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## Statement of Environmental Effects

### Proposed 14 Lot Torrens Title Subdivision

**Property:**

27 Lang Drive Bolwarra Heights  
1/DP1156433

**Applicant:**

SNL Building

**Date:**

September 2023

# Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	DRAFT	11/09/2023	RD	CM
B	FINAL	12/09/2023	RD	CM

## Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

# Executive Summary

This Statement of Environmental Effects ("SEE") has been prepared by ADW Johnson to accompany a development application ("DA") with Maitland City Council for a one into 14 lot Torrens title subdivision at 27 Lang Drive, Bolwarra Heights.

## Application Details

<b>Applicant:</b>	SNL Building
<b>Development:</b>	Demolition of existing shed and one (1) into 14 lot Torrens Title Subdivision
<b>Site Description:</b>	1/DP1156433, 27 Lang Drive Bolwarra Heights
<b>Owner:</b>	Lang Drive Investments Pty Ltd
<b>Development Cost:</b>	\$2.27m

## Development Standards/Controls

<b>Zone:</b>	R5 Large Lot Residential
<b>Definition:</b>	Subdivision
<b>Permissibility:</b>	Permissible with Consent (Maitland Local Environmental Plan (LEP) 2013 – Clause 2.6 & Clause 4.1)
<b>Minimum Lot Size:</b>	5,000sqm
<b>Urban Release Area:</b>	No

## External Referrals

<b>Bushfire:</b>	Yes – Residential Subdivision within bushfire prone land (Rural Fire Service (RFS) – Integrated)
<b>Waterfront land:</b>	Yes – Development within waterfront land (NSW Natural Resources Access Regulator (NRAR)– Integrated)

## Summary

The proposed residential subdivision achieves all key planning controls except where indicated and justified.

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# 1.0 Introduction

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ADW Johnson has been engaged by SNL Building ("the proponent") to prepare and lodge a Development Application (DA) with Maitland City Council ("Council") for a one (1) into 14 large-lot residential subdivision at 27 Lang Drive Bolwarra Heights (Lot 1 DP1156433).

This Statement of Environmental Effects (SEE) has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying Regulation. The purpose of the SEE is to:

- Describe the proposed development;
- Provide information on the site and its context;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to Council's guidelines and the full range of other relevant legislation and development guidelines in preparing this SEE. The proposed lots are located within the R5 Large Lot Residential zone under the Maitland Local Environmental Plan (LEP) 2011 where a minimum lot size of 5,000sqm applies.

An existing shed ancillary to the existing dwelling house on-site will be required to be demolished to accommodate the proposal. The existing dwelling house on-site will be retained and incorporated into the proposed subdivision on a new proposed lot with appropriate and compliant setbacks.

The proposal includes the construction of a new 8m wide public local road from Hilldale Drive to Lang Drive. Existing dwellings adjacent the subject site (23 Lang Drive and 25 Lang Drive) gain access to Lang Drive by way of an existing right-of-carriageway through the subject site. No change to this access arrangement or the location of the right-of-carriageway is proposed as part of this application.

The site contains a second order watercourse identified on the Maitland LEP Watercourse Map which is proposed to be revegetated to recreate the Vegetated Riparian Zone (VRZ) in accordance with Part B.7 of the Maitland Development Control Plan (DCP). Recreating the VRZ necessitates bushfire Asset Protection Zones (APZ) which will respond to the future bushfire hazard as opposed to the managed former pastureland which currently defines the site. To ensure outcomes with regard to use and maintenance of the VRZ as well as ecological outcomes are maintained, appropriate restrictions and positive covenants are proposed for lots which will contain the VRZ.

Four (4) lots are proposed to be slightly under the mapped minimum lot size and are supported by a Clause 4.6 variation request. These variations are sought to facilitate siting the VRZ on as few lots as possible, and in response to the location of the existing right-of-carriageway which results in one lot being slightly under the mapped minimum lot size.

Overall, the proposed development complies with all relevant objectives of the LEP as well as the relevant aims and objectives of the DCP. Where variations are proposed, these are supported with evidence to ensure the objectives of the control continue to be achieved.

## 1.1 BACKGROUND

The site benefits from a current development consent DA/2021/1407 for a one- into-two lot subdivision. Subject to development consent being received for this application, the owner is agreeable to rescinding development consent associated with DA/2021/1407.

A pre-development application was held with Council officers on 4 May 2023 (**Appendix 1**). The advice of Council from this meeting has been considered in informing this application.

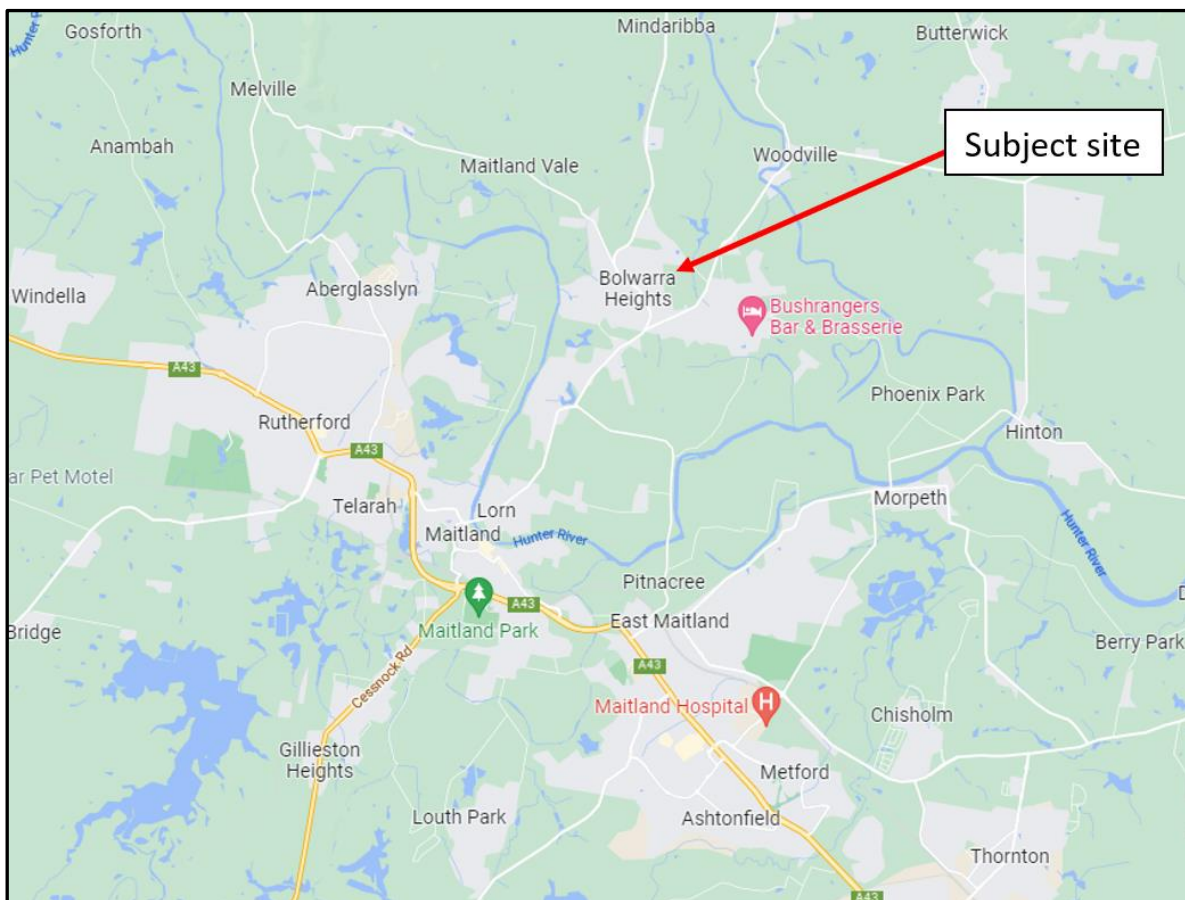


## 2.0 The Site

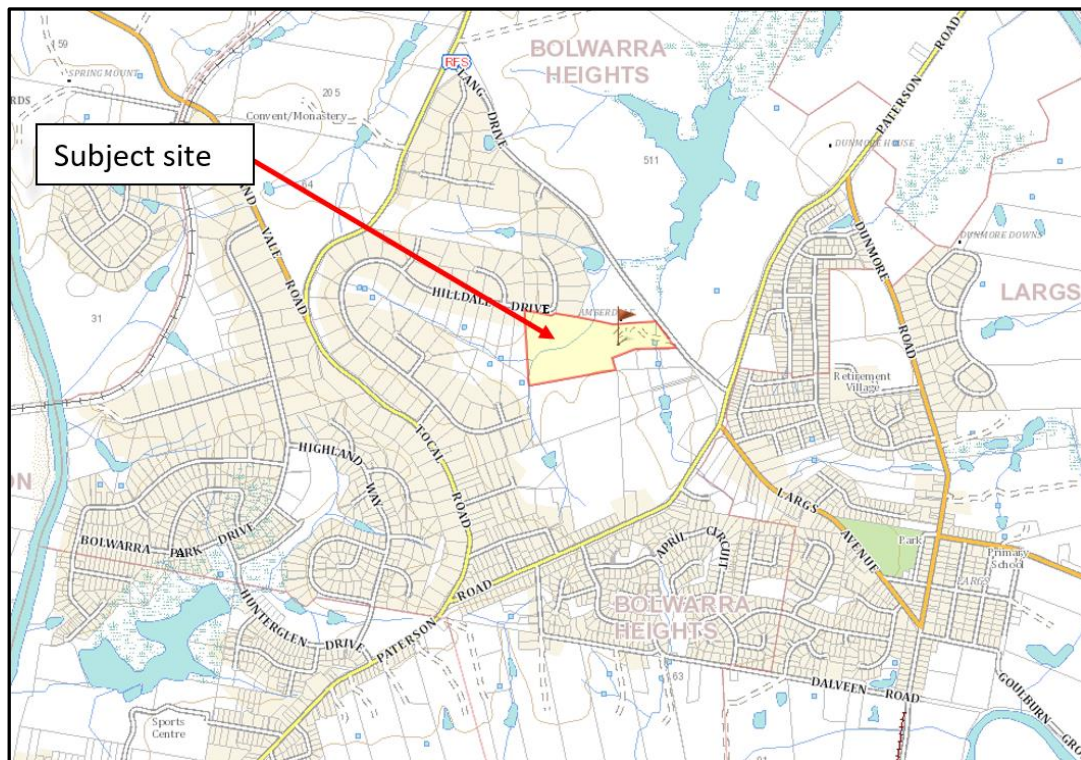
### 2.1 LOCATION

The site is located in Bolwarra Heights, approximately 5.2km north-east of the Maitland city centre. To the north and west of the site are existing large-lot residential developments. To the east of the lot is undeveloped rural land and to the south is undeveloped land zoned for large-lot residential. The site has a frontage to Lang Drive at the eastern boundary and Hilldale Drive at the north-west of the site.

The site location in its regional and local context are indicated at **Figure 1** and **Figure 2** respectively.



**Figure 1: Regional context of subject site within the Maitland Area.**



**Figure 2: Location of the subject site within the context of Bolwarra Heights.**

## 2.2 LAND TITLE

The subject site comprises a single lot being 27 Lang Drive Bolwarra Heights, legally identified as Lot 1 of DP1156433.

## 2.3 OWNERSHIP

Lot 1 DP1156433 is owned by Lang Drive Investments Pty Ltd whose consent is provided for the lodgement of the application.

## 2.4 PHYSICAL DESCRIPTION

### 2.4.1 The site

The subject site contains an existing dwelling house and ancillary development including detached shed which is proposed to be demolished as part of this proposal. The site is irregular in shape but benefits from two frontages, being Hilldale Drive and Lang Drive. An aerial image of the subject site is provided at **Figure 3**. A site analysis plan of the site is at **Appendix 2**.



**Figure 3: Aerial image of site.**

#### **2.4.2 Access and Road Network**

Access to the site is currently via Lang Drive over an existing right-of-carriageway which also benefits two other dwellings not associated with the proposal (23 Lang Drive and 25 Lang Drive). No change to this arrangement is proposed. The site also benefits from being adjacent to Hilldale Drive at the north-west of the site. Both Lang Drive and Hilldale Drive are local roads.

A new road is proposed as part of the proposal connecting Hilldale Drive to Lang Drive. The proposed new road is discussed further at **Section 5.1.2**.

#### **2.4.3 Drainage**

Stormwater infrastructure is present along Hilldale Drive.

#### **2.4.4 Vegetation**

The site is relatively devoid of vegetation with the site being largely managed land. The majority of vegetation on the site is non-native; however, there are two key areas of native woodland as indicated at **Figure 4**.



**Figure 4: Location of planted vegetation and native woodland at the site.**

#### 2.4.5 Topography & Watercourses

The site is slightly undulating with a slight depression approximately through the centre of the site which accommodates a mapped second order water course (**Figure 5**). The riparian zone is currently absent of vegetation but is proposed to be recreated through the proposal by way of a Vegetation Management Plan (VMP). A VMP for the site is discussed further at **Section 5.1.7**. A view of the site indicating general topography is provided in **Figure 6** below.



**Figure 5: Location of watercourse through site**



**Figure 6: Topography of the site looking south-east from Hildale Drive toward the existing shed on-site proposed to be removed.**

## 3.0 Description of the Proposed Development

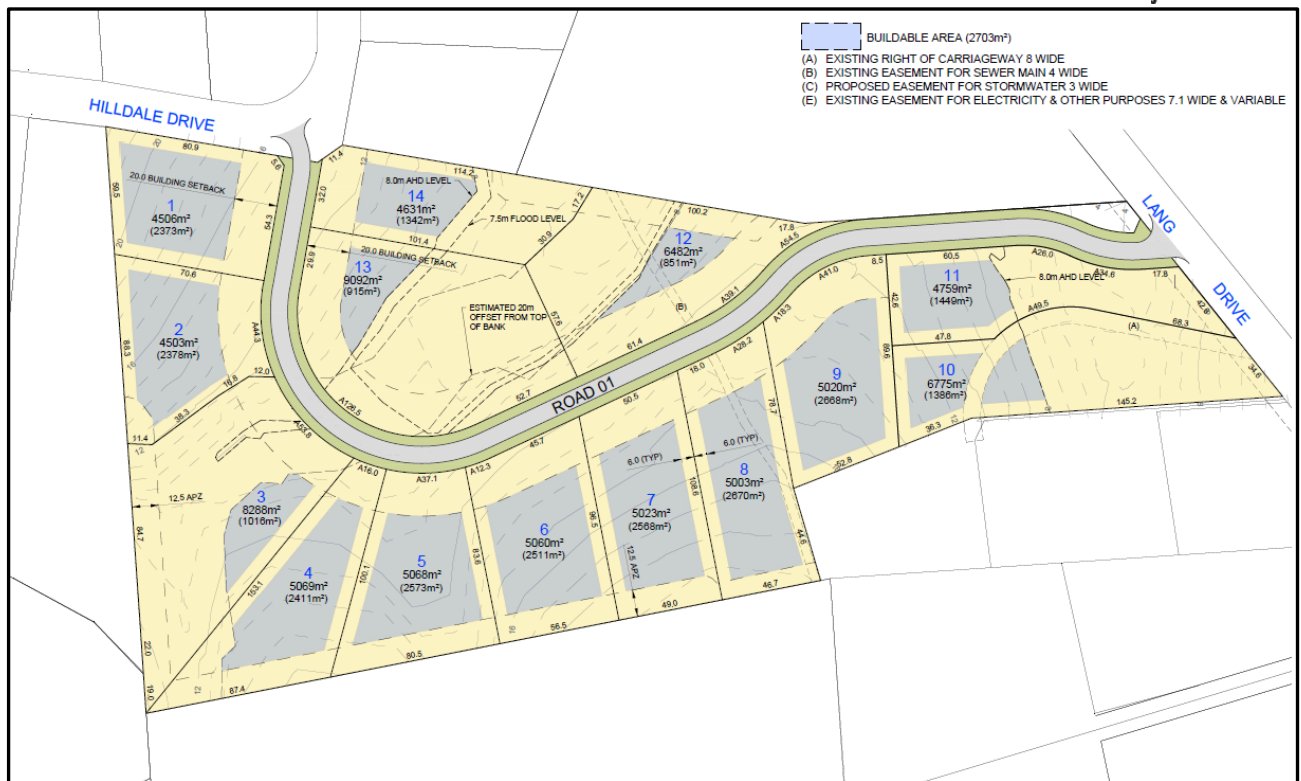
### 3.1 PROPOSED DEVELOPMENT

The proposal seeks consent for a one (1) into 14 lot Torrens title subdivision.

Details of the proposed lot sizes are at **Table 1**.

Proposed Lot	Size (m <sup>2</sup> )	Compliance with minimum lot size	Buildable area (excluding setbacks, flooding and APZs)	Access
1	4,506 sqm	No (9.88% variation)	2,373 sqm	New local road
2	4,503 sqm	No (9.94% variation)	1,516 sqm	New local road
3	8,288 sqm	Yes	1,252 sqm	New local road
4	5,069 sqm	Yes	2,577 sqm	New local road
5	5,068 sqm	Yes	2,718 sqm	New local road
6	5,060 sqm	Yes	2,719 sqm	New local road
7	5,023 sqm	Yes	1,288 sqm	New local road
8	5,003 sqm	Yes	2,542 sqm	New local road
9	5,020 sqm	Yes	2,935 sqm	New local road
10	6,775 sqm	Yes	1,387 sqm	Existing ROC
11	4,759 sqm	No (4.8% variation)	1,043 sqm	New local road
12	6,482 sqm	Yes	780 sqm	New local road
13	9,092 sqm	Yes	915 sqm	New local road
14	4,631 sqm	No (7.3% variation)	1,342 sqm	New local road

The proposed plan of subdivision is located at **Appendix 3** and is reproduced at **Figure 7**. Four lots are proposed to be under the LEP mapped minimum lot size. Details around exceptions sought (under Clause 4.6) to the minimum lot size control are addressed at **Section 4.1.1**.



**Figure 7: Proposed plan of subdivision.**

The proposal also requires:

- Construction of new 8m wide through-road from Hilldale Drive to Lang Drive including street trees;
- Bulk earthworks including cut-to-fill and fill to construct the proposed new through road;
- Provision of water, sewer, electrical and communication services as required; and
- Creation of any necessary easements and restrictive / positive covenants.

Native vegetation removal is not proposed as part of the development.

### 3.2 DESIGN DRIVERS

Multiple design drivers informed the proposed layout, as follows:

#### Watercourse & Vegetated Riparian Zone

The proposal will seek to recreate the Vegetated Riparian Zone (VRZ) which will necessitate appropriate buffer areas and restrictions on title to maintain the VRZ. The size and location of lot boundaries was informed by the requirement to recreate the VRZ in that lots which will accommodate the VRZ are proposed to be considerably larger than the minimum lot size. This has resulted in three (3) lots proposed to be slightly under the mapped minimum lot size. A Clause 4.6 report seeking variations to the minimum lot size is included with the application in this regard and is addressed at **Section 4.1.1**. The proposed lot sizes to recreate the VRZ are considered to result in a superior outcome for the site as opposed to strict compliance with the mapped lot size control.

## Road layout

The proposed road layout was informed by Planning for Bushfire Protection (PBP) requirements to provide through roads. If cul-de-sacs were proposed as part of the proposal these would be greater than 200m and so would be inconsistent with PBP. As a result, the proposal includes a through road from Hilldale Drive to Lang Drive.

## Preservation of existing dwelling house

An objective of the proposal is to maintain the existing dwelling house. As such the location of lot boundaries was informed by this to ensure that the existing dwelling will be located on a newly proposed lot and which incorporates appropriate setback requirements.

## 3.3 COUNCIL CONSULTATION

A pre-development application was held with Council officers on 4 May 2023 (**Appendix 1**). The advice of Council from this meeting has been considered in informing this application and is addressed in **Table 2**.



TABLE 2: PRE-DA FEEDBACK AND RESPONSE	
COUNCIL REQUIREMENT	DA RESPONSE
<b>Planning</b>	
<p><b>Vegetation clearing</b></p> <p>Council's Vegetation mapping and Maitland DPC – D.3 Bolwarra Heights Precinct Plan identifies clusters of native vegetation scattered in the area, including the subject site, which belongs to Lower Hunter Spotted Gum/Ironbark Ecosystems. This is considered EEC.</p> <p>These clusters of vegetation are considered to be impacted by the proposed 'buildable areas' within Lots 9, 10 and 11, with the potential to impact on threatened species or ecological communities or their habitats. An ecological assessment is required to assess the ecological and biodiversity significance of these vegetation clusters in accordance with the Clause 7.3 of Biodiversity Conservation Act 2016, and to inform the subdivision design/strategy for the site. Based on these findings the subdivision layout shall be reconsidered to comply with the Avoid, Minimise and Offset hierarchy.</p>	<p>A Biodiversity Assessment Report was prepared in support of the proposal (<b>Appendix 4</b>) demonstrating the proposal does not trigger the Biodiversity Offset Scheme and that removal of native vegetation on the study area totalling 0.03ha contributes marginally to habitat loss with impacts unlikely to interfere with the recovery of any listed threatened species at a regional scale.</p> <p>The Buildable Areas &amp; Constraints Map (<b>Appendix 5</b>) demonstrates that there is sufficient area on each lot to accommodate future dwellings and associated dwellings in consideration of ecology at the site.</p>
<p><b>Landscape and visual impacts</b></p> <p>The landscape and visual impacts should be considered at a broader scale and at the preliminary stages of the site analysis. This should identify the character of the area, along with critical vantage points both on Land Drive and Hilldale Drive, and how the site contributes to this character, with reference to the rural interface it forms on Land Drive. Based on the findings, the visual impact assessment (in line with the Ecological Assessment and PBP consideration) should recommend on how to avoid or minimise the visual impacts, potentially caused by the development.</p> <p>The landscaping strategy for the site should be determined based on these findings/recommendations, as opposed to retrofitting planting/landscape screening into a predetermined subdivision design.</p> <p>This is also recognised under the C.10 Subdivision Design controls - objectives for subdivisions in Environmental Protection Zones (including R5 zone); and under D.3 Bolwarra Heights Precinct Plan, in Maitland DCP, as outlined below:</p> <ul style="list-style-type: none"> <li>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 (C.10 – subdivision design objectives).</li> </ul>	<p>A Visual Impact Assessment (VIA) was prepared in support of the proposal and includes recommendations around appropriate landscape screening to mitigate impacts (<b>Appendix 6</b>). The VIA determined that the proposal is unlikely to have any adverse impacts on the existing large lot rural neighbourhood.</p> <p>A Landscape Plan was prepared in support of the proposal (<b>Appendix 7</b>). No native vegetation is proposed to be cleared or would be reasonably required to be cleared to accommodate future dwellings and so the landscape plan does not propose to form any part of an avoid and minimise response to environmental impacts.</p>

<ul style="list-style-type: none"> <li>Large pockets of vegetation are located in the undeveloped areas of the site, predominately identified as Lower Hunter Spotted Gum Ironbark Forest, which is identified as an Endangered Ecological Community (EEC). A number of drainage paths also run through the site connecting to the flood plain in the east. Future development shall have regard to the retention of natural vegetation and with respect to the natural topography of the land. Additional landscaping and revegetation is promoted to maintain the rural character of the area (D.3 Bolwarra Heights Precinct Plan).</li> </ul>	
<p><b>Riparian corridor planting (revegetation plan)</b></p> <p>Revegetation of riparian corridor along the mapped watercourse is encouraged; however, it should not be relied upon as an alternative to the Avoid, Minimise and Offset hierarchy/strategy for the site. The riparian corridor should be clearly identified, marked on the title plans and separated from developable areas/ building envelopes.</p> <p>Details of proposed revegetation should be included in the overall Landscaping Plans/Strategies, and shall be submitted in the form of a draft Vegetation Management Plan for the DA stage. Areas subject to the revegetation strategy is preferred to be within one or minimum number of properties, if proposed within private ownership. The same applies to the areas where stormwater drainage is provided.</p> <p>The draft VMP shall detail the information relating to the establishment, maintenance and restrictions applicable to these areas. New planting shall consist of species from the identified EEC.</p>	<p>All native vegetation onsite will be maintained with the exception of one tree which will be required to be removed as part of a future application. The proposed recreation of the VRZ will also contribute to additional endemic species in the area.</p> <p>A draft Vegetation Management Plan (VMP) (<b>Appendix 8</b>) and VMP Letter of Intent (<b>Appendix 9</b>) have been prepared in support of the proposal which outlines the location of types of vegetation to be used consistent the identified Plant Community Type for the area</p>
<p><b>Bolwarra Heights Precinct Plan</b></p> <p>The subdivision design should be assessed against the provisions of Bolwarra Heights Precinct Plan, under Chapter D.3 of the DCP, with particular reference to:</p> <ul style="list-style-type: none"> <li>Retention of existing vegetation.</li> <li>Subdivision design in respect to the natural topography and drainage lines.</li> <li>Landscape strategy incorporated with visual impacts and rural character of the area.</li> <li>Provision of suitable building envelopes to complement the rural character and large lot residential needs.</li> </ul>	<p>As outlined in this SEE, the proposal complies with the objectives of Chapter D3 of the DCP in the following ways:</p> <ul style="list-style-type: none"> <li>Existing native vegetation will be retained with the exception of one native tree species;</li> <li>The subdivision layout has given consideration to the natural topography of the site;</li> <li>The proposal has given consideration to the visual impacts and rural character of the area as outlined in the VIA; and</li> <li>Suitable building envelopes are provided allow adequate area to construct a dwelling and ancillary development. It should be noted that on-site effluent disposal areas are not required as the development will be connected to HWC's reticulated water and sewer infrastructure.</li> </ul>

<p><b>Lot size, shapes and suitability of building envelopes over lots 5, 10, 12 &amp; 3</b></p> <p>Shapes and dimensions of Lots 10, 12 &amp; 3, and therefore the buildable area available, is considered undesirable.</p> <ul style="list-style-type: none"> <li>• Lots 10 &amp; 11 – for orderly development and efficient use of developable land, the design and configuration for Lots 10 and 11 should be reconsidered, along with the existing RoW and driveway access off Lang Drive providing access to the adjoining lots to the south. There is opportunity to relocate the RoW and arrange access to the neighbouring properties to be provided off the new internal road (Road 01).</li> <li>• Lot 12 –suitability of Lot 12 should be considered due to the significant constraints applicable. There is potential to realign Road 1 to achieve a better lot configuration/ yield to the south of Road 1.</li> <li>• Consideration should be given to including the drainage/riparian corridor, within Lots 13 and 14.</li> <li>• Consideration should be given to realigning property boundaries for Lot 5, in response to the gully running through it.</li> </ul>	<p>The size and shape of lot boundaries for proposed Lot 12 was reconsidered to create a more logical lot size and to site the future VRZ north of the proposed road principally within proposed Lot 13 and Lot 14.</p> <p>Front setbacks of 15m are sought for all lots at future DA stage which will increase the developable area of lots while not adversely affecting the amenity or character of the surrounding area as the development will comprise essentially a new and self-contained subdivision. Front setbacks of 15m are supported by the Biodiversity Assessment Report as a means of ensuring reduced potential for ecology impacts.</p>
<p><b>Mapped watercourse</b></p> <p>The development will be integrated development for the purpose of development within waterfront land (40m from mapped watercourses). The mapped watercourse appears to be second order, and riparian corridor of 20m on either side of this is required to be maintained.</p>	<p>A referral to NRAR is noted.</p>
<p><b>Utility and infrastructure connections</b></p> <p>Sewer and water mains are available in the vicinity; however, HWC formal advice is required to demonstrate that existing WWPS's have capacity to support the proposed development, including details of any upgrades or augmentation required due to undulating terrain.</p>	<p>HWC's Notice of Requirements are attached at <b>Appendix 10</b>.</p>
<p><b>Flooding</b></p> <p>A flood impact assessment is required for a DA, demonstrating how the proposal can impact on the flood characteristics downstream. The proposal should address flooding requirements identified by Maitland LEP Clause 5.21.</p>	<p>A Stormwater Management Strategy and Flood Assessment is provided in support of the proposal (<b>Appendix 11</b>).</p>
<p><b>An Aboriginal Cultural Heritage Assessment</b></p> <p>An Aboriginal Cultural Heritage Assessment will be required noting the development site is within the vicinity (200m buffer) from a registered AHIMS site. The application will be notified to the Aboriginal Community for a period of 28 days as required under Clause 5.10(8) of the MLEP2011.</p>	<p>An Aboriginal Heritage Due Diligence Assessment has been prepared (<b>Appendix 12</b>).</p> <p>Public exhibition notification of the proposal to the LALC is noted.</p>

<p><b>Bulk earthworks/ filling</b></p> <p>Generally, cut and fill should be minimised via designing the subdivision and road layout in harmony with the natural terrain and site constraints</p>	<p>Noted.</p>
<p><b>Engineering</b></p>	
<p><b>General</b></p> <ul style="list-style-type: none"> <li>Due to proximity of watercourse a NRAR referral will be required.</li> </ul>	<p>Noted.</p>
<p><b>Road Design, Traffic &amp; Transport</b></p> <p>The road layout is generally ok, however changes to lot configuration may necessitate a change to this.</p> <ul style="list-style-type: none"> <li>Additional road and drainage works may be required along Lang Drive to facilitate the proposal and will be assessed at DA stage.</li> </ul>	<p>Noted.</p> <p>Lot sizes were increased for several lots to accommodate to VRZ on as few lots as possible.</p>
<p><b>Stormwater Management and Infrastructure</b></p> <ul style="list-style-type: none"> <li>Stormwater quality and quantity shall be addressed for the development.</li> <li>The three natural watercourses are to be avoided. Only minor earthworks will be considered within these areas. Watercourses/gullies are to be wholly located within one lot. Restrictions regarding fencing and structures within these areas will be applied to the future lots.</li> </ul>	<p>A Stormwater Management Strategy &amp; Flood Assessment has been prepared in support of the proposal (<b>Appendix 11</b>).</p>

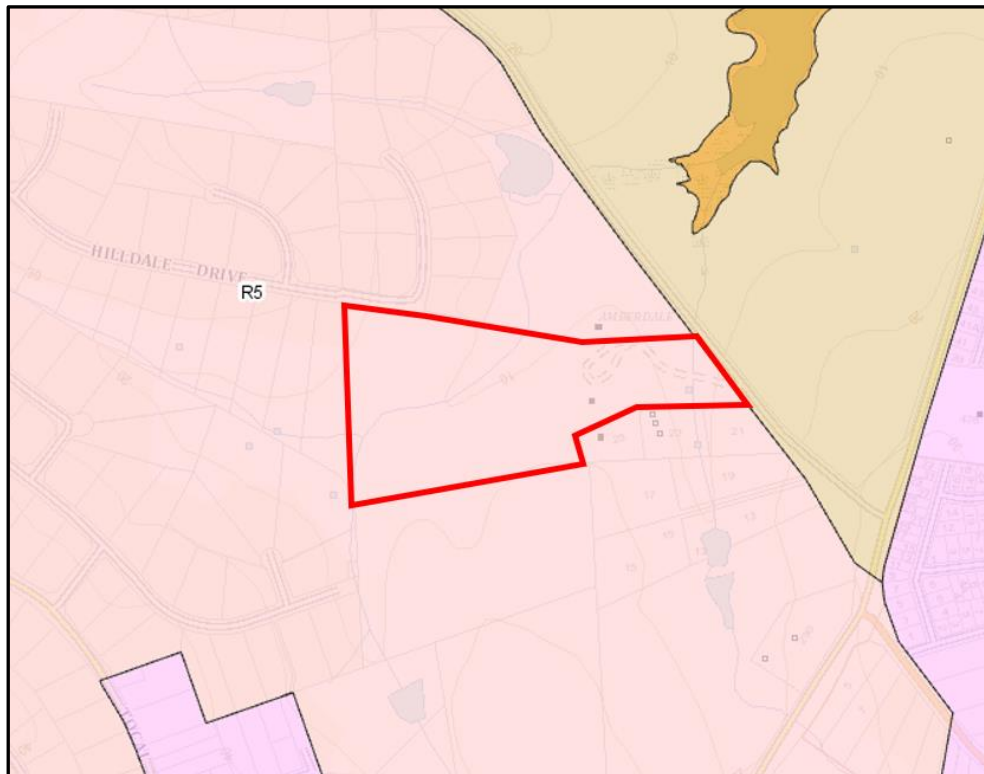
## 4.0 Planning Controls

### 4.1 ENVIRONMENTAL PLANNING INSTRUMENT (S4.15C1(A)(I))

#### 4.1.1 Maitland Local Environmental Plan 2011

##### Zoning

The site is subject to the provisions of the Maitland Local Environmental Plan (MLEP) 2011. The site is zoned R5 Large Lot Residential (**Figure 8**).



**Figure 8: Zoning Map (Source: NSW Planning Portal).**

The objectives of the R5 zone are:

#### **Zone R5 Large Lot Residential**

##### **1 Objectives of zone**

- 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 proposed subdivision is entirely consistent with the objectives of the R5 zone noting the following:

- The proposed subdivision will contribute to large-lot residential development in the area which is a popular lifestyle offering;
- The proposal will not hinder the proper and orderly development of urban areas in the future given the site is surrounded by existing large lot residential development;
- The proposal will not unreasonably increase the demand for public services or public facilities; and
- The proposal will not result in any land use conflicts.

### Land Use Definition & Permissibility

The applicable land use definition for the proposed development based on definitions in the EP&A Act is "subdivision".

Subdivision is defined as follows:

*"**subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition."*

The proposed subdivision is permissible with the consent of Council pursuant to Clause 2.6 of the MLEP.

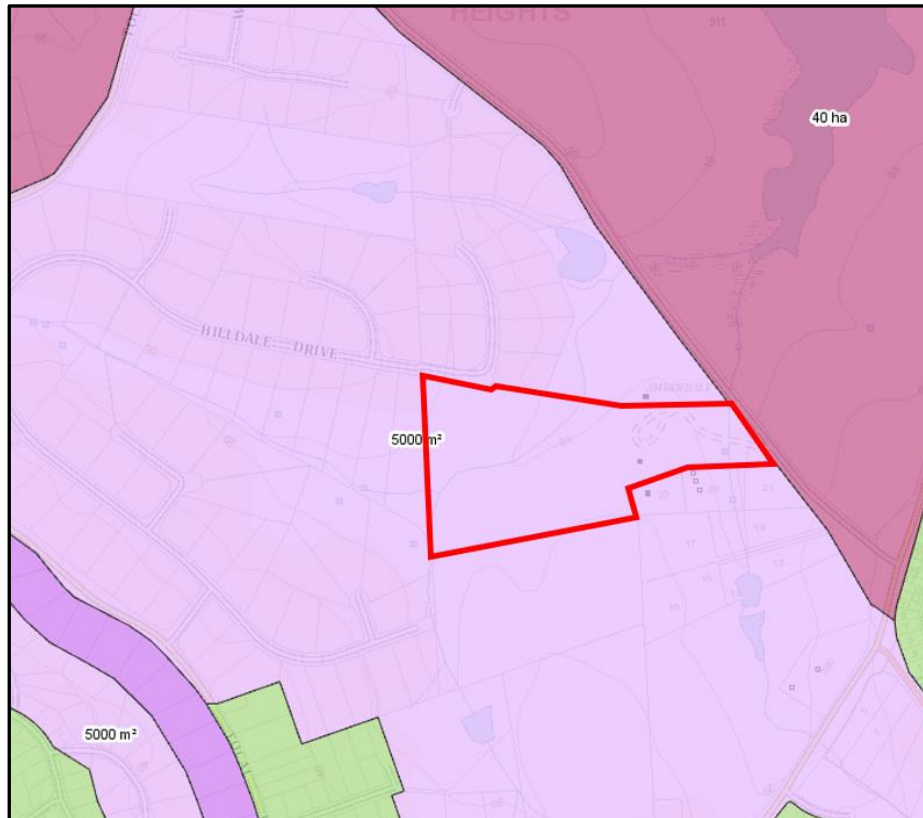
### Clause 2.6 – Subdivision

In accordance with Clause 2.6, this application seeks development consent for the subdivision of the subject site to create 14 large lot Torrens title residential lots.

### Clause 4.1 – Minimum Lot Site

The objective of this clause is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls and to prevent the fragmentation of rural land. The clause requires the size of any lot resulting from a subdivision of land to which this clause applies is not less than the minimum size shown on the Lot Size Map in relation to that land.

The minimum lot size for the site is 5,000sqm per the MLEP (**Figure 9**). Four (4) lots are proposed to be below the mapped minimum lot size for the site. Being a LEP control, any variation to a legislated control requires a written request to vary a development standard pursuant to Clause 4.6 of the MLEP. Details of a request to vary the development standard for minimum lot size is described in the following section.



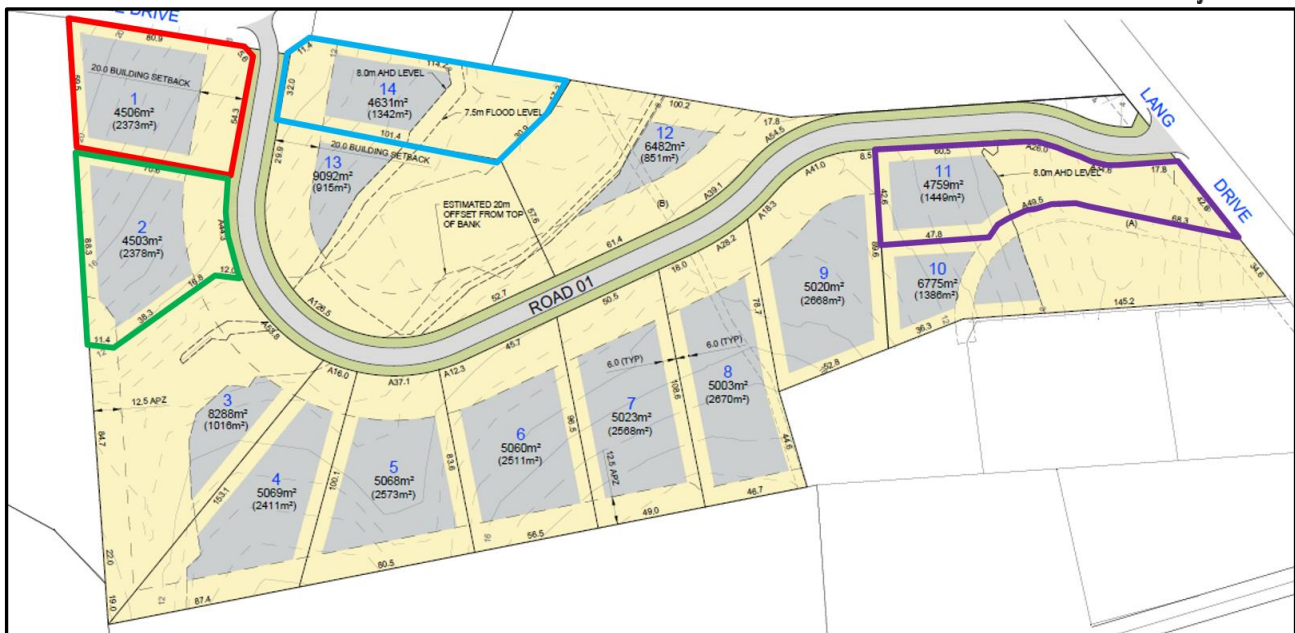
**Figure 9: Minimum Lot Size Map (Source: NSW Planning Portal).**

#### Clause 4.6 – Exceptions to Development Standards

The objectives of the clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposal includes four (4) lots which are proposed to be below the minimum lot size of 5,000sqm. The details of these lots are described in **Table 3** and their locations indicated in **Figure 10**.

Table 3: Details of lots below minimum lot size and buildable areas on undersized lots				
Proposed Lot	Minimum lot size (m <sup>2</sup> )	Proposed size (m <sup>2</sup> )	Variation (%) to development standard	Buildable area
Lot 1	5,000 sqm	4,506 sqm	9.88%	2,373 sqm
Lot 2	5,000 sqm	4,503 sqm	9.94%	2,378 sqm
Lot 11	5,000 sqm	4,759 sqm	4.8%	1,449 sqm
Lot 14	5,000 sqm	4,631 sqm	7.3%	1,342 sqm



**Figure 10: Location of lots below minimum lot size (colour coded to Table 3).**

A 'Clause 4.6 Exceptions to Development Standards' report has been prepared in support of the proposed lots and is at **Appendix 13**.

As outlined in the Clause 4.6 report, it is considered that strict adherence to the mapped minimum lot size is unreasonable and unnecessary in the circumstances of this case as the variations sought are relatively minor (i.e., less than 10%) and are principally the result of responding to Council feedback that the VRZ should be located on as few lots as possible and for proposed Lot 11 to follow the alignment of the existing right-of-carriageway. If these outcomes outcome were not being pursued then the subdivision could similarly produce 14 Torrens title lots which comply with the mapped minimum lot size.

As demonstrated in the Clause 4.6 report and this SEE, there will be no adverse impacts on the ability of each lot to be developed for their intended future purpose, nor any adverse amenity impacts or otherwise on surrounding lots as a result of the variations.

## Clause 5.10 – Heritage Conservation

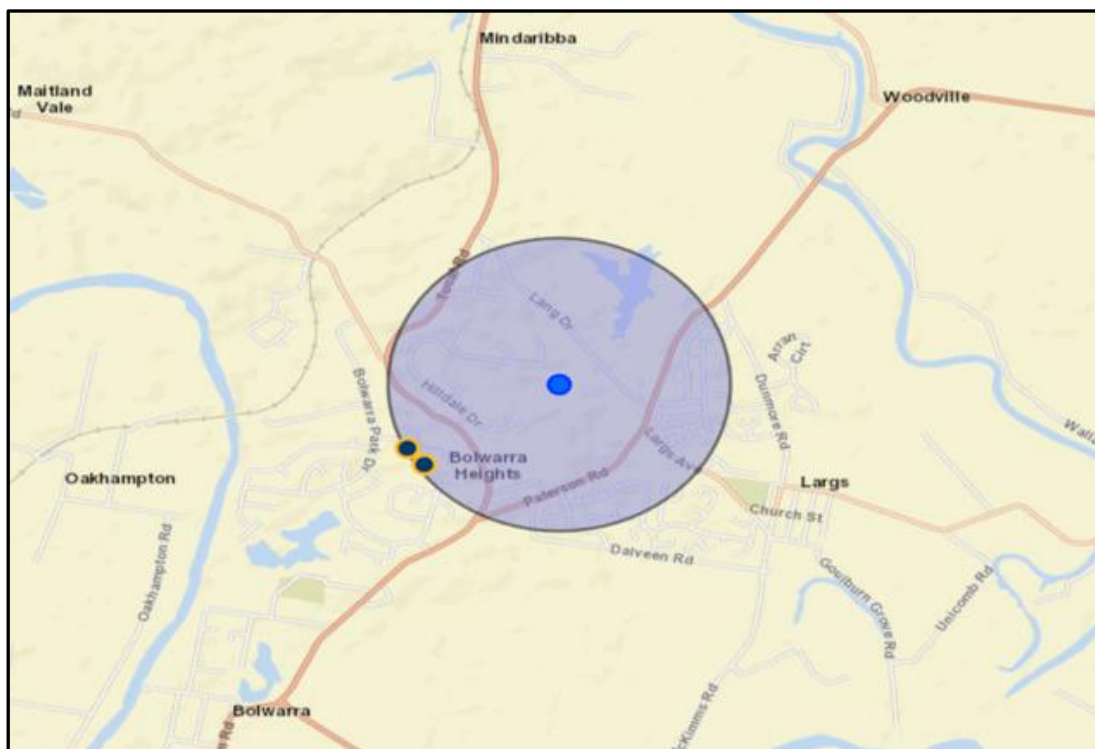
### Non-indigenous heritage

The site is not mapped as containing a heritage item nor is the site located within a heritage conservation area.

### Aboriginal heritage

A search of the Aboriginal Heritage Information System (AHIMS) register was undertaken in August 2023 with two (2) Aboriginal sites within 1km of the site (**Figure 11**). Aboriginal heritage is discussed at **Section 5.1.8**.





**Figure 11: AHIMS search.**

### Clause 5.21 – Flood Planning

Part of the subject site is identified on the MLEP 2010 Flood Planning Map as being located within a flood Planning area (**Figure 12**). Flooding and flood mitigation is discussed at **Section 5.1.11**.



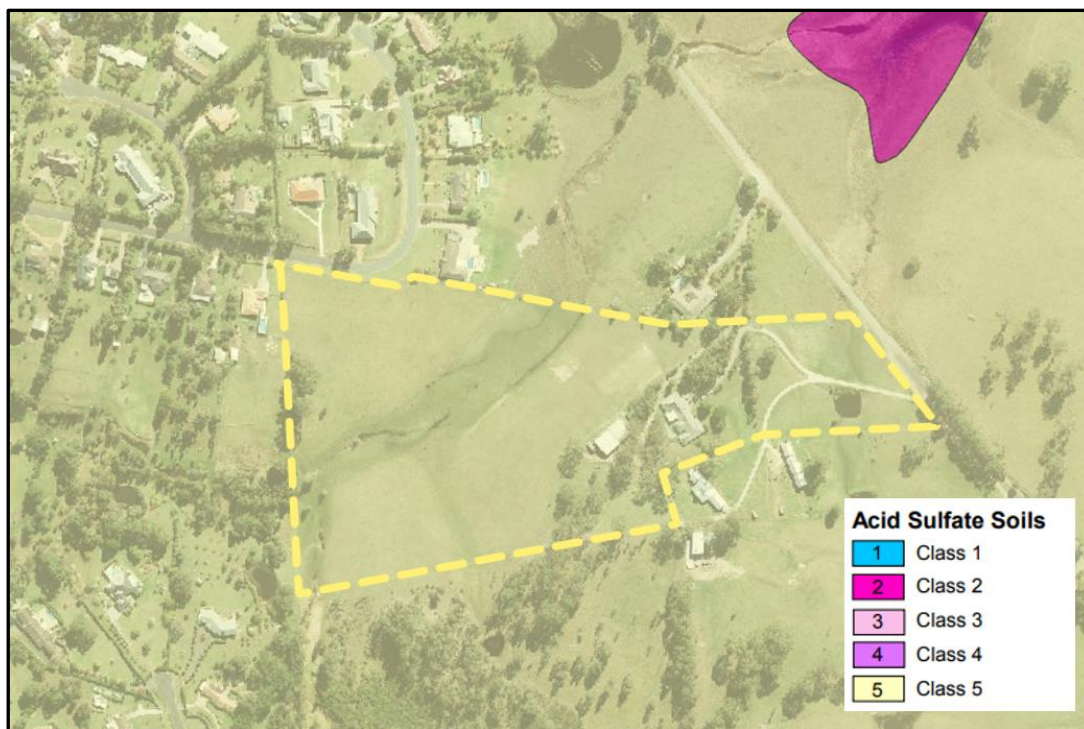
**Figure 12: Flood prone land (Source: Planning Portal).**

## Part 6 – Urban Release Areas

The site is not mapped as an Urban Release Area and as such arrangements for State infrastructure are not required.

## Clause 7.1 – Acid Sulphate Soils

The subject site is identified as containing Class 5 Acid Sulfate Soils as shown on Council's Acid Sulfate Soils Map (**Figure 13**). Acid Sulfate Soils are discussed at **Section 5.1.9**.



**Figure 13: Acid Sulfate Soil Map (Source: NSW Planning Portal).**

## Clause 7.2 – Earthworks

Clause 7.2 requires development consent for earthworks unless they are ancillary to other development for which consent is given.

The proposed through road will require filling at that part of the site to align the new road with the existing level of Lang Drive. It is anticipated that a total of approximately 9,800 m<sup>3</sup> of fill will be required to achieve this. A breakdown of the total fill required is:

- Cut to Fill – 6300 m<sup>3</sup>
- Import to Fill – 3500m<sup>3</sup>

## Clause 7.4 – Riparian land and watercourse

Clause 7.4 applies to land identified as “watercourse land” in the MLEP and requires that Council consider impacts on the watercourse or an increase in water extraction, and requires that Council be satisfied that the design and siting of a proposal will not result in impacts or, where impacts cannot be avoided, that these impacts be minimised.

The subject site is mapped in the Maitland LEP 2010 as containing a second order watercourse (**Figure 14**). Integration of the watercourse and revegetation of the riparian corridor is discussed at **Section 5.1.7**.



**Figure 14: Excerpt from LEP Watercourse Map (left) and location of watercourse on-site (right).**

## Mapping

The following is noted with respect to the remaining mapping layers under the LEP:

- The site is not mapped as having a maximum floor space ratio control.
- The site is not mapped as having a maximum height of building control.
- The site is not mapped on the mineral resource area map.

### 4.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.121 of the SEPP provides that any development listed within Schedule 3 is classified as "traffic generating development" and requires a referral to Transport for NSW (TfNSW).

Schedule 3 provides the following:

Column 1 – Purpose of development	Column 2 – Size or capacity (site with access to any road)	Column 3 - Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments

As the proposed subdivision only provides 14 lots and does not gain access to a classified road, it is not deemed to be traffic generating development pursuant to Clause 104 of the T&ISEPP and will not require the concurrence of TfNSW.

### 4.1.3 State Environmental Planning Policy (Planning Systems) 2021

The proposed development does not constitute State Significant Development under Chapter 2 of this SEPP and hence, the provisions relating to same are not relevant.

As the proposed development does not have a value (over \$30 million) and is not located within the coastal zone, the proposal is not identified as Regionally Significant Development under Schedule 7 and as such, does not require the Regional Planning Panel to become the consent authority.

#### 4.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 2 – Coastal Management

Chapter 2 of the SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. Chapter 2 applies to land within the coastal zone which includes coastal wetlands and littoral rainforests area, coastal vulnerability areas, coastal environment areas and coastal use areas. The subject development is not located within any of these areas.

##### Chapter 4 – Remediation of Land

Chapter 4 of the SEPP aims to introduce State-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

A Preliminary Site Investigation report (**Appendix 14**) was prepared in support of the proposal which identified that no gross contaminating activities had taken place on or adjacent to the site and that the site can be made suitable for the proposed land use based on the recommendations in the report, including:

- Implementation of the unexpected finds protocol to address any potential contamination if encountered during construction phase;
- Assessment of any fill areas, transpiration beds & access tracks on Site for either potential reuse or offsite disposal;
- Any soil to be excavated and transported offsite for disposal require classification in accordance with the NSW EPA Waste Classification Guidelines;
- Geotechnical assessment of the localised potential fill material for onsite reuse, if required; and
- Prior to demolition of any structures, structures should be assessed for hazardous materials. If hazardous materials are identified, the materials are to be managed accordingly.

#### 4.1.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### Chapter 4 – Koala Habitat Protection 2021

Chapter 4 of the SEPP applies to all local government areas (LGAs) listed in Schedule 2, which includes The City of Maitland and therefore the subject site.

The aim of the Chapter is *"to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline"*. The Chapter requires that development be consistent with an approved koala management plan that applies to the site, or where there is no such plan, make an assessment as to whether it is likely to have any impact on koalas or koala habitat.

A Biodiversity Assessment Report accompanies the application (**Appendix 4**) which concludes that the proposal will not have any impact on koalas.

## 4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15C1(A)(II))

There are no draft Environmental Planning Instruments which apply to the site.

### 4.3 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (S4.15(1)(A)(III))

The Maitland Development Control Plan 2011 (MDCP) applies to the proposed development. A full assessment against the requirements of the relevant chapters of MDCP 2011 has been undertaken as part of this application and a DCP Compliance Table is included as **Appendix 15**. The following section details areas where compliance cannot be achieved and thus the objectives have been addressed.

#### 4.3.1 DCP Part B – Environmentally Sensitive Land

##### Public access to riparian corridor

The DCP requires public access to waterways without diminishing the functions of riparian areas. Because the minimum lot size for the site is 5,000sqm and the lots will comprise private land, it is not feasible to site the VRZ on public land and so public access to the future recreated riparian watercourse will not be made available.

##### Works in proximity to Vegetated Riparian Zone (VRZ)

The DCP requires that 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. As the VRZ will be located on private land, it is not possible to comply with this requirement; however, through 88Bs on relevant lots to ensure suitable recreation of the VRZ is achieved, this is considered an acceptable outcome which can be supported by Council.

##### Asset Protection Zones within Vegetated Riparian Zone (VRZ)

Recreation of the VRZ which is required to be sited on private land will mean that bushfire APZs will be located within the VRZ. However, as indicated in the Buildable Area and Constraints Map (**Appendix 5**), future dwellings can be sited on each lot which would not exceed BAL-29.

#### 4.3.2 DCP Part C.10 - Subdivision

##### Lot boundaries for riparian corridor and significant stands of vegetation

The DCP seeks that 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. In this instance, the VRZ will be located on private land and so this outcome cannot be achieved while also ensuring that future lots meet or achieve close compliance with the minimum lot size control. Notwithstanding, the ongoing maintenance and management of the VRZ can be achieved by way of 88Bs on relevant lots which is proposed as part of the proposal. Therefore, it is considered the proposal achieves the objectives of the clause.

##### Flood affected land

The DCP seeks that all new lots are to be wholly above Council's adopted 1% AEP flood event or where flood affected areas are included the resultant lot sizes should be greater. In this instance proposed Lot 10 and Lot 11 will contain flood affected land and are 6,775sqm and 4,759sqm respectively. As such proposed Lot 11 does not meet the control as the lot will contain flood affected areas and is proposed to be slightly under the mapped minimum lot size.

Notwithstanding, proposed Lot 11 accommodates a flood free buildable area of 1,449sqm and because this area will not be required to accommodate an effluent disposal area for any on-site sewer management system this area is considered generous to accommodate a future dwelling and any associated structures on flood-free land and so non-compliance with this control should be supported.

## Lot size and dimension

The DCP requires that consideration be given to any mapped minimum lot size control. The site has a minimum lot size control of 5,000sqm of which four (4) lots are proposed to be slightly undersized and require a request for exemption to the mapped minimum lot size in the MLEP under Clause 4.6. Exceptions to development standards are addressed at Section 4.1.1 of this SEE demonstrating that strict compliance with the development standard for minimum lot size is unreasonable and unnecessary in this instance.

## Building envelope

The DCP requires that 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.

As indicated on the Buildable Area and Constraints Map (**Appendix 5**), a number of lots do not meet this minimum buildable area of 2,000sqm; however, this is considered acceptable and appropriate as all lots will be connected to Hunter Water Corporation's reticulated sewer system and so will not require an area of effluent disposal on-site which constitutes a significant efficiency in terms of developable land on each lot. Each lot can comfortably accommodate a dwelling and typically ancillary structure (e.g., shed and pool) within the proposed developable areas. Therefore, despite not meeting the prescriptive control in the DCP, each lot achieves the objective of the DCP.

## Earthworks

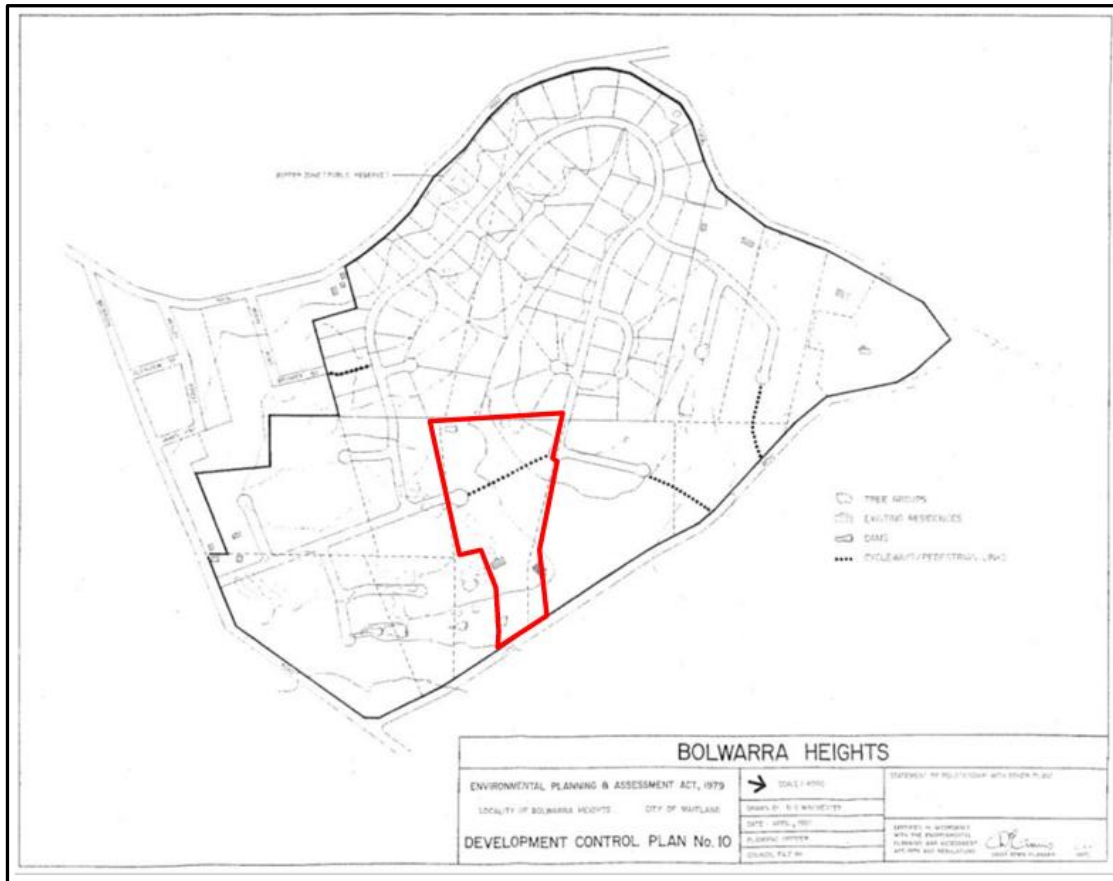
It is anticipated that a total of approximately 9,800 m<sup>3</sup> of fill will be required to facilitate construction of the new through road. A breakdown of the fill required is:

- Cut to Fill – 6300 m<sup>3</sup>
- Import to Fill – 3500m<sup>3</sup>

### 4.3.3 DCP Part D.3 – Bolwarra Heights

#### Road layout

The DCP includes a locality plan for the area and requires that roads be generally located in the positions shown on the locality plan (**Figure 15**). The proposed subdivision layout deviates from the locality plan layout; however, this is considered justified as Planning for Bushfire Protection (PBP) requirements have changed since the DCP was adopted and if the proposal were developed strictly in accordance with the locality plan, a proposal which complies with PBP would not be possible.



**Figure 15: Locality Plan for Bolwarra Heights.**

#### **4.4 PLANNING AGREEMENTS (S4.15C1(A)(IIIA)) AND CONTRIBUTION PLANS**

##### **4.4.1 Maitland City Wide Section 94 Contributions Plan 2016**

The subject site is subject to the Maitland City Wide Section 94 Contributions Plan 2016. It is understood that a condition of consent will be applied, acknowledging a credit for the existing dwelling on-site.

#### **4.5 STRATEGIC PLANS**

##### **4.5.1 Hunter Regional Plan 2041**

The Hunter Regional Plan is the 20-year planning blueprint for the ongoing prosperity of the Hunter. The site is part of the Greater Newcastle District in close proximity to Maitland and East Maitland which are identified growth centres and so the site will have excellent access to services and facilities which contribute to the 15-minute region.

The proposed subdivision is consistent with the aims and outcomes sought by the Hunter Regional Plan.

##### **4.5.2 Greater Newcastle Metropolitan Plan 2036**

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across the LGAs which comprise the Greater Newcastle area. Bolwarra Heights is identified in the plan as being located within the Metro Frame.

The proposed subdivision will contribute to the delivery of large-lot residential land within Bolwarra Heights and the broader Maitland region which is a highly desirable lifestyle offering. The proposal is considered consistent with the Greater Newcastle Metropolitan Plan 2036.

#### 4.5.3 Maitland Local Strategic Planning Statement

The Maitland Local Strategic Planning Statement 2040+ (LSPS) sets out a 20-year plan integrating land use, transport and infrastructure planning for the future of the Maitland Local Government Area. It outlines how Council proposes to manage growth sustainably over this period, and is informed by the community and other stakeholders. The land use vision established in the LSPS for the city is:

“A vibrant river city at the heart of the Hunter Region, with great places and lifestyles that celebrate its prosperity and heritage”

The proposal is consistent with the objectives and actions of the LSPS.

#### 4.5.4 Maitland Local Housing Strategy 2041

The Maitland Local Housing Strategy (LHS) 2041 sets out a framework to guide the growth and change of Maitland's residential areas over the next 20 years by building on the long-term land use vision established in the Maitland Local Strategic Planning Statement 2040+.

The LHS identifies large lot residential as a highly desired lifestyle offering with capacity for approximately 457 lots within existing controls. The proposal will contribute toward this anticipated supply of 457 large lot residential lots in the LGA over the life of the strategy and is also consistent with the objective of the LHS to provide this lifestyle offering which requires less area per lot while yielding above average sized residential allotments.

The proposal is wholly consistent with the LHS.

#### 4.6 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The proposed development does not require referral to the Australian Government Department of the Environment as it is not likely to have a significant impact on nationally listed threatened or migratory species or threatened ecological communities. Further information in this regard is provided within the Biodiversity Assessment Report located within **Appendix 4**.

#### 4.7 BIODIVERSITY CONSERVATION ACT 2016

A Biodiversity Assessment Report has been prepared which assesses the impacts of the development upon threatened entities under this Act (**Appendix 4**). This is discussed in detail within **Section 5.1.7**.

#### 4.8 INTEGRATED DEVELOPMENT

The proposed development is classified as “Integrated Development” under Section 4.46 of the Environmental Planning and Assessment Act 1979, as it requires the separate approvals:

- Bushfire Safety Authority Certificate from the NSW Rural Fire Service (RFS) under Section 100B of the *Rural Fires Act 1997*.
- Controlled Activity Approval from the National Resource Access Regulator (NRAR) under Section 91 of the *Water Management Act 2000*.



## 5.0 Environmental Assessment

### 5.1 THE LIKELY IMPACTS OF DEVELOPMENT (S4.15C(1)(B))

#### 5.1.1 Context & Setting

The site has the benefit of a current development consent DA/2021/1407 for a one into two lot subdivision. Subject to development consent being received for this application, the owner is agreeable to rescinding development consent associated with DA/2021/1407.

The proposed layout considers the desired layout in the DCP Chapter D.3 Locality Plans for Bolwarra Heights; however, application and alignment of environmental constraints and the site including the requirement for a through-road to comply with Planning for Bushfire Protection requirements meant that the layout could not be wholly consistent with the subdivision layout in the DCP. Notwithstanding, the proposal is considered consistent with the existing and desired future context and setting for the area.

#### 5.1.2 Access, Transport & Traffic

##### Access & Transport

The proposal seeks a new 17m wide through road from Hilldale Drive to Lang Drive comprising 8m pavement and 4.5m verges.

##### Traffic

A Traffic Impact Assessment was prepared by SECA Solution in support of the proposal (**Appendix 16**). The Traffic Assessment found the proposal will have a minor and acceptable impact on the local road network and that required site distances are available for both Hilldale Drive and Lang Drive.

#### 5.1.3 Public Domain

The proposal will have a beneficial effect on the public domain by providing increased connectivity for the area by way of an additional through road from Hilldale Drive to Lang Drive which will include street tree landscaping.

#### 5.1.4 Utilities

The site is serviceable by all essential services including reticulated water and sewer, telecommunications and electricity.

#### 5.1.5 Stormwater and Drainage

##### Stormwater

Stormwater requirements have been assessed for the proposed development and are included in the Stormwater Management Plan & Flood Assessment report (**Appendix 11**) and Concept Engineering Plans (**Appendix 17**). The proposed stormwater strategy primarily required analysis of two proposed culverts to allow the construction of the proposed road and to determine its effects on the neighbouring region. The analysis determined two (2) 2700mm x 1200mm box culverts and one (1) Ø 1200 RCP will be required to support the proposal.

The strategy for water quality treatment comprises the following:

- Rainwater tanks on each lot for reuse
- Capture of stormwater from lot and road areas by conventional pit and pipe network located in the street
- Treatment of runoff from road reserve areas via Gross Pollutant Traps
- Construction of multiple bioretention basins both end of line for road reserves and on lot basins to treat lots not draining to the street network to provide tertiary treatment prior to discharge to the existing watercourses.

The analysis concluded that culverts suitable for the 5% and 1% AEP storms would be required and that as the proposal is for large lot low density on the fringe of the Paterson River floodplain, that stormwater detention is not warranted in this instance.

## Watercourses

A second order water course is present at the site which is mapped on the Watercourse Map in the MLEP. In accordance with the DCP the watercourse is to be revegetated to recreate the Vegetated Riparian Zone.

A Vegetation Management Plan and Letter of Intent have been prepared to accompany the application which are discussed in greater detail at Section 5.1.7.

### 5.1.6 Erosion and Sediment Control

Erosion and Sediment Control details are enclosed within the Concept Engineering Plans attached as **Appendix 17**.

During construction, treatment devices will be utilised to contain generated pollutants from the site. These may include, but are not limited to material stockpiles, haybale sediment traps, silt fences and lip drains.

All erosion and sediment controls and practices are to be in accordance with MCC's Manual of Engineering Standards and 'Managing Urban Stormwater'.

### 5.1.7 Ecology & Vegetation management plan

#### Biodiversity Assessment Report

The proposal has the potential to impact 0.03ha of native vegetation at the site, constituting the future requirement to remove one native tree. The minimum lot size of the subject site is 5,000sqm which permits clearing up to 0.25ha without triggering the Biodiversity Offset Scheme. As the proposal will not require clearing up to or in excess of this threshold, a Biodiversity Development Assessment Report (BDAR) is not required for the proposal and the proposal is supported by a Biodiversity Assessment Report (**Appendix 4**).

The purpose of the Biodiversity Assessment Report was to examine the likelihood of the proposal having significant effect on any threatened species, populations or ecological communities. Field investigations at the site did not identify any threatened flora species. One fauna species listed as vulnerable was identified at the site with the potential for 11 species to use the study area for foraging and / or breeding habitat.

For each of the 12 listed threatened species, a Test of Significance was conducted which concluded that while the removal of 0.03 ha of native vegetation will be required in the study area, the impacts are unlikely to interfere with the recover of ay of the 12 listed threatened species at a regional scale.

The report identifies the positive impacts the proposal has by way of retaining the majority of the mature hollow bearing trees associated with the remnant woodland vegetation

## Vegetation Management Plan

A Vegetation Management Plan is required to ensure that the recreation of the Vegetated Riparian Zone can occur. A Vegetation Management Plan and Letter of Intent have been prepared in support of the proposal (**Appendix 8** and **Appendix 9**).

### 5.1.8 Heritage

#### Aboriginal Heritage

An Aboriginal Heritage Due Diligence Assessment has been prepared by Aras in support of the proposal (**Appendix 12**).

The report found that based on archaeological research, predictive modelling and the results of a field assessment, no Aboriginal objects or potential new Aboriginal sites / objects were identified and the site contains low Aboriginal heritage potential.

#### Non-Aboriginal Heritage

The site does not contain any items of non-indigenous heritage.

### 5.1.9 Geotechnical considerations

#### Contamination

As discussed at Section 4.1.4.

#### Acid sulphate soils

The site is located within a Class 5 acid sulfate soils area (the lowest risk classification area) and so acid sulfate soils is not considered to present a constraint to the proposed development.

Taking the above into consideration, the proposed development is unlikely to be affected by acid sulphate soils.

### 5.1.10 Utilities

The site is able to be serviced by all essential services. Hunter Water Corporation's Notice of Requirements have been received for the proposal (**Appendix 10**). It is not proposed to connect the development to natural gas.

### 5.1.11 Natural Hazards

#### Bushfire

The entire site is mapped as bushfire prone land, being Category 3 Grasslands, and associated buffer area (**Figure 16**). Due to the proposed revegetation of the riparian corridor, bushfire requirements and Asset Protection Zones (APZ) for proposed lots adjacent the riparian corridor's revegetation area have been assessed to incorporate required future APZs. These APZs are proposed to be ensured by way of proposed 88B restrictions on the title of certain lots which will designate a buildable area for habitable structures.

In the context of the above, a Bushfire Assessment Report for the proposed development has been prepared at **Appendix 18**. The Report confirms that despite the re-creation of the vegetation riparian zone, future lots will have a developable area which can ensure dwellings can be constructed to a Bushfire Attack Level (BAL) of not greater than BAL-29, and that the subdivision layout complies with Planning for Bushfire Protection requirements for access, services and landscaping & fuel management.



**Figure 16: Bushfire Prone Land Mapping (Source: NSW Planning Portal).**

### Mine Subsidence

The subject site is not located within a Mine Subsidence District and is not mapped as being affected by underground coal mining.

### Flooding

The site is partly identified as being affected by the 1% AEP, specifically proposed Lot 10 and proposed Lot 11. A Stormwater Management Strategy and Flood Assessment Report was prepared in support of the proposal (**Appendix 11**) which reviewed the Paterson River Flood Study to determine the effects of backwater levels cause by the 1% AEP flooding of the Paterson River.

It was determined that the backwater levels from the Paterson River would be the primary cause of flooding; however, its extents are not problematic for the proposed development. The required flood planning level of 8.0m AHD is accommodated in the proposed subdivision layout and given the location of the site on the fringe of the Paterson River floodplain, stormwater detention is not considered warranted for the proposal.

### 5.1.12 Noise and Vibration

The site does not front any main roads or rail lines or any other potential sources of significant noise.

Construction will be required which could impact the acoustic amenity of the area; however, appropriate construction conditions can be applied to manage and monitor any impacts in this regard.

### 5.1.13 Landscaping

The proposal is supported by a Landscaping Plan at **Appendix 7**.

### 5.1.14 Visual impacts

A Visual Impact Assessment (VIA) was prepared identifying the character of the area along with critical vantage points both on Lang Drive, Hilldale Drive and how the site contributes to this character with reference to the rural interface it forms on Lang Drive (**Appendix 6**).

The VIA identifies appropriate landscaping along Hilldale Drive and Lang Drive as means to reduce any potential visual impacts and includes the following additional recommendations:

- Ensure retention of existing vegetation buffer and most importantly canopy trees on and around the site
- Retain and protect existing vegetation where possible during construction
- Use of materials in future construction to minimise visual contrast for surrounding residents.

As explained in this SEE, the proposal will seek to maintain existing trees where possible and includes proposed developable areas for some lots to ensure this outcome. In addition, the recreation of the vegetated riparian corridor will significantly contribute to additional visual screening.

The VIA found that it is unlikely the proposal will have significant impact on the overall visual character of the area.

### 5.1.15 Social Impact

The proposed subdivision will facilitate an efficient use of the subject site consistent with its zoning and location within the surrounding established large lot residential area. The proposal will facilitate the subdivision of the site to create 14 additional large-lot residential allotments of suitable size and shape to accommodate future development.

The proposal will result in the following socio-economic benefits:

- The delivery of large-lot residential lots to increase housing availability and choice within Maitland which is a highly sought after lifestyle offering with limited supply into the future;
- The proposed development will provide construction jobs as well providing an ongoing increase in demand for local business; and
- The proposed subdivision will provide an additional through link for residents on Hilldale Drive.

The proposed subdivision is located within an identified large-lot residential area, and as such will complement the existing and desired future character of the area.

The proposed development will provide a net social and economic benefit.

### 5.1.16 Economic Impact

The development has a CIV of \$2.27 million which will positively contribute to the local economy in terms of jobs and investment and will also result in 14 large lot rural residential lots to the area which will assist with housing supply.

### 5.1.17 Safety, Security and Crime Prevention

The proposed street layout comprising a through road from Hilldale Drive to Lang Drive will provide positive outcome in terms of safety, security and crime prevention. While some lots are accessed by way of the existing right of carriageway, there is adequate passive surveillance and this does not present an area which could facilitate antisocial behaviour.

### 5.1.18 Earthworks

As discussed above.

### 5.1.19 Waste

A Waste Management Plan has been prepared in support of the proposal (**Appendix 19**).

## 5.2 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (S4.15C(1)(C))

The proposed subdivision is zoned for large lot residential development and is within close proximity to numerous public services and infrastructure. For these reasons, the subject site is considered to be entirely suitable for the proposed residential subdivision.

## 5.3 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (S4.15C(1)(D))

The proposed subdivision will require public notification in accordance with Clause 4.2.2.(5) of Part A.4 – Notification of the Maitland DCP.

## 5.4 THE PUBLIC INTEREST (S4.15C(1)(E))

The proposed subdivision will develop existing vacant land for the purposes for which it has been zoned and as such, is considered to be in the public interest through the long-term benefits of development and growth within a strategically appropriate location. Furthermore, the proposal will:

- Provide for additional rural residential dwellings consistent with the HRP;
- Provide a variety of lot sizes which can cater to various price points;
- Result in the recreation of a Vegetated Riparian Zone adjacent the watercourse which runs through the site; and
- Provide employment opportunities through construction related work for future dwellings (subject of separate applications).

In summary, the proposed subdivision will allow the creation of 14 additional large lot residential lots within an area identified for this type of lifestyle offering.

## 6.0 Conclusion

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This SEE and supporting documentation demonstrates that the proposed 14 large-lot residential subdivision is an appropriate and suitable development for the subject site when assessed against the relevant heads of consideration detailed within Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

The subdivision has been designed to comply with the applicable chapters of the MDCP and can be supported based on the following:

- The proposal will contribute to the delivery of large-lot residential lots which is a highly sought after lifestyle offering in the area;
- Each lot is of a sufficient size and shape to facilitate large-lot residential development and where lots are proposed to be under the mapped minimum lot size these lots still achieve the objectives of the minimum lot size standard as well as zone objectives and relevant DCP requirements as outlined in the supporting Clause 4.6 Report and DCP compliance table;
- The proposal will provide a positive environmental outcome for the site through revegetation of the identified riparian corridor which will recreate flora and fauna links to the existing vegetation south of the site without resulting in any adverse bushfire safety risks to future dwellings or residents; and
- The proposal is consistent with the existing and desired future character of the area.

The proposal satisfies both the statutory and merit-based planning considerations and there is no matter which should preclude the approval of the proposed subdivision.

Taking the above into consideration, Council is requested to grant development consent to the application.

# Appendix 1

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PRE-DA ADVICE



## Appendix 2

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### SITE ANALYSIS PLAN

# Appendix 3

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PLAN OF SUBDIVISION

## Appendix 4

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BIODIVERSITY ASSESSMENT REPORT

## Appendix 5

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### BUILDABLE AREAS AND CONSTRAINTS PLAN

## Appendix 6

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### VISUAL IMPACT ASSESSMENT

# Appendix 7

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## LANDSCAPE PLAN

## Appendix 8

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### VEGETATION MANAGEMENT PLAN

## Appendix 9

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VMP LETTER OF INTENT



## Appendix 10

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HWC NOTICE OF REQUIREMENTS

## Appendix 11

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### STORMWATER MANAGEMENT PLAN & FLOOD ASSESSMENT

## Appendix 12

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### ABORIGINAL DUE DILIGENCE ASSESSMENT

## Appendix 13

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CLAUSE 4.6 REPORT

## Appendix 14

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PRELIMINARY SITE INVESTIGATION

## Appendix 15

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DCP COMPLIANCE

## Appendix 16

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TRAFFIC IMPACT ASSESSMENT

## Appendix 17

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### CONCEPT ENGINEERING PLANS



## Appendix 18

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BUSHFIRE REPORT

## Appendix 19

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### WASTE MANAGEMENT PLAN