the bulk earthworks or off-site disposal*
- *Removal of a nominal portion of soil in proximity to DP pits 13 and 301.*
- *Soil improving techniques to address microbiological concerns for areas in the vicinity of DP pits 302 and 305*
- *The implementation of an unexpected finds protocol to address any potential issues that may be uncovered during the course of the development.*
- *Any soil to be excavated and transported off Site for disposal require classification in accordance with the NSW EPA Waste Classification Guidelines or relevant guidelines.*
- *Presence of any sundry items to be assessed for offsite disposal or recycled. This can be undertaken during the construction phase.*
- *Preparation of a report detailing the recommended works undertaken.*

4.79 The Earthworks Strategy concludes that the recommendations detailed above, if followed, would ensure that the Site is suitable for the proposed residential development.

4.80 Conditions would be expected to be included in a determination to ensure that the recommendations included in the Earthworks Strategy are implemented throughout the delivery of the development.

#### **Management of Construction Impacts**

4.81 Carrying out the works proposed will require management of dust, noise, traffic, waste, erosion and sediment, services, water quality and potential dilapidation concerns. A Construction and Environment Management Plan (CEMP) will be submitted as part of the Subdivision Works Certificate documentation detailing the risk assessment, construction and work methods, management measures, and responsibilities of key parties to be implemented during the project's construction phase to minimise construction impacts.

## **Environmental Protection and Biodiversity Conservation Act 1999**

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4.82 *The Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act) is the Australian Government's primary piece of environmental legislation.

4.83 The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, which the EPBC Act defines as 'matters of national environmental significance'.

4.84 There have been no matters of national environmental significance identified on the Site. As such, a referral under the EPBC Act is not required.

## Environmental Planning and Assessment Act 1979

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4.85 This section contains an assessment of the proposed development's environmental effects under Section 4.15 (Evaluation) of the *Environmental Planning and Assessment Act 1979*.

4.86 In determining a development application, a consent authority is to take into consideration such of the following matters as listed in section 4.15(1)(a) as are of relevance to the development of the subject of the development application:

### **4.15 Evaluation**

#### **(1) Matters for consideration – general**

(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.”*

4.87 The assessment includes only those matters in Section 4.15 that are of relevance to the proposal.

## Biodiversity Conservation Act 2016

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4.88 The *Biodiversity Conservation Act 2016* (the *BC Act*) is the primary piece of NSW legislation that manages and protects the natural environment.

4.89 The Biodiversity Conservation Regulation 2017 (the *BC Regs*) details the thresholds for when the Biodiversity Offset Scheme (BOS) is triggered. There are two threshold triggers.

- whether the amount of native vegetation being cleared exceeds an area threshold,
- whether the impacts occur on an area mapped on the Biodiversity Values Map published by the Environment Agency Head.

4.90 The Site is not mapped on the Biodiversity Values Map.

4.91 The clearing thresholds within the *BC Regs*. are:

| <b>Column 1</b>                 | <b>Column 2</b>         |
|---------------------------------|-------------------------|
| <b>Minimum lot size of land</b> | <b>Area of clearing</b> |
| Less than 1 hectare             | 0.25 hectares or more   |

|  |                      |
|--|----------------------|
| Less than 40 hectare but not less than 1 hectare       | 0.5 hectares or more |
| Less than 1,000 hectares but not less than 40 hectares | 1 hectare or more    |
| 1,000 hectares or more                                 | 2 hectares or more   |

- 4.92 The Site has a minimum lot size of 450sqm, and the proposed development results in the clearing of 0.93 ha of native vegetation.
- 4.93 The proposal triggers the BOS and must be supported by a Streamlined Biodiversity Development Assessment Report (SBDAR), as it involves clearing more than 0.25 hectares of native vegetation.
- 4.94 The Biodiversity Assessment Method 2020 (BAM) outlines how the assessment of biodiversity impacts is to be undertaken when the BOS is triggered. The BAM allows for a BDAR to be a 'Streamlined Assessment' if the impacts on biodiversity values associated with a proposal:
- When there are impacts to scattered trees
  - When the impacts are to a small area
  - When the impacts are to planted native vegetation
- 4.95 The proposal is capable of satisfying the 'small area' assessment type as the minimum lot size is 450sqm, and the clearing area is less than 1ha, at 0.93ha.
- 4.96 The proposed development is supported by an SDAR prepared by AEP, dated June 2023. The SBDAR did not identify any Serious and Irreversible Impacts (SAIL) as a result of the proposed development.
- 4.97 The proposed development will require the removal of the following native vegetation:
- Plant Community Type (PCT) 1600 – Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter;
    - Associated State Listed Threatened Ecological Community (TEC) - Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions;
    - 0.30ha of remnant native vegetation in a degraded condition.
  - PCT 1525 - Sandpaper Fig - Whalebone Tree warm temperate rainforest;
    - Associated State Listed Threatened Ecological Community (TEC) – Lower Hunter Valley Dry Rainforest in the Sydney Basin and NSW North Coast Bioregions;
    - 0.10ha of remnant native vegetation in poor condition.
  - Planted Native Vegetation that has not been assigned a PCT;
    - 0.53ha of planted native vegetation in highly degraded to severely degraded conditions.
- 4.98 No threatened species have been identified on-site, so no Species Credits under the Biodiversity Offset Scheme (BOS) will be incurred.
- 4.99 To offset the residual impacts of the proposal on the identified biodiversity values, the proposal seeks to retire a total of:
- 4 x PCT 1600 Ecosystem Credits
  - 2 x PCT 1525 Ecosystem Credits
- 4.100 Considerations of Avoid & Minimise have been applied with the proposed development being located within predominantly cleared exotic paddocks. Impacts on native vegetation were deemed to be of minimal consequence due to the very low Vegetation Integrity Score (VIS) for all PCTs present onsite.

## National Parks and Wildlife Act 1974

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- 4.101 The *National Parks and Wildlife Act 1974* (the *NPW Act*) is the primary piece of NSW legislation to manage and protect Aboriginal cultural heritage.
- 4.102 In accordance with sec.90 of the *NPW Act*, an Aboriginal Heritage Impact Permit (AHIP) is required if an Aboriginal object is known to exist on the land to which the development application applies.
- 4.103 The proposed development is supported by an Aboriginal Cultural Heritage Assessment Report prepared by Niche, which identified seven (7) newly discovered Aboriginal cultural heritage sites, with four potentially being disturbed as part of the proposal.
- 4.104 A referral is required to the Department of Premier and Cabinet in accordance with sec.90 of the *NPW Act*.

## Roads Act 1993

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- 4.105 The *Roads Act 1993* is the primary piece of NSW legislation that deals with works on, over, under or adjacent to public roads.
- 4.106 In accordance with sec.138 of the *Roads Act 1993*, a person must not
- (a) *erect a structure or carry out a work in, on or over a public road, or*
  - (b) *dig up or disturb the surface of a public road, or*
  - (c) *remove or interfere with a structure, work or tree on a public road, or*
  - (d) *pump water into a public road from any land adjoining the road, or*
  - (e) *connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.*
- 4.107 Cessnock Road is a State road.
- 4.108 The proposed development includes provisions to widen and realign Cessnock Road and connect to a four-way signalised intersection that directly connects the proposed residential subdivision to Cessnock Road.
- 4.109 A referral is required to Transport for NSW under the provisions of sec.138 of the *Roads Act 1993*.
- 4.110 TfNSW is currently assessing a WAD for the signalised intersection that will service the residential development on the western side of Cessnock Road. Council provided consent for this intersection as part of DA 2020/193, which Council endorsed on 13 June 2023.
- 4.111 TfNSW has been actively consulted throughout the preparation of the subject application and is generally supportive of providing an intersection that ties in with the proposed intersection that would service the residential development on the western side of Cessnock Road.

## Rural Fires Act 1997

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- 4.112 The *Rural Fires Act 1997* is the primary piece of NSW legislation that focuses on preventing, mitigating and suppressing fires whilst protecting people and property.
- 4.113 In accordance with sec.100B of the *Rural Fires Act 1997*, a bushfire safety authority is required for residential subdivision of bushfire prone land.

- 4.114 The proposal includes provisions for Torrens title subdivision to create 322 residential allotments.
- 4.115 The Site is mapped as bush fire prone land.
- 4.116 A referral is required to the NSW Rural Fire Service under the provisions of sec.100B of the *Rural Fires Act 1997*.

### Water Management Act 2000

- 4.117 The *Water Management Act 2000* is the primary piece of NSW legislation to provide for sustainable and integrated water management within NSW, with consideration of intergenerational equity.
- 4.118 In accordance with sec.91 of the *Water Management Act 2000*, a controlled activity approval is required to carry out work in, on or under waterfront land.
- 4.119 Waterfront land is defined as;
 

*the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river...*
- 4.120 The prescribed distance is 40 metres.
- 4.121 The proposed development includes provisions for some works within 40 metres of the top of the mapped and ground-truthed hydroline to the north of the Site.
- 4.122 A referral is required to the Natural Resources Access Regulator (NRAR) under the provisions of sec.91 of the *Water Management Act 2000*.

### Compliance with State Environmental Planning Policies

- 4.123 An assessment of all State Environmental Planning Policies (SEPPs) has been undertaken. The following SEPPs are applicable:
  - SEPP – Biodiversity and Conservation 2021
  - SEPP – Transport and Infrastructure 2021
  - SEPP – Planning Systems 2021
  - SEPP – Resilience and Hazards 2021
- 4.124 **Table 8** demonstrates the proposal complies with the provisions of the relevant SEPPs.

**Table 8:** Assessment of the proposed development against the provisions of relevant SEPPs

| Description   | Comment  | ✓ |
|---|--|---|
| <b>State Environmental Planning Policy – Biodiversity and Conservation 2021</b>   |  |   |
| <p><b>Chapter 4: Koala Habitat Protection 2021</b></p> <p><b>cl.4.9 Development assessment process—no approved koala plan of management for land</b></p> <p>(1) This section applies to land to which this Chapter applies if the land—</p> <p>(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and</p> <p>(b) does not have an approved koala plan of management applying to the land.</p> <p>(2) Before a council may grant consent to a development application for consent to carry out development on the land,</p> | <p><b>Complies.</b></p> <p>The Site is larger than 1ha, and there is no approved koala plan of management.</p> <p>The Site includes tree species listed in Schedule 3.</p> <p>A review of the BioNet records for the area revealed toe sightings within the last 18 years, although these sightings were more than 2.5km from the Site.</p> <p>Site inspections carried out by AEP on 31 August 2022 and 01 September 2022 included numerous koala call playbacks, and nocturnal surveys failed to identify any evidence within the Site of Koalas.</p> <p>Following the SBDAR assessment, it was concluded that impacts to potential habitat would be limited to the removal of 0.40ha of highly to severely degraded</p> | ✓ |



| Description   | Comment   | ✓        |
|---|---|----------|
| <p>the council must assess whether the development is likely to have any impact on koalas or koala habitat.</p> <p>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</p> <p>(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</p> <p>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</p> <p>(i) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or</p> <p>(ii) is not core koala habitat, or</p> <p>(ii) information the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</p> <p>(ii) includes only horticultural or agricultural plantations.</p> | <p>remnant native vegetation and 0.53ha of planted native trees. The vegetation being removed does not form part of a wider vegetation corridor and exists in isolation. Thus, the proposed development would not result in a significant impact on the Koala, and Council can be satisfied in consenting to the proposal in this regard.</p> | <p>✓</p> |

**State Environmental Planning Policy – Transport and Infrastructure**

|  |  |          |
|--|--|----------|
| <p><b>Chapter 2: Infrastructure</b></p> <p><b>Division 12A Pipelines and pipeline corridors</b></p> <p><b>cl.2.77 Determinaiton of development applications</b></p> <p>(1) <i>Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—</i></p> <p>(a) <i>be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and</i></p> <p>(b) <i>take those risks into consideration, and</i></p> <p>(c) <i>give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and</i></p> <p>(d) <i>take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.</i></p> <p>(2) <i>Land is in a pipeline corridor for the purposes of this section if the land is located—</i></p> <p>(a) <i>within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or</i></p> <p>(b) <i>within 20m of the centreline (measured radially) of a relevant pipeline, or</i></p> <p>(c) <i>within 20m of land the subject of an easement for a relevant pipeline.</i></p> <p>(3) <i>The following pipelines for gas, or for petroleum or other liquid fuels, are relevant pipelines for the purposes of this section—</i></p> <p>(a) <i>the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the Pipelines Act 1967,</i></p> <p>(b) <i>the Clyde to Gore Bay pipeline.</i></p> | <p><b>Not applicable.</b> APA has proposed and gained approval for a high-pressure gas line to run through Lot 3 DP71130 to the south of the Site. Construction of the pipeline is yet to commence, but the proposed development does not include works within Lot 3 DP71130. The proposed works would not occur within any required easements and would be &gt;100m from the proposed pipeline.</p> | <p>✓</p> |
| <p><b>Chapter 2: Infrastructure</b></p>  | <p><b>Complies.</b> Cessnock Road, a classified road, will become the primary access route for future residents with access being controlled via a signalised</p>  | <p>✓</p> |

| Description  | Comment  | ✓  |
|--|--|----|
| <p><b>Division 17 Roads and traffic</b></p> <p><b>cl. 2.119 Development with a frontage to classified road</b></p> <p>(1) <i>The objectives of this section are—</i></p> <p>(a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p>(b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p>(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>(b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p>(i) <i>the design of the vehicular access to the land, or</i></p> <p>(ii) <i>the emission of smoke or dust from the development, or</i></p> <p>(iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>  | <p>intersection. There will be secondary access provided via Aspen Drive that services the existing Wallis Creek Estate. The proposed development would be staged so that the delivery of the first 50 allotments could occur using Aspen Drive prior to the construction of the signalised intersection.</p> <p>The proposed development is supported by the Traffic Impact Assessment that supported the recent rezoning as well as an addendum that clearly details the proposal will have a manageable impacts upon the wider traffic network.</p> <p>The civil plans include swept paths that clearly show the intersection is capable of supporting vehicular movements throughout both sides of Cessnock Road in a double diamond formation.</p> <p>There are no allotments that would have direct vehicular access to the Cessnock Road.</p> |    |
| <p><b>Chapter 2: Infrastructure</b></p> <p><b>Division 17 Roads and traffic</b></p> <p><b>cl. 2.120 Impact of road noise or vibration on non-road development</b></p> <p>(1) <i>This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i></p> <p>(a) <i>residential accommodation,</i></p> <p>(b) <i>a place of public worship,</i></p> <p>(c) <i>a hospital,</i></p> <p>(d) <i>an educational establishment or centre-based child care facility.</i></p> <p>(2) <i>Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i></p> <p>(3) <i>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i></p> <p>(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</i></p> <p>(b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p> <p>(3) <i>Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.</i></p> | <p><b>Not applicable.</b> Cessnock Road, despite being a State road, is not mapped on the TfNSW website as a road that experiences an annual average daily traffic volume of more than 20,000 vehicles. No further assessment is required.</p> <p>That said, a Noise Assessment has been prepared by Spectrum Acoustics in support of the proposed development, which indicates that the traffic noise from Cessnock Road “should be readily controlled using standard building techniques”.</p>   | NA |

| Description  | Comment  | ✓  |  |                     |   |                       |  |   |
|--|--|--|--|---------------------|---|-----------------------|--|---|
| (4) <i>In this section, freeway, tollway, and transitway have the same meanings as they have in the Roads Act 1993.</i>  |  |  |  |                     |   |                       |  |   |
| <p><b>Schedule 3 Traffic generating development to be referred to TfNSW</b></p> <table border="1" data-bbox="150 371 708 689"> <thead> <tr> <th data-bbox="150 371 296 546">Column 1<br/>Purpose of development</th> <th data-bbox="296 371 496 546">Column 2<br/>Size or capacity – site with access to a road</th> <th data-bbox="496 371 708 546">Column 3<br/>Size or capacity – site with access to a classified road or to road that connects to classified road</th> </tr> </thead> <tbody> <tr> <td data-bbox="150 546 296 689">Subdivision of land</td> <td data-bbox="296 546 496 689">200 or more allotments where the subdivision includes the opening of a public road.</td> <td data-bbox="496 546 708 689">50 or more allotments</td> </tr> </tbody> </table>   | Column 1<br>Purpose of development   | Column 2<br>Size or capacity – site with access to a road  | Column 3<br>Size or capacity – site with access to a classified road or to road that connects to classified road | Subdivision of land | 200 or more allotments where the subdivision includes the opening of a public road. | 50 or more allotments | <p><b>Complies.</b> The proposed development involves the subdivision of more than 200 allotments and would have a direct connection to Cessnock Road, a State road, via a signalised intersection. It is expected that Council would refer the proposed development to TfNSW.</p> | ✓ |
| Column 1<br>Purpose of development   | Column 2<br>Size or capacity – site with access to a road  | Column 3<br>Size or capacity – site with access to a classified road or to road that connects to classified road |  |                     |   |                       |  |   |
| Subdivision of land  | 200 or more allotments where the subdivision includes the opening of a public road.  | 50 or more allotments  |  |                     |   |                       |  |   |
| <b>Chapter 3: Educational establishments and child care facilities</b>   | <b>Not applicable.</b>   | <b>NA</b>  |  |                     |   |                       |  |   |
| <b>Chapter 4: Major infrastructure corridors</b>   | <b>Not applicable.</b>   | <b>NA</b>  |  |                     |   |                       |  |   |
| <b>Chapter 5: Three ports – Port Botany, Port Kembla and Port of Newcastle</b>   | <b>Not applicable.</b>   | <b>NA</b>  |  |                     |   |                       |  |   |
| <b>Chapter 6: Morrebank Freight Intermodal Precinct</b>  | <b>Not applicable.</b>   | <b>NA</b>  |  |                     |   |                       |  |   |
| <b>State Environmental Planning Policy – Resilience and Hazards 2021</b>   |  |  |  |                     |   |                       |  |   |
| <p><b>Chapter 2: Coastal management</b></p> <p><b>Division 3 Coastal environment area</b></p> <p><b>cl. 2.10 Development on land within the coastal environment area</b></p> <p>(1) <i>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</i></p> <ul style="list-style-type: none"> <li>(a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i></li> <li>(b) <i>coastal environmental values and natural coastal processes,</i></li> <li>(c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i></li> <li>(d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i></li> <li>(e) <i>existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></li> <li>(f) <i>Aboriginal cultural heritage, practices and places,</i></li> <li>(g) <i>the use of the surf zone.</i></li> </ul> <p>(2) <i>Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"> <li>(a) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i></li> <li>(b) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></li> </ul> | <p><b>Complies.</b> The Site is mapped as a coastal environment area.</p> <p>The development has been designed and sited to actively avoid any impacts on the coastal environment. Additionally, the stormwater management plan includes provisions for water sensitive urban design that results in a development that exceeds Council's water quality targets.</p> | ✓  |  |                     |   |                       |  |   |

| Description  | Comment   | ✓                |
|--|---|------------------|
| <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p>   |   |                  |
| <p><b>Chapter 2: Coastal management</b></p> <p><b>Division 4 Coastal use area</b></p> <p><b>cl. 2.11 Development on land within the coastal use area</b></p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> <p>(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p> | <p><b>Complies.</b> The proposed development presents no adverse impact on public land regarding accessibility, overshadowing, wind funnelling, views, scenic quality or cultural and environmental heritage. A detailed assessment has been included in the SBDAR.</p>   | ✓                |
| <p><b>Chapter 3: Hazardous and offensive development</b></p>   | <p><b>Not applicable</b></p>  | <p><b>NA</b></p> |
| <p><b>Chapter 4: Remediation of land</b></p> <p><b>cl. 4.6 Contamination and remediation to be considered in determining development application</b></p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may</p>   | <p><b>Complies.</b> The proposed development is supported by an Earthworks Strategy prepared by Stantec, to address contamination on the Site.</p> <p>In preparing the Earthworks Strategy, Stantec carried out site inspections, a geotechnical investigation and reviewed the following reports previously considered by Council:</p> <ul style="list-style-type: none"> <li>Douglas Partners (DP) assessment of the 501-527 Cessnock Road Site referenced "Report on Preliminary Site Investigation and Detailed Site Investigation (Contamination) – Proposed Residential Subdivision, 501-527 Cessnock Road, Gillieston Heights, Project 204921.00, dated May 2022"; (completed as part of the rezoning) and</li> <li>Practical Environmental Solutions (PES) assessment of the 457-463 Cessnock Road site referenced "Preliminary Site Investigation for Contamination 457-463 Cessnock Road, Gillieston Heights NSW", dated 14 February 2020 (completed as part of DA 2020/169).</li> </ul> <p>Based on the previous investigations undertaken by DP and PES, site inspections and geotechnical investigations undertaken by Stantec, no signs of gross contamination were observed at the Site. The Site, although not considered to be grossly contaminated, will require minor works and Site preparation to accommodate the proposed residential development. It is considered that it can be managed as part of the Earthworks Strategy during the construction phase.</p> <p>The Earthworks Strategy identified the following recommendations:</p> <ul style="list-style-type: none"> <li>The implementation of the Earthworks Strategy presented in Section 4.</li> <li>HAZMAT survey of existing structures and subsequent inspections and / or sampling.</li> </ul> | ✓                |

| Description  | Comment  | ✓ |
|--|--|---|
| <p>require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> | <ul style="list-style-type: none"> <li>Assessment of existing areas of uncontrolled filling for either incorporation within the bulk earthworks or off-site disposal</li> <li>Removal of a nominal portion of soil in proximity to DP pits 13 and 301.</li> <li>Soil improving techniques to address microbiological concerns for areas in the vicinity of DP pits 302 and 305</li> <li>The implementation of an unexpected finds protocol to address any potential issues that may be uncovered during the course of the development.</li> <li>Any soil to be excavated and transported off Site for disposal require classification in accordance with the NSW EPA Waste Classification Guidelines or relevant guidelines</li> <li>Presence of any sundry items to be assessed for offsite disposal or recycled. This can be undertaken during the construction phase.</li> <li>Preparation of report detailing the recommended works undertaken.</li> </ul> <p>The Earthworks Strategy concludes that the recommendations detailed above if followed, would ensure that the Site is suitable for the proposed residential development.</p> <p>Conditions would be expected to be included in a determination to ensure that the recommendations included in the Earthworks Strategy are implemented throughout the delivery of the development.</p> | ✓ |

**State Environmental Planning Policy – Planning Systems 2021**

|   |   |              |
|---|---|--------------|
| <p><b>Chapter 2: State and regional development</b></p> <p><b>Schedule 6 Regionally significant development</b></p> <p><b>cl. 8 Coastal subdivision</b></p> <p>(1) Development within the coastal zone for the purposes of subdivision of the following kind—</p> <p>(a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,</p> <p>(b) subdivision of land for residential purposes into more than 100 lots, if the land—</p> <p>(i) is not in the metropolitan coastal zone, or</p> <p>(ii) is wholly or partly in a sensitive coastal location,</p> <p>(c) subdivision of land for rural-residential purposes into more than 25 lots, if the land—</p> <p>(i) is not in the metropolitan coastal zone, or</p> <p>(ii) is wholly or partly in a sensitive coastal location.</p> | <p><b>Not applicable.</b></p> <p>The proposed development is not considered regionally significant development as it is within the “metropolitan coastal zone” or is not considered a “sensitive coastal location”.</p> | <b>NA</b>    |
| <p><b>Chapter 3: Aboriginal land</b></p>  | <p><b>Not applicable.</b></p>   | <b>NA</b>    |
| <p><b>Chapter 4: Concurrences and Consents</b></p>  | <p><b>Noted.</b> The Planning Secretary may act as concurrence authority in certain circumstances.</p>  | <b>Noted</b> |

## The Maitland LEP 2011

4.125 The assessment undertaken of the Maitland LEP 2011, refer to **Table 9**, finds the proposed development is generally consistent with the provisions of the LEP.

*Table 9 – Assessment of the proposed development against the provisions of Maitland LEP*

|                           | Control   | Comment              | ✓ |
|---------------------------|---|----------------------|---|
| <b>Part 1 Preliminary</b> |   |                      |   |
| <b>1.1</b>                | <p><b>Name of the Plan</b></p> <p>This Plan is <i>Maitland Local Environmental Plan 2011</i>.</p> | <p><b>Noted.</b></p> | ✓ |

|   | Control  | Comment   | ✓  |
|---|--|---|----|
| 1.1AA   | Commencement   | <b>Noted.</b> The LEP commenced on 16 December 2011.  | ✓  |
| 1.2   | <p><b>Aims of the Plan</b></p> <p>(1) <i>This Plan aims to make local environmental planning provisions for land in Maitland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</i></p> <p>(2) <i>The particular aims of this Plan are as follows—</i></p> <p>(aa) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i></p> <p>(a) <i>to facilitate ecologically sustainable development of land and natural assets,</i></p> <p>(b) <i>to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,</i></p> <p>(c) <i>to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,</i></p> <p>(d) <i>to protect, enhance or conserve the natural resources of Maitland including the following—</i></p> <p style="padding-left: 20px;">(i) <i>areas of high scenic rural quality,</i></p> <p style="padding-left: 20px;">(ii) <i>productive agricultural land,</i></p> <p style="padding-left: 20px;">(iii) <i>habitat for listed threatened species and endangered ecological communities,</i></p> <p style="padding-left: 20px;">(iv) <i>minerals of regional significance,</i></p> <p>(e) <i>to create liveable communities which are well connected, accessible and sustainable,</i></p> <p>(f) <i>to provide a diversity of affordable housing with a range of housing choices throughout Maitland,</i></p> <p>(g) <i>to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,</i></p> <p>(h) <i>to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,</i></p> <p>(i) <i>to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,</i></p> <p>(j) <i>to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.</i></p> | <p><b>Complies.</b> The subject application proposes the Torrens title subdivision of the site into 322 residential lots ranging in size from 450m<sup>2</sup> to more than 1,000m<sup>2</sup> across six stages.</p> <p>The proposal has actively avoided the Site's constraints and ecologically sensitive areas to promote a design that seamlessly integrates the natural and built environments. The delivery of the proposed development would result in an efficient and community-minded subdivision that would provide housing diversity and options to the wider community.</p> | ✓  |
| 1.3   | Land to which Plan applies   | <b>Complies.</b> This LEP applies to the subject Site.  | ✓  |
| 1.4   | Definitions  | <b>Noted.</b>   | ✓  |
| 1.5   | Notes  | <b>Noted.</b>   | ✓  |
| 1.6   | Consent authority  | <b>Noted.</b> Maitland City Council is the consent authority, subject to provisions of the EP&A Act.  | ✓  |
| 1.7   | Maps   | <b>Noted.</b>   | ✓  |
| 1.8   | Repeal of planning instruments applying to land  | <b>Noted.</b>   | ✓  |
| 1.8A  | Savings provisions relating to development applications  | <b>Not applicable.</b>  | NA |
| 1.9   | Application of SEPPs   | <b>Noted.</b>   | ✓  |
| 1.9A  | Suspension of covenants, agreements and instrument   | <b>Noted.</b>   | ✓  |
| <b>Part 2 Permitted or prohibited development</b> |  |   |    |
| 2.1   | Land Use Zones   |   | ✓  |

|                                    | Control   | Comment   | ✓  |
|------------------------------------|---|---|----|
|                                    | <p>The land use zones under this Plan are as follows—</p> <p><b>Rural Zones:</b> RU1 Primary Production; RU2 Rural Landscape.</p> <p><b>Residential Zones:</b> R1 General Residential; R5 Large Lot Residential</p> <p><b>Business Zones:</b> B1 Neighbourhood Centre; B2 Local Centre; B3 Commercial Core; B4 Mixed Use; B5 Business Development; B6 Enterprise Corridor.</p> <p><b>Industrial Zones:</b> IN1 General Industrial.</p> <p><b>Special Purpose Zones:</b> SP1 Special Activities; SP2 Infrastructure; SP3 Tourist.</p> <p><b>Recreation Zones:</b> RE1 Public Recreation; RE2 Private Recreation.</p> <p><b>Environment Protection Zones:</b> C2 Environmental Conservation; C3 Environmental Management; C4 Environmental Living.</p>  | <p><b>Noted.</b> The Site is zoned, part R1 General Residential, part RU2 Rural Landscape, part C2 Environmental Conservation and part C3 Environmental Management.</p>   | ✓  |
| 2.2                                | Zoning of land to which plan applies  | <b>Noted.</b>   | ✓  |
| 2.3                                | Zoning objectives and land use table  | <b>Noted.</b>   | ✓  |
| 2.4                                | Unzoned land  | <b>Not applicable.</b>  | NA |
| 2.5                                | Additional permitted uses for particular land   | <b>Not applicable.</b>  | NA |
| 2.6                                | Subdivision – consent requirements  | <b>Complies.</b> The subject application is seeking consent for subdivision.  | ✓  |
| 2.7                                | Demolition requires development consent   | <b>Complies.</b> The subject application is seeking consent for demolition.   | ✓  |
| 2.8                                | Temporary use of land   | <b>Not applicable.</b>  | NA |
| <b>Land Use Table</b>              |   |   |    |
| <b>ZONE R1 General Residential</b> |   |   |    |
|                                    | <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Home occupations</p> <p><b>3 Permitted with consent</b></p> <p>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</p> <p><b>4 Prohibited</b></p> <p>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;</p> | <p><b>Complies.</b> The subject application proposes subdivision of the land zoned R1 General Residential into 322 Torrens title residential lots across six stages. This will facilitate the development of new dwelling houses, which is a use that is permitted with consent in this zone.</p> | ✓  |

|  | Control  | Comment  | ✓ |
|--|--|--|---|
|  | <p>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</p>   |  | ✓ |
|  | <p><b>ZONE RU2 Rural Landscape</b></p>   |  |   |
|  | <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To maintain the rural landscape character of the land.</li> <li>To provide for a range of compatible land uses, including extensive agriculture.</li> <li>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.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Extensive agriculture; Home occupations; Intensive plant agriculture</p> <p><b>3 Permitted with consent</b></p> <p>Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems</p> <p><b>4 Prohibited</b></p> <p>Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3</p> | <p><b>Complies.</b> The proposed development includes some civil and drainage works within the RU2 Rural Landscaped zoned land to facilitate the residential subdivision. The works will ensure the impacts on the wider environment are reduced whilst continuing to maintain the character of the RU2 Rural Landscape zone.</p> <p>Additionally, the proposed drainage works are considered to be <i>environmental protection works</i>, which are permitted with consent.</p> | ✓ |
|  | <p><b>ZONE C2 ENVIRONMENTAL CONSERVATION</b></p>   |  |   |
|  | <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> <li>To ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters.</li> <li>To permit limited extensive agricultural uses where such uses do not compromise the ecological values of the wetland.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Nil</p> <p><b>3 Permitted with consent</b></p> <p>Environmental facilities; Environmental protection works; Extensive agriculture; Oyster aquaculture Water reticulation systems</p> <p><b>4 Prohibited</b></p> <p>Business premises; Dairies (pasture-based); Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service</p>   | <p><b>Complies.</b> The proposed development does not physically impact the C2 zoned portion of the Site. All proposed works are located outside the C2 zoned land.</p>  | ✓ |



|  | Control  | Comment   | ✓    |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
|--|--|---|------|------------------|---|-------------------------------|--------|---|----------------------------|------|---|--------------------------------------|------|---|------------------------------------|------|---|---|
|  | stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3  |   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>ZONE C3 ENVIRONMENTAL MANAGEMENT</b>        |  |   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
|  | <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>To maintain and improve the connectivity of habitat between remnant areas of native vegetation.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Home occupations</p> <p><b>3 Permitted with consent</b></p> <p>Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Water reticulation systems</p> <p><b>4 Prohibited</b></p> <p>Dairies (pasture-based); Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p> | <p><b>Complies.</b> The proposed development does not have a consequential impact on the C3 zoned portion of the Site. The proposed development does have some minor batter encroachments within the C3 zoned land. The minor batter will assist in protecting the natural environment by providing a buffer between the residential development and the remnant vegetation further to the east. Additionally, the batter will allow the wider community to connect with the scenic view corridors to the east.</p>   | ✓    |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>Part 3 Exempt and complying development</b> |  |   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 3.1  | Exempt development   | Not applicable.   | NA   |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 3.2  | Complying development  | Not applicable.   | NA   |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 3.3  | Environmentally sensitive areas excluded   | Not applicable.   | NA   |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>Part 4 Principal development standards</b>  |  |   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 4.1  | <p><b>Minimum subdivision lot size</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,</p> <p>(b) to prevent the fragmentation of rural land.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>  | <p><b>Partial compliance.</b> All proposed allotments capable of supporting a residential dwelling will be provided a minimum of 450sqm of R1 zoned land.</p> <p>Given the nature of the zoning boundaries and the simple fact the existing allotments fail to meet the minimum lot size requirements for the RU2, C2, and C3 zoned land, it is impossible for any residue allotments to satisfy the 40ha minimum allotment size. These allotments are capable of satisfying the provisions of cl. 4.2C as outlined below.</p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Minimum lot size</th> <th>✓</th> </tr> </thead> <tbody> <tr> <td><b>R1 General Residential</b></td> <td>450sqm</td> <td>✓</td> </tr> <tr> <td><b>RU2 Rural Landscape</b></td> <td>40ha</td> <td>X</td> </tr> <tr> <td><b>C2 Environmental Conservation</b></td> <td>40ha</td> <td>X</td> </tr> <tr> <td><b>C3 Environmental Management</b></td> <td>40ha</td> <td>X</td> </tr> </tbody> </table> | Zone | Minimum lot size | ✓ | <b>R1 General Residential</b> | 450sqm | ✓ | <b>RU2 Rural Landscape</b> | 40ha | X | <b>C2 Environmental Conservation</b> | 40ha | X | <b>C3 Environmental Management</b> | 40ha | X | ✓ |
| Zone   | Minimum lot size   | ✓   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>R1 General Residential</b>                  | 450sqm   | ✓   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>RU2 Rural Landscape</b>                     | 40ha   | X   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>C2 Environmental Conservation</b>           | 40ha   | X   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| <b>C3 Environmental Management</b>             | 40ha   | X   |      |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 4.1AA  | Minimum subdivision lot size for community title schemes   | Not applicable.   | NA   |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |
| 4.1A   | Exceptions to minimum lot sizes in zone R1   | Not applicable.   | NA   |                  |   |                               |        |   |                            |      |   |                                      |      |   |                                    |      |   |   |

|  | Control   | Comment   | ✓  |
|--|---|---|----|
| 4.2                                    | Rural subdivision   | Not applicable.   | NA |
| 4.2A                                   | Erection of dwelling houses on land in certain rural and environmental protection zones   | Not applicable.   | NA |
| 4.2B                                   | No strata plan subdivision in certain rural, residential or environmental protection zones  | Not applicable.   | NA |
| 4.2C                                   | <p><b>Minimum subdivision lot sizes for certain split zones</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure that the subdivision occurs in a manner that promotes sustainable land use and development.</p> <p>(2) This clause applies to each lot (an original lot) that contains—</p> <p>(a) land in a residential, business or industrial zone, and</p> <p>(b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—</p> <p>(a) one of the resulting lots will contain—</p> <p>(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</p> <p>(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</p> <p>(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.</p> | <p><b>Complies.</b> All proposed residential allotments contain more than 450sqm of residential zoned land. Given the inconsistent zone boundary that runs to the east of proposed Lots 545-551, 641-646 and south of proposed Lot 626 it is impossible to deliver a logical subdivision without including small sections of C3 and RU2 zoned land into the compliant areas of R1 zoned land.</p> <p>This smoothing of the allotment boundaries would impact six residential allotments and three allotments that would be dedicated to Council and Hunter Water as public open space, drainage infrastructure and utility infrastructure.</p> <p>All proposed residential allotments would have sufficient space to site a dwelling, and no allotments would have access restricted by flooding or other site constraints.</p> <p>The split zoned allotments create a more efficient and structured urban footprint that does not intensify the yield or adversely impact the function of the C3 zoned land.</p> <p>The original lot which relates to the split zoned allotments is Lot 2 DP601226, which is in part zoned R1, RU2, C2, and C3. This parent allotment does not meet the minimum allotment size requirements for either the RU2, C2, and C3 zoned land.</p> <p>Proposed Lot 647 will be the residue allotment that contains all the remaining land zoned RU2, C2, and C3.</p> | ✓  |
| 4.3                                    | Height of buildings   | Not applicable.   | NA |
| 4.4                                    | Floor space ratio   | Not applicable.   | NA |
| 4.5                                    | Calculation of floor space ratio and site area  | Not applicable.   | NA |
| 4.6                                    | Exceptions to development standards   | Not applicable.   | NA |
| <b>Part 5 Miscellaneous Provisions</b> |   |   |    |
| 5.1                                    | Relevant acquisition authority  | <b>Noted.</b> The proposal includes provisions to facilitate the widening and adjustment to Cessnock Road. The subject application does not create the lots for dedication, as the subdivision allows for widening, and this will form part of the VPA for State infrastructure contributions.  | ✓  |
| 5.1A                                   | Development on land intended to be acquired for public purposes   | Not applicable.   | NA |
| 5.2                                    | Classification and reclassification of public land  | Not applicable.   | NA |
| 5.3                                    | Development near zone boundaries  | Not applicable.   | NA |
| 5.4                                    | Controls relating to miscellaneous permissible uses   | Not applicable.   | NA |
| 5.5                                    | Controls relating to secondary dwellings on land in a rural zone  | Not applicable.   | NA |
| 5.6                                    | Architectural roof features   | Not applicable.   | NA |
| 5.7                                    | Development below mean high water mark  | Not applicable.   | NA |

|       | Control  | Comment  | ✓  |
|-------|--|--|----|
| 5.8   | Conversion of fire alarms  | Not applicable.  | NA |
| 5.9   | Dwelling house or secondary dwelling affected by natural disaster  | Not applicable.  | NA |
| 5.9AA | Repealed   | -  | -  |
| 5.10  | <p><b>Heritage conservation</b></p> <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Maitland,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> | <p><b>Complies.</b> There are no European heritage items on or in the immediate proximity of the Site.</p> <p>The ACHAR has identified seven (7) newly discovered Aboriginal cultural heritage sites. There was also one previously recorded site immediately south of the subject Site adjacent to Testers Hollow. Given the common occurrence</p> <p>The ACHAR determined that the development of the Site has the potential to impact four of the identified cultural sites. The other three sites are located within areas proposed to be zoned C2 Environmental Conservation or C3 Environmental Management, where no works are proposed.</p> <p>The overall scientific (archaeological), educational, representativeness, rarity and aesthetic value of the site is considered to be low. Isolated artefacts are the most frequent Aboriginal cultural heritage site type located within the Central Lowlands of the Hunter region. The large number of these site types that have been recovered through the environmental impact assessment and Aboriginal Heritage Impact Permit (AHIP) process and the high number of representative Aboriginal objects from similar settings in the Hunter Region mean that the current Aboriginal cultural heritage sites discovered in the Site are not rare or unique and do not have high conservation value.</p> <p>An AHIP will be required under the provisions of the National Parks and Wildlife Act 1974, and this can not occur until development consent is received.</p> | ✓  |
| 5.11  | Bush fire hazard reduction   | Not applicable.  | NA |
| 5.12  | Infrastructure development and use of existing buildings of the Crown  | Not applicable.  | NA |
| 5.13  | Eco-tourist facilities   | Not applicable.  | NA |
| 5.14  | Sliding Spring Observatory – maintaining dark sky  | Not applicable.  | NA |
| 5.15  | Defence communications facility  | Not applicable.  | NA |
| 5.16  | Subdivision of, or dwellings on, land in certain rural, residential or conservation zones  | Not applicable.  | NA |

|                                   | Control   | Comment   | ✓  |
|-----------------------------------|---|---|----|
| 5.17                              | Artificial waterbodies in environmentally sensitive areas of operation of irrigation corporations   | Not applicable.   | NA |
| 5.18                              | Intensive livestock agriculture   | Not applicable.   | NA |
| 5.19                              | Pond-based, tank-based and oyster aquaculture   | Not applicable.   | NA |
| 5.20                              | Standards that cannot be used to refuse consent – playing and performing music  | Not applicable.   | NA |
| 5.21                              | <p><b>Flood planning</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> | <p><b>Complies.</b> The proposed filling within the 'Flood Storage' and 'Flood Fringe' areas are zoned C3 and RU2. <i>Environment Protection Works</i> is listed as <i>Permitted with Consent</i> in both the C3 and RU2 zoned land. The proposed minor filling works assist in preventing environmental degradation through controlling stormwater and erosion and sediment control throughout this impacted area.</p> <p>Council's Manual of Engineering Standards details that it is permissible to incorporate drainage infrastructure below 1%AEP as long it is above the 5% AEP this would support the filling associated with Basin A.</p> <p>Further, in delivering Basin A, there will be some cut that would increase the flood storage area, mitigating any impact of the minor filling works adjacent to proposed Lots 545-550.</p> <p>No filling within the 'Flood Fringe' and 'Flood Storage' areas would result in an inefficient development that adversely impacts the natural environment and ecological functions. Without the proposed minor filling, there would be no scope to control and manage stormwater discharged from the Site at pre-development levels. The proposal allows all stormwater within the residential allotments to be captured and treated in a manner that is likely to improve the environmental quality of the surrounding ecological systems. The filling does not restrict any future development within the C3, and RU2 zoned land that would otherwise be permitted and allows the R1 zoned land to be developed in a manner that is aligned to the zone objectives.</p> <p>This being the case, the proposed filling is permitted with consent, and full compliance is unreasonable, and if compliance were enforced, it would result in a development that contradicts the objectives of the R1, C3, and RU2 zoned land.</p> | ✓  |
| 5.22                              | Special flood considerations  | Not applicable.   | NA |
| <b>Part 6 Urban release areas</b> |   |   |    |
| 6.1                               | <p><b>Arrangements for designated State public infrastructure</b></p> <p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated</p>  |   | ✓  |

|     | Control   | Comment  | ✓ |
|-----|---|--|---|
|     | <p>State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>(3) Subclause (2) does not apply to—</p> <ul style="list-style-type: none"> <li>(a) any lot identified in the certificate as a residue lot, or</li> <li>(b) any lot to be created by a subdivision on land that was the subject of a previous development consent granted in accordance with this clause, or</li> <li>(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</li> <li>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</li> </ul> <p>(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).</p>   | <p><b>Capable of compliance.</b> Walker intends to finalise a Voluntary Planning Agreement with the Minister for Planning and Public Spaces to achieve satisfactory arrangements for State public infrastructure.</p> <p>Discussions are underway with the Department about the form finer details of the VPA.</p> <p>It is understood that development consent cannot be issued until the Director General has provided written confirmation of satisfactory arrangements.</p>        | ✓ |
| 6.2 | <p><b>Public utility infrastructure</b></p> <p>(1) 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 that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p>  | <p><b>Complies.</b> The proposed development would be connected to all essential public utility infrastructure prior to the subdivision certificate being issued.</p>  | ✓ |
| 6.3 | <p><b>Development control plan</b></p> <p>(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.</p> <p>(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.</p> <p>(3) The development control plan must provide for all of the following—</p> <ul style="list-style-type: none"> <li>(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,</li> <li>(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,</li> <li>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</li> <li>(d) a network of passive and active recreational areas,</li> <li>(e) stormwater and water quality management controls,</li> <li>(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</li> </ul> | <p><b>Complies.</b> At the Council meeting on 27 September 2022, Council adopted the Draft Gillieston Heights South (Eastern Precinct) Development Control Plan as an amendment to the Maitland Development Control Plan 2011. The amendments to the Maitland Development Control Plan 2011 came into effect on Monday, 17 October 2022. The amended DCP specifically addressed the matters detailed in subclause 3 and enabled the Site's logical and cost-effective development.</p> | ✓ |

|               | Control  | Comment       | ✓     |   |            |   |  |   |  |   |   |   |   |  |    |
|---------------|--|---------------|-------|---|------------|---|--|---|--|---|---|---|---|--|----|
|               | <ul style="list-style-type: none"> <li>(g) detailed urban design controls for significant development sites,</li> <li>(h) measures to encourage higher density living around transport, open space and service nodes,</li> <li>(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</li> <li>(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.</li> </ul> <p>(4) Subclause (2) does not apply to any of the following development—</p> <ul style="list-style-type: none"> <li>(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,</li> <li>(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,</li> <li>(c) a subdivision of land in a zone in which the erection of structures is prohibited,</li> <li>(d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.</li> </ul>  |               | ✓     |   |            |   |  |   |  |   |   |   |   |  |    |
| 6.4           | Relationship between Part and remainder of Plan  | Noted.        | ✓     |   |            |   |  |   |  |   |   |   |   |  |    |
|               | Part 7 Additional local provision  |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 7.1           | <p><b>Acid sulfate soils</b></p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <table border="1" data-bbox="245 1238 801 1693"> <thead> <tr> <th>Class of land</th> <th>Works</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works.</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td>3</td> <td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface</td> </tr> <tr> <td>4</td> <td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td> </tr> <tr> <td>5</td> <td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <ul style="list-style-type: none"> <li>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</li> </ul> | Class of land | Works | 1 | Any works. | 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. | 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface | 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | <p><b>Not applicable.</b> The proposed development would occur outside the areas mapped as acid sulfate soils; additionally, the laboratory testing carried out as part of the Geotechnical Investigation indicated that soils are naturally acidic but not considered to be acid sulfate soils.</p> | NA |
| Class of land | Works  |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 1             | Any works.   |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 2             | Works below the natural ground surface. Works by which the watertable is likely to be lowered.   |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 3             | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface   |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 4             | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.  |               |       |   |            |   |  |   |  |   |   |   |   |  |    |
| 5             | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.  |               |       |   |            |   |  |   |  |   |   |   |   |  |    |

|     | Control   | Comment  | ✓ |
|-----|---|--|---|
|     | <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</p> <p>(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</p> <p>(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</p> <p>(a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or</p> <p>(b) the works are not likely to lower the watertable.</p>                                  |  | ✓ |
| 7.2 | <p><b>Earthworks</b></p> <p>(1) The objective of this clause is to maintain terrestrial and aquatic biodiversity including—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> | <p><b>Complies.</b> The proposed development seeks consent for ancillary bulk earthworks to facilitate the residential subdivision. The proposal seeks to balance the cut and fill on the Site to reduce the ecological impacts on the Site and the surrounding land.</p> <p>During construction, a Construction Environmental Management Plan will be followed to ensure that all excavation and filling works are carried out to ensure the amenity and integrity of the surrounding natural and built environments.</p> <p>The proposed stormwater provisions ensure that the development will not worsen the natural environment post-development from a water quality and quantity perspective.</p> | ✓ |

|     | Control   | Comment   | ✓  |
|-----|---|---|----|
| 7.3 | Repealed  | -   | NA |
| 7.4 | <p><b>Riparian land and watercourses</b></p> <p>(1) The objective of this clause is to protect and maintain the following:</p> <ul style="list-style-type: none"> <li>(a) water quality within watercourses,</li> <li>(b) the stability of the bed and banks of waterways,</li> <li>(c) Aquatic riparian habitats,</li> <li>(d) Ecological processes within watercourses and riparian areas,</li> </ul> <p>(2) This clause applies to:</p> <ul style="list-style-type: none"> <li>(e) land identified as “Watercourse Land” on the Watercourse Map, and</li> <li>(f) all land that is within 40 metres of the top of the bank of a watercourse identified as “Watercourse land” on the Watercourse Map.</li> </ul> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development —</p> <ul style="list-style-type: none"> <li>(a) is likely to have any adverse impact on the following: <ul style="list-style-type: none"> <li>(i) the water quality and flows within the watercourse,</li> <li>(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,</li> <li>(iii) the stability of the bed, shore and banks of the watercourse,</li> <li>(iv) the free passage of fish and other aquatic organisms within or along the watercourse,</li> <li>(v) any future rehabilitation of the watercourse and its riparian areas, and</li> </ul> </li> <li>(a) is likely to increase water extraction from the watercourse</li> </ul> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</li> <li>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</li> <li>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul> | <p><b>Complies.</b> The proposed development would occur within 40 metres of a mapped and ground-truthed first order stream and is considered integrated development under the Water Management Act 2000.</p> <p>The proposal has been designed to actively avoid the riparian areas as identified within the Riparian Assessment Report. There is an unavoidable impact on a northern hydroline as this is the natural low point and an existing discharge point for stormwater runoff. This being the case the Stormwater Management Plan has included clear provisions for Water Sensitive Urban Design and the modelling indicates that the proposal would have a no worsening impact on the ecological function of the area.</p> <p>It is noted that although there are no physical works proposed in the vicinity of Wallis Creek a Biodiversity Management Plan would apply to the remnant vegetation to ensure the maintenance and improvement of the ecological functions.</p> | ✓  |
| 7.5 | Significant extractive resources  | Not applicable.   | NA |
| 7.6 | Location of sex services premises   | Not applicable.   | NA |
| 7.7 | Certain development at Racecourse Road, Rutherford  | Not applicable.   | NA |
| 7.8 | Subdivision of land in Zone R1 in Anambah Urban Release Area  | Not applicable.   | NA |





## Maitland Development Control Plan 2011




4.126 A summary of compliance of the Development Application's consistency with the *Maitland Development Control Plan 2011* is included in the assessment below. The assessment demonstrates the proposed development substantially complies with the relevant objectives and controls of the DCP 2011, which are solely used to guide development and are not considered statutory requirements.

| Control  | Comment  | ✓ |
|--|--|---|
| <b>PART A - ADMINISTRATION</b>   |  |   |
| <b>PART B – ENVIRONMENTAL GUIDELINES</b>   |  |   |
| <b>B.1 Introduction</b>  | <b>Complies.</b>   | ✓ |
| <b>B.2 Domestic Stormwater</b>   |  |   |
| <b>Objectives:</b> <ul style="list-style-type: none"> <li>To ensure that compliance with BASIX objectives and requirements are achieved.</li> <li>To ensure that an acceptable standard of water quality is maintained within storm water lines and rain water storage tanks.</li> <li>To ensure the most suitable rainwater storage method is employed pursuant to the relevant site conditions, including health and safety aspects of the storage installation.</li> <li>To ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2021).</li> <li>To ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location.</li> </ul>  | <b>Complies.</b> The proposal includes all necessary provisions for a lawful connection to the wider stormwater network, whether that be through inter-allotment drainage or discharge points within the kerb. These lawful points of discharge all connect to the wider stormwater management plan as detailed in the Civil & Stormwater Plans, prepared by Enspire, submitted in support of this proposal. This plan addresses both water quality and quantity to ensure there is no worsening effect on the neighbouring allotments or natural environment.<br><br>Additionally, the proposal has been designed to allow future residential dwellings to satisfy the relevant BASIX requirements. | ✓ |
| <b>B.3 Hunter River Floodplain</b>   |  |   |
| <b>2. Flood hazards, costs, and risks to life</b>  |  |   |
| 2.1 Development below the Flood Planning Level (FPL)<br><b>Objectives:</b> <ul style="list-style-type: none"> <li>The proposal is supported by adequate information to assess the impact of the proposal on flood behaviour, the environment, flood affectation and risk to life and property associated with the use of land.</li> </ul>  | <b>Complies.</b> The proposed development and supporting documentation, namely the Civil and Stormwater Plans, prepared by Enspire, have been designed to avoid FPL, where possible.<br><br>There are some minor encroachments to the south around the southern stormwater basin and proposed dog park, but these have been designed in accordance with Council's MOES.<br><br>All residential allotments and vehicular and pedestrian networks that service said allotments are located above the FPL.  | ✓ |
| <b>Development Controls</b><br>1. An application for development below the FPL must demonstrate: <ol style="list-style-type: none"> <li>the proposed development will not increase the flood hazard or flood damage or adversely increase flood affectation on other properties, as assessed by a suitably qualified hydraulic engineer;</li> <li>the design of the proposed development is such that the risks of structural failure or damage in the event of flooding (including damage to other property) up to the FPL would be minimal, as assessed by a suitably qualified structural engineer;</li> <li>the proposed development has been designed to withstand the effects of inundation of floodwaters up to the FPL, with contents or fittings susceptible to flood damage being located above this level;</li> <li>if levees are proposed to protect a development, the impact of the levees on flood behaviour must be assessed and the habitable floor level of the proposed development behind the levee must still be set at or above the FPL (assuming no levee is in place);</li> <li>the proposed measures to allow the timely, orderly and safe evacuation of people from the site (these measures should be permanent and maintenance free), and the measures proposed to safeguard goods, material, plant and equipment in a flood. These measures should be compatible with the SES' Maitland City Local Flood Plan (including vol 1 The Maitland City Flood Emergency Sub Plan);               <ol style="list-style-type: none"> <li>in rural areas, the proposals for the evacuation of any livestock in a flood;</li> <li>the measures to reduce the risks that the development will allow the accumulation and build-up of debris being carried by floodwaters (particularly associated with fences in flood liable areas);</li> </ol> </li> </ol> | <b>Complies.</b> The proposed development has been designed to actively avoid the FPL. All residential allotments, roads and pedestrian links are located above the FPL to ensure safe and convenient flood-free access to all future residents.   | ✓ |

| Control   | Comment  | ✓  |
|---|--|----|
| iii. the design complies with the Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land (in this DCP section); and<br>iv. Details of any proposed filling to be provided.  |  |    |
| 2. Survey plans shall be dimensioned in metres with levels to Australian Height Datum (AHD), prepared and signed by a Registered Surveyor.  | <b>Complies.</b> All survey plans are in metres with levels to AHD.  | ✓  |
| 3. The type and extent of survey information likely to be required to support a development in a flood liable area is as follows:<br>a. the location of the site relative to other features such as roads, bridges, etc;<br>b. the assessed flood levels at the site (for the 1:100 ARI as a minimum and PMF where critical infrastructure is proposed), the origin of that level and how it was derived;<br>c. the position of existing buildings (if any) and proposed buildings and works on the site;<br>d. the existing and proposed floor levels of buildings on the site;<br>e. the existing ground levels around all existing buildings on the site, or if the site is vacant, ground levels on the site and on adjacent properties within approximately 30 metres of the boundary of the site;<br>f. the locations should be shown of any structure of the Hunter Flood Mitigation Scheme (such as levee banks, spillways, floodgates etc.), which are inside or within 100 metres of the subject property site; and<br>g. the position and floor and ground levels of buildings on adjacent properties, and the use of the properties within 100 metres of the subject site | <b>Complies.</b> The plans supporting the proposed development show all the relevant information relating to development in the flood liable area.   | ✓  |
| 2.2 Development in Floodways<br>Objectives: <ul style="list-style-type: none"> <li>To avoid significant adverse impacts on flood behaviour and the environment.</li> <li>To ensure development does not increase flood affectation elsewhere on the floodplain.</li> <li>To minimise the flood risk to life and property associated with the use of land.</li> <li>To ensure the integrity of the Hunter Valley Flood Mitigation Scheme is protected.</li> </ul>  | <b>Complies.</b> The proposed development has been designed to avoid the floodway.   | ✓  |
| Development Controls<br>1. No building or structure is to be erected on land identified as floodway on maps Hydraulic Category Maps.  | <b>Complies.</b> There are no structures proposed within the mapped floodway.  | ✓  |
| 2. No fill is permitted on land identified as floodway on maps Hydraulic Category Maps.   | <b>Complies.</b> There is no filling proposed within the mapped floodway.  | ✓  |
| 3. Minor alterations to ground levels associated with surface treatments, below ground structures, or minor landscaping are permitted provided they do not alter the flow distribution or flood behaviour within the floodway.  | <b>Complies.</b> The Biodiversity Management Plan includes provisions relating to managing the remnant vegetation that is partly within the mapped floodway and generally involves removing weeds and replanting endemic species.  | ✓  |
| 4. New development shall be designed to avoid fences in floodways.  | <b>Complies.</b> The proposed development does not include provisions for fencing within the mapped floodway. The Biodiversity Management Plan includes some provisions for fencing during the management period and to protect it from livestock, although this would be open-style fencing that would not impact the floodway. | ✓  |
| 5. Where dividing fences across floodways are unavoidable, they are to be constructed only of open type fencing that does not restrict the flow of flood waters. The fencing design should be resistant to blockage or designed to be collapsible under heavy flood loadings.   | <b>Not applicable.</b> There are no dividing fences proposed within the mapped floodway. Protective fencing around the remnant vegetation would be open-style so as not to impact the flood loading  | NA |
| 6. Flood mitigation works are permitted with consent subject to Council being satisfied that the works meet the objectives of this DCP and the Flood Risk Management Plan.  | <b>Not applicable.</b> There are no flood mitigation works proposed within the mapped floodway.  | NA |
| 7. Development within the vicinity of Hunter Valley Flood Mitigation Scheme structures (including levees, floodgates, spillways and drains) operated by the NSW Office of Environment and Heritage are referred to that agency for concurrence in accordance with the Water Management Act 2000.  | <b>Not applicable.</b> The proposed development does not include provisions for works within the vicinity of Hunter Valley Flood Mitigation Scheme structures.   | NA |
| <b>2.3 Filling of Flood Storage and Flood Fringe Areas</b>  |  |    |
| Objectives <ul style="list-style-type: none"> <li>To avoid significant adverse impacts on flood behaviour and the environment.</li> </ul>   | <b>Complies.</b> The proposed development has been designed to avoid the area mapped as 'Flood Storage' and 'Flood Fringe'. There will be some minor earthworks within these mapped areas to facilitate stormwater infrastructure in accordance with Council's Manual of   | ✓  |

| Control  | Comment  | ✓  |
|--|--|----|
| <ul style="list-style-type: none"> <li>To ensure filling does not increase flood affectation elsewhere on the floodplain.</li> <li>To minimise the flood risk to life and property associated with the use of land.</li> <li>To ensure development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change is permitted.</li> </ul>   | Engineering Standards and some batter to ensure that the future residential allotments in the southeastern corner are delivered with minimal fall.   |    |
| <p>Development Controls</p> <p>1. An application for filling within the flood storage or flood fringe areas must be supported by a fully dynamic computer flood model unless:</p> <ol style="list-style-type: none"> <li>There is no net importation of fill within the 1:100 ARI flood extent; or</li> <li>Filling up to 7,000m<sup>3</sup> or 20% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) that; <ol style="list-style-type: none"> <li>is associated with construction of a dwelling in rural zones, and</li> <li>where construction of a dwelling is permitted; and</li> <li>all of other flood requirements (such as evacuation) is achieved; and/or</li> </ol> </li> <li>Filling up to 3,500m<sup>3</sup> or 10% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) associated with construction of a mound to provide refuge for stock during floods</li> </ol> | <p><b>Variation justified.</b> There be some minor filling within the 'Flood Storage' and 'Flood Fringe' areas.</p> <p>The levels of fill would have a negligible impact on flood storage. The small portion of affection is more than compensated in areas that would be above the 1 in 100 and PMF.</p> <p>The construction of the southern stormwater basin supports the delivery of residential allotments and has been designed to comply with the requirements of Council's Manual of Engineering Standards, which allows for drainage infrastructure below 1%AEP as long as it is above the 5% AEP.</p> <p>Further justification is provided in 2.9 – <i>Mitigating Circumstances</i>, below.</p> | ✓  |
| <p><b>2.3 General Building Requirements</b></p>  |  |    |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To minimise the flood risk to life and property associated with the use of land.</li> </ul>  | <b>Complies.</b> The proposed development has been designed to allow future residential dwellings to be above the FPL and with flood-free access.  | ✓  |
| <p><b>Development Controls</b></p> <p>1. All habitable finished floors shall be no lower than the FPL.</p>   | <b>Complies.</b> The proposed development will allow for all future residential dwellings and associated structures to be above the FPL.   | ✓  |
| <p>2. Parts of buildings and structures at or below the FPL shall be constructed in accordance with Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land. The development shall be certified by a qualified Structural Engineer that the building has been designed to withstand the depth of inundation, buoyancy and flow velocity forces (including potential for debris impact) at the development site for a 1:100 ARI event.</p>   | <b>Not applicable.</b>   | NA |
| <p>3. Flood-free access shall be provided from the development to an appropriate evacuation facility (as identified in the Maitland Local Flood Plan), at the 1:20 ARI flood level or higher.</p>  | <b>Complies.</b> All proposed residential allotments would be provided flood-free access to and from them.   | ✓  |
| <p>4. Provision shall be made for the safe evacuation of people from the development in accordance with the Maitland Local Flood Plan.</p>   | <b>Complies.</b> All proposed residential allotments would be provided flood-free access to and from them.   | ✓  |
| <p>5. Sufficient storage space for household effects shall be provided above the FPL.</p>  | <b>Complies.</b> All future residential dwellings would be capable of providing sufficient storage space.  | ✓  |
| <p>6. Electrical fixtures such as light fittings and switches shall be sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building.</p>  | <b>Complies.</b> All proposed, and future electrical fixtures and fittings would be above the FPL.   | ✓  |
| <p>7. Requirements 1, 3, 4 and 6 do not apply to the following development:</p> <ul style="list-style-type: none"> <li>The extension of an existing dwelling house by no more than 50% of its internal floor area,</li> <li>An addition to an existing dwelling house with an area of no more than 50% of the internal floor area of that dwelling to be used for the purpose of a dual occupancy.</li> <li>Tourist and visitor accommodation.</li> </ul>  | <b>Not applicable.</b>   | NA |
| <p><b>2.4 Multi-Storey Residential Development</b></p>   | <b>Not applicable.</b>   | NA |
| <p><b>2.5 Basement Car Parking</b></p>   | <b>Not applicable.</b>   | NA |
| <p><b>2.6 Additions and Renovations</b></p>  | <b>Not applicable.</b>   | NA |
| <p><b>2.7 House Raising and Flood Proofing</b></p>   | <b>Not applicable.</b>   | NA |
| <p><b>2.8 Critical Infrastructure and Facilities</b></p>   | <b>Not applicable.</b>   | NA |
| <p><b>2.9 Mitigating Circumstances</b></p>   |  |    |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>Merit-based assessment of a development is available only in extenuating circumstances.</li> </ul>   | <b>Complies.</b> When considered upon its merits, the minor earthworks within the 'Flood Storage' and 'Flood Fringe' areas are negligible and deliver a superior development outcome.  | ✓  |

| Control   | Comment   | ✓                   |
|---|---|---------------------|
| <p>1. Council may consent to a development where:</p> <ol style="list-style-type: none"> <li>The land use is permitted in the zone; and</li> <li>Full compliance with the flood-related development controls is impossible or unreasonable.</li> </ol>  | <p><b>Complies.</b> The proposed filling within the 'Flood Storage' and 'Flood Fringe' areas are zoned C3 and RU2. <i>Environment Protection Works</i> is listed as <i>Permitted with Consent</i> in both the C3 and RU2 zoned land. The proposed minor filling works assist in preventing environmental degradation through controlling stormwater and erosion and sediment control throughout this impacted area.</p> <p>Council's Manual of Engineering Standards details that it is permissible to incorporate drainage infrastructure below 1%AEP as long it is above the 5% AEP this would support the filling associated with Basin A.</p> <p>Further, in delivering Basin A, there will be some cut that would increase the flood storage area, mitigating any impact of the minor filling works adjacent to proposed Lots 545-550.</p> <p>No filling within the 'Flood Fringe' and 'Flood Storage' areas would result in an inefficient development that adversely impacts the natural environment and ecological functions. Without the proposed minor filling, there would be no scope to control and manage stormwater discharged from the Site at pre-development levels. The proposal allows all stormwater within the residential allotments to be captured and treated in a manner that is likely to improve the environmental quality of the surrounding ecological systems. The filling does not restrict any future development within the C3, and RU2 zoned land that would otherwise be permitted and allows the R1 zoned land to be developed in a manner that is aligned to the zone objectives.</p> <p>This being the case, the proposed filling is permitted with consent, and full compliance is unreasonable, and if compliance were enforced, it would result in a development that contradicts the objectives of the R1, C3, and RU2 zoned land.</p> | <p>✓</p>            |
| <p>2. Any application will be subject to a comprehensive merits-based assessment against the objectives of the DCP and Clause 7.3 of the LEP.</p>   | <p><b>Complies.</b> The proposed development is consistent with the objectives of this DCP, and Clause 7.3 of the Maitland LEP has been repealed.</p>   | <p>✓</p>            |
| <p>3. Any application under this clause must be supported by detailed justification including any relevant studies.</p>   | <p><b>Complies.</b> The Civil design package indicates that the proposed development has been designed to convey the 1% AEP storm event, and the location of the basin below the 1% flood level does not result in the stormwater system failing.</p> <p>The proposed works are only within the Flood Fringe and Flood Storage areas and have been appropriately justified..</p>  | <p>✓</p>            |
| <p><b>3. Flood Maps</b></p>   |   |                     |
| <p><b>3.1 Flood Extent Map Series</b></p> <p>Flood Extent Maps show the following:</p> <ol style="list-style-type: none"> <li>1:100 ARI Flood Extent (shown pale blue)</li> <li>Flood Planning Area being the 1:100 ARI Flood Extent plus 0.5m freeboard (shown dark blue hatching); and</li> <li>Probable Maximum Flood (PMF) extent (shown as red line).</li> </ol> | <p><b>Noted.</b> There would be some very minor works within the PMF and FPL, which are consistent with the provisions of Council's Manual of Engineering Standards.</p>   | <p><b>Noted</b></p> |
| <p><b>3.2 Flood Depth Maps Series</b></p> <ol style="list-style-type: none"> <li>Depth less than 0.5m (shown in blue); and</li> <li>Depth greater than 0.5m (shown in red).</li> </ol>  | <p><b>Noted.</b> Some very minor works would occur within the flood depth of greater than 0.5m.</p>    | <p><b>Noted</b></p> |

| Control  | Comment  | ✓  |                     |
|--|--|--|---------------------|
| <p><b>3.3 Flood Velocity Map Series</b></p> <ol style="list-style-type: none"> <li>Velocities less than 0.5 metres per second (shown in blue); and</li> <li>Velocities greater than 0.5 metres per second (shown in red).</li> </ol>   | <p><b>Noted.</b> Some very minor works would occur within the area identified as having a velocity of less than 0.5m per second.</p>   |   | <p><b>Noted</b></p> |
| <p><b>3.4 Hydraulic Category Maps</b></p> <ul style="list-style-type: none"> <li>Flood Fringe comprises areas outside the Floodway where peak depth &lt; 1.5 m (shown blue);</li> <li>Flood Storage comprises areas outside the Floodway where peak depth &gt; 1.5 m (shown yellow); and</li> <li>Floodway (shown red) is defined as areas where: <ul style="list-style-type: none"> <li>the peak value of velocity multiplied by depth (<math>V \cdot D</math>) &gt; 1.0 m<sup>2</sup>/s and peak velocity &gt; 0.1 m/s, or</li> <li>peak velocity &gt; 0.8 m/s.</li> </ul> </li> </ul> | <p><b>Noted.</b> The proposed development would sit outside the Floodway. Some very minor filling works would occur within the Flood Fringe and Flood Storage areas, which are consistent with the provisions of Council's Manual of Engineering Standards.</p>  |   | <p><b>Noted</b></p> |
| <p><b>3.5 Hazard Category Maps</b></p> <p>Hazard Category Maps show the various flood hazard categories as they apply in the 1:100 ARI flood event:</p> <ul style="list-style-type: none"> <li>Low Hazard (shown in blue); and</li> <li>High Hazard (shown in red).</li> </ul>   | <p><b>Noted.</b> There would be some very minor filling works within the Low and High Hazard areas, but the proposal remains consistent with the requirements of Council's Manual of Engineering Standards.</p>  |  | <p><b>Noted</b></p> |
| <p><b>B.4 On Site Sewerage Management Systems</b></p>  | <p><b>Not applicable.</b></p>  | <p><b>NA</b></p>   |                     |
| <p><b>B.5 Tree Management</b></p>  |  |  |                     |
| <p>Objectives:</p> <ul style="list-style-type: none"> <li>To protect, maintain and enhance bushland, remnant vegetation and tree canopy as assets for the people of Maitland.</li> <li>To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.</li> <li>To ensure that trees listed on Council's Significant Tree register are not adversely affected by development.</li> <li>To implement the mitigation hierarchy of "avoid, minimize, offset" when considering the clearing of vegetation.</li> </ul>         | <p><b>Complies.</b></p> <p>The proposal is supported by a Streamlined Biodiversity Development Assessment Report prepared by AEP, which clearly establishes how the proposal has stepped through the avoid, minimise and offset steps.</p> <p>After avoiding and actively minimising the impact on the existing vegetation, it is necessary to remove 0.93ha of native vegetation, made up of 0.53ha of planted native vegetation in highly degraded to severely degraded condition and 0.40ha of remnant native vegetation in poor condition.</p> <p>All retained vegetation would be actively protected during the construction and delivery of the residential allotments.</p> <p>The vegetation on the site does not appear on the significant tree register, nor does it form part of or is within close proximity of a heritage item.</p> <p>There is further consideration of vegetation removal within Section 4 of this report.</p> | <p>✓</p>   |                     |
| <p><b>B.6 Waste Not – Site Waste Minimisation and Management</b></p>   |  |  |                     |
| <p>Objectives</p> <ul style="list-style-type: none"> <li>To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.</li> <li>To encourage building designs, construction and demolition techniques in general which minimise waste generation.</li> <li>To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan. This plan is to be completed in the planning stages of a development.</li> </ul>                        | <p><b>Complies.</b> The proposed development seeks to balance the cut and fill within the Site to minimise the need for off-site disposal. All excavated material will be re-used onsite, where possible, for site regrading and dam decommissioning.</p> <p>However, five (5) dwellings and associated structures are to be demolished, as well as some minor remediation works relating to asbestos. All materials associated with the demolition and remediation works will be removed from the Site and disposed of via the appropriately licenced contractors. Appropriate conditions</p>   | <p>✓</p>   |                     |

| Control   | Comment  | ✓  |
|---|--|----|
| <ul style="list-style-type: none"> <li>To facilitate effective waste minimisation and management for development in a manner consistent with the principles of ESD.</li> </ul>  | <p>will likely be included within the consent to ensure all waste is disposed of appropriately.</p> <p>In relation to ongoing waste management, the allotment orientations and street network have considered the need for residents to present their bins for collection by Council waste vehicles. The civil pack includes swept path plans that show Council's waste vehicle can service the entire development. Around the cul da sac in the north, bin pads have been provided to ensure that there is sufficient space for all dwellings to present their bins for collection without impeding access to future dwellings.</p> |    |
| <b>B.7 Environmentally Sensitive Land</b>   |  |    |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>To help maintain the functions of waterways and floodplain areas</li> <li>To protect natural features and biodiversity within riparian land</li> <li>To provide a riparian buffer and manage edge effects appropriately at the riparian land/development interface</li> <li>To protect and enhance water quality, biodiversity, terrestrial and aquatic habitat within the waterway and catchment</li> <li>To reinstate, where feasible and practical, the natural functions and characteristics of the Vegetated Riparian Zone (VRZ), including reconstruction of existing piped or channelised waterways and natural waterways</li> <li>To prevent additional and unnecessary piping and channelisation of watercourses</li> <li>To allow appropriate public access to waterways without diminishing the functions of riparian areas</li> <li>To preserve and enhance the viability, condition, connectivity and extent of native riparian vegetation</li> <li>To protect and provide bank and bed stability along waterways and riparian areas</li> <li>To protect and enhance landscape connectivity and improve linkages within wildlife corridors</li> <li>To protect threatened ecological communities and habitat of threatened and listed migratory species</li> </ul> <p>The impacts on riparian land and waterways as a result of rural and urban land use are well documented. Such impacts include erosion, sedimentation, increased turbidity and runoff. Other significant issues include the microclimate effects of vegetation removal (which results in increased temperatures from lack of shading over waterways, thereby altering riparian and waterway ecosystems and promoting algal growth); altered waterway flow regimes; and degradation of corridor linkages above waterways, which only serves to limit fauna movement across waterway</p> | <p><b>Complies.</b> The proposed development is supported by an appropriate erosion and sediment control plan that limits the impacts on riparian land waterways. Once complete, all stormwater from the proposed development would be discharged via three stormwater basins, which will control both water quality and quantity, thus protecting the riparian land and waterways.</p> <p>The remnant vegetation that runs along the eastern portion of the Site is to be managed via a Biodiversity Management Plan.</p>   | ✓  |
| <b>2. Access &amp; Pathways</b>   |  |    |
| <p>2.1. Pedestrian paths and cycleways shall not interfere with the connectivity or functions of riparian land, but they may be located in such a way that they contribute to management of edge effects and have minimal impact on riparian land. This includes the integration of appropriately designed and engineered drainage and stormwater infrastructure</p>  | <p><b>Not applicable.</b> The proposal does not include provisions for pedestrian paths and cycleways to interfere with riparian land.</p>   | NA |
| <p>2.2. While riparian waterways should allow for public access and integration where appropriate and practical, access paths should not unnecessarily impact upon the VRZ.</p>   | <p><b>Not applicable.</b> The proposal does not allow for public access to the riparian waterway. Additionally, the VRZ will be wholly within the residue allotment and retained in private ownership.</p>   | NA |
| <p>2.3. Where perimeter roads are to be incorporated in subdivisions adjacent to riparian land, roads must be located in a way that ensures houses are orientated towards riparian land (as shown in Figure 7 above).</p>   | <p><b>Capable of compliance.</b> Where a perimeter road is provided, the proposed residential allotments have been orientated to ensure houses face/address the riparian land.</p>   | ✓  |
| <b>3. Development Location</b>  |  |    |
| <p>3.1. The use of services such as stormwater, water and sewer infrastructure within riparian areas shall be limited to those circumstances where no other option exists, and Council is satisfied that the riparian corridor and waterway will not be significantly impacted.</p>   | <p><b>Not applicable.</b> The proposed development does not include provisions for services within the riparian land.</p>  | NA |
| <p>3.2. Subdivision works and other development must not extend into the VRZ, unless there is no other practicable means to achieve an appropriate development outcome or to service development with essential services and infrastructure. The VRZ shall be protected from any unreasonable environmental effects that could be generated by new development. The proponent must demonstrate that any proposal involving interference with the VRZ will result in no significant or unnecessary vegetation loss.</p> <p>Note: Any application requiring referral to the NSW Office of Water (in accordance with Guidelines for Riparian Corridors on Waterfront Land administered by NSW Office of Water) will trigger integrated development, and the respective referral fees and charges will apply.</p>   | <p><b>Not applicable.</b> The proposed development does not include provisions for works within the VRZ. A Biodiversity Management Plan has been prepared in support of the proposed development for the remnant vegetation, and this aims to protect and enhance the area to achieve a self-sustaining state within five years.</p> <p><b>Noted.</b> There will be some very minor filling of "waterfront land" as such, a referral to the Natural Resource Assess Regulator under the provisions of the <i>Water Management Act 2000</i> will likely be required.</p>  | NA |

| Control   | Comment  | ✓  |
|---|--|----|
| 3.3. Siting, location and design of developments on land that directly adjoins riparian areas shall consider the effects of the development on riparian land, and comply with the specific requirements as contained in the Maitland Local Environmental Plan 2011 and associated plans identified in section 1.1 above.  | <b>Complies.</b> The proposed development has been designed to avoid the riparian areas. As discussed earlier, there will be unavoidable works within the riparian area of the northern hydroline.   | ✓  |
| 3.4. The use of impervious areas within and directly adjoining riparian areas is to be minimised in order to reduce unacceptable rates of runoff that cause erosion, sedimentation and siltation.   | <b>Not applicable.</b> The proposed development does not include provisions for impervious areas directly adjoining riparian areas.  | NA |
| 3.5. Fencing within riparian areas shall be minimised and be of open design in order to allow for the free passage of water, fauna and flora.   | <b>Not applicable.</b> The proposed development does not include provisions for fencing within the riparian area.  | NA |
| 3.6. Bridges and crossings over waterways shall not interfere with connectivity of vegetation, alignment or profile of stream banks, and must not restrict flow during flood events.  | <b>Not applicable.</b> The proposed development does not include provisions for bridges or crossings over waterways.   | NA |
| 3.7. For watercourses traversing urban release areas, rehabilitation shall be assisted through the appropriate design of roads, cycleways, pathways and infrastructure, ensuring that a VRZ and riparian buffer areas are maintained throughout the extent of the urban release area, and that connectivity occurs with adjoining riparian areas and waterways. The width of buffer areas is to be determined in conjunction with the order of streams, as defined in the Guidelines for Riparian Corridors on Waterfront Land administered by NSW Office of Water. | <b>Not applicable.</b> The proposed development does not traverse a watercourse, as detailed in the Riparian Assessment Report. Wallis Creek runs parallel to the Site and adjoining remnant vegetation would be maintained and enhanced via the Biodiversity Management Plan.   | NA |
| <b>4. Riparian Watercourses &amp; Flooding</b>  |  |    |
| 4.1. Soil disturbance – within riparian areas shall be limited to the purposes of providing critical infrastructure and remediation activities associated with improving flood mitigation and health of waterways. Disturbances within the VRZ should be avoided at all costs.  | <b>Complies.</b> The proposed development actively avoids the riparian areas as detailed in the Riparian Assessment Report.<br><br>There are no provisions to remove vegetation from within the riparian area and a Biodiversity Management Plan has been included to maintain and enhance the remnant vegetation that adjoins Wallis Creek.<br><br>In addition, erosion and sediment control will be vigorously implemented to ensure that there is no run-off during construction adversely impacts the health of the surrounding waterways. | ✓  |
| 4.2. Riparian vegetation – should not be removed from riparian corridors for the purposes of new development. Any proposal to consider offsets associated with development are to be assessed in accordance with the Guidelines for Riparian Corridors on Waterfront Land administered by NSW Office of Water. Where a proponent pursues an offset within the riparian corridor, the application will trigger integrated development, and the respective referral fees and charges will apply.  | <b>Complies.</b> The proposed development does not include provisions to remove riparian vegetation.   | ✓  |
| 4.3. Vegetation Connectivity – Development shall not compromise connectivity, or opportunities for future connectivity, of riparian vegetation and habitat, or interfere with hydrological flows within waterways or riparian land.   | <b>Complies.</b> The proposed development does not compromise the functionality or connectivity of riparian land and/or any associated flora and fauna.  | ✓  |
| 4.4. Any flood study to support a DA which could impact upon riparian land and/or waterways needs to include an assessment of improvements to the health and structure of riparian land. This is necessary in order to determine flood risk and identify possible natural mitigation measures against flooding, as opposed to alternative engineered mitigation measures that could have greater impacts upon the riparian corridor.  | <b>Not applicable.</b> The proposal is not required to be supported by a flood study.  | NA |
| 4.5. Improvements and remediation of riparian waterway banks should include only endemic native riparian species and complimentary soft engineering techniques.   | <b>Complies.</b> The Biodiversity Management Plan only includes provisions for native and endemic species.   | ✓  |
| 4.6. Stormwater detention areas and infrastructure shall maintain appropriate engineering design and mechanisms to ensure that all stormwater is treated prior to entering riparian waterways, whilst ensuring that such engineering and the location of stormwater devices does not compromise the connectivity and functioning of riparian vegetation, waterways and wildlife habitat.  | <b>Complies.</b> The proposed stormwater management strategy includes specific provisions for both stormwater quality and quantity that ensures the ongoing protection of the riparian areas and waterways. The proposed stormwater basins are outside the riparian areas and dispose of stormwater via natural drainage channels in a manner that has no worsening impact.  | ✓  |
| 4.7. Works shall not be permitted in riparian areas that are likely to require excessive or incompatible piping, cause realignment of natural waterways, or alter the depth or width of natural waterways.  | <b>Not applicable.</b> The proposal does not include works within the riparian area that would impact the alignment or function of the riparian areas. The proposed stormwater basins are outside the riparian areas and dispose of stormwater via natural drainage channels in a manner that has no worsening impact.   | ✓  |
| 4.8. The stability of waterway banks and channels shall be protected by minimising the removal of vegetation, natural riparian debris and natural stream structure, except where woody debris results in a flood hazard.  | <b>Not applicable.</b> The proposal would not impact the stability of the Wallis Creek bank. The minor battering would be outside the riparian area and would be done so in accordance with the relevant Australian Standards and Council's Manual of Engineering Standards. The proposed stormwater basins are outside the riparian areas and dispose of stormwater via natural drainage channels in a manner that has no worsening impact.   | ✓  |

| Control   | Comment   | ✓  |
|---|---|----|
| 4.9. Where there is no alternative but to locate infrastructure and services within riparian areas (i.e. all possible alternative options have been exhausted), the design of such services shall accommodate for the natural functions of the riparian area and waterway.  | <b>Not applicable.</b> The proposal does not include infrastructure within the riparian area or within the Wallis Creek waterway.   | NA |
| <b>5. Other Environmental Considerations</b>  |   |    |
| 5.1. Asset Protection Zones (APZs) proposed for bushfire management in association with a proposed development should ideally not be located within the VRZ (see Figure 1). No riparian vegetation should be removed from the VRZ for the purposes of providing an APZ or for bushfire management, unless the proponent pursues an APZ within the VRZ (in accordance with Guidelines for Riparian Corridors on Waterfront Land administered by NSW Office of Water). Any such application will trigger integrated development, and the respective referral fees and charges will apply.   | <b>Complies.</b> The proposed development would require the establishment of an APZ, as detailed in the Bushfire Assessment Report, prepared in support of this application. The APZ's area is capable of being established and maintained without the need to remove vegetation from within the Wallis Creek riparian area.  | ✓  |
| 5.2. Access points to riparian waterways shall be located so as to minimise disturbance to riparian vegetation, banks and wildlife habitat. Access shall be restricted within the VRZ.  | <b>Complies.</b> The proposed development does not provide multiple access points to Wallis Creek. It is noted that the land adjoining Wallis Creek will be maintained as a single allotment and retained in private ownership.<br><br>The Biodiversity Management Plan seeks to further restrict access through the fencing of the remnant vegetation during rehabilitation works.   | ✓  |
| 5.3. Rehabilitation - within the VRZ the density of plantings shall be consistent with the naturally occurring density of endemic species in the riparian area, and shall comprise 100% local native species. No substitution for native endemic species will be permitted.   | <b>Complies.</b> The remnant vegetation adjacent to Wallis Creek would be managed by Biodiversity Management Plan to ensure that only native and endemic species are used in the ongoing management.  | ✓  |
| 5.4. Rehabilitation of environmentally sensitive land must be accompanied by a 5 year Vegetation Management Plan (VMP) prepared by a qualified restoration ecologist. The VMP must include but is not limited to: <ul style="list-style-type: none"> <li>• Planting schedule including species list, planting density, timing</li> <li>• Key performance indicators</li> <li>• Maintenance regime and weed control</li> <li>• Monitoring</li> </ul>   | <b>Complies.</b> The proposal is supported by a Biodiversity Management Plan, which acts as a VMP. The proposed BMP outlines a five-year management strategy and includes biannual monitoring.  | ✓  |
| 5.5. The objectives of the VMP should be to: <ul style="list-style-type: none"> <li>• Recreate the original vegetation that was present prior to disturbance.</li> <li>• Achieve a low maintenance state within 5 years or prior to being handed over to council</li> </ul>   | <b>Complies.</b> The area that the BMP is to apply is generally considered to be in "good and moderate condition" and would only really require weeding to return the area to its natural state.<br><br>The area impacted by the BMP is to be managed for five years, at which point it would be in a self-sustaining state. This area would be maintained in private ownership and managed in perpetuity.  | ✓  |
| <b>Part C – DESIGN GUIDELINES</b>   |   |    |
| <b>C.1 Accessible Living</b>  |   |    |
| <b>Objectives</b> <ul style="list-style-type: none"> <li>• To increase community awareness of mobility handicaps affecting certain sections of the community and of the need for barrier-free design in the built environment.</li> <li>• To ensure that new development is accessible and useable by all people in Maitland, including those people with disabilities, to facilitate their full and independent participation in community life.</li> <li>• To introduce a quality assurance system for compliance with relevant Australian Standards for Access and Mobility (eg. as required by the Building Code of Australia) and thereby minimise the risk exposure of building users, Council and building owners.</li> <li>• To provide an enhanced level of service for people with disability for those land uses which serve a public purpose.</li> <li>• Where practical, to seek upgrading of existing buildings to the standards outlined in this Plan.</li> <li>• To require an adequate supply of public parking facilities for use by people with disabilities.</li> <li>• To provide intending developers with clear guidance as to legal requirements and Council policy for access and mobility.</li> </ul> | <b>Capable of compliance.</b> The proposed development is cognisant of accessible living guidelines. The location of footpaths and associated pram ramps are capable of satisfying the design guidelines in providing a residential subdivision that is accessible to all within the community. Additionally, the Local Park has been designed with the Australian Standards in mind to ensure equitable access for the community.<br><br>The proposed residential allotments have been designed to ensure that they are delivered in a state that will allow for future dwellings to be delivered that are capable of satisfying the requirements of the NCC and Australian Standards for Access and Mobility. | ✓  |
| <b>C.2 Child Care Centres</b>   | <b>Not applicable.</b>  | NA |
| <b>C.3 Exhibition Homes and Villages</b>  | <b>Not applicable.</b>  | NA |
| <b>C.4 Heritage Conservation</b>  | <b>Not applicable.</b>  | NA |
| <b>C.5 Industrial Land</b>  | <b>Not applicable.</b>  | NA |
| <b>C.6 Signage</b>  | <b>Not applicable.</b>  | NA |



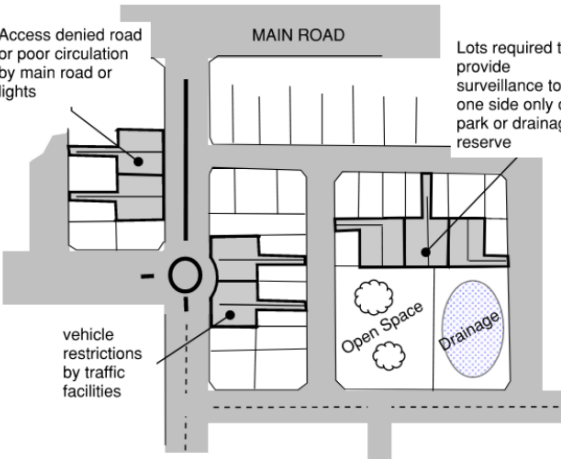
| Control   | Comment  | ✓  |
|---|--|----|
| <b>C.7 Outdoor Dining</b>   | <b>Not applicable.</b>   | NA |
| <b>C.8 Residential Design</b>   | <b>Not applicable.</b>   | NA |
| <b>C.9 Sex Services Premises and Restricted Premises</b>  | <b>Not applicable.</b>   |    |
| <b>C.10 Subdivision</b>   |  |    |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>To promote the efficient use of an increasingly limited land resource in the City Maitland.</li> <li>To encourage innovation in subdivision design to create a strong sense of community, a pleasant living environment and reduce environmental impacts.</li> <li>To encourage an integrated approach to street pattern, lot layout and facility provision to create desirable urban environments and character.</li> <li>To ensure that the principles of Ecologically Sustainable Development(ESD) are applied to the design of subdivisions and subsequent housing.</li> <li>To ensure that subdivisions protect and enhance rural character and prevailing views in the City.</li> <li>To facilitate different subdivision forms and the use of different land title systems which may assist in minimising and managing environmental problems (eg the use of community title to manage areas requiring environmental repair or common drainage or effluent systems).</li> <li>To ensure that subdivisions and subsequent housing take account of physical constraints such as bushfire, flooding, landslip, and the like.</li> <li>To protect key cultural resources (places of environmental heritage value) from land use or management practices that may lead to their degradation or destruction.</li> <li>To protect and enhance the limited amounts of remnant/contiguous vegetation in the City.</li> </ul> | <p><b>Complies.</b> The proposed development has carefully considered and responded to the Site constraints and strikes a balance between ESD and social and economic development for the benefit of the community.</p>  | ✓  |
| <p><b>Title Systems for Subdivision</b></p> <p>1.2 Conventional or Torrens Title Subdivision</p> <p>1.3 Strata Subdivision</p> <p>1.4 Community Title Subdivision</p>   | <p><b>Complies.</b> The proposed development involves Torrens title subdivision.</p>   | ✓  |
| <p><b>Design Elements</b></p> <p>This section of the chapter contains Council’s requirements for each of the Design Elements to be considered in planning a subdivision. These requirements will be applicable to almost all subdivision applications.</p> <p>The Design Elements are broken down into three components:</p> <ol style="list-style-type: none"> <li><b>Environmental Considerations (EC)</b> – pre-planning the subdivision design</li> <li><b>Design Considerations (DC)</b> – subdivision design</li> <li><b>Identity Components (IC)</b> – relating to gateway elements and the identification of the locality and its road systems through design and landscaping.</li> </ol>   | <p><b>Noted.</b> Each provision is specifically addressed below.</p>   | ✓  |
| <b>EC.1 Flora and Fauna</b>   |  |    |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>To protect remnant bushland, significant flora and fauna habitats and wildlife corridors from the impacts of subdivision and subsequent development.</li> <li>To provide for the repair and enhancement of environmentally significant natural systems such as watercourses and drainage lines, and any part of the land that is already degraded through vegetation loss, soil erosion and the like.</li> <li>To minimise the impact on vegetation of likely future development on the lots created, including clearing for dwelling and building sites, roads, access, fire prevention, provision of services and the like.</li> </ul>   | <p><b>Complies.</b> The proposed development is consistent with the relevant objectives; namely, it has been designed to avoid environmentally sensitive and significant areas.</p>  | ✓  |
| <p><b>General Requirements</b></p> <p><b>EC.1.1</b> Areas of significant habitat must be protected.</p>   | <p><b>Complies.</b> The areas of remnant vegetation have been avoided within the Site.</p>   | ✓  |
| <p><b>EC.1.2</b> Design subdivision layout to avoid significant stands of vegetation. Where the subdivision proposal affects significant stands of vegetation, lot layout and lot size must take into account the need to retain the vegetation and the impact of likely future development on the lots, including building</p>   | <p><b>Complies.</b> The proposed development avoids the remnant vegetation and riparian areas to the east of the Site. The resultant residential allotments will not require further clearing to facilitate dwelling construction or satisfy APZ requirements.</p> | ✓  |

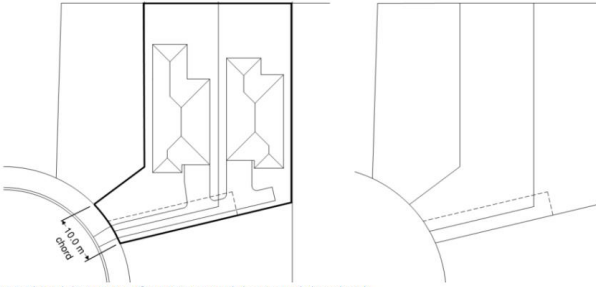
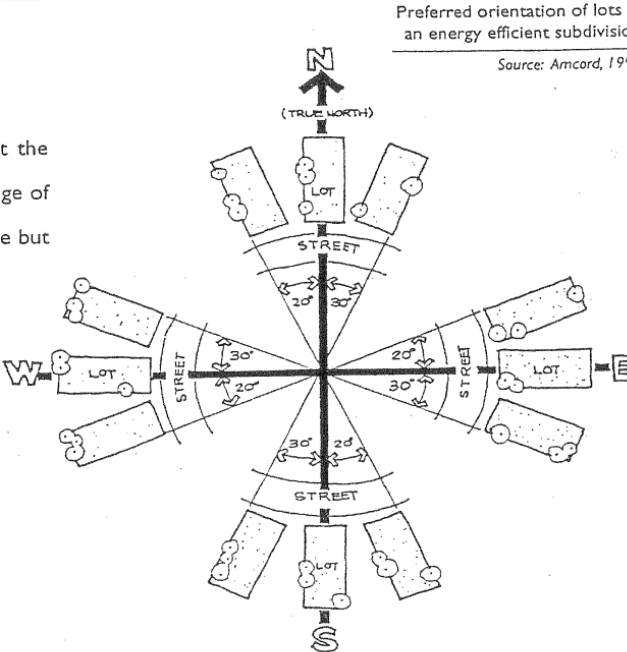
| Control   | Comment   | ✓ |
|---|---|---|
| envelopes, parking, access and other development requirements such as Asset Protection Zones.   |   |   |
| <b>EC.1.3</b> Retain existing natural drainage lines and watercourses where practicable, revegetate where necessary and incorporate into open space areas (including pedestrian and/or cycleway corridors) or include in common property.   | <b>Complies.</b> The proposed development is cognisant of the existing drainage lines and watercourses. The proposed stormwater basins have been strategically located to discharge via the natural drainage lines and would have a no worsening impact on their function.  | ✓ |
| <b>EC.1.4</b> Provide link to existing vegetation corridors through open space provision and appropriate planting.  | <b>Complies.</b> The proposed development seeks to retain the existing riparian land adjacent to Wallis Creek. This portion of land is zoned C2 Environmental Conservation and will be covered by a Biodiversity Management Plan to assist in the ongoing protection.   | ✓ |
| <b>EC.1.5</b> Lot boundaries should be located to incorporate the whole of any significant stand of vegetation that is not included in common areas.  | <b>Complies.</b> The proposal retains the remnant vegetation along Wallis Creek within the residue allotment that will be retained in one ownership.  | ✓ |
| <b>EC.1.6</b> Land title choices should reflect the need to protect and enhance vegetation. For example, Community Title may be appropriate where degraded areas need to be rehabilitated and maintained as part of the consent.  | <b>Complies.</b> The retained vegetation will be managed in accordance with the Biodiversity Management Plan for five years, at which point it should be self-sustaining.   | ✓ |
| <b>EC.1.7</b> The location of all natural drainage lines, wetland areas and significant stands of vegetation are to be mapped. Any vegetation to be removed must be identified and quantified. The subdivision application is required to address appropriate mechanisms for retention and protection of native vegetation.   | <b>Complies.</b> The proposed development package details the locations of the drainage lines and vegetation that is to be retained or removed. It is noted that the retained remnant vegetation will be maintained in one allotment to ensure ongoing maintenance and management.  | ✓ |
| <b>EC.1.8</b> Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7 Part Test referred to in clause 1.7 of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP (Biodiversity and Conservation) 2021. As a result of this report a subsequent Species Impact Statement may be required. | <b>Complies.</b> The proposed development is supported by a Streamlined Biodiversity Development Assessment Report, which satisfies the requirements of the <i>Biodiversity Conservation Act 2016</i> and SEPP (Biodiversity and Conservation) 2021. The SBDAR steps through the avoidance, mitigation and then offset requirements of the proposed development. Further information is provided in Section 4 of this report. | ✓ |
| <b>EC.1.9</b> Where environmental enhancement is required, a planting and vegetation management scheme is to be prepared and implemented, indicating the re-instatement or enhancement of vegetation in riparian areas adjoining water courses, major drainage lines, significant areas of native vegetation, habitat, or proposed vegetation corridors and land use buffer areas.  | <b>Complies.</b> The remnant vegetation adjoining Wallis Creek is covered by Biodiversity Management Plan that will seek to retain and enhance the ecological function of the area.   | ✓ |
| <b>C.1.10</b> Planting should consist of species indigenous to the locality, and those which will enhance bio-diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.  | <b>Complies.</b> The Landscape Masterplan plan, prepared by Terras Landscape Architects, supporting the proposed development incorporates native species into the design to provide for native fauna.   | ✓ |
| <u>Rural and environmental zones (including land zoned R5 Large Lot Residential)</u><br><b>EC.1.11</b> New development is not to result in the removal of remnant vegetation. Subdivision design should incorporate native vegetation into the character of the development.  | <b>Complies.</b> The proposed development actively avoids remnant vegetation.   | ✓ |
| <b>EC.1.12</b> Significant areas of vegetation, existing or proposed vegetation/wildlife corridors, riparian areas, habitat, major drainage lines and land use buffers should desirably be contained in separate environmental buffer allotments with satisfactory provision made for their ongoing maintenance and management.   | <b>Complies.</b> The areas of significant vegetation are to be contained within the C2 and C3 zoned land and will be subject to a Biodiversity Management Plan to ensure their ongoing maintenance and management.<br>Additionally, the Torrens title subdivision allows the retained vegetation to be wholly located within one allotment to reduce the potential for degradation.   | ✓ |
| <b>EC.1.13</b> Environmental enhancement may be required in areas that have previously become degraded, or are near areas of special conservation value or significant areas of native vegetation.  | <b>Complies.</b> The remnant vegetation along the eastern portion of the Site will be managed under a Biodiversity Management Plan to assist in the ongoing maintenance.  | ✓ |
| <b>EC.2 Heritage and Archaeology</b>  | <b>Not applicable.</b> The Site does not form part of a heritage conservation area, nor are there any known European heritage items on or within the Site's immediate vicinity.<br><br>This chapter of the DCP does not address Aboriginal heritage significance. Clause 5.10 of the Maitland LEP and the National Parks and Wildlife Act 1974 deal with matters of Aboriginal heritage significance                          | ✓ |

| Control   | Comment   | ✓  |
|---|---|----|
| <b>EC.3 Hazards</b>   |   |    |
| <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To minimise risk to life and property from hazards such as bush fires, flooding, landslip, land contamination, salinity and acid sulfate soils.</li> </ul>  | <p><b>Complies.</b> The proposed development has been designed around all potential hazards identified in the Maitland LEP or DCP. More specifically, the following reports have been commissioned to address the specific hazards.</p> <ul style="list-style-type: none"> <li>Contamination: Earthworks Strategy</li> <li>Salinity &amp; Acid Sulfate Soils: Geotechnical Investigation</li> <li>Landslip: Geotechnical Investigation</li> <li>Bushfire: Bushfire Assessment Report</li> </ul>       | ✓  |
| <p><b>General Requirements:</b></p> <ul style="list-style-type: none"> <li>All new subdivisions are to be designed to provide adequate, safe access for future users.</li> </ul>  | <p><b>Complies.</b> The proposed subdivision provides safe, convenient and efficient access to, from and throughout the development.</p>  | ✓  |
| <ul style="list-style-type: none"> <li>Each new lot created must have adequate site area/building envelope which is free from hazard and can accommodate future development on the site without costly site works on individual lots and without the necessity for loss of significant areas of vegetation.</li> </ul>  | <p><b>Complies.</b> The proposed residential allotments have been designed in a manner that allows for suitable building envelopes, and this has been detailed on the most constrained allotments via building envelope plans.</p>  | ✓  |
| <ul style="list-style-type: none"> <li>Buffer zones, exclusion zones and/or remediation works may be required by Council to ameliorate any or all of the below mentioned or identified hazards.</li> </ul>  | <p><b>Complies.</b> The proposed development includes provisions that address the required remediation works. These works will not result in buffers or exclusion zones.</p>  | ✓  |
| <ul style="list-style-type: none"> <li>Subdivisions must take account of any hazards identified in the Maitland LEP 2011 (such as acid sulfate soils), this DCP, or otherwise identified by Council or by Government gazette (e.g. unhealthy building land).</li> </ul>   | <p><b>Complies.</b> As detailed below, the proposed development actively considers and addresses the relevant hazards impacting the Site.</p>   | ✓  |
| <p><u>Flooding</u></p> <p><b>EC.3.1</b> All lots within new residential subdivisions shall have safe access made available to satisfy Clauses 5.21 and 5.22 of Maitland Local Environmental Plan.</p>   | <p><b>Complies.</b> The proposed development provides safe flood free access to all residential allotments.</p>   | ✓  |
| <p><b>EC.3.2</b> All new residential lots are to be wholly above Council's adopted flood standard (the 1% AEP or 1 in 100 flood event). Parts of the lot may be permitted below the adopted flood standard, where lot sizes have been increased to provide sufficient flood free area for erection of a dwelling and associated structures.</p>   | <p><b>Complies.</b> The proposed development would provide all residential allotments with a minimum of 450sqm R1 zoned land above Council's adopted Flood Planning Level.</p>  | ✓  |
| <p><b>EC.3.3</b> Rural subdivision in floodways is not permitted. Where part of the land may be affected by flood waters (such as back-water), all lots must have a suitable building envelope, above the 1% AEP flood standard, of sufficient size to allow development of improvements, with any required effluent disposal area, and must have safe flood-access to a public road. Specific provisions in the Maitland LEP 2011 and the requirements of Chapter B.1: Hunter River Floodplain Management must be considered.</p>  | <p><b>Complies.</b> The proposed subdivision does not result in the creation of a new rural allotment that are capable of containing a dwelling. A small portion of the rural zoned land would form part of the proposed southern stormwater basin, with the remaining rural zoned land remaining part of the residue allotment, which has been included as part of the proposed Lot 647.</p>   | ü  |
| <p><b>EC.3.4</b> New industrial/commercial lots will generally be required to be flood free and free from other hazards.</p>  | <p><b>Not applicable.</b> There are no proposed commercial or industrial allotments.</p>  | NA |
| <p><u>Bushfire prone land</u></p> <p><b>EC.3.5</b> The development must comply with the NSW Planning for Bushfire Protection Guidelines.</p>  | <p><b>Complies.</b> The proposed development is supported by a Bushfire Assessment Report prepared by Building Code &amp; Bushfire Hazard Solutions, which indicates the proposal is capable of satisfying Planning for Bushfire Protection 2019 (PBP 2019).</p>  | ✓  |
| <p><b>EC.3.6</b> A bushfire threat assessment must form part of all development applications for subdivision where the land is identified as 'bush fire prone land' on Council's map. The threat assessment is an integral part of the subdivision design, and affects lot shape, size, orientation and road layout. Bushfire protection measures have the potential to affect vegetation, fauna, views, watercourses, soil erosion, amenity and access.</p>  | <p><b>Complies.</b> The proposed development has been designed to specifically address the bushfire threat, particularly from the east of the Site. Additionally, the proposal is supported by Bushfire Assessment Report indicates satisfaction with PBP 2019.</p> <p>The Biodiversity Management Plan works with the APZ requirements to ensure that the existing remnant vegetation and grassland is maintained and managed in a manner that does not contradict the requirements of PBP 2019.</p> | ✓  |
| <p><b>EC.3.7</b> Assessment of threat from bushfire must examine impacts of the proposal both within and external to the site, including the capacity of the existing road network serving the site to accommodate traffic in emergency situations. Preparation of an assessment of threat from bushfire should include reference to:</p> <ul style="list-style-type: none"> <li>NSW Rural Fire Service (RFS) – Planning for Bushfire Protection – a guide for land use planners, fire authorities, developers and homeowners.</li> <li>Consultation with Council and RFS staff.</li> </ul> | <p><b>Complies.</b> The proposed development is supported by the Bushfire Assessment Report, which indicates satisfaction with PBP 2019.</p> <p>Additionally, the application will be referred to the NSW RFS under 100B of the <i>Rural Fires Act 1997</i>.</p>  | ✓  |
| <p><b>EC.3.8</b> Fire protection measures must be capable of being maintained by owners and users.</p>  | <p><b>Complies.</b> The allotments in the southeast corner that do not benefit from a perimeter road would be protected via an APZ over the proposed Lot 647. The APZ requirements fall outside the</p>   | ✓  |

| Control  | Comment   | ✓ |
|--|---|---|
|  | <p>remnant vegetation and would not require the removal of additional trees.</p> <p>Similarly, proposed lots 135-139 would be benefited from an easement over 65 Redwood Drive to the north to maintain the required APZs. Achieving this APZ would only require maintaining this area in a similar state to what currently exists; there would be no physical works or tree removal. Negotiations are underway with the owners of 65 Redwood Drive to agree on terms of an easement to satisfy the APZ requirements that is subject to Authority approval.</p> |   |
| <p><b>EC.3.9</b> Bushfire protection measures and Asset Protection Zones must be:</p> <ol style="list-style-type: none"> <li>contained wholly within the site of the subdivision unless the most extraordinary circumstances apply;</li> <li>capable of being maintained by owners and users;</li> <li>located outside areas of ecological value and the buffers necessary to protect them.</li> </ol> <p>Note: Asset Protection Zones may incorporate fire trails, perimeter roads, cleared road verges and fixed building lines.</p>   | <p><b>Complies.</b> The proposed development has carefully considered the APZ requirements. The individual allotments have been designed and delivered to allow for the ongoing maintenance of the required APZs. Although not all APZs would be wholly contained within the Site, negotiations are underway with the adjoining land owner for an agreed easement to be placed over their land to ensure the ongoing maintenance of the required APZ that is subject to Authority approval.</p>   | ✓ |
| <p><b>EC.3.10</b> The proposed measures to reduce risk of bushfire to an acceptable level should be achieved (for both the subdivision works and the resultant development) without significant loss of vegetation.</p>  | <p><b>Complies.</b> The proposed subdivision has been designed to ensure the required APZ measures will not require the removal of remnant vegetation.</p>  | ✓ |
| <p><b>EC.3.11</b> In instances where the balance between bushfire protection and environmental and social impact cannot be achieved, the proposal may not be supported.</p>  | <p><b>Complies.</b> The proposed development strikes a balance between bushfire protection and environmental and social impact.</p>   | ✓ |
| <p><b>EC.3.12</b> To ensure effectiveness of the fire protections measures, restrictions may be placed upon the titles of the affected lots. These restrictions may relate to:</p> <ol style="list-style-type: none"> <li>Habitable storage structures being excluded from within the Fire Protection Zone.</li> <li>Level at which the fuel loading is to be maintained within the Fire Protection Zone.</li> <li>Responsibility for and nature of maintenance of fire trail, hazard reduction and Fire Protection Zone.</li> </ol>   | <p><b>Capable of compliance.</b> Appropriate restrictions would be placed on the impacted allotments to ensure the integrity of the APZs.</p>   | ✓ |
| <p><u>Landslip</u></p> <p><b>EC.3.13</b> Where a subdivision proposal is on land identified as being subject to landslip, the applicant shall engage a geo-technical consultant to prepare a report on the viability of subdividing the land and, if viable, provide recommendations as to the siting and the type of buildings which could be permitted on the land.</p>  | <p><b>Complies.</b> The Site is not identified as being subject to landslip. However, a stability assessment has been included in the Geotechnical Investigation at the request of Council that ensures the development can be delivered without creating a landslip issue.</p>   | ✓ |
| <p><u>Land contamination</u></p> <p><b>EC.3.14</b> All development applications for subdivision shall provide documentation to satisfy the requirements of the following policies. The provisions in these policy documents will be used by Council to determine if and how land must be remediated. Comments will be sought from the Environment Protection Authority, where required.</p> <ol style="list-style-type: none"> <li>The relevant State Environmental Planning Policies</li> <li>Maitland Council's Contaminated Land Policy,</li> <li>Managing Land Contamination Planning Guidelines (1998),</li> <li>The relevant NSW environment Protection Authority Guidelines- Guidelines for Consultants Reporting on Contaminated Sites.</li> <li>National Environment Protection (Assessment of Site Contamination) Measures.</li> </ol> | <p><b>Complies.</b> The Earthworks Strategy provides a clear pathway that will ensure the Site is suitable for residential development.</p>   | ✓ |
| <p><u>Geotechnical</u></p> <p><b>EC.3.15</b> Development applications for subdivision must include relevant assessment and geotechnical investigation regarding the potential for the presence of salinity and acid sulfate soils to determine if any specific measures are required. (Note: The Maitland LEP 2011 includes specific requirements with regard to acid sulfate soils).</p>  | <p><b>Complies.</b> The proposed development is supported by a Report on Geotechnical Investigation prepared by Stantec that found the Site suitable for development regarding salinity and acid sulfate soils.</p>   | ✓ |
| <p><b>DC.1 Lot Size and Dimensions</b></p>   |   |   |
| <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provision of necessary services and other requirements.</li> <li>To provide diversity of allotments within the streetscape of each street block by dispersing different lot widths to achieve variety and avoid large concentrations of similar housing types in any one area.</li> </ul>   | <p><b>Complies.</b> The proposed development provides residential allotments capable of supporting a fully serviced residential dwelling.</p> <p>The subdivision plan includes a variety of allotment widths and sizes to encourage dwelling diversity.</p>   | ✓ |

| Control  | Comment  | ✓                 |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
|--|--|-------------------|----------------------|-------|---|-------|-----------|-------|-----------|-------|----------|-----|---------|-----------|---------|----------|
| <p><b>General Requirements:</b></p> <ul style="list-style-type: none"> <li>Part 4 in the Maitland LEP 2011 includes development standards for the subdivision of certain land. The standards are presented as minimum lot sizes and are depicted on the associated Lot Size Map. The minimum lot sizes vary between locations and land use zones.</li> <li>Council requires that all new lots are of a size and shape suitable for their future use. Matters for consideration, in addition to any minimum lot sizes that may apply, are the need to allow for solar access, on-site effluent disposal (if permitted), access and parking, location of ancillary buildings such as garages and sheds, vegetation retention and soil conditions.</li> <li>Where Part 4 in the Maitland LEP 2011 also regulates the development outcome on certain land by fixing maximum Floor Space Ratios and overall Building Heights, these provisions should also be considered in the design of the subdivision.</li> <li>Lot boundaries should follow natural features such as water courses and ridges (rather than cut across them) to minimise the potential for soil erosion.</li> <li>Lot boundaries should take account of any requirement for screening or buffering from adjoining land uses.</li> <li>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 existing Council development consent.</li> <li>Lots should be rectangular in shape. Where irregular shall accommodate the minimum building envelope and setback requirements.</li> <li>Minimum lot frontage of 12.5m at the road frontage for rectangular lots.</li> <li>Minimum lot frontage of 10.0m chord length around sharp bends and cul-de-sacs to provide for access, service and garbage collection in accordance with Figure 2.</li> <li>Lot access adjoining roundabouts and center refuges/splitter island shall not provide access within 10m of the splitters/facilities. 88b restrictions should be provided.</li> <li>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. This includes the consideration of any existing dwellings or structures on the land being assessed against relevant plans and policies.</li> <li>Subdivision proposals must not conflict with the requirements of any existing approvals.</li> <li>Rural and environmental protection zones (including land zoned R5 Large Lot Residential) Subdivisions are to be designed to maintain and enhance the rural character and scenic attraction of the Maitland local government area, particularly in low lying areas and valleys which may be viewed from above.</li> <li>Lots are to be designed to conserve prime agricultural land and/or agriculturally productive lands.</li> </ul> | <p><b>Complies.</b> The proposed residential allotments comply with the minimum requirements of the Maitland LEP 2011. Each of the allotments has been designed to ensure that there is an appropriate building envelope for a residential dwelling to be sited.</p>   | <p>✓</p>          |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| <p><u>Residential lot design</u></p> <p>DC.1.1 Provide a range of lot sizes to suit a variety of dwelling and household types. No more than 40% of the lot frontages within each street block may have the same lot width type. For the purpose of this control a lot width type is determined by any range of plus or minus 1.0m (for example, lots between 17m and 19m might be classed as one width type). Provide a lot width table for each street block including lot width groups, percentage and number. Other variables such as access and configuration can be considered as creating variation in the street.</p>   | <p><b>Complies.</b> The proposed development focuses on providing a variety of residential allotments with no more than 40% of allotments being provided with the same frontage + or – 1 metre.</p> <table border="1" data-bbox="821 1458 1380 1767"> <thead> <tr> <th>Frontage (metres)</th> <th>Number of allotments</th> </tr> </thead> <tbody> <tr> <td>11-13</td> <td>0</td> </tr> <tr> <td>13-15</td> <td>109 (34%)</td> </tr> <tr> <td>15-17</td> <td>131 (40%)</td> </tr> <tr> <td>17-19</td> <td>47 (15%)</td> </tr> <tr> <td>19+</td> <td>16 (5%)</td> </tr> <tr> <td>Irregular</td> <td>19 (6%)</td> </tr> </tbody> </table>  | Frontage (metres) | Number of allotments | 11-13 | 0 | 13-15 | 109 (34%) | 15-17 | 131 (40%) | 17-19 | 47 (15%) | 19+ | 16 (5%) | Irregular | 19 (6%) | <p>✓</p> |
| Frontage (metres)  | Number of allotments   |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| 11-13  | 0  |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| 13-15  | 109 (34%)  |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| 15-17  | 131 (40%)  |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| 17-19  | 47 (15%)   |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| 19+  | 16 (5%)  |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| Irregular  | 19 (6%)  |                   |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |
| <p>DC.1.2 Provide a subdivision structure plan which reflects the site's opportunities and constraints.</p>  | <p><b>Complies.</b> The existing topography has been maintained where possible. Despite there being significant earthworks throughout the Site, the careful consideration of drainage infrastructure has meant the development neatly ties into the existing drainage channels and water courses outside the development footprint. Additionally, the stormwater infrastructure has been designed to have a no worsening impact on the surrounding land, further reducing the potential for soil erosion or impact on the existing natural functions.</p> <p>The elevated nature along the eastern boundary provides excellent view corridors, and this has been capitalised by the orientation of</p> | <p>✓</p>          |                      |       |   |       |           |       |           |       |          |     |         |           |         |          |

| Control   | Comment  | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
|---|--|----------------------------|---------------------------|----------------|------------------|-----|--------------------------|-------|------------------------|-----|----------|-----|--------------------|-----|----------|-----|--------------------|-----|----------|-----|---------------------------------|--------------|----------|------------------|------------|-----|----------|-----|--|---|
|   | allotments and the inclusion of strategically located public open space.   |                            |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><b>DC.1.3</b> Provide a clear urban structure that promotes a ‘sense of neighbourhood’ and encourages walking and cycling both recreationally and for transport purposes.</p>  | <p><b>Complies.</b> The street hierarchy and pedestrian network provide a permeable and well connected network that encourages walking and cycling.</p>  | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><b>DC.1.4</b> Ensure the design of any proposed residential subdivision considers natural landform features including outlook and proximity to public and community facilities, parks and public transport.</p>  | <p><b>Complies.</b> The Local Park and Dog Park have been strategically positioned to take advantage of the natural landforms and view corridors. Additionally, the perimeter road and the integrated off shared path allows pedestrians and cyclists to enjoy the best vistas of the proposed development whilst providing a strong connection through the development.</p> | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><b>DC.1.5</b> Residential lots shall be able to accommodate a suitable building envelope with minimum dimensions of approximately 15m by 10m behind the building line.</p>   | <p><b>Complies.</b> The proposed development has been designed to ensure each allotment is capable of providing an appropriate building envelope behind the building line.</p>   | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><u>Rural and Conservation zones (including land zoned R5 Large Lot Residential)</u></p> <p><b>DC.1.6</b> Each new lot shall contain a building envelope with a minimum area of 2000 square metres and a minimum dimension of 20 metres, to be flood free in a 1% AEP event, and free of significant vegetation, significant topographical /natural features, and more than 40 metres from a watercourse. The building envelope is to contain any dwelling, outbuildings, landscaping and on-site effluent treatment and disposal areas.</p>  | <p><b>Not applicable.</b> There are no provisions within the proposed development to facilitate residential development within the rural or conservation zoned land.</p>   | NA                         |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><b>DC.1.7</b> When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.</p>   | <p><b>Complies.</b> All proposed residential allotments would be provided with more than 450sqm excluding ant access handles.</p>  | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><u>Industrial and Commercial</u></p> <p><b>DC.1.8</b> Subdivisions of existing commercial developments must maintain compliance with any minimum floor space ratio contained in Maitland LEP 2011.</p>   | <p><b>Not applicable.</b> There are no industrial or commercial allotments proposed.</p>   | NA                         |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><u>Access handles</u></p> <p><b>DC.1.9</b> Access handles and carriageways over them shall be in accordance with the table and associated notes below (Table 1 and Figure 1).</p>  <p><i>Figure 1. Indicative Arrangements of Battle-axe lots</i></p> <p><b>Table 1.</b></p> <table border="1" data-bbox="178 1693 799 1939"> <thead> <tr> <th>ZONING<sup>1</sup></th> <th>SINGLE HANDLE<sup>2</sup></th> <th>DUAL HANDLES<sup>3</sup></th> <th>PAVEMENT WIDTH</th> </tr> </thead> <tbody> <tr> <td>Residential (R1)</td> <td>4.0</td> <td>(2x) 3.0 or (2x) 3.5 s.e</td> <td>3.0 7</td> </tr> <tr> <td>Residential (R5-V &amp; X)</td> <td>4.0</td> <td>(2x) 3.0</td> <td>3.0</td> </tr> <tr> <td>Residential (R5-Y)</td> <td>4.5</td> <td>(2x) 3.0</td> <td>3.0</td> </tr> <tr> <td>Residential (R5-Z)</td> <td>6.0</td> <td>(2x) 3.0</td> <td>3.0</td> </tr> <tr> <td>Business (B) &amp; Industrial (IN1)</td> <td>6.0 or 8.0 s</td> <td>(2x) 4.0</td> <td>3.3 min or 6.0 s</td> </tr> <tr> <td>Rural (RU)</td> <td>6.0</td> <td>(2x) 4.0</td> <td>3.5</td> </tr> </tbody> </table> | ZONING <sup>1</sup>  | SINGLE HANDLE <sup>2</sup> | DUAL HANDLES <sup>3</sup> | PAVEMENT WIDTH | Residential (R1) | 4.0 | (2x) 3.0 or (2x) 3.5 s.e | 3.0 7 | Residential (R5-V & X) | 4.0 | (2x) 3.0 | 3.0 | Residential (R5-Y) | 4.5 | (2x) 3.0 | 3.0 | Residential (R5-Z) | 6.0 | (2x) 3.0 | 3.0 | Business (B) & Industrial (IN1) | 6.0 or 8.0 s | (2x) 4.0 | 3.3 min or 6.0 s | Rural (RU) | 6.0 | (2x) 4.0 | 3.5 | <p><b>Complies.</b> Proposed Lot 115 would be accessed via a right of way over proposed Lot 114, with a handle width of greater than 5m.</p> | ✓ |
| ZONING <sup>1</sup>   | SINGLE HANDLE <sup>2</sup>   | DUAL HANDLES <sup>3</sup>  | PAVEMENT WIDTH            |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Residential (R1)  | 4.0  | (2x) 3.0 or (2x) 3.5 s.e   | 3.0 7                     |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Residential (R5-V & X)  | 4.0  | (2x) 3.0                   | 3.0                       |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Residential (R5-Y)  | 4.5  | (2x) 3.0                   | 3.0                       |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Residential (R5-Z)  | 6.0  | (2x) 3.0                   | 3.0                       |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Business (B) & Industrial (IN1)   | 6.0 or 8.0 s   | (2x) 4.0                   | 3.3 min or 6.0 s          |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| Rural (RU)  | 6.0  | (2x) 4.0                   | 3.5                       |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |
| <p><b>DC.1.10</b> No more than 2 lots may be serviced by a reciprocal right-of-carriageway (ROC) which shall be centrally located within both access handles.</p>   | <p><b>Complies.</b> Proposed Lot 115 would be accessed via a right of way over proposed Lot 114. All other allotments would have a direct vehicular frontage to a public road reserve.</p>   | ✓                          |                           |                |                  |     |                          |       |                        |     |          |     |                    |     |          |     |                    |     |          |     |                                 |              |          |                  |            |     |          |     |  |   |

| Control   | Comment   | ✓        |
|---|---|----------|
| <p><b>DC.1.11</b> Battle-axe lots without public frontage (i.e., road, park, reserve) are discouraged unless part of an integrated approval.</p>  | <p><b>Complies.</b> All proposed allotments have a public frontage.</p>   | <p>✓</p> |
| <p><b>DC.1.12</b> When calculating lot size area where battle-axe or hatchet shaped allotments are permitted, the area of the access handle is to be excluded from the area calculation.</p>  | <p><b>Complies.</b> All proposed residential allotments have been designed to satisfy the minimum area requirements without relying on any access handles.</p>  | <p>✓</p> |
| <p><b>DC.1.13</b> Shared use handles are to be incorporated into the 10.0m chord frontage around sharp bends and cul-de-sacs to facilitate access width, parking and garbage collection. See Figure 2 and Table 1 below.</p>  <p><i>Figure 2. Shared driveway configurations on cul-de-sacs and sharp bends.</i></p>   | <p><b>Complies.</b> Proposed Lots 114 and 115 have shared access via a right of way which has a width of 12.8m at the property boundary. Given the design of the allotments and their position within the cul-de-sac, the chord frontage is greater than 10m.</p>   | <p>✓</p> |
| <p><b>DC.1.14</b> Access ways to hatchet shaped or battle axe lots will serve a maximum of 2 lots, have a maximum grade of 25% (4H:1V) at any point.</p>  | <p><b>Complies.</b> No more than two allotments share an access handle.</p>   | <p>✓</p> |
| <p><b>DC.2 Solar Access and Energy Efficiency</b></p>   |   |          |
| <p>Objective:</p> <ul style="list-style-type: none"> <li>To encourage the design of residential subdivisions which maximise solar access, allow flexibility in the siting of future buildings to take advantage of a northern orientation, and minimise reliance on private car use.</li> <li>To maximise the number of dwelling allotments which have good solar access and which therefore optimise the design performance of energy smart homes, and to reduce reliance on private car use through adequate links to and provisions of, public transport, pedestrian and cycleway routes.</li> </ul> | <p><b>Complies.</b> The proposed development has been designed to ensure future residential dwellings can receive the necessary solar access.</p>   | <p>✓</p> |
| <p>General Requirements:</p> <p><b>DC.2.1</b> 80% of new lots are to have 5-star solar access, and the remainder either 4 or 3 star.</p>  <p><i>Figure 3. Lot Orientation</i></p>  | <p><b>Capable of compliance.</b> The majority of the proposed allotments are orientated in accordance with Figure 3, and where the orientation is not ideal, the allotment widths have been increased to allow future dwellings to achieve the minimum solar access requirements.</p> <p>Supporting the proposed development are solar access diagrams indicating that residential allotments will receive sufficient solar access with the provision of a building envelope for a two-storey building with a height of 8.5m. These solar diagrams show the worst-case scenario as the majority of the residences constructed would be single storey, similar to what has been delivered during the earlier stages of Wallis Creek.</p> | <p>✓</p> |
| <p><b>DC.2.2</b> Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximize solar access.</p>  | <p><b>Complies.</b> The proposed subdivision layout is cognisant of the topographical constraints, with the allotment sizes generally reflecting these constraints, as evidenced by almost 70% of</p>   | <p>✓</p> |

| Control   | Comment   | ✓ |
|---|---|---|
|   | allotments being 500sqm or greater and all allotments being provided with a width of at least 15m at the building line.   |   |
| DC.2.3 Where possible lots should be oriented to provide one axis within 30 degrees east and 20 degrees west of true solar north.   | <p><b>Complies.</b> The proposed development has tried, where possible, to achieve this, but the fixed locations of the existing residential development to the north, Cessnock Road to the west and Wallis Creek to the east result in the allotment orientations being quite restricted. Despite these constraints, as noted above, the vast majority of allotments are well above the minimum allotment sizes and have been provided additional width, which assists in providing the necessary solar access to the future dwellings.</p> <p>Additionally, solar access diagrams supporting the proposed development indicate the proposed allotments will receive the necessary solar access even when burdened by a two-storey dwelling.</p>   | ✓ |
| DC.2.4 Where a northern orientation of the long axis is not possible, lots should be wider to allow private open space on the northern side of the dwelling.  | <p><b>Complies.</b> The proposed development has allowed for wider allotments that would provide for sufficient solar access to future dwellings.</p>   | ✓ |
| DC.2.5 Proposals for street planting or open space planting are to take account of the potential for shading, provision of adequate solar access to dwellings, and if necessary, protection from winter winds.  | <p><b>Complies.</b> The proposed landscape plan utilises mid-sized native species that will provide suitable shading within the public domain whilst not compromising the solar access requirements of future residential dwellings.</p>  | ✓ |
| <b>DC.3 Drainage, Water Quality &amp; Soil Erosion</b>  |   |   |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• To preserve natural drainage systems, where practicable, and to provide for the repair and enhancement of environmentally significant and/or degraded land.</li> <li>• To retard the flow of water, above natural volumes, into the natural drainage system and mitigate impacts from stormwater runoff.</li> <li>• To maintain and enhance the quality of water and catchment health.</li> <li>• To minimise soil erosion and sedimentation by minimising land disturbance and requiring control measures at the source.</li> </ul> | <p><b>Complies.</b> The proposed development incorporates stormwater management provisions that align with the existing drainage lines whilst maintaining pre-development flows and improving water quality.</p>  | ✓ |
| <p><b>General Requirements:</b></p> <p><b>DC.3.1</b> Existing topography and natural drainage lines should be incorporated into drainage designs for larger proposals, and enhanced through provision of additional landscaping, detention areas, artificial wetlands and the like.</p>   | <p><b>Complies.</b> The proposed development is cognisant of the existing drainage lines and watercourses. The proposed stormwater basins have been strategically located to discharge via the natural drainage lines and would have a no worsening impact on their function.</p>   | ü |
| <p><b>DC.3.2</b> Drainage from proposed lots should be consistent with the pre-development stormwater patterns. An analysis of the downstream drainage system, to the receiving area or waters, may be required.</p>  | <p><b>Complies.</b> The design of the proposed stormwater basins has been strategically designed and located to discharge via the natural drainage lines and would have a no worsening impact on their form or function.</p>  | ✓ |
| <p><b>DC.3.3</b> Best management practices should be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on down stream water quality. The quality of runoff water from the subject land should be the same or better than the quality of water prior to the subdivision taking place.</p>   | <p><b>Complies.</b> The proposed development can achieve the requirements of Council's Manual of Engineering Standards and the NSW Department of Housing Manual, "Managing Urban Stormwater Soil &amp; Construction" 2004 (Blue Book) before any earthworks commencing on Site.</p>   | ✓ |
| <p><b>DC.3.4</b> Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins.</p>   | <p><b>Complies.</b> The proposed stormwater design has incorporated gross pollutant traps and detention basins to achieve pre-development water quality and quantity levels.</p>  | ✓ |
| <p><b>DC.3.5</b> The subdivision should be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints.</p>  | <p><b>Complies.</b> The stormwater management plan is considerate of the topographical constraints and has been designed so that the proposed basins connect into the natural drainage lines.</p>   | ✓ |
| <p><b>DC.3.6</b> Adequate provision should be made for implementation of measures during subdivision construction to ensure that the landform is stabilised and erosion controlled.</p>   | <p><b>Complies.</b> The proposed development can achieve the requirements of Council's Manual of Engineering Standards and the NSW Department of Housing Manual, "Managing Urban Stormwater Soil &amp; Construction" 2004 (Blue Book) before any earthworks commencing on Site. In addition, the following measure are to be included:</p> <ul style="list-style-type: none"> <li>• A temporary site security/safety fence is to be constructed around the site</li> <li>• Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles</li> <li>• Dust control measures, including covering stockpiles, installing fence hessian and watering exposed areas</li> <li>• Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlets pits</li> <li>• The construction of multiple temporary sediment basins</li> <li>• Stabilised site access at the construction vehicle entry/exits.</li> </ul> | ✓ |



| Control   | Comment   | ✓  |
|---|---|----|
| <p><b>DC.3.7</b> All trunk drainage is to be located in publicly owned land, (reserves), in open space land or in an appropriate easement.</p>  | <p><b>Complies.</b> The proposed development provides all trunk drainage infrastructure, either within the designated road reserves or on allotments that are capable of being dedicated to Council.</p>  | ✓  |
| <p><b>DC.3.8</b> Where the drainage impacts of the subdivision proposal cannot be limited to pre-development stormwater levels by retention or other approved methods, drainage easements will be required over all necessary properties and watercourses. In such circumstances, the easement must be the subject of a signed agreement prior to issue of development consent. Such easements shall be created with, or prior to issue of the Subdivision Certificate.</p>   | <p><b>Not applicable.</b> The proposed stormwater management controls the drainage impacts to pre-development stormwater levels.</p>  | NA |
| <p><b>DC.3.9</b> Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering Standards.</p>   | <p><b>Complies.</b> The proposed development provides stormwater discharge to the street, where possible, and where topographical constraints prevent this, the proposed allotments will be provided with an appropriate inter-allotment drainage connection.</p>   | ✓  |
| <p><b>DC.3.10</b> Where inter-allotment drainage is required, easements having a general minimum width of 1.5m are to be identified on plans submitted.</p>   | <p><b>Capable of compliance.</b> The proposed development includes provisions for inter-allotment drainage. The allotment dimensions are capable of supporting the necessary drainage easements.<br/>All drainage easements will be capable of achieving a 1.5m width.</p>  | ✓  |
| <p><b>DC.3.11</b> A soil and water management plan (SWMP) should be prepared by a properly qualified practitioner with the aim of minimising erosion and maximising the quality of any water leaving the site. Applicants should refer to Council's Manual of Engineering Standards.</p>  | <p><b>Complies.</b> The proposal is supported by a SWMP that has been designed to maintain the water quality of runoff whilst minimising potential erosion.<br/><br/>In maintaining water quality, the proposal uses a combination of gross pollutant traps and bioretention basins, which indicates no worsening in water quality post-development.<br/><br/>The proposed stormwater management strategy results in a Soil Erosion Index of less than 3.5, indicating it is very unlikely the proposed development would have an adverse impact on the geomorphology of the existing natural drainage lines.</p>   | ✓  |
| <p><b>DC.4 Landscape, Streetscape &amp; Visual Impact</b></p>   |   |    |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• To maintain and enhance the existing rural character and landscape of the Maitland LGA.</li> <li>• To create, maintain and enhance streetscape and minimise visual impact of subdivision proposals.</li> </ul>   | <p><b>Complies.</b> The supporting landscape masterplan promotes and celebrates the natural environment. The proposed street landscaping, including endemic species and the use of rural-style fencing along the perimeter road, will reinforce the rural character of the area.</p>  | ✓  |
| <p><b>General Requirements:</b></p> <p><b>DC.4.1</b> 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.</p>   | <p><b>Complies.</b> The remnant vegetation has been retained along the eastern portion of the Site. The Landscape Masterplan seeks to build on the retained remnant vegetation through the inclusion of endemic species within the planting palette.</p>  | ✓  |
| <p><b>DC.4.2</b> The visual impact of rural residential subdivisions must be considered specially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required.</p>  | <p><b>Complies.</b> The Landscape Masterplan has been informed by the Visual Impact Assessment, which highlights the key view corridors to and from the Site.</p>   | ✓  |
| <p><b>DC.4.3</b> Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping.</p>  | <p><b>Complies.</b> The landscape masterplan supports the proposed development and tree species and planting locations throughout the development being informed by the Visual Impact Assessment.</p>   | ✓  |
| <p><b>DC.4.4</b> The developer will also be required to submit a detailed landscape plan for all reserve areas incorporating fencing detail and will be required to construct all fencing for residential and rural residential lots where the lots share a common boundary with a proposed public reserve. Fencing shall be carried out as an integral part of the subdivision works and will be required to be completed prior to Council releasing the relevant Subdivision Certificate. Council may require that the fencing be of open style/pool type depending on the topography and landscape character of the adjoining reserve. Where open style fencing is provided, the landscape design will need to demonstrate that the location of plantings is adequate to ensure a suitable level of privacy for the adjoining residential lots, reduce the visual impact of the fencing and improve the landscape quality of the reserve. Fencing shall comprise materials of darker colour/tones which blend more effectively with the landscape.</p> | <p><b>Complies.</b> The Proposed Landscape Masterplan includes detailed provisions for all areas to be dedicated to Council. The works include:</p> <ul style="list-style-type: none"> <li>• Planting throughout the Local Park and Dog Park</li> <li>• Planting surrounding the stormwater basins</li> <li>• Street landscaping within the road reserves as well as dense planting around the entry and central median.</li> </ul> <p>The species and location have all been selected to address the use of the area whilst promoting ecological sustainable development.<br/><br/>After consultation with Council the Landscape Masterplan includes provisions for fencing throughout the development. The proposal includes rural-style fencing to run along the western perimeter of the development to pay homage to the area's rural character and promote the view corridors to the east of the development.</p> | ✓  |

| Control  | Comment   | ✓  |
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| <b>DC.5 Effluent Disposal</b>  |   |    |
| <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>Subdivisions are to be designed and located so that any effluent can be disposed of in an environmentally sustainable manner, with no adverse impact upon natural systems or adjoining/adjacent land.</li> <li>The sewage management system chosen will be the most appropriate to ensure the protection of the local environment and the health of existing and future populations.</li> </ul>  | <p><b>Complies.</b> The proposed development would be serviced by Hunter Water's reticulated sewer system, which will benefit future residents and surrounding residents alike.</p>   | ✓  |
| <p><b>General Requirements:</b></p> <p><u>Residential lots</u></p> <p><b>DC.5.1</b> All new residential, industrial and commercial lots are to be connected to a reticulated sewerage system supplied by the Hunter Water Corporation or other approved supplier, unless there are unavoidable constraints.</p>  | <p><b>Complies.</b> The proposed residential allotments will all be connected to Hunter Water's reticulated sewerage system.</p> <p>Hunter Water has reviewed the servicing and stamped plans supporting the proposed development.</p>  | ✓  |
| <p><b>DC.5.2</b> Lot size and layout must be adequate to allow appropriate effluent disposal systems to be provided for likely subsequent development.</p>   | <p><b>Complies.</b> The proposed allotments will all be provided with an appropriate connection point to Hunter Water's reticulated sewerage system.</p>  | ✓  |
| <p><b>DC.5.3</b> Effluent and wastewater should be disposed of in a manner which is consistent with the land capability of the property and in a manner that will not cause unhealthy or unsanitary conditions. There are to be no net cumulative effects on the environment.</p>  | <p><b>Complies.</b> The proposed residential allotments will all be connected to Hunter Water's reticulated sewerage system.</p>  | ✓  |
| <p><b>DC.5.4</b> Where sewer is not available in rural areas (including Large Lot Residential areas or environmental zones) lots must be of sufficient size and containing suitable and to ensure that all effluent can be retained and disposed of on-site. Comprehensive site investigation will be required prior to any approval being granted for on-site disposal.</p>   | <p><b>Not applicable.</b></p>   | NA |
| <p><u>Rural and environmental zones (including land zoned R5 Large Lot Residential)</u></p> <p><b>DC.5.5</b> The preferred method of effluent disposal for all new lots is by way of reticulated sewerage system. This can include the use of a community package treatment plant if Hunter Water Corporation reticulation is not available.</p>   | <p><b>Not applicable.</b></p>   | NA |
| <p><b>DC.5.6</b> Where a reticulated sewerage system is not envisaged in the long term, on-site disposal may be considered by Council. Detailed modelling will be required to assess the ability of land to accept the wastewater and consequently determine minimum lot sizes.</p>  | <p><b>Not applicable.</b></p>   | NA |
| <p><b>DC.5.7</b> All subdivision applications in unsewered areas must include an analysis of the feasibility of utilising innovative or centralised sewerage schemes that reuse waste water wherever possible as an alternative to single on-site sewage management facilities.</p>  | <p><b>Not applicable.</b></p>   | NA |
| <p><b>DC.5.8</b> Where areas of the site are unsuitable for on-site disposal, clustering of lots and provision of a common effluent system on a suitable area under a group title must be considered. On-site disposal where site characteristics are unsuitable will not be approved.</p>   | <p><b>Not applicable.</b></p>   | NA |
| <p><b>DC.5.9</b> No pump out systems will be permitted.</p>  | <p><b>Not applicable.</b></p>   | NA |
| <p><b>DC.5.10</b> All studies must be undertaken by persons with demonstrable expertise in on-site effluent management and the capacity to incorporate catchment modelling techniques which are acceptable to Council.</p>   | <p><b>Not applicable.</b></p>   | NA |
| <b>DC.6 Roads &amp; Access, Pedestrian &amp; Cycleways</b>   |   |    |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>To provide a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on public safety, function, capacity, traffic volumes and vehicle speeds;</li> <li>To provide a safe and appropriate level of access to all new lots created;</li> <li>To provide acceptable levels of access, safety and convenience for all road users, including pedestrians and cyclists;</li> <li>To provide access for emergency and service vehicles to all lots and enable the establishment of efficient and accessible bus/public transport routes;</li> <li>To accommodate public utility services and drainage systems;</li> <li>To minimise road construction costs, energy demand, risk exposure and maintenance costs without compromising other objectives.</li> </ul> | <p><b>Complies.</b> The proposed street hierarchy is clearly defined and well interconnected, which provides future residents and emergency services efficient access to and from allotments.</p> <p>The design allows for the provision of services to be contained within the road reserves without compromising the functionality of the street or pedestrian connections.</p> <p>The inclusion of a bus route through the site allows residents to access the wider community via the public transport network.</p> | ✓  |

| Control   | Comment   | ✓  |
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| <p><b>General Requirements</b></p> <p><b>DC.6.1</b> Road design should take account of the location of existing vegetation and other natural features and minimise loss of vegetation and soil disturbance through excessive cut and fill.</p>  | <p><b>Complies.</b> The proposed development has sought to avoid, where possible, all remnant vegetation. There are no proposed works within the vicinity of the remnant vegetation on the eastern portion of the Site. There will be some clearing of planted native vegetation in facilitating the proposal, but this has been appropriately mitigated through a thorough assessment against the Biodiversity Conservation Act 2016 provisions, addressed in Section 4 of this report.</p>  | ✓  |
| <p><b>DC.6.2</b> All of the components of residential streets (including kerbing, pavement type, and width, street tree planting, footpath paving, lighting, seating and the like) should be considered in an integrated approach to ensure that attractive, safe living environments are created.</p>  | <p><b>Complies.</b> The design of the proposed streets is cognisant of the safety of the future residents and general public who will utilise and travel through the area. The integrated street footpath networks have been designed to be compliant with Council's Manual of Engineering Standards and community expectations.</p>  | ✓  |
| <p><b>DC.6.3</b> Traffic control devices such as refuges, parking blisters, roundabouts, and on grade thresholds are encouraged to reduce traffic speeds in residential streets, but require separate approval from Council's Traffic Committee.</p>  | <p><b>Capable of compliance.</b> Approval would be sought for all traffic control devices.</p>  | ✓  |
| <p><b>DC.6.4</b> Road widths and geometry in all subdivisions must accommodate necessary service and emergency vehicles.</p>  | <p><b>Complies.</b> The road widths have been designed in accordance with Council's design specifications. The widths allow for the service and emergency service vehicles; additionally, the roads are compliant with PBP 2019.</p>  | ✓  |
| <p><b>DC.6.5</b> Roads and access to public roads shall be designed and constructed in accordance with Council's Manual of Engineering Standards (MOES).</p>  | <p><b>Complies.</b> The proposed roads are consistent with Council's Manual of Engineering Standards. Additionally, the proposed allotments have been benched to allow future driveways to satisfy Council's Manual of Engineering Standards and AS/NZS 2890.</p>   | ✓  |
| <p><b>DC.6.6</b> Direct vehicular access to classified roads such as the State highway, or main roads may be prohibited in favour of an alternative access arrangement subject to consultation with Council, and Transport for NSW (TfNSW).</p>   | <p><b>Complies.</b> The proposed residential allotments would not have direct vehicular access to Cessnock Road; however, there would be a signalised intersection linking the Site to Cessnock Road. The intersection has been designed in consultation with TfNSW and Council.</p>  | ✓  |
| <p><b>DC.6.7</b> Roads and intersections serving new rural and large lot residential subdivisions may require upgrading in accordance with the provisions of Council's MOES.</p>  | <p><b>Not applicable.</b> There are no new rural or large lot residential allotments.</p>   | NA |
| <p><b>DC.6.8</b> Public transport infrastructure shall comply with 'Guidelines for Public Transport Capable Infrastructure in Greenfield Sites', including but not limited to:</p> <p>Bus stops shall be designed so that:</p> <ul style="list-style-type: none"> <li>• Opposing bus stops shall be spaced and located generally at 400m and accompanied with centre refuge and concrete parking lane blisters.</li> <li>• Placed on departure side of refuge/crossings, and from intersections preference against parks/public land where possible.</li> <li>• Vehicle access to lots shall be demonstrated, driveway construction and 88b restrictions may be warranted</li> <li>• proposed stops shall be marked on sales plan to notify buyers</li> <li>• Provide public stops with centre refuge and concrete blisters in parking lanes. Locate on lot boundaries but preference is against parks/public land where possible.</li> </ul> | <p><b>Complies.</b> The proposed bus route has been carefully considered to provide efficient and effective access to the residents. There are appropriate refuges blistering that have been provided at bus stop locations whilst not conflicting with future residential driveways.</p>   | ✓  |
| <p><b>DC.6.9</b> Public Road access is required to all new lots in Torrens Title subdivision.</p>   | <p><b>Complies.</b> The proposed development provides public road access to all Torrens title allotments.</p>   | ✓  |
| <p><b>DC.6.10</b> Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use.</p>  | <p><b>Complies.</b> The proposed development has a clearly defined street hierarchy, and the street would be constructed to Council's and the relevant Australian Standards.</p>  | ✓  |
| <p><b>DC.6.11</b> Detailed requirements for design, construction and sealing of roads shall be in accordance with Council's MOES.</p>   | <p><b>Complies.</b> The proposed road network would be constructed in accordance with Council MOES.</p>   | ✓  |
| <p><b>DC.6.12</b> On-street parking is provided on all streets for convenience and to contribute to surveillance and street life.</p>   | <p><b>Variation justified.</b> Hunter Water requires 19.0m semi-trailer access to the proposed sewer pump station in the south west corner of the Site. Hunter Water's access to the proposed pump station with a 19.0m semi-trailer is only required in emergency situations. The Turning Path Plans that form part of the civil design package show that there would be a few pinch points that would not allow for vehicles to park on the street, and these would be alleviated through No Stopping signage. These No Stopping areas impact a small portion of Roads 02 and 03 as labelled on the civil drawings.</p> <p>There will also be no stopping areas on the entry road to ensure no conflicts with the function of the signalised intersection. The allotments that are impacted in this area are generally a rear loaded product, and there would be the ability for residents and visitors to park on the secondary street frontage at the rear.</p> | ✓  |

| Control   | Comment  | ✓ |
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| <p><b>DC.6.13</b> Road widths in Council's MOES are minimum design standards. Additional design requirements, above and beyond these minimum requirements, would have to be accommodated within the subdivision design (i.e., road widening to comply with Planning for Bushfire Protection).</p>   | <p><b>Complies.</b> The roads have all been designed to be compliant with the provisions of MOES and PBP 2019.</p>   | ✓ |
| <p><b>DC.6.14</b> Create a permeable layout based on modified grid layout.</p>  | <p><b>Complies.</b> The proposed road network creates a permeable network that provides future residents options to travel throughout the Site.</p>  | ✓ |
| <p><b>DC.6.15</b> Cul-de-sacs and pedestrian laneways shall be avoided, where unavoidable cul-de-sac should be less than 200m in length and able to see the end bulb from the intersection. Greater lengths will require increased road widths and bulb radius.</p>   | <p><b>Complies.</b> The proposed cul-de-sac (Road 08 on civil drawings) in the Site's northern portion has a length of 200m, with the bulb being visible from Road 01 in the east.</p>   | ✓ |
| <p><b>DC.6.16</b> Maximise connectivity to bus stops, community facilities, open space and attractors through orientation of street blocks and public land.</p>   | <p><b>Complies.</b> The proposed bus route provides convenient access to the proposed public open space and will provide a valuable connection to the surrounding community facilities in Maitland and Kurri Kurri.</p>  | ✓ |
| <p><b>DC.6.17</b> Orientation of street blocks is preferable east-west, then north-south where exception requires. Exceptions are considered where slope exceeds 6%, trunk drainage, or where existing boundaries or roads prevent achievement. Refer to Figure 3.</p>  | <p><b>Variation justified.</b> The orientation of the allotments has been dictated by the Site's physical constraints, namely Cessnock Road to the west, Wallis Creek to the east and the standards to deliver essential services.</p>   | ✓ |
| <p><b>DC.6.18</b> Alternative block orientation may consider direct emergency/trunk routes and other amenity views to bushland, floodplain, community spaces and areas of interest nominated by council.</p>  | <p><b>Complies.</b> The proposed allotment layout has been designed to address the constraints on the Site from a natural and built form perspective.</p>  | ✓ |
| <p><b>DC.6.19</b> Land slopes of 6% or greater shall generally run downhill unless demonstrated that earthworks will be minimized for the development.</p>  | <p><b>Complies.</b> The orientation of the allotments has been specifically designed to run downhill, although, through efficient earthworks, the resultant allotments are generally between 1-3%.</p>   | ✓ |
| <p><b>DC.6.20</b> Roads shall provide surveillance and safety to items such as along drainage corridors, bushfire and flood plains, around public areas like parks and community lands (see DC.7).</p>  | <p><b>Complies.</b> The proposed road network has been designed to provide road frontages to all public and community land to ensure passive surveillance.</p>   | ✓ |
| <p><b>DC.6.21</b> Public parks shall be located on trunk roads for easy wayfinding and be surrounded by roads on 3 to 4 sides.</p>  | <p><b>Complies.</b> The proposed parks would be provided with appropriate road frontages and signage and are located in visually prominent areas to engage with the community. Where public parks are not bordered by a road, this is due to topographical and flooding constraints on the Site.</p>   | ✓ |
| <p><b>DC.6.22</b> Intersection spacing shall follow best practice including:</p> <ul style="list-style-type: none"> <li>• minimum 40m stagger of intersections on opposing sides, 60m on same side</li> <li>• minimum 100m stagger on opposing sides, 120m on same side for trunk roads on trunk road,</li> <li>• four-way intersections on trunk roads shall be roundabouts, T-intersections, or lights</li> </ul> | <p><b>Complies.</b> The proposed road networks have been designed to satisfy the spacing requirements.</p>   | ✓ |
| <p><u>Residential Subdivisions</u></p> <p><b>DC.6.23</b> Street block lengths shall be a maximum length of:</p> <ul style="list-style-type: none"> <li>• 180m desirable, 250m maximum for local streets</li> <li>• 180m for residential streets running parallel against trunk roads</li> <li>• Generally 70m deep for residential</li> </ul>   | <p><b>Complies.</b> The proposed street blocks are generally consistent with the desired parameters. Given the nature of the Site and the orientation of Cessnock Road, the western side of Road 03 (as identified in civil drawings) is broken up by a 6m pedestrian link and widened landscaped verges at the east-west intersection of Road 10 and Road 03. The Pre-DA confirmed that Council were supportive of this approach.</p>   | ✓ |
| <p><b>DC.6.24</b> A network of constructed (i.e. not grass) footpaths and cycleways will be required in all residential subdivisions, located, designed and constructed in accordance with Council's Manual of Engineering Standards, and in view of streets wherever possible to allow surveillance.</p>   | <p><b>Complies.</b> The proposal includes an interconnected network of pedestrian paths throughout the Site, which generally follow the proposed road network. There are several additional green links that provide pedestrians greater connectivity through the Site whilst connecting to the current and future pedestrian network in the area. The proposed pedestrian paths have been designed to satisfy the requirements of Council's Manual of Engineering Standards</p> | ✓ |
| <p><b>DC.6.25</b> Particular attention should be paid to pedestrian links to schools, with regard to their width, lighting (to Australian Standard) and the appropriateness of landscaping and related safety issues.</p>   | <p><b>Complies.</b> There are currently no schools within the immediate vicinity of the proposed development, but the proposal has included appropriate pedestrian linkages to ensure that pedestrians will be able to connect to other areas of Gillieston Heights and the wider area in a safe and efficient manner should it be required.</p>   | ✓ |
| <p><b>DC.6.26</b> The road, footpath and cycleway network should facilitate walking and cycling throughout neighbourhoods and provide links to schools, community facilities and other activity centres.</p>  | <p><b>Complies.</b> The proposed vehicular and pedestrian networks provide clear and accessible connections to the wider network. There are clear linkages to the existing subdivision to the north and further to Maitland and Kurri Kurri. The provided linkages allow future residents safe and convenient access to schools, shops and community activities.</p>   | ✓ |

| Control   | Comment  | ✓  |
|---|--|----|
| <b>DC.7 Crime Prevention – Safer By Design</b>  |  |    |
| <b>Objectives:</b> <ul style="list-style-type: none"> <li>To ensure that Council does not approve subdivisions that create or exacerbate crime risk or community fear.</li> </ul>   | <b>Complies.</b> The proposed subdivision layout has been designed to create functional areas where the community feels welcome and safe.  | ✓  |
| <b>General Requirements:</b><br><b>DC.7.1</b> Clear sightlines between public and private places.   | <b>Complies.</b> The proposed subdivision has been designed to ensure clear sightlines between public and private places. The orientation of allotments and the strategic location of public spaces promotes passive surveillance.   | ✓  |
| <b>DC.7.2</b> Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims.   | <b>Complies.</b> The proposed landscaping provides an attractive and functional public realm without providing offenders with areas to hide or entrap victims.   | ✓  |
| <b>DC.7.3</b> Dense vegetation or structures should not be located beside bicycle routes or pedestrian walking paths. A safety convention is to have 3-5 metres of cleared space on either side of pathways and bicycle routes. Pedestrians feel more comfortable sharing wide paths than narrow paths.   | <b>Complies.</b> The proposed landscaping does not propose dense vegetation or structures within the public realm. The landscaping and structures within the public realm have been specifically selected to ensure the safety of users.   | ✓  |
| <b>DC.7.4</b> Natural surveillance should focus on orientation of buildings and strategic use of windows, balconies, entrances, permeable fencing and street design. Tactical location of living areas, workstations, offices and recreation areas help surveillance opportunities.   | <b>Complies.</b> The proposed subdivision allows for future dwellings to engage with the public realm and encourage passive surveillance.  | ✓  |
| <b>DC.7.5</b> Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities.  | <b>Complies.</b> The proposed subdivision allows for future dwellings to face the street and stormwater basins to provide passive surveillance.  | ✓  |
| <b>DC.7.6</b> Lighting of public places such as public streets, car parks and pedestrian areas should meet the relevant Australian Standards. Effective lighting reduces fear and can increase community activity. The types of lighting should also be considered (different lights are used in different situations).   | <b>Complies.</b> The proposed subdivision would be capable of being lit in accordance with the relevant Australian Standards.<br><br>The pedestrian paths and wayfinding within the Local Park and green links would be delineated by bollard style lighting. This allows for safe pedestrian movement whilst limiting any light spill nuisance for nearby residents.  | ✓  |
| <b>DC.7.7</b> Council may require a report from a suitably qualified lighting engineer for lighting of public areas within subdivisions.  | <b>Not applicable.</b> The proposed subdivision relies on a subdivision layout that is cognisant of Council's controls and the relevant Australian Standards, a lighting engineer report is believed to be unnecessary.  | NA |
| <b>DC.7.8</b> Design subdivision layouts with clear transitions and boundaries between public and private space. This can be achieved through landscaping, natural barriers such as waterways or topographic features and by the use of gates, bollards and fencing.  | <b>Complies.</b> The proposed subdivision layout makes the clear delineation between the private and public realms, this is reinforced through landscaping as detailed in the supporting landscape plan.   | ✓  |
| <b>DC.7.9</b> In some cases public areas may need to have restricted access, particularly at night, to prevent vandalism and anti-social behaviour.   | <b>Complies.</b> The proposed development does not include public areas where access needs to be restricted from a vandalism and anti-social behaviour perspective.  | ✓  |
| <b>DC.8 Site Filling</b>  |  |    |
| <b>Objectives:</b> <ul style="list-style-type: none"> <li>To ensure the environmental impact of site fill is properly assessed.</li> </ul>  | <b>Complies.</b> The proposed development has been designed around achieving a cut and fill balance across the Site. The proposal is supported by a detailed Geotechnical Investigation, which includes a slope stability assessment.  | ✓  |
| <b>General Requirements:</b><br><b>DC.8.1</b> Earthworks require development consent of Council under the provisions of the Maitland LEP 2011, unless either exempt or complying development.   | <b>Complies.</b> The proposed development seeks consent for earthworks.  | ✓  |
| <b>DC.8.2</b> Where site filling is necessary or proposed, the materials used and extent and depth of fill must be detailed in the development application for the approval of Council prior to issue of a Construction Certificate. Council will take into account the provisions of AS 3798-1990, which provides guidelines on the specifying, execution and control testing of earthworks and associated preparation works within commercial and residential developments. | <b>Complies.</b> The proposed development seeks to balance the cut and fill on the Site. The provided engineering plans prepared by Enspire detail the location and quantities of cut and fill across the Site. All earthworks are proposed to be carried out in accordance with the relevant Council provisions and Australian Standards.<br><br>The Geotechnical Investigation and Earthworks Strategy indicate that the site is capable of supporting the proposed development, and any impact can be appropriately mitigated against on Site through the construction process. | ✓  |
| <b>DC.8.3</b> An absolute maximum fill depth of 2m will be considered by Council.   | <b>Variation justified.</b> The Site's existing topography requires small areas to the southeast to be filled beyond 2m to deliver efficient and usable residential allotments. All proposed filling and retaining would be carried out in accordance with Council's and the relevant Australian Standards.<br><br>Restricting the filling to less than 2m will not allow the delivery of level residential allotments and would require significant   | ✓  |

| Control   | Comment   | ✓  |
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|   | <p>earthworks from purchasers to establish a residential dwelling on them.</p> <p>With the exception of a very small section in the southeastern corner of the development footprint, all land associated infrastructure would not be within or supported by an area of fill greater than 2m. Additionally, there would be no provisions for retaining walls to hold up any Council assets; all retaining walls will be within privately owned allotments.</p> <p>The supporting geotechnical report details that the proposed civil works are capable of being supported on Site.</p> <p>The extent of filling was discussed during the Pre-DA, and Council were generally supportive of the proposed filling as it delivered a practical and efficient subdivision that will deliver dwelling ready residential allotments.</p> |    |
| <p><b>DC.9 Reticulated Services (Water/Sewer/Electricity/Telecommunications)</b></p>  |   |    |
| <p><b>Objective:</b></p> <ul style="list-style-type: none"> <li>To provide appropriate utility services to all new lots in an efficient, co-ordinated and cost-effective manner, and to restrict subdivisions that create unreasonable or untimely demand for the provision or extension of services, having regard to ecologically sustainable development (ESD) and to ensure minimal environmental impact.</li> </ul>  | <p><b>Complies.</b> The proposed development has been specifically designed to ensure that servicing the allotments is done in a cost-effective and logical manner.</p>   | ✓  |
| <p><b>General Requirements:</b></p> <p><u>Water and Sewer</u></p> <p><b>DC.9.1</b> Reticulated water and sewer supply is required for all new urban lots (residential, commercial, industrial) in accordance with the requirements of the Hunter Water Corporation.</p>   | <p><b>Complies.</b> All proposed residential allotments would be capable of being serviced by reticulated water and sewer.</p>  | ✓  |
| <p><b>DC.9.2</b> Council's preference is for all new large residential lots (including land zoned C4 Environmental Living) to be connected to reticulated sewer. This can include the use of a community package treatment plant if Hunter Water Corporation reticulation is not available. If no reticulated sewer, effluent disposal to be undertaken in accordance with requirements contained in "Effluent Disposal" Design Element below.</p> <p>Submission to Council of a Section 50 Certificate from the Corporation prior to issue of Subdivision Certificate (Endorsed "linen" plan).</p> | <p><b>Not applicable.</b> There are no large lot residential lots proposed.</p>   | NA |
| <p><u>Electricity</u></p> <p><b>DC.9.3</b> Underground low voltage electricity supply to all new residential lots (including land zoned C4 Environmental Living) to the requirements of Energy Australia or other approved electricity provider, unless Council and provider determine that overhead supply is permitted due to flood liability of land or the land fronts a road supplied by existing overhead electricity reticulation.</p>   | <p><b>Complies.</b> All proposed residential allotments would be capable of being serviced by underground electricity.</p>  | ✓  |
| <p><b>DC.9.4</b> For industrial and commercial lots, underground electricity supply shall be provided to all new lots, to the requirements of Energy Australia or other approved electricity provider, unless Council and the provider determine otherwise.</p>   | <p><b>Not applicable.</b> There are no industrial or commercial allotments proposed.</p>  | NA |
| <p><b>DC.9.5</b> Low voltage electricity supply must be available to the boundary of all new rural lots in accordance with requirements of Energy Australia or other approved provider.</p>   | <p><b>Complies.</b> All proposed allotments are capable of being by the relevant electrical provider.</p>   | ✓  |
| <p><b>DC.9.6</b> Pad mounted substations, if and where required, should be placed within pedestrian walkways, behind landscaped screens or otherwise sympathetically treated to reduce visual impact.</p>   | <p><b>Capable of compliance.</b> All pad mount substations will be appropriately located.</p>   | ✓  |
| <p><b>DC.9.7</b> Written evidence from the provider that installation of all services is complete and meets requirements must be submitted to Council prior to issue of the Subdivision Certificate;</p>  | <p><b>Capable of compliance.</b> Written evidence can be provided prior to the issue of a Subdivision Certificate.</p>  | ✓  |
| <p><u>Street Lighting</u></p> <p><b>DC.9.8</b> Street lighting shall not be provided for low-density residential subdivisions, unless special circumstances (consistent with AS1158) warrant installation.</p>  | <p><b>Complies.</b> Street lighting will be provided where required.</p>  | ✓  |
| <p><b>DC.9.9</b> Street or road lighting shall not be provided for rural subdivisions.</p>  | <p><b>Not applicable.</b> The proposed development does not include provisions for rural subdivisions.</p>  | ✓  |
| <p><u>Telecommunications</u></p> <p><b>DC.9.10</b> Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider.</p>  | <p><b>Complies.</b> All proposed allotments are capable of being serviced by the required telecommunications provider.</p>  | ✓  |

| Control   | Comment  | ✓         |
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| <p><a href="#">Low density residential lots</a></p> <p><b>DC.9.11</b> All new low-density residential lots (including land zoned C4 Environmental Living) to be capable of draining to the street frontage or to an inter- allotment drainage easement (see also “Drainage and Water Quality” Design Element below).</p>  | <b>Complies.</b> All proposed residential allotments are capable of draining to the street or an inter allotment drainage easement.  | ✓         |
| <b>IC.1 Entry Features</b>  |  |           |
| <p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>To ameliorate the potential cumulative visual impact of entry features and to regulate issues such as their location, size and life span.</li> </ul>   | <b>Complies.</b> The proposed entry statement creates visual interest and responds to the natural and cultural features of the Site and its surroundings.  | ✓         |
| <p><b>General Requirements:</b></p> <p><b>IC.1.1</b> Entry features will only be considered and approved with the development application for subdivision and all details should be included with the detailed landscaping plans.</p>   | <b>Complies.</b> The proposed development includes provisions for the entry statement as part of the landscape plans.  | ✓         |
| <p><b>IC.1.2</b> Entry features will only be permitted in conjunction with residential subdivisions of 50 lots or more. Entry features for industrial and commercial subdivisions will be considered on merit.</p>  | <b>Complies.</b> The proposed development includes provisions for more than 300 residential allotments.  | ✓         |
| <p><b>IC.1.3</b> Entry features shall be limited to one pair at the primary entrance to a new subdivision.</p>  | <b>Complies.</b> The proposed entry features would be located on either side of the signalised intersection with Cessnock Road.  | ✓         |
| <p><b>IC.1.4</b> Entry features can only display the name of the estate NOT street names.</p>   | <b>Complies.</b> The proposed entry feature only includes the name of the estate ‘Wallis Creek’ and includes the term ‘South’ to identify this entry from the northern entry on Redwood Drive.   | ✓         |
| <p><b>IC.1.5</b> Entry features shall only be located on privately owned land.</p>  | <b>Variation justified.</b> The proposed entry feature will be within road widening that will be dedicated to Council upon registration of the final residential allotment.  | ✓         |
| <p><b>IC.1.6</b> Entry features for residential subdivisions shall be limited to a size of 20m<sup>2</sup> with a maximum height of 2m. The size of entry features for industrial and commercial estates will be considered on merit.</p>   | <b>Complies.</b> The proposed entry feature has a maximum height of 2m and an area of approximately 20sqm. The entry feature includes some open style timber components designed to emulate the form and path of Wallis Creek. Given the open nature of this component, setbacks and proposed landscaping, the cumulative impact of the entry feature is considered appropriate and aligned with the objectives.   | ✓         |
| <p><b>IC.1.7</b> In certain circumstances the erection of entry features may be considered at a later stage but must comply with the guidelines.</p>  | <b>Noted.</b>  | ✓         |
| <b>IC.2 Street Names</b>  |  |           |
| <p>Proposed street names must be submitted to Council for approval in accordance with Council’s policy at the time of lodgement of the development application. Street name signs will be required at the junction of any roads in the subdivision in accordance with Council’s Manual of Engineering Standards</p>   | <b>Capable of compliance.</b> A condition of consent would be included that requires the establishment of street names prior to the release of a subdivision certificate.  | ✓         |
| <b>IC.3 House/Lot Numbering</b>   |  |           |
| <p>Council supplies a number for all new urban and rural lots created, and has an adopted policy in this regard. A fee applies for this service.</p>  | <b>Capable of compliance.</b> House numbers would be requested prior to the release of a subdivision certificate.  | ✓         |
| <b>C.11 Vehicular Access and Car Parking</b>  | <b>Not applicable.</b>   | <b>NA</b> |
| <b>C.12 Crime Prevention Through Environmental Design</b>   |  |           |
| <p>Crime Prevention through Environmental Design (CPTED) seeks to influence the design of buildings and places in ways that lessen or prevent the incidence of crime. CPTED employs four key strategies:</p> <ol style="list-style-type: none"> <li>territorial re-enforcement</li> <li>surveillance</li> <li>access control</li> <li>space/activity management.</li> </ol> | <p><b>Complies.</b> The proposed development has been designed around the four key strategies, which include clear sightlines between the public and private spaces whilst also providing a clear delineation between the public and private realms.</p> <p>The landscape plan allows for trees that provide shading whilst not compromising the opportunities for passive surveillance. Additionally, the lot layout would allow for the siting of future dwellings to face the public realm to reinforce passive surveillance.</p> | ✓         |
| <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>The security of buildings and public spaces is achieved through the application of Crime Prevention through Environmental Design principles.</li> </ul>   | <b>Complies.</b> The proposed development has been specifically designed to address the four key strategies of Crime Prevention Through Environmental Design.  | ✓         |

| Control   | Comment  | ✓  |
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| <ul style="list-style-type: none"> <li>• Territorial reinforcement is achieved through good quality, well maintained buildings and spaces and the delineation of public and private areas.</li> <li>• Good natural surveillance is achieved by the position of buildings and the orientation of uses toward public areas.</li> <li>• Landscaping and lighting contribute to the safety of an area.</li> <li>• Mechanical surveillance (e.g. CCTV) is only used where passive surveillance cannot be achieved or in isolated, high risk areas.</li> <li>• Way-finding, desire lines and formal/informal routes are reinforced by physical and symbolic barriers that channel and group pedestrians into areas.</li> <li>• Activity in public spaces is promoted by providing and maintaining high-quality public areas and promoting a diversity of uses that encourage activity throughout the day and night.</li> <li>• Perception of crime is minimised by maintenance of public areas and the rapid response to vandalism and graffiti.</li> </ul> | <p>Including well connected active open space throughout the development encourages residents and the wider community to utilise the facilities and take ownership.</p> <p>The inclusion of structures and landscaping throughout the public open space areas has been designed to promote access and wayfinding without creating areas of entrapment.</p>                           | ✓  |
| <b>Part D – LOCALITY PLANS</b>  | Not applicable.  | NA |
| <b>Part E – SPECIAL PRECINCTS</b>   | Not applicable.  | NA |
| <b>Part F – URBAN RELEASE AREAS</b>   |  |    |
| <b>F.2 Residential Urban Release Areas</b>  |  |    |
| <b>1. Desired Future Outcomes</b>   |  |    |
| 1. To provide walkable neighbourhoods with convenient access to neighbourhood shops, community facilities and other services, with less dependence on cars for travel.  | <b>Complies.</b> The permeable street and pedestrian network provides residents with convenient and efficient transport options to the wider community.  | ✓  |
| 2. To foster a sense of community and strong local identity and sense of place in neighbourhoods.   | Complies. The proposed development includes two public parks that are readily accessible to future residents and the wider community alike.  | ✓  |
| 3. To provide for access generally by way of an interconnected network of streets and paths which facilitate safe, efficient and pleasant walking, cycling and driving.   | <b>Complies.</b> The proposed development has an interconnected vehicular and pedestrian network that promotes safe and efficient movement.  | ✓  |
| 4. To ensure active street-land use interfaces, with building frontages to streets to improve personal safety through increased surveillance and activity.  | <b>Complies.</b> The proposed street layout ensures future residences will address the public realm, encouraging passive surveillance.   | ✓  |
| 5. To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents.   | <b>Complies.</b> The proposal has been designed to ensure the safe and efficient movement of a bus throughout the development.   | ✓  |
| 6. To facilitate appropriate mixed use development which is compatible with residential amenity, capable of adapting over time as the community changes, and which reflects community standards of health, safety and amenity.  | <b>Complies.</b> There are no proposed mixed use developments, although the proposal provides appropriate connections to the surrounding network to service the community.   | ✓  |
| 7. To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.  | <b>Complies.</b> The proposal includes a wide variety of residential allotments with respect to frontage widths and overall area to ensure a diverse housing product.  | ✓  |
| 8. To ensure key environmental areas such as waterways, vegetation, land resources, and areas of cultural significance and scenic value are protected.  | <p><b>Complies.</b> The proposed development has actively avoided areas of environmental and cultural value, namely the remnant vegetation, Wallis Creek and the scenic view corridors to the south and east.</p> <p>The provision of parks has been strategically located to enable the community as a whole to access and enjoy the areas of scenic and cultural significance.</p> | ✓  |
| 9. To provide for an integrated and sustainable approach to the design and provision of open space and urban water management.  | <b>Complies.</b> The proposal includes three basins that have been strategically located to take advantage of the natural drainage lines. Basins A and B have been designed to incorporate and address aspects of public open space to ensure urban water management throughout the development.   | ✓  |
| 10. To ensure cost-effective and resource efficient development to promote affordable housing.  | <b>Complies.</b> The proposed development results in the staged release of residential allotments efficiently and cost-consciously to address market demands. The staging of the development allows for the timely delivery of infrastructure in a cost-effective manner.  | ✓  |



| Control   | Comment   | ✓ |
|---|---|---|
| <b>2. Design Considerations</b>   |   |   |
| <b>2.1 Traffic &amp; Connectivity</b>   |   |   |
| <p><b>Objectives:</b></p> <p>0.1 To ensure road design reflects the function of the road, the needs of the road user, with sound engineering practice and connectivity to existing and future development.</p> <p>0.2 To provide a safe and appropriate level of pedestrian and cycleway access linking new development with established urban areas, parks and public transport, including a mix of on-road and off-road cycle routes.</p> <p>0.3 To provide a permeable and interconnected street structure that offers a choice of routes and distributes traffic load through a number of connection points.</p> <p>0.4 To ensure that the design of the streets indicates their position and function in the street hierarchy, and reflects the uses within the street in their character and detail.</p> <p>0.5 To minimise cut and fill.</p> | <p><b>Complies.</b> The proposed development provides a well defined and efficient road network that offers good internal and external connections.</p> <p>The integrated pedestrian network provides residents and the wider with safe and efficient connections without the need for a vehicle.</p>   | ✓ |
| <p><b>Design Criteria:</b></p> <p>D.1 The road pattern for each Area Plan and Precinct Plan should be developed generally in response to the topography, orientation of the land and site constraints to minimise environmental impacts (including acoustic impacts) and earthworks. Detailed survey and subdivision planning should be included in the road design for Precinct Plans.</p>   | <p><b>Complies.</b> The road and pedestrian network responds to the Site's constraints and the existing topography to ensure an efficient network that does result in any undue environmental impacts.</p>  | ✓ |
| <p>D.2 The road pattern for each Area Plan or Precinct Plan shall provide for logical connections with existing road networks.</p>  | <p><b>Complies.</b> The proposed development integrates seamlessly into the existing residential subdivision to the north and the proposed development on the western side of Cessnock Road.</p>  | ✓ |
| <p>D.3 The road design should allow for passive surveillance and access to public open space from adjoining residences.</p>   | <p><b>Complies.</b> The proposed road network encourages passive surveillance and access to the designated public open space. Additionally, it ensures that future dwellings address the areas of public open space.</p>  | ✓ |
| <p>D.4 Roads are to be designed to provide flood free access to proposed allotments.</p>  | <p><b>Complies.</b> All proposed allotments are provided with flood free vehicular access.</p>  | ✓ |
| <p>D.5 Footpaths and cyclepaths are to be provided within subdivisions that link the community, open space, schools and shops to existing and future residential development and constructed in accordance with Council's Manual of Engineering Standards. Shared off-road paths shall be located adjacent to stormwater control corridors, open space and the collector road verges (footway).</p>   | <p><b>Complies.</b> The proposed subdivision layout provides permeable pedestrian connections that link to the existing network and will be capable of integration into the future development of the neighbouring land. The proposed open space areas will be connected via a shared path network that will also link the proposed development on the western side of Cessnock Road.</p>     | ✓ |
| <p>D.6 Cycleways must be provided for in accordance with the Maitland Bike Plan 2005.</p>   | <p><b>Complies.</b> The proposed development includes provisions for cycleways generally in accordance with the intent of the Maitland Bike Plan 2005.</p>  | ✓ |
| <p>D.7 No new future lot shall have direct vehicular access to any classified road (as defined in the Maitland LEP 2011).</p>   | <p><b>Complies.</b> The proposed development does not facilitate direct vehicular access to any classified roads.</p>   | ✓ |
| <p><b>Submission Requirements:</b></p> <p>Independent Traffic and Transport Studies are required with Development Applications for subdivision to determine the extent of road works, intersection upgrades and ancillary vehicular and pedestrian/cycleway infrastructure requirements generated by the development.</p>   | <p><b>Complies.</b> A Traffic Impact Assessment was prepared as part of the rezoning, and an addendum has been prepared to specifically look at the implications of the proposed layout and has been reviewed by TfNSW.</p> <p>All internal roads and pedestrian paths have been designed to comply with the relevant Australian Standards and Council's Manual of Engineering Standards.</p> | ✓ |
| <b>2.2 Subdivision Design</b>   |   |   |
| <p><b>Objectives:</b></p> <p>0.1 To ensure that any proposed subdivision provides a safe and positive character, enhances accessibility, minimises visual impacts, complements the surrounding area, and promotes the principles of ecologically sustainable development.</p> <p>0.2 To ensure that development respects the constraints of the site, and provides for a range of lot sizes and shapes appropriate to the community's housing needs.</p>  | <p><b>Complies.</b> The proposed subdivision has been designed to address the Site's constraints and to sit sympathetically into the landscape whilst providing future residents with a diverse and well connected community.</p>   | ✓ |

| Control  | Comment  | ✓ |
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| <p><b>Design Criteria:</b></p> <p>D.1 A variety of lot sizes and shapes are to be provided to cater for the housing needs of the community, including opportunities for small lots, small lot housing and medium density in areas with high neighbourhood amenity. Allotment yields should be maximised in response to the constraints of the land.</p>  | <p><b>Complies.</b> The proposed subdivision layout promotes a yield that has a variety of allotment sizes and dimensions to promote housing diversity and opportunities for a broad community base to purchase a desirable allotment.</p>   | ✓ |
| <p>D.2 Subdivision design must have regard to minimising any adverse visual impacts of development when viewed from public roads and surrounding properties.</p>   | <p><b>Complies.</b> The proposed subdivision has considered the visual implications external to the Site as identified in the Visual Impact Assessment.</p>  | ✓ |
| <p>D.3 Cut and fill should be minimised to fit topography and should absorb the slope on lots within the dwelling footprint rather than on the side boundaries.</p>  | <p><b>Complies.</b> Given the Site's topographical constraints, the retaining walls have been constructed along the property boundaries to enable a relatively flat and level building pad that does not require retaining or significant earthworks to build a dwelling. All retaining walls would be integrated and constructed as part of the subdivision works.</p>                      | ✓ |
| <p>D.4 Subdivision layout and lot orientation should maximise privacy, private open space areas, solar access and energy efficiency. In this regard, streets should generally be aligned north/south and east/west, subject to constraints such as topography.</p>   | <p><b>Complies.</b> The allotments have been designed to maximise solar access. Allotment sizes and widths have been increased to allotments that are not optimally orientated and are impacted by boundary retaining walls to ensure that future dwellings would not be adversely affected from a solar amenity point of view.</p>  | ✓ |
| <p>D.5 Subdivision design and lot layout must ensure that any future residential housing will not be adversely affected by noise or vibration from traffic along adjoining classified roads, nor any other adjoining land uses.</p>  | <p><b>Complies.</b> The subdivision design has considered Cessnock Road, which runs along the Site's western boundary. The Acoustic Assessment prepared in support of the proposal indicates that traffic noise can be readily controlled using standard building techniques.</p>  | ✓ |
| <p>D.6 Subdivisions must include conveniently located open space areas that complement the broader city wide open space networks.</p>  | <p><b>Complies.</b> The proposal includes two conveniently and clearly defined public open space facilities. A local park towards the north and a dog park in the south, there are also provisions for useable open space around the central stormwater basin and within the green links. The proposed open space network is also well serviced by pedestrian and vehicular connections.</p> | ✓ |
| <p>D.7 Lots are to be designed to have frontage to streets or public open spaces to enhance dwelling presentation, passive surveillance and activation of the public domain.</p>   | <p><b>Complies.</b> The proposed subdivision layout encourages all future dwellings to address and front the public domain.</p>  | ✓ |
| <p>D.8 Subdivision designs should incorporate crime prevention strategies and principles to promote personal safety and casual surveillance such as those adopted within Crime Prevention through Environmental Design (CPTED).</p>  | <p><b>Complies.</b> The proposed development has been designed around the key principles of CPTED, with a strong focus on territorial re-enforcement and passive surveillance.</p>   | ✓ |
| <p><b>Submission Requirements:</b></p> <p>Development applications for subdivision must include Staging Plans, an analysis and statement as to the intentions and philosophy of proposed layouts, lot sizes, shapes and likely development densities, so that residents have a clear understanding of the likely future neighbourhood character.</p>   | <p><b>Complies.</b> The proposed Staging Plan is supported by the Urban Design Guidelines, which build on the DCP provisions to provide future residents with a clear understanding of the future neighbourhood character.</p>   | ✓ |
| <b>2.3 Building Form</b>   |  |   |
| <p><b>Objectives:</b></p> <p>0.1 To ensure that development responds to the constraints of the land, and is integrated with existing development to provide attractive streetscapes and vistas, enhancing the overall character and neighbourhood amenity.</p> <p>0.2 To provide for ecologically sustainable building design that is compatible with the scale and character of surrounding development, that maximises privacy, safety and security, and that respects the scenic and visual attributes of the area.</p> | <p><b>Complies.</b> The proposed subdivision layout has considered the existing Site constraints and has been designed to enhance the overall character of the area without compromising the natural environment or the amenity and safety of future residents.</p>  | ✓ |
| <p><b>Design Criteria:</b></p> <p>D.1 Housing design and scale must respond to the site constraints, so as to minimise acoustic impacts, external earthworks and prevent excessive cut/fill and structural retaining walls.</p>  | <p><b>Complies.</b> The proposed subdivision creates residential allotments that do not require excessive cut/fill to site dwellings.</p>  | ✓ |
| <p>D.2 Development is to respect the character and amenity of adjoining development, with any medium density housing or small lot housing to be</p>  | <p><b>Complies.</b> The proposed subdivision layout is sympathetic to the rural character of the wider area and presents allotments that take</p>  | ✓ |

| Control   | Comment   | ✓ |
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| provided on suitably orientated and sized allotments that have high amenity near facilities, open space and public transport.   | advantage of the view corridors whilst not dominating the landscape.  |   |
| D.3 Building bulk is to be broken up by articulating external walls, providing openings, protrusions, verandahs, fenestration and various building materials, finishes and colours, so as to provide for visual relief and attractive streetscapes.   | <b>Complies.</b> The proposed Urban Design guidelines build on the residential dwelling controls to promote articulation, visual interest and attractive streets.   | ✓ |
| D.4 Housing which is adjacent to a classified road should be appropriately designed so as to provide a high quality architectural appearance with visual interest, particularly by discouraging bulky buildings and blank walls.  | <b>Capable of compliance.</b> The proposed allotments that are adjacent to Cessnock Road are provided with an adequate buffer/setback that will ensure they do not present blank and bulky walls to Cessnock Road.  | ✓ |
| D.5 Car accommodation is to be sited and designed so as not to dominate the streetscape and frontage of allotments, thereby enhancing the areas visual appearance.  | <b>Capable of compliance.</b> The proposed allotments would support a dwelling with a visually recessive garage; this is reinforced through the Urban Design Guidelines.  | ✓ |
| D.6 Dwellings with a boundary to open space areas are to address the open space areas and provide low, visually permeable fencing.  | <b>Capable of compliance.</b> The proposed allotments adjacent to the open space would support a dwelling that addresses the open space.  | ✓ |
| D.7 Fencing is to make a positive contribution to the visual appearance of development, and will be consistent with the requirements of the relevant Area or Precinct Plan. Fencing adjacent to the boundaries of any surrounding rural lands shall be unobtrusive, compatible with the rural character, and may include timber post and rail style.                          | <b>Complies.</b> The Landscape Masterplan provides a clear fencing strategy that is fit for purpose whilst being sympathetic to the area's rural character.   | ✓ |
| <p><b>Submission Requirements:</b></p> <p>Fencing details for all fencing that fronts rural or environmental land, a public space or road are required to be submitted to Council for approval with Development Applications for subdivision. Fencing adjacent to classified roads must be installed at the subdivision development stage to the satisfaction of Council.</p> | <b>Complies.</b> The Landscape Masterplan includes fencing details that establish a connection between the residential development and the underlying rural character. The inclusion of rural-style fencing along the eastern perimeter addresses the rural character, whilst the lapped and capped timber fencing along the western boundary assists in addressing the acoustic concerns from Cessnock Road. | ✓ |
| <p><b>2.4 Visual &amp; Scenic Amenity</b></p>   |   |   |
| <p><b>Objectives:</b></p> <p>To protect the scenic values of the landscape and environment, particularly by providing for attractive entrances to the City of Maitland, and encouraging development to be unobtrusive and sympathetic to the surrounding rural setting.</p>   | <b>Complies.</b> The proposed Landscape Masterplan encourages planting along the southern and eastern portions of the proposed development, as these are gateway vistas to the City of Maitland.  | ✓ |
| <p><b>Design Criteria:</b></p> <p>D.1 Where practicable, existing vegetation is to be maintained and enhanced (particularly along ridgelines, knolls and the slopes), so as to provide buffers and landscaped visual relief within subdivisions and housing development.</p>  | <b>Complies.</b> The proposed development has been designed to retain the remnant vegetation along the visually prominent eastern portion of the Site. The remainder of the Site is generally devoid of significant vegetation, but the Landscape Masterplan seeks to add value to the area by incorporating an endemic planting palette.   | ✓ |
| D.2 Where available, subdivision and housing design should take advantage of significant and attractive views overlooking surrounding rural lands by orienting streets and locating public space to capture views.  | <b>Complies.</b> The proposed development has orientated allotments to maximise the scenic rural views to the south and east. The orientation of the perimeter road and the Local Park allow the wider community to enjoy the attractive views.   | ✓ |
| D.3 Development adjacent to rural land and flood prone land are to be suitably designed so as to be compatible with the existing rural character and setting.   | <b>Complies.</b> The inclusion of two parks and a perimeter road provides a sympathetic transition from the urban built form to the rural lands to the south and east.  | ✓ |
| D.4 New landscaping shall be provided in visually prominent locations throughout subdivisions, particularly adjacent to any classified roads, including road reserves where practicable, to provide visual relief to the built elements.  | <b>Complies.</b> The proposed landscaping provisions have been specifically selected to suit the intended purpose. There is dense landscaping proposed along the interface with Cessnock Road ensures the development would be visually recessive.  | ✓ |
| <p><b>Submission Requirements:</b></p> <p>Council may require that a Visual Impact Assessment be prepared to accompany Development Applications for subdivisions and other development that are likely to have a visual impact on the area, and to include proposed ameliorative measures.</p>  | <b>Complies.</b> The proposed development is supported by a Visual Impact Assessment that has informed the Landscape Masterplan. The consideration of the Visual Impact Assessment has resulted in denser plantings in the visually prominent areas to ensure the development is sited sympathetically when viewed from the visually sensitive areas.   | ✓ |
| <p><b>2.5 Water Cycle Management &amp; Sediment &amp; Erosion Control</b></p>   |   |   |
| <p><b>Objectives:</b></p>   | <b>Complies.</b> The proposed development has been designed to consider water sensitive urban design. The stormwater would be   | ✓ |

| Control   | Comment   | ✓ |
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| <p>0.1 To protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.</p> <p>0.2 To prevent erosion and run-off during site preparation, construction and the ongoing use of the land to minimise cumulative impact on receiving waterways.</p>  | <p>managed so that there is no worsening impact on the surrounding waterways and natural environment.</p>   |   |
| <p>Design Criteria:</p> <p>D.1 Existing natural drainage lines should form part of a stormwater and runoff drainage management system utilising soil conservation measures (including detention basins and/or wetlands) to alleviate stormwater peaks and retain sediments and pollutants. Any water control structures installed on the site are to be used solely for the purpose of sedimentation and pollution control purposes. No harvesting of water from any watercourse may occur without a licence issued by the appropriate State government authority.</p>  | <p><b>Complies.</b> The proposed development's stormwater design has been designed to discharge water at pre-development levels. There are no provisions for the harvesting of water.</p>   | ✓ |
| <p>D.2 Stormwater controls must comply with the requirements of Council's Manual of Engineering Standards.</p>  | <p><b>Complies.</b> The proposed development has been designed to comply with the requirements of Council's MOES.</p>   | ✓ |
| <p>Submission Requirements:</p> <p>S.1 Developers will be required to produce a "Sediment and Erosion Control Plan" in accordance with the NSW Department of Housing guidelines Managing Urban Stormwater: Soils and Construction – the "Blue Book" as part of any development application for subdivision. The plan will also include practical measures for mitigating erosion and controlling sediment during construction. Other detailed plans may be required as a condition of any subdivision approval.</p> <p>S.2 A Stormwater Drainage Analysis, addressing the water quality and quantity (having regard to all contributing catchments and downstream water bodies), the 1% AEP Hunter River Flood Level (where relevant) and the 1% AEP storm event, is to be submitted with Development Applications for subdivision.</p> | <p><b>Complies.</b> The proposed development civil plans include detailed Erosion and Sedimentation Control Plans that satisfy the "Blue Book" requirements. These controls will be in place for the development's life to ensure no worsening impact on the surrounding natural environment.</p> <p>The Stormwater Drainage Analysis has been designed to address both stormwater quality and quantity. The southern basin is within the Flood Planning Level and has been designed to comply with the requirements of Council's Manual of Engineering Standards. The design of the stormwater basins has been discussed, at length, with Council at the Pre-DA meetings and has been generally supported as it is compliant with Council's Manual of Engineering Standards.</p> | ✓ |
| <p>2.6 Landscaping, Streetscape &amp; Open Space Areas</p>  |   |   |
| <p>Objectives:</p> <p>To provide landscaping appropriate to the nature and scale of development that enhances the local character and streetscape, supports retention and regeneration of ecological corridors and provides visual interest and a suitable backdrop to the built form.</p>  | <p><b>Complies.</b> The proposed development includes a detailed Landscape Masterplan that builds on the area's existing character to present a sympathetic and well connected open space network. The open space takes advantage of the significant view corridors to the south and east of the Site and provides the community as a whole easy access so they can be universally enjoyed.</p>   | ✓ |
| <p>Design Criteria:</p> <p>D.1 Open space areas, footpaths and cyclepaths are to be suitably located and designed to provide linkages within the proposed area and to adjoining development in accordance with the relevant Section 94 Contributions Plan. Such areas are to have good surveillance and safety, particularly at night time, and are to be easily maintained and appropriately landscaped.</p>   | <p><b>Complies.</b> The proposed open space and pedestrian networks have been designed to encourage community interaction within the development and with the wider open space network. The open space network has been designed to ensure that they provide passive surveillance and would be easily maintained by Council after handover.</p>   | ✓ |
| <p>D.2 Natural drainage lines and watercourses are to be protected and revegetated where appropriate with indigenous plant species to enhance the visual amenity, prevent soil erosion, and to protect the quality of receiving waters.</p>   | <p><b>Complies.</b> The proposed development actively avoids the natural drainage lines. Where they have been impacted, the development has been designed to ensure there is no worsening impact on the wider ecological community.</p>   | ✓ |
| <p>D.3 Existing trees are to be retained wherever possible within and adjacent to road reserves, open space/drainage areas and along allotment boundaries.</p>  | <p><b>Complies.</b> The proposed development actively avoids areas of significant vegetation. The Biodiversity Management Plan would protect the remnant vegetation along the eastern portion of the Site.</p>  | ✓ |
| <p>D.4 All open space is to be edged with a public street or public footpath, with dwellings addressing the space.</p>  | <p><b>Complies.</b> The proposed vehicular and pedestrian network has been designed to provide linkages around and through the public open space. These linkages provide excellent connectivity and passive surveillance opportunities.</p>   | ✓ |
| <p>D.5 Landscaping will be required on land adjacent to any classified road, so as to soften the visual impact of all built elements, creating attractive streetscapes when viewed by passing traffic and pedestrians.</p>  | <p><b>Complies.</b> The proposal includes dense landscaping along the full extent of Cessnock Road, which will soften the visual impact of the development as well as help shield future residents from Cessnock Road.</p>  | ✓ |
| <p>D.6 Street tree planting is to be carried out as part of subdivision design and road construction. Street trees are to be planted to provide a physical barrier to traffic, to contribute to traffic calming, provide shade on footpaths</p>   | <p><b>Complies.</b> Street tree planting would be delivered as part of the release of each stage, and they have been selected to address and enhance the surrounding natural environment. The trees would be</p>  | ✓ |

| Control   | Comment   | ✓ |
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| and enhance the view of corridors in all subdivision designs and housing developments.  | provided with a physical barrier to ensure their protection whilst they establish.  |   |
| D.7 Landscaping species are to be endemic to the area, appropriate to the setting (urban or open space) and local soil, climate and aspect.   | <b>Complies.</b> The proposed planting palette includes native and endemic species.   | ✓ |
| <p><b>Submission Requirements:</b></p> <p>S.1 Landscaping Plans are required to be submitted with Development Applications for subdivision for approval by Council. Landscape plans must include details for all streets and public spaces, identifying appropriate street tree species, fencing requirements, landscape elements, water bodies and street furniture.</p> <p>S.2 The Landscape Plans are to be accompanied by a Landscape Strategy that demonstrates how the proposed landscaping achieves the identified outcomes for the development.</p> | <b>Complies.</b> The detailed Landscape Masterplan supporting the proposal has been developed in response to the existing view corridors and remnant vegetation. The details within the plan show indicative planting species and locations throughout the entire development that would be delivered in a staged approach aligned to the subdivision staging.  | ✓ |
| <b>2.7 Noise &amp; Vibration</b>  |   |   |
| <p><b>Objectives:</b></p> <p>To ensure that future residential development is not adversely affected by any noise and vibration from incompatible land uses, including road and rail corridors and extractive industries within the Hunter River.</p>   | <b>Complies.</b> The Site adjoins Cessnock Road, and an Acoustic Assessment prepared by Spectrum Acoustics indicates the Site is capable of supporting the proposed development.  | ✓ |
| <p><b>Design Criteria:</b></p> <p>D.1 Residential subdivision and development is to be located and designed so as to comply with the current standards and criteria for noise and vibration contained within relevant State Environmental Planning Policies, RTA and DECC publications.</p>   | <b>Complies.</b> The findings of the Acoustic Assessment indicate that the proposed residential subdivision is capable of achieving the minimum requirements through generic architectural modifications.   | ✓ |
| <p>D.2 Appropriate acoustic and vibration controls are to be provided by means of separating the source and receiver. Acoustic protection shall include building design techniques, landscaping and buffers which do not detract from the streetscape and visual appearance of the area. Applying building design techniques to new housing is strongly recommended.</p>  | <p><b>Complies.</b> The proposed development includes a 1.8m lapped and capped timber fence along the boundary between the proposed residential allotments and Cessnock Road, which may be capable of achieving the minimum requirements.</p> <p>The findings of the Acoustic Assessment indicate that acoustic treatments are not required for residential dwellings that do not adjoin Cessnock Road.</p> | ü |
| <p><b>Submission Requirements:</b></p> <p>Council will require independent acoustic and vibration assessments to be submitted with relevant Precinct Plans and Development Applications that adjoin incompatible land uses.</p>   | <b>Complies.</b> The proposed development is supported by an Acoustic Assessment prepared by Spectrum Acoustics. The Acoustic Assessment details that the Site is capable of achieving the minimum requirements to ensure the acoustic amenity of future residents, through generic architectural modifications.  | ✓ |
| <b>2.8 Key Development Sites</b>  |   |   |
| <p><b>Objectives:</b></p> <p>To ensure that Key Development Sites are properly planned for within Urban Release Areas.</p>  | <b>Complies.</b> The proposed development has been designed with consideration of a Key Development Site given the transition between the residential zoned land and the adjoining rural and conservation zoned land.   | ✓ |
| <p><b>Design Criteria:</b></p> <p>D.1 Area Plans are to identify Key Development Sites required to service an Urban Release Area. Key Development Sites may include:</p> <ul style="list-style-type: none"> <li>• Activity centres</li> <li>• Community facilities</li> <li>• Gateway sites</li> <li>• Exhibition villages</li> <li>• Medium or high density residential housing areas</li> <li>• Public transport interchange areas</li> <li>• Interface/transition areas with existing adjoining development</li> </ul>                                   | <b>Complies.</b> The Site is identified as containing a Key Development Site, given the transition between the urban release area and the rural and conservation land to the south and east.  | ✓ |
| <p><i>Adjoining land zoned for environmental protection</i></p> <p>D.2 Development or works within, or adjacent to land zoned for environmental protection is to ensure clearing of vegetation is minimised to the satisfaction of Council.</p>   | <b>Complies.</b> The proposed development has actively avoided the vegetation within the C2 and C3 zoned land, with no tree proposed to be removed from within these zoned areas.   | ✓ |
| <p>D.3 Mechanisms are to be put in place with development to ensure the integrity and protection of established vegetation and riparian areas zoned for environmental protection.</p>   | <b>Complies.</b> The proposed development is supported by a Biodiversity Management Plan to ensure the ongoing maintenance of the remnant vegetation along Wallis Creek.  | ✓ |

| Control  | Comment  | ✓  |
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| D.4 Development within land zoned for residential purposes must be designed and planned to ensure that any Asset Protection Zones (for bushfire control) do not extend into land zoned for environmental protection.   | <b>Complies.</b> The proposed APZs do not require the removal of any remnant vegetation as identified in the Biodiversity Management Plan.   | ✓  |
| <i>Flood fringe rural allotments</i><br>D.5 Area Plans and Precinct Plans are to identify and suitably accommodate large rural allotments to enable the sustainable management of any rural flood fringe areas.  | Complies. The proposed development retains the rural and flood fringe land in one ownership to simplify the management requirements,   | ✓  |
| D.6 A limited number of rural dwellings will be considered on flood free areas, with dwelling sites to be located at least 0.5 metres above the 1% AEP flood level, and access to such dwellings to be flood free with minimal fill or earthworks.   | <b>Not applicable.</b> There are no rural dwellings proposed.  | NA |
| D.7 Fencing of allotments shall be of post and wire style (or similar) so as to minimise the visual impacts of developments and not to impede the flow of floodwaters.   | <b>Complies.</b> The fencing that is proposed for the Dog Park in the south of the allotment would be open style to ensure that it does not impede the flow of flood waters.   | ✓  |
| <b>Submission Requirements:</b><br>S.1 Precinct Plans are to include concept designs and site plans for any Key Development Sites identified in the Area Plan.   | <b>Complies.</b> The proposal is supported by Urban Design Guidelines that ensure the key development sites, as identified by the DCP, are developed in a manner that positively contributes to the visual significance of the area.   | ✓  |
| <b>F.17 South Gillieston Heights Urban Release Area</b>  |  |    |
| <b>Precinct Plan</b>   |  |    |
| The Gillieston Heights Area Plan is comprised of precincts as shown in Figure 19.  | <b>Complies.</b> The proposed development is located in the East Precinct within Figure 19.  | ✓  |
| <b>Staging Plan</b>  |  |    |
| <b>Objectives</b><br>1. To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing   | <b>Complies.</b> The proposed development is aligned with the sequential delivery of infrastructure.   | ✓  |
| <b>Development controls</b><br>1. Staging of the urban release area should be generally in accordance with Figure 20.  | <b>Complies.</b> The proposed development is located in Stage 3, the final stage, within the East Precinct, as detailed in Figure 20.  | ✓  |
| <b>GILLIESTON HEIGHTS – EAST PRECINCT</b>  |  |    |
| <b>1.1 Staging Plan</b>  |  |    |
| <b>Objectives</b><br>1. To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.  | <b>Complies.</b> The proposed development is staged to efficiently deliver residential allotments whilst considering the necessary infrastructure.   | ✓  |
| <b>Development Controls</b><br>1.1.1. All development applications for subdivisions shall include a staged construction plan, where the development is intended to be constructed in stages.   | <b>Complies.</b> The proposed development would be delivered over six (6) stages. The staging is based on delivering allotments from the north to the south, which will follow the delivery of essential services and the vehicular connection to the existing residential subdivision to the north.   | ✓  |
| <b>1.2 Transport and Movement</b>  |  |    |
| <b>Objectives</b><br>1. To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.<br>2. To provide walkable neighbourhoods with convenient access to neighbourhood shops, community facilities and other services, with less dependence on cars for travel<br>3. To provide for access generally by way of an interconnected network of streets and paths which facilitate safe, efficient and pleasant walking, cycling and driving. | <b>Complies.</b> The proposed development includes a permeable street and pedestrian network that would provide residents with safe and efficient access throughout the development and good connections to the wider network.<br><br>The network has also been designed to ensure that a bus would be capable of servicing the development and provide future residents with a public transport option other than what currently exists on Cessnock Road. | ✓  |

| Control   | Comment  | ✓ |
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| 4. To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents.   |  |   |
| <b>Development Controls</b><br>1.2.1. Road layout should be consistent with the Figure 21 and Figure 22, where relevant.  | <b>Complies.</b> The proposed layout is generally consistent with Figure 21.   | ✓ |
| 1.2.2. Development applications for subdivisions must ensure that road networks are fully constructed to the boundaries of adjoining lots so that they connect to all development areas in a logical hierarchy of street function   | <b>Complies.</b> The proposed development links with the existing residential subdivision to the north via Aspen Drive. The proposal also includes a logical connection to Cessnock Road.  | ✓ |
| 1.2.3. No new future lot shall have direct vehicular access to Cessnock Road (MR195).   | <b>Complies.</b> No proposed allotments would have direct vehicular access to Cessnock Road.   | ✓ |
| 1.2.4. Cycleways are to be provided for generally in accordance with the Precinct Plan and the Maitland Bike Plan 2014.   | <b>Complies.</b> Cycleways are provided generally in accordance with the Precinct Plan and the Maitland Bike Plan 2014.  | ✓ |
| 1.2.5. Pedestrian paths and cycleways links with other precincts are to be provided at the strategic access points on Cessnock Road.  | <b>Complies.</b> Pedestrian paths and cycleways are provided through the proposed subdivision that provides connections to the existing residential subdivision to the north and Cessnock Road.  | ✓ |
| <b>1.3 Overall Landscape Strategy</b>   |  |   |
| <b>Objectives</b><br>1. To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.<br>2. To ensure key environmental areas such as waterways, vegetation, land resources, and areas of cultural significance and scenic value are protected.<br>3. To provide landscaping appropriate to the nature and scale of development that enhances the local character and streetscape, supports retention and regeneration of ecological corridors and provides visual interest and a suitable backdrop to the built form. | <b>Complies.</b> The proposed development is supported by a Landscape Strategy prepared by Terras Landscape Architects, which works with the vehicular and pedestrian networks to create attractive and functional areas. The proposed landscaping has been increased in areas of visual importance to ensure the scenic values and important view corridors are protected.  | ✓ |
| <b>Design Controls</b><br>1.3.1. Council may require a Visual Impact Assessment to be undertaken to accompany Development Applications for subdivisions and development that are likely to have a visual impact on the area. Such assessments may include proposed ameliorative measures to be incorporated within the development, such as dwelling designs, building materials, colour schemes and landscaping. Such assessments are to have regard to the background reports used in the preparation of the Precinct Plan.   | <b>Complies.</b> The proposed development is supported by a Visual Impact Assessment prepared by Terras Landscape Architects that helps inform the urban design.<br><br>The proposed landscaping is cognisant of the visual prominence of the areas to the south and east of the Site and incorporates endemic vegetation that is generally consistent with what exists within the remnant vegetation on the Site.<br><br>Including specific provisions within the Urban Design Guidelines assist in ensuring that future residents are aware of the visual significance of the area and that the relevant design requirements are retained. | ✓ |
| 1.3.2. The natural character of all ridgelines, knolls and hillsides are to be protected by retaining any vegetation or introducing new landscaping to ensure the visual impact of development is minimised, particularly within and adjacent to the visually sensitive areas. Details are to be provided with the landscaping plans to be submitted with development applications.   | <b>Complies.</b> The proposed landscape plan is cognisant of the surrounding landforms and remnant vegetation, which would be retained where possible. The VIA has helped inform the landscape plan to ensure that the visually sensitive areas have been retained and enhanced to the south and east.   | ✓ |
| 1.3.3. The subdivision design is to provide for lot frontages addressing streets, drainage reserves and open space. Where there is unavoidable, boundary fencing shall be of an open style and of consistent materials and colour.  | <b>Complies.</b> The proposed development creates allotments that are capable of siting dwellings that address streets, drainage reserves and open space.  | ✓ |
| <b>1.4 Passive and Active Recreational Areas</b>  |  |   |
| There are no specific requirements as passive and active recreational areas are already controlled by other provisions in the Maitland Development Control Plan 2011.   | <b>Noted.</b>  | ✓ |
| <b>1.5 Stormwater and Water Quality Management Control</b>  |  |   |
| There are no specific requirements as stormwater and water quality management controls are already controlled by other provisions in the Maitland Development Control Plan 2011.  | <b>Noted.</b>  | ✓ |

| Control  | Comment  | ✓ |
|--|--|---|
| <b>1.6 Amelioration of natural and Environmental Hazards</b>   |  |   |
| <p><b>Objectives</b></p> <p>1. Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected is achieved.</p> <p>2. To ensure that future residential development is not adversely affected by any noise and vibration from Cessnock Road.</p> | <p><b>Complies.</b> The proposed development has been designed to avoid conflicts with natural and environmental hazards, particularly with concern to bushfire, flooding and contamination. The proposal actively avoids the flood-prone area whilst providing future residents with flood free access while satisfying the requirements of Planning for Bushfire Protection 2019 and SEPP (Resilience and Hazards) 2021.</p> | ✓ |
| <p><b>Development Controls</b></p> <p>1.6.1. Flood free access is to be available to all proposed allotments.</p>  | <p><b>Complies.</b> All proposed allotments would have flood free access.</p>  | ✓ |
| <p>1.6.2. There are no specific requirements for bushfire.</p>   | <p><b>Noted.</b> The proposed development is supported by a Bushfire Assessment Report, prepared by Building Code &amp; Bushfire Hazard Solutions Pty Ltd detailing how the proposed development is capable of satisfying the requirements of Planning for Bushfire Protection 2019.</p>   | ✓ |
| <p>1.6.3. All development applications shall demonstrate compliance with the requirements of SEPP 55 - Remediation of Land.</p>  | <p><b>Complies.</b> The proposed development is supported by an Earthworks Strategy that details the site is capable of being used for residential purposes.</p>   | ✓ |
| <b>1.7 Key Development Sites - Land adjoining Cessnock Road</b>  |  |   |
| <p><b>Objectives</b></p> <p>1. Detailed urban design controls are provided for significant development sites to assist in providing separation to traffic noise and a streetscape view of the front of dwellings and landscaped gardens.</p> <p>2. Fencing shall not form a prominent element in the landscape along the road corridor.</p>  | <p><b>Complies.</b> The proposed development is provided with appropriate fencing to address the acoustic concerns emanating from Cessnock Road, whilst the provided landscaping ensures the fencing is visually recessive.</p>  | ✓ |
| <p><b>Development Controls</b></p> <p>1.7.1. A buffer (incorporating 10 metres for road widening and landscaping) shall be established on land adjoining the eastern side of Cessnock Road, north of Russell Street as shown on the Figure 21 and Figure 22.</p>   | <p><b>Complies.</b> The proposed development has made the necessary allowances for road widening and landscaping.</p>  | ✓ |
| <p>1.7.2. Details of the landscape buffer is to be provided in a landscape plan with any development application for the site.</p>   | <p><b>Complies.</b> The Landscape Masterplan, prepared by Terras Landscape Architects, supports the proposed development and includes the necessary landscaping details for the buffer between the proposed allotments and Cessnock Road.</p>  | ✓ |
| <p>1.7.3. An independent acoustic report shall be submitted with any development application identifying levels of impact and noise attenuating measures for future residential development in accordance with RTA and DECCW requirements.</p>   | <p><b>Complies.</b> The proposed development is supported by a Noise Assessment prepared by Spectrum Acoustics, which includes recommendations that would enable future residential allotments to achieve the minimum requirements from TfNSW.</p>   | ✓ |
| <p>1.7.4. The buffer setback zone adjacent to Cessnock Road (MR 195) should include a local subdivision street and landscaping.</p>  | <p><b>Complies.</b> The proposed development is appropriately setback and provided with landscaping that is consistent with the development being delivered in the surrounding locality.</p>   | ✓ |
| <p>1.7.5. No future lot shall have direct access to Cessnock Road (MR195).</p>   | <p><b>Complies.</b> There are no allotments proposed that would have direct access to Cessnock Road.</p>   | ✓ |
| <p>1.7.6. Fencing of allotments along the boundary of Cessnock Road shall be of consistent materials and colour and form an integral part of the landscape plan provided with the development application.</p>   | <p><b>Complies.</b> The proposed fencing along Cessnock Road would be consistent with existing residential subdivisions to the north.</p>  | ✓ |
| <b>1.7 Key Development Sites - Rural Land / Flood Fringe Interface – Development Controls</b>  |  |   |
| <p><b>Objectives</b></p> <p>1. Detailed urban design controls are provided for significant development sites.</p>  | <p><b>Complies.</b> The proposed development is cognisant of the interaction between the residential allotments and the rural land/flood fringe to the east.</p>   | ✓ |
| <p><b>Development Controls</b></p> <p>1.7.1. A perimeter road (with development on one side only) shall be provided around the edge of the Precinct where it adjoins flood prone land, rural land or land zoned for environmental protection.</p>  | <p><b>Complies.</b> A perimeter road has been provided, where possible. There is a small section in the southeast of the proposal that does not benefit from a perimeter road, but given the topographical constraints, this is not possible. Discussions with Council at several Pre-DA meetings indicated that Council would not support a</p>   | ✓ |



| Control  | Comment   | ✓         |
|--|---|-----------|
|  | development that requires their assets to be supported by retaining structures.<br><br>The proposed layout satisfies this request in that all retaining structures would be retained in private ownership, and all council assets would be capable of being provided at grade without the need for any physical retaining structures. |           |
| 1.7.2. An off-road shared path shall be provided on the lower side of the perimeter road to create a continuous pathway.   | <b>Complies.</b> A shared path is provided along the length of the perimeter road, Road 1. The shared path would be extended to connect the existing residential subdivision to the north and Cessnock Road to the west.  | ✓         |
| 1.7.3. Fencing is to make a positive contribution to the visual appearance of development, and will be consistent with the overall landscaping strategy. Fencing adjacent to the boundaries of the surrounding rural lands and visually sensitive areas shown on the Precinct Plan shall be unobtrusive, compatible with the rural character, and may include timber post and rail style. Details of fencing is required to be submitted to Council with development applications. | <b>Complies.</b> The fencing strategy would be consistent with what has been approved and constructed in the residential subdivision to the north.  | ✓         |
| 1.7.4. Development adjacent to rural zones and flood prone lands are to be suitably designed so as to be compatible with the existing rural landscape and setting.   | <b>Complies.</b> The proposed development is cognisant of its' setting in the environment and has been designed accordingly.  | ✓         |
| 1.7.5. Access to such allotments shall be flood free and at appropriate gradients, with minimal earthworks.  | <b>Complies.</b> All proposed allotments would be provided with flood free access, and they will be appropriately benched to allow for the construction of dwellings without the need for significant earthworks.   | ✓         |
| 1.7.6. Any fencing of allotments in flood prone areas shall be designed so as not to restrict or divert flood waters.  | <b>Complies.</b> All fencing that would be subject to flooding would be designed accordingly.   | ✓         |
| <b>1.8 Residential Densities</b>   |   |           |
| There are no specific requirements as residential densities are already controlled by lot size in the Maitland Local Environmental Plan 2011.  | <b>Noted.</b>   | ✓         |
| <b>1.9 Neighbourhood Commercial and Retail Uses</b>  | <b>Not applicable.</b> There are no commercial or retail components within the proposal.  | <b>NA</b> |
| <b>1.10 Provision of Public Facilities and Services</b>  |   |           |
| There are no specific requirements as provision of public facilities and services is already controlled by other provisions in the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011.  | <b>Noted.</b>   | ✓         |

## Section 7.11 Contributions

4.127 Section 7.11 of the *Environmental Planning & Assessment Act 1979* provides that contributions are payable when the development adds to the need for new public infrastructure.

4.128 The contributions payable for the proposed development are detailed in **Table 10**.

**Table 10: Section 7.11 Contributions**

| Facilities                         | Per New Lot |
|------------------------------------|-------------|
| GH South Recreation and Open Space | 4,740       |
| CW Aquatics                        | 1,124       |
| CW Competition Netball             | 261         |
| CW Library Floor Space             | 712         |

|                                  |               |
|----------------------------------|---------------|
| CW Road & Traffic Facilities     | 3,724         |
| CW Cycleways/Shared Paths        | 664           |
| Plan Management & Administration | 281           |
| <b>TOTAL</b>                     | <b>11,506</b> |

- 4.129 Walker has been engaged in ongoing discussions with Council's Development Contributions Administrator about including the proposed Local Park and Dog Park as an offset to the required monetary contributions.
- 4.130 Council have provided a template for the draft Letter of Offer, which is being finalised.
- 4.131 It is noted that should the VPA not proceed, Walker can opt to pay the required monetary contributions.

## EP&A Regulation – Additional matters that consent authority must consider

- 4.132 For the purposes of section 4.15(1) (a) (iv) of the *Environmental Planning and Assessment Act 1979*, the following matters are prescribed by the *EP&A Regulation* as matters to be taken into consideration by a consent authority in determining a development application (*response in italics*):

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### **Clause 61 Additional matters that consent authority must consider**

- (1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

**Comment** – The proposed demolition works will comply with AS2601-2001: The Demolition of Structures. A condition may be included in the determination to ensure such.

- (2) *In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*
- (a) *the subdivision order, and*
  - (b) *any development plan prepared for the land by a relevant authority under that Schedule.*

**Comment** – Not applicable.

- (3) *In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—*
- (a) *(a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,*
  - (b) *(b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—*
    - (i) *State significant development, or*
    - (ii) *designated development, or*
    - (iii) *development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.*

**Comment** – Not applicable.

- (4) *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*

**Comment** – Not applicable.

- (5) *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*

**Comment** – Not applicable.

- (6) *In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*

**Comment** – Not applicable.

- (7) *(Repealed)*

- (8) *(Repealed)*

## Environmental Impacts, Social & Economic Impacts in the Locality

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- 4.133 For the purposes of section 4.15(1) (b) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.
- 4.134 The environmental (natural and built), social and economic impacts of the development have been assessed, and the impacts are comprehensively addressed within this report.
- 4.135 The development will create 322 new residential lots for the future development of housing, which will contribute to the region's economic growth and create employment opportunities during the construction process.
- 4.136 Providing two well-presented and serviced public open space areas and a well connected pedestrian network encourages community interaction. It also creates social meeting points and a strong sense of place and ownership.
- 4.137 The proposal's environmental, social and economic impacts are acceptable and commensurate with the nature of the proposed development.

## Suitability of the Site for the Development

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- 4.138 For the purposes of section 4.15(1) (c) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to consider the Site's suitability for the proposed development.
- 4.139 The Site is located within the Gillieston Heights Eastern Urban Release Area and is zoned for residential purposes with great physical connections to existing services and facilities.
- 4.140 The proposed development has actively avoided the ecological constraints of the Site. Where they are unavoidable, they have been mitigated against or appropriately offset as detailed in the supporting SBDAR.

- 4.141 The stormwater, bushfire and flooding concerns have been addressed and mitigated through design and general compliance with Council's development controls and engineering standards.
- 4.142 The Earthworks Strategy clearly details how the Site is free of gross contamination and can easily be made suitable for residential purposes.
- 4.143 The proposal is assessed as consistent with the land use zone objectives of Maitland LEP 2011. The assessment of the proposal identifies that the project is consistent with all key planning controls and demonstrates the merits of the project.
- 4.144 The development integrates with adjoining development. The assessment reveals no significant outstanding environmental, social or economic issue that cannot be mitigated or managed to an acceptable standard.

### Any Submissions

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- 4.145 For the purposes of section 4.15(1) (d) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to consider any submissions made per the Act or the regulations.
- 4.146 The proposed development will be formally notified/exhibited by Maitland City Council in accordance with the statutory requirements. Maitland City Council shall consider any submissions received as a consequence of the notification/exhibition upon their merits.
- 4.147 Walker would appreciate the opportunity to review and respond to any submissions made concerning the proposal.

### The Public Interest

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- 4.148 For the purposes of section 4.15(1) (d) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to take into consideration the public interest.
- 4.149 The proposal is in the public interest, as it will facilitate the orderly and economic use of the Site in accordance with the relevant planning controls and appropriately manages impacts on adjoining properties and the public domain.
- 4.150 The proposed development will accommodate residential development in the Gillieston Heights locality, servicing the community's housing needs. The development is not anticipated to have any significant adverse effects on the surrounding properties or the amenity of the locality.
- 4.151 The proposed development is appropriate within the residential nature of the land and in keeping with the character of the surrounding Wallis Creek Estate.

## 5.0 Summary of Supporting Information

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- 5.1 The development application is supported by the following documents, which have been submitted under separate covers:
1. Existing Site Survey, prepared by DELFS, dated 18 May 2021
  2. Owners consent letters – Walker Gillieston Heights & 527 Cessnock Road
  3. Company search – InfoTrack, dated 20 June 2023
  4. Cost Summary Report, prepared by Walker Corporation, dated 21 June 2023
  5. Statement of Environmental Effects, prepared by Walker, dated June 2023
  6. Urban Design Report, prepared by Walker, dated 19 June 2023
  7. Site Plan, prepared by DELFS, dated 13 June 2023
  8. Subdivision plans prepared by DELFS, dated 13 June 2023
  9. Staging Plan, prepared by DELFS, dated 13 June 2023
  10. Lot Mix Plan, prepared by Walker, dated 7 June 2023
  11. Civil Works Plans, prepared by Enspire, dated 19 June 2023
  12. Landscaping Design Report, prepared by Terras Landscape Architects, dated 15 June 2023
  13. Traffic Impact Assessment, prepared by Arcadis, dated 13 June 2023
  14. Geotechnical Investigation Report, prepared by Stantec, dated 16 June 2023
  15. Preliminary and Detailed Site Investigations, prepared by Douglas Partners, dated May 2022
  16. Preliminary Site Investigation 457-463 Cessnock Road, prepared by Practical Environmental Solutions, dated 14 February 2020
  17. Earthworks Strategy, prepared by Stantec, dated 15 June 2023
  18. Aboriginal Cultural Heritage Assessment, prepared by Niche, dated 15 June 2023
  19. Civil Engineering and Stormwater Management Report, prepared by Enspire, dated 16 June 2023
  20. Streamlined Biodiversity Development Assessment Report, prepared by AEP, dated 22 June 2023
  21. Riparian Assessment Report, prepared by AEP, dated 16 June 2023
  22. Biodiversity Management Plan, prepared by AEP, dated 16 June 2023
  23. Bushfire Assessment Report, prepared by Bushfire Code & Bushfire Hazard Solutions, dated 22 June 2023
  24. Acoustic Assessment, prepared by Spectrum Acoustics, dated 27 April 2023
  25. Demolition Plan, prepared by Enspire, dated 19 June 2023

## 6.0 Conclusion

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- 6.1 The assessment of the proposed development against the Act, relevant environmental planning instruments, and development controls has concluded that:
- All the required provisions of the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2021 have been satisfied;
  - The proposed development is in accordance with the relevant objectives, standards, and provisions contained in the Maitland Local Environmental Plan 2011;
  - The proposed development is in accordance with the relevant objectives, standards, and provisions contained in the relevant SEPPs;
  - The proposed development is consistent with the relevant objectives and controls and underlying intent of the Maitland Development Control Plan 2011; and
  - The proposed development will have no unacceptable adverse impacts on the natural or built environments, including impacts on nearby heritage items or the operation of the local road network.
- 6.2 Considering the above, the proposed development is suitable for the site, and approval is in the public interest. Importantly, the analysis highlights the key merits of continued residential development in the Gillieston Heights community and the Wallis Creek Estate, which has unlocked the development potential of a site uniquely suited to development in a location that is substantially consistent with all planning controls.
- 6.3 The assessment reveals no outstanding environmental issue that cannot be mitigated or managed to an acceptable level of performance.
- 6.4 It is therefore requested that the consent authority support this development application.

◆◆◆◆