

# STATEMENT OF ENVIRONMENTAL EFFECTS

TORRENS TITLE SUBDIVISION OF ONE LOT INTO FOUR LOTS, INCLUDING  
RETENTION OF EXISTING DWELLING AND ASSOCIATED STRUCTURES ON  
PROPOSED LOT 1 AND ASSOCIATED CIVIL WORKS, TO BE UNDERTAKEN IN  
TWO STAGES

29 BAYSWATER ROAD, BOLWARRA

LOT 1 DP 151602



# HVDS

Hunter Valley  
Development  
Services

Prepared for:  
COLHUGH PTY LTD  
3 June 2024

## DOCUMENT CONTROL

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## ABBREVIATIONS

<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>SEPP</b>	State Environmental Planning Policy

## PURPOSE OF THE REPORT

This Statement of Environmental Effects (SEE) has been prepared to address the requirements of Section 24 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*, and to provide sufficient information for the consent authority to determine the DA. The SEE includes the following:

- Section 1 - Executive summary
- Section 2 – Description of the site and locality
- Section 3 – Description of the proposed development
- Sections 4 and 5 – Statutory matters and assessment
- Section 6 - Conclusion

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## APPENDICES

Appendix	Document	Author
A	Plan of subdivision	High Definition Design Pty Ltd
B	Plan of subdivision (staging)	High Definition Design Pty Ltd
C	Engineering report including stormwater drainage concept plan	Fisher Consulting Engineers
D	Survey	Delfs Lascelles Consulting Surveyors
E	Statement of Heritage Impact	EJE
F	Tree removal and retention and building envelopes	High Definition Design Pty Ltd
G	Estimated Development Cost Report	Corbett Scott Quantity Surveying
H	Hunter Water stamped plans	
I	Heritage NSW AHIMS search result	Sourced by Hunter Valley Development Services

## 1. EXECUTIVE SUMMARY

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Hunter Valley Development Services has been retained by Colhugh Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a DA seeking approval for the Torrens Title subdivision of one lot into four lots, including retention of the existing dwelling and associated structures on Proposed Lot 1 and associated civil works, to be undertaken in two stages, at 29 Bayswater Road, Bolwarra (Lot 1 DP 151602).

The site is located within the Maitland LGA and is zoned R1 General Residential pursuant to the *Maitland Local Environmental Plan 2011*.

The site and building/s are not listed as a heritage item, however the site is located within the Bolwarra Heritage Conservation Area, as identified within Chapter E.3 – Heritage Conservation Areas of the Maitland Development Control Plan 2011.

The proposed subdivision layout has been designed to compliment the existing locality and positively contribute to the heritage significance of the Bolwarra Heritage Conservation Area. The pattern of subdivision proposed reflects development patterns of intensification and in-fill development already in occurrence throughout the suburb. The proposed subdivision introduces minimal changes to settings, views or vistas upon nearby heritage items or the Bolwarra Heritage Conservation Area.

The proposal will result in an additional 3 lots being provided within the locality, all of which exceed the minimum lot size. Ultimately, development of this site will increase the overall availability of housing within the locality.

The proposed development is consistent with the provisions prescribed within the *Maitland Local Environmental Plan 2011* and is compliant with the planning controls contained within the Maitland Development Control Plan 2011.

## 2. SITE ANALYSIS AND CONTEXT

### 2.1. THE SITE

Table 1 below provides a description of the subject site and its particulars:

Site Description	Particulars
Lot and DP	Lot 1 DP 151602
Site Address	29 Bayswater Road, Bolwarra
Owner	Colhugh Pty Ltd
Site Area	3,506m <sup>2</sup>

**Table 1: The site**

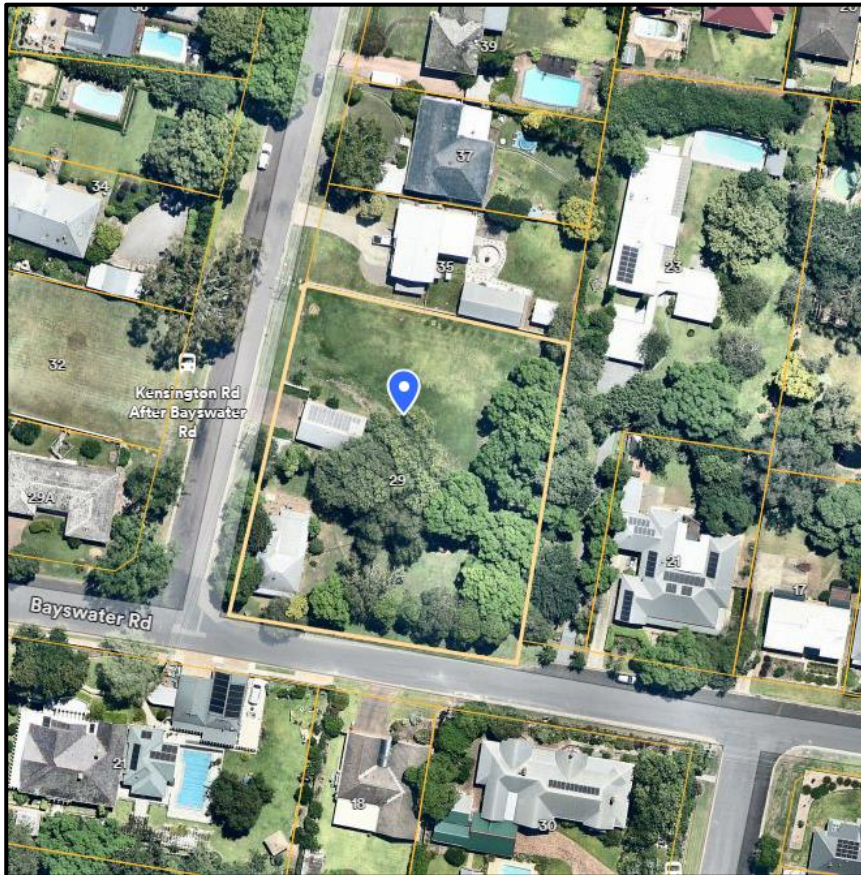
The site is located on the corner of Bayswater Road and Kensington Road, Bolwarra, within a well-established residential area predominantly consisting of detached dwelling houses on various sized residential allotments.

The site is rectilinear in shape and has a total site area of 3,506m<sup>2</sup>.

Existing improvements on the site include a detached dwelling house, and ancillary garage and shed. These are located within the southwestern and western portions of the site, respectively. In addition, the site contains a mixture of mature trees and established lawn areas.

The site grades towards a natural depression from the Kensington Road frontage to the adjoining lot (being Lot 4121 DP 1040842). Surface levels vary between approximately RL 10.5m AHD up to approximately RL 15.1m AHD on the corner of Bayswater Road and Kensington Road.

The aerial below identifies the subject site.



**Figure 1: Aerial of the site (Nearmap)**

The photographs below identify the subject site.



**Photo 1: Subject site, as viewed from the corner of Bayswater Road and Kensington Road, looking north**



**Photo 2: Existing dwelling fronting Bayswater Road**



**Photo 3: Subject site, looking west from the eastern boundary on Bayswater Road**





**Photo 4: Subject site, as viewed from the western boundary on Kensington Road**



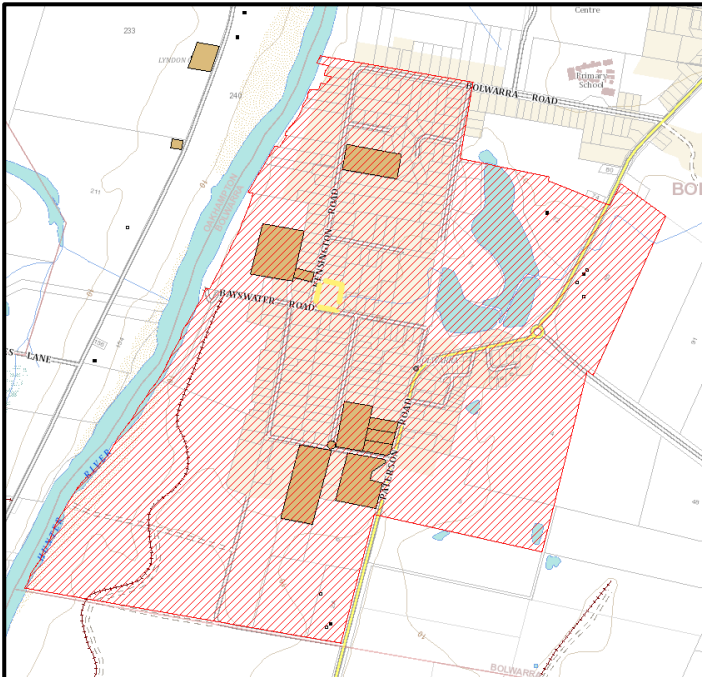
**Photo 5: Existing garage, with vehicular access from Kensington Road**

## **2.2. THE LOCALITY AND SITE CONTEXT**

The site is located within the suburb of Bolwarra, which is approximately 3.9km to the northeast of the commercial centre of Maitland.

The site and building/s are not listed as a heritage item, however the site is located within the Bolwarra Heritage Conservation Area, as identified within Chapter E.3 – Heritage Conservation Areas of the Maitland Development Control Plan 2011.

The map below identifies the site, relative to the location of the overall Bolwarra Heritage Conservation Area and individual heritage items as listed within Schedule 5 of the *Maitland Local Environmental Plan 2011*.



**Figure 2: Heritage items and Bolwarra Heritage Conservation Area (NSW Planning Portal Spatial Viewer)**

The following development is located directly adjoining the site:

- An existing two-storey residential dwelling to the north
- A driveway associated with an existing residential dwelling to the east
- Existing single-storey residential dwellings to the south, separated by Bayswater Road
- An existing single-storey residential dwelling and a vacant residential lot to the west, separated by Kensington Road

The photos below identify the locality:



**Photo 6: Eastern side of Kensington Road, as viewed from the site**



**Photo 7: Western side of Kensington Road, as viewed from the site**



**Photo 8: Bayswater Road, looking west from the site**



**Photo 9: Bayswater Road, looking east from the site**

Uses within proximity to the site include:

- Bolwarra Public School, approximately 0.7km to the northeast
- Flat Road, approximately 0.5km to the east, which provides a link to Maitland and East Maitland
- Maitland Railway Station, approximately 3.9km to the southwest
- The village centre of Lorn, approximately 1.9km to the south
- The Hunter River, approximately 270m to the west

The surrounding area is predominantly residential in nature.

The aerial below identifies the locality surrounding the subject site.



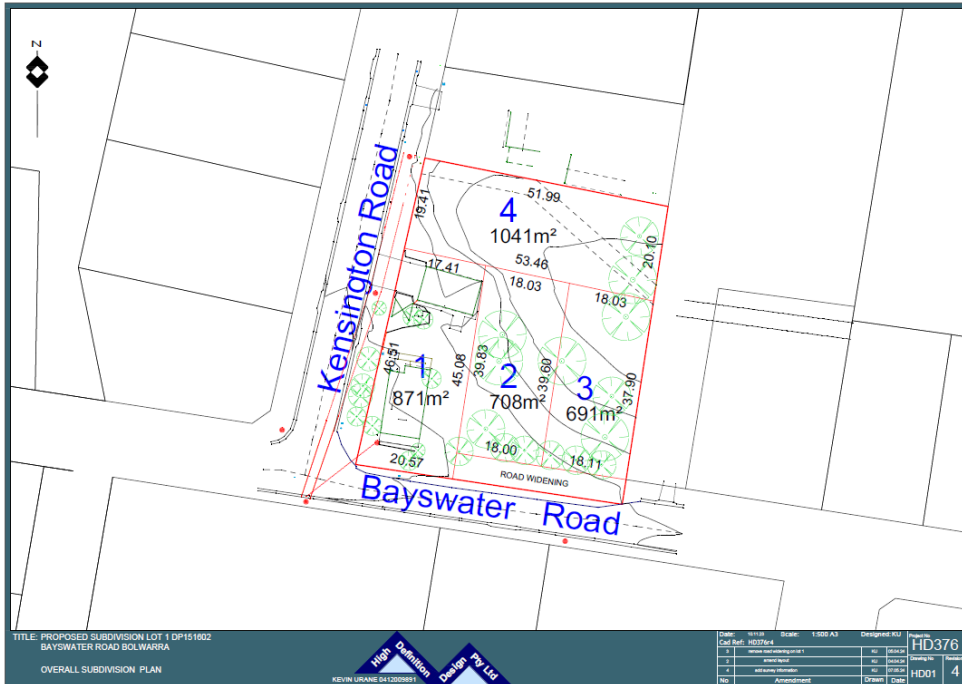
Figure 3: Aerial of the locality (Nearmap)

### 3. THE PROPOSED DEVELOPMENT

#### 3.1. THE PROPOSED DEVELOPMENT

The application proposes the Torrens Title subdivision of one lot into four lots, including retention of the existing dwelling and associated structures on Proposed Lot 1 and associated civil works, to be undertaken in two stages.

The application adopts a staged approach whereby Stage 1 involves the subdivision of the existing dwelling from the existing lot, and Stage 2 comprises the creation of three (3) additional lots. The proposal is identified in the Plan of Subdivision (Appendix A) and reproduced below.



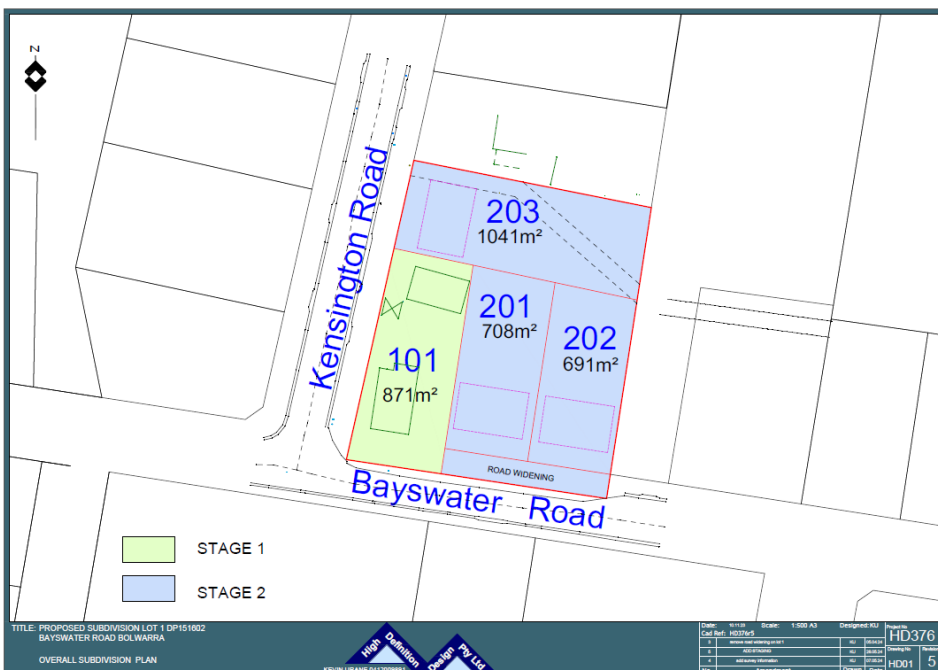
**Figure 4: Plan of subdivision (High Definition Design Pty Ltd)**

The resultant lots comprise the following areas and dimensions:

Lot	Area (m <sup>2</sup> )	Width (min)	Depth (min)
1	871m <sup>2</sup>	17.41m	45.08m
2	708m <sup>2</sup>	18.00m	39.60m
3	691m <sup>2</sup>	18.03m	37.90m
4	1041m <sup>2</sup>	19.41m	51.99m

**Table 2: Lot areas and dimensions**

The staged approach is identified in the Plan of Subdivision (Staging) (Appendix B) and reproduced below.



**Figure 5: Plan of subdivision (Staging) (High Definition Design Pty Ltd)**

The existing dwelling and associated structures are proposed to be retained on Proposed Lot 1, and no alterations/additions are proposed to any of the existing structures.

The below identifies the floor plan of the existing dwelling.



**Figure 6: Floor plan of existing dwelling (realestate.com)**

Vehicular access to Proposed Lot 1 will remain unchanged, i.e., the existing garage will continue to be accessed from Kensington Road.

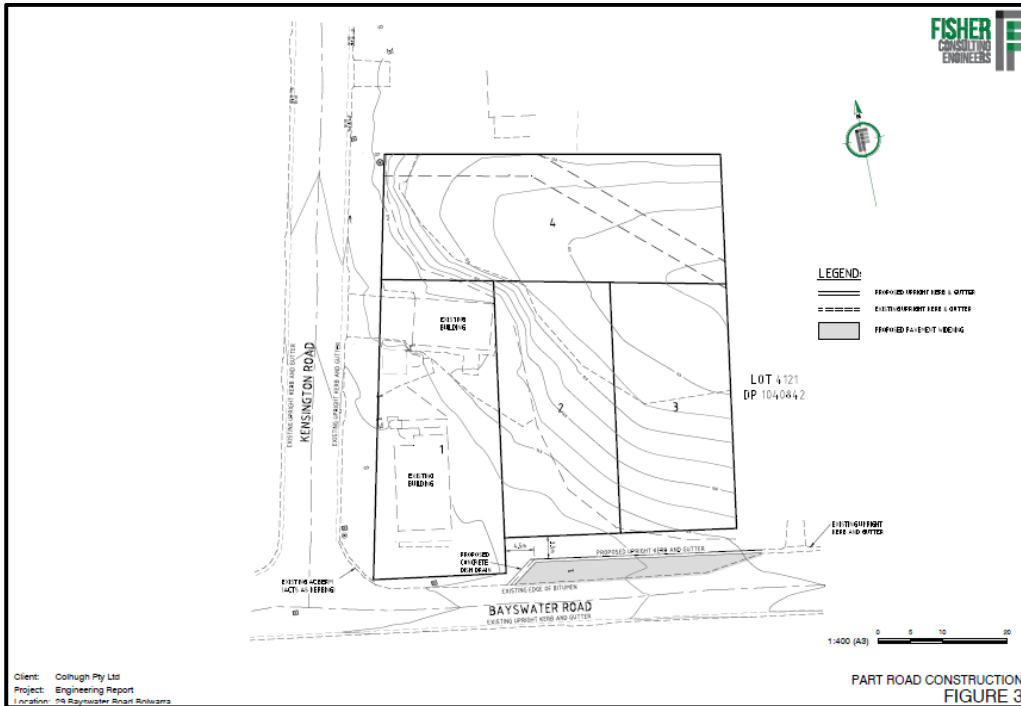
Access to the area of private open space associated with the existing dwelling will remain unchanged. Approximately 270m<sup>2</sup> of private open space is available to be used in conjunction with the existing dwelling located on Proposed Lot 1. The area of private open space can be accessed as per the existing arrangement, i.e., via the existing deck located on the northern elevation.

Civil works include the following components:

- a. Clearing of existing trees (as identified in Appendix F) to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the construction of future dwellings, and identification of indicative building envelopes.
- b. Road widening and construction of kerb and gutter (as identified on plans included in Appendix C), along the Bayswater Road frontage of Proposed Lots 2 and 3.
- c. Provision of infrastructure including stormwater drainage, water, sewer, electricity, and telecommunications.

In respect of Point (b), the following is noted:

It is proposed to construct part road with kerb and gutter along the frontage of Proposed Lots 2 and 3, with the kerb finishing prior to the Proposed Lot 1 boundary, similar to the existing limit of kerb and gutter fronting Lot 4121 DP 1040842 (23 Bayswater Road). A concrete dish drain is proposed to drain the existing edge of bitumen fronting Proposed Lot 1, to the proposed kerb and gutter. This arrangement is identified within Appendix C and illustrated below.



**Figure 7: Part road construction (Fisher Consulting Engineers)**

The abovementioned arrangement is consistent with general legal principles, as follows:

- Access arrangements are not being modified with respect to Proposed Lot 1, i.e., vehicular access will continue to be provided from the Kensington Road frontage to the existing garage associated with the existing dwelling on Proposed Lot 1 (both of which are proposed to be retained).
- Future vehicular access will be required from Bayswater Road with respect to Proposed Lots 2 and 3, hence the application proposes part road construction (i.e., in order to facilitate access to these lots).
- Council's City Wide Section 94 Contributions Plan 2016 does not identify the dedication of the land free of charge, therefore any such requirement for the land to be dedicated is inconsistent with Sections 7.11 and 7.13 of the *Environmental Planning and Assessment Act 1979*, and subsequently unlawful.
- As outlined within Section 5, the proposed development, once future dwellings are constructed, has the potential to generate an additional 27 vehicle trips per day, or 2.5 vehicle trips per hour beyond that currently associated with the site.

Based upon the current standard of Bayswater and Kensington Roads and the surrounding road network, and the small scale of the proposal and the minimal increase in traffic; it is considered that the existing road network is capable of absorbing the additional traffic without adversely impacting current levels of service or causing nuisance or road safety issues.

On the basis of the above, there is no nexus to require any additional upgrading/road widening of Bayswater Road, above that proposed in conjunction with this application, the primary purpose of which is to facilitate vehicular access to Proposed Lots 2 and 3.

- Any requirement to construct and/or dedicate additional road (above that proposed in conjunction with this application) would fail the *Newbury* test, in that the condition would not be for a planning purpose, would not fairly and reasonably relate to the proposed development, and would be unreasonable.

## 4. STATUTORY MATTERS

### 4.1. OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed development is consistent with the objects of the EP&A Act. Specifically, the following is noted:

- The proposed development promotes the orderly and economic use and development of land and is permitted with consent in the prevailing zone pursuant to the MLEP 2011.
- The proposed development does not result in any harm to the environment and will not adversely impact on threatened and other species of native animals and plants, ecological communities and their habitats.
- The proposed development promotes an appropriate subdivision layout which reflects the pattern of intensification and in-fill development already in occurrence throughout the suburb; introduces minimal changes to settings, views or vistas upon nearby heritage items or the Bolwarra Heritage Conservation Area; and will result in an increase in housing within the locality.

### 4.2. SECTION 1.7 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 of the *Environmental Planning and Assessment Act 1979*, prescribes as follows:

*'This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment'.*

#### **Biodiversity Conservation Act 2016**

The BC Act aims to, in part, establish a scientific method for assessing the likely impacts of a proposed development on biodiversity values.

Part 7 of the BC Act relates to biodiversity assessment and approvals under the *EP&A Act*.

Under Section 7.2 of BC Act, there are three (3) triggers for development or activities to be considered as 'likely to significantly affect threatened species'.

Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity assessment report (BDAR) if it meets one or more of conditions for 'likely to significantly affect threatened species'.

The table below considers the proposed development against the three (3) triggers.

Development or an activity is likely to significantly affect threatened species if:		Comment
a	<i>It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	<p>The site is currently vegetated with a mix of both native and introduced tree species that are typical of the historic residential use of the site.</p> <p>A number of trees are proposed to be retained, including all trees located within Proposed Lot 1, and all trees located along the Kensington Road frontage.</p> <p>Some tree removal is required to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the construction of future dwellings, and identification of indicative building envelopes on Proposed Lots 2, 3 and 4.</p> <p>Removal of such trees is highly unlikely to affect threatened species or ecological communities or their habitats as a number of these trees comprise introduced species.</p>
b	<i>The development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or</i>	<p>Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation declared in the <i>Biodiversity Conservation Regulation 2017</i> (the BC Regulation).</p> <p>Clause 7.1 of the BC Regulation provides that development exceeds the threshold if it is or involves:</p>



		<p>1. the clearing of native vegetation of an area declared by Clause 7.2 of the BC Regulation as exceeding the threshold; or</p> <p>2. the clearing of native vegetation, or other action prescribed by Clause 6.1, on land included on the Biodiversity Values Map.</p> <p>With respect to the first item, Clause 7.2 of the BC Regulation provides clearing thresholds depending on the minimum lot size applying to the land under an environmental planning instrument (or the actual size of the land where no minimum lot size applies).</p> <p>The applicable clearing threshold is 0.25 hectares as the minimum lot size under the MLEP 2011 in respect of the site is 450m<sup>2</sup>.</p> <p>Proposed vegetation removal comprises 11 trees in total which will not exceed 0.25 hectares, particularly considering that the majority of the existing trees are not native.</p> <p>With respect to the second item, the site is not included on the Biodiversity Values Map.</p> <p>For the reasons set out above, the proposed development does not exceed the biodiversity offsets scheme threshold and a BDAR is not required.</p>
c	<i>It is carried out in a declared area of outstanding biodiversity value.</i>	The site is not located within a declared area of outstanding biodiversity value. Accordingly, a BDAR is not required.

**Table 3: Biodiversity Conservation Act 2016 assessment**

Due to the cleared and modified nature of the site, it is considered that the proposed development will not adversely impact on threatened species, populations or ecological communities, or their habitats.

On the basis of the above and having regard for section 1.7 of the EP&A Act, the proposed development is considered acceptable.

#### 4.3. SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 5 provides an assessment of the proposal against the provisions of Section 4.15 of the EP&A Act.

#### 4.4. SECTION 4.46 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.46 of the EP&A Act states that development that requires both development consent and another approval listed under that section is 'Integrated Development'.

The table below outlines the integrated development approvals and specifies whether any of them are relevant to the proposed development.

Act	Provision	Approval	Applicability to Development	
			Yes	No
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	s 201	permit to carry out dredging or reclamation work	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease,	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		or on the foreshore of any such land or lease		
	s 219	permit to— a) set a net, netting or other material, or b) construct or alter a dam, floodgate, causeway or weir, or c) otherwise create an obstruction across or within a bay, inlet, river or creek, or across or around a flat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	s 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Roads Act 1993</i>	s 138	consent to— a) erect a structure or carry out a work in, on or over a public road, or b) dig up or disturb the surface of a public road, or c) remove or interfere with a structure, work or tree on a public road, or d) pump water into a public road from any land adjoining the road, or e) connect a road (whether public or private) to a classified road	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 4: Integrated Development assessment**

As outlined above, the proposed development is not Integrated Development.

#### 4.5. STATE ENVIRONMENTAL PLANNING POLICIES

The table below outlines the relevant SEPPs.

SEPP	Applicability to Development	
	Yes	No
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Housing) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Industry and Employment) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Planning Systems) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts—Central River City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts—Regional) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Primary Production) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
State Environmental Planning Policy (Resources and Energy) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Sustainable Buildings) 2022	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Table 5: Relevant SEPPs**

The following discusses the applicable SEPPs:

##### 4.5.1. SEPP (RESILIENCE AND HAZARDS) 2021

**Clause 2.10** of SEPP (Resilience and Hazards) 2021 prescribes that Council must not consent to the carrying out of development on land unless it has considered whether the proposed development is likely to cause an adverse impact on the following:

- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- b) coastal environmental values and natural coastal processes,
- c) the water quality of the marine estate, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- f) Aboriginal cultural heritage, practices and places,
- g) The use of the surf zone.

The site is mapped within the Coastal Environment Areas prescribed by the SEPP.

In respect of the considerations outlined above, it is noted that the development has been designed, sited and will be managed to avoid the adverse impacts referred to in Clause 2.10(1). In particular, the proposed subdivision will not adversely impact the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; water quality of the marine estate; nor will it negatively impact on any coastal environmental values and natural coastal processes. In addition, the proposal does not affect marine/native vegetation and associated habitats; and will not impact upon existing public access to the foreshore or existing Aboriginal cultural heritage, practices and places.

In consideration of the above, Council is not precluded from granting development consent to the proposal.

**Clause 4.6** of *SEPP (Resilience and Hazards) 2021* prescribes that Council must not consent to the carrying out of development on land unless:

- h) it has considered whether the land is contaminated, and
- i) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- j) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has historically been used for residential purposes. A review of historic aerial photography in respect of the site has not identified any contaminating uses, as evidenced by the maintained nature of the property and associated open space. In addition, the site is not listed on the NSW list of contaminated/notified sites, as published by the EPA.

In consideration of the above, it is reasonable to conclude that the site is not contaminated and is therefore suitable for the proposed development.

#### 4.5.2. SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

The table below outlines the relevant clauses of *SEPP (Transport and Infrastructure) 2021*, and provides a response to each:

<b>SEPP (Transport and Infrastructure) 2021</b>		
<b>Clause</b>	<b>Matter</b>	<b>Comment</b>
2.48(1)(b)(iii)	Development carried out within 5m of an exposed overhead electricity power line	<p>Overhead electricity power lines exist:</p> <ul style="list-style-type: none"> <li>• on the southern side of Bayswater Road; and</li> <li>• on the eastern side of Kensington Road.</li> </ul> <p>Works are not proposed within 5m of the overhead electricity power lines located on the eastern side of Kensington Road.</p> <p>In consideration of the above, Council is not required to give written notice of the application to the relevant electricity supply authority.</p>

**Table 6: SEPP (Transport and Infrastructure) 2021 assessment**

#### 4.6. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The table below outlines the relevant provisions of the *Maitland Local Environmental Plan 2011* and provides an assessment of the proposal's compliance with such.

<b>Maitland Local Environmental Plan 2011</b>												
<b>Provision</b>	<b>Required</b>	<b>Comment</b>										
Clause 2.6 Subdivision	Consent is required for subdivision to which the LEP applies	Consent is sought for the Torrens Title subdivision of the site into four (4) lots, to occur over two (2) stages.										
Land Use Table	Site is zoned R1 General Residential	Subdivision is permitted by virtue of Clause 2.6, as outlined above.  Consent is sought for the proposed development.										
	<p><i>Objectives of zone:</i></p> <ul style="list-style-type: none"> <li><i>To provide for the housing needs of the community</i></li> <li><i>To provide for a variety of housing types and densities</i></li> <li><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i></li> </ul>	<p>The proposed development is consistent with the objectives of the R1 General Residential zone. Specifically, the following is noted:</p> <ul style="list-style-type: none"> <li>The proposal will result in an additional 3 lots being provided within the locality, all of which exceed the minimum lot size prescribed.</li> <li>Development of this site will increase the overall availability of housing within the locality and provide for a range of dwelling types, thereby contributing to housing diversity.</li> </ul>										
Clause 4.1 Minimum lot size	Consideration of minimum lot size	<p>The minimum lot size map prescribes a minimum lot size of 450m<sup>2</sup> in respect of the subject site.</p> <p>The application proposes the subdivision of the site into four (4) lots, over two (2) stages, comprising the following areas:</p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Area (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>871m<sup>2</sup></td> </tr> <tr> <td>2</td> <td>708m<sup>2</sup></td> </tr> <tr> <td>3</td> <td>691m<sup>2</sup></td> </tr> <tr> <td>4</td> <td>1041m<sup>2</sup></td> </tr> </tbody> </table> <p>All lots exceed the minimum lot size of 450m<sup>2</sup>.</p>	Lot	Area (m <sup>2</sup> )	1	871m <sup>2</sup>	2	708m <sup>2</sup>	3	691m <sup>2</sup>	4	1041m <sup>2</sup>
Lot	Area (m <sup>2</sup> )											
1	871m <sup>2</sup>											
2	708m <sup>2</sup>											
3	691m <sup>2</sup>											
4	1041m <sup>2</sup>											
Clause 5.10 Heritage conservation	Consideration of items of heritage significance	<p>The site and building/s are not listed as a heritage item, however the site is located within the Bolwarra Heritage Conservation Area, as identified within Chapter E.3 – Heritage Conservation Areas of the Maitland Development Control Plan 2011.</p> <p>A Statement of Heritage Impact (Appendix E) has been submitted in support of the application, consistent with the requirements of Clause 5.10(5).</p> <p>The Statement of Heritage Impact concludes that <i>'when viewed as a subdivision, the proposed works will have no impact on the immediate built environment or the local heritage conservation area. Future residential development on the subdivided parcels of land will have to consider local LEP and DCP requirements during the design and proposal phase to ensure potential development is suitable for construction.</i></p> <p><i>It is worth noting that a pattern of subdivision/intensification has already been observed in Bolwarra over its entire history and that several recent site subdivisions have been successfully</i></p>										

		<p><i>approved/constructed in the past decade. This phenomenon is a continuation of the historic pattern which is already evident in Bolwarra'.</i></p> <p>It is considered that the proposed development is consistent with the objectives of Clause 5.10, in that the subdivision facilitates the conservation of environmental heritage of Maitland; will not impact on the immediate built environment or heritage conservation area; and will conserve the heritage significance of the fabric, settings and views of the heritage conservation area.</p> <p>In addition to the above, a search of Heritage NSW AHIMS (Appendix I) has identified that no Aboriginal sites or places have been recorded/declared on or within 50m of the subject site.</p>
Clause 5.21 Flood planning	Consideration of flooding	N/A – the site is not located within a flood planning area.
Clause 7.1 Acid sulfate soils	Consideration of acid sulfate soils	<p>Site is identified as being Class 5.</p> <p>Clause (2) requires development consent (in the case of Class 5 land) if:</p> <p><i>'works are within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land'.</i></p> <p>Works are located within 500m of adjacent Class 1, 2, 3 or 4 land, however such land is not below 5 metres AHD, and the watertable is not likely to be lowered below 1 metre AHD as a result of the proposed development.</p> <p>In consideration of the above, no acid sulfate soils management plan or preliminary assessment, or any further consideration under this clause, is required.</p>
Clause 7.2 Earthworks	Consideration of earthworks	<p>Earthworks are proposed in conjunction with the overall development. Specifically, minor site regrading is proposed to ensure all overland flow from the site is directed toward the existing drainage easement located on the site. The proposed site regrading will not alter the location of the existing low point on the site, and overall, the downstream flowpath will remain consistent with the existing situation.</p> <p>On the basis of the above, it is considered that the proposed minor earthworks are consistent with the requirements of this clause.</p>
Clause 7.4 Riparian land and watercourses	Consideration in respect of watercourses	N/A – site is not identified as 'Watercourse land' and is not located within 40 metres of the top of the bank of a watercourse identified as 'Watercourse land' on the Watercourse Map.

**Table 7: LEP assessment**

## 5. SECTION 4.15 ASSESSMENT

Section 4.15 of the EP&A Act outlines the matters that a consent authority is required to take into consideration when determining a DA.

The following information outlines the relevant heads of consideration and identifies how each of these matters has been considered in respect of the proposed development.

### 5.1. THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Section 4 provides an assessment of the proposal against the provisions of relevant Environmental Planning Instruments.

### 5.2. ANY PROPOSED INSTRUMENT

There are no proposed instruments applicable to the proposed development.

### 5.3. THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

#### 5.3.1. MAITLAND DEVELOPMENT CONTROL PLAN 2011

The tables below outline the relevant provisions of the Maitland Development Control Plan 2011 and provide an assessment of the proposal's compliance with such.

<b>Part B: Environmental Guidelines</b>					
<b>Part B.5 – Tree and Vegetation Management</b>					
<b>Required</b>		<b>Provided</b>	<b>Complies</b>		
			<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Application</b>					
Development consent is required for the clearing of any vegetation to which Clause 5.10 – Heritage conservation in the Maitland LEP 2011, applies.		Noted.  Consent is sought for the removal of 11 trees, as identified on the plan contained in Appendix F. This is discussed further in Part 2, below.			
<b>1. Clearing of Vegetation that Requires a Council Consent</b>					
Consent from Council is required prior to clearing/removal of specific vegetation.		Noted, however Part 2 applies in this case – refer to below discussion.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Clearing of Vegetation that Requires Development Consent</b>					
Development consent is required for the clearing of any vegetation to which Clause 5.10 – Heritage conservation in the Maitland LEP 2011, applies.		Noted.  Consent is sought for the removal of 11 trees, as identified on the plan contained in Appendix F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1	Statement of Heritage Impact to be submitted with an application for the clearing of vegetation that is a Heritage Item.	Site is not identified as containing a Heritage Item. Notwithstanding, a Statement of Heritage Impact (Appendix E) has been submitted in support of the application.  With respect to vegetation, the Statement of Heritage Impact states as follows:  'Some tree removal is proposed to direct future building envelopes. The trees to be removed are not significant to the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		<i>site or nearby items. The aerial photos.....demonstrate that all the trees on site east of the existing dwelling can be dated after 1993. They are not regarded as landmark trees or remnant plantings in the Bolwarra Heritage Conservation Area. Existing street trees to boundaries will be maintained to ensure maximum screening to neighbouring heritage items'.</i>				
2.2	Submission requirements for tree lopping.	Tree lopping not proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Arborist Report to be submitted for clearing of vegetation on land that contains a Heritage Item.	<p>Site is not identified as containing a Heritage Item. Notwithstanding, all trees located within Proposed Lot 1 and all trees located along the Kensington Road frontage are proposed to be retained.</p> <p>Some tree removal is required to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the construction of future dwellings, and identification of indicative building envelopes on Proposed Lots 1, 2 and 3.</p> <p>As outlined previously, all existing trees on site east of the existing dwelling were planted after 1993, and they are not regarded as landmark trees or remnant plantings.</p>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Arborist Report to be submitted for works on a heritage item.	Works are not proposed on a heritage item.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Additional information may be required for clearing of vegetation in a HIA.	<p>Noted.</p> <p>Some vegetation removal is proposed, and the trees to be removed are not identified as landmark trees or remnant plantings.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6	Consideration of Performance Criteria and industry standards.	Heritage items and significant trees are retained in the landscape.	<p>Vegetation on the subject site is not listed on the Significant Tree Register.</p> <p>The application proposes the removal of 11 trees. The removal of this vegetation does not impact on the heritage qualities of the area.</p> <p>Importantly, all trees located within Proposed Lot 1, and all trees located along the Kensington Road frontage are proposed to be retained.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		The heritage qualities of the area are maintained.	11 trees are proposed to be removed to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

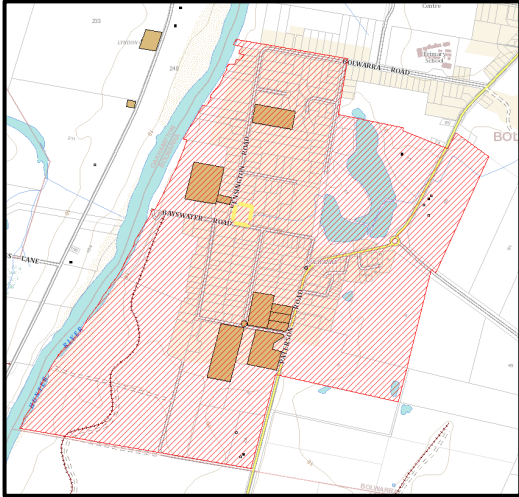


			<p>construction of future dwellings, and identification of indicative building envelopes.</p> <p>The removal of these trees will not impact on the heritage qualities of the area, particularly considering that existing street trees (in Kensington Road) are to be maintained, along with all trees located on Proposed Lot 1.</p>			
		Heritage items and significant trees are protected from works that may damage the tree.	<p>Vegetation on the subject site is not listed on the Significant Tree Register. In addition, the site is not identified as a heritage item.</p> <p>No lopping of trees is proposed.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Clearing of Vegetation on the Significant Tree Register</b>						
Consent from Council is required for the clearing of vegetation listed on the Significant Tree Register.		Vegetation on the subject site is not listed on the Significant Tree Register.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 8: DCP assessment Part B.5 – Tree and Vegetation Management**

<b>Part C: Design Guidelines</b>						
<b>Part C.4 – Heritage Conservation</b>						
<b>Required</b>	<b>Provided</b>	<b>Complies</b>				
		<b>Yes</b>	<b>No</b>	<b>N/A</b>		
<b>Application and Objectives</b>						
Applies to all heritage items and heritage conservation areas to which Clause 5.10 in the Maitland LEP 2011, applies.	<p>Noted.</p> <p>The site is located within the Bolwarra Heritage Conservation Area.</p>					
<b>1. Development Process</b>						
Heritage Impact Statement (HIS) can be requested by Council.	<p>Noted.</p> <p>A Statement of Heritage Impact (Appendix E) has been submitted in support of the application.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other supplementary reports can be requested by Council.	Supplementary reports not applicable in this instance as the existing building on the site is not identified as a heritage item, rather, the site is located within a heritage conservation area.					
<b>2. Owner Responsibilities</b>						
Local and state government provisions.	Application proposes to retain the existing dwelling and associated structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

3. General Requirements for Alterations and Additions														
General requirements for alterations and additions.	Application proposes to retain the existing dwelling and associated structures in their current forms. No alterations/additions are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4. General Requirements for New Buildings in Historic Areas														
General requirements for new buildings.	Application proposes the subdivision of the existing lot into four lots, and retention of the existing dwelling and associated structures on Proposed Lot 1.  No new buildings are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
5. General Requirements for New Commercial Buildings in Historic Areas														
General requirements for new buildings.	Application does not propose the erection of any new commercial buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
6. New Development in the Vicinity of Heritage Items														
Requirements for new buildings in the vicinity of heritage items.	Application does not propose the erection of any new buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
7. Signage														
Requirements relating to signage.	No signage is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
8. Subdivision of Land														
The proposal should not substantially alter the density of development such that the character and heritage significance of the conservation area is adversely affected.	<p>The application proposes the subdivision of the site into four (4) lots, comprising the following areas:</p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Area (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>871m<sup>2</sup></td> </tr> <tr> <td>2</td> <td>708m<sup>2</sup></td> </tr> <tr> <td>3</td> <td>691m<sup>2</sup></td> </tr> <tr> <td>4</td> <td>1041m<sup>2</sup></td> </tr> </tbody> </table> <p>The proposed subdivision incorporates an average lot size of 828m<sup>2</sup>, which significantly exceeds the minimum lot size of 450m<sup>2</sup>.</p> <p>In addition, the configuration of the proposed subdivision layout, incorporating lots that maintain individual street frontages to either Bayswater Road or Kensington Road, reinforces the existing pattern of subdivision prevalent throughout the Bolwarra Heritage Conservation Area.</p> <p>As outlined within the Statement of Heritage Impact, 'it is worth noting that a pattern of subdivision/intensification has already been observed in Bolwarra over its entire history and that several recent site subdivisions have been successfully approved/constructed in the past decade. This phenomenon is a continuation of the historic pattern which is already evident in Bolwarra'.</p> <p>On the basis of the above, it is considered that the proposed subdivision will not adversely affect the character and heritage significance of the heritage conservation area.</p>	Lot	Area (m <sup>2</sup> )	1	871m <sup>2</sup>	2	708m <sup>2</sup>	3	691m <sup>2</sup>	4	1041m <sup>2</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lot	Area (m <sup>2</sup> )													
1	871m <sup>2</sup>													
2	708m <sup>2</sup>													
3	691m <sup>2</sup>													
4	1041m <sup>2</sup>													
The allotment and building spacing should be typical of surrounding development.	The proposed lots will be consistent with the smaller lots which exist throughout the locality, including along parts of Bayswater Road and Kensington Road. This will ensure that future building spacing is consistent and typical of dwellings located along both street frontages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

	<p>Vistas and views to and from any heritage items in the vicinity will not be impacted by the proposed subdivision and the erection of future dwellings on the proposed lots. As identified in the below map, individual heritage items are not located directly adjoining the site, rather most of the heritage items are removed from the immediate area:</p>  <p>Building envelopes have been identified in respect of Proposed Lots 1, 2 and 3 (Appendix F), which confirm that future dwellings can be suitably located on the proposed lots to reinforce the existing pattern of development within the locality.</p> <p>Retention of all vegetation within the boundaries of Proposed Lot 1, and all existing street trees in Kensington Road, will ensure that the landscape quality of the conservation area is maintained.</p>			
<p>The scale and form of proposed new development should not detract from the significant and dominant heritage elements of the conservation area's streetscape.</p>	<p>The proposed subdivision will not detract from the significant and dominant heritage elements of the conservation area's streetscape.</p> <p>As prescribed within Part E3 – Heritage Conservation Areas of the DCP, the village of Bolwarra has changed markedly since the flood of 1955 because of substantial infill rebuilding. Bolwarra presents a less uniform visual quality of development, and denser settlement on smaller lots is evident in parts of Bolwarra.</p> <p>The Bolwarra Conservation Area is significant, in part, due to the buildings and gardens located within the locality. The proposed subdivision has been carefully designed to retain all vegetation on Proposed Lot 1 and within the Kensington Road frontage, thereby ensuring minimal change to the existing streetscape. 11 trees are proposed to be removed from Proposed Lots 1, 2 and 3, however this is to ensure that the lots are fit for purpose and are capable of supporting the construction of future dwellings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	As outlined within the Statement of Heritage Impact, 'it is worth noting that a pattern of subdivision/intensification has already been observed in Bolwarra over its entire history and that several recent site subdivisions have been successfully approved/constructed in the past decade. This phenomenon is a continuation of the historic pattern which is already evident in Bolwarra'.			
The details of the required works and services should be consistent with original elements of the conservation area.	<p>Civil works proposed in conjunction with the subdivision, including the following:</p> <ul style="list-style-type: none"> <li>• Clearing of existing trees (as identified on the plan of subdivision), to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the construction of future dwellings, and identification of indicative building envelopes.</li> <li>• Road widening and construction of kerb and gutter (as identified on the civil plans), along the Bayswater Road frontage.</li> <li>• Provision of infrastructure including stormwater drainage, water, sewer, electricity, and telecommunications.</li> </ul> <p>The proposed road widening will form an extension of the existing kerb and gutter located directly to the east of the subject site.</p> <p>The works proposed in respect of services are not inconsistent with the original elements of the heritage conservation area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. General Conservation Guidelines</b>				
Guidelines that apply to projects which involve work to conserve an existing historic building or place (may range from listed heritage items to buildings in a conservation area).	Application does not propose to conserve a historic building or place.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 9: DCP assessment Part C.4 – Heritage Conservation**

<b>Part C: Design Guidelines</b>				
<b>Part C.10 – Subdivision</b>				
<b>Required</b>	<b>Provided</b>	<b>Complies</b>		
		<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Application</b>				
Chapter applies principally to the design and construction of new subdivisions.	Noted. Application proposes a subdivision; therefore Chapter C.10 is relevant.			
<b>Objectives</b>				
Proposal to be consistent with DCP objectives	<p>Proposal is consistent with the objectives, as follows:</p> <ul style="list-style-type: none"> <li>• A pattern of subdivision is proposed which reinforces the pattern of development within the existing locality and promotes the orderly development of land.</li> <li>• The proposal efficiently utilises an existing land resource and will result in an additional three (3) lots being made available within the locality for the purpose of residential development.</li> </ul>			

		<ul style="list-style-type: none"> <li>The proposed subdivision responds to the site conditions and addresses physical constraints.</li> <li>The subdivision does not adversely impact on the heritage significance of the heritage conservation area.</li> </ul>			
<b>1. Titles Systems for Subdivision</b>					
Three main forms of subdivision and relates land title in NSW.		Noted.  Application proposes the Torrens Title subdivision of the site into four (4) lots, to occur over two (2) stages.			
<b>2. Subdivision Design Process</b>					
Site Assessment to be submitted and form the basis of the SEE.		Site Assessment contained in Section 2 of this SEE.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Design Elements</b>					
<b>EC.1 Flora and Fauna</b>					
EC1.1	Protect areas of significant habitat.	The site is not identified as an environmentally sensitive area, rather the site is currently vegetated with a mix of both native and introduced tree species that are typical of the historic residential use of the site. All vegetation located to the east of the existing dwelling was planted post 1993.  It is proposed to retain all existing vegetation within the boundaries of Proposed Lot 1, along with all existing street trees in Kensington Road; thereby ensuring that the landscape quality of the conservation area is maintained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.2	Design of subdivision to avoid significant stands of trees.	No significant stands of trees located on the subject site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.3	Retain existing natural drainage lines and watercourses where practicable, revegetate and include in open space areas etc.	Natural drainage line has been considered in the plan of subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.4	Link existing vegetation corridors.	There are no significant vegetation corridors within proximity to the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.5	Incorporate significant vegetation within lot boundaries.	No significant vegetation is located on the site. Trees to be retained/removed are clearly identified on the plan of subdivision (Appendix F).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.6	Land title to reflect the need to protect and enhance vegetation.	Noted. Torrens Title subdivision proposed, as such, vegetation will be the responsibility of future owners.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.7	Drainage lines to be mapped, vegetation to be removed to be identified.	Noted. Natural drainage line has been considered in the plan of subdivision, and vegetation to be retained/removed is clearly identified on the plan of subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.8	Requirements relating to flora and fauna assessment report.	The site is not identified as an environmentally sensitive area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.9	If environmental enhancement required, a planting and vegetation management scheme is to be submitted.	No environmental enhancement required/proposed – site does not contain significant areas of native vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EC1.10	Requirements relating to planting.	Application proposes the Torrens Title subdivision of the site into four (4) lots. No built form is proposed in conjunction with the application. Accordingly, no planting is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.11	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.12	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC1.13	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EC.2 Heritage and Archaeology</b>					
EC2.1	Clause 5.10 of the MLEP 2011, applies.	Noted.			
EC2.2	If a subdivision affects any listed item, the impact must be evaluated.	A Statement of Heritage Impact has been submitted in support of the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC2.3	Preparation of an Archaeological Assessment may be required in certain circumstances.	Noted.  A search of Heritage NSW AHIMS (Appendix I), has identified that no Aboriginal sites or places have been recorded/declared on or within 50m of the subject site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EC.3 Hazards</b>					
EC3.1	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.2	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.3	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.4	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.5	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.6	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.7	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.8	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.9	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.10	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.11	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.12	Requirements relating to bushfire prone land.	Site is not identified as being bushfire prone land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.13	Requirements relating to land that is identified as being subject to landslip.	Site is not identified as being subject to landslip.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EC3.14	Requirements relating to land contamination.	Noted. Refer to separate assessment contained within Section 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
EC3.15	Requirements relating to geotechnical requirements.	Noted. Refer to separate assessment contained within Section 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
<b>DC.1 Lot Size and Dimensions</b>															
DC1.1	Provide a range of lot sizes. No more than 40% of the lot frontages within each street block may have the same lot width type.	Four (4) lots are proposed, comprising the following: <table border="1" data-bbox="564 499 963 651"> <thead> <tr> <th>Lot</th> <th>Area (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>871m<sup>2</sup></td> </tr> <tr> <td>2</td> <td>708m<sup>2</sup></td> </tr> <tr> <td>3</td> <td>691m<sup>2</sup></td> </tr> <tr> <td>4</td> <td>1041m<sup>2</sup></td> </tr> </tbody> </table> As identified, a range of lot sizes are proposed.  The application proposes a form of infill subdivision; therefore, the lot width control does not apply as 'street blocks' are not being created.	Lot	Area (m <sup>2</sup> )	1	871m <sup>2</sup>	2	708m <sup>2</sup>	3	691m <sup>2</sup>	4	1041m <sup>2</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lot	Area (m <sup>2</sup> )														
1	871m <sup>2</sup>														
2	708m <sup>2</sup>														
3	691m <sup>2</sup>														
4	1041m <sup>2</sup>														
DC1.2	Provide a subdivision structure plan.	The application proposes a form of infill subdivision; therefore, this control does not apply.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.3	Provide a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking/cycling.	The subdivision pattern proposed reinforces the neighbourhood of Bolwarra and encourages walking/cycling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
DC1.4	Subdivision design to consider natural landform features.	The design considers and incorporates the natural drainage channel that exists on the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
DC1.5	Building envelope: min 15m x 10m behind the building line.	The lots range in size between 691m <sup>2</sup> and 1041m <sup>2</sup> .  Building envelopes (behind the building line), have been identified (Appendix F).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
DC1.6	Requirements relating to rural and conservation zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.7	Requirements relating to rural and conservation zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.8	Requirements relating to industrial and commercial zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.9	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.10	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.11	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
DC1.12	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										

DC1.13	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC1.14	Requirements relating to access handles and carriageways.	Access handle and/or carriageway, not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DC.2 Solar Access and Energy Efficiency</b>					
DC2.1	80% of new lots are to have 5-star solar access.	All lots proposed will have 5-star solar access. The lots all significantly exceed the minimum lot size and have large areas for the provision of north-oriented areas of private open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.2	Lot sizes are to reflect topography, aspect and other constraints.	The lot sizes proposed reflect the subdivision pattern in the locality. Topography, aspect and vegetation retention have been considered in the subdivision design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.3	Lots should be oriented to provide one axis within 30 degrees east and 20 degrees west of true solar north.	All lots are oriented to the north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.4	Where northern orientation is not possible, lots should be wider.	Northern orientation is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC2.5	Street tree planting to take environmental matters into consideration.	Street trees exist along the Kensington Road frontage, and these are proposed to be retained.  It is noted and accepted that Council will impose a condition of consent requiring the planting of street trees along the Bayswater Road frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DC.3 Drainage, Water Quality and Soil Erosion</b>					
DC3.1	Incorporate existing topography and drainage lines into the drainage design.	Noted. Design of subdivision considers and incorporates the natural drainage channel that exists on the site. Lots that are unable to drain via gravity to the street system have been provided with inter-allotment drainage in accordance with Council's Manual of Engineering Standards (MOES).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.2	Drainage to be consistent with pre-development stormwater patterns.	The engineering report (Appendix C), lodged in conjunction with the application confirms that stormwater will be conveyed to the existing stormwater drainage system and easement; stormwater patterns and distribution will not be altered by the proposed development, and no adjoining properties will be adversely impacted as a result of the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.3	Implement best management practices.	Noted. Best management practices will be implemented; refer to Appendix C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.4	Incorporate gross pollutant traps, constructed wetlands and detention basins.	Proposed subdivision is a form of infill development. No gross pollutant traps, constructed wetlands and detention basins proposed. However, lot based controls with respect to onsite detention are proposed to ensure post-development flows will not exceed pre-development flows in accordance with Section 7.8.3 of Chapter 8 of Council's MOES.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC3.5	Minimise disturbance of the site.	Noted. Minor site regrading is proposed to ensure all overland flow from the site is directed toward the existing drainage easement located on the site. The proposed site regrading will not alter the location of the existing low point	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



		on the site, and overall, the downstream flowpath will remain consistent with the existing arrangement/s.  Site disturbance is minimal.			
DC3.6	Implement measures during construction.	Noted. Erosion and sediment control measures will be implemented during construction.  It is expected and accepted that conditions of consent will be imposed in this regard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.7	Trunk drainage to be located in publicly owned land, open space or within an easement.	No trunk drainage proposed as the application proposes a form of infill development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC3.8	Requirements relating to easements in the event drainage impacts cannot be limited to pre-development stormwater levels.	Consistent with the engineering report (Appendix C), lodged in conjunction with the application, a lot based approach to onsite detention is proposed; post-development flows will not exceed pre-development flows in accordance with Section 7.8.3 of Chapter 8 of Council's MOES.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.9	If water cannot be discharged directly to the street gutter or a Council controlled pipe system, inter-allotment drainage should be provided, consistent with Council's Manual of Engineering Standards.	Inter-allotment drainage is proposed in accordance with MOES.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.10	If inter-allotment drainage proposed, 1.5m wide easement required.	Inter-allotment drainage to be covered by a 1.5m wide drainage easement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.11	Soil and water management to be prepared.	It is expected and accepted that conditions of consent will be imposed in respect of this requirement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DC.4 Landscape, Streetscape and Visual Impact</b>					
DC4.1	Maintain and enhance existing landscape and streetscape character through retention of existing vegetation, and provision of additional landscaping and streetscape items.	Trees to be retained/removed are clearly identified on the plan contained in Appendix F.  Street trees in Kensington Road are to be retained. It is expected and accepted that Council will impose a condition of consent requiring the provision of street trees within the Bayswater Road frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC4.2	Landscape buffer may be required in the case of a rural residential subdivision.	Application proposes a residential subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC4.3	Landscape plan to be submitted indicating the location of street trees.	Street trees in Kensington Road are to be retained. It is expected and accepted that Council will impose a condition of consent requiring the provision of street trees within the Bayswater Road frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DC4.4	Landscape plan to be submitted for reserve areas.	No reserve area/s proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DC.5 Effluent Disposal</b>					
DC5.1	All new residential lots are to be connected to a reticulated sewer system.	All proposed lots will be connected to a reticulated sewer system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC5.2	Lot size and layout must be adequate to allow appropriate effluent disposal systems to be provided.	Application does not propose the establishment of an on-site sewer management system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.3	Effluent and wastewater to be disposed of in a manner that will not cause unhealthy or unsanitary conditions.	Noted. All proposed lots will be connected to a reticulated sewer system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC5.4	Requirements relating to rural areas.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.5	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.6	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.7	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.8	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.9	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.10	Requirements relating to rural and environmental zones.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DC.6 Roads and Access, Pedestrian and Cycleways</b>					
DC6.1	Road design to take into account natural features and vegetation.	No new road proposed, application proposes a form of infill residential subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.2	Components of residential streets to be considered in an integrated approach.	Application does not propose the construction of any new residential street/s.  Notwithstanding, it is expected and accepted that Council will impose a condition of consent requiring the provision of street trees within the Bayswater Road frontage.; such planting will be integrated with the roadworks/road widening proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.3	Traffic control devices are encouraged.	Application proposes a form of infill residential subdivision. No traffic control devices are required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.4	Road widths and geometry to	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	accommodate service and emergency vehicles.				
DC6.5	Roads to be constructed in accordance with Council's Manual of Engineering Standards.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.6	Access to classified roads.	No access is proposed to a classified road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.7	Rural and large lot residential roads and intersections.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.8	Provision of compliant public transport infrastructure.	Application proposes a form of infill residential subdivision. No public transport infrastructure required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.9	Requirement for public road access for Torrens Title subdivision.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.10	Design of subdivision to have regard to network/hierarchy requirements.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.11	Design, construction and sealing of roads to be in accordance with Council's Manual of Engineering Standards.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.12	On-street parking to be provided on all streets.	No new roads proposed. Notwithstanding, on-street parking will continue to be available on both Bayswater Road and Kensington Road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.13	Road widths to be in accordance with Council's Manual of Engineering Standards.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.14	Permeable layout based on modified grid layout.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.15	Cul-de-sacs and pedestrian laneways to be avoided.	Application does not propose the construction of a cul-de-sac and/or pedestrian laneway.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.16	Maximise connectivity to facilities through orientation of street blocks.	Application proposes a form of infill residential subdivision. Proposed lots maintain frontages to either Bayswater Road or Kensington Road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.17	Orientation of street blocks, preferable east-west, then north-south.	No new street blocks proposed.  All proposed lots benefit from northern orientation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.18	Alternative block orientation.	No new street blocks proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.19	Land slopes of 6% or greater to run downhill.	Land slopes are not 6% or greater.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.20	Roads to provide surveillance and safety.	No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.21	Public parks to be located on trunk roads.	No new public parks proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DC6.22	Requirements relating to intersection spacing.	No new intersections proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.23	Requirements relating to street block lengths.	Application proposes a form of infill residential subdivision. No new street blocks are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.24	Requirements relating to a network of constructed footpaths and cycleways.	Application proposes a form of infill residential subdivision. No network of constructed footpaths and cycleways is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.25	Provide pedestrian links to schools.	Application proposes a form of infill residential subdivision. Links to schools within the locality are existing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.26	Road, footpath and cycleway network to provide links to facilities and centres.	Application proposes a form of infill residential subdivision. Links to facilities and centres within the locality are existing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DC.7 Crime Prevention – Safer by Design</b>					
DC7.1	Clear sightlines between public and private places.	Application proposes a form of infill residential subdivision. Notwithstanding, sightlines are maintained for each proposed lot, between public (road) and private spaces (dwelling and private open space).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.2	Landscaping to be attractive but not provide offenders with places to hide or entrap victims.	Application proposes a form of infill residential subdivision. No landscaping proposed other than street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.3	Dense vegetation or structures not to be located beside bicycle routes or pedestrian walking paths.	No landscaping proposed other than street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.4	Natural surveillance to focus on orientation and design of buildings.	No new buildings proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.5	Lots to be designed so buildings face outwards towards public areas.	Proposed lots have frontage to either Bayswater Road or Kensington Road. Surveillance will be easily achieved once future dwellings are constructed on the proposed lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.6	Lighting to meet the relevant AS.	No new lighting proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.7	Report in respect of lighting.	No new lighting proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.8	Subdivisions to be designed with clear transitions and boundaries between public and private space.	Proposed lots have frontage to either Bayswater Road or Kensington Road. Transitions and boundaries such as fencing and gates will be established in conjunction with future dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.9	Restrict access to public areas.	No new public areas proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DC.8 Site Filling</b>					
DC8.1	Development consent is required for earthworks.	Noted. Development consent is sought for earthworks associated with proposed civil works. The extent of earthworks has been outlined previously.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC8.1	Extent and depth of fill, to be detailed in DA.	Noted. Extent and depth of fill is illustrated on the drainage plan contained within the engineering report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DC8.1	Maximum depth of fill to be considered by Council: 2m.	Noted. Application does not propose 2m of fill.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DC.9 Reticulated Services</b>					
DC9.1	Reticulated water and sewer required for all new urban lots.	Noted. Application proposes the creation of four (4) Torrens Title lots, all of which will be serviced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.2	Requirements for large residential lots (including C4).	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.3	Electricity supply – underground, or overhead if the land fronts a road supplied by existing overhead electricity reticulation.	Overhead electricity power lines exist: <ul style="list-style-type: none"> <li>on the southern side of Bayswater Road; and</li> <li>on the eastern side of Kensington Road.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.4	Requirements for industrial and commercial lots.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.5	Requirements for rural lots.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.6	Requirements relating to pad mounted substations.	Substation not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.7	Written evidence required for installation of services, prior to issue of the Subdivision Certificate.	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.8	Street lighting requires for low-density residential subdivision.	Application proposes a form of infill residential subdivision. No additional street lighting within Bayswater Road or Kensington Road, is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.9	Street or road lighting requirements for rural lots.	Site is zoned R1 General Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.10	Telephone connection to be available to all new lots.	Noted. Telecommunication utilities will be supplied to all proposed lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.11	All new low-density residential lots to be capable of draining to the street frontage or to an inter-allotment drainage easement.	Inter-allotment drainage is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IC.1 Entry Features</b>					
IC1.1 – IC1.7	Requirements relating to entry features.	No entry feature proposed: application proposes a form of infill residential subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IC.2 Street Names</b>					
Proposed street names to be submitted to Council for approval.		No new roads proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IC.3 House/Lot Numbering</b>					
Council supplies a number for all new urban and rural lots created.		Noted. House numbering will be allocated in conjunction with the Subdivision Certificate Application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Table 10: DCP assessment Part C.10 – Subdivision**

**Part E: Special Precincts**  
**Part E.3 – Heritage Conservation Areas**

Required	Comment
Introduction	
When preparing a development application for a site within a Heritage Conservation Area, the relevant section should be read, and any relevant matters incorporated into the detailed design process.	<p>Noted.</p> <p>The site is located within the Bolwarra Heritage Conservation Area.</p>
1.1 Character Statement	
<p>General Landscape and Streetscape Buildings</p>	<p>Noted.</p> <p>The application proposes a Torrens Title subdivision of one lot into four lots. The design of the proposed subdivision reinforces the pattern of subdivision within the locality. The proposed lots will be consistent with the smaller lots which exist throughout the locality, including along parts of Bayswater Road and Kensington Road. The proposed subdivision represents an orderly and economic use of the site.</p> <p>Importantly, the application proposes the retention of the existing dwelling located at the corner of Bayswater Road and Kensington Road, along with all trees within Proposed Lot 1 and the established street trees located along the Kensington Road frontage. Retention of these built and natural features will ensure the existing streetscape is maintained.</p> <p>The design of future dwellings on Proposed Lots 2, 3 and 4 will be required to take into account heritage related considerations at design stage.</p>
1.2. Statement of Significance	
Prevalence of buildings and attractive gardens complementing the character of the area.	<p>All trees within Proposed Lot 1 and the established street trees located along the Kensington Road frontage, are to be retained.</p> <p>11 existing trees within the boundaries of Proposed Lots 2, 3 and 4 are to be removed.</p> <p>It is expected and accepted that Council will impose a condition of consent requiring the provision of street trees within the Bayswater Road frontage.</p> <p>Taking into account the retention of all existing trees on Proposed Lot 1, the retention of the existing street trees along Kensington Road, and the establishment of new street trees along Bayswater Road, it is considered that the proposal will compliment the existing garden character of the locality.</p>
1.3. Conservation Policies	
<p>What to keep What to encourage What to avoid</p>	<p>The application proposes a Torrens Title subdivision of one lot into four lots. The DCP encourages 'single detached residential dwellings'. The creation of four lots will enable the construction of a single detached residential dwelling on each of the proposed lots.</p> <p>It is noted that the 're-subdivision of larger allotments to allow new dwellings in rear or front yards' is discouraged. As outlined within the Statement of Heritage Impact, 'no new structures are proposed under this application. Medium density will not be encouraged by the current proposal. Any new dwellings/garages/carports proposed in the future will be assessed on their merits through the DA process. The subdivision proposed will facilitate new dwellings alongside the existing dwelling and no battle-axe arrangements will be created'.</p> <p>Building envelopes have been identified in respect of Proposed Lots 1, 2 and 3 (Appendix F), which confirm that future dwellings can be suitably located on the proposed lots to reinforce the existing pattern of development within the locality.</p>

	On the basis of the above, it is considered that the proposed subdivision is reflective of the existing pattern of subdivision throughout the locality and is not contrary to the provisions of the DCP.
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**Table 11: DCP assessment Part E.3 – Heritage Conservation Areas**

**5.4. ANY PLANNING AGREEMENT**

No planning agreement is applicable to the proposed development.

**5.5. THE REGULATIONS**

Sections 61 to 68 of the EP&A Regulation outlines additional matters that are to be considered when determining a DA, as prescribed by Section 4.15(1)(a)(iv) of the EP&A Act.

The table below outlines the relevant matters and specifies whether any of them are relevant to the proposed development.

Section	Provision	Applicability to Development	
		Yes	No
61	<p><b>Additional matters that consent authority must consider</b></p> <ol style="list-style-type: none"> <li>1. In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.</li> <li>2. In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—               <ol style="list-style-type: none"> <li>a) the subdivision order, and</li> <li>b) any development plan prepared for the land by a relevant authority under that Schedule.</li> </ol> </li> <li>3. In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline               <ol style="list-style-type: none"> <li>a) land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional,</li> <li>b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—                   <ol style="list-style-type: none"> <li>i. State significant development, or</li> <li>ii. designated development, or</li> <li>iii. development specified in <i>State Environmental Planning Policy (Planning Systems) 2021</i>, Schedule 6.</li> </ol> </li> </ol> </li> <li>4. In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.</li> <li>5. Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.</li> <li>6. In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.</li> <li>7-8.(Repealed)</li> </ol>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

62	<p><b>Consideration of fire safety</b></p> <ol style="list-style-type: none"> <li>1. This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.</li> <li>2. The consent authority must— <ol style="list-style-type: none"> <li>a) consider whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use, and</li> <li>b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building’s proposed use.</li> </ol> </li> <li>3. Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</li> </ol>	□	☒
63	<p><b>Considerations for erection of temporary structures</b></p> <p>In determining a development application for the erection of a temporary structure, the consent authority must consider whether—</p> <ol style="list-style-type: none"> <li>a) the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and</li> <li>b) the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.</li> </ol>	□	☒
64	<p><b>Consent authority may require upgrade of buildings</b></p> <ol style="list-style-type: none"> <li>1. This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if— <ol style="list-style-type: none"> <li>a) the proposed building work and previous building work together represent more than half of the total volume of the building, or</li> <li>b) the measures contained in the building are inadequate— <ol style="list-style-type: none"> <li>i. to protect persons using the building, if there is a fire, or</li> <li>ii. to facilitate the safe egress of persons using the building from the building, if there is a fire, or</li> <li>iii. to restrict the spread of fire from the building to other buildings nearby.</li> </ol> </li> </ol> </li> <li>2. The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.</li> </ol>	□	☒
65	<p><b>Consideration of conservation plan for development at Sydney Opera House</b></p> <ol style="list-style-type: none"> <li>1. In determining a development application for development at the Sydney Opera House to which the Act, Part 4 applies, the consent authority must consider the provisions of the Sydney Opera House Conservation Plan.</li> </ol>	□	☒
66	<p><b>Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</b></p> <ol style="list-style-type: none"> <li>1. A development application for development on the following land must not be determined by the consent authority unless a contributions plan has been approved for the land to which the application relates— <ol style="list-style-type: none"> <li>a) land in Zone IN1 General Industrial under <i>State Environmental Planning Policy (Industry and Employment) 2021</i>, Chapter 2,</li> <li>b) land in a residential, business or industrial zone, Zone C4 Environmental Living or Zone 1 Urban Development under a Precinct Plan in <i>State Environmental Planning Policy (Precincts—Central River City) 2021</i>, Chapter 3 or <i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i>, Chapter 3,</li> <li>c) land shown on the Land Application Map under <i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i>, Chapter 4.</li> </ol> </li> </ol>	□	☒



	<ol style="list-style-type: none"> <li>2. The consent authority may dispense with the requirement for a contributions plan if— <ol style="list-style-type: none"> <li>a) the consent authority considers the development application is of a minor nature, or</li> <li>b) the developer has entered into a planning agreement for the matters that may be the subject of a contributions plan.</li> </ol> </li> <li>3. This section applies to a development application for development on land referred to in subsection (1)(b) that was made but not finally determined before 25 January 2019.</li> </ol>		
66A	<p><b>Council-related development applications—the Act, s 4.16(11)</b></p> <ol style="list-style-type: none"> <li>1. A council-related development application must not be determined by the consent authority unless— <ol style="list-style-type: none"> <li>a) the council has adopted a conflict of interest policy, and</li> <li>b) the council considers the policy in determining the application.</li> </ol> </li> </ol>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
67	<p><b>Modification or surrender of development consent or existing use right—the Act, s 4.17(5)</b></p> <ol style="list-style-type: none"> <li>1. A development consent or existing use right may be modified or surrendered by written notice to the consent authority.</li> <li>2. The notice must contain the following information— <ol style="list-style-type: none"> <li>a) the name and address of the person giving the notice,</li> <li>b) the address and folio identifier of the land to which the consent or right relates,</li> <li>c) a description of the consent or right to be modified or surrendered,</li> <li>d) whether the consent or right will be modified, including details of the modification, or surrendered,</li> <li>e) if the person giving the notice is not the owner of the land—a statement signed by the owner of the land that the owner consents to the modification or surrender of the consent or right.</li> </ol> </li> <li>3. The notice takes effect when the consent authority gives written notice to the person giving the notice that the consent authority received the notice.</li> <li>4. The notice operates, according to its terms, to modify or surrender the development consent or existing use right to which it relates.</li> <li>5. The consent of the owner is not required under subsection (2)(e) if the consent of the owner of the land was not required under section 23 to make the application for the development consent.</li> </ol>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
68	<p><b>Voluntary surrender of development consent—the Act, s 4.63</b></p> <ol style="list-style-type: none"> <li>1. A development consent may be voluntarily surrendered by written notice to the consent authority.</li> <li>2. The notice must contain the following information— <ol style="list-style-type: none"> <li>a) the name and address of the person giving the notice, the address and folio identifier of the land to which the development consent relates,</li> <li>b) a description of the development consent to be surrendered,</li> <li>c) if the person giving the notice is not the owner of the land—a statement signed by the owner of the land that the owner consents to the surrender of the development consent,</li> <li>d) whether any part of the development to which the development consent relates has commenced.</li> </ol> </li> <li>3. If any part of the development to which the development consent relates has commenced (the commenced development), the notice must also set out the circumstances that indicate— <ol style="list-style-type: none"> <li>a) the commenced development was carried out in compliance with— <ol style="list-style-type: none"> <li>i. each condition of the development consent that is relevant to the commencement development, or</li> <li>ii. an agreement with the consent authority relating to the development consent that is relevant to the commenced development, and</li> </ol> </li> </ol> </li> </ol>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<ul style="list-style-type: none"> <li>b) the surrender of the development consent will not have an adverse impact on a third party or the locality.</li> </ul> <p>4. The notice takes effect when the consent authority notifies the person that the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>a) no part of the development to which the development consent relates has commenced, or</li> <li>b) if there is commenced development— <ul style="list-style-type: none"> <li>i. it was carried out in compliance with each condition of the development consent, or an agreement with the consent authority relating to the development consent, that is relevant to the commenced development, and</li> <li>ii. the surrender of the development consent will not have an adverse impact on a third party or the locality.</li> </ul> </li> </ul> <p>5. The notice operates, according to its terms, to surrender the development consent to which it relates.</p> <p>6. The consent of the owner is not required under subsection (2)(d) if the consent of the owner of the land was not required under section 23 to make the application for the development consent.</p>		
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**Table 12: EP&A Regulation assessment**

## **5.6. THE LIKELY IMPACTS OF THE DEVELOPMENT**

### **5.6.1. ENVIRONMENTAL IMPACTS**

#### **ECOLOGICAL VALUES**

As outlined in Section 4, the site is not identified on the Biodiversity Values Map as being land with high biodiversity value, as defined by the *Biodiversity Conservation Regulation 2017*.

The site is currently vegetated with a mix of both native and introduced tree species that are typical of the historic residential use of the site.

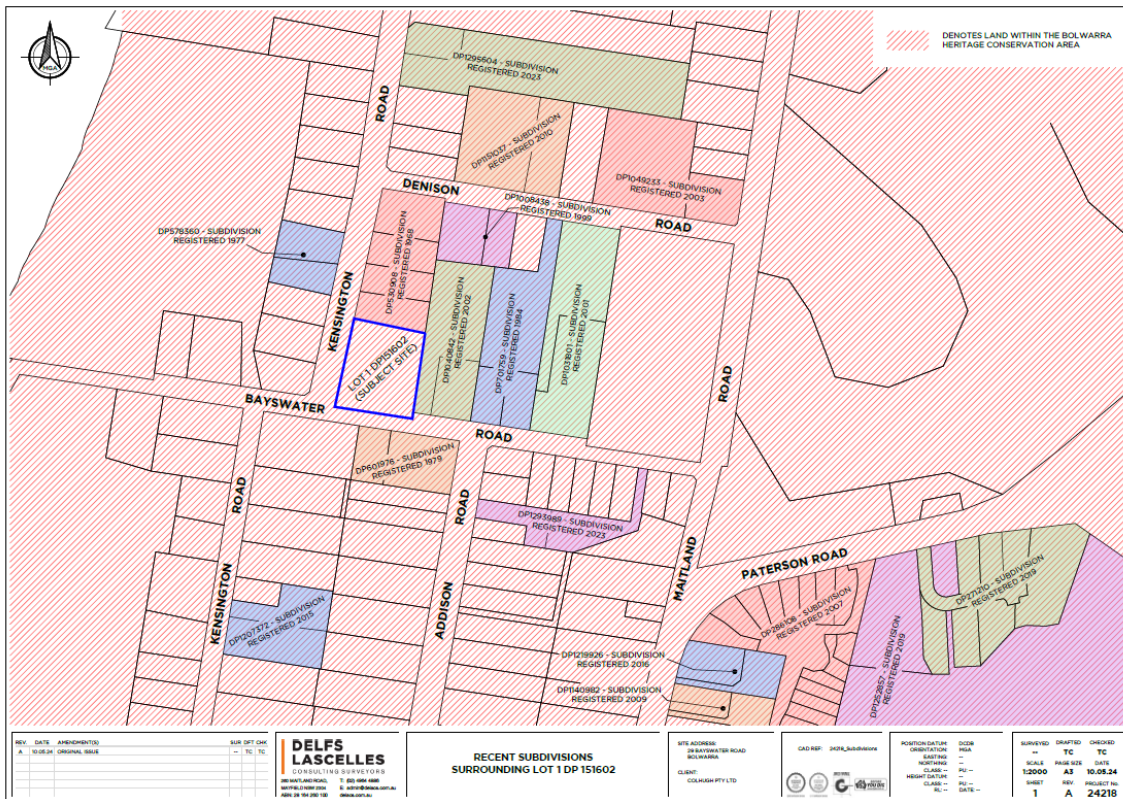
11 trees are proposed to be removed to facilitate the carrying out of civil works, erection of fencing and installation of vehicular crossings associated with the construction of future dwellings, and identification of indicative building envelopes on Proposed Lots 2, 3 and 4. As outlined within the Statement of Heritage Impact *'all the trees on site east of the existing dwelling can be dated after 1993. They are not regarded as landmark trees or remnant plantings in the Bolwarra Heritage Conservation Area'*.

Existing street trees along the Kensington Road frontage are to be retained, and new street trees will be planted along Bayswater Road in conjunction with the subdivision. Overall, the loss of vegetation is minimal and not considered significant.

Taking into consideration the maintained and modified nature of the site, along with the minimal vegetation removal proposed, it is concluded that the proposed development will not adversely impact on threatened species, populations or ecological communities, or their habitats.

## CONTEXT AND SETTINGS

The existing subdivision pattern in the locality is identified below.



**Figure 8: Pattern of Subdivision (Delfs Lascelles)**

As confirmed in the above plan, the subdivision pattern within Bolwarra is varied. Whilst some larger lots remain in existence, it is noted that a pattern of intensification is prevalent throughout the suburb, which is evidenced via the approval and construction of several subdivisions in the past decade, each of which has created parcels with varying sizes and configurations.

It is considered that the proposed development has merit as it proposes the establishment of four (4) lots in an orderly pattern, each of which maintains direct street frontage. Additionally, the proposed subdivision incorporates an average lot size of 828m<sup>2</sup>, which significantly exceeds the minimum lot size of 450m<sup>2</sup>.

Building envelopes have been identified in respect of Proposed Lots 1, 2 and 3 (Appendix F), which confirm that future dwellings can be suitably located on the proposed lots to reinforce the existing pattern of development within the locality.

It is recognised that the DCP controls contained within Part E.3 – Heritage Conservation Areas, have not been implemented consistently, particularly in recent years. On the basis of the subdivision pattern identified in Figure 7, it is considered that the proposed subdivision will not result in the creation of lots that undermine the heritage significance of the suburb, nor is the pattern of subdivision and future development contrary to the emerging pattern of subdivision within Bolwarra.

## HERITAGE

The site is not identified as a heritage item; however, it is located within the Bolwarra Heritage Conservation Area, as identified within Chapter E.3 – Heritage Conservation Areas of the Maitland Development Control Plan 2011.

A Statement of Heritage Impact has been submitted in support of the application, which concludes that the proposed works will have no impact on the immediate built environment or the local heritage conservation area, acknowledging that future residential development on the subdivided parcels of land will be required to consider relevant planning controls to ensure such development is suitable.

A search of Heritage NSW AHIMS has identified that no Aboriginal sites or places have been recorded/declared in or near the subject site. No further assessments in respect of Aboriginal archaeology are considered necessary.

General protocols will continue to apply should further Aboriginal archaeological material or human remains be uncovered during the development works.

On the basis of the above, it is considered that the proposal will not result in any adverse impacts in respect of heritage.

### **EROSION AND SEDIMENT CONTROL**

Appropriate erosion and sediment control measures will be implemented during construction.

Further details of such measures will be submitted in conjunction with the Construction Certificate.

### **TRAFFIC**

The application to subdivide the site will ultimately result in an increase in traffic when three (3) new dwellings are constructed in the future, acknowledging that the existing dwelling on Proposed Lot 1 is to be retained.

The proposed development, once future dwellings are constructed, has the potential to generate an additional 27 vehicle trips per day, or 2.5 vehicle trips per hour beyond that currently associated with the site.

Based upon the current standard of Bayswater and Kensington Roads and the surrounding road network, and the small scale of the proposal and the minimal increase in traffic; it is considered that the existing road network is capable of absorbing the additional traffic without adversely impacting current levels of service or causing nuisance or road safety issues.

## **5.6.2. SOCIAL AND ECONOMIC IMPACTS**

The proposed development is likely to result in positive social and economic impacts for the local and wider community.

The proposed development will ultimately result in an additional three (3) dwellings, thereby increasing the overall availability of housing within the locality.

## **5.7. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

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

- The proposal will result in three (3) additional residential lots within the Bolwarra area.
- The proposed development has been assessed with respect to heritage considerations, and it is concluded that the proposal will not have any adverse impacts on the immediate built environment or the local heritage conservation area.
- Retention of the existing street trees along the Kensington Road frontage, along with minimal vegetation removal from the site and the establishment of new street trees along the Bayswater Road frontage, will ensure that the landscaped nature of Bolwarra is not adversely affected.
- All proposed lots can be appropriately serviced with respect to drainage, water, sewer, electricity, and telecommunications; thereby ensuring they are fit for purpose and will be capable of accommodating future residential development.

## 5.8. THE PUBLIC INTEREST

The proposed development satisfies the provisions contained within the *Maitland LEP 2011* and the *Maitland DCP 2011*. The Statement of Heritage Impact submitted in support of the application confirms that the proposed development satisfies the relevant planning controls contained within Chapter E.3 – Heritage Conservation Areas of the *Maitland DCP 2011* and allows for the suitable development of the existing allotment without impacting on the immediate built environment or the local heritage conservation area.

No adverse environmental impacts are envisaged, and it is considered that the proposal will result in positive social and economic impacts through an increase in available residential lots within the Bolwarra area.

On balance, the proposal is considered to be in the public interest.

## 6. CONCLUSION

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The purpose of this SEE has been to outline the proposed development and assess its potential impacts having regard to Section 4.15 of the EP&A Act.

The assessment of the proposal confirms that:

- The proposed development aligns with the zone objectives and is a permitted form of development within the R1 General Residential zone, and is compliant with relevant legislation, environmental planning instruments and development controls.
- The subject site is suitable for the proposed development, and each lot significantly exceeds the minimum lot size prescribed under the *Maitland LEP 2011*, thereby ensuring that future residential development will not be constrained.
- The proposed development compliments the existing and emerging subdivision pattern within the locality.
- Relevant measures have been undertaken in the preparation, assessment and design of the proposed development to mitigate potential impacts, where identified.
- The development is supported by a Statement of Heritage Impact that confirms the suitability of the proposed development for the subject site.
- The development will result in an additional three (3) residential lots being made available within the Bolwarra locality.
- The proposal will not result in any adverse environmental, social or economic impacts.

The proposed development represents a rational, orderly and appropriate use of the site. On balance, it is considered that the proposal is worthy of support.