

STATEMENT OF ENVIRONMENTAL EFFECTS

**MANUFACTURED HOME ESTATE (RU2
ZONE) AND MULTI-DWELLING HOUSING (R1
ZONE)**

**283 & 303 WOLLOMBI ROAD, FARLEY, NSW,
2320**

(LOT: 2 & 4 DP810894)

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Vivacity (the client) to prepare a Statement of Environmental Effects (SEE) for a manufactured home estate and multi-dwelling housing at 283 & 303 Wollombi Road, Farley, NSW, 2320 (LOT: 2 & 4 DP810894) (**'the site'**). The proposed development seeks consent for 254 sites comprising the following land uses:

1. Manufactured Home Estate (RU2 zoned land), per Part 8, Section 122 of the SEPP (Housing) 2021, noting that the RU2 zoned land permits caravan parks with consent, and whilst the land is zoned rural, it adjoins (and comprises) land zoned for urban use (Schedule 6, Item 6), thus is permitted.
 - a. Design review against the LG Regulations, Part 2, Division 2, Subdivision 1 (Section 6) has occurred for the manufactured homes.
2. Multi-dwelling housing (R1 zoned land), per the Maitland LEP 2011, comprising moveable dwellings (per the LG Regulation).
 - a. Design review against the Maitland DCP, Chapter C.8 (in part) has occurred, where the LG Regulation don't take precedent.
 - b. Part 3, Division 2, Subdivision 3, Section 81 of the LG Regulation replace the DCP to the extent of any inconsistency. This Part states the following:
 - (1) *An approval to install a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed, and installed in accordance with Division 4, other than sections 133–136.*
3. All dwelling sites measure between 250m² and 350m² in size and comprise dwellings designed as two-bedroom with either a single garage or double garage, depending on the type of units. Each dwelling site will also comprise a private access driveway, fronting the garage.
4. The development is proposed to be implemented in five stages, with the main intersection, front fencing, and landscaping, two on-site detention basins and community facilities provided within Stage 1.
5. The existing dwelling(s) will remain on-site within the residue RU2 portion of the land and will continue to be resided within. Protection and retention of approximately 16.8 ha of existing vegetated land zoned RU2 Rural Landscape within the southern portion of the site will be retained as part of the development.
6. Consolidation of Lot: 2 DP810894 (283 Wollombi Rd Farley) and Lot: 4 DP810894 (303 Wollombi Rd Farley) is also proposed as part of this application.

The proposed changes to the site are permissible through the Maitland Local Environmental Plan 2011 (LEP) and SEPP (Housing) 2021. The proposed development will contribute to affordable housing within the area, in particular the proposal will provide much needed housing to retirees, which is currently in short supply within the locality.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development. We look forward to the Council's determination of this matter.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1.	EP&A Regulation Compliance Table, Approved Form	Perception Planning	
2.	LG Regulation and DCP Compliance Table	Perception Planning	
3.	Title, Deposited Plan & 88B	Land Registry Services	4/810894
4.	AHIMs Search Results	NSW Environment	808272 and dated 10 August 2023
5.	BYDA Search Results	Before You Dig Australia	N/A
6.	Architectural Plans	Space Design Architecture	2023-029, issue: D and dated 12/07/2023
7.	Concept Stormwater & Preliminary Servicing Summary	Northrop	NL230521, dated 14 August 2023
8.	Civil Engineering Package	Northrop	NL230521, rev: 1 and dated 11.08.23
9.	Landscape Plan	Lindy Lean Landscape Architect	Issue: A and dated 12 August 2023
10.	Hunter Water Corporation Stamped Plans	Hunter Water Corporation	To be provided
11.	Social Impact Assessment	AAP Consulting	Issue dated 31 August 2023
12.	Traffic and Parking Impact Assessment	The Transport Planning Partnership	22125, V04 and dated 16/08/2023
13.	Streamlined BDAR	Firebird ecoSultants	Version 1 Dated 14 August 2023
14.	Arborist Report	Joseph Pidutti Consulting Arborist	Dated 16 August 2023
15.	Waste Water Report	True water Community	Version EMP V1 FLR dated 17 August 2023
16.	Agricultural Lands Assessment	Peritus Ag Advisory	14 August 2023

17.	Preliminary Site Investigation	Compliance Health & Environmental Consulting	CH1427-D230114 and dated June 2023
18.	Site Waste Minimisation and Management Plan	Vivacity Property Pty Ltd	Dated August 2023
19.	Aboriginal Archaeology Assessment Report	McCardle Cultural Heritage	Dated 26 May 2023
20.	Maitland City Council Pre-lodgement meeting minutes	Maitland City Council	Dated 27 April 2023
21.	CIV Report	Muller Partnerships Quantity Surveyors	Dated 15 September 2023
22.	Bushfire Report	Bushfire Planning Australia	Dated 13 September 2023

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1 BACKGROUND

1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Vivacity (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation, and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.2 SITE DETAILS

Property Address	283 & 303 Wollombi Road, Farley, NSW 2320
Lot and DP	Lot: 2 & 4 DP810894
Current Use	Rural dual occupancy and ancillary structures
Zoning	RU2 – Rural Landscape R1 – General Residential
Size	Lot 2: 2.116 ha Lot 4: 30.68 ha
Site Constraints	Minimum Lot Size – 40ha (RU2) Minimum Lot Size – 450m ² (R1) Acid Sulfate Soils – Class 5 Bushfire Prone Land – Vegetation Category 1, 3 and buffer Urban Release Area
Owner	Owner’s consent has been provided on the Application Form for the DA.
DP and 88B Instrument	The site is affected by an easement for electricity, 10m wide. This will be reallocated prior to construction, with details to be provided prior to the issue of the construction certificate, prepared in consultation with the relevant electrical authority. The DP and 88B instrument are provided at APPENDIX 3 .

1.3 SITE DESCRIPTION

The site is located at 283 & 303 Wollombi Road, Farley, NSW 2320 (Lot: 2 & 4 DP810894), known as ‘**the site**’ for the purpose of this SoEE. The site has a total area of approximately 30.68 ha (**FIGURE 1**). The site is in Farley, within the Maitland City Council Local Government Area (LGA).

Lot 2 is zoned R1 General Residential, and Lot 4 is split zoned R1 General Residential (north-eastern corner) and RU2 Rural Landscape for the remainder. The site is located on the southern side of Wollombi Road, with formal vehicular and pedestrian access from this road and currently comprises rural dual occupancy and ancillary structures. A few farm dams are located on the site, of which two will be filled as part of this application, and one will be integrated into the on-site detention system proposed. The site is adjoined by the following:

- **North:** R1 zoned land, currently comprising residential dwellings and ancillary structures. Lot: 90 DP774537 (292 Wollombi Rd) was approved in December 2022 for intensified urban development, comprising a Torrens Title Subdivision – 245 Lots (Staged) under DA/2020/1425.
- **East:** R1 zoned land, comprising Torrens title Lots for urban development, measuring 450m² in size within the urban release area.

- **West and south:** RU2 rural landscape zoned land, incorporating vegetation or grazing land, and habitable structures.

Figure 1: Locality Plan (SDA, 2023)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The Maitland City Council Development Application Tracker website identifies recent approvals as listed in **TABLE 1**.

Table 1: Existing Development Determinations

Application No.	Description	Determination
DA12/1104	Additional Dwelling (Detached Rural Dual Occupancy)	Operational Approval 14/09/2012

An existing primary dwelling is located on the site which pre-dates Council digital records. No known compliance matters exist over the site which would pose issues for the proposed development.

1.5 COUNCIL CONSULTATION

A pre-DA meeting was held with representatives of Council on 27 April 2023. Key requirements requested by Council within the meeting, as detailed within the pre-DA minutes at **APPENDIX 20**, and an associated response is provided within **TABLE 2** below.

Table 2: Pre-DA Meeting requirements and response

Council Requirement	Response
<p>The portion of the site to be developed is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan (MLEP) 2011. Caravan parks, which include moveable dwellings, are permissible under both the MLEP 2011 and the provisions of State Environmental Planning Policy (SEPP) 36 – Manufactured Home Estates. The development must comply with relevant provisions in the SEPP and under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 for development consent to be granted.</p> <p>Caravan parks are not permissible in the R1 zone and no portion of the manufactured housing estate shall be situated within this zone.</p>	<p>A Manufactured Home Estate (RU2 zoned land), per Part 8, Section 122 of the SEPP (Housing) 2021 is permitted, noting that the RU2 zoned land permits caravan parks with consent, and whilst the land is zoned rural, it adjoins (and comprises) land zoned for urban use (Schedule 6, Item 6).</p> <p>Design review against the LG Regulations, Part 2, Division 2, Subdivision 1 (Section 6) has occurred for the manufactured homes.</p> <p>Noting multi-dwelling housing (R1 zoned land), per the Maitland LEP 2011, comprising moveable dwellings (per the LG Regulation). Accordingly, a design review against the Maitland DCP, Chapter C.8 (in part) has occurred, where the LG Regulation don't take precedent.</p>

	<p>Pursuant to this Part 3, Division 2, Subdivision 3, Section 81 of the LG Regulation replace the DCP to the extent of any inconsistency. This Part states the following:</p> <p>An approval to install a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed, and installed in accordance with Division 4, other than Sections 133–136.</p> <p>All dwelling sites measure between 250m² and 350m² in size and comprise dwellings designed as two-bedroom with either a single garage or double garage, depending on the type of units. Each dwelling site will also comprise a private access driveway, fronting the garage.</p>
<p>Ensuring that the proposal is compatible with the objectives of the zone is of paramount importance. Concern is raised that such a significant number of additional dwellings in the rural zone may not be compatible with the RU2 zone objectives. It was noted at the meeting that discussions are currently being held within Council to specifically address the issue of manufactured home estates in the rural zone and to prohibit caravan parks from being a permissible land use in this zone.</p>	<p>The combined parcel of land is 32.796 ha in size, with 29.5 ha available for grazing cattle. At completion of the development, the 11.8 ha will be available for grazing animals and 5 ha will be available for green space and nature reserves, with a total combined area of 16.8 ha. The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals due to reliance on rainfall to grow the native pasture grasses. This results in the land not maintaining a high agricultural output economic value. An Agricultural Lands Capability Assessment has been prepared and is provided at APPENDIX 16. The assessment summary comprises the following:</p> <ul style="list-style-type: none"> • <i>The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals, due to a reliance on rainfall to grow the native pasture grasses.</i> <p><i>This results in the land not having a high agricultural output economic value.</i></p>

	<p><i>Retaining these areas on the property will retain the rural landscape look and feel of the property and allow for the grazing of animals. Grazing animals will assist with pasture management, fuel load and bushfire risk management and support the mental wellbeing of the estate residents and the wider community.</i></p> <ul style="list-style-type: none"> <i>• The highest agricultural return for the retained area is for paid horse agistment, where a gross margin of up to \$10,651.20/year can be earned. This figure is \$4,529.07 higher than the calculated current agricultural economic output being earned by the landholder. If the treed area is not able to be grazed for biodiversity and ecological reasons, a total gross margin of \$3,170.00/year can be earned by agisting horses only on the greenspace and nature reserve area.</i> <p><i>The proposed development will result in the best part of the land being retained in its current condition. These retained areas are 51 percent of the total land area of the combined parcel of land.</i></p> <p>On this basis, it is considered that the proposal will meet the objectives of the RU2 zone.</p>
<p>The aim (e) stating that the MHE shall be 'adequately serviced' is of critical importance. It is Council's stance that the site shall be serviced for sewer and water as discussed in the meeting. Failure to do so will not meet the aim of this SEPP. Concern is also raised as to the lack of 'essential community facilities and services' within proximity to the site. There are no shops, doctors, public transport and other key services. Compliance with this aim is unlikely to be achieved.</p>	<p>Section 3.3 in the SoEE addresses the relevant clauses in the <i>SEPP (Housing) 2021</i>. In addition, a social impact assessment has been prepared and supports the proposal.</p>

A Preliminary Site Investigation, prepared in accordance with MCC's Contaminated Land Use Policy, Version 1.0, 28 November 2017, shall be submitted.

Compliance Heath and Environmental Consulting Pty Ltd (CHEC) was engaged by Vivacity Property to undertake a preliminary site investigation (PSI) contained in **APPENDIX 17** to support the submission of this application. The investigation considered all relevant historical and anecdotal information and based on the outcomes of the desktop study, CHEC developed and implemented a sampling strategy to provide a high level of confidence for determination of land use suitability.

The PSI identified 10 areas of environmental concern within the proposed development area of both lots under investigation. Quantitative data was obtained from 16 judgemental sampling locations to account for the identified AEC's. The selected sample locations were designed to target potential sources of contamination and migration pathways. Samples were analysed for potential contaminants of concern identified by the CSM. The report concludes that the site can be made suitable with some minor remediation works, following review of the samples. At completion of the remediation, validation will be required which will occur prior to the issue of the construction certificate.

Accordingly, on the basis of the findings In the PSI it is considered that the Site can be made suitable with some minor remedial activity.

<p><i>SEPP (Transport and Infrastructure) 2021</i>; Clause 2.48: Any application shall be referred to Ausgrid. Clause 2.121 (Traffic generating development): Any proposed development is likely to be traffic-generating development and also has potential traffic implications on the classified state road network at the intersection of Wollombi Road and New England Highway, Rutherford. This development was not envisaged in the intersection upgrade, nor in the preparation of the Farley Section 94 Contribution Plan 2015. Direct liaison with Transport for NSW (TfNSW) is recommended prior to lodgement.</p>	<p>Section 3.3 in the SoEE addresses the relevant clauses in the <i>SEPP (Transport and Infrastructure) 2021</i>. Development contributions will be provided by the proposal.</p>
<p>The proposal shall comply with the Part 2 Manufactured Home Estates and Manufactured Homes provision of this regulation. A compliance summary of Part 2 is required with any lodgement documents.</p>	<p>The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG Regulation), Part 2, Division 2, Subdivision 1 (Section 6) notes that the manufactured home estate must be designed, constructed, maintained, and operated in accordance with the relevant requirements of Division 3.</p> <p>The LG Regulation, Part 3, Division 2, Subdivision 3 (Section 81) states that a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed, and installed in accordance with Division 4, other than sections 133–136.</p> <p>As a result, these requirements and an appropriate response are provided within APPENDIX 2.</p>

<ul style="list-style-type: none"> ▪ Clause 2.6 – Subdivision – consent requirements Clause 4.1 Minimum subdivision lot sizes Subdivision is proposed for lease purposes under Division 3B of the Conveyancing Act 1919. Each manufactured home will be privately owned, with the dwelling site leased according to a Residential Agreement. Subdivision of the dwelling sites for lease purposes is permissible under Clause 8 of SEPP 36 without consideration of the Clause 2.6 or 4.1 of the MLEP 2011. ▪ Clause 2.7 - Demolition Confirm if demolition is required. ▪ Clause 5.10 – Heritage Conservation Aboriginal archaeology shall be addressed; artefacts are known to occur in the area. ▪ Part 6 – Urban Release Areas Any works proposed within the URA will be subject to assessment against the Part 6 requirements. ▪ Clause 7.1 – Acid Sulfate Soils ▪ Clause 7.2 – Earthworks 	<p>Section 3.4 in the SoEE addresses the relevant clauses in the Maitland Local Environmental Plan 2011.</p>
<p>The proposed development is classed as nominated integrated development, due to the proximity of works in relation to identified streams. The proposal is also integrated development, requiring referral to the NSW RFS.</p>	<p>Section 3 in the SEE comprises an assessment against Section 4.46 of the EP&A Act. Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within TABLE 3. The proposed development is identified as integrated development.</p>

<p>Any DA lodged with Council must clearly state the estimated cost of works (COW) of the proposed development. Please refer to the Department of Planning, Industry and Environment's Planning Circular PS 10-008 which describes what items must be included and excluded when calculating the COW/Capital Investment Value (CIV) for development. Depending upon the COW/CIV, the DA may be determined by the Hunter Central Coast Regional Planning Panel (HCCRPP) or reported to a full Council meeting should it exceed the delegations of Council officers.</p>	<p>Muller Partnership Quantity Surveyors were engaged for the provision of Quantity Surveying Services contained in APPENDIX 21.</p>
<p>Planning advice</p>	<p>It is respectfully requested that the requirement for a plan of management is placed as a condition of consent, for provision prior to the construction certificate. Details on the management of the community are provided by the Social Impact Assessment.</p>
<p>Engineering advice</p>	<p>Northrop have prepared Civil Engineering Plans contained in APPENDIX 8.</p> <p>The proposed intersection to Wollombi Road (North) and secondary access (North-west) will be constructed in accordance with Maitland Council's Standard Drawings.</p> <p>As shown within the Architectural Plan series, the proposed development provides a network of internal non-perimeter roads and two (2) perimeter roads along the eastern and western boundaries. The new perimeter roads are connected by a perimeter fire trail extending along the southern boundary to provide defensible space between the site and the adjoining hazard, but also to provide access for maintenance and hazard management throughout the property. The two new perimeter roads will be widened at several sections to ensure an unobstructed carriageway suitable for use by firefighting appliances is available along the entire length of the boundary. This will require several passing bays which will widen the carriageway to 8m wide in several areas.</p>

	<p>The Bushfire Report concludes that the proposed access arrangements are considered to be acceptable and complies with the relevant Performance Criteria.</p> <p>The Transport Planning Partnership (TTPP) has prepared a Traffic Impact Assessment (TIA) and can be found in APPENDIX 12.</p> <p>As detailed within the TIA, the proposed development is expected to generate in the order of 102 vehicle trips during both AM peak and PM peak hours. The surrounding intersections currently operate satisfactorily well and would continue to operate well during the year 2033, with and without the proposed development. No adverse impacts on the surrounding road network are expected from the proposed development. The proposed site access with CHR(S) treatment would operate satisfactorily at LoS A during the year 2023 and 2033, taking into consideration also the proposed development traffic generation.</p> <p>Further, the sight distance analysis indicates that the proposed location of the driveway meets the Safe Intersection Sight Distance (SISD) requirements set out in the Austroads Guide to Road Design part 4A.</p> <p>The proposed access, traffic, and parking aspects of the development are deemed acceptable and are not expected to have any detrimental effects on the road network.</p>
Development contributions	Noted.
Building advice	<p>A Wastewater Management Report has been prepared and contained in APPENDIX 15. All lots within the proposed development will be connected to the internal reticulated water supply. The site is not currently serviced by the municipal sewerage network and the timing of future connection is uncertain as mains are still in the process of being extended through neighbouring properties. Therefore, all sewerage generated by the proposed development will be treated and managed wholly within the site by a site-specific Wastewater Treatment System (WWTS).</p>

	<p>As outlined within the Wastewater Management Report, the WWTS is designed to provide a 50-year life cycle and deliver beneficial outcomes assessed from an economic, environmental, and social viewpoint. The type of WWTP and effluent dispersal system has been specifically chosen to maximise operational security and ensure reliable high quality effluent treatment. Consequently, the proposed wastewater arrangements are deemed suitable to accommodate the site's future development needs. In accordance with the LG Regulation a Section 68 approval shall be lodged for the installation of the moveable dwellings.</p>
<p>Strategic planning advice</p>	<p>The proposal aligns with the Hunter Regional Plan by offering a variety of affordable housing options for retirees and increasing housing density. The site is within a designated greenfield urban release area. In addition to providing housing supply and diverse housing, the site will contribute to affordable retirement housing and ageing in place (which is currently lacking the area, which is predominantly residential subdivision catering to a specific demographic), as all homes in the community will be designed to achieve accreditation under the Liveable Homes Design Guidelines.</p> <p>Further, the site was identified as a preliminary investigation area and partly as category 1 residential under the Maitland Urban Settlement Strategy 2010, with a timeframe for delivery within 10 years (i.e., 2022). It has also been recognised as a 'logical extension to the Farley Urban Release Area.' The proposal is expected to provide additional affordable housing options for retirees and downsizers while enhancing housing diversity within the local government area (LGA). In summary, the presented proposal aligns with the objectives for new development in this region.</p>

	The proposed development is permitted with consent via the pathways detailed within this SoEE. All supporting documentation provides an assessment against the relevant legislation to confirm the appropriateness of the development on the site.
External referrals	Noted, and addressed under Section 3.2.1 of this SoEE.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The proposed development seeks consent for 254 sites comprising the following land uses and elements (**FIGURE 2**):

Zoning and Size	Land Use	Elements
R1 – General Residential Land 26,495m ² in size.	<p>Multi-dwelling housing, per the Maitland LEP 2011, comprising moveable dwellings (per the LG Regulations).</p> <p>Design review against the Maitland DCP, Chapter C.8 (in part) has occurred, where the Regs don't take precedent.</p> <p>Part 3, Division 2, Subdivision 3, Section 81 of the LG Regulations replace the DCP to the extent of any inconsistency. This Part states the following:</p> <p style="padding-left: 40px;"><i>(1) An approval to install a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed, and installed in accordance with Division 4, other than sections 133–136.</i></p> <p>Design review and assessment is provided in APPENDIX 2.</p>	<ul style="list-style-type: none"> - 47 moveable dwellings - Eleven (11) parking spaces).
RU2 – Rural Landscape Land 301,570m ² in size.	<p>Manufactured Home Estate, per Part 8, Section 122 of the SEPP (Housing) 2021, noting that the RU2 zoned land permits caravan parks with consent, and whilst the land is zoned rural, it adjoins (and comprises) land zoned for urban use (Schedule 6, Item 6), thus is permitted.</p> <p>Design review against the LG Regulations, Part 2, Division 2, Subdivision 1 (Section 6) has</p>	<ul style="list-style-type: none"> - 207 manufactured homes - 57 parking spaces (including three accessible spaces). - 12 caravan parking spaces. - Clubhouse building measuring 670m², including indoor pool / sauna, gym, craft room, lounge area, cinema, and library. - Community facilities comprising swimming pool,

	occurred for the manufactured homes and is provided at APPENDIX 2 .	two pickle-ball courts, and lawn bowls green.
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- All dwelling sites measure between 250m² and 350m² in size and comprise dwellings designed as two-bedroom with either a single garage or double garage, depending on the type of units. Each dwelling site will also comprise a private access driveway, fronting the garage.
- The development is proposed to be implemented in five stages, as shown in DD-102 of **APPENDIX 6**, with the main intersection, two on-site detention basins and community facilities provided within Stage 1.
- The existing dwelling(s) will remain on-site within the residue RU2 portion of the land and will continue to be resided within. Protection and retention of approximately 16.8 ha rural land within the southern portion of the site will occur as part of the development.
- Consolidation of Lot: 2 DP810894 (283 Wollombi Rd Farley) and Lot: 4 DP810894 (303 Wollombi Rd Farley) is also proposed as part of this application.

The key reasons why the proposed development is acceptable are as follows;

- The proposed development is permissible on the site with consent and is appropriately zoned and located;
- Retention of over 50% of the site area for retained vegetation, with development limited to existing cleared areas, and planting of over 700 new trees, resulting in a net increase to tree canopy;
- The land will be consolidated under one title under a single owner/operator, which results in positive benefits for the continued management of the land;
- No adverse impact on the existing character or amenity of the area will result;
- The development will have positive economic impacts for the site and the broader region;
- The development will have a positive social impact through the on-going implementation of the Plan of Management/CPTED associated with the site;
- The development will contribute to the supply of affordable housing and lower cost rental housing in the locality (noting that people are experiencing housing stress); and
- The land has the capacity to accommodate the development on site whilst managing or mitigating potential environmental issues.

The proposed development will provide a well-coordinated and sustainable development with no foreseeable impact on the character of the surrounding area. This DA is consistent with the planning framework and has the potential to deliver triple-bottom line outcomes as envisaged by Maitland City Council.

Figure 2: Proposed Site Plan (SDA Space Design Architecture, 2023)



3 PLANNING CONTROLS

3.1 REGULATIONS

3.1.1 LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (**LG Regulation**), Part 2, Division 2, Subdivision 1 (Section 6) notes that the manufactured home estate must be designed, constructed, maintained, and operated in accordance with the relevant requirements of Division 3.

The LG Regulation, Part 3, Division 2, Subdivision 3 (Section 81) states that a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed, and installed in accordance with Division 4, other than sections 133–136.

As a result, these requirements and an appropriate response are provided within **APPENDIX 2**.

3.2 ACTS

The following Acts are considered relevant to the proposed development:

3.2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

Section 4.46 – What is integrated development?

Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 3** below. The proposed development is identified as integrated development.

Table 3: Integrated development Triggers

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	<p>Yes – the site comprises gullies that are identified as containing key fish habitat. Referral to NSW Fisheries is required as part of this application, as integrated development, in accordance with section 219, as further detailed in the Ecological Report provided at APPENDIX 13. The Report prepared by Firebird ecoSultants states the below:</p> <p style="padding-left: 40px;"><i>The site does not contain important mapped areas for threatened species or any mapped biodiversity values the site does however the gullies have been identified as Key fish habitat (see map extract below) and will be addressed in the SOEE. This requires consideration of Division 12 of the Fisheries Management Act 1994.</i></p> <p>Pursuant to Division 12 (2) For the purposes of this Division, development or an activity is likely to significantly affect threatened species if—</p> <p>(a) it is likely to significantly affect threatened species, populations or ecological communities, or their habitats, or</p> <p>(b) it is carried out in critical habitat.</p>
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	<p>No – Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless –</p> <ul style="list-style-type: none"> a. an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or b. the land to which the development application applies is an Aboriginal place

		<p>within the meaning of that Act immediately before the development application is made.</p> <p>The AHIMs Search identifies that 0 Aboriginal sites or places have been declared on or near the site (within 50m). An Archaeological Due Diligence Assessment has been obtained in APPENDIX 16, noting there are no registered sites or Aboriginal Places within the project area. Accordingly, in relation to modern alterations to the landscape, previous large-scale clearing, at least one ploughing event for grass, grazing and construction works associated with the house and associated infrastructure and utilities, as well as the construction of 4 dams, can be expected to have had moderate to high impacts upon the archaeological record. Natural factors such as erosion would also have impacted on the archaeological record, all of which would have displaced cultural materials and the likelihood of in situ cultural materials is very low.</p> <p>Consequently, the persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974; and should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.</p>
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A – for the purpose of section 48, the proposed development is not declared as a scheduled activity for which a licence is required for the premises.
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	Yes – The site is identified as bushfire prone land (Vegetation 1, 3 and Buffer) A manufactured home estate is defined as a Special Fire Protection Purpose (SFPP) under the NSW Rural Fire Service (RFS) document Planning for Bushfire Protection

		2019 (PBP 2019). The BAR contained in APPENDIX 22 found the site was exposed to a medium to high bushfire hazard located primarily to the south and west of the site which is mapped as Category 1 Vegetation in the Maitland City Council Bush Fire Prone Land Map. The BAR has been prepared in accordance with the submission requirements detailed in the PBP 2019 and has demonstrated the proposed expansion satisfies the Aims and Objectives of PBP 2019, including the Specific Objectives for SFPP developments.
Water Management Act 2000	▪ ss 89, 90, 91	Yes – the site comprises several watercourses, noting that two waterbodies (dams) will be filled as part of the proposal. Referral as integrated development to the water authority is required as part of this application.

Section 7.11 – Development Contributions

Development contributions will be required to be calculated and charged in accordance with the Maitland City Council Contributions Plan (CP) where applicable.

3.2.2 HUNTER WATER ACT 1991 (HW Act)

The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act.

Stamped plans will be provided in accordance with Section 49 of the HW Act.

3.3 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 4 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Housing) 2021*
 - *Chapter 3 – Diverse Housing*
 - *Part 8 – Manufactured home estates*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*

3.3.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

CHAPTER 4 – KOALA HABITAT PROTECTION 2021

This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. This SEPP applies to land identified within Part 4.4 and LGA's specified within Schedule 2.

The SEPP applies to the Maitland City Council Local Government Area (LGA). In accordance with Section 3.8, the council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.

Maitland is part of the Central Coast Koala Management Area (KMA 2). A Streamlined Biodiversity Development Assessment Report (BDAR) was undertaken and did not identify the site as used by Koalas (**APPENDIX 13**).

As detailed within the Streamlined BDAR, the site is highly disturbed already meaning the direct or indirect impact to Koalas is highly unlikely. Pursuant to the BDAR the field survey undertaken found no evidence of *P. cinereus* (Koala) occurring in the site. A review of the OEH Atlas of NSW Wildlife indicated no historical records of Koala within the last 18 years. The isolated nature of the site, lack of scats and no recordings of Koala's suggest that the site would not constitute 'Core Koala Habitat' as defined by SEPP. Accordingly, no further provisions of the Koala Habitat Protection SEPP apply.

3.3.2 SEPP (HOUSING) 2021

CHAPTER 3 – DIVERSE HOUSING

PART 8 – MANUFACTURED HOME ESTATES

The aims of this Part include to encourage:

- (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and*
- (b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and*
- (c) to encourage the provision of affordable housing in well-designed estates, and*
- (d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and*
- (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and*
- (f) to protect the environment surrounding manufactured home estates, and*
- (g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.*

The following definitions apply to the proposed land use:

manufactured home estate means land on which manufactured homes are, or are to be, erected.

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the Traffic Act 1909,

and includes any associated structures that form part of the dwelling.

In accordance with the aims, the RU2 portion of the site is intended to be used as a manufactured home estate as a contemporary form of medium density residential development. In accordance with Section 122, the following is noted:

- The site is zoned RU2 Rural Landscape and permits development for the purpose of an MHE, as caravan parks are permitted with consent in the zone and the land is adjacent to (and comprises) land zoned for urban use, being R1 General Residential (see Item 6, Schedule 6).
- The land is not located within one or more of the categories described in Schedule 6 (see above), The land is not dedicated or reserved under the National Parks and Wildlife Act 1974, The land is not within a Crown reserve.

Development consent for the purpose of a manufactured home estate on the RU2 portion of the land is sought in accordance with the requirements of Section 123. In accordance with subclause (4A) of this section, additional development consent is not required for the installation or placement of a manufactured home on the land on which development for the purposes of a manufactured home estate is lawfully being carried out. In accordance with subclause (5) of this section, subdivision is not proposed, and the land will be consolidated under one title.

In accordance with Section 125, the following matters must be considered by Council prior to the grant of development consent:

- (a) *that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage, and electricity, and,*

Each manufactured home will be appropriately serviced.

- (b) *that the manufactured home estate is or will be provided with adequate transport services, and,*

Internal road infrastructure is proposed to support private vehicles and a community bus. The Traffic and Parking Assessment provided at **APPENDIX 12** details this element further.

- (c) *that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and,*

The following communal facilities are proposed within the estate:

- Clubhouse building measuring 1,131m², including indoor pool / sauna, gym, craft room, lounge area, cinema, and library.
- Community facilities comprising swimming pool, two pickle-ball courts, and lawn bowls green.

(d) that the development will not have an adverse effect on any,

- *conservation area*
- *heritage item*
- *waterway or land having special landscape, scenic or ecological qualities.*

Which is identified in an environmental planning instrument applicable to the land concerned.

Conservation area and waterway

A BDAR has been prepared by Firebird ecoSultants Pty Ltd (**APPENDIX 13**). Noting the proposed clearing exceeds the minimum clearing threshold of the area, which is 10,000m². The proposal therefore requires entry into the Biodiversity Offset Scheme. Accordingly, there are large patches of native vegetation adjacent to the site's native vegetation. Noting limited native shrub/ground layer of vegetation within the sites forested areas due to the current and historic agricultural land practices in the Farley area. The site contains five ephemeral gullies which occur within the site. One 2nd order watercourse (in accordance with the Strahler stream ordering system) which enters the site from the south and diverts into three ephemeral gullies which extent into the northern portion of the site. One gully enters the south-east corner of the site and extends along the eastern boundary. Surface works will avoid habitat features such as hollow bearing trees; the proposals design will impact two waterbodies on the site which are to be removed for the building of a proposed club house. The project is located to predominantly affect open grassland, with most of the sites mature canopy vegetation to be retained this in turn will aim to avoid severing or interfering with corridors. The project layout is designed to minimise impacts to threatened species areas containing habitat features such as hollows which may be utilised by threatened species are to be retained, the project has been designed to avoid impacts/ interactions with *Eucalyptus parramattensis* found on site. The 2 farm dams are located on site are planned to be removed as part of the development, in order to offset potential impacts to species using the feature currently the water bodies will be drained in the presence of an ecologist to relocate any potential species found during the process. Accordingly, Water Sensitive Urban Design (WSUD) will be implemented to ensure that water quality and runoff are appropriately like existing conditions on site and minimise prescribed impacts on biodiversity values.

Heritage item

The AHIMs Search identifies that 0 Aboriginal sites or places have been declared on or near the site (within 50m). An Archaeological Due Diligence Assessment has been obtained in **APPENDIX 19**, noting there are no registered sites or Aboriginal Places within the project area. Accordingly, in relation to modern alterations to the landscape, previous large-scale clearing, at least one ploughing event for grass, grazing and construction works associated with the house and associated infrastructure and utilities, as well as the construction of 4

dams, can be expected to have had moderate to high impacts upon the archaeological record. Natural factors such as erosion would also have impacted on the archaeological record, all of which would have displaced cultural materials and the likelihood of in situ cultural materials is very low.

Consequently, the persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974; and should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

3.3.3 SEPP (RESILIENCE AND HAZARDS) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates, transfers, and repeals the provisions of three (3) SEPPs into a single environmental planning instrument, including: the SEPP (Coastal Management) 2018 (Coastal Management SEPP), SEPP 33 – Hazardous and Offensive Development (SEPP 33), and SEPP 55 – Remediation of Land (SEPP 55).

The Resilience and Hazards SEPP aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

CHAPTER 4 – REMEDIATION OF LAND

The object of this Chapter is to provide for a state-wide planning approach to the remediation of contaminated land.

In accordance with Clause 4.6 a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site. The site is currently used as residential purposes therefore it is not expected or known that surrounding locality has the potential to be contaminated. Despite this, to ensure consideration of all unknown impacts, a PSI Report has been completed for the site which confirms that it is suitable for the proposed use.

Compliance Heath and Environmental Consulting Pty Ltd (CHEC) was engaged by Vivacity Property to undertake a preliminary site investigation (PSI) contained in **APPENDIX 17** to support the submission of this application. The investigation considered all relevant historical and anecdotal information and based on the outcomes of the desktop study, CHEC developed and implemented a sampling strategy to provide a high level of confidence for determination of land use suitability.

The PSI identified 10 areas of environmental concern within the proposed development area of both lots under investigation. Quantitative data was obtained from 16 judgemental sampling locations to account for the identified AEC's. The selected sample locations were designed to target potential sources of contamination and migration pathways. Samples were analysed for potential contaminants of concern identified by the CSM. The report concludes that the site can be made suitable with some minor remediation works, following review of the samples. At completion of the remediation, validation will be required which will occur prior to the issue of the construction certificate.

Accordingly, based on the findings in the PSI it is considered that the Site can be made suitable with some minor remedial activity.

3.3.4 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 2 – INFRASTRUCTURE

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to types of infrastructure.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

Section 2.48 – Determination of development applications – Other development

The existing site is connected to overhead reticulated electricity, connecting to the infrastructure within the site. Penetration of the ground within 2m of underground electrical infrastructure triggers referral to the electricity supply authority pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance given there is no underground infrastructure within proximity to the works that we are aware of.

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licensed' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

The site adjoins Wollombi Road on the northern boundary, classified as a Local Road. As such, referral to Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Section 2.118. A Traffic Impact Assessment (TIA) (**APPENDIX 12**) has been prepared to demonstrate safe traffic movement to and from the site.

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW. The TIA notes that the development is expected to generate in the order of 102 vehicle trips during both the weekday AM peak and PM peak periods. This is equivalent to approximately 1-2 vehicle trip every minute.

The additional traffic movements generated by the development will have a minimal and acceptable impact on the surrounding road network and site access can operate with minimal delay or congestion. The surrounding intersections currently operate satisfactorily well and would continue to operate well during the year 2033, with and without the proposed development. No adverse impacts on the surrounding road network are expected from the proposed development. The proposed site access with CHR(S) treatment would operate satisfactorily at LoS A during the year 2023 and 2033, taking into consideration also the proposed development traffic generation.

It is considered that the development is consistent with the requirements of the Local Government Regulations, and the Development Control Plan in relation to traffic, parking and access. To this extent, the proposed development is not identified to have an adverse impact on road infrastructure.

3.4 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Maitland LEP 2011 apply to the proposed development:

- **Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned R1 General Residential and RU2 Rural Landscape under the Maitland LEP 2011.

Permissibility

The proposed development is permissible within each zone, pursuant to the following:

1. Manufactured Home Estate (RU2 zoned land), per Part 8, Section 122 of the SEPP (Housing) 2021, noting that the RU2 zoned land permits caravan parks with consent and adjoins (and comprises) land zoned for urban use (Schedule 6, Item 6), thus is permitted.
2. Multi-dwelling housing (R1 zoned land), per the Maitland LEP 2011, comprising moveable dwellings (per the LG Regulation).

The proposed development has been designed to clearly follow the zone cadastre, to delineate and separate the two uses, as shown in DD100 of **APPENDIX 6**.

Zone objectives

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.*

The proposed development will provide a diversity of uses within the site that will serve the housing needs of the community through provision of a variety of housing types and densities, which are affordable and low maintenance. The site comprises community facilities including clubhouse building comprising indoor pool / sauna, gym, craft room, lounge area, cinema, and library, and additional outdoor swimming pool, two pickle-ball courts, and lawn bowls green. These facilities and services will support the day to day needs of residents, whilst reducing pressure and demand on public facilities. The uses are well designed and integrated into the site to mitigate effects on residential amenity or place. The proposed development is consistent with the zone objectives of the land, R1 – General Residential.

The objectives of the RU2 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*

The combined parcel of land is 32.796 ha in size, with 29.5 ha available for grazing cattle. At completion of the development, the 11.8 ha will be available for grazing animals and 5 ha will be available for green space and nature reserves, with a total combined area of 16.8 ha, which is over 50% of the site area to be retained. The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals due to reliance on rainfall to grow the native pasture grasses. This results in the land not maintaining a high agricultural output economic value.

An Agricultural Lands Capability Assessment has been prepared and is provided at **APPENDIX 16**. The assessment summary comprises the following:

- *The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals, due to a reliance on rainfall to grow the native pasture grasses. This results in the land not having a high agricultural output economic value. Retaining these areas on the property will retain the rural landscape look and feel of the property and allow for the grazing of animals. Grazing animals will assist with pasture management, fuel load and bushfire risk management and support the mental wellbeing of the estate residents and the wider community.*
- *The highest agricultural return for the retained area is for paid horse agistment, where a gross margin of up to \$10,651.20/year can be earned. This figure is \$4,529.07 higher than the calculated current agricultural economic output being earned by the landholder. If the treed area is not able to be grazed for biodiversity and ecological reasons, a total gross margin of \$3,170.00/year can be earned by agisting horses only on the greenspace and nature reserve area. The proposed development will result in the best part of the land being retained in its current condition. These retained areas are 51 percent of the total land area of the combined parcel of land.*

On this basis, it is considered that the proposal will meet the objectives of the RU2 zone.

- **Clause 4.3 – Height of Building**

The site does not contain a maximum height of buildings under Clause 4.3.

- **Clause 4.4 – Floor Space Ratio**

The site does not contain a maximum floor space ratio under Clause 4.4.

- **Clause 5.10 – Heritage conservation**

The subject site is not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.

An AHIMs Search has been carried out for the site and is provided at **APPENDIX 4**. The AHIMs Search identifies that 0 Aboriginal sites have been declared on or near the site (within 50m).

The proposal does not seek to destroy, deface, damage, or move an object from the land. The area of the proposed development is in an existing disturbed area and unlikely to show any visual signs of objects. If any burials/skeletal remains, shell middens or stone artefacts are found, all work is to cease immediately, and the relevant parties notified.

- **Clause 6.1 – Arrangements for designated State Public Infrastructure**

The site is located within an Urban Release Area, therefore satisfactory arrangements are required to be made for the provision of designated State public infrastructure before the subdivision of land (to be assessed under a separate application). Satisfactory arrangements are not required to be made for this application.

- **Clause 7.1 – Acid Sulphate Soils**

The objective of clause 7.1 is to ensure that development does not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. The proposed development is located within an area identified as containing Class 5 ASS.

The proposal will not require any major or deep soil disturbance works that would affect or disturb any potential ASS. In this regard, the disturbance or risk of exposing acid sulfate soils is unlikely, and an acid sulfate soil management plan is not required.

- **Clause 7.6 – Essential Services**

The consent authority cannot grant consent unless it is satisfied that all services that are essential for the development are available or that adequate arrangements have been made to make them available when required, including:

- a. **Water & sewer:** All lots within the proposed development will be connected to the internal reticulated water supply. As the site is not currently serviced by the municipal sewerage network and the timing of future connection is uncertain as mains are still

in the process of being extended through neighbouring properties. Therefore, all sewerage generated by the proposed development will be treated and managed wholly within the site by a site-specific Wastewater Treatment System (WWTS). A waste management report is contained in **APPENDIX 15**.

- b. **Electricity:** All new electricity services will be located underground.
- c. **Stormwater:** Please refer to the stormwater strategy provided at **APPENDIX 7** and plans at **APPENDIX 7**.
- d. **Access:** Access is proposed off Wollombi Road, approximately 700m west of the existing Wollombi Road / McGillivray Road / Harlington Avenue roundabout. It is noted that the existing speed limit at the proposed access location is 80km/h and reduces to 60km/h near the roundabout vicinity to the east. Based on the turning volumes in Table 5.7, the Austroads Guide indicates that the right turn into the site should be provided as a Rural Channelised T Junction – Short Lane [CHR(S)] turn treatment. New internal roads would be constructed to provide access to the expansion site. The external road network maintains suitable capacity to support the proposed additional movements, as detailed within the TIA provided at **APPENDIX 12**.

3.5 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Maitland DCP 2011 is provided in the Table of Compliance provided at **APPENDIX 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

4 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development has demonstrated its alignment with the surrounding area through compliance with environmental planning regulations. The design has undergone meticulous consideration, offering contemporary enhancements to the site while preserving significant features and safeguarding the local environment. Moreover, this proposal aligns with the objectives outlined in the Maitland Local Environmental Plan 2011. The proposal is consistent with neighbouring residential subdivisions that have received approval whilst adapting to the evolving visual landscape in this locality. The proposal has actively engaged with the owners of surrounding properties, with a focus on preserving the rural character of the area. Additionally, the proposal has been thoughtfully designed to maintain existing views of vegetation and landscape through the incorporation of buffer areas and careful design considerations in line with the natural topography of the site. This is demonstrated in the design of landscaping, fencing, siting of the development whilst maintaining preservation of green spaces within the project.

The Maitland Local Housing Strategy 2041 guides residential development for the next 20 years, emphasising diverse housing options and recognising Manufactured Home Estates (MHEs) as an affordable housing alternative due to technological advancements. This strategy highlights the absence of specific MHE controls in the Maitland Development Control Plan (DCP) and an opportunity to establish appropriate regulations, which the proposal addresses in its master planning. The Hunter Regional Plan 2041, an overarching framework for the region, which includes Maitland and promotes diverse housing and neighbourhood flexibility. Accordingly, this proposal aligns with the plan's objective to provide more affordable housing options, particularly for seniors, given the projected 110% increase in residents aged 65 and over from 2021 to 2041. The proposed development also supports encouraging innovative housing solutions by providing housing for retirees under a land lease model, which is a popular and affordable alternative to the traditional retirement model, catering to younger and more active retirees.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Please refer to assessment against Clause 7.6 of the MLEP above. The proposed development will not impact the existing access or traffic situation currently experienced on site or in the locality.

The proposed development is not considered traffic generating development under the Transport and Infrastructure SEPP. It is considered that the road network has sufficient capacity to accommodate the increase in traffic movements generated by the development and appropriate sight lines are available for safe ingress and egress, as detailed within the TIA prepared and submitted with this application. The development is not anticipated to have any significant adverse impacts on access, transport, or traffic.

4.1.3 PUBLIC DOMAIN

The proposed development will not have any negative impacts on any public domain. The development contributions derived from this development will provide infrastructure and public domain improvements in accordance with Maitland City Council framework.

4.1.4 SERVICES

Water and Sewer

All lots within the proposed development will be connected to the internal reticulated water supply. As the site is not currently serviced by the municipal sewerage network and the timing of future connection is uncertain as mains are still in the process of being extended through neighbouring properties. Therefore, all sewerage generated by the proposed development will be treated and managed wholly within the site by a site-specific Wastewater Treatment System (WWTS). A waste management report is contained in **APPENDIX 18**.

Electricity

All new electricity services will be located underground.

Stormwater

Stormwater: Please refer to the stormwater strategy provided at **APPENDIX 7** and plans at **APPENDIX 7**.

Access

Access is proposed off Wollombi Road, approximately 700m west of the existing Wollombi Road / McGillivray Road / Harlington Avenue roundabout. It is noted that the existing speed limit at the proposed access location is 80km/h and reduces to 60km/h near the roundabout vicinity to the east. Based on the turning volumes in Table 5.7, the Austroads Guide indicates that the right turn into the site should be provided as a Rural Channelised T Junction – Short Lane [CHR(S)] turn treatment. New internal roads would be constructed to provide access to the expansion site. The external road network maintains suitable capacity to support the proposed additional movements, as detailed within the TIA provided at **APPENDIX 12**.

4.1.5 NOISE AND VIBRATION

No incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.

Noise and vibration are limited to the construction period which will be managed in accordance with Safe Work requirements. No acoustic impacts or associated mitigation measures are required for future habitable structures due to the large setbacks incorporated from the surrounding road network.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

The proposed development entails the removal of five trees situated at the northern boundary of the site. An Arborist report was undertaken to assess the validity of retaining trees impacted by the civil and bulk earthworks cut/fill proposed for this development and is attached as **APPENDIX 8**.

A BDAR has been prepared and is attached to this application as **APPENDIX 13**. The site contains 23.962ha of native vegetation. A streamlined BDAR has been prepared on the area of native vegetation within or potentially impacted by the construction and operational footprint resulting in 5.26 ha. The native vegetation on the site extends into larger, highly fragmented patches of intact native vegetation, while the surrounding land has mostly been cleared for agricultural and residential purposes. Most of the development footprint will be situated within the existing grassland on the site, which is presently used for cattle grazing. This choice of location aims to minimise the impact on habitat features such as hollow-bearing trees and to preserve the higher Vegetation Integrity Score (VIS PCT's). Accordingly, the proposed development will only result in the removal of 0.28 hectares of higher quality habitat. The proposed development will also result in the planting of over 700 new trees and plants within the proposed footprint, which has already been cleared, resulting in a net increase in the number of trees and tree canopy on the site.

Overall, the development is designed to have a minimal impact on biodiversity values, native vegetation, connectivity routes, and the movement of fauna. It prioritizes the retention of better-quality habitat within the site.

4.2.2 LANDSCAPING

The proposed landscaping and plant choice is considered sufficient for the proposed development consisting of native vegetation and hedging through the development. A landscape plan is attached in **APPENDIX 9**. The design includes integrating the existing vegetation, complemented by rural-style post and rail fencing, consistent with neighbouring properties at the front of the site. This approach aligns with the land's topography and serves to reduce the visual impact providing screening from Wollombi Road.

4.2.3 ARCHAEOLOGY

An AHIMs Search has been carried out for the site and is provided at **APPENDIX 4**. The AHIMs Search identifies that 0 Aboriginal sites have been declared on or near the site (within 50m).

It is reasonable to conclude that there is a low probability of objects occurring in the proposed development. The proposal does not seek to destroy, deface, damage, or move an object from the land. The area of the proposed development is in an existing disturbed area and unlikely to show any visual signs of objects. If any burials/skeletal remains, shell middens or stone artefacts are found, all work is to cease immediately, and the relevant parties notified.

4.2.4 HERITAGE

The subject site is not identified within Schedule 5 of the LEP as containing any items or places of heritage significance. As discussed in the section prior, an undertaken AHIMs search has also resulted in 0 recorded Aboriginal sites or places (**APPENDIX 4**).

4.2.5 STORMWATER

Stormwater drainage resulting from the new roof and hard stand areas can be catered for in accordance with Council's requirements. Stormwater from the proposed development will be managed onsite via the proposed stormwater management plan prepared by Northrop (**APPENDIX 7**) which would result in the achievement of council targets and pre-development flowrates.

4.3 SOCIAL IMPACT

A Social Impact Assessment (SIA) was prepared and is provided at **APPENDIX 11**. It is considered that the proposed development.

The site is close to a range of services, shops, and recreational facilities, which supports future residents of the development. It is considered that the proposed development:

- Is consistent with the regulatory and business development framework, including state government legislation and the Maitland Council's strategic plans.
- Is anticipated to have a positive impact for people looking for more diversified housing options with a desire for a smaller and more manageable home inclusive of an enhanced community and social life.
- Will offer an alternative for retirees from the traditional retirement sector, as more retirees seek more cost effective, pension friendly alternatives as housing unaffordability worsens in a low supply and high inflationary environment over the short to medium term.

Noting the proposal will also maintain a significant portion of greenspace inclusive of a fully treed area. This retention of green space and incorporation opportunities to participate in outdoor activities will likely contribute to supporting an active lifestyle for future residents of the Proposal, promoting residents' well-being and health as well as providing opportunities that encourages social interaction.

The SIC acknowledges that the proposal will likely have a level of social risk relating to visual amenity as experienced by nearby neighbours due to the permanent changes to the existing rural environment and there will be some inconvenience and disruptions to way of life for those nearby neighbours during construction. Noting that this area is surrounded by current and proposed future developments that continue to encroach on the rural environment. The proposed development will maintain ongoing and transparent engagement with those people most impacted by the Proposal and will incorporate mitigation measures into both the design and operational aspects of the proposal. A number of changes to the proposal were made as a result of early engagement with the neighboring properties including, additional landscaping and tree plantings, rural type fencing to the frontage to maintain a rural feel, changes to the staging to mitigate construction impacts, and changes to the entry to facilitate existing vehicle movements into the neighbor's driveway.

A summary of the SIA is provided here within the SEE only. The SIA in its entirety has been appended to this SEE as noted above.

4.3.5 SAFETY, SECURITY AND CRIME PREVENTION

The proposed development is not likely to create any significant safety, security, or crime concerns on or around the site. Rather, further activation of the site is considered to result in a positive impact to the surrounding environment, with residents actively surveilling the site and area daily. The communal facilities will be installed with CCTV cameras to ensure proper surveillance of the area. Appropriate fencing is also proposed to secure the site.

5 SUITABILITY OF THE SITE

The proposed development is a suitable use of the site. The application includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE. The proposal will enable creation of additional employment opportunities and support the needs of the community.

The development will meet the requirements of the BCA and relevant Australian Standards. The site is therefore considered appropriate for the development.

6 PUBLIC INTEREST

The public interest is best served by the orderly and economic use and development of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development proposal as outlined by this SEE, has minimal impact on the surrounding locality and is considered compatible with the development in the area.

The development is considered to be in the public interest as it:

- Is a permissible form of development,
- Is consistent with the applicable environmental planning instruments, and
- It provides a positive response to affordable housing pressures within the LGA.

The proposal represents a positive contribution to Farley and is considered to be in the public's best interest.

7 SUBMISSIONS AND CONSULTATION

As part of the DA consideration process, it is envisaged Council may place the proposal on public exhibition and send neighbour notification letters to adjoining or adjacent properties. We welcome the opportunity to respond to any submissions.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed development is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE. The key reasons why the proposed development is appropriate are as follows;

- The proposed development is permissible on the site with consent and is appropriately zoned and located;
- No adverse impact on the existing character or amenity of the area will result;
- The development will have positive economic impacts for the site and the broader region;
- The development will have a positive social impact through the provision of on-site facilities and amenities, which will be managed via a Plan of Management associated with the site;
- The development will have a positive social impact through the provision of buildings and space for social gatherings; The development will contribute to the supply of affordable housing and lower cost rental housing in the locality (noting that people are experiencing housing stress); and
- The land has the capacity to accommodate the development on site whilst managing or mitigating potential environmental issues, as summarised within this SoEE and detailed within the specialist reports submitted with this application.

It is considered that the proposal will have no significant impact on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to the Council's determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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