

**Statement of Environmental Effects**

**Lot 21 DP 998784**

**186 Tocal Road**

**BOLWARRA HEIGHTS**

**JULY 2023**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed 12 Lot Torrens Title Residential Subdivision  
Proposed Lot 101 and 102 in Lot 21 DP 998784  
186 Tocal Road Bolwarra

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## 1. EXECUTIVE SUMMARY

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The following Statement of Environmental Effects has been prepared to assist Maitland City Council in the processing of the attached development application for an eleven (11) lot residential subdivision and boundary adjustment at Lot 21 DP 998784, 186 Tocal Road Bolwarra Heights.

The land the subject of this Development Application (DA) is located in Bolwarra Heights, zoned R5 Large Lot Residential and is bounded on all sides except the Tocal Road frontage by existing large lot residential housing. The development site comprises proposed Lot 102 in DA2022/1310 of Lot 21 DP 998784, 186 Tocal Road, Bolwarra Heights and Lot 101 in DA2022/1310 for a boundary adjustment with proposed Lot 203. The total site comprises an area of 7.71 hectares of land.

The proposal involves the subdivision of proposed Lot 102 in Lot 21 DP 998784 from one (1) lot into eleven (11) Torrens Title lots. The development is to be undertaken in one stage. The construction of a road (extension of Cedarwood Close), earthworks, landscaping, drainage works and installation of utility services are all included as part of this development proposal.

The proposal also entails the boundary adjustment of proposed Lot 203 and proposed Lot 101 which was created in DA 2022/1310.

Ultimately twelve (12) lots will be created as a result of this subdivision application.

The proposal is permissible with consent in accordance with the provisions of Maitland LEP 2011 and is consistent with the long-term strategic planning for the locality.

The subdivision design satisfies the statutory planning provisions and policy guidelines for subdivision in accordance with Maitland DCP 2011.

The proposed subdivision will have minimal impact on the environment and is a positive outcome for the infill of the established rural residential precinct.

This report is structured to facilitate a logical understanding of the proposed development, an identification of the key issues, and a summary assessment of the proposed development. The development proposal has taken into account the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011.

## 2. THE SITE

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Lot 21 DP 998784 was created by subdivision registered in 1996. The land has been held and utilised for lifestyle purposes for many years. The adjoining large lot residential properties have been developed over the preceding years under what is now titled Part D.3 of Maitland DCP 2011 which includes a concept layout plan adopted in April 1987.

DA 2022/1310 for the subdivision of Lot 21 from one (1) lot into two (2) lots was lodged with Maitland City Council in 2022. That subdivision proposes the creation of proposed Lot 102, a residue lot with an area of 6.62 hectares. It is now proposed to subdivide that residue lot into eleven (11) Torrens Title lots.

DA2022/1310 also created Lot 101. A dwelling is currently located on Lot 101 and also forms part of this development application. A total of twelve (12) lots will be created as a result of this subdivision application.

Proposed Lot 102 is vacant land apart from a small galvanised rural shed on site. The land predominantly comprises of grass pasture and is used for grazing purposes. Scattered mature trees are located along the drainage channel in the south-eastern portion of the site.

There are two natural 1st order watercourses on the site which combine in the southern portion of the subject land to form a 2nd order watercourse.

Site slope varies over the land ranging from 6 to 10 degrees with steeper slope in the eastern portion of the site.

Access to the site is via Cedarwood Close which terminates as a dead end.

Refer to Figure 1 below.



Figure 1 – Site Location (Six Maps)



Figure 2 – Aerial photo of the site (near map 2023)



Figure 3 – Photograph of the site (2023)



Figure 4 – Photograph of the site (2023)



Figure 5 – Photograph of the site (2023)





Figure 6 – Photograph of Cedarwood Close (2023)

### **3. CONSULTATION**

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A pre-DA meeting was held by the previous owners of the site and Maitland Council in May 2022. The issues raised at that meeting have been considered in the design and lodgement of this development application.

### **4. PROPOSED DEVELOPMENT**

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The proposed development is described as follows:

1. Subdivision of proposed Lot 102 into eleven (11) Torrens Title lots. All lots will exceed the minimum area of 5000m<sup>2</sup>;
2. Boundary adjustment between proposed Lot 101 and proposed Lot 203.
3. Clearing of land, site regrading and earthworks;
4. Provision of urban infrastructure including roads (extension of Cedarwood Close), stormwater drainage, water and sewer reticulation, electricity supply and telecommunications.

The components of the proposal are discussed in the following sections.

## SUBDIVISION WORKS & INFRASTRUCTURE

The development to which this application relates aims to create a total of twelve (12) residential allotments including the boundary adjustment of Lot 101. The residential subdivision is proposed to be developed in one stage. The plan of subdivision is provided in Appendix A.

The land is primarily cleared grasslands with the exception of some isolated trees which will be retained.

Access to the site is to be provided via the extension of Cedarwood Close. Access from Tocal Road to the existing house in proposed Lot 101 will be retained.

Lots generally range in size from approximately 5002m<sup>2</sup> to 9360m<sup>2</sup>. Building envelopes are provided on each vacant lot proposed and shown on the plans attached.

An existing dwelling is located on proposed Lot 101 which was created in DA2022/1310. The existing dwelling is currently serviced by a conventional septic tank collection and treatment system with associated absorption transpiration area. It is proposed to connect Lot 101 to a new HWC owned and operated wastewater collection and transport system that will be installed to service the ultimate 12 lot subdivision. Once Lot 101 is connected to the new HWC wastewater system, the existing septic tank and associated absorption transpiration area will be decommissioned and will no longer be required. A boundary adjustment between Lot 101 and proposed Lot 203 is proposed in this development application to allow both lots to achieve a minimum 5000m<sup>2</sup> lot size.

The development will be serviced with reticulated water and sewer, electricity supply and waste collection services.

Clearing of the land where necessary, earthworks, road construction and associated drainage, installation of utility services and infrastructure, implementation of sedimentation and erosion control measures and landscaping is included as part of this development application.

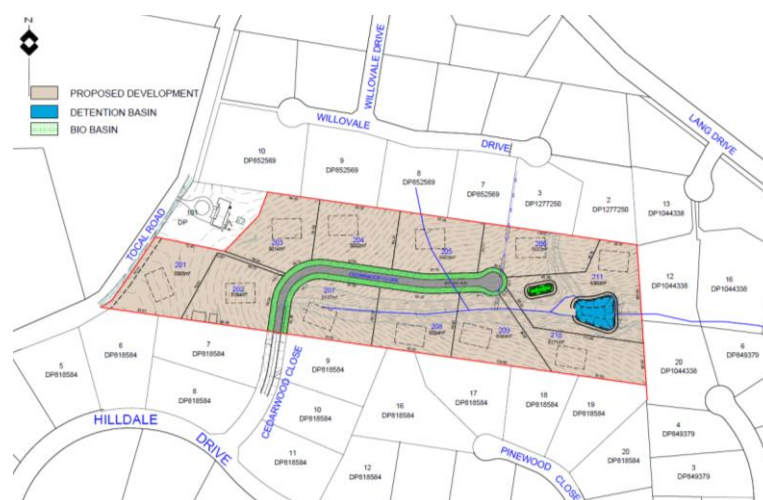


Figure 7 – Plan of Subdivision

## **5. STATUTORY PLANNING CONTROLS**

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The following legislation, Environmental Planning Instruments (EPIs), regional strategies and local controls are relevant to the proposed development.

### **5.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The proposed development is classified as integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 with referrals to the RFS and NSW Office of Water.

### **5.2. STATE ENVIRONMENTAL PLANNING POLICIES**

#### **5.2.1. SEPP (TRANSPORT AND INFRASTRUCTURE) 2021**

The following SEPP provisions have been considered in relation to the proposal:

- Clause 2.48 relates to development involving the placement of power lines underground. The proposed subdivision intends to provide underground power to all new lots created.
- Clause 2.122 relates to traffic generating development. Column 2 of Schedule 3 provides the requirements in this respect, in relation to development on a site that has direct vehicular or pedestrian access to any road, other than a classified road.

As the proposed development is not in excess of 200 lots, the application does not require referral to the TfNSW under the provisions of SEPP (Transport and Infrastructure) 2021.

- Development for the purposes of stormwater management (cl 2.137), telecommunications (cl 2.141) and a sewerage reticulation system (cl 2.127) are also to be undertaken on site, on behalf of the relevant public authorities, and in accordance with the provisions of the SEPP.

#### **5.2.1. SEPP (RESILIENCE AND HAZARDS) 2021**

SEPP (Resilience and Hazards) 2021 requires a consent authority to consider whether the land is contaminated based on knowledge of previous land uses on the site and whether the land is suitable or can be made suitable for the purposes of its intended future land use.

A Preliminary Site Investigation report for the proposed residential subdivision was undertaken by Stantec (Ref No. 304000882.100 Dated 9 March 2023).

Based on Site history and site investigation, no indication of gross contaminating activities or potentially contaminating activities have been undertaken on site. The Report concluded that the site is suitable for its proposed use based on the recommendations below:

- *An unexpected finds protocol should be in place to address any potential contamination (although minor) if encountered during construction phase. An unexpected finds protocol has been prepared and is contained in Appendix C.*
- *If potential contamination is encountered, Site works will be ceased, and a suitable environmental consultant will be engaged for assessment as per the unexpected finds protocol.*
- *Assessment of existing access tracks and fill pads on Site for either potential reuse or offsite disposal. This can be done during construction phase of the development and under the unexpected finds protocol.*
- *Any soil to be excavated and transported off Site for disposal requires classification in accordance with relevant guidelines including NSW EPA Waste Classification Guidelines*

### **5.3. HUNTER REGIONAL PLAN 2041**

The Hunter Regional Plan 2041 provides the NSW Government's updated land use vision for the Hunter. Bolwarra is identified as an urban growth area around the strategic centre of Maitland to be developed for urban purposes.

The Plan supports the continued development of infill sites and recognises the need for the provision of land and infrastructure to meet the demand for additional housing within the region.

The preference for infill development is consistent with the goals of the HRP 2041 to provide new housing opportunities and greater housing choice by delivering diverse housing, lot types and sizes, along with healthy built environments with access to open spaces. The proposed subdivision will facilitate the delivery of new housing.

### **5.4. LOCAL ENVIRONMENTAL PLAN**

The subject land is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (LEP). The objectives of the R5 Large Lot Residential are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The site is located in Bolwarra Heights in a rural setting dominated by grass pasture. The subdivision layout has been designed to avoid the removal of any significant vegetation and thereby preserving and minimising any adverse impacts on environmentally sensitive locations and scenic quality. The existing trees on site will be retained.

The site is immediately surrounded by large lot residential lots ensuring the proposal complements the proper and orderly development of urban areas.

The lots are adequately sized and located to provide for a variety of housing types and densities. The proposed subdivision will provide additional housing opportunities for both the local community and the wider region.

Supporting services and infrastructure will be extended to the proposed subdivision ensuring the development will not unreasonably increase the demand for public services or public facilities.

The proposed subdivision is consistent with and satisfies the objectives of the R5 zone.

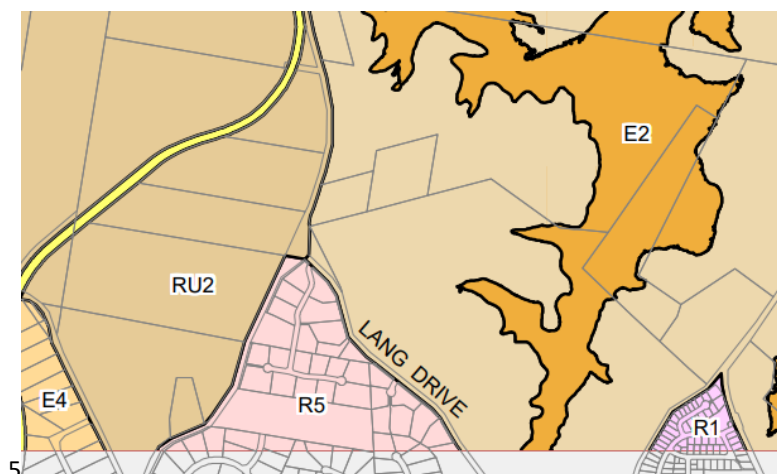


Figure 8 – Zoning map (Maitland LEP 2011).

#### **Clause 2.6 – Subdivision – consent requirements**

Clause 2.6 of the Maitland LEP 2011 provides that land to which this Plan applies may be subdivided with consent. The subject land containing the residential lots is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (LEP).

#### **Part 4 – Principal Development Standards**

##### **Clause 4.1 – Minimum Subdivision Lot Size**

This clause permits a minimum subdivision lot size of 5000m<sup>2</sup> for the R5 Large Lot Residential zoned land. Each residential lot to be created satisfies this minimum lot size. Lots range in size from 5002m<sup>2</sup> to 9360m<sup>2</sup>.

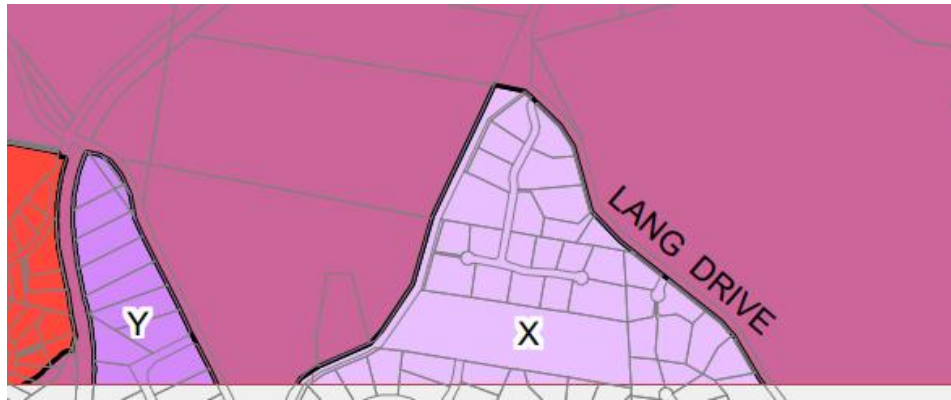


Figure 9 – Lot size map (Maitland LEP 2011).

**Part 7 – Additional local provisions**

**Clause 7.1 – Acid Sulfate Soils**

The subject land is identified on Council’s Acid Sulfate Soil (ASS) Map as being located on Class 5 land. The subject site is located at approximately 20m AHD. Excavation works will be required for the provision of infrastructure (roads and drainage works) and to provide for reasonable building sites. The disturbance of any potential Acid Sulfate Soils is not likely as a result of the proposed development.

**Clause 7.2 – Earthworks**

Earthworks are required to be undertaken to facilitate the residential subdivision for which development consent is being sought. A Construction Certificate will be sought following Development Consent outlining the earthworks in conjunction with the civil works.

**Clause 7.4 – Riparian Land and Watercourses**

No watercourses are identified on the land by Council’s Watercourse Map (Maitland LEP 2011) – refer to Figure 10 below.

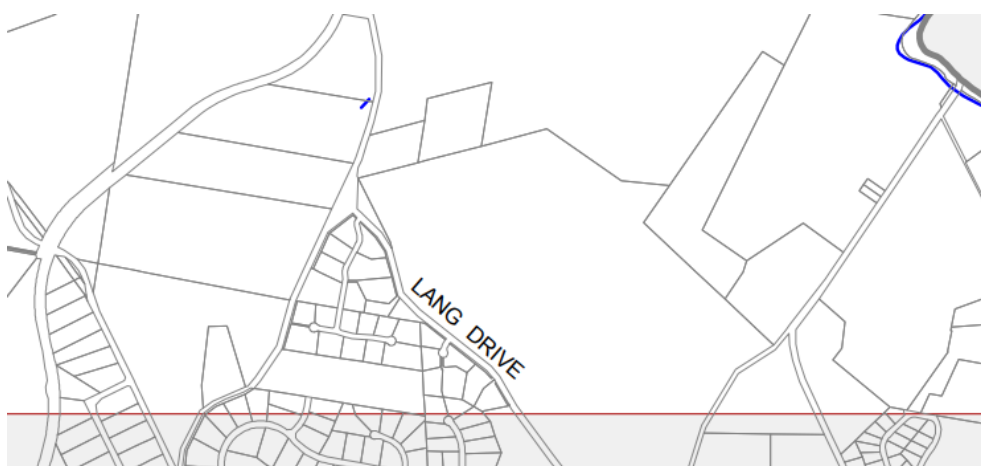


Figure 10 – Watercourse map (Maitland LEP 2011)

A gully is located through the site draining water from west to east, with an existing farm dam located adjacent to the eastern boundary. Further information is provided in Section 6.6.2 – Stormwater and Drainage.

## 5.5. MAITLAND DEVELOPMENT CONTROL PLAN 2011

Various elements of the Maitland City Council Development Control Plan (DCP) apply to the subject site. Table 1 below describes how the proposal meets the criteria of the DCP where relevant.

<b>PART C.10 - Subdivisions</b>		
<b>Development Requirements</b>	<b>Comment</b>	<b>Compliance</b>
Design elements		
<p><b>EC.1 Flora and Fauna</b></p> <p>Design layout to avoid significant stand of vegetation</p>	<p>The land is predominantly vacant grazing land with very little native vegetation. There are minimal trees which have been considered within the layout and by ecological assessment. All trees on site will be retained. Building envelopes are provided on subdivision plan attached to avoid vegetation and to protect flora and fauna in accordance with the objectives of the DCP.</p> <p>An Ecological Assessment was undertaken by Firebird ecoSultants Pty Ltd (July 2023). The report concluded that the proposal will not have a significant impact on threatened species or TEC's. The report also concluded that the BOS, an EPBC Act Referral or approval of DEE are not required. The provisions of Koala Habitat Protection SEPP 2021 have also been considered and it was concluded that the site does not constitute 'Core koala Habitat.'</p> <p>The report made the following recommendations:</p>	Yes

	<ul style="list-style-type: none"> <li>• Landscaping/habitat revegetation within the site is to use locally indigenous flora;</li> <li>• All rubbish is to be removed from the site;</li> <li>• Materials, plans and equipment must not be stored within the drip-lines of any retained trees;</li> <li>• To prevent damage to vegetation outside the boundaries of the development footprint, vehicles and machinery would be restricted to the designated development area.</li> </ul>	
<p><b>EC.2 Heritage and Archaeology</b></p> <p>Where a subdivision affects any listed heritage item, the impact must be investigated.</p> <p>Preparation of an Archaeological Assessment required where no previous study had been undertaken.</p>	<p>The proposed subdivision does not affect any listed heritage item.</p> <p>An Archaeological Due Diligence Assessment was prepared for the site by McCardle Cultural Heritage Pty Ltd (November 2022).</p> <p>No archaeological sites or PADs were identified during the survey.</p>	<p>Yes</p>
<p><b>EC.3 Hazards</b></p> <p>All new subdivisions are to be designed to provide adequate, safe access for future users.</p>	<p>The subdivision has been designed to provide adequate and safe access for future users.</p> <p>The subdivision plans attached include building envelopes free of hazards and can accommodate future development. All lots within the new subdivision are located wholly above the 100% AEP flood level with a detention basin proposed to reduce developed outflows to pre-developed levels.</p>	<p>Yes</p>



	<p>A Bushfire report was prepared for the site by Firebird ecoSultants Pty Ltd (August 2023). The report demonstrates that the proposed subdivision complies with Planning for Bushfire Protection 2019 (NSW RFS, 2019) and AS3959-2018 Construction of Buildings in Bush Fire Prone Areas.</p> <p>All future dwellings will have a BAL rating of BAL-29 or less. Refer to Bushfire Threat Assessment Report attached.</p> <p>A Preliminary Site Investigation was undertaken by Stantec (March 2023). The report found no indication of gross contaminating activities having been undertaken on site. Refer to PSI attached.</p> <p>No other hazards for the site have been identified.</p>	
<p><b>DC.1 Lot Size and Dimension</b></p> <p>All new lots are of a size and shape suitable for their future use.</p>	<p>The application proposes a Torrens Title subdivision comprising lots in excess of the minimum area requirements of 5000m<sup>2</sup>.</p> <p>The proposed lot sizes and dimensions meet the requirements of the DCP and have suitable building envelopes available for each proposed lot. Access handles comply with the requirements of the DCP.</p>	<p>Yes</p>
<p><b>DC.2 Solar Access and Energy Efficiency</b></p> <p>Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints as to maximise solar access.</p>	<p>The proposed subdivision will allow flexibility in the siting of future buildings to have good solar access.</p> <p>All new lots will be able to comply with the Performance Criteria of the DCP.</p>	<p>Yes</p>

<p><b>DC.3 Drainage, Water Quality and Soil Erosion.</b></p> <p>Adequate provision should be made for implementation of measures during subdivision construction to ensure that the landform is stabilised and erosion controlled. Where inter-allotment drainage is required, easements having a general minimum width of 1.5 metres are to be identified on plans submitted.</p>	<p>Drainage, Sediment and Erosion Control have been considered through the layout of the urban subdivision.</p> <p>Provision of a bioretention basin has been provided for the subdivision. Refer to Stormwater Drainage Strategy attached.</p> <p>The Torrens Title Subdivision to create residential lots has catered for site drainage and short-term construction to control sediment.</p>	<p>Yes</p>
<p><b>DC.4 Landscape, Streetscape and Visual Impact</b></p> <p>Existing landscape and streetscape character should be maintained and enhanced.</p>	<p>A landscape plan has been prepared and is submitted with this development application.</p>	<p>Yes</p>
<p><b>DC.5 Effluent Disposal</b></p> <p>All new lots will be connected to a reticulated sewerage system.</p>	<p>Reticulated water and sewer supply will be made available to all new lots in accordance with the requirements of the Hunter Water Corporation and submission to Council of a Section 50 Certificate from the Corporation.</p>	<p>Yes</p>
<p><b>DC.6 Roads and Access, Pedestrian and Cycleways.</b></p> <p>The subdivision must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for its intended residential use.</p>	<p>The proposal has been designed in accordance with Council’s Manual of Engineering.</p>	<p>Yes</p>
<p><b>DC.7 Crime Prevention – Safer By Design</b></p> <p>The proposed subdivision should consider the principles of crime prevention.</p>	<p>The proposal has been designed with consideration to the principles of crime prevention.</p>	<p>Yes</p>

<p><b>DC.8 Site Filling</b></p> <p>Earthworks require development consent of Council under the provisions of Maitland LEP 2011.</p>	<p>The construction of roads, earthworks, landscaping, drainage works and installation of utility services are all included as part of this development proposal.</p> <p>Engineering plans are submitted with this development application.</p>	<p>Yes</p>
<p><b>DC.9 Reticulated Services</b> (Water/Sewer/Electricity/Telecommunications)</p> <p>Reticulated water and sewer will be supplied to all new lots in accordance with the requirements of the Hunter Water Corporation.</p> <p>No new residential lots will be permitted without provision of reticulated sewer.</p> <p>Underground low voltage electricity will be supplied to all new lots in accordance with requirements of Energy Australia or other approved electricity provider.</p> <p>Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider.</p>	<p>All services will form part of the construction of the residential estate including underground power, road, sewer and water.</p>	<p>Yes</p>
<p><b>IC.1 Entry Features</b></p>	<p>No entry features are proposed</p>	<p>Yes</p>
<p><b>IC.2 Street names</b></p>	<p>The proposal comprises the extension of Cedarwood Close. No new street names are required.</p>	<p>Yes</p>
<p><b>IC.3 House Numbering</b></p>	<p>Council will supply house numbers once the proposed lots have been created.</p>	<p>Yes</p>

## **6. ASSESSMENT OF PLANNING ISSUES**

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Section 4.15 of the Environmental Planning and Assessment Act 1979 describes matters for consideration in the assessment of a development application. The following assessment considers the environmental impacts of the proposal on the natural and built environments and the social and economic impacts in the locality, as are relevant to the proposal.

### **6.1. SUBDIVISION DESIGN AND LAYOUT**

The subdivision plans are provided in Appendix A.

The subdivision layout is consistent with existing subdivision north, east and south of the site and comprises the extension of Cedarwood Close.

The proposed subdivision has been designed to ensure that allotments are capable of supporting future residential development. All lots are at least 5000m<sup>2</sup> in size, with a minimum lot size of approx. 5002m<sup>2</sup> and a maximum lot size of 9360m<sup>2</sup>. Building envelopes are shown on the subdivision plans attached.

The allotments are large to allow for good solar access and optimises the design of energy smart homes.

Infrastructure including stormwater management, telecommunications, and a sewerage reticulation system is to be provided to each lot within the subdivision.

### **6.2. VISUAL ASPECT & NOISE**

Visually the proposal will alter the existing landscape. However, the proposed subdivision creates residential lots within the broader urban zoned land.

### **6.3. BUSHFIRE**

Firebird ecoSultants undertook a Bushfire Threat Assessment Report in August 2023. The report determined that an APZ is required along the Tocal Road frontage. Accordingly, all future dwellings within the subdivision will have a BAL rating of BAL-29 or less. The proposed access road does not occur on bushfire prone land and emergency vehicles can gain safe, all-weather access to structures as per Section 7.9 of PBP. Each lot will have direct access to a public road via access roads less than 70m in length.

The report made the following recommendations.

The proposed road needs to be consistent with the following requirements:

- Traffic management devices are constructed to not prohibit access by emergency services vehicles.
- Two-way sealed roads.
- Hydrants are located clear of parking areas.
- The proposed road is a cul-de sac as a dead-end road is unavoidable. The proposed length of the access road will be less than 200 metres in length, however, with the existing part of Cedarwood

Close will be a length of approx. 238m in length. The proposed access road will incorporate a minimum 12 metres outer radius turning circle and will be clearly sign posted as a dead end.

- Curve of road have a minimum inner radius of 6m.
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees.
- The road crossfall does not exceed 3 degrees; and
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Hydrants are:

- Located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression, and
- Provided in accordance with the relevant clauses of AS 2419.1:2017.

Water Supplies

An assessment of the site and proposed subdivision plans have identified that a reticulated water supply is required to be constructed. This reticulated water supply is to be consistent with the following requirements:

- a. Reticulated water is to be provided to the development where available;
- b. Fire hydrant, spacing, design and sizing complies with the relevant clauses of the Australian Standard AS 2419.1:2017;
- c. Hydrants are not located within any road carriageway; and
- d. Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2017.

The bushfire report is attached to this development application.

#### **6.4. ECOLOGY**

The site is predominantly grass pasture with an increase in vegetation found along the drainage channel. Scattered mature trees are located in the eastern portion of the site with no inter connectivity with any remnant bushlands.

An Ecological Assessment was prepared by Firebird ecoSultants (July 2023). The report made the following conclusions:

*A literature review and desktop research was combined with flora and fauna surveys, and a habitat assessment. Commonwealth, state and local government policies and guidelines formed the basis of project surveying and assessment methodology.*

*Assessments have acknowledged that the proposal will not have a significant impact on threatened species or TEC's and, provided that the recommendations below are adhered to, is unlikely to place any viable local populations / communities at risk of extinction.*

*It is concluded that the BOS is not required. It is also concluded that an EPBC Act Referral and approval of DEE is not required. Finally, the provisions of Koala Habitat Protection SEPP 2021 have also been considered and it is concluded that the site does not constitute 'Core Koala Habitat'.*

*The following recommendations should be considered as conditions for the development consent;*

- *Landscaping / habitat revegetation within the site is to use locally indigenous flora.*
- *All rubbish is to be removed from the site.*
- *Materials, plant and equipment must not be stored within the drip-lines of any retained trees.*
- *To prevent damage to vegetation outside the boundaries of the development footprint, vehicles and machinery would be restricted to the designated development area.*

Refer to Ecological report attached.

## **6.5. HERITAGE**

### **6.5.1. ABORIGINAL ARCHAEOLOGY**

McCardle Cultural Heritage Pty Ltd undertook an Archaeological Due Diligence Assessment for the proposed subdivision. No sites or PADs were identified. The report made the following recommendations:

- 1) The persons responsible for the management of onsite works will ensure that all TAFE, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974; and*
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that*

There is no impediment to the residential subdivision proposed for the land.

### **6.5.2. EUROPEAN HERITAGE**

Non-Aboriginal Heritage is regulated through the NSW Heritage Act 1977 and Local Environmental Plans (LEPs) within local Councils.

There are no listed items of heritage significance or heritage conservation areas identified in Schedule 5 of the Maitland LEP 2011 located upon the subject site.

## **6.6. FLOODING AND STORMWATER**

### **6.6.1. FLOODING**

All proposed lots are to be at or above the 1 in 100 year flood event level, with all dwellings to be at or above the flood planning level, which is the 1 in 100 year flood level plus 500mm freeboard for residential development.

## 6.6.2. STORMWATER AND DRAINAGE

A Stormwater Drainage Strategy was prepared for the proposal by Fisher Consulting Engineers (June 2023) and is attached to this development application. The Strategy made the following conclusions.

### **At Source Management**

*Although a BASIX's requirements review is not a specific requirement of this stormwater management strategy, it is anticipated that BASIX's requirements would require all individual dwellings to provide rainwater tanks for re-use in conjunction with other BASIX's requirements.*

*Where installed, rainwater tanks would provide at-source stormwater management benefits.*

### **Stormwater Flow Management (stormwater runoff quantity and quality)**

*The strategy for management of stormwater runoff from the development is depicted on Figure 5, and comprises:*

- *Roof areas on lots will outlet to rainwater tanks within each lot for re-use, which are likely to be a requirement by BASIX (Building Sustainability Index) regulations, and to be provided at the time of individual lot development. For the purposes of this strategy, the lots have been attributed an impervious area of 800m<sup>2</sup>. Tanks will overflow via a piped connection to the IAD or street drainage system, or to the existing watercourse.*
- *Capture of stormwater from lot and road reserve areas by a conventional pit and pipe drainage network located in the street or in interlotment drainage easements where required. Lots which are traversed by the existing watercourse will discharge to the watercourse.*
- *Conveyance of captured stormwater within the drainage pipe network to a proposed bioretention basin for treatment prior to discharge into a proposed detention basin.*
- *The detention basin will provide attenuation of developed stormwater flowrates to existing flowrate conditions for the development site. It is proposed that the detention basin is on-line. This is in accordance with DPIE published guidelines for controlled activities and the management of waterfront land, relative to first and second order streams. It is proposed to reconstruct the existing farm dam to meet the requirements of the detention basin volume, with the embankment reconstruction to be in accordance with Council's published geotechnical requirements for basin embankments.*
- *The bioretention basin will provide treatment and polishing of the stormwater runoff from the development site prior to discharge downstream. It is proposed that the bioretention basin is off-line. This is in accordance with DPIE published guidelines for controlled activities and the management of waterfront land.*
- *Discharge from the catchment's outlet will be conveyed over land within the existing watercourse, generally similar to the discharge from the undeveloped catchment.*

*MUSIC modelling has demonstrated that the proposed treatment devices will treat developed stormwater runoff to meet requirements outlined in ARQ and MOES 2014 Section 8.2 Stormwater Quality, and on this basis, it is considered that no further water quality controls will be required within the proposed subdivision development.*

*Details of the proposed local drainage system, being pit type and pipe size, etc., will be determined at the time of Construction Certificate application, to Council's published standard requirements.*

*As illustrated by Figure 5, there is sufficient area within the site to provide stormwater drainage management measures to negate the impact of the proposed development.*

### **Flooding**

*From a review of Maitland City Council's LEP 2011, Flood Planning Map, it is considered that the subject site is not in a mapped flood zone. Therefore, the site is not subject to any flooding limitations.*

*Review of Figure 5 shows that each proposed lot has ample space to provide a building envelope above the proposed detention basin location, which inherently will enable all dwellings to be at, or above, the flood planning level.*

*The site's levels, including any site regrading that may be proposed, should be reviewed in the CC phase of the development to confirm that developable areas are at or above the 1 in 100 year flood level, enabling future habitable dwellings to be located at or above the flood planning level.*

### **Water Management Act (2000)**

*Relative to the "blue line" watercourses on the site, it is considered that the proposed development meets the permissible requirements of DPIE's Riparian Corridor Matrix, and hence Controlled Activity Approval would be readily achieved through the utilisation of DPIE's guidelines to meet the requirements of the Water Management Act 2000.*

## **6.7. MINE SUBSIDENCE**

The Mine Subsidence Board advises that the subject land is not within a proclaimed Mine Subsidence District. Consequently, referral to the Mine Subsidence Board is not required in this instance.

## **6.8. EROSION AND SEDIMENT CONTROL**

Earthworks will be undertaken on site. An Erosion and Sediment Control Plan is included in the civil engineering plan submitted to Council with this Development Application.



## **6.9. TRAFFIC AND ACCESS**

Access to Cedarwood Close is available from Hilldale Drive. Cedarwood Close currently terminates as a dead end with no turning head creating a problem for vehicles entering and existing the site particularly garbage trucks.

This proposal includes the extension of Cedarwood Close to provide direct vehicular access to all new lots to be created in this subdivision. Twelve (12) lots will be created as a result of this subdivision including Lot 101 which will be created as a result of a boundary adjustment with Lot 203.

The proposal is relatively minor due the small number of lots to be created. The impact of the additional vehicles on the existing road system will be negligible.

## **6.10. LANDSCAPING**

Street trees will be provided along the extended road along Cedarwood Close. Refer to landscape plan attached.

## **6.11. SERVICES AND INFRASTRUCTURE**

This development application includes all services such as NBN, sewer, water, power and access roads will be provided in accordance with public authority requirements.

## **6.12. SAFETY AND SECURITY**

The subdivision design has incorporated the principles of safety by design for crime prevention (CPTED) The lots will have active surveillance over streets and linkages. Appropriate street lighting throughout the subdivision will enhance such security.

## **6.13. ECONOMIC IMPACT**

It is considered there will be a positive economic impact from the proposed development.

It is anticipated that local contractors and thereby local sub-contractors would undertake works for the construction of the subdivision. This will support local industries and service providers.

Further economic and social advantage will be the provision of residential lots for future housing within the locality providing an increased future dwelling resource and more efficient use of the land together with State and local contributions.

## **7. THE PUBLIC INTEREST**

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Public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with prevailing development controls. The development is permissible and is consistent with strategic policies specific to the site, in particular Maitland DCP.

The proposed development will provide residential land for future housing opportunities to the people of Maitland with no significant adverse environmental or built impacts. The proposal is therefore considered to be in entirely in the public interest.

## **8. SITE SUITABILITY**

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The site is suitable for the proposed development for the following reasons:

- The proposal is permissible with consent within the R5 Large Lot Residential zone under the provisions of Maitland LEP 2011;
- The subdivision proposal has been designed in accordance with the principles of the Maitland LEP 2011 and Maitland DCP 2011;
- The development will provide a range of housing opportunities for the community with access to schools, shops, and sporting and community facilities.
- The proposed subdivision has been located and designed so as to minimise and manage the environmental effects on the environment;
- The site can be adequately serviced;
- The subject land is not located within a proclaimed Mine Subsidence District and is not subject to any building restrictions imposed by the Mine Subsidence Board;
- The site investigations have determined that the land is suitable for its intended purpose for development; and
- The subdivision will contribute towards meeting the housing demands of the Lower Hunter which in turn will contribute towards economic growth within the Maitland LGA.

It is determined that the site is suitable for the residential subdivision as proposed.

## **9. CONCLUSION**

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The development proposal includes the subdivision of the site to ultimately create twelve (12) large residential lots at Lot 21 DP 998784, 186 Tocal Road Bolwarra Heights.

The site is not affected by any physical constraints such as flooding or vegetation that would prevent the site being developed.

The subdivisional lot arrangement has been undertaken with consideration to the relevant planning instruments and development controls applicable to the land and particularly the requirements of Maitland DCP.

It is proposed to incorporate access to the subdivision by the extension of an existing road that currently terminates in a dead end.

The development is permissible within the zone and complies with the various planning instruments and development controls. Additionally, there are no significant impacts resulting from the development that cannot be ameliorated with appropriate conditions of consent. Based on the proposed development and the locality, it is concluded that the application for residential subdivision as detailed in this application warrants the support of the Maitland City Council.