

STATEMENT OF ENVIRONMENTAL EFFECTS  
TO ACCOMPANY PROPOSED DEVELOPMENT APPLICATION  
FOR THE SUBDIVISION OF LOT 47 DP 1304346

WATERWORKS ROAD, RUTHERFORD

SUBMISSION TO:

**MAITLAND CITY COUNCIL**

ON BEHALF OF:

**MILK MAKERS DAIRY HEIFERS PTY LTD**

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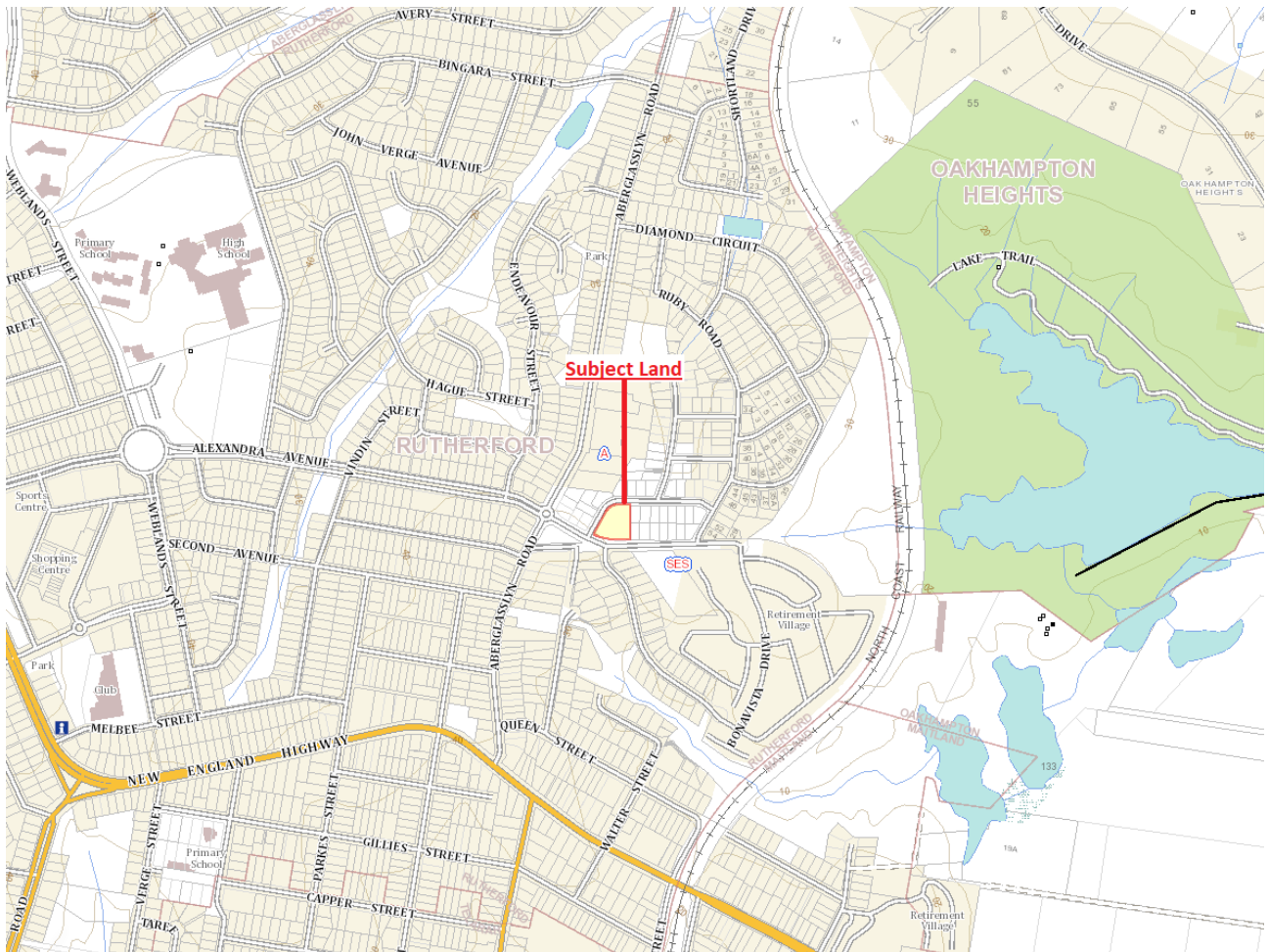
## 1.0 INTRODUCTION

This is for a Development Application for a one (1) lot into three (3) lot subdivision.

### 1.1 LOCALITY

This proposal is located in the existing urban area of Rutherford. The surrounding locality is primarily characterised with various forms of residential accommodation comprised of single dwellings, detached or attached dual occupancies, secondary dwellings and multi-housing developments. Associated with dwellings are maintained yards and outbuildings including garages and sheds. The nearest commercial properties are along the New England Highway approximately 550 metres to the south east, and Rutherford shopping village is approximately 950 metres to the west located between Alexandra Avenue, Wetlands Street and the New England Highway. The North Coast Railway Line is 500 metres east of this site and east of that is Walker Waterworks, which is used for public recreation. The address of the site is 7 Waterworks Road, Rutherford.

FIGURE 1: LOCALITY MAP (SIX Maps, 9/5/2024)



## **1.2 ENVIRONMENTAL PLANNING INSTRUMENTS**

According to the Maitland Local Environmental Plan 2011 land on this particular lot is zoned as R1 General Residential Zone. The objectives of this R1 General Residential Zone are as follows;

### **Zone R1 General Residential**

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

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

#### **2 Permitted without consent**

*Home occupations*

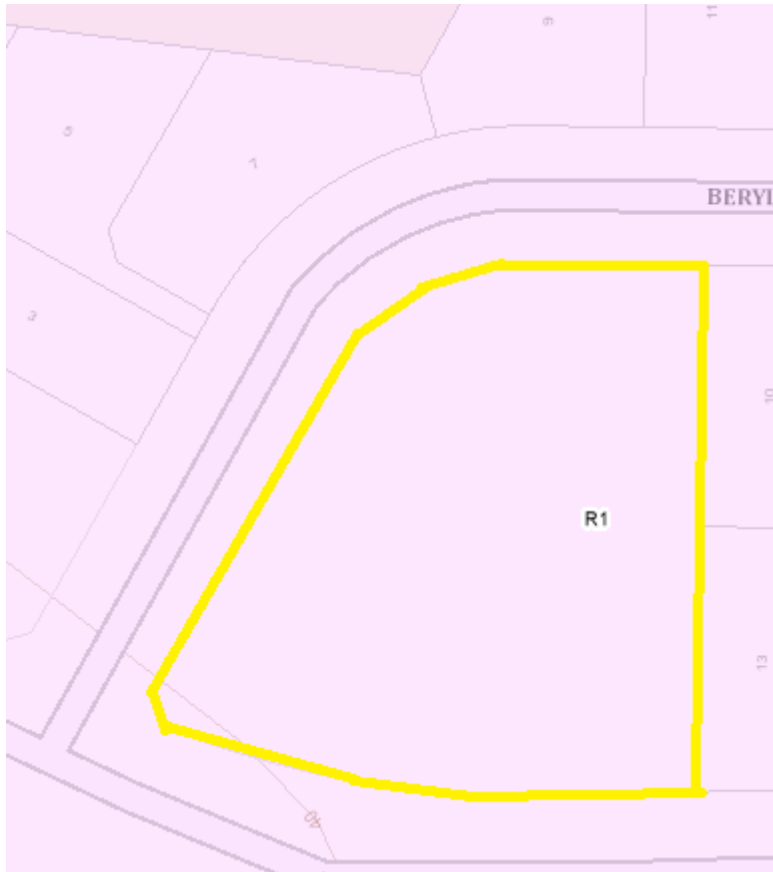
#### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

#### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies*

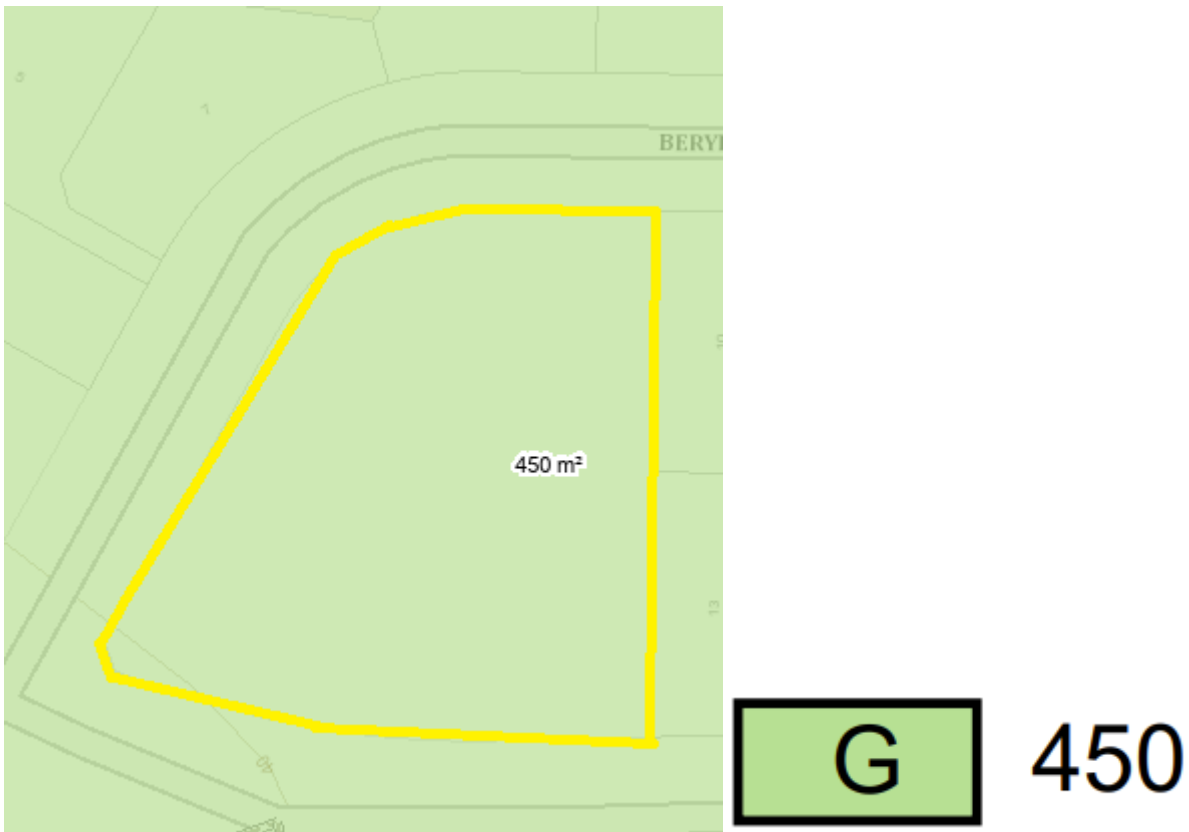
FIGURE 2: ZONE MAP (Maitland Local Environmental Plan (LEP), 2011)



R1

General Residential

FIGURE 3: MINIMUM LOT LOT SIZE MAP (Maitland Local Environmental Plan (LEP), 2011)



**CESSNOCK DEVELOPMENT CONTROL PLAN (DCP) 2010**

In the Maitland DCP 2011 parameters in Development Control Plan Part C - Design Guidelines. Chapter C-10 Subdivision will be referenced throughout this Statement of Environmental Effects.

**1.3 PLANNING HISTORY**

This site has been subject to previous Development Applications. The most recent proposal for development was DA/2016/1340 for a thirteen (13) lot subdivision that was granted consent by Maitland City Council. Besides the identified applications there have been no other development proposals on this property.

## 2.0 **SUBJECT LAND**

For the purpose of this Development Application Lot 47 DP 1304346 will be referred to as the subject land.

FIGURE 4: AERIAL PHOTOGRAPH (SIX Maps, accessed on the 9/5/2024)



## 2.1 **PROPERTY DIMENSIONS**

The subject land has a total area of 3540.1 square metres comprised of 65 metres at its maximum extent north to south and 68 metres east to west.

## 2.2 **TOPOGRAPHY**

The elevation of the subject land is located between 39.5 metres at its highest elevation near the south western boundary and 36 at its lowest elevation near the north eastern corner of the site.

## 2.3 **EXISTING VEGETATION**

Vegetation on the subject land is has been historically cleared and currently comprises of grass.

## **2.4 EXISTING STRUCTURES**

There are currently no dwellings or outbuildings on the subject land. On this site there are six (6) existing grated pits that are connected with stormwater pipes that were historically constructed as part of the initial subdivision. See the proposed subdivision plan for details.

## **2.5 BUSHFIRE HAZARD**

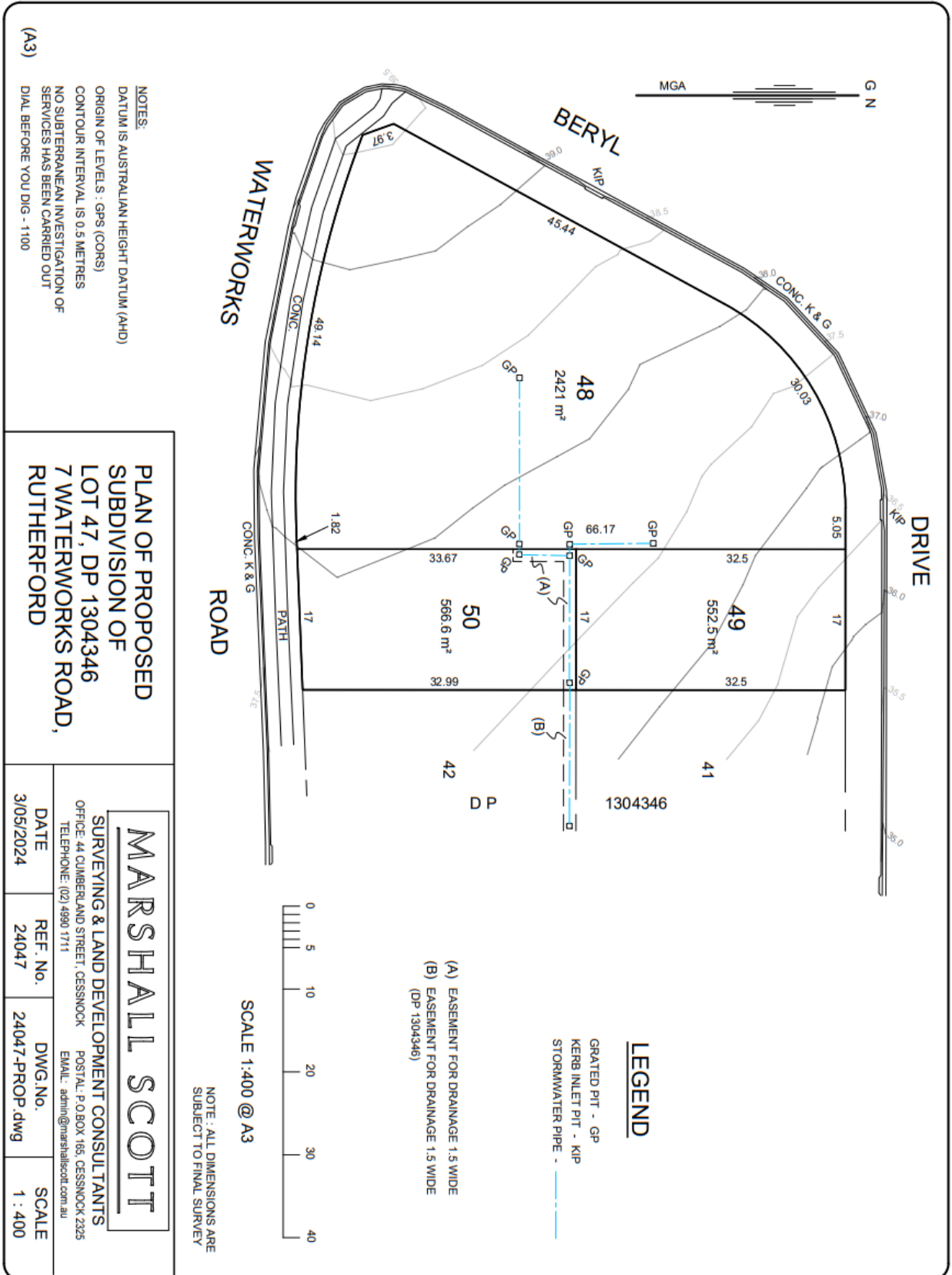
The bushfire prone land map provided by Maitland City Council and certified by the commissioner of the NSW Rural Fire Service pursuant to S.10 of the Environmental Planning and Assessment Act 1979, has identified the subject land is not subject to bushfire hazards.



### 3.0 PROPOSED DEVELOPMENT

This application is for the subdivision of one (1) lot into three (3) lots.

FIGURE 5: PROPOSED DEVELOPMENT



**Chapter C10 – Subdivision in the Maitland DCP 2011 this section is divided into Environmental Considerations (EC) and Design Considerations (DC) that are addressed below.**

### **3.1 FLORA & FAUNA**

Currently onsite the land has been cleared of native vegetation and it currently comprises of grass. The land surrounding site has been developed with roads and neighbouring dwellings. No Biodiversity values mapped vegetation is present on this site. Since the land has been historically cleared no proposed clearing of vegetation is included as part of the development application. This proposal complies with the controls in EC.1 *Flora and Fauna* in chapter C10 – Subdivision in the Maitland DCP 2011.

### **3.2 HERITAGE & ARCHAEOLOGY**

No items of Environmental heritage are identified on or adjacent to this subdivision proposal according to Schedule 5 in the Maitland LEP 2011. Since no items of environmental heritage have been identified on or adjacent to this site no further assessment regarding heritage is required in this case. This proposal complies with EC.2 Heritage and Archaeology in the Maitland DCP 2011.

### **3.3 HAZARDS**

There are flooding and bushfire hazards that may affect development in the Maitland Local Government Area. According to the Flood extent on the Floodplain Management map in the Maitland DCP 2011 this site is not exposed to flooding from the 1 in 100 year flood level, Flood Planning Level or the Probable Maximum Flood. Regarding bushfire this site is not mapped as being affected by the either bushfire prone vegetation or buffer. No additional controls relating to managing a bushfire threat are proposed since this site is remote from this environmental hazard.

This site is not identified as having potential for a land slip.

Concerning Acid Sulphate Soils, this site is mapped as category 5 according to mapping in the Maitland LEP 2011, which is the lowest and poses the least risk to buildings. According to Part 7.1 *Acid Sulphate Soils* in the Maitland LEP 2011 class 5 refers to “*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*” This site is more than 500 metres from land that is mapped containing class 4 and is at an elevation of RL 36 metres AHD, compared to the nearest land containing Acid Sulphate Soils that is less than 20 metres of elevation. Due to the distance from other classes of Acid Sulphate Soils and the high elevation of the land, provisions in part 7.1 in the Maitland LEP 2014 are not applicable in this case. This site is located in an established urban area surrounded by recent subdivision and construction works for dwellings and associated infrastructure. There is no potential to effect of Acid Sulphate Soils as a result of this subdivision.

The useable areas of the proposed lots are not affected by environmental hazards and provide flexibility to future buyers regarding the location and type of housing to be

constructed on the lots. This proposal satisfies chapter EC. 3 *Hazards* in the Maitland DCP 2011.

### **3.4 LOT SIZE & DIMENSIONS**

Each of the four proposed lots satisfy the minimum lot size of 450 square metres in the Maitland LEP 2011. Each of the proposed lots satisfy Part 4.1 of the Maitland LEP 2011 by conforming to the minimum lot size map. Lot 48 will consist of 2421 square metres in an irregular shape that is 66.1 metres north to south and 50 metres east to west. Lot 49 is 552.5 square metres that is 17 metres wide and 32.5 metres long, while lot 50 is 566.6 square metres and is 17 metres wide and 33.6 metres long. The proposed subdivision is a continuation of the existing lot layout between Waterworks Road and Beryl Drive. The proposed lot sizes satisfy DC.1 *Lot Size and Dimensions* in the Maitland LEP 2011.

### **3.5 SOLAR ACCESS & ENERGY EFFICIENCY**

Proposed lots 49 and 50 are part of an existing pattern of development along Beryl Drive and Waterworks Road, where lots are longer north to south. The design of the lots will facilitate solar access to the useable portions of the lots. Lot 48 is a development lot; the size of the land is sufficient to provide solar access to future development of this site. This proposal satisfies the provisions in DC.2 *Solar Access and Energy Efficiency* in the Maitland DCP 2011.

### **3.6 DRAINAGE, WATER QUALITY & SOIL EROSION**

The site of the proposed development slopes to the north east from the intersection of Beryl Drive and Waterworks Road towards Beryl Drive. Due to the terrain of the land Lot 49 can drain direct to the Beryl Drive kerb and gutter. Lot 50 can drain to existing grated pits near the northern boundary in proposed easement A that will capture runoff diverting it into easement B that drains neighbouring lots to the east. Although lot 48 can drain directly into Beryl Drive, the existing grated pits collect stormwater and direct it into the drainage easements, reducing soil erosion on that lot. Refer to the proposed subdivision plan for drainage details. This proposal complies with parameters in DC.3 *Drainage, Water Quality and Soil Erosion* in the Maitland DCP 2011.

### **3.7 LANDSCAPE, STREETSCAPE & VISUAL IMPACT**

Currently the streets that border the development have street trees in the footpath. No dwellings or other buildings are proposed in this development application. The only visual impact would be for the construction of services to the lots, therefore the visual impact as a result of this subdivision will be negligible. Residential development will be proposed in the future and the streetscape will be similar to neighbouring lots. No additional landscaping is proposed on the proposed lots. This proposal satisfies DC.4 *Landscape, Streetscape and Visual Impact* provisions in the Maitland DCP 2011.

### **3.8 EFFLUENT DISPOSAL**

The site is surrounded by neighbouring lots that are connected to Hunter Water's services. Reticulated sewer extends from the east servicing neighbouring lots and is in Beryl Drive, this proposal will be able to be serviced by Hunter Water's sewer. This proposal complies with DC.5 *Effluent Disposal* in the Maitland DCP 2011.

### **3.9 ROADS & ACCESS, PEDESTRIANS & CYCLEWAYS**

The proposed lots in this subdivision will be accessed from roads that form a boundary to this site. No new roads are proposed in this development. All three lots have frontage to either Beryl Drive or Waterworks Road, which are public roads maintained by Maitland City Council. The subdivision will form a continuation of the existing lot layout along the bordering roads. A constructed concrete footpath exists along the northern side of Waterworks Road. This proposal complies with DC.6 *Roads and Access, Pedestrians and Cycleways* in the Maitland DCP 2011.

### **3.10 SOCIAL EFFECTS**

This proposal will provide an additional two (2) lots that are zoned R1 General Residential therefore these lots will be used for residential dwellings to be constructed in the future. Given the surrounding land is zoned R1 and is currently comprised of residential dwellings and associated uses the social effects of this proposal will be negligible.

### **3.11 ECONOMIC EFFECTS**

Economically this proposal for subdivision is minor but it will lead to a future increase in demand for construction materials for housing construction. Furthermore, additional lots will lead to increased value capture for existing utilities and an increase in ongoing retail consumption from future residents that will contribute to the economic growth of the surrounding area.

### **3.12 CONTAMINATION**

We are unaware of any history that would suggest that the subject land is contaminated.

### **3.13 CONCLUSION**

This proposal for a three (3) lot subdivision satisfies provisions in the Maitland LEP 2011 and the Maitland DCP 2011. The proposed development application does not include additional dwellings or buildings that would affect the streetscape of Waterworks Road and Beryl Drive. Although no additional building works are proposed the subdivision will be a continuation of the existing lot layout, which is for residential development. This proposal will recreate the existing development along Beryl Drive and Waterworks Road reinforcing the residential character of the surrounding area. This proposal is appropriate for this site and is in the public interest, therefore this development should be approved.