

STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES; COMMUNITY TITLE
SUBDIVISION OF ONE LOT INTO 14 LOTS COMPRISING 13
RESIDENTIAL LOTS AND ONE COMMUNITY LOT; AND ASSOCIATED
VEGETATION REMOVAL AND CIVIL WORKS

256 PATERSON ROAD, BOLWARRA HEIGHTS

LOT C DP 163627



HVDS

Hunter Valley
Development
Services

Prepared for:
HGBE Properties Pty Ltd
16 September 2024

DOCUMENT CONTROL

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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

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

CONTENTS

1.	EXECUTIVE SUMMARY	6
2.	SITE ANALYSIS AND CONTEXT	7
2.1.	The Site	7
2.2.	The Locality and Site Context	10
3.	THE PROPOSED DEVELOPMENT	12
3.1.	Description of the Proposed Development	12
4.	STATUTORY MATTERS	14
4.1.	Objects of the <i>Environmental Planning and Assessment Act 1979</i>	14
4.2.	Section 1.7 of the <i>Environmental Planning and Assessment Act 1979</i>	14
4.3.	Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>	17
4.4.	Section 4.46 of the <i>Environmental Planning and Assessment Act 1979</i>	17
4.5.	State Environmental Planning Policies	19
4.5.1.	SEPP (<i>Biodiversity and Conservation</i>) 2021	19
4.5.2.	SEPP (<i>Resilience and Hazards</i>) 2021	20
4.5.3.	SEPP (<i>Transport and Infrastructure</i>) 2021	20
4.6.	<i>Maitland Local Environmental Plan 2011</i>	20
5.	SECTION 4.15 ASSESSMENT	25
5.1.	The Provisions of any Environmental Planning Instrument	25
5.2.	Any Proposed Instrument	25
5.3.	The Provisions of any Development Control Plan	25
5.3.1.	Maitland Development Control Plan 2011	25
5.4.	Any Planning Agreement	41
5.5.	The Regulations	41
5.6.	The Likely Impacts of The Development	44
5.6.1.	Environmental Impacts	44
5.6.2.	Social and Economic Impacts	47
5.7.	The Suitability of the Site for the Development	47
5.8.	The Public Interest	47
6.	CONCLUSION	48

FIGURES

Figure 1: Aerial of the site (Nearmap, 8 August 2024)	7
Figure 2: Aerial of the locality (Nearmap, 8 August 2024)	11
Figure 3: Plan of subdivision (GCA Engineering Solutions)	12
Figure 4: Environmental overlay plan (GCA Engineering Solutions)	16
Figure 5: Proposed subdivision layout with locality plan (Part D.3 – Locality Plans (Bolwarra Heights)) overlaid	39
Figure 6: Excerpt from ‘Green and Blue Grid’ map, Environmental Sustainability Strategy 2030	45

TABLES

Table 1: Site particulars	7
Table 2: Proposed lot sizes and associated building envelope areas	13
Table 3: <i>Biodiversity Conservation Act 2016</i> assessment	15
Table 4: Provisions relevant to Community Management Statement	17
Table 5: Integrated Development assessment	18
Table 6: Relevant State Environmental Planning Policies	19
Table 7: <i>SEPP (Transport and Infrastructure) 2021</i> assessment	20
Table 8: <i>Maitland Local Environmental Plan 2011</i> assessment	24
Table 9: DCP assessment Part C.10 – Subdivision	38
Table 10: DCP assessment Part D.3 – Locality Plans (Bolwarra Heights)	39
Table 11: <i>Environmental Planning and Assessment Regulation 2021</i> assessment	44

APPENDICES

Appendix	Document	Author
A	Plan of subdivision	GCA Engineering Solutions
B	Environmental Overlay Plan	GCA Engineering Solutions
C	Concept civil engineering design, erosion and sediment control plan, soil and water management details and bulk earthworks plan	GCA Engineering Solutions
D	Landscape plan (street trees)	Green Space Planning Co.
E	Survey	Delfs Lascelles Consulting Surveyors
F	BDAR	Peak Land Management
G	Bushfire Assessment Report	Peak Land Management
H	Archaeological Due Diligence Assessment	McCardle Cultural Heritage Pty Ltd
I	Preliminary Site Investigation	Stantec
J	Traffic Impact Assessment	Intersect Traffic
K	Site Waste Minimisation and Management Plan	Hunter Valley Development Services
L	Stormwater Management Strategy	GCA Engineering Solutions
M	Estimated Development Cost Report	Corbett Scott Quantity Surveying
N	Hunter Water stamped plans	

1. EXECUTIVE SUMMARY

Hunter Valley Development Services has been retained by HGBE Properties Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a DA seeking approval for the demolition of existing structures; community title subdivision of one lot into 14 lots comprising 13 residential lots and one (1) community lot; and associated vegetation removal and civil works at 256 Paterson Road, Bolwarra Heights (Lot C DP 163627).

The site is located within the Maitland LGA and is zoned R5 Large Lot Residential pursuant to the *Maitland Local Environmental Plan 2011*.

The site is located within the Bolwarra Heights Locality as identified within Chapter D.3 – Bolwarra Heights of the Maitland Development Control Plan 2011.

The proposed development is Integrated Development and will require:

- A Bush Fire Safety Authority under s100b of the *Rural Fires Act 1997*
- A Controlled Activity Approval under s91 of the *Water Management Act 2000*

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.

The proposed subdivision layout has been designed to integrate with the existing locality and act as an extension to the existing subdivision pattern of Bolwarra Heights. Importantly, the design of the subdivision identifies and considers existing vegetation on the site and proposes the establishment of a conservation zone adjacent to the western boundary of the property, thereby ensuring connectivity with the existing local wildlife corridor located to the north and west of the site, as identified within Council's Environmental Sustainability Strategy 2030.

The proposal will result in an additional 13 residential lots being provided within the locality, all of which comply with the minimum lot size. Ultimately, development of this site will facilitate an increase in the overall availability of housing within the locality. The proposed development compliments the existing subdivision pattern of the immediate area and proposes a form of infill development, thereby ensuring that future residents have access to existing services within the direct locality, consistent with the objectives of the Hunter Regional Plan 2041.

2. SITE ANALYSIS AND CONTEXT

2.1. THE SITE

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

Site Description	Particulars
Lot and DP	Lot C DP 163627
Site Address	256 Paterson Road, Bolwarra Heights
Owner	HGBE Properties Pty Ltd
Site Area	Approximately 71,939.82m ²

Table 1: Site particulars

The site is located at 256 Paterson Road, Bolwarra Heights, within a well-established residential and rural-residential area predominantly consisting of detached dwelling houses on various sized allotments.

The site is roughly rectangular in shape and has a total site area of 71,939.82m².

Existing improvements on the site include a detached dwelling house, garage and ancillary sheds/outbuildings, which are located within the southeastern portion of the site. In addition, the site contains an area utilised for fruit and vegetable gardening.

A number of tracks are located throughout the property. The site contains vegetated and re-vegetated areas, although these have been impacted by previous land uses such as clearing, ploughing, grazing and construction work associated with the historical use of the site. Other parts of the site are cleared and maintained.

A natural ridgeline exists through the middle of the site, in a north/south direction. Surface levels vary between approximately RL 25.29 at the northeastern corner of the site up to approximately RL 30.60m AHD at the southeastern corner of the site at Paterson Road.

The aerial below identifies the subject site.

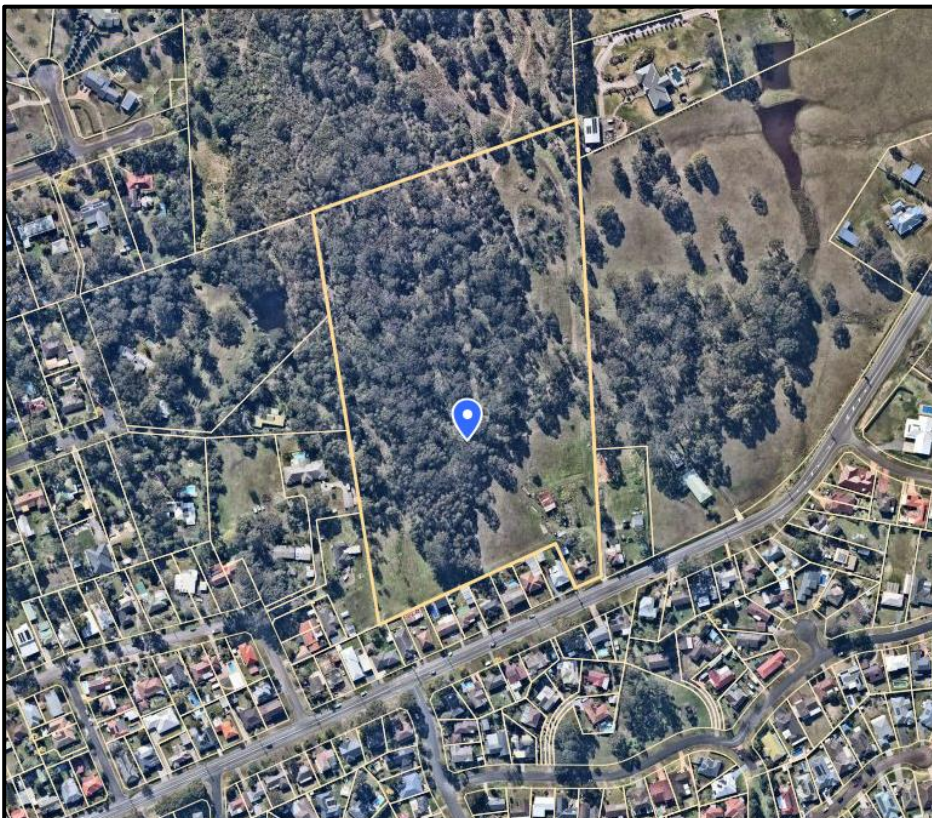


Figure 1: Aerial of the site (Nearmap, 8 August 2024)

The photographs below identify the subject site.



Photo 1: Subject site, as viewed from Paterson Road



Photo 2: Area used for gardening



Photo 3: Subject site, looking north towards existing vegetation



Photo 4: Existing shed located on the subject site



Photo 5: Dwelling located directly to the east of the subject site



Photo 6: Dwelling located directly to the west of the subject site

2.2. THE LOCALITY AND SITE CONTEXT

The site is located within the suburb of Bolwarra Heights, which is approximately 5km to the northeast of the commercial centre of Maitland.

The following development is located directly adjoining the site:

- A large landholding, zoned R5 Large Lot Residential, directly to the north
- A dwelling and separate large landholding zoned R5 Large Lot Residential, directly to the east
- Existing residential dwellings, zoned R1 General Residential, to the south, separated by Paterson Road
- An existing single-storey residential dwelling, zoned R1 General Residential, to the west

The photos below identify the locality:



Photo 7: Looking west along Paterson Road



Photo 8: Streetscape along the southern side of Paterson Road



Photo 9: Streetscape along the southern side of Paterson Road

Uses within proximity to the site include:

- Bolwarra Public School, approximately 1.6km to the southwest
- The intersection of Paterson Road and Tocal Road, approximately 0.5km to the southwest, which provides a link to Maitland and East Maitland
- Maitland Railway Station, approximately 5.0km to the southwest
- The village centre of Lorn, approximately 3.7km to the southwest
- The village centre of Morpeth, approximately 4.4km to the southeast

The surrounding area is predominantly residential and rural-residential in nature.

The aerial below identifies the locality surrounding the subject site.

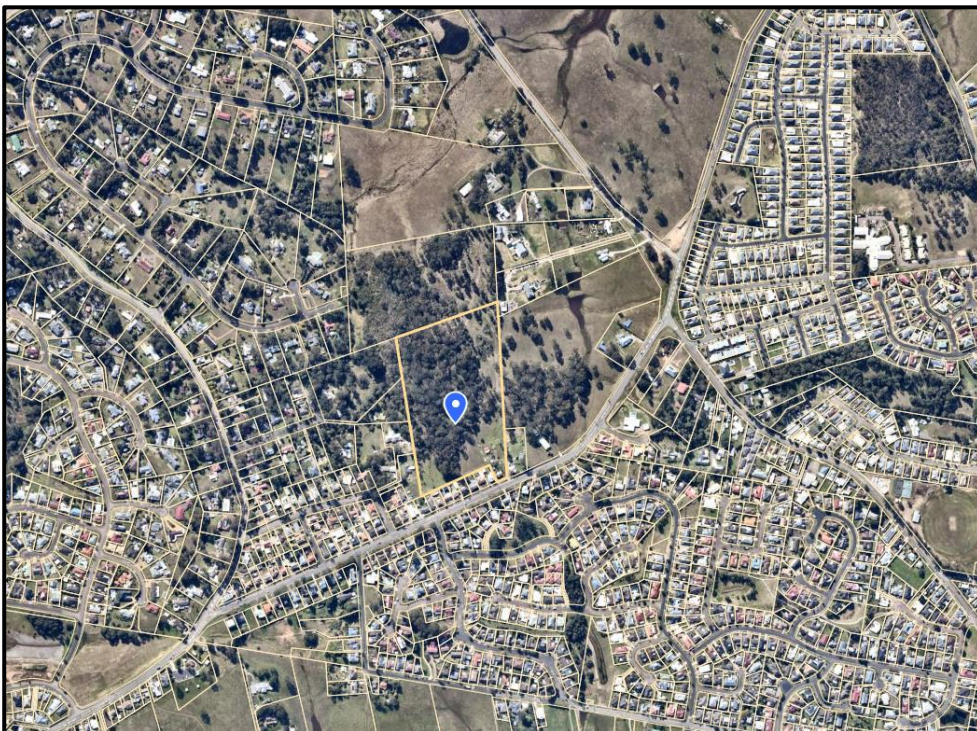


Figure 2: Aerial of the locality (Nearmap, 8 August 2024)

3. THE PROPOSED DEVELOPMENT

3.1. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development incorporates the following components:

- Demolition of existing structures
- Community title subdivision of one lot into 14 lots comprising 13 residential lots and one (1) community lot,
- Associated vegetation removal and civil works

The specific components of the proposal are discussed in detail below.

Demolition of existing structures

All existing structures within the southeastern portion of the site comprising the existing dwelling house, garage and ancillary sheds/outbuildings, are to be demolished.

Community title subdivision of one lot into 14 lots comprising 13 residential lots and one (1) community lot

The application seeks development consent for the Community Title subdivision of the existing lot into 14 lots comprising 13 residential lots and one (1) community lot.

The plan of subdivision is contained within Appendix A and is reproduced below:

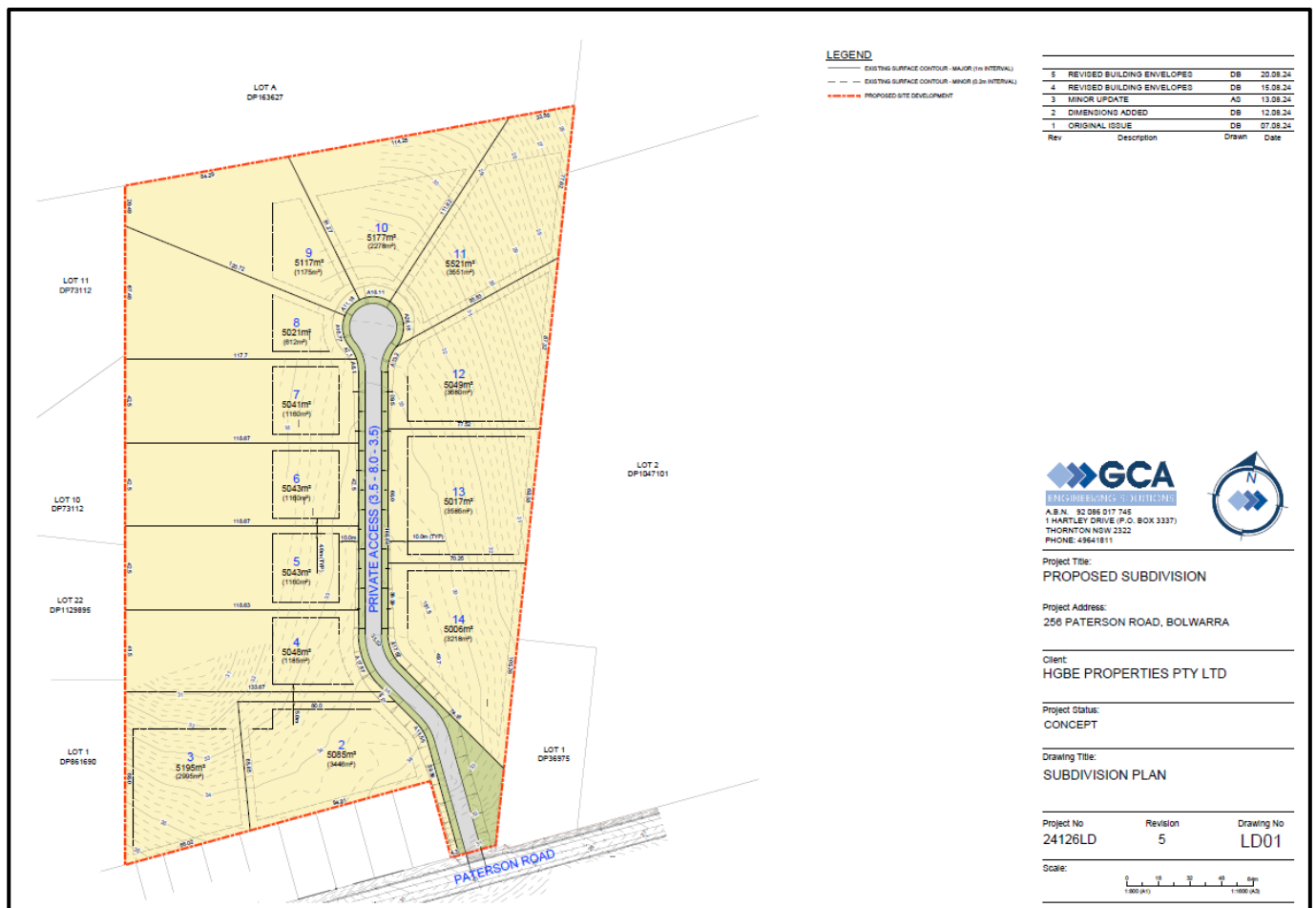


Figure 3: Plan of subdivision (GCA Engineering Solutions)

Table 2 below, identifies the resultant lots sizes and associated building envelopes:

Lot	Area (m ²)	Building envelope (m ²)
1 (community lot)	N/A	N/A
2	5085m ²	3446m ²
3	5195m ²	2995m ²
4	5048m ²	1185m ²
5	5043m ²	1160m ²
6	5043m ²	1160m ²
7	5041m ²	1160m ²
8	5021m ²	612m ²
9	5117m ²	1175m ²
10	5177m ²	2278m ²
11	5521m ²	3551m ²
12	5049m ²	3680m ²
13	5017m ²	3585m ²
14	5006m ²	3218m ²

Table 2: Proposed lot sizes and associated building envelope areas

Associated vegetation removal and civil works

Associated vegetation removal and civil works include the following components:

- Vegetation removal to enable the construction of the private access road, establishment of APZ's, creation of building envelopes to facilitate the construction of future dwellings on each of the proposed lots, and installation of associated services.
- Construction of a private access road which will be contained within Proposed Lot 1 (community lot) to provide Proposed Lots 2 – 14 (inclusive) with access to Paterson Road.
- Construction of an intersection treatment (BAR/BAL) on Paterson Road.
- Provision of infrastructure including stormwater drainage, water, sewer, electricity, and telecommunications.

4. STATUTORY MATTERS

4.1. OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

- The proposed development promotes the orderly and economic use and development of land and is permitted with consent in the prevailing zone pursuant to the MLEP 2011.
- The layout of the proposed subdivision has been carefully considered to minimise harm to the environment through the application of avoid and minimise principles; accordingly, adverse impacts on threatened and other species of native animals and plants, ecological communities and their habitats will be minimised.
- The proposed development promotes an appropriate subdivision layout which will result in an increase in housing within the locality.

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

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

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

Biodiversity Conservation Act 2016

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

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

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

Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity 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 is currently vegetated, predominantly with native species. Removal of the vegetation identified is unlikely to significantly 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 environmental planning instrument (or the actual size of the land where no minimum lot size applies).

		<p>The applicable clearing threshold is 0.25 hectares as the minimum lot size under the MLEP 2011 in respect of the site is 5,000m².</p> <p>Proposed native vegetation removal will exceed 0.25 hectares; specifically, the proposed development will result in direct impacts to 3.7 hectares of native vegetation.</p> <p>With respect to the second item, the site is not included on the Biodiversity Values Map.</p> <p>For the reasons set out above, the proposed development exceeds the biodiversity offsets scheme threshold; accordingly, a BDAR is required.</p>
c	<i>It is carried out in a declared area of outstanding biodiversity value.</i>	The site is not located within a declared area of outstanding biodiversity value.

Table 3: Biodiversity Conservation Act 2016 assessment

As outlined above, a BDAR is required as the proposed development area exceeds the applicable clearing threshold of 0.25 hectares; specifically, the proposed development will result in direct impacts to 3.7 hectares of native vegetation.

The BDAR submitted in conjunction with the application is contained within Appendix A.

In accordance with the Biodiversity Assessment Method (BAM), the subdivision layout has been designed to avoid and minimise the impact of the proposal on biodiversity values. Specifically, the following is noted:

- Of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout.
- In addition to the hollow bearing trees, large trees have been retained where feasible, especially along the eastern and northern boundaries and within lots where they are not required to be cleared to facilitate the establishment of Asset Protection Zones (APZs) and/or construction of future dwellings.
- A conservation zone has been proposed alongside the western boundary of the site (associated with Proposed Lots 4-9 (inclusive)); this will be subject to a Vegetation Management Plan (VMP), and individual lot owners will be responsible for the ongoing management of the conservation zone contained within their individual lot in accordance with the VMP. The conservation zone will be fenced, and appropriate covenants imposed to legally protect and manage it.
- Native ground cover and selected trees will be retained within APZs subject to the requirements of Planning for Bush Fire Protection 2019.
- During construction, mitigation and management measures are to be implemented to mitigate/manage potential direct and indirect impacts during construction, including preparation of a detailed Construction Environmental Management Plan. It is noted that erosion and sediment control measures will be implemented during construction and are illustrated within the Civil Engineering Design (Appendix C). Such measures identify that the conservation zone will be clearly delineated with flagging tape to prevent accidental entry.
- In respect of the future management of the site, measures are to be implemented to mitigate/manage potential direct and indirect impacts, including the use of local native species for landscaping purposes, and ongoing management practices in respect of hollow bearing trees, native habitat trees and the conservation zone.

The hollow bearing trees and environmental zone are illustrated in the environmental overlay plan, which is contained within Appendix B and reproduced below.

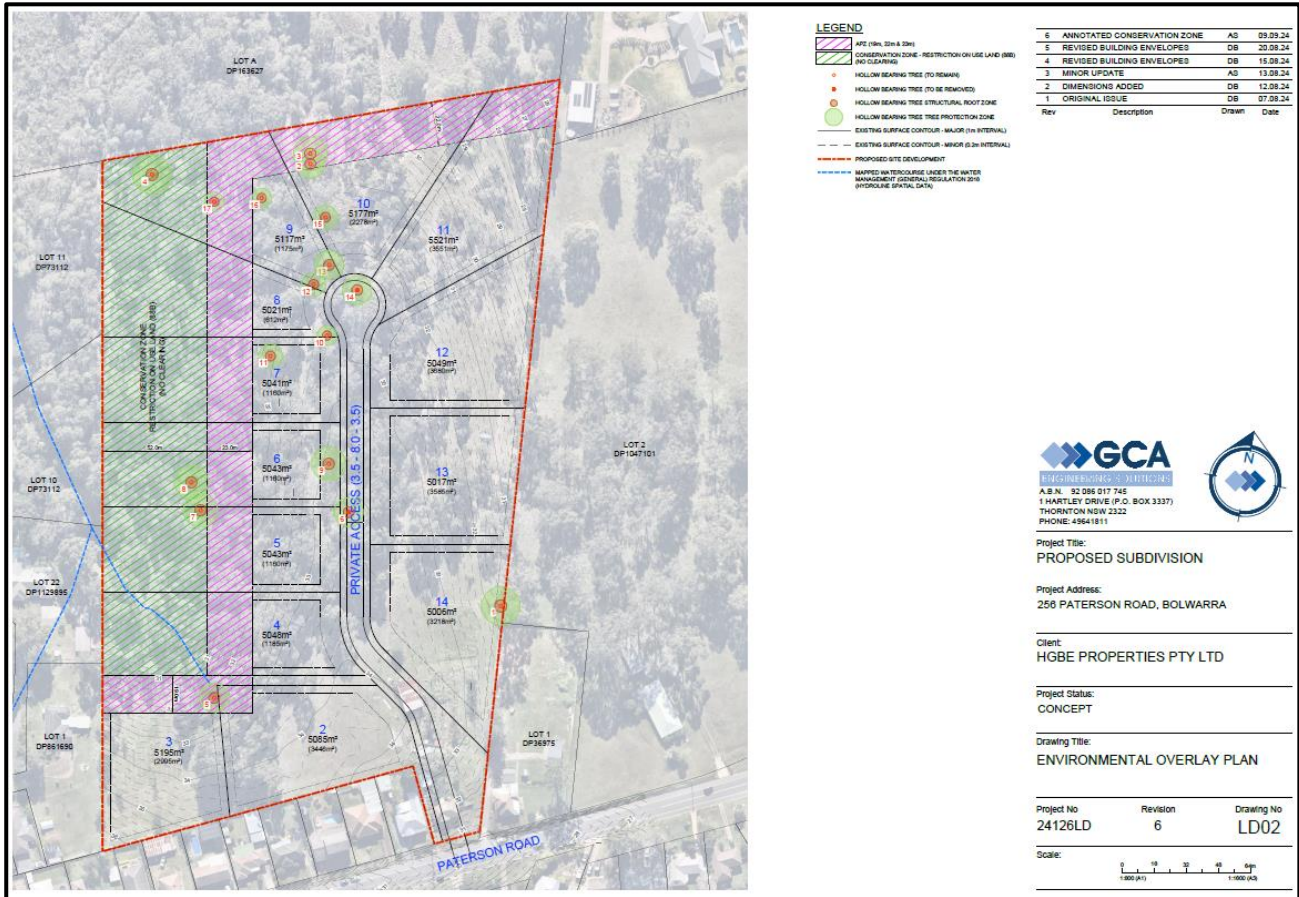


Figure 4: Environmental overlay plan (GCA Engineering Solutions)

To ensure the recommendations of the BDAR are complied with, it is proposed to incorporate such recommendations into the Community Management Statement relating to the subdivision. In respect of these matters, the below table identifies each measure and outlines how it will be addressed in the Community Management Statement:

Measure	Provision within the Community Management Statement
Hollow-bearing trees	Inclusion of a By-Law requiring the protection and ongoing management of hollow-bearing trees located on Proposed Lots 3, 5, 6, 7, 8, 9, 10 and 14. All hollow bearing trees to be signposted as 'Protected Trees'. Additionally, include as an 88B restriction.
Conservation zone	Inclusion of a By-Law requiring the protection and ongoing management of the conservation zone within Lots 4-9 (inclusive) in accordance with the approved Vegetation Management Plan (VMP). Conservation zone to be fenced and signposted. Additionally, include as an 88B restriction.
Native ground cover	Inclusion of a By-Law requiring the retention of native ground cover and selected trees within the Asset Protection Zones associated with each lot.
Landscaping	Inclusion of a By-Law requiring landscaping to comprise the use of native species, where practicable.
Domestic pets	Inclusion of a By-Law restricting cat ownership, i.e., no cats.

Protection of wildlife	Inclusion of a By-Law requiring the private access road to be signposted as a low-speed environment to minimise wildlife vehicle strike; owners to comply with signposted speed limit.
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Table 4: Provisions relevant to Community Management Statement

Notwithstanding the avoid and minimise strategies adopted, the proposed development will result in direct impact to 3.7 hectares of native vegetation; as such, this impact will require retirement of ecosystem and species credits in accordance with the Biodiversity Offsets Scheme.

Finally, it is noted that the proposed subdivision will not impact candidate species at risk of Serious and Irreversible Impact.

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 across or within a bay, inlet, river or creek, or across or around a flat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	s 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Roads Act 1993</i>	s 138	consent to— a) erect a structure or carry out a work in, on or over a public road, or b) dig up or disturb the surface of a public road, or c) remove or interfere with a structure, work or tree on a public road, or d) pump water into a public road from any land adjoining the road, or e) connect a road (whether public or private) to a classified road	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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 checked="" type="checkbox"/>	<input type="checkbox"/>

Table 5: 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*
- A Controlled Activity Approval under s91 of the *Water Management Act 2000*

4.5. STATE ENVIRONMENTAL PLANNING POLICIES

The table below outlines the relevant SEPPs.

SEPP	Applicability to Development	
	Yes	No
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Table 6: Relevant State Environmental Planning Policies

The following discusses the applicable SEPPs:

4.5.1. SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 of *SEPP (Biodiversity and Conservation) 2021* applies in this instance as the site is zoned R5 Large Lot Residential and the Maitland local government area is specified in Schedule 2.

Clause 4.9 of Chapter 4 outlines the development assessment process in cases where no approved koala plan of management exists for the site. In this case, Clause 4.9 applies as the site has an area of at least 1 hectare and does not have an approved koala plan of management applying to the land.

Consistent with Clause 4.9(4), a koala assessment report has been carried out in conjunction with the BDAR confirming that no koalas were heard or observed on the site during koala surveys or searches via visual observation, listening, Spot Assessment Technique (SAT) or spotlighting. Additionally, no koala scat was detected during the targeted site surveys.

Based on the findings of the BDAR and the surveys undertaken, it is likely that koalas no longer exist in the wider local area due to limited habitat and small patch size; accordingly, an ongoing genetically viable population would not be supported.

On the basis of the above and taking into account the koala assessment report prepared in conjunction with the BDAR, Council is not precluded from granting consent to the development application, consistent with the requirements of Clause 4.9(4).

4.5.2. SEPP (RESILIENCE AND HAZARDS) 2021

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

- 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.

A detailed Preliminary Site Investigation (PSI) has been prepared and is contained in Appendix I. The PSI provides a detailed overview of the historical uses carried out on the site and summarises that the site has been used for farming and grazing activities, along with residential use incorporating domestic gardening. The current owners have lived at the property for approximately 60 years, and during that time, cattle, horses and bees have been kept at varying times. The domestic gardens referred to previously were established by the current owner, who confirmed that pesticides have never been used on the site.

The Preliminary Site Investigation concludes that no indication of gross contaminating activities has been identified on or adjacent to the site, and the site can be made suitable for the proposed land use, based on the following recommendations:

- An unexpected finds protocol has been developed (Appendix D) to address any potential contamination if encountered during construction phase. Construction should be managed with the unexpected finds protocol in place.
- If potential contamination is encountered, site works will be ceased, and a suitable environmental consultant will be engaged for assessment as per the unexpected finds protocol.
- Any soil to be excavated and transported off site for disposal requires classification in accordance with the NSW EPA Waste Classification Guidelines.
- Assessment of access tracks and building pads on site for either potential reuse or offsite disposal. This can be undertaken during construction phase of the development and under the unexpected finds protocol.
- Prior to demolition of any structures, structures should be assessed for hazardous materials. If hazardous materials are identified, the materials are to be managed accordingly.
- Removal of foreign materials to a licensed waste/ recycling facility.

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

4.5.3. SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

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

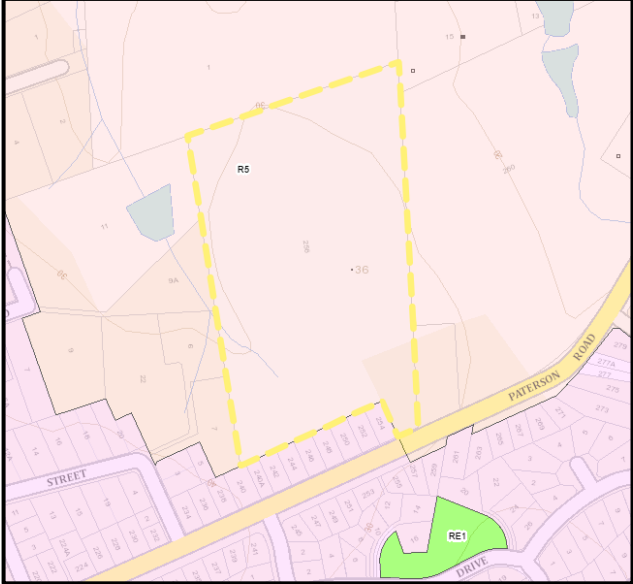
SEPP (Transport and Infrastructure) 2021		
Clause	Matter	Comment
2.48(1)(b)(iii)	Development carried out within 5m of an exposed overhead electricity power line	Overhead electricity power lines exist on the northern side of Paterson Road, and works are proposed within 5m of these overhead electricity power lines. Accordingly, Council is required to give written notice of the application to the relevant electricity supply authority.

Table 7: SEPP (Transport and Infrastructure) 2021 assessment

4.6. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

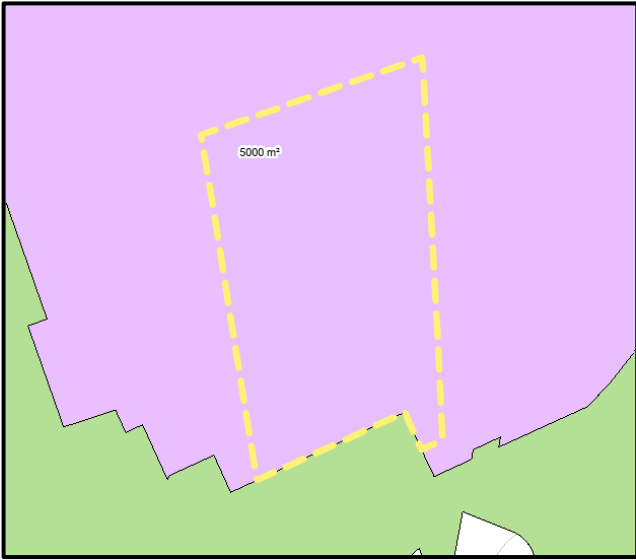
The table below outlines the relevant provisions of the *Maitland Local Environmental Plan 2011* and provides an assessment of the proposal's compliance with such.

Maitland Local Environmental Plan 2011	
Provision	Comment
Clause 2.6 Subdivision – consent requirements	Consent is sought for the Community Title subdivision of one (1) lot into 14 lots comprising 13 residential lots and one (1) community lot.

<p>Clause 2.7 Demolition requires development consent</p>	<p>Consent is sought for the demolition of all existing structures located within the southeastern portion of the site comprising the existing dwelling house, garage and ancillary sheds/outbuildings.</p>
<p>Land Use Table</p>	<p>Site is zoned R5 Large Lot Residential, as illustrated below.</p>  <p>Subdivision is permitted by virtue of Clause 2.6, as outlined above.</p> <p>Consent is sought for the proposed development.</p>
<p>Objectives of Zone:</p> <p>Objectives of the R5 Large Lot Residential zone are as follows:</p> <ul style="list-style-type: none"> • <i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i> • <i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i> • <i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> 	<p>The proposed development is consistent with the objectives of the R5 Large Lot Residential zone.</p> <p>Specifically, the following is noted:</p> <ul style="list-style-type: none"> • The proposal will result in an additional 13 residential lots being provided within the locality, whilst also preserving the rural setting and scenic quality of the site through the retention of a large portion of vegetation as a conservation zone, located within the boundaries of Proposed Lots 4-9 (inclusive). • The lots will not hinder the proper and orderly development of urban areas in the future, noting that a large portion of the overall area zoned R5 within the locality has already been developed. • The development will not create an unreasonable demand for public services or public facilities, and any demand generated is commensurate to the development proposed. • The pattern of subdivision proposed minimises land use conflict in the portion of the site where the R5 zone directly adjoins the R1 zone via the separation which will occur between future dwellings located within Proposed Lots 2 and 3, and existing dwellings located in the R1 zone.

Clause 4.1
Minimum lot size

The minimum lot size map prescribes a minimum lot size of 5,000m² in respect of the subject site, as illustrated below.



The application proposes the community title subdivision of the site into 14 lots comprising 13 residential lots and one (1) community lot; with the resultant lot sizes as follows:

Lot	Area (m ²)
1 (community lot)	N/A
2	5085m ²
3	5195m ²
4	5048m ²
5	5043m ²
6	5043m ²
7	5041m ²
8	5021m ²
9	5117m ²
10	5177m ²
11	5521m ²
12	5049m ²
13	5017m ²
14	5006m ²

All lots exceed the minimum lot size of 5,000m².

Clause 4.1AA
Minimum subdivision lot size for community title schemes

The application proposes Community Title subdivision.

All lots comply with the requirements of Clause 4.1, noting that the lot comprising association property is excluded from this requirement. Accordingly, compliance with the provisions of Clause 4.1AA is also achieved.

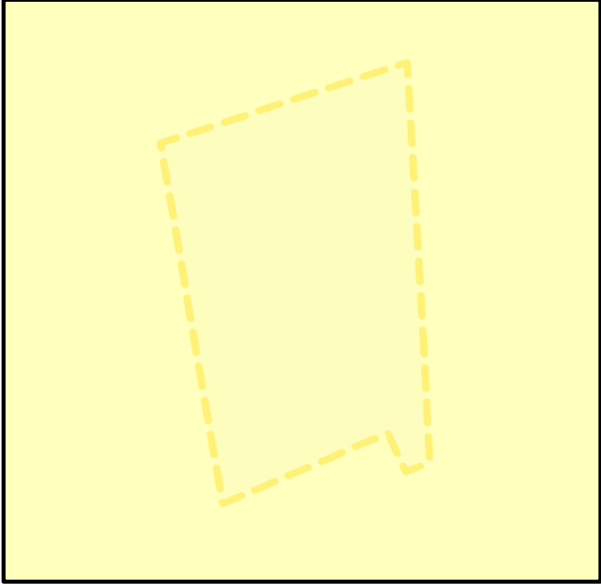
Clause 5.10
Heritage conservation

European heritage

The site is not a heritage item, is not located within a heritage conservation area, and is not located within proximity to a heritage item.

Aboriginal objects and places

An Archaeological Due Diligence Assessment has been submitted in conjunction with the application and is contained within Appendix H.

	<p>The Assessment identified that the subject site had been previously cleared and disturbed.</p> <p>The Assessment confirmed that no registered sites or Aboriginal Places exist within the subject site; accordingly, the proposed development will not impact the archaeological record.</p> <p>On the basis of the above, no further consideration is required in respect of this clause.</p>
<p>Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p>	<p>The application seeks approval for the subdivision of land proposed to be used for the purposes of dwellings; therefore, Clause 5.16 applies.</p> <p>With respect to (4), the following is noted:</p> <ol style="list-style-type: none"> a. All land within the vicinity of the site is used for either residential or rural residential purposes. No existing rural uses are located within proximity to the site. b. The predominant land uses within the vicinity of the site are residential and rural residential dwellings. c. The proposed development is not incompatible with the uses identified in (a) and (b) above; rather, the application seeks approval to extend those uses within the site. d. No measures are required to be proposed as no land use conflict will occur as a result of approval of the application.
<p>Clause 5.21 Flood planning</p>	<p>N/A – the site is not located within a flood planning area.</p>
<p>Clause 7.1 Acid sulfate soils</p>	<p>Site is identified as containing Class 5 acid sulfate soils, as illustrated below.</p> <div data-bbox="603 1200 1206 1783" style="border: 1px solid black; padding: 10px; margin: 10px 0;">  </div> <p>Clause (2) requires development consent (in the case of Class 5 land) if:</p> <p><i>'works are within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land'.</i></p>

	<p>Works are located approximately 485m of adjacent Class 1, 2, 3 or 4 land, however such land is not below 5 metres AHD, and the watertable is not likely to be lowered below 1 metre AHD.</p> <p>In addition, Appendix I contains a Preliminary Site Investigation that states <i>'the conclusions of the preliminary acid sulfate assessment indicate no acid sulfate is present at the site'</i>.</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 and are consistent with the requirements of this clause.</p> <p>With respect to (3), the following is noted:</p> <ol style="list-style-type: none"> a. The earthworks associated with construction of the road and civil infrastructure will not disrupt or adversely affect existing drainage patterns and soil stability in the locality due to their minor nature in consideration of the overall area of the subject site. b. The application proposes to deliver residential lots; accordingly, the proposal is consistent with the likely future use of the land and facilitates the desired development outcome. c. The Preliminary Site Investigation concludes that no indication of gross contaminating activities has been identified on or adjacent to the site; accordingly, the soil to be excavated is not contaminated. d. The proposed development will not adversely affect the existing and likely amenity of adjoining properties, noting that the majority of work is contained within the middle portion of the site. e. Any fill material required to be brought onto the site will be virgin excavated natural material. f. Consistent with the findings of the Archaeological Due Diligence Assessment submitted in support of the application, no registered sites or Aboriginal Places exist within the subject site; accordingly, the proposed development will not disturb relics. g. The site contains a 'blue line' as identified on the hydroline spatial data, within the western portion of the site. This watercourse is located within the future conservation zone; accordingly, this area will be considered in conjunction with the Vegetation Management Plan that will be prepared with respect to the conservation zone.
<p>Clause 7.4 Riparian land and watercourses</p>	<p>N/A – site is not identified as 'Watercourse land' on the <i>Watercourse Map</i> and is not located within 40 metres of the top of the bank of a watercourse identified as 'Watercourse land' on the <i>Watercourse Map</i>.</p>

Table 8: Maitland Local Environmental Plan 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 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 C: Design Guidelines				
Part C.10 – Subdivision				
Required	Provided	Complies		
		Yes	No	N/A
Application				
Chapter applies principally to the design and construction of new subdivisions.	Noted. Application proposes a subdivision; therefore Chapter C.10 is relevant.			
Objectives				
Proposal to be consistent with DCP objectives	Proposal is consistent with the objectives, as follows: <ul style="list-style-type: none"> • A subdivision layout is proposed which complies with the minimum lot size prescribed under the MLEP 2011, thereby reinforcing the pattern of development within the existing locality and promoting the orderly development of land. • A considerate subdivision design has been adopted to ensure that removal of vegetation is avoided and minimised. • The proposal efficiently utilises an existing land resource and will result in an additional 13 residential lots being made available within the locality for the purpose of residential development. • The proposed subdivision has been designed to respond to the site conditions and address physical constraints including existing vegetation. • The application adopts a form of subdivision being Community Title; therefore, maintenance of the access road and detention basin will be the responsibility of future lot owners. 			
1. Titles Systems for Subdivision				
Three main forms of subdivision and related land title in NSW.	Noted. Application proposes the Community Title subdivision of the site into 14 lots comprising 13 residential lots and one (1) community lot.			

2. Subdivision Design Process					
Site Assessment to be submitted and form the basis of the SEE.	Site Assessment contained within Section 2 of this SEE.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Design Elements					
EC.1 Flora and Fauna					
EC1.1	Protect areas of significant habitat.	A BDAR is required as the proposed development area exceeds the applicable clearing threshold of 0.25 hectares; specifically, the proposed development will result in direct impacts to 3.7 hectares of native vegetation. The subdivision layout has been designed to avoid and minimise the impact of the proposal on biodiversity values. Refer to previous commentary contained within Section 4 of this SEE.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.2	Design of subdivision to avoid significant stands of trees.	A conservation zone has been proposed alongside the western boundary of the site and incorporated into individual lots, being Proposed Lots 4-9 (inclusive). Additionally, of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout. Refer to previous commentary contained within Section 4 of this SEE.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.3	Retain existing natural drainage lines and watercourses where practicable, revegetate and include in open space areas etc.	The natural drainage line has been considered in the plan of subdivision. The 'blue line' as identified on the hydroline spatial data, is located within the western portion of the site, within the conservation zone. Accordingly, this area will be considered in conjunction with the Vegetation Management Plan that will be prepared with respect to the conservation zone. Refer to previous commentary contained within Section 4 of this SEE.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.4	Link existing vegetation corridors.	The site is mapped within Council's Environmental Sustainability Strategy 2030 as a local wildlife corridor. Whilst it is acknowledged that vegetation loss will occur in conjunction with the proposed subdivision, it is considered that overall connectivity of the local corridor will be retained between the subject site and neighbouring sites to the north and west due to the establishment of a conservation zone adjacent to the western boundary of the site. Relevantly, Paterson Road currently bisects the local corridor, and combined with surrounding cleared land, results in an interruption of approximately 160m within the local corridor. As a result of this, the local corridor currently maintains an overall lack of connectivity to the east and south, and this will not be further impacted by the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.5	Incorporate significant vegetation within lot boundaries.	As outlined above, a conservation zone has been proposed adjacent to the western boundary of the site. The conservation zone is located within individual lots, being Proposed Lots 4-9 (inclusive).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EC1.6	Land title to reflect the need to protect and enhance vegetation.	<p>Noted. Community Title subdivision proposed; as such, individual lot owners will be responsible for the ongoing management of the conservation zone contained within Proposed Lots 4-9 (inclusive).</p> <p>The conservation zone will also be subject to a Vegetation Management Plan and individual lot owners will be responsible for the ongoing management of the conservation zone contained within their individual lot in accordance with the VMP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.7	Drainage lines to be mapped, vegetation to be removed to be identified.	Noted. Natural drainage line, vegetation conservation area, and hollow bearing trees have all been considered and identified on the plan of subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.8	Requirements relating to flora and fauna assessment report.	A BDAR has been lodged in conjunction with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.9	If environmental enhancement required, a planting and vegetation management scheme is to be submitted.	As outlined above, the conservation zone will be subject to a Vegetation Management Plan; it is expected and accepted that a condition of consent will be imposed requiring the preparation and implementation of such Vegetation Management Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.10	Requirements relating to planting.	<p>Noted.</p> <p>In addition to works associated with the Vegetation Management Plan, a landscape plan identifying street trees within Paterson Road has been lodged in conjunction with the application. Specific tree species identified on the landscape plan have been chosen from Council's list of preferred tree species.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.11	New development not to result in the removal of remnant vegetation. Subdivision design should incorporate native vegetation.	<p>The subdivision layout has been designed to avoid and minimise the impact of the proposal on biodiversity values.</p> <p>A conservation zone has been proposed alongside the western boundary of the site and incorporated into individual lots, being Proposed Lots 4-9 (inclusive).</p> <p>Additionally, of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout.</p> <p>Refer to previous commentary contained within Section 4 of this SEE.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC1.12	Significant areas of vegetation should desirably be contained in separate environmental buffer allotments.	<p>Noted. In this case, the conservation zone has been incorporated into individual lots, being Proposed Lots 4-9 (inclusive).</p> <p>This area will be subject to a Vegetation Management Plan and individual lot owners will be responsible for the ongoing management of the conservation zone contained within their individual lot in accordance with the VMP.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EC1.13	Environmental enhancement may be required.	Noted. The proposed conservation zone will be subject to a Vegetation Management Plan; it is expected and accepted that a condition of consent will be imposed requiring the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		preparation and implementation of such Vegetation Management Plan.			
EC.2 Heritage and Archaeology					
EC2.1	Clause 5.10 of the MLEP 2011, applies.	Noted.			
EC2.2	If a subdivision affects any listed item, the impact must be evaluated.	N/A – the site is not a heritage item, is not located within a heritage conservation area, and is not located within proximity to a heritage item.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC2.3	Preparation of an Archaeological Assessment may be required in certain circumstances.	An Archaeological Due Diligence Assessment has been submitted in conjunction with the application and is contained within Appendix H. The Assessment identified that the subject site had been previously cleared and disturbed. The Assessment confirmed that no registered sites or Aboriginal Places exist within the subject site; accordingly, the proposed development will not impact the archaeological record.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC.3 Hazards					
EC3.1	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.2	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.3	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.4	Requirements relating to flooding.	Site is not identified as being located within a Flood Planning Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EC3.5	Comply with NSW Planning for Bushfire Protection Guidelines.	Noted. Refer to submitted Bush Fire Assessment Report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.6	A bushfire threat assessment to be submitted.	Noted. A Bush Fire Assessment Report has been submitted in conjunction with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.7	Assess the threat from bushfire.	Noted and specifically addressed in the submitted Bush Fire Assessment Report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.8	Fire protection measures to be capable of being maintained.	Noted and specifically addressed in the submitted Bush Fire Assessment Report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.9	Requirements relating to the location and maintenance of bushfire protection measures.	Asset Protection Zones (comprising an Inner Protection Area and an Outer Protection Area) are contained wholly within the site and are capable of being maintained by the owners.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.10	Proposed measures should be achieved without significant loss of vegetation.	The establishment of the required Asset Protection Zones requires some loss of vegetation; however, targeted trees and ground cover will be retained. In addition, a conservation zone containing high value vegetation is proposed alongside the western boundary of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EC3.11	Where a balance between bushfire protection and environmental and social impact cannot be	Noted. As outlined previously, the subdivision layout has been designed to avoid and minimise the impact of the proposal on biodiversity values.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	achieved, the proposal may not be supported.	<p>A conservation zone has been proposed alongside the western boundary of the site and incorporated into individual lots, being Proposed Lots 4-9 (inclusive).</p> <p>Additionally, of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout.</p> <p>Refer to previous commentary contained within Section 4 of this SEE.</p>																																	
EC3.12	Restrictions may be placed on the titles of affected lots.	Noted and accepted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
EC3.13	Requirements relating to land that is identified as being subject to landslip.	Site is not identified as being subject to landslip.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																														
EC3.14	Requirements relating to land contamination.	Noted. Refer to separate assessment contained within Section 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
EC3.15	Requirements relating to geotechnical requirements.	Noted. Refer to separate assessment contained within Section 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
DC.1 Lot Size and Dimensions																																			
DC1.1	<p>Provide a range of lot sizes.</p> <p>No more than 40% of the lot frontages within each street block may have the same lot width type.</p>	<p>14 lots are proposed, comprising 13 residential lots and one (1) community lot; lot sizes are as follows:</p> <table border="1" data-bbox="564 1088 1059 1543"> <thead> <tr> <th>Lot</th> <th>Area (m²)</th> </tr> </thead> <tbody> <tr> <td>1 (community lot)</td> <td>N/A</td> </tr> <tr> <td>2</td> <td>5077m²</td> </tr> <tr> <td>3</td> <td>5097m²</td> </tr> <tr> <td>4</td> <td>5130m²</td> </tr> <tr> <td>5</td> <td>5146m²</td> </tr> <tr> <td>6</td> <td>5018m²</td> </tr> <tr> <td>7</td> <td>5183m²</td> </tr> <tr> <td>8</td> <td>5329m²</td> </tr> <tr> <td>9</td> <td>5607m²</td> </tr> <tr> <td>10</td> <td>5016m²</td> </tr> <tr> <td>11</td> <td>5016m²</td> </tr> <tr> <td>12</td> <td>5014m²</td> </tr> <tr> <td>13</td> <td>5004m²</td> </tr> <tr> <td>14</td> <td>5007m²</td> </tr> </tbody> </table> <p>The lot sizes are generally consistent, however this is considered suitable in this circumstance as the application proposed a form of infill subdivision.</p> <p>The lot width control does not apply as 'street blocks' are not being created.</p>	Lot	Area (m ²)	1 (community lot)	N/A	2	5077m ²	3	5097m ²	4	5130m ²	5	5146m ²	6	5018m ²	7	5183m ²	8	5329m ²	9	5607m ²	10	5016m ²	11	5016m ²	12	5014m ²	13	5004m ²	14	5007m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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14	5007m ²																																		
DC1.2	Provide a subdivision structure plan.	The application proposes a form of infill subdivision, therefore this control does not apply.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																														
DC1.3	Provide a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking/cycling.	The subdivision pattern proposed reinforces the neighbourhood of Bolwarra Heights and encourages walking/cycling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														

DC1.4	Subdivision design to consider natural landform features.	The design considers the natural drainage channel that exists in the western part of the site; such will be considered in conjunction with the Vegetation Management Plan that will be prepared in respect of the conservation zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																														
DC1.5	Requirements for building envelopes for residential lots.	N/A – site is zoned R5 Large Lot Residential and is therefore subject to the requirements prescribed in DC1.6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																														
DC1.6	Building envelope: min area of 2000m ² , minimum dimension of 20m, be flood free in a 1% AEP event, free of significant vegetation, free of significant topographical/natural features and be located more than 40m from a watercourse.	<p>A building envelope for each proposed lot is identified on the plan of subdivision and summarised in the below table.</p> <table border="1" data-bbox="564 591 1114 1043"> <thead> <tr> <th>Lot</th> <th>Building envelope (m²)</th> </tr> </thead> <tbody> <tr><td>1 (community lot)</td><td>N/A</td></tr> <tr><td>2</td><td>3446m²</td></tr> <tr><td>3</td><td>2995m²</td></tr> <tr><td>4</td><td>1185m²</td></tr> <tr><td>5</td><td>1160m²</td></tr> <tr><td>6</td><td>1160m²</td></tr> <tr><td>7</td><td>1160m²</td></tr> <tr><td>8</td><td>612m²</td></tr> <tr><td>9</td><td>1175m²</td></tr> <tr><td>10</td><td>2278m²</td></tr> <tr><td>11</td><td>3551m²</td></tr> <tr><td>12</td><td>3680m²</td></tr> <tr><td>13</td><td>3585m²</td></tr> <tr><td>14</td><td>3218m²</td></tr> </tbody> </table> <p>Each of the building envelopes are flood free in the 1% AEP event, and are generally free of vegetation with the exception of the following:</p> <ul style="list-style-type: none"> • Proposed Lot 7: building envelope contains one (1) hollow bearing tree • Proposed Lot 9: building envelope contains one (1) hollow bearing tree • Proposed Lot 10: building envelope contains one (1) hollow bearing tree <p>It is noted that, in respect of these lots, the hollow bearing trees are located along the edges of the building envelopes, thereby allowing future dwellings to be constructed without impacting on the trees.</p> <p>The building envelopes are also free from significant topographical/natural features and are located in excess of 40m from a watercourse, with the exception of Proposed Lots 2, 3 and 4. It is noted that, in respect of Proposed Lots 2 and 3, the building envelopes significantly exceed the required 2,000m², thereby facilitating a greater variety of choice in which to locate future dwellings.</p> <p>Proposed Lots 4-9 (inclusive) do not comply with the minimum building envelope area of 2,000m². Each of these lots is impacted by the conservation zone proposed to be established adjacent to the western boundary of the site. The establishment of this conservation zone limits the ability</p>	Lot	Building envelope (m ²)	1 (community lot)	N/A	2	3446m ²	3	2995m ²	4	1185m ²	5	1160m ²	6	1160m ²	7	1160m ²	8	612m ²	9	1175m ²	10	2278m ²	11	3551m ²	12	3680m ²	13	3585m ²	14	3218m ²	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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11	3551m ²																																		
12	3680m ²																																		
13	3585m ²																																		
14	3218m ²																																		

		<p>to provide larger building envelopes, however the subdivision has been carefully designed to respond to, and balance, environmental considerations. In this regard, the environmental outcome on the site is considered to justify the non-compliance with respect to the building envelopes relating to Proposed Lots 4-9 (inclusive). It is noted that all remaining building envelopes on the site significantly exceed the minimum requirement, i.e., up to 3,680m².</p> <p>Finally, this provision of the DCP requires the provision of a building envelope that is the same as that required for a rural zoned site, which in some cases, have a minimum lot size of 60ha. In this case, the site is identified as having a minimum lot size of 5,000m²; accordingly, the requirement to achieve a building envelope of 2,000m² is considered onerous. Similarly, some of the lots do not contain the minimum dimension of 20m, however they significantly exceed the minimum dimension along other boundaries.</p> <p>Overall, it is considered that the building envelopes provided for each lot are consistent with the objective of the control, which is to ensure that all new lots have a size and shape appropriate to their proposed use. In this instance, each building envelope has adequate dimensions and is of a suitable size to ensure that a future dwelling and associated structures such as a shed and/or pool, can be constructed on each lot.</p>			
DC1.7	Area of access handle to be excluded from the lot area calculation.	<p>The area of the access handle in respect of Proposed Lot 3 is included in the overall lot area calculation.</p> <p>A variation of approximately 4% is proposed to this DCP control, noting that no such provisions exists under the <i>Maitland Local Environmental Plan 2011</i>, and the area of Proposed Lot 3 complies with Clause 4.1 of the <i>Maitland Local Environmental Plan 2011</i>.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DC1.8	Requirements relating to industrial and commercial zones.	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC1.9	Access handles and carriageways to be in accordance with Table 1.	Noted. One access handle is proposed, and it is not contrary to the provisions contained in Table 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC1.10	No more than two lots are to be serviced by a ROC.	No ROCs are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC1.11	Battle-axe lots without public frontage are discouraged unless part of an integrated approval.	Application proposes a Community Title subdivision and integrated approval that considers lot layouts, sizes, retention of vegetation etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC1.12	Area of access handle to be excluded from the lot area calculation.	Refer to DC1.7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DC1.13	Requirements relating to shared use handles.	Shared use handle not proposed; rather, battle-axe handle provides access to one (1) future dwelling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DC1.14	Requirements relating to battle axe lots that serve a maximum of two lots.	Battle-axe handle serves one lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC.2 Solar Access and Energy Efficiency					
DC2.1	80% of new lots are to have 5-star solar access.	All proposed lots will have 5-star solar access due to their size and the ability to orientate both the future dwelling and areas of private open space to the north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.2	Lot sizes are to reflect topography, aspect and other constraints.	The lot sizes proposed reflect the subdivision pattern in the locality. Topography, aspect and vegetation retention have been considered in the subdivision design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.3	Lots should be oriented to provide one axis within 30 degrees east and 20 degrees west of true solar north.	All lots have an orientation to the north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC2.4	Where northern orientation is not possible, lots should be wider.	Northern orientation is proposed, and the majority of lots have a width exceeding 30m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC2.5	Street tree planting to take environmental matters into consideration.	Street trees are proposed along the Paterson Road frontage, as identified on the landscape plan submitted in conjunction with the application (Appendix D).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC.3 Drainage, Water Quality and Soil Erosion					
DC3.1	Incorporate existing topography and drainage lines into the drainage design.	Noted. Design of subdivision considers the natural drainage line that exists on the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.2	Drainage to be consistent with pre-development stormwater patterns.	The concept civil engineering design lodged in conjunction with the application confirm that post-development flows will be consistent with pre-development flows.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.3	Implement best management practices.	Noted. Best management practices will be implemented.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.4	Incorporate gross pollutant traps, constructed wetlands and detention basins.	Gross pollutant trap and detention basin proposed; refer to concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.5	Minimise disturbance of the site.	Noted. Site will only be disturbed to the level required to construct drainage and road works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.6	Implement measures during construction.	Noted. Erosion and sediment control measures will be implemented during construction and are illustrated within the concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC3.7	Trunk drainage to be located in publicly owned land, open space or within an easement.	No trunk drainage proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC3.8	Requirements relating to easements in the event drainage impacts cannot be limited to pre-development stormwater levels.	Post-development flows will be consistent with pre-development flows.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DC3.9	If water cannot be discharged directly to the street gutter or a Council controlled pipe system, inter-allotment drainage should be provided, consistent with Council's Manual of Engineering Standards.	Application proposes the creation of large residential lots in a Community Title scheme. Stormwater from future dwellings will be captured and controlled within aboveground rainwater tanks in accordance with Council's Manual of Engineering Standards. This will be imposed as an 88B restriction. Outlets from these systems will include level spreaders; as such, flows will be returned to natural sheet flow. This, combined with the large lot area/s, will not result in any concentration of stormwater discharge, therefore, there is no need for inter-allotment drainage to be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC3.10	If inter-allotment drainage proposed, 1.5m wide easement required.	Refer to above.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC3.11	Soil and water management to be prepared.	Soil and water management practices will be implemented during construction and are illustrated within the concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC.4 Landscape, Streetscape and Visual Impact					
DC4.1	Maintain and enhance existing landscape and streetscape character through retention of existing vegetation, and provision of additional landscaping and streetscape items.	Street trees are proposed along the Paterson Road frontage, as identified on the landscape plan submitted in conjunction with the application (Appendix D).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC4.2	Landscape buffer may be required in the case of a rural residential subdivision.	Application proposes a large lot residential subdivision; site does not directly adjoin any rural zoned land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC4.3	Landscape plan to be submitted indicating the location of street trees.	Landscape plan submitted in conjunction with the application identifying the provision of street trees along Paterson Road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC4.4	Landscape plan to be submitted for reserve areas.	No reserve area/s proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC.5 Effluent Disposal					
DC5.1	All new residential lots are to be connected to a reticulated sewer system.	All proposed lots will be connected to a reticulated sewer system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC5.2	Lot size and layout must be adequate to allow appropriate effluent disposal systems to be provided.	Application does not propose the establishment of on-site sewer management system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.3	Effluent and wastewater to be disposed of in a manner that will not cause unhealthy or unsanitary conditions.	Noted. All proposed lots will be connected to a reticulated sewer system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DC5.4	Where sewer is not available, lots to be of sufficient size etc., for on-site effluent disposal.	All proposed lots will be connected to a reticulated sewer system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC5.5	Preferred method of effluent disposal for all new lots is by way of a reticulated sewer system.	All proposed lots will be connected to a reticulated sewer system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.6	If reticulated sewer not proposed, on-site disposal may be considered.	All proposed lots will be connected to a reticulated sewer system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.7	Requirements relating to unsewered areas.	Site is not located within an unsewered area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.8	Common effluent system on a suitable area under a group title must be considered if areas of the site are unsuitable for on-site disposal.	All proposed lots will be connected to a reticulated sewer system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.9	Pump out systems will not be permitted.	Pump out system not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC5.10	Studies to be undertaken by appropriately qualified person if on-site disposal proposed.	All proposed lots will be connected to a reticulated sewer system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC.6 Roads and Access, Pedestrian and Cycleways					
DC6.1	Road design to take into account natural features and vegetation.	Road design has considered the location of existing vegetation and maximises retention of hollow bearing trees, i.e., only requires the removal of two (2) hollow bearing trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.2	Components of residential streets to be considered in an integrated approach.	Community Title subdivision proposed; accordingly, application does not propose the construction of any new public residential street/s. Notwithstanding, street trees are proposed to be planted along the Paterson Road frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.3	Traffic control devices are encouraged.	Community Title subdivision proposed. No traffic control devices are required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.4	Road widths and geometry to accommodate service and emergency vehicles.	The private access road complies with the requirements of Planning for Bush Fire Protection 2019, thereby ensuring that emergency services vehicles can access the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.5	Roads to be constructed in accordance with Council's Manual of Engineering Standards.	Refer to concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.6	Access to classified roads.	No access is proposed to a classified road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.7	Roads and intersections serving new rural and large lot residential	Traffic Impact Assessment lodged in conjunction with the application (Appendix J).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	subdivisions may require upgrading in accordance with Council's Manual of Engineering Standards.	A BAR/BAL T-intersection is proposed to connect the private access road with Paterson Road.			
DC6.8	Provision of compliant public transport infrastructure.	Community Title subdivision proposed. No public transport infrastructure required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.9	Requirement for public road access for Torrens Title subdivision.	Community Title subdivision proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.10	Design of subdivision to have regard to network/hierarchy requirements.	A private access road is proposed in conjunction with the Community Title subdivision; such will be constructed to an appropriate standard for its intended use. Refer to concept civil engineering design (Appendix C).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.11	Design, construction and sealing of roads to be in accordance with Council's Manual of Engineering Standards.	Community Title subdivision proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.12	On-street parking to be provided on all streets.	A private access road is proposed in conjunction with the Community Title subdivision. On-street parking will be prohibited under the Community Management Statement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.13	Road widths contained in Council's Manual of Engineering Standards are minimum design standards; additional requirements may apply, for example those contained within Planning for Bushfire Protection 2019).	The private access road is defined as a perimeter road in accordance with Planning for Bushfire Protection 2019. A road width of 8.0 metres is proposed which complies with the minimum width prescribed under Planning for Bushfire Protection 2019, being 8.0 metres as per Table 5.3b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.14	Permeable layout based on modified grid layout.	A private access road is proposed in conjunction with the Community Title subdivision, no modified grid layout applicable in this case.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.15	Cul-de-sacs and pedestrian laneways to be avoided. If proposed, cul-de-sac should be less than 200m in length.	Cul-de-sac proposed, however access road is not a public road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.16	Maximise connectivity to facilities through orientation of street blocks.	Application proposes a form of infill residential subdivision. Site is located within proximity to existing facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.17	Orientation of street blocks, preferable east-west, then north-south.	No new street blocks proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.18	Alternative block orientation.	No new street blocks proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DC6.19	Land slopes of 6% or greater to run downhill.	Noted, refer to concept civil engineering design (Appendix C).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.20	Roads to provide surveillance and safety.	A private access road is proposed in conjunction with the Community Title subdivision; all lots are easily visible from the proposed road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.21	Public parks to be located on trunk roads.	No new public parks proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.22	Requirements relating to intersection spacing.	A BAR/BAL T-intersection is proposed to connect the private access road with Paterson Road. Intersection spacing is compliant with respect to existing intersections.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.23	Requirements relating to street block lengths.	Application proposes a form of infill residential subdivision. No new street blocks are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.24	Requirements relating to a network of constructed footpaths and cycleways.	Application proposes a form of infill residential subdivision. No network of constructed footpaths and cycleways is proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC6.25	Provide pedestrian links to schools.	Application proposes a form of infill residential subdivision. Links to schools within the locality are existing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC6.26	Road, footpath and cycleway network to provide links to facilities and centres.	Application proposes a form of infill residential subdivision. Links to facilities and centres within the locality are existing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC.7 Crime Prevention – Safer by Design					
DC7.1	Clear sightlines between public and private places.	Application proposes a Community Title residential subdivision. Whilst the access road will be private (i.e., not dedicated to Council as a public road), sightlines are maintained for each proposed lot, between the road and private spaces (dwelling and private open space).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.2	Landscaping to be attractive but not provide offenders with places to hide or entrap victims.	Landscaping will be established in conjunction with future dwellings/development on each of the residential lots.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.3	Dense vegetation or structures not to be located beside bicycle routes or pedestrian walking paths.	No landscaping proposed other than street trees along the Paterson Road frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.4	Natural surveillance to focus on orientation and design of buildings.	No new buildings proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC7.5	Lots to be designed so buildings face outwards towards public areas.	Proposed lots have frontage to the private access road. Surveillance will be easily achieved once future dwellings are constructed on the proposed lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.6	Lighting to meet the relevant AS.	Street lighting is proposed; full details will be provided in conjunction with the Subdivision Works Certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.7	Report in respect of lighting.	Street lighting is proposed; full details will be provided in conjunction with the Subdivision Works Certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC7.8	Subdivisions to be designed with clear transitions and boundaries between	Proposed lots have frontage to the private access road. Transitions and boundaries such as fencing and gates will be established in conjunction with future dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	public and private space.				
DC7.9	Restrict access to public areas.	No new public areas proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC.8 Site Filling					
DC8.1	Development consent is required for earthworks.	Noted. Development consent is sought for earthworks associated with proposed civil works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC8.1	Extent and depth of fill, to be detailed in DA.	Noted. Extent and depth of fill is illustrated on the bulk earthworks plan contained within the concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC8.1	Maximum depth of fill to be considered by Council: 2m.	Extent and depth of fill is illustrated on the bulk earthworks plan contained within the concept civil engineering design (Appendix C).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC.9 Reticulated Services					
DC9.1	Reticulated water and sewer required for all new urban lots.	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.2	Preference is for large residential lots to be connected to reticulated sewer.	Noted. Application proposes the creation of 13 Community Title residential lots, all of which will be serviced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.3	Electricity supply – underground, or overhead if the land fronts a road supplied by existing overhead electricity reticulation.	Underground low voltage electricity supply proposed to all residential lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.4	Requirements for industrial and commercial lots.	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.5	Requirements for rural lots.	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.6	If required, pad mounted substations to be sympathetically treated to reduce visual impact.	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.7	Written evidence required for installation of services, prior to issue of the Subdivision Certificate.	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.8	Street lighting required for low-density residential subdivision.	Street lighting is proposed; full details will be provided in conjunction with the Subdivision Works Certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.9	Street or road lighting not required for rural subdivisions.	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DC9.10	Telephone connection to be available to all new lots.	Noted. Telecommunication utilities will be supplied to all proposed lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC9.11	All new low-density residential lots to be	Site is zoned R5 Large Lot Residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	capable of draining to the street frontage or to an inter-allotment drainage easement.				
IC.1 Entry Features					
IC1.1 – IC1.7	Requirements relating to entry features.	No entry feature proposed. Notwithstanding, street trees are proposed on the Paterson Road frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IC.2 Street Names					
	Proposed street names to be submitted to Council for approval.	Noted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IC.3 House/Lot Numbering					
	Council supplies a number for all new urban and rural lots created.	Noted. House numbering will be allocated in conjunction with the Subdivision Certificate Application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 9: DCP assessment Part C.10 – Subdivision

Part D: Locality Plans		
Part D.3 – Bolwarra Heights		
Required		Comment
Locality Statement		
The Bolwarra Heights map identifies affected land that is located within the Bolwarra Heights locality		Noted. The site is located within the Bolwarra Heights locality.
1.1 Design Requirements		
1	Major collector roads to be located generally in the position shown on the locality plan. Minor roads are indicative only. Lot boundaries to be identified at the time of DA.	Proposed road location is partly consistent with the locality plan; refer to discussion below regarding any inconsistencies. Lot boundaries are identified on the plan of subdivision.
2	Required utility services (to all lots) include reticulated water, electricity, telephone and wastewater infrastructure (to the satisfaction of utility authorities).	Utilities will be provided to all lots.
3	A comprehensive landscape plan is to be prepared.	A landscape plan in respect of street trees on Paterson Road has been prepared and is contained within Appendix D.
4	Minimum front building setback is 20m. A lesser setback may be permitted in certain circumstances, including in instances where a lesser setback will not detrimentally affect the streetscape.	No built form is proposed in conjunction with this application. Notwithstanding, building envelopes have been identified on the plan of subdivision (Appendix A), and a 10m setback has been adopted from the proposed private access road. In this instance, a lesser setback is considered suitable based on the type of subdivision proposed, i.e., Community Title, and the internal nature of the proposed subdivision in that there will be no impact on the streetscape of the wider locality. Additionally, all lots with access to the proposed private access road will adopt a minimum 10m setback, thereby creating uniformity with respect to building setbacks.
5	All structures erected on the land shall be compatible with the rural character and landscape of the locality.	No built form is proposed in conjunction with this application. This matter will be considered when applications are lodged proposing the construction of dwellings/associated structures on each of the proposed lots.

6	Subdivision and dwelling design to give consideration to the requirements of <i>Planning for Bush Fire Protection 2006</i> .	The application proposes a form of subdivision; accordingly, the application has been lodged as Integrated Development, and concurrence from the RFS is required in the form of General Terms of Approval. The subdivision layout has been designed to comply with the requirements of <i>Planning for Bush Fire Protection 2019</i> .
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Table 10: DCP assessment Part D.3 – Locality Plans (Bolwarra Heights)

Discussion concerning consistency with locality plan

The locality plan identifies the proposed location of major collector roads and minor roads. The proposed subdivision layout is not wholly consistent with the locality plan.

The plan below identifies the proposed subdivision layout, overlaid with the layout identified on the locality plan.

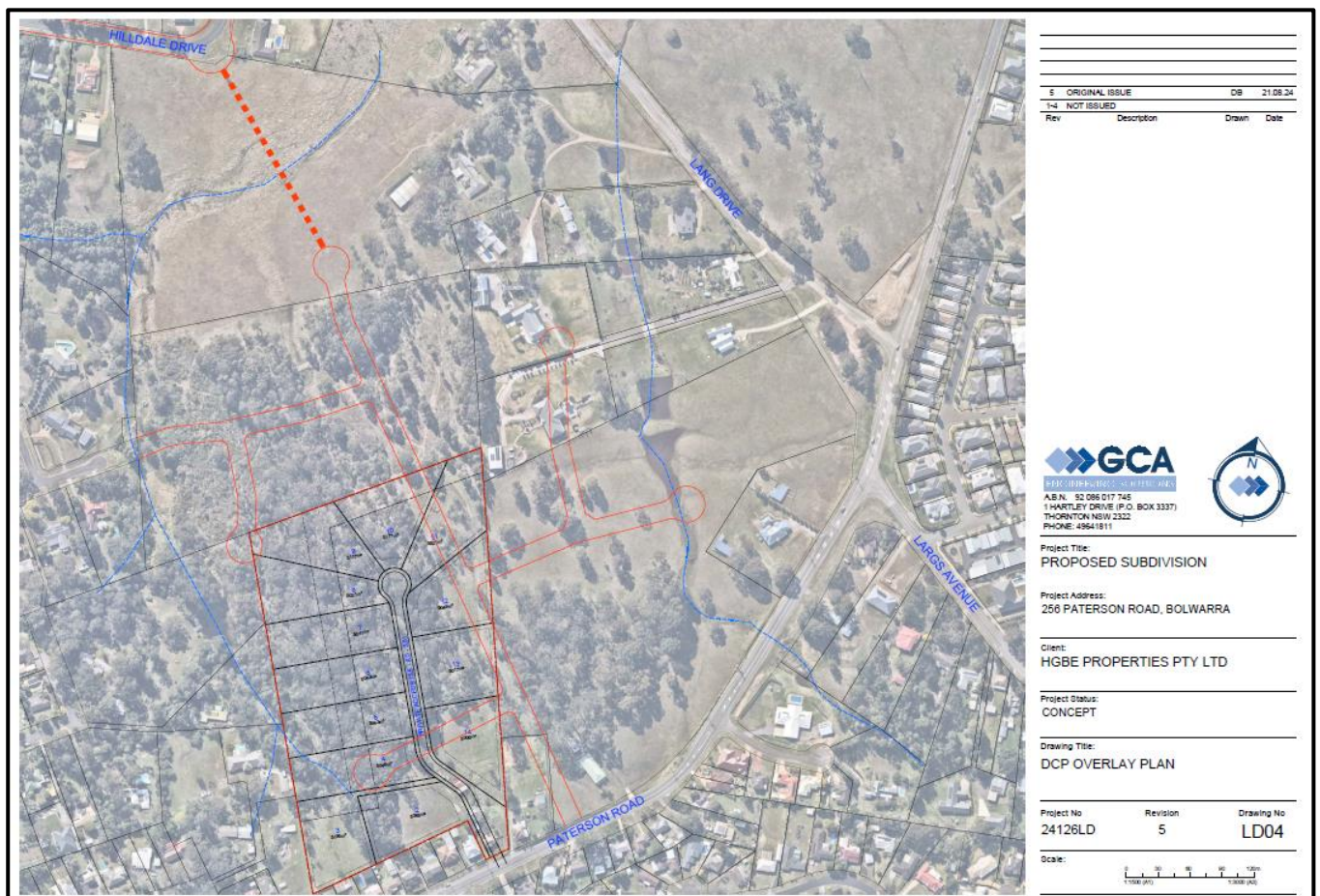


Figure 5: Proposed subdivision layout with locality plan (Part D.3 – Locality Plans (Bolwarra Heights)) overlaid

In summary:

- The locality plan identifies a point of access to Paterson Road being created within a property to the east of the subject site. The application proposes direct access to Paterson Road from the subject site.
- The locality plan identifies a road bisecting the eastern boundary of the site, providing future access to the lot to the north of the subject site. The application proposes a road through the centre of the site, and no connection to the property located to the north of the site.
- The locality plan identifies a cul-de-sac towards the west of the site. The application proposes a battle-axe lot to enable access to the proposed internal road.
- The locality plan identifies a road branching off the road close to the eastern boundary to facilitate access to the land located to the east. The application does not propose a connection to the property to the east.

Overall, the main points of difference between the locality plan and the proposed subdivision layout relates to the location of the road connection to Paterson Road, and the lack of a road connection to the property located to the north of the subject site.

In respect of these matters, it is noted that development within the wider locality is not wholly consistent with the locality plan, for example:

- The subdivision located to the east of the subject site benefits from direct access to Lang Drive. This point of access and road arrangement was not envisaged under the locality plan. In addition, fences, driveways, a swimming pool and two (2) dwellings have been constructed in the location identified as being reserved for a road, as illustrated below:



- The lot to the west of the subject site has been created as a battleaxe lot. Under the locality plan, it was identified that this site would obtain access from a proposed cul-de-sac to the north.

Ultimately, the road arrangement proposed in conjunction with the application will not fetter or limit future development of the locality as a number of options exist to achieve access to the undeveloped lots, for example directly from Hilldale Drive.

In addition to the above, it is considered that the proposed subdivision design achieves an improved environmental outcome. In this regard, the road layout illustrated in the locality plan identifies two (2) roads and cul-de-sacs, both of which are located within close proximity to a watercourse and the most heavily vegetated portions of the site. In the event development was to proceed consistent with the road layout, it is considered that any such layout would impact substantially on the natural features of the site and require more vegetation to be removed than proposed under the current application.

Section 4.15(3A) of the *Environmental Planning and Assessment Act 1979*, requires the consent authority to consider reasonable alternative solutions to a DCP. Specifically, Section 4.15(3A) states as follows (emphasis added):

- (3A) **Development control plans** *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*
- (a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
 - (b) ***if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and***
 - (c) *may consider those provisions only in connection with the assessment of that development application.*

In this case, an alternative solution has been proposed which achieves the objectives of the locality plan, whilst also ensuring improved environmental outcomes.

In any event, the road layout shown in the locality plan can never be achieved based on the issues outlined above. It is clear that the locality plan was developed some time ago, and that development has been carried out contrary to its layout in respect to a number of subdivisions. Consistent with the decision in *Stockland Development Pty Limited v Manly Council* [2004] NSWLEC 47, a development control plan which has been consistently applied by a Council will be given significantly greater weight than one which has only been selectively applied. In this case, the locality plan has not been applied consistently and therefore, should not be given significant weight.

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 by the consent authority 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 Council is required to consider such matter/s as part of the development assessment process.

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 checked="" type="checkbox"/>	<input 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> <ul 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> <ul 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> <ul 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> <ul 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> <ul style="list-style-type: none"> a) the commenced development was carried out in compliance with— <ul 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"/>

	<p>b) the surrender of the development consent will not have an adverse impact on a third party or the locality.</p> <p>4. The notice takes effect when the consent authority notifies the person that the consent authority is satisfied that—</p> <p>a) no part of the development to which the development consent relates has commenced, or</p> <p>b) if there is commenced development—</p> <p>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</p> <p>ii. the surrender of the development consent will not have an adverse impact on a third party or the locality.</p> <p>5. The notice operates, according to its terms, to surrender the development consent to which it relates.</p> <p>6. The consent of the owner is not required under subsection (2)(d) if the consent of the owner of the land was not required under section 23 to make the application for the development consent.</p>		
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Table 11: Environmental Planning and Assessment Regulation 2021 assessment

5.6. THE LIKELY IMPACTS OF THE DEVELOPMENT

5.6.1. ENVIRONMENTAL IMPACTS

ECOLOGICAL VALUES

The site currently contains vegetated and re-vegetated areas, particular throughout the central component and along the western boundary.

As outlined in Section 4, a BDAR has been submitted in conjunction with the application (Appendix F) as the proposed development area exceeds the applicable clearing threshold of 0.25 hectares; specifically, the proposed development will result in direct impacts to 3.7 hectares of native vegetation.

In accordance with the Biodiversity Assessment Method (BAM), the subdivision layout has been designed to avoid and minimise the impact of the proposal on biodiversity values. Specifically, the following is noted:

- Of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout.
- In addition to the hollow bearing trees, large trees have been retained where feasible, especially along the eastern and northern boundaries and within lots where they are not required to be cleared to facilitate the establishment of Asset Protection Zones (APZs) and/or construction of future dwellings.
- A conservation zone has been proposed alongside the western boundary of the site (associated with Proposed Lots 4-9 (inclusive)); this will be subject to a Vegetation Management Plan (VMP), and individual lot owners will be responsible for the ongoing management of the conservation zone contained within their individual lot in accordance with the VMP. The conservation zone will be fenced, and appropriate covenants imposed to legally protect and manage it.
- Native ground cover and selected trees will be retained within APZs subject to the requirements of Planning for Bush Fire Protection 2019.
- During construction, mitigation and management measures are to be implemented to mitigate/manage potential direct and indirect impacts during construction, including preparation of a detailed Construction Environmental Management Plan. It is noted that erosion and sediment control measures will be implemented during construction and are illustrated within the Civil Engineering Design (Appendix C). Such measures identify that the conservation zone will be clearly delineated with flagging tape to prevent accidental entry.
- In respect of the future management of the site, measures are to be implemented to mitigate/manage potential direct and indirect impacts, including the use of local native species for landscaping purposes, and ongoing management practices in respect of hollow hearing trees, native habitat trees and the conservation zone.

To ensure the recommendations of the BDAR are complied with, it is proposed to incorporate such measures into the Community Management Statement relating to the subdivision. This has been previously described in Table 4 of this SEE.

Notwithstanding the avoid and minimise strategies adopted, the proposed development will result in direct impact to 3.7 hectares of native vegetation; as such, this impact will require retirement of ecosystem and species credits in accordance with the Biodiversity Offsets Scheme.

Finally, it is noted that the proposed subdivision will not adversely impact on threatened species, populations or ecological communities, and will not impact candidate species at risk of Serious and Irreversible Impact.

The site is mapped within Council’s Environmental Sustainability Strategy 2030 as a local wildlife corridor, as illustrated below:

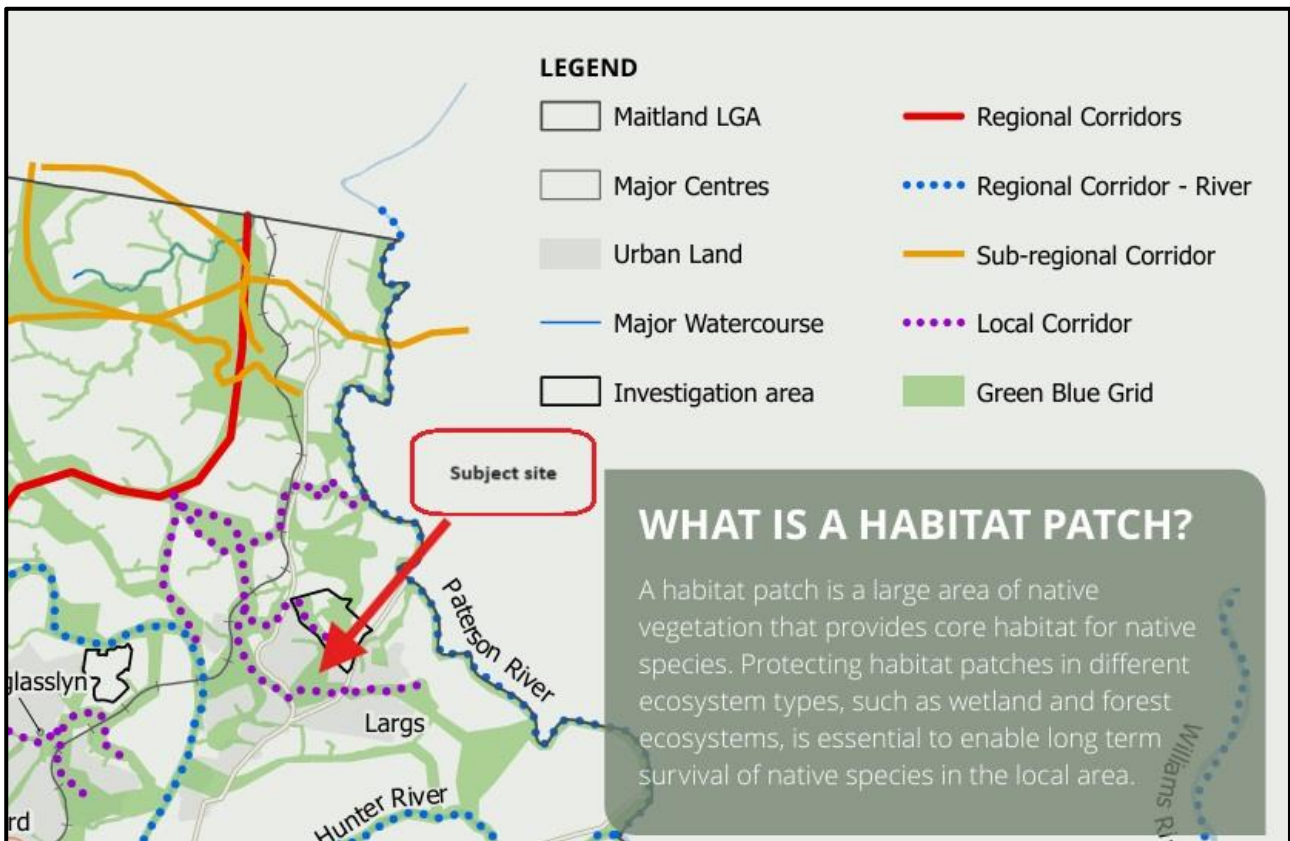


Figure 6: Excerpt from ‘Green and Blue Grid’ map, Environmental Sustainability Strategy 2030

Whilst it is noted that the BDAR has been prepared on the basis of the impact of the proposed development on 3.7 hectares of native vegetation, it is noted that of the 17 hollow bearing trees located on the site, 15 are proposed to be retained and have been incorporated into the subdivision layout. Furthermore, native ground cover and larger trees will be retained within the Asset Protection Zones (APZs) subject to the requirements of Planning for Bush Fire Protection 2019.

Importantly, the application proposes to retain a large portion of existing vegetation along the western boundary of the site as a conservation zone. The conservation zone will be subject to a Vegetation Management Plan (VMP), and individual lot owners will be responsible for the ongoing management of the conservation zone contained within their individual lot in accordance with the VMP. The conservation zone will be fenced, and appropriate covenants imposed to legally protect and manage it.

On the basis of the above, whilst it is acknowledged that vegetation loss will occur in conjunction with the proposed subdivision, it is considered that overall connectivity of the local corridor will be retained between the subject site and neighbouring sites to the north and west. Relevantly, Paterson Road currently bisects the local corridor, and combined with surrounding cleared land, results in an interruption of approximately 160m within the local corridor. In this regard, the local corridor currently maintains an overall lack of connectivity to the east and south, and this will not be further impacted by the proposed development.

CONTEXT AND SETTINGS

The site is surrounded by land zoned either R1 General Residential or R5 Large Lot Residential, with varying lot sizes ranging from approximately 580m² to 11,400m².

It is considered that the proposed development has merit as it proposes the establishment of 13 residential lots in an orderly pattern, each of which maintains direct street frontage to the proposed private access road. Additionally, the proposed subdivision incorporates an average lot size of 5,100m², which exceeds the minimum lot size of 5000m².

Building envelopes have been identified in respect of all proposed lots which confirm that future dwellings can be suitably located on the proposed lots taking into account required APZ's, vegetation retention and setbacks.

In respect of the existing streetscape, very little change will occur as a result of approval of this subdivision, particularly considering that the site is internalised, and existing residential development along Paterson Road will screen future development. In this regard, when viewed from Paterson Road, minimal change will be noticeable.

EROSION AND SEDIMENT CONTROL

Appropriate erosion and sediment control measures will be implemented during construction. These are illustrated within the concept civil engineering design (Appendix C).

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

TRAFFIC

A Traffic Impact Assessment has been submitted in conjunction with the application (Appendix J).

The TIA assesses the traffic impacts of the proposed development including the predicted traffic generation and its impact on existing roads and intersections; determines any triggers for the provision of additional infrastructure; and reviews access, parking, public transport, pedestrian and cycleway requirements, including assessment against relevant requirements.

The TIA concludes as follows:

- Existing traffic volumes on the local and state road network are within the technical two-way mid-block capacity standards determined by Austroads and TfNSW, as relevant.
- The local and state road network is currently operating satisfactorily with acceptable levels of service and has capacity to cater for additional traffic associated with new development in the area.
- The proposed development is predicted to generate up to an additional 97 vehicle trips per day or 12 vehicle trips per hour during the AM and PM peak traffic periods.
- The local and state road network will cater for the development traffic generated by this development in 2024 and other developments in the area through to 2034 without adversely impacting on current levels of service experienced by motorists on the road network.
- A turn lane warrant assessment has determined that a BAR/BAL intersection only is required for the subdivision access.
- Sidra modelling of the Paterson Road/Tocal Road intersection has shown the intersection will continue to operate satisfactorily post development in 2024 and with 10 years traffic growth to 2034 representing full development of the subdivision.
- Sidra modelling of the proposed subdivision access for the development off Paterson Road would operate with uninterrupted flow conditions post development with little or no delay or queuing for motorists using the new intersection.
- Overall, the community title subdivision will not adversely impact on the operation and efficiency of the local and state road network around the site.
- The lots within the community title subdivision meet the minimum lot requirements of Council and have sufficient frontage to be able to construct a standard residential access crossing that complies with the requirements of Council.
- The development as a community title residential subdivision does not generate an immediate on-site parking demand however future development of the individual allotments will generate such a demand. The new allotments are large enough to ensure that the on-site parking provisions as required by the MDCP 2011 can be accommodated within the lots.

- The current subdivision design involves a private road connection to Paterson Road and a cul-de-sac private road that provides vehicular access to individual lots. This is considered to comply with current best practice for a subdivision road layout noting the relatively low lot yield, with cross-intersections and long straight sections of road being avoided. The site is being developed as large lot residential and the road does not comprise a gun barrel; therefore, with suitable width controls, vehicle speeds can be controlled on the road without the need for traffic calming devices.
- The external pedestrian and bicycle traffic generated by the development would not be significant enough as to provide a nexus for the provision of additional external pedestrian and bicycle paths (on or off road) to the site particularly given the lack of existing infrastructure in the area.
- The existing public transport (bus) services provided by Hunter Valley Buses already conveniently service the site via the nearby bus stop in Paterson Road. As development in the area continues there may be changes to the bus routes as demand increases, particularly for school services. However, this will not involve extension of the bus service into the subdivision and as such, the internal private access road does not need to be constructed to cater for use by buses.

5.6.2. SOCIAL AND ECONOMIC IMPACTS

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

The proposed development will ultimately facilitate the erection of an additional 13 dwellings in the short-term, thereby increasing the overall availability of housing within the locality.

5.7. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

- The proposal will result in 13 additional residential lots within the Bolwarra Heights area.
- The proposed development has been carefully designed to retain a significant amount of vegetation, with the exception of vegetation removal required to permit construction of the private access road, establishment of APZ's, creation of building envelopes to facilitate the construction of future dwellings on each of the proposed lots, and installation of associated services. It is concluded that the proposal will not have any adverse impacts on biodiversity within the locality, particularly considering that a large, vegetated corridor will be retained along the western boundary, incorporated within Proposed Lots 4-9. This area of vegetation is contiguous with the existing vegetation located to the north and west of the subject site.
- The development proposed is generally consistent with the layout identified under Part D – Locality Plans of the Maitland DCP 2011, and any variations are considered justified as a direct response to other development that has occurred which is inconsistent with the road alignments identified on the locality plan.
- All proposed lots can be appropriately serviced with respect to drainage, water, sewer, electricity, and telecommunications; thereby ensuring they are fit for purpose and will be capable of accommodating future residential development.

5.8. THE PUBLIC INTEREST

The proposed development 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. Any variations to the DCP provisions are considered minor and have been justified based on the merits of the proposal.

A key objective of the Hunter Regional Plan 2041 is to provide greater housing diversity and affordability within the region through the provision of a range of housing choices and lifestyle opportunities. The proposal is consistent with this objective in that it will result in positive social and economic impacts through an increase in available residential lots within the Bolwarra Heights area. Relevantly, the application proposes a form of infill development which will assist in achieving the focus on 15-minute neighbourhoods, as outlined within the Hunter Regional Plan 2041.

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 R5 Large Lot Residential zone, and is generally compliant with relevant legislation, environmental planning instruments and development controls.
- The subject site is suitable for the proposed development, and each lot is compliant with the minimum lot size prescribed under the *Maitland LEP 2011*, thereby ensuring that future residential development will not be constrained.
- The proposed development compliments the existing subdivision pattern within the locality and proposes a form of infill development, thereby ensuring that future residents have access to existing services within the direct locality, consistent with the objectives of the Hunter Regional Plan 2041.
- Relevant measures have been undertaken in the preparation, assessment and design of the proposed development to mitigate potential impacts, where identified, particularly in respect of those relating to biodiversity.
- The development is supported by expert reports that confirm the suitability of the proposed development for the subject site.
- The development will result in an additional 13 residential lots being made available within the Bolwarra Heights locality.
- The proposal will not result in any adverse environmental, social or economic impacts.

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