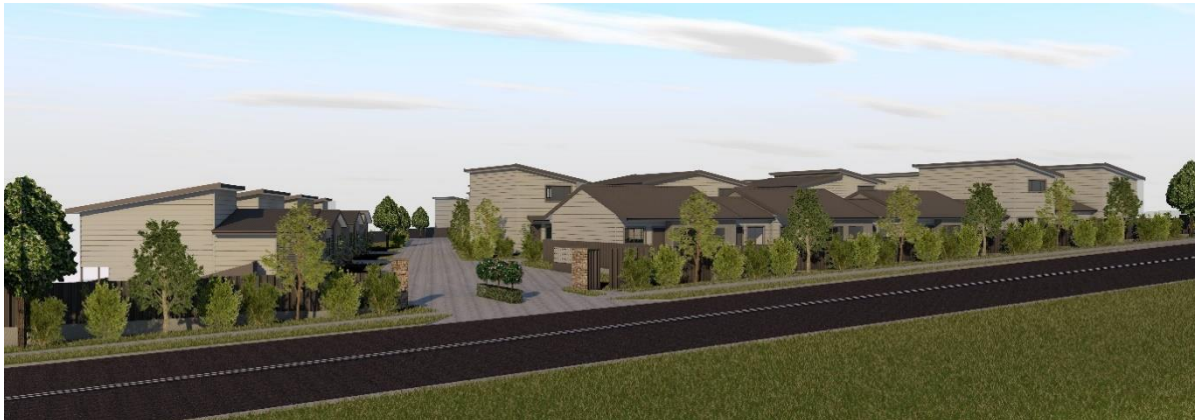


STATEMENT OF ENVIRONMENTAL EFFECTS

CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT
COMPRISING 31 DWELLINGS, ASSOCIATED WORKS, AND STRATA
SUBDIVISION INTO 31 LOTS

346 ROBERT ROAD, LOCHINVAR

Part Lot 300 DP 1271230



HVDS

Hunter Valley
Development
Services

Prepared for:
LOCHINVAR DOWNS PTY LTD
5 August 2024

DOCUMENT CONTROL

Report Details	
Prepared on behalf of	Lochinvar Downs Pty Ltd
Land to be developed	346 Robert Road, Lochinvar
Legal description	Part Lot 300 DP 1271230
Prepared by	Janine Maher Bachelor of Urban and Regional Planning (Hons)

Document History and Status		
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ABBREVIATIONS

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

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	Architectural plans, including site analysis, detailed percentage site coverage calculation and schedule of colours/finishes	BLACKDRAFT architectural design
B	Concept engineering plans, including bulk earthworks plan and erosion and sedimentation control plan	Fisher Consulting Engineers
C	Stormwater drainage strategy incorporating stormwater management plan and details relating to soil and water management	Fisher Consulting Engineers
D	Landscape plan, including streetscape elevation	Paul Scrivener Landscape
E	Plan of subdivision	Delfs Lascelles Consulting Surveyors
F	Survey	Delfs Lascelles Consulting Surveyors
G	Hunter Water stamped plans	
H	Estimated Development Cost Report	Corbett Scott Quantity Surveying
I	Site Waste Minimisation and Management Plan	Hunter Valley Development Services
J	Traffic and Parking Assessment	Intersect Traffic
K	Bushfire Threat Assessment	Firebird ecoSultants Pty Ltd
L	Crime Prevention Through Environmental Design (CPTED) Assessment	James Marshall & Co
M	BASIX Certificate	BLACKDRAFT architectural design
N	DA Access Report	BCA Access Solutions Pty Ltd

1. EXECUTIVE SUMMARY

Hunter Valley Development Services has been retained by Lochinvar Downs Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a DA seeking approval for the construction of a multi dwelling housing development comprising 31 dwellings, associated works and strata subdivision into 31 lots at 346 Robert Road (Part Lot 300 DP 1271230), Lochinvar.

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

The site is located within the Lochinvar Urban Release Area and is specifically identified for medium density housing under Part F of the Maitland Development Control Plan 2011. The future E1 Local Centre is located within approximately 320m walking distance from the site, thereby providing future occupants with access to a range of retail, business and community uses.

The design encourages walkable communities, and a sense of place in the neighbourhood through an active streetscape, along with high quality fencing and responsive landscaping. The proposed development has been designed to contribute to the desired future character of the locality, which is undergoing a rapid transformation into a residential area.

The proposal will result in an additional 31 dwellings being provided within the locality, three (3) of which are accessible. Ultimately, 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.

The siting, design and external appearance of the proposal is considered to be appropriate and consistent with the desired future character of the locality.

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

2. SITE ANALYSIS AND CONTEXT

2.1. STRATEGIC CONTEXT

The site is located within the Lochinvar URA, which forms part of the Western Maitland growth area within the *Hunter Regional Plan 2041*. The URA is identified as a regionally significant growth area within the Greater Newcastle District for accommodating housing supply to cater for population targets.

As part of Western Maitland, the URA in its entirety is expected to house more than 30,000 people over the next 20 years.

The Lochinvar URA comprises a total of 650 hectares of land, with an approximate residential yield of 5,000 lots (Maitland Development Control Plan 2011).

2.2. THE SITE

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

Site Description	Particulars
Lot and DP	Part Lot 300 DP 1271230
Site Address	346 Robert Road, Lochinvar
Owner	Lochinvar Downs Pty Ltd
Site Area	Approximately 9,421 m ²

Table 1: The site

The site forms part of Lot 300 DP 1271230, noting that the overall lot has been recently registered.

The site has frontage to Station Lane and is currently vacant. The site does not contain any trees; rather, the site is partly vegetated with modified pastures that are typical of the historical rural use of the site.

Surface levels vary between approximately RL 40.58 at the southwestern corner of the site down to approximately RL 37.5m AHD along the north and northeastern boundary of the site where it adjoins the regional detention basin that is currently under construction.

The aerial below identifies the subject site.

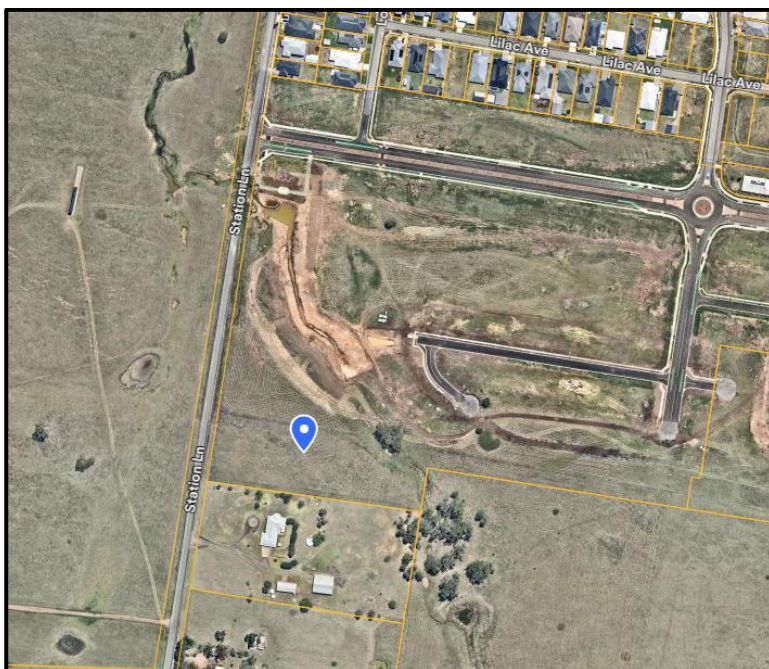


Figure 1: Aerial of the site (Nearmap, 26 February 2024)

The photographs below identify the subject site.



Photo 1: Subject site, looking east from Station Lane



Photo 2: Subject site, as viewed from the north (across the drainage basin currently under construction)



Photo 3: Subject site, as viewed from the future E1 Local Centre site located to the north-east

2.3. THE LOCALITY AND SITE CONTEXT

The site is located within the Lochinvar URA which is positioned approximately 13kms northwest of Maitland.

The following development is located directly adjoining the site:

- A regional drainage basin to the north, northeast and east
- A single storey dwelling and associated outbuildings to the south
- A large rural holding to the west

The photos below identify the locality:



Photo 4: Site directly to the west of the subject site



Photos 5 and 6: Surrounding residential development within the locality

Uses within proximity to the site include:

- Lochinvar Sports Complex, approximately 700m to the north
- Lochinvar Public School, approximately 0.9km to the northwest
- Lochinvar Train Station, approximately 1.2km to the south
- St Patrick's Primary School and St Joseph's College (Lochinvar), approximately 1.2km to the north
- The suburb of Windella, approximately 1.9km to the northeast
- Maitland Airport, approximately 3.2km to the northeast

The surrounding area is currently undergoing significant change, with a number of land holdings being developed for residential purposes. Whilst the direct locality currently contains a mixture of development and uses including residential and large rural land holdings, overall, the wider area surrounding the site is rapidly being developed for residential purposes.

The site is located approximately 320m walking distance from the area zoned E1 Local Centre, which will ultimately contain a range of retail, business and community uses. Community facilities and a park are also proposed within approximately 250m of the site.

The aerial below identifies the locality surrounding the subject site.

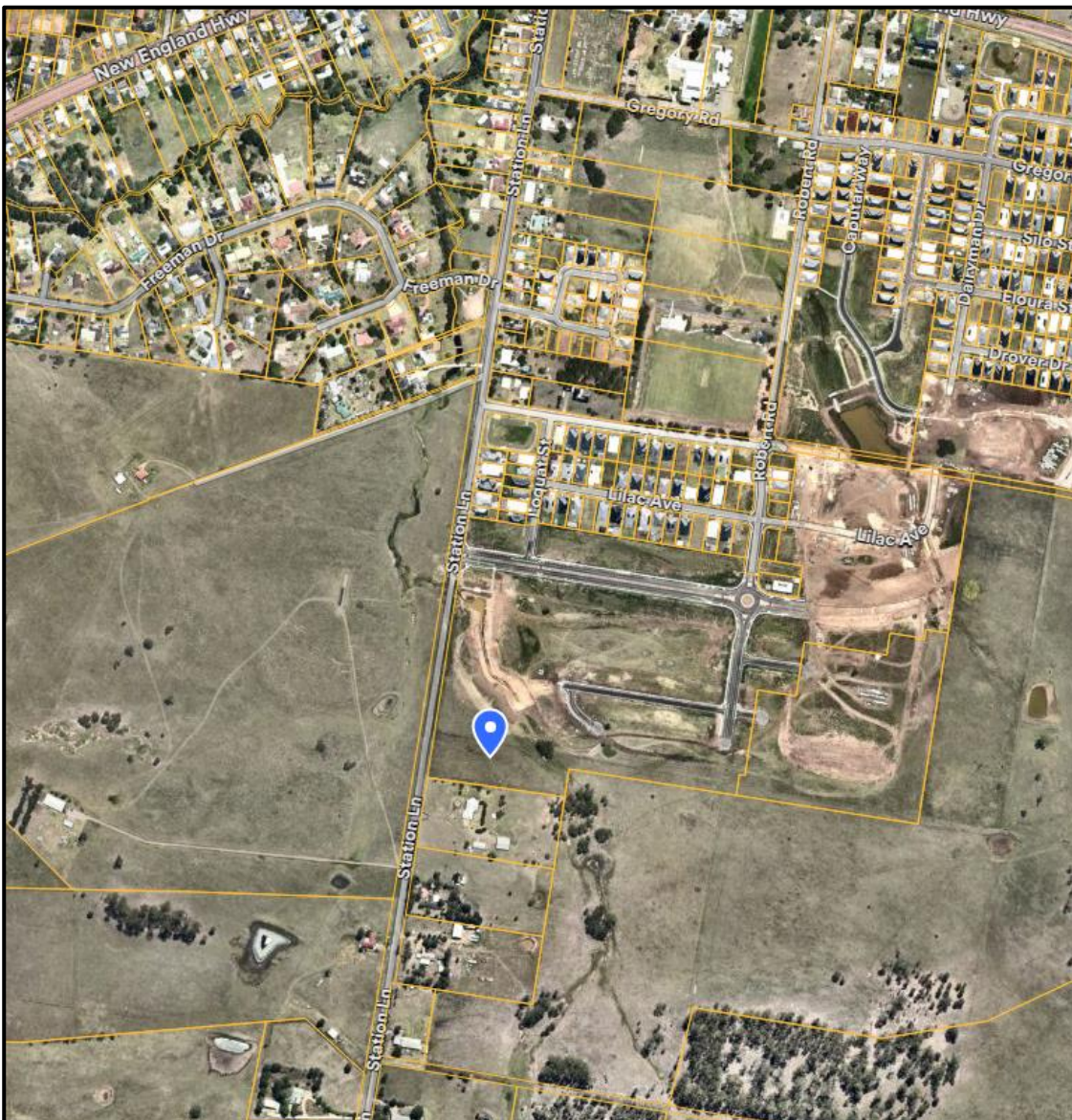


Figure 2: Aerial of the locality (Nearmap, 26 February 2024)

3. THE PROPOSED DEVELOPMENT

3.1. BACKGROUND TO DEVELOPMENT OF LOCHINVAR RIDGE

The site is identified on the approved staging plan (associated with DA No. 18-456:5, as most recently modified on 16 February 2023) as Stage 11, as shown below:



Figure 3: Approved staging plan associated with DA No. 18-456:5

Staging Plan

The following is noted with respect to the current status of the subdivision associated with the staging plan:

- Stages 1 a, 2a, 2b and 2C have been delivered and registered.
- Stage 3 has been delivered and registered.
- Stages 4 and 5 are currently under construction and will be delivered by the end of 2024. These stages will provide the eastern link of Springfield Drive through to the traffic-controlled signals on the New England Highway
- Stages 6 and 7 are the subject of Subdivision Works Certificates.

Construction of the regional basin located to the north and northeast of the site, along with the Station Lane Road upgrade, has commenced and is expected to be completed in early 2025. This will provide the subject site with an upgraded road frontage, sewer connection, water, power and telecommunication services.

3.2. THE PROPOSED DEVELOPMENT

The proposed development incorporates the following components:

- Construction of a multi dwelling housing development comprising 31 dwellings
- Associated civil works and landscaping
- Strata subdivision of the completed development into 31 lots

These components are discussed in detail below:

Construction of a multi dwelling housing development comprising 31 dwellings

The proposal incorporates 3 x one-bedroom, single-storey dwellings; and 28 x two-bedroom, two-storey dwellings.

The single-storey dwellings have been designed as accessible dwellings and are located at the front of the site within close proximity to the pedestrian access, mailboxes, communal waste storage area, accessible visitor parking spaces, and the area of communal open space.

The two-storey units are spread across the site and have been designed to respond to the topography of the site. All dwellings are well-located with respect to their proximity to the area of communal open space, the communal waste storage area, and visitor parking spaces which have been located throughout the site.

Each dwelling has been provided with one garage space, along with required facilities/amenities such as a useable area of private open space at ground level containing a landscaped area and associated facilities such as a clothes drying line.

The Station Lane frontage contains a mix of single-storey and two-storey dwellings to ensure the provision of a varied and responsive streetscape elevation. This is further enhanced through the adoption of modern and unobtrusive colours and finishes, along with high quality fencing along the Station Lane frontage, inclusive of direct pedestrian access to facilitate the movement of occupants between the development and the street.

The architectural plans are contained within Appendix A.

Associated civil works and landscaping

Civil works and landscaping include the following components:

- Clearing of existing grass/es and associated earthworks to facilitate construction of the dwellings.
- Construction of a vehicular access crossing and pedestrian pathway between Station Lane and the site.
- Construction of internal driveways and parking areas.
- Construction of a bio-retention basin in the northeastern corner of the site which will connect to the regional detention basin located to the north/northeast of the site.
- Provision of infrastructure including stormwater drainage, water, sewer, electricity, and telecommunications.
- Landscaping of the site, inclusive of the frontage along Station Lane, areas interspersed with the internal driveway/parking areas, areas of private open space, and embellishment of the area of communal open space with BBQ facilities and seating etc.

The stormwater/civil and landscape plans are contained within Appendix B and Appendix D respectively.

Strata subdivision of the completed development into 31 lots

Upon completion, the development is proposed to be strata subdivided into 31 lots, with the communal waste storage area, visitor parking spaces and area of communal open space being designated as common property.

The plan of subdivision is contained within Appendix E.

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. The site is within the Lochinvar Urban Release Area and is specifically identified for medium density housing under Part F of the Maitland Development Control Plan 2011. Additionally, the proposed development 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 good design and will result in high levels of amenity for future occupants.
- The proposed development promotes the proper construction of buildings, thereby protecting future occupants.

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 development assessment report (BDAR) if it is '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>	The site does not contain any trees; rather, the site is partly vegetated with modified pastures that are typical of the historical rural use of the site. Removal of the modified pasture is highly unlikely to affect threatened species or ecological communities or their habitats.
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>	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). Clause 7.1 of the BC Regulation provides that development exceeds the threshold if it is or involves: <ol style="list-style-type: none"> 1. the clearing of native vegetation of an area declared by Clause 7.2 of the BC Regulation as exceeding the threshold; or 2. the clearing of native vegetation, or other action prescribed by Clause 6.1, on land included on the Biodiversity Values Map. 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

		<p>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 450m².</p> <p>Proposed native vegetation removal will not exceed 0.25 hectares considering that no tree removal/clearing is proposed, and the modified pastures are exotic.</p> <p>With respect to the second item, the site is not included on the Biodiversity Values Map.</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.

Table 2: Biodiversity Conservation Act 2016 assessment

In addition to the above, it is noted that the previous approval issued by Council in respect of the overall site (of which, the subject site is Stage 11), permitted the removal of all vegetation within the boundaries of the subdivision for the purpose of future residential development and associated civil works to provide infrastructure to the lots.

Due to the cleared and modified nature of the site, and the previous approval that has been issued in respect of the overall site, it is considered that the proposed development will not adversely impact threatened species, populations or ecological communities, or their habitats.

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, or on the foreshore of any such land or lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		across or within a bay, inlet, river or creek, or across or around a flat		
<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"/>
<i>Rural Fires Act 1997</i>	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 checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Water Management Act 2000</i>	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 3: Integrated Development assessment

As outlined above, the proposed development is Integrated Development and will require:

- A bush fire safety authority under s100b of the *Rural Fires Act 1997*

4.5. STATE ENVIRONMENTAL PLANNING POLICIES

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

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

Table 4: Relevant SEPPs

The following discusses the applicable SEPPs:

4.5.1. SEPP (RESILIENCE AND HAZARDS) 2021

Clause 4.6 of *SEPP (Resilience and Hazards) 2021* requires Council to consider the following before granting consent to a DA:

- a) it has considered whether the land is contaminated, and
- b) 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
- c) 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 recently been considered suitable for residential development by Council and approved for such purpose under DA No. 18-456:5 (as most recently modified on 16 February 2023). DA No. 18-456:5 was accompanied by a Geotechnical Assessment (2017) which reviewed the previous Phase 1 and 2 Contamination Assessments carried out in 2015. The report/s conclude as follows:

‘Based on the site history review, field observations and laboratory results, the potential for soil and/or surface water contamination to be present at the site, at levels requiring additional investigations, remediation and/or management, is considered to be low. The site, in its current configuration, is suitable for the proposed residential development.....’

In consideration of the above, and the previous studies that have been carried out in respect of the site, it is reasonable to conclude that the site is not contaminated and is therefore suitable for the proposed development.

4.5.2. SEPP (SUSTAINABLE BUILDINGS) 2022

The *SEPP (Sustainable Buildings) 2022* applies to the proposal as the application proposes a form of residential development valued at more than \$50,000 and the DA is lodged post 1 October 2023. Therefore, the proposed development must meet the BASIX sustainability standards.

Clause 2.1(5) of *SEPP (Sustainable Buildings) 2022* requires Council to be satisfied that the embodied emissions attributable to the development have been quantified.

The development application is accompanied by a BASIX Certificate (Appendix M).

4.5.3. SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

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

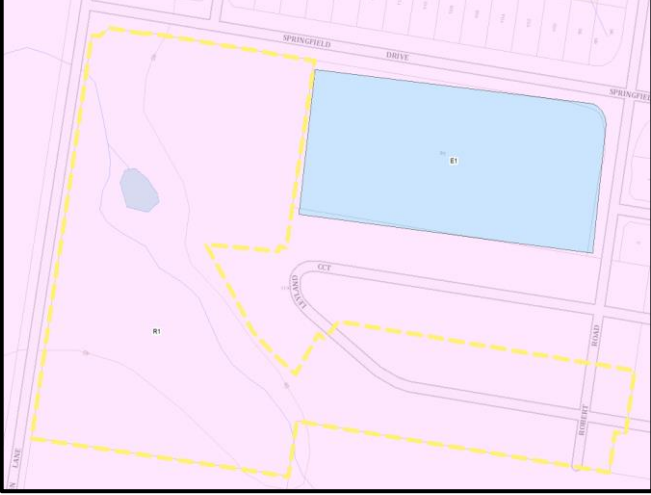
SEPP (Transport and Infrastructure) 2021		
Clause	Matter	Comment
2.48(1)(b)(iii)	Development carried out within 5m of an exposed overhead electricity power line	Overhead electricity power lines exist on the western side of Station Lane; however, these are more than 5m from the boundary of the subject site. In consideration of the above, no further action is respect of this provision.
2.48(1)(d)	Development involving or requiring the placement of power lines underground	The application proposes the placement of power lines underground. Council is not required to give notice to the electricity supply authority if an agreement is in force between the electricity supply authority and Council.


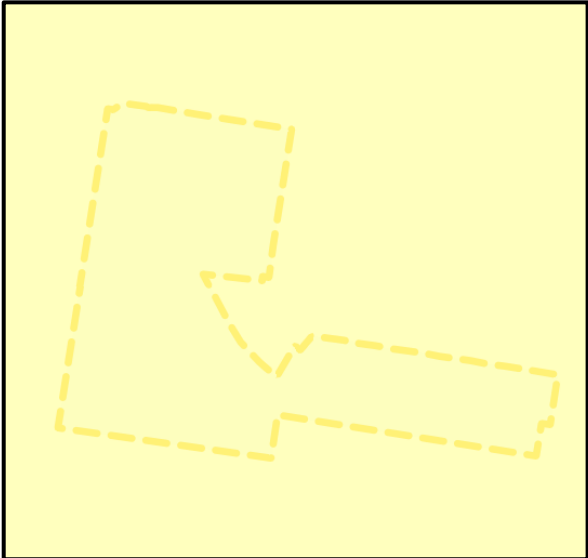
Table 5: SEPP (Transport and Infrastructure) 2021 assessment

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.

Maitland Local Environmental Plan 2011	
Provision	Comment
Clause 2.6 Subdivision requirements – consent	Consent is sought for the strata subdivision of the completed multi dwelling housing development into 31 lots.
Land Use Table	Site is zoned R1 General Residential, as identified below:

	 <p>The proposed development is characterised as multi dwelling housing. Specifically, the development comprises 3 or more dwellings on one lot of land, each of which has access at ground level.</p> <p>Multi dwelling housing is permitted in the R1 zone, with consent.</p> <p>Consent is sought for the proposed development.</p>
<p>Objectives of zone:</p> <p>Objectives of the R1 General Residential zone are as follows:</p> <ul style="list-style-type: none"> 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 	<p>The proposed development is consistent with the objectives of the R1 General Residential zone.</p> <p>Specifically, the following is noted:</p> <ul style="list-style-type: none"> The proposal will result in an additional 31 dwellings being provided within the locality, three (3) of which are accessible. A mix of one- and two-bedroom dwellings are proposed. Ultimately, 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.
<p>Clause 4.1 Minimum subdivision lot size</p>	<p>N/A – this clause does not apply to the strata subdivision of land.</p>
<p>Clause 5.10 Heritage conservation</p>	<p>European heritage The site is not identified as a heritage item; is not located within a heritage conservation area; and is not located within the vicinity of a heritage item or heritage conservation area.</p> <p>Aboriginal objects and places A Due Diligence Assessment (prepared by Archaeological Risk Assessment Services, 2017), was previously prepared for the entire site in conjunction with DA No. 18-456:5 (as most recently modified on 16 February 2023).</p> <p>The Assessment did not identify the presence of any Aboriginal sites within the boundaries of the site the subject of this application.</p> <p>On the basis of the above, no further consideration is required in respect of this clause.</p>

<p>Clause 5.21 Flood planning</p>	<p>N/A – the site is not located within a flood planning area.</p>
<p>Clause 6.3 Development control plan</p>	<p>The site is located within the Lochinvar urban release area, as identified below:</p>  <p>A DCP has been prepared for the land, being Part F.9 of the Maitland DCP 2011.</p>
<p>Clause 7.1 Acid sulfate soils</p>	<p>Site is identified as containing Class 5 acid sulfate soils, as identified below:</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 not within 500m of any adjacent Class 1, 2, 3 or 4 land.</p> <p>In consideration of the above, no acid sulfate soils management plan or preliminary assessment is required, nor is any further consideration under this clause.</p>

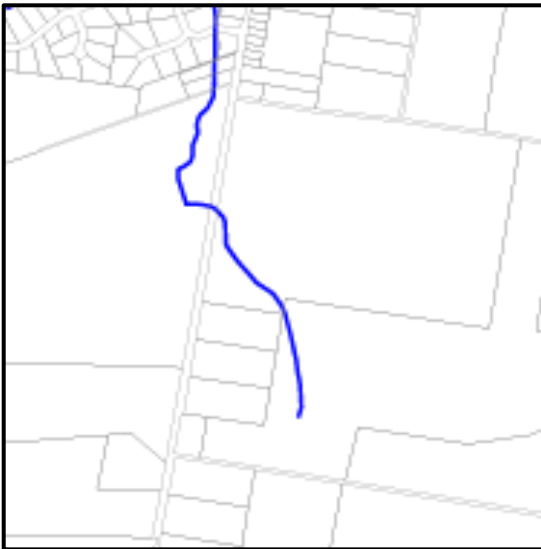
<p>Clause 7.2 Earthworks</p>	<p>Earthworks are proposed in conjunction with the overall development.</p> <p>Cut and fill is identified in the bulk earthworks plan submitted in conjunction with the application (Appendix B).</p> <p>In summary, it is proposed to fill the northern and eastern boundaries of the site and cut the remainder of the site to facilitate construction of the proposed development.</p> <p>It is considered that the earthworks proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Overall, the earthworks proposed are consistent with the requirements of this clause.</p>
<p>Clause 7.4 Riparian land and watercourses</p>	<p>The site is located within 40 metres of the top of the bank of a watercourse identified as 'Watercourse land' on the <i>Watercourse Map</i>, as identified below:</p>  <p>A regional detention basin has been approved in the area identified as containing the watercourse under DA No. 18-456:5, as most recently modified on 16 February 2023. In this regard, the watercourse is currently being augmented into a regional detention basin; subsequently, it has been heavily modified and is no longer in its natural state.</p> <p>Notwithstanding the above, the proposed development has been designed, sited and will be managed to avoid any significant adverse environmental impact.</p>

Table 6: MLEP 2011 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.

Part B: Environmental Guidelines				
Part B.6 – Waste Not – Site Waste Minimisation & Management				
Required	Provided	Complies		
		Yes	No	N/A
1. Submission/Application Requirements				
Site Waste Minimisation and Management Plan to be submitted	Site Waste Minimisation and Management Plan submitted in conjunction with the application (Appendix I).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Site Preparation Phase				
Area to be allocated for the storage of materials, separation of waste, and implementation of measures to avoid adverse environmental impacts	Noted. These areas and measures will be detailed on the CC plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Construction Phase				
Area to be allocated for the storage of materials, separation of waste, and implementation of measures to avoid adverse environmental impacts	Noted. These areas and measures will be detailed on the CC plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Operational Phase				
Multi dwelling housing is subject to the requirements specified in (c), as follows: Waste area to: <ul style="list-style-type: none"> Provide separate containers for waste separation Provide access for person/s with a disability If communal, be located on common property 	The proposed waste area is identified on the architectural plans. <ul style="list-style-type: none"> The proposed waste area is sufficiently sized and: <ul style="list-style-type: none"> provides separate containers for the separation of general waste from recyclables. provides access for person/s with a disability, both in respect of the gradients throughout the site, as well as access into the waste area. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> consider incorporating a bulky waste storage area within the overall communal area include a servicing plan including frequency and servicing location 	<ul style="list-style-type: none"> is located on common property, as defined by the proposed plan of subdivision. is sufficiently sized in that a bulky waste storage area could be provided, if needed. adequate manoeuvring area is provided on site to ensure the facility can be serviced by a private contractor, without any impact on road users of Station Lane. Waste contractor can enter and exit the site in a forward direction. will be serviced on a weekly basis by a private contractor. 			
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Table 7: DCP assessment Part B.6 – Waste Not – Site Waste Minimisation & Management

Part C: Design Guidelines				
Part C.1 – Accessible Living				
Required	Provided	Complies		
		Yes	No	N/A
1. Access Reports				
Access Report to be submitted as application comprises a form of residential development with 20 or more dwellings	Access Report submitted in conjunction with the application (Appendix N).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Enhanced Requirements				
Enhanced standards to apply to certain development	The application does not propose a landuse identified as requiring enhanced standards to be incorporated.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Enhanced Requirements - Carparking				
Enhanced standards to apply to commercial development	The application does not propose a form of commercial development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 - 15				
Specific construction standards	Proposal is fully compliant. Refer to Access Report submitted in conjunction with the application (Appendix N), and accessibility details contained within the architectural plans (Appendix A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 8: DCP assessment Part C.1 – Accessible Living

Part C: Design Guidelines				
Part C.8 – Residential Design				
Required	Provided	Complies		
		Yes	No	N/A
Application				
Chapter applies to multi dwelling housing (attached or detached)	Noted. Application proposes a form of multi-dwelling housing; therefore Chapter C.8 is relevant.			
Objectives				
Proposal to be consistent with DCP objectives	Proposal is consistent with the objectives, as follows: <ul style="list-style-type: none"> Measures are proposed to protect the natural and built environment and minimise land use conflict. The site is not constrained, and any impacts have been mitigated via a well-designed proposal that responds to the context of the site. 			

		<ul style="list-style-type: none"> The proposed development responds to the site conditions and maintains privacy and amenity to the dwelling located to the south of the subject site. The application proposes a variety of housing on the site, including one and two-bedroom dwellings, single and two-storey dwellings, and three accessible dwellings. 			
Subdivision					
Consideration should be given to subdivision of residential development		Noted. Strata subdivision of the proposed development forms part of the application.			
2. Site Analysis & Site Context					
2.1	Site analysis to be submitted	Detailed site analysis contained within the Architectural Plans (Appendix A).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Special consideration where the slope is in excess of 20%	Slope of the land is not in excess of 20%.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Context analysis to be submitted	Context analysis contained within this SEE, refer to Section 2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Site to be located within 400m of certain facilities	Site is located 320m walking distance from the area zoned E1 Local Centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Take site analysis and context analysis into consideration	The proposed development considers and responds to the site analysis and context analysis.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Development Incorporating Existing Dwellings					
No existing dwelling on the site.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Bulk Earthworks and Retaining Walls					
4.1	Bulk earthworks plan to be submitted	<p>A bulk earthworks plan has been submitted in conjunction with the application (Appendix B).</p> <p>In summary, it is proposed to fill the northern and eastern boundaries of the site and cut the remainder of the site to facilitate construction of the proposed development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	600mm max fill on boundary	Minor sections of the retaining wall along the northern boundary exceed 600mm max fill.	<input type="checkbox"/>	<input checked="" type="checkbox"/> (partly)	<input type="checkbox"/>
4.3	900mm max cut on boundary	Minor sections of the retaining wall along the southern boundary exceed 900mm max cut.	<input type="checkbox"/>	<input checked="" type="checkbox"/> (partly)	<input type="checkbox"/>
4.4	Design solutions to reduce earthworks	Design solutions have been utilised to reduce the extent of earthworks, acknowledging that specific levels must be achieved to permit disposal of stormwater etc., in accordance with Council's adopted MOES.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Drainage at rear of retaining walls	Noted, detail to be identified on CC plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	Drainage not to be directed/concentrated onto adjoining properties	<p>Drainage will be directed to the bio basin located in the northeastern corner of the site. From there, the site will drain to the regional detention basin that directly adjoins the site.</p> <p>Drainage design considers and caters for three upstream properties in their future developed state (being Lot 32 DP 776491, Lot 1 DP 717107 and Lot 2 DP 717107).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Cut and fill batters should not exceed 3:1	Fill batters do not exceed 3:1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	If excavations exceed max. these should be confined to the buildings	N/A, excavations do not exceed max stipulated above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.9	Protect excavations	Noted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.10	Protect pipes if burdened by stormwater easement/s	Noted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Street Building Setbacks					
5.1	Min. 4.5m setback from principal street frontage	Dwellings 7-11 are setback 8.7m from Station Lane. The waste area is setback 6.0m from Station Lane. The area along the frontage will be screened with high quality fencing and landscaping.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Min. 3.0m setback to articulation/entry features	All articulation features are setback in accordance with the principal street frontage setbacks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Corner lot provision	Site is not located on a corner.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Corner lot provision	Site is not located on a corner.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Irregular shaped lot provision	Site does not have an irregular shape due to the geometry of the street boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.6	Garage setbacks: min. 6m and min. 1 metre behind the building line	No dwellings have direct vehicular access onto Station Lane.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.7	Setbacks in older/heritage areas	Site is not located within an older residential area of heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.8	Building line setbacks for other zones	Site is not located in an RU1, R5, or C4 zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Side and Rear setbacks					
6.1	Side and rear setbacks in accordance with Figure 10, therefore: a. 0.9m for walls up to 3.0m in height b. 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m	The following dwellings propose side and rear setbacks (whilst the remainder are internalised to the site): 11, 12, 21, 22, 28-31 (inclusive); and 1-6 (inclusive) • Type 1 (dwellings 11, 12, 21, 22, 28-31 (inclusive)): 6.725m in height, therefore a setback of 2.0175m is applicable. Minimum setback of 3.0m proposed. • Type 3 (dwellings 1-6 (inclusive)): 7.01m in height, therefore a setback of 2.13m is applicable. Minimum setback of 5.0m proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Building to side and rear boundaries	Application does not propose to build to the side and/or rear boundaries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Site Coverage and Unbuilt Areas					
7.1	Comply with Table 3, therefore: a. Multi dwelling housing: 70% maximum site coverage (ground floor) b. 30% unbuilt area	Built site coverage = 51.6% Unbuilt site coverage = 48.4% Detailed 'percentage site coverage' calculation is included in the 'site calculation' table contained within the architectural plans (Appendix A).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Application to include a detailed 'percentage site coverage' calculation				
7.2	Site coverage is to be appropriate	Site coverage is substantially less than permitted and is considered acceptable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Building Height, Bulk and Scale					
8.1	Comply with Table 4, therefore: Multi dwelling housing (3 or more) in R1 General Residential zone): max height of 8.5m	A maximum building height of 7.01m is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Details to be shown on plans	Compliance with these provisions is identified on the architectural plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. External Appearance					
9.1	Consideration of particular matters	Matters have been considered in the building design, as outlined throughout this SEE. In particular: <ul style="list-style-type: none"> The design of the proposal has taken into consideration adjoining development, the existing character of the area, and the desired future character of the locality. Architectural interest has been achieved through the use of high-quality colours and finishes, as illustrated on the render submitted in support of the application. The length of unbroken roof ridgelines has been minimised, and additional consideration has been given to the Station Lane frontage through incorporating a mix of single storey and two storey dwellings. Landscaping features throughout the site, and a primary pedestrian point has been proposed between the site and Station Lane. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Garage considerations	Matters have been considered in the building design. In particular: <ul style="list-style-type: none"> Garages are not visible from the street and have been integrated into the design of the dwellings. The driveway alignment is irregular and does not dominate the proposed development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Open Space					
Private Open Space (POS)					
10.1	Principal area as per Figure 20	All areas of private open space are identified on the architectural plans (Drawing No. 007/015 within Appendix A). The areas exclude services and facilities such as rainwater tanks and clothes drying lines. The minimum POS area proposed is 40.0m ² and the maximum POS area proposed is 50.27m ² .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Minimum area as per Figure 20	All minimum areas comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Principal area to be a direct extension of living/dining area	All principal areas are directly connected to the living/dining areas of the dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Min. width of 3m	The minimum POS width proposed is 5m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Cross fall not to exceed 2%	Cross fall does not exceed 2%.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Areas for services not to be included in calculation	The areas exclude services and facilities such as rainwater tanks and clothes drying lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscape plan to detail landscape design for each area of POS	Compliance with these provisions is identified on the architectural and landscape plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ground level POS can be located forward of the building line where it is within the optimal range (Figure 20)	The POS areas for Units 7-11 (inclusive) is located forward of the building line as these areas are within the optimal range according to Figure 20.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privacy fencing for POS located forward of the building line	The fencing located forward of the building line is high quality and has been designed to reflect its purpose of enclosing areas of private open space, along with its location along Station Lane. The design of the front fencing is detailed on the landscape plan (Appendix D).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Above ground POS	No above ground POS proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Communal Open Space (COS)					
10.3	COS to be provided for multi dwelling housing proposing 15 or more dwellings	An area of COS totalling 204.11 m ² has been provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Contain an area sufficient to meet relaxation/recreation needs	The area of the COS is sufficient to meet the relaxation/recreation needs of the future residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Be centrally located	The area of COS has been centrally located and is ideally oriented to be north facing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Be an integral part of the design	The area of COS is an integral part of the design and has been positioned to ensure all residents can easily obtain to access to it.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Be provided with sufficient lighting	The area of COS is provided with lighting, as detailed in the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consider interface with adjoining dwellings	The area of COS does not impact on the enjoyment or amenity of adjoining dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Contain facilities including BBQ and shelter, tables/seating, children's play equipment, childproof fencing and landscaping	The area of COS is provided with BBQ facilities, shelter, children's play equipment; and is appropriately fenced, as detailed in the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Sites having a boundary to a laneway					
	Site does not have a secondary frontage to a laneway.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Accessibility and Adaptable Housing					
12.1	Number of adaptable dwellings as per Table 5. Therefore, 3 adaptable dwellings required.	3 adaptable dwellings (being Dwellings 7, 8 and 9) have been provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12.2	Comply with AS 4299	The adaptable dwellings comply with the provisions of AS 4299. An Access Report has been submitted in conjunction with the application (Appendix N), confirming compliance with AS 4299.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.3	Recommend lightweight non-load bearing walls	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.4	One accessible car parking space required per adaptable dwelling	One accessible car parking space (in the form of a garage), has been provided for each adaptable dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.5-12.15	Design requirements for dwelling, car parking and path of travel throughout the site	Design of dwellings and the site overall is compliant with these provisions. Refer to Access Report submitted in conjunction with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Landscape Design					
13.1	Landscape plan to be submitted	Landscape Plan submitted in conjunction with the application (Appendix D).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.2	Design requirements for the site	Landscape plan is compliant with these provisions. Specifically: <ul style="list-style-type: none"> Native vegetation is utilised Appropriate species are utilised along the Station Lane frontage Landscaping is of an appropriate scale relative to the driveways and space between buildings The area of COS has been landscaped and provided with appropriate facilities that reflect its intended purpose Lighting has been provided throughout the site, including within the area of COS Landscaping is tolerant of site conditions 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.3	Design requirements for POS area	Landscape plan is compliant with these provisions. Specifically: <ul style="list-style-type: none"> Outdoor areas have been identified Garden areas have been incorporated into the design of the POS areas A drying area has been identified within each POS area (which has been excluded from the total POS calculation) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.4	Maintenance regime for landscaped areas	Noted. Maintenance regime is prescribed on the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.5	Landscape design should integrate with the stormwater management scheme	The landscape plan integrates with the site's stormwater management scheme.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Fencing and Walls					
14.1	Fencing to be detailed within the landscape plan	Fencing is detailed within the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.2	Sheet metal fencing not permitted on street boundaries	Fencing comprising a combination of colorbond atop brick retaining walls is proposed along the Station Lane frontage. The fence is articulated along the Station Lane frontage and contains pockets of landscaping as well as street trees.	<input type="checkbox"/>	<input checked="" type="checkbox"/> (partly)	<input type="checkbox"/>

14.3	1.8m dividing fences between dwellings	Fencing between dwellings is 1.8m in height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.4	Provisions relating to sheet metal fencing	Noted; in the event sheet metal fencing is used, it shall comprise mid to dark earthy tones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.5	Fencing to be setback 900mm from the street property boundary	Fencing is not located closer than 900mm to the Station Lane frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.6	Front boundary fencing height, but does not apply where the development qualifies to use the building line setback for POS	The proposed development qualifies to use the building line setback for POS; therefore, this provision does not apply.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14.7	Front boundary fencing (for POS) frontage controls	<p>Fencing along the Station Lane frontage occupies more than 50% of the site frontage, as it encloses areas of POS, thereby providing privacy to future occupants.</p> <p>Fencing along the Station Lane frontage does not obscure the principal pedestrian entry point; rather, a dedicated pedestrian entry point has been provided adjacent to the driveway, thereby providing convenient access to both Station Lane and the communal letterboxes.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.8	Front boundary fencing (for POS) height controls	<p>A 1800mm solid front boundary fence is proposed as the development qualifies to use the building line setback for POS.</p> <p>The fence height is required having regard to maintaining acoustic and visual privacy for future occupants. The front fence has been designed to contribute positively to the streetscape, and is detailed within the landscape plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.9	Fencing of the street frontage	The application proposes fencing along the Station Lane elevation, and this has been detailed in the above points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Driveway Access and Car Parking					
Driveways					
15.1	Min. 900mm side boundary setback	Driveway setback exceeds 900mm from side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.2	Min. 2.7m in width	Driveways are a minimum of 5.5m in width.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.3	Landscaping to be incorporated into driveway design	Landscaping has been incorporated into the design of the driveway, as detailed on the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.4	'Gun barrel' driveways not supported	Application does not propose a gun barrel driveway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.5	Max. grade of 4:1 (H:V)	Driveway grades do not exceed 4:1 (H:V).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.6	Access crossing to be in accordance with MoES	Noted. Expected condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.7	Access crossing to be a max. of 5m wide	<p>In this case, separate entry/exit driveways have been proposed, totalling a width of 7.5m.</p> <p>The configuration of the driveway is in direct response to the number of dwellings proposed, and results in an improved outcome on the site. In addition, a landscaped buffer is proposed between the entry/exit driveways to soften the visual impact.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

15.8	Access crossing to avoid street trees and services	The proposed access crossing does not result in the removal of any street trees or impact upon any existing services within Station Lane.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.9	On-site manoeuvring to be provided to enable vehicles to enter and exit the site in a forward direction	All vehicles can enter and exit the site in a forward direction, and adequate space is provided on site for all vehicles to safely access individual garages, as well as the visitor parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.10	Driveways to be distinguished from pedestrian entries and paths	Driveways are clearly distinguished from pedestrian entries and pathways, as identified on the plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.11	If bush fire prone land, compliance with PBP 2019 to be achieved	Refer to Bushfire Threat Assessment submitted in conjunction with the application (Appendix K).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.12	Parking and manoeuvring areas (excluding driveways), not to be located within the building line setback	No parking and/or manoeuvring areas are located within the building line setback.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car Parking					
15.13	On-site parking: <ul style="list-style-type: none"> 1 space per one- or two-bedroom dwelling Visitor: 1 space for the first 3 dwellings and 1 space for every 5 dwellings thereafter 	The development comprises one- and two-bedroom dwellings. Therefore, a total of 31 on-site parking spaces are to be provided. 31 on-site parking spaces in the form of enclosed garages are provided. Visitor parking: A total of 7 on-site visitor parking spaces are to be provided. 8 on-site visitor parking spaces have been provided, including 2 accessible parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.14	Min. 1 space per dwelling to be covered, accessible and convenient to occupants	1 space per accessible dwelling has been provided in the form of an enclosed garage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.15	Visitor parking to be freely available	8 visitor parking spaces have been located throughout the site, in 3 separate areas. All visitor parking spaces are conveniently located and freely available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.16	Size/configuration to be compliant with Figure 24	All on-site parking areas are compliant with Figure 24.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.17	Min. dimensions to be compliant with Figure 25	All on-site parking areas, including minimum dimensions, are compliant with Figure 24.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.18	Provisions relating to developments containing up to two (2) dwellings	Proposal contains more than two (2) dwellings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15.19	Provisions relating to developments containing more than three (3) dwellings: permit one (1) dwelling to have a garage directly accessing the street	No dwellings have direct access to Station Lane.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15.20	Provisions relating to tandem/stack parking	No tandem/stack parking proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15.21	Provisions relating to designated accessible car parking facilities	<p>Proposal is compliant, noting:</p> <ul style="list-style-type: none"> • Provision of parking for accessible dwellings complies and has been provided in the form of enclosed garages. • All dimensions are compliant. • Access Report submitted in conjunction with the application confirms compliance with these requirements. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Views, and Visual and Acoustic Privacy					
16.1	Overlooking of POS to be screened and obscured	Overlooking of POS areas has been minimised through a combination of window placement, and separation distances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.2	If no design techniques proposed, openings to be separated by a min. of 3m	Design techniques and screening have been proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16.3	Separate common areas and driveways from bedrooms	Bedrooms are separated from common areas and driveways and other noise sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.4	Locate mechanical plant/equipment to minimise noise nuisance	Mechanical plant/equipment will be located in such a way that it does not cause noise disturbance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.5	Shared walls to be constructed to reduce noise transmission	Shared walls will be constructed in accordance with the BCA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Water and Energy Conservation					
17.1	Main living spaces of buildings to be oriented to the north and northeast	<p>Main living spaces of Dwellings 1-6 (inclusive) are oriented to the north.</p> <p>The remainder of the dwellings have an optimal area of POS which is oriented to the north.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.2	Buildings should be insulated	Buildings will be insulated in accordance with the BCA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.3	Consider thermal mass and thermal performance	Noted. Buildings will be constructed in accordance with the BCA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.4	West-facing windows to be avoided, or alternatively, shaded or protected with landscaping	West-facing windows will be shaded/protected with landscaping.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.5	Consider solar hot water	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.6	Consider providing breezeways	Breezeways not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17.7	Shadow diagrams required	Compliance with these provisions is identified on the architectural plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.8	Considerations for shadow diagrams	Shadow diagrams clearly identify that all dwellings and areas of POS receive not less than 3 hours of sunlight between 9:00am and 3:00pm on the Winter Solstice.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Water and Energy Conservation					
18.1	OSD is required	<p>Stormwater drainage strategy confirms that the regional basin currently under construction has been designed to cater for stormwater from the site; proposal involves:</p> <ul style="list-style-type: none"> • Capture of stormwater from unit and driveway areas by a conventional pit and pipe drainage network. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<ul style="list-style-type: none"> Conveyance of the development's captured stormwater within the drainage pipe network to a GPT for primary treatment prior to discharge into the proposed bioretention basin. Discharge from the development will outlet into the proposed regional basin. <p>Drainage design considers and caters for three upstream properties in their future developed state (being Lot 32 DP 776491, Lot 1 DP 717107 and Lot 2 DP 717107).</p>			
18.2	Erosion and sediment control plan required	Erosion and sediment control plan submitted in conjunction with the application (Appendix B).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.3	Gravity drained to approved point of discharge	Site will be gravity drained into the regional OSD basin located in the adjoining site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.4	Overland flow path for the 1% AEP to be provided	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.5	Stormwater storage tanks may be installed	Not proposed in this instance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18.6	Stormwater drainage concept plan required	Stormwater drainage concept plan submitted in conjunction with the application (Appendix B).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Security, Site Facilities and Services					
19.1	Crime Prevention Through Environmental Design assessment required	Crime Prevention Through Environmental Design (CPTED) Assessment submitted in conjunction with the application (Appendix L).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.2	Buildings near communal OS to maximise natural surveillance	The area of COS will be visible from a number of dwellings, including Dwellings 4-6, 16-18 and 25.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.3	Low intensity lighting to be provided to all shared areas	Lighting will be provided to all shared areas, as identified on the landscape plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.4	Design considerations for garbage/recycling areas, mailboxes and storage facilities	Communal waste storage area and mailboxes have been well-designed; provided in a convenient location; and have been designed and sited for functionality and efficiency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.5	Services to be located in common trenching	Noted. Expected condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.6	Access to the public road to be provided	A dedicated pedestrian pathway linking the site with Station Lane has been provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.7	Easily accessible common garbage storage area to be provided	<p>A waste storage area has been provided on the site, which is easily accessible for all future occupants, including those within the 3 accessible dwellings.</p> <p>The site will be privately serviced, and adequate manoeuvring area has been provided for such servicing to occur on-site, without impacting other road users.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.8	Garbage area to be designed to conceal its contents from view, and provided with a water tap	<p>Waste storage area has been designed to ensure the contents are not visible from view.</p> <p>The waste storage area will be provided with a water tap.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.9	Either individual mailboxes or a mailbox structure close to the	Communal mailboxes have been provided on the site in a location which will be convenient to all future occupants and is easily visible from Station Lane.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	major pedestrian entry to the site				
19.10	Open air clothes drying area to be provided for each dwelling, screened from public view and min. 15 lineal metres of hanging space provided	Provided and detailed on the plans submitted in conjunction with the application. A minimum of 15 lineal metres of hanging space has been provided per dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.11	All services to meet the requirements of the service provider	Noted. Condition expected.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 9: DCP assessment Part C.8 – Residential Design

Part C: Design Guidelines						
Part C.11 – Vehicular Access & Car Parking						
Required		Provided		Complies		
				Yes	No	N/A
Calculation of Parking Requirements						
Car parking calculation and design	Car parking calculation (including visitor parking) and design is consistent with the requirements contained in Part C.8 - Residential Design. Refer to assessment contained in the table relating to Part C.8 - Residential Design.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 10: DCP assessment Part C.11 – Vehicular Access & Car Parking

Part C: Design Guidelines						
Part C.12 – Crime Prevention through Environmental Design						
Required		Provided		Complies		
				Yes	No	N/A
General Requirements						
Crime Prevention Through Environmental Design assessment, to be submitted	Crime Prevention Through Environmental Design (CPTED) Assessment submitted in conjunction with the application (Appendix L).		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 11: DCP assessment Part C.12 – Crime Prevention through Environmental Design

Part F: Urban Release Areas						
Part F.1 – General Requirements						
Required		Provided		Complies		
				Yes	No	N/A
Development Control Plan Requirements						
6.1, 6.2 and 6.3 are not relevant as the site does not require submission of an Area Plan or Precinct Plan			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part F: Urban Release Areas						
Part F.2 – Residential Urban Release Areas						
Required		Provided		Complies		
				Yes	No	N/A
Desired Future Outcomes						
All development to demonstrate consistency and consideration of desired future outcomes	The site is ideally located close to proposed community facilities, parks and a commercial centre.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	<p>The design encourages walkable communities, and a sense of place in the neighbourhood through an active streetscape, along with high quality fencing and responsive landscaping.</p> <p>The proposal will result in a range of housing types, for example one and two-bedroom dwellings, single and two-storey dwellings, and three adaptable/accessible dwellings.</p>			
Design Considerations				
Design criteria for Area Plans and Precinct Plans (where required)	Site is not within an identified precinct. Accordingly, an Area Plan and Precinct Plan is not required to be prepared, and the design considerations are not relevant to this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Part F: Urban Release Areas				
Part F.9 – Lochinvar Urban Release Area				
Required	Provided	Complies		
		Yes	No	N/A
Description				
Site is identified as 'potential medium density housing' within Figure 55	Noted. A form of medium density housing is proposed.			
Watercourse is within proximity to the site, as illustrated within Figure 56	<p>The site is located within 40 metres of the top of the bank of a watercourse identified as 'Watercourse land' on the <i>Watercourse Map</i> under the provisions of the MLEP 2011.</p> <p>A regional detention basin has been approved in the area identified as containing the watercourse under DA No. 18-456:5, as most recently modified on 16 February 2023. In this regard, the watercourse is currently being augmented into a regional detention basin; subsequently, it has been heavily modified and is no longer in its natural state.</p>			
Proposed road widening of Station Lane is illustrated within Figure 57	<p>Noted. The road widening of Station Lane is being carried out in accordance with the conditions imposed on the development consent associated with DA No. 18-456:5, as most recently modified on 16 February 2023.</p> <p>The road widening was approved by Council on 21 June 2023 (Reference SW/2022/8:6 & DA/2018/456:2).</p> <p>The site area takes into account the land required for road widening purposes in association with the abovementioned approvals.</p>			
Site is identified as being located with Stage 1, as illustrated within Figure 58	Noted.			
Station Lane incorporates an on-road commuter path, as illustrated within Figure 59	Noted. On road commuter path will be incorporated into Station Lane road widening.			
Station Lane is identified as a primary distributor road (15 metres pavement)	Noted. Width of Station Lane is identified in the approved plans for the Station Lane road widening.			
1. Development Requirements				
1.1 Staging Plan	<p>Site is identified within Stage 1.</p> <p>Water, sewer, telecommunications and waste servicing will be provided.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2 Transport and Movement	Proposal is consistent with the overall transport movement hierarchy, and Figures 57 and 59, as outlined previously.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<p>Traffic Impact Assessment submitted in conjunction with the application (Appendix J).</p> <p>Application does not propose the Torrens Title subdivision of land, and in this respect, the provisions of 2-11 and 13 – 18 are either not relevant or have been addressed in association with DA No. 18-456:5, as most recently modified on 16 February 2023.</p>			
1.3 Overall Landscaping Strategy	<p>Application does not propose the Torrens Title subdivision of land, and in this respect, all provisions are either not relevant or have been addressed in association with DA No. 18-456:5, as most recently modified on 16 February 2023.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.4 Passive and Active Recreation Areas	<p>Application does not propose the Torrens Title subdivision of land, and in this respect, all provisions are either not relevant or have been addressed in association with DA No. 18-456:5, as most recently modified on 16 February 2023.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5 Stormwater and Water Quality Management	<p>Post-development stormwater flows will not exceed pre-development stormwater flows.</p> <p>Application does not propose the Torrens Title subdivision of land, and in this respect, the provisions of 1-3 and 5 – 21 are either not relevant or have been addressed in association with DA No. 18-456:5, as most recently modified on 16 February 2023.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6 Amelioration of Natural and Environmental Hazards	<p>The application considers and ameliorates hazards, including bushfire and contamination.</p> <p>Bushfire Threat Assessment submitted in conjunction with the application (Appendix K).</p> <p>Site is not impacted by flooding or noise impacts from the railway, therefore the provisions of 5-17 are not relevant.</p> <p>Site is not contained within a visually significant area and is not identified as a masterplan site within Figure 56; therefore, the provisions of 18-21 are not relevant.</p> <p>Measures will be incorporated to prevent and control the impacts of erosion and sedimentation that may occur as a result of earthworks.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7 Aboriginal and European Heritage	<p>The site is identified within the staging plans associated with DA No. 18-456:5, as most recently modified on 16 February 2023, as Stage 11.</p> <p>Issues relating to Aboriginal and European Heritage were considered in association with the abovementioned DA, and no items of significance were located on or within proximity to the site the subject of this proposal.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.9 Key Development Sites	<p>The site is not identified as a key development site.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.10 Residential Densities	<p>No specific requirements as they are controlled by the MLEP 2011.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.11 Neighbourhood Commercial and Retail Uses	Application does not propose a neighbourhood commercial and retail use.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.12 Provision of Public Facilities and Services	Application does not propose the Torrens Title subdivision of land, and in this respect, all provisions are either not relevant or have been addressed in association with DA No. 18-456:5, as most recently modified on 16 February 2023.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Table 12: DCP assessment Part F.1, F.2 and F.9 - Urban Release Area

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>Additional matters that consent authority must consider</p> <ol style="list-style-type: none"> 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. 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"> a) the subdivision order, and b) any development plan prepared for the land by a relevant authority under that Schedule. 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"> a) land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional, b) land less than 200 kilometres from the Siding Spring Observatory, if the development is— <ol style="list-style-type: none"> i. State significant development, or ii. designated development, or iii. development specified in <i>State Environmental Planning Policy (Planning Systems) 2021</i>, Schedule 6. 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. 5. Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development. 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. <p>7-8.(Repealed)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

62	<p>Consideration of fire safety</p> <ol style="list-style-type: none"> 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. 2. The consent authority must— <ol style="list-style-type: none"> a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and 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. 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>. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
63	<p>Considerations for erection of temporary structures</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"> a) the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and 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. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
64	<p>Consent authority may require upgrade of buildings</p> <ol style="list-style-type: none"> 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"> a) the proposed building work and previous building work together represent more than half of the total volume of the building, or b) the measures contained in the building are inadequate— <ol style="list-style-type: none"> i. to protect persons using the building, if there is a fire, or ii. to facilitate the safe egress of persons using the building from the building, if there is a fire, or iii. to restrict the spread of fire from the building to other buildings nearby. 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. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
65	<p>Consideration of conservation plan for development at Sydney Opera House</p> <ol style="list-style-type: none"> 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. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
66	<p>Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</p> <ol style="list-style-type: none"> 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"> a) land in Zone IN1 General Industrial under <i>State Environmental Planning Policy (Industry and Employment) 2021</i>, Chapter 2, 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, c) land shown on the Land Application Map under <i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i>, Chapter 4. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

	<ul style="list-style-type: none"> b) the surrender of the development consent will not have an adverse impact on a third party or the locality. 4. The notice takes effect when the consent authority notifies the person that the consent authority is satisfied that— <ul style="list-style-type: none"> a) no part of the development to which the development consent relates has commenced, or b) if there is commenced development— <ul style="list-style-type: none"> 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 ii. the surrender of the development consent will not have an adverse impact on a third party or the locality. 5. The notice operates, according to its terms, to surrender the development consent to which it relates. 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. 		
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Table 13: EP&A Regulation 2021 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 does not contain any trees; rather, the site currently contains modified grasslands that are typical of the historical rural use of the site.

The site forms part of the larger site, i.e., Stage 11, that has previously been approved for subdivision and residential development pursuant to DA No. 18-456:5 (as most recently modified on 16 February 2023). The previous approval permitted the removal of all vegetation within the boundaries of the subdivision for the purpose of future residential development and associated civil works to provide infrastructure to the lots.

Due to the cleared and modified nature of the site, and the previous approval that has been issued in respect of the overall site, it is considered that the proposed development will not adversely impact on threatened species, populations or ecological communities, or their habitats.

CONTEXT AND SETTINGS

The proposed development is consistent with the intended development of land within Part F.9 – Lochinvar Urban Release Area of the Maitland DCP 2011. Once constructed, the development will compliment existing built form in the locality and relate positively to surrounding development and land uses.

The area is undergoing rapid change associated with residential development. The proposal has been designed in such a way as to ensure that it will be consistent with the desired future character of the locality. In this regard, whilst land to the east, west and south is currently rural, these sites are all identified as being located within the Lochinvar URA and approvals have either been issued for the development of the sites into residential lots, or alternatively, proposals for the future development of these areas are being developed.

Considering the envisaged rapid development that is currently occurring, it is deemed appropriate to put emphasis on desired future character, rather than consistency with the existing streetscape.

HERITAGE

A Due Diligence Assessment (prepared by Archaeological Risk Assessment Services, 2017), was previously prepared for the entire site in conjunction with DA No. 18-456:5 (as most recently modified on 16 February 2023). The Assessment identified the presence of an Aboriginal site close to the northern boundary of the lot, adjacent to Christopher Road.

An Aboriginal Heritage Impact Permit was issued by Heritage NSW on 11 December 2020.

Community collection/salvage was completed on 18 December 2020, and since that time, the site has been developed for residential purposes.

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.

The site is not identified as a heritage item; is not located within a heritage conservation area; and is not located within the vicinity of a heritage item or heritage conservation area.

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

BUSHFIRE

As outlined previously, the site is identified as bush fire prone land; accordingly, the application is lodged as Integrated Development as it proposes the subdivision (strata) of the completed development into 31 lots and therefore requires a bush fire safety authority under s100b of the *Rural Fires Act 1997*.

Considering that the future regional basin (which is currently under construction) is located directly to the east of the site, the Bushfire Threat Assessment (Appendix K) accurately categorises this area as managed land. Accordingly, it is considered that the proposed development is compliant with the provisions of Planning for Bushfire Protection 2019. However, if, based on a detailed review of the proposal, the NSW Rural Fire Service is of the view that the proposal does not comply with Planning for Bushfire Protection 2019, the applicant is prepared to relocate Unit 31 to increase the setback to the eastern boundary and provide an Asset Protection Zone.

EROSION AND SEDIMENT CONTROL

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

A concept erosion and sedimentation control plan detailing such measures has been submitted in conjunction with the application (Appendix B).

TRAFFIC

The site is part of a larger subdivision associated with DA No. 18-456:5 (as most recently modified on 16 February 2023).

It is noted that Stages 4 and 5 are currently under construction and will be delivered by the end of 2024, which will provide the eastern link of Springfield Drive through to the traffic-controlled signals on the New England Highway.

The road widening of Station Lane is being carried out in accordance with the conditions imposed on the development consent associated with DA No. 18-456:5 (as most recently modified on 16 February 2023), and the specific approval issued by Council on 21 June 2023 (Reference SW/2022/8:6 & DA/2018/456:2). Works have commenced; such works will provide the subject site with an upgraded road frontage along with sewer connection, water, power and telecommunication services.

A Traffic Impact Assessment was prepared in support of the proposed development (refer to Appendix J). The TIA assesses the likely peak traffic generation associated with the proposed development, the likely traffic impacts of the proposal on the local road network including the capacity of the existing road network linking to the sub-arterial road network, and the proposed arrangements with respect to the access and on-site parking.

The TIA concludes as follows:

- The proposed development is predicted to generate approximately an additional 155 vtpd or 16 vtpm in the AM and PM peak hour periods on the local and state road network.
- The additional traffic generated by the development will not cause the adjacent state and local road network to reach their relevant two-way mid-block capacities through to 2034; therefore, subject to satisfactory intersection operation, the local and state road network has sufficient spare capacity to cater for the development.
- As the site is within the Lochinvar URA area and the proposal generates less traffic than was assumed in the Lochinvar URA Traffic and Transport Report (September 2012), the proposal will not adversely impact on the future road network on the full development of the Lochinvar URA.
- The development will not adversely impact on the operation of the current New England Highway/Station Lane/Cantwell Road give way priority-controlled intersection.
- The proposed development provides sufficient and suitable on-site car parking provision to meet the requirements of the Maitland DCP (2011) and Australian Standards.
- A suitably safe vehicular access to the development compliant with Maitland City Council, and Australian Standard AS2890.1-2004 Parking facilities Part 1: Off-street car parking, is provided to the development.
- The proposed development can be conveniently serviced for waste collection on-site by a private contractor using the waste bin loading area at the front of the site during non-peak traffic periods.
- The development is unlikely to generate any significant demand for public transport services, therefore no nexus would exist for any change to the existing public transport services in the area.
- The development is not expected to generate any significant additional demand for bicycle or pedestrian infrastructure; therefore, it is unreasonable to require the development to provide such infrastructure until such time as the infrastructure is provided with the development of the Lochinvar URA. There are already suitable pedestrian pathways and cycleways provided within the Lochinvar URA adjacent to the development to accommodate the expected additional demand resulting from the development.

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 site is contained within the Lochinvar URA and is identified for the purpose of 'potential medium density housing' within Figure 55 within Part F.9 – Lochinvar Urban Release Area of the Maitland DCP 2011. It is ideally located, close to proposed community facilities and parks; and 320m walking distance from the area zoned E1 Local Centre which will contain a mix of businesses and services for the developing residential area.

The design encourages walkable communities, and a sense of place in the neighbourhood through an active streetscape, along with high quality fencing and responsive landscaping.

The proposed development will result in an additional 31 dwellings, three (3) of which are accessible, within an area identified and zoned for this particular form of development.

Ultimately, 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.

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 facilitate the development of a multi dwelling housing development within an area identified and zoned for this particular form of development.
- The development site is contained within the Lochinvar URA, and the delivery of 31 additional dwellings will result in social and economic benefits.
- The site is ideally located within walking distance to the area identified as a future town centre, which is easily accessed via footpaths.
- No adverse impacts are anticipated as a result of the proposed development.

5.8. THE PUBLIC INTEREST

The proposed development will provide service and employment opportunities during its construction phase.

The proposed development satisfies the provisions contained within the *Maitland LEP 2011* and the *Maitland DCP 2011*. No adverse environmental impacts are envisaged, and the proposal will result in positive social and economic impacts through an increase in housing diversity within the Lochinvar URA.

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

6. CONCLUSION

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, being specifically identified within Part F.9 – Lochinvar Urban Release Area of the *Maitland DCP 2011* for the purpose of medium density housing. The future E1 Local Centre is located within approximately 320m walking distance from the site, thereby providing future occupants with access to range of retail, business and community uses.
- The proposed development will compliment the desired future character of the locality, particularly considering the rapid transformation that is taking place within the urban release area.
- 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 number of specialist reports that confirm the suitability of the proposed development for the subject site.
- The development will facilitate an increase in housing diversity within the Lochinvar urban release area.
- 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.