

STATEMENT OF ENVIRONMENTAL EFFECTS

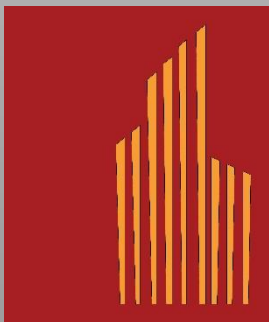
Development Application

SUBDIVISION OF LAND INTO 119 LOTS COMPRISING 117 RESIDENTIAL LOTS, 1 RESIDUE LOT AND 1 SUPERLOT OVER TWO STAGES WITH THE CONSTRUCTION AND DEDICATION OF PUBLIC ROADS, TREE REMOVAL & STORMWATER DRAINAGE WORKS

11, 21, 23, 25 & 33 Owlpen Lane, Farley NSW 2320

(Lot 1 DP983691, Lots 10 & 11 DP1229964 and Lots B&C DP348463)

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1. INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Universal Property Group Pty Ltd to accompany a Development Application (DA) to the Maitland City Council for the proposed subdivision of land into 119 Lots comprising 117 residential lots, 1 Superlot, and 1 residue lot over two-stages. The proposed development also includes the construction and dedication of public roads, tree removal, stormwater drainage and other associated site works.

The demolition of existing structures has been covered under a separate demolition application (DA/2022/934) which is currently being reviewed and assessed by Maitland City Council.

The Subject Site is legally described as being **11, 21, 23, 25 & 33 Owlpen Lane, Farley** and is predominately zoned R1 General Residential and with some portion zoned RU2 Rural Landscape pursuant to the provisions Maitland Local Environmental Plan 2011. The residential subdivision development of the site is permissible with consent.

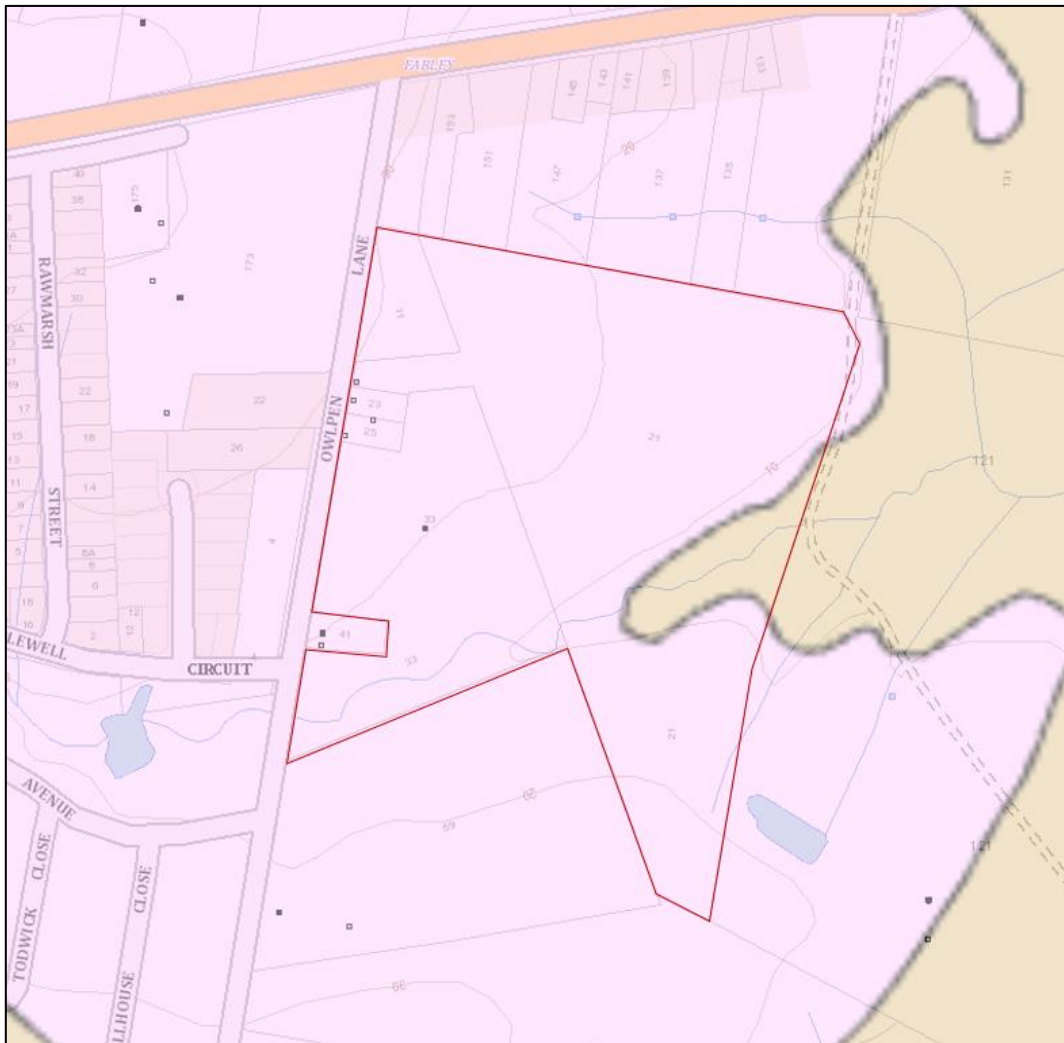


Figure 1: Extract of Zoning Map with Cadastre (source: ePlanning Spatial Viewer)

The proposed Torrens Title residential subdivision development is permissible with consent and consistent with the relevantly applicable provisions of Maitland Local Environmental Plan, Maitland Development Control 2011.

This Statement of Environmental Effects (SEE) addresses the proposal in the context of the applicable planning legislation and policy:

- Maitland Local Environmental Plan; and
- Maitland Development Control Plan 2011;

Pre-lodgement meeting was conducted on 21st October 2021 with Maitland City Council seeking advice regards to the proposal.

The proposed subdivision has been designed considering the received written advice from the council to ensure compliance with the applicable principal development standards depicted in relevant legislation and policies.

The purpose of this SEE is to provide Council with the relevant information necessary to assess and determine the application for the proposed subdivision development.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

- **Subdivision Plans** prepared by Universal Property Group Pty Ltd;
- **Street Tree Plan** prepared by Universal Property Group Pty Ltd;
- **Aboriginal Heritage Due Diligence Assessment** prepared by Apex Archaeology Pty Ltd;
- **Biodiversity Development Assessment Report** prepared by Firebird ecoSultants Pty Ltd
- **Bushfire Protection Assessment** prepared by Firebird ecoSultants Pty Ltd;
- **Heritage Impact Statement** prepared by Apex Archaeology Pty Ltd;
- **Preliminary Site Investigation Report** prepared by Geotesta Pty Ltd;
- **Preliminary Geotechnical Investigation** prepared by Geotesta Pty Ltd;
- **Civil Engineering Plans** prepared by GCA Engineering Solutions;
- **Traffic Impact Assessment** prepared by Varga Traffic and Planning Pty Ltd
- **Vegetation Management Plan** prepared by Firebird ecoSultants Pty Ltd
- **Survey Plan** prepared by Innovative Surveying Associates
- **Owner's Consent.**

2. SITE LOCATION

2.1. Subject Site and Local Context

The Subject Site **11, 21, 23, and 25&33 Owlpen Lane** legally described as Lot 1 DP983691, Lots 10 & 11 DP1229964 and Lots B&C DP348463 is located within the Farley Urban Release Area. The Site is an irregular shaped block of land located on the Eastern side of Owlpen Lane, approximately 100 m South of Wollombi Road.

The site is located immediately south of the main Northern Railway line within the regionally significant development area to achieve the dwelling targets for population growth in the lower hunter region.

The Site has a frontage of approximately 360m to Owlpen Lane and a depth of 350 m occupying an area of approximately 11.3 ha. The site is located 32km northwest of Newcastle.

The Site is surrounded by large rural lots that are transitioning into low-density residential housing.

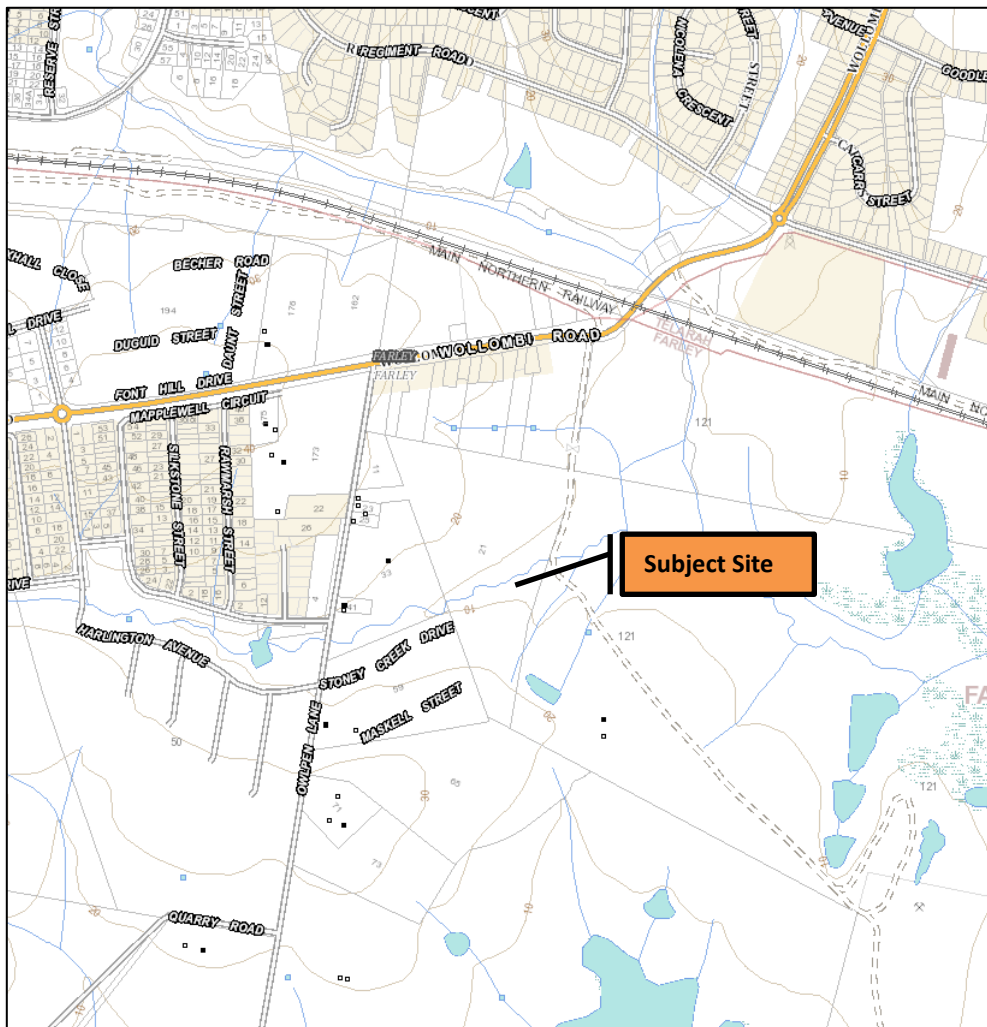


Figure 2: Locality Map (Source: Sixmaps, Online)

2.2. Existing Site and Vegetation

The subject site consisted of five single-storey dwellings, and sheds with possible storage of vehicles, fuels and metals were noted on the site. The site initially slopes downgrade and then upgrades towards the southeast with a slope angle varying from approximately 5-10 degrees. A tributary of the stony Creek flows south to west to east across the site.

The demolition of existing structures has been covered under a separate demolition application (DA/2022/934) which is currently being reviewed and assessed by Maitland City Council.

The site location and features are shown in **Figure 3**.



Figure 3: Aerial View of Subject Site Configuration (Source: SIX Maps online)

3. PROPOSED DEVELOPMENT

This SEE accompanies a development application (DA) seeking Council's consent for the following as detailed on the proposed Subdivision Plans prepared by Universal Property Group Pty Ltd.

The proposal seeks consent for:

- a) Torrens title subdivision of land into 119 Lots over two-stages
 - 117 X Residential Lots
 - 1 X Superlot
 - 1 X Residue Lot
- b) Construction of public roads
- c) Tree removal impacted by proposed site works; and
- d) Stormwater drainage and associated works.

The proposed development comprises the subdivision of land into 117 residential lots over two stages as indicated below (refer Figure 4). **Figure 5** below illustrates the proposed **119 Lots Subdivision**.

- **Stage 1:** Subdivision into 104 Residential Lots, 1 Lot for OSD (Lot 120), and 1 Superlot (Lot1)
- **Stage 2:** Subdivision of Land into 13 Residential Lots

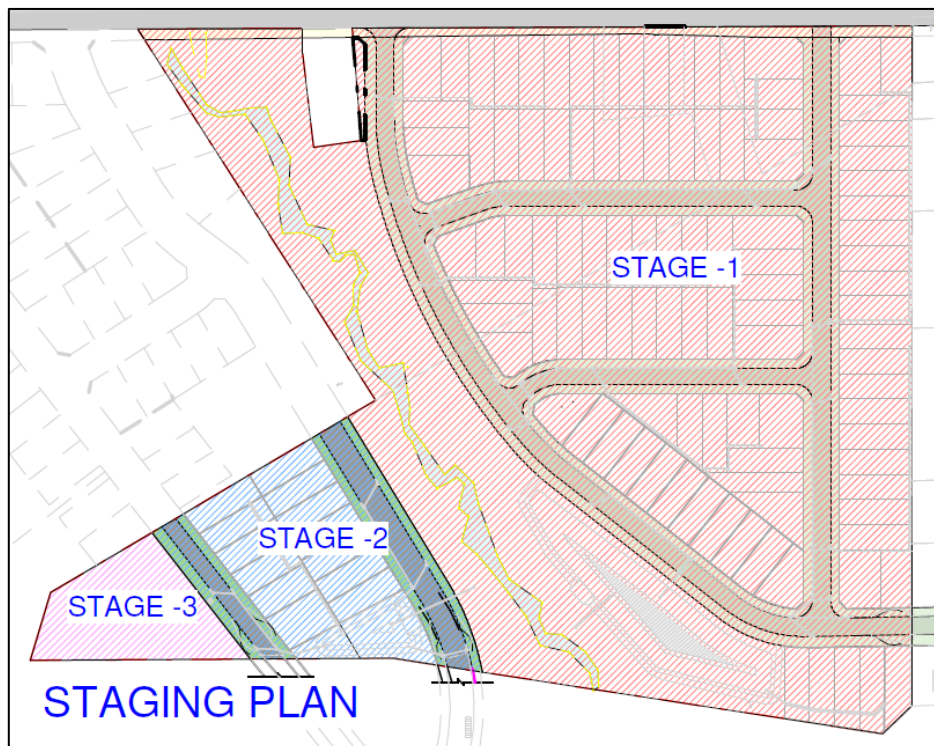


Figure 4: Proposed Staging Plan (Prepared by the Bathla Group)

The proposed subdivision work has been classified into two-stages as the proposed Lots 2-14 and On-site basin can only be developed once the development over adjoining property (Lot 5 DP514629 or Lot 1 DP456996) will be completed and when the portion of land will be accessible for development (Figure 5).



Figure 5: Proposed Subdivision Layout Plan (Prepared by the Bathla Group)

The proposed lots configuration and statistics is shown in Table 1 below.

PROPOSED LOT SUMMARY			
FRONTAGE	AREA	NO OF LOTS	
		STAGE 1	STAGE 2 (LOT 2-14)
< 12.5M	450-500 M ²	5	0
12.5M	450-530 M ²	54	6
>12.5M	450-600 M ²	45	7
Superlot	4189 M ²	1	0
Residue	196 M ²	1	0
	TOTAL	106	13
	TOTAL	119	

The proposed development is considered to be in accordance with the 'Conceptual Road Network' as per the **Farley Urban Release Area Road Hierarchy and Bus Routes Plan** as shown in **Figure 6** below.

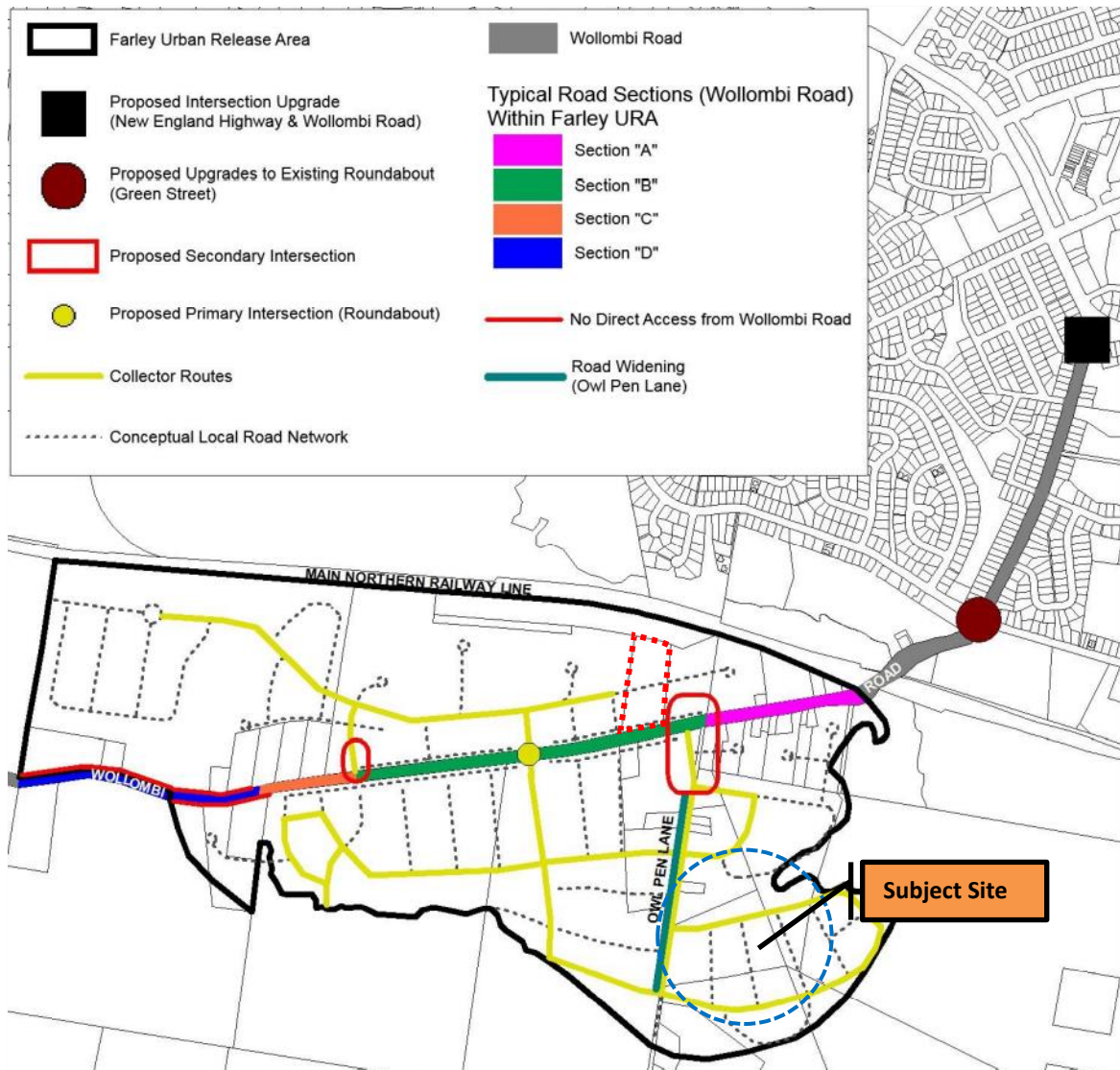


Figure 6: Farley URA Road Network, Treatments and road Widening (Source: Figure 83 in Part F of the DCP), The Site shown in red-hatched

The proposed residential lots are having at least 450m² of varied Road frontages complying with the minimum requirements specified in Maitland DCP 2011.

The proposed development also includes the construction and dedication of 17m, 18m, 19m, and 21m wide public roads.

GCA Engineering Solutions have been engaged to prepare the stormwater engineering plans for the proposed development. As shown in **Figure 7** below, two (2) On-site Basins have been proposed to cater for the proposed development. Basin no. 1 will be used for proposed Lots 15-117 and Basin no. 2 for Lots 2-14 (stage-2) development.

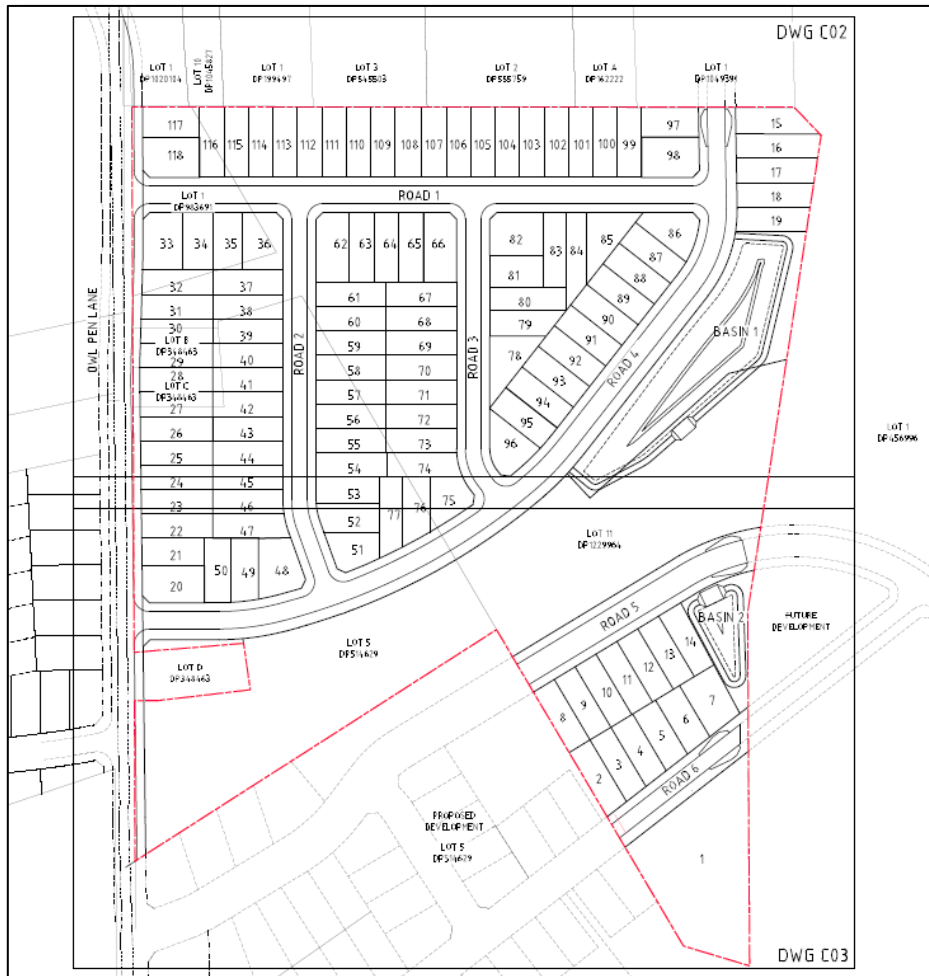


Figure 7: General Arrangement Plan (Prepared by GCA Engineering Solutions)

The subject site is mapped as containing a watercourse with a riparian corridor. Hence, as per the requirement, a 30m wide VRZ has been created to enhance and protect the identified corridor. A vegetation management plan has been prepared by Firebird ecoSultants Pty Ltd and submitted as a part of this DA.

It should be noted that the utilization of proposed lots for future residential development will be dealt with under separate development applications in due course including proposed Superlot 1.

4. ENVIRONMENTAL PLANNING ASSESSMENT

Section 4.15 of the Environmental Planning & Assessment Act 1979 contains the matters for consideration when assessing development applications. This section of the SEE assesses the proposal in the context of Section 4.15 (1) of the Environmental Planning and Assessment Act which states as follows:-

4.15 Evaluation (cf previous s 79C)

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

(iii) any development control plan, and

(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.1 The provisions of any Environmental Planning Instrument (Section 4.15(1)(a)(i))

Compliance with relevantly applicable development standards pursuant to Maitland Local Environmental Plan 2011 is addressed below:

4.1.1 Maitland Local Environmental Plan 2021

The proposed development site is located within the Maitland Local Environmental Plan 2011 and complies with the aims of the Plan.

The particular aims of Maitland LEP are as follows:

(1) This Plan aims to make local environmental planning provisions for land in Maitland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to facilitate ecologically sustainable development of land and natural assets,

(b) to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,

(c) to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,

(d) to protect, enhance or conserve the natural resources of Maitland including the following—

(i) areas of high scenic rural quality,

(ii) productive agricultural land,

(iii) habitat for listed threatened species and endangered ecological communities,

- (iv) minerals of regional significance,
- (e) to create liveable communities which are well connected, accessible and sustainable,
- (f) to provide a diversity of affordable housing with a range of housing choices throughout Maitland,
- (g) to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,
- (h) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,
- (i) to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,
- (j) to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

This application would provide Torrens Title allotments in conjunction with adjoining lands for residential development. The proposal would create lots that would facilitate residential development that will increase housing supply and affordability. An environmental assessment was undertaken in this SEE with no significant adverse impact raised in the specialist technical assessment reports that accompany this DA.

4.1.1.1 Zoning

The land is predominantly zoned **R1 General Residential** and some portion zoned **RU2 Rural Landscape** pursuant to Mainland LEP 2011.

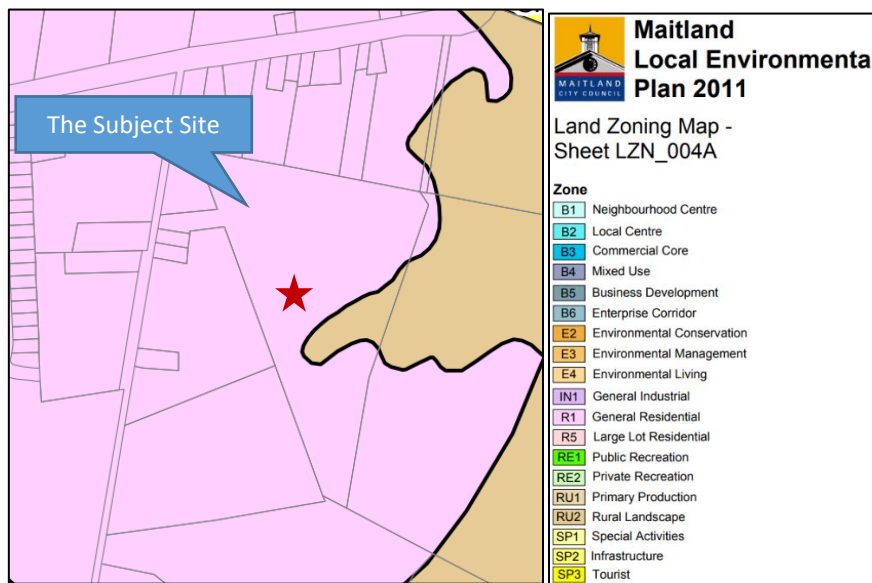


Figure 8: Land Zoning Map Sheet LZN_004A (Maitland LEP 2011)

The land use table for the R1 General Residential zone provides the following:

Zone R1 General Residential

Objectives of zone

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

Pursuant to clause 2.6 of Maitland LEP the subdivision of land to which this Plan applies is permissible with consent.

2.6 Subdivision—consent requirements

Land to which this Plan applies may be subdivided, but only with development consent.

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

The proposal is considered to be consistent with the relevantly applicable objectives of the R1 zone as:

- The subdivision proposes residential lots that will *provide for the housing needs of the community*
- The varying lot sizes and frontages will accommodate various dwelling types to *provide a variety of housing types.*

On the basis of the above assessment of the relevantly applicable objectives for the R1 zone, it is considered that the proposed development is a compatible form of land use with the zoning context of the site and surrounding locality.

Note: There is no residential development proposed in RU2 zoned land.

4.1.1.2 Minimum Lot Size

The proposed residential subdivision is located within **Minimum Lot Size Area ‘Area G’** – which requires residential allotments to have a minimum lot size of **450 m²**, pursuant to Clause 4.1 of the Maitland LEP 2011 as shown in **Figure 9** below.

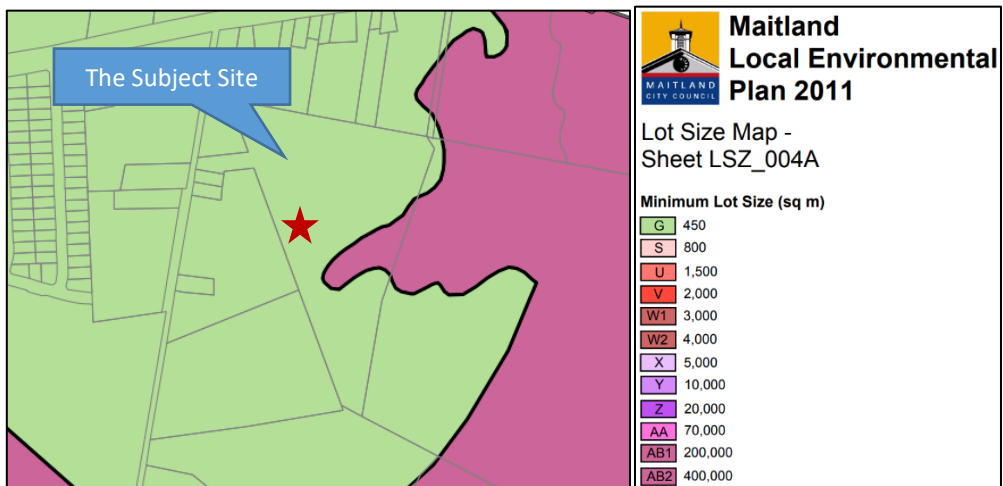


Figure 9: Maximum Building Height Map Sheet LSZ_004A

The subdivision lot sizes fully comply with the development standard proposing a range from 450m² to 600m².

4.1.1.3 Environmental Heritage

The site is located within the vicinity of a local item of heritage at 71 Owlpen Lane, Farley. However, sits just outside the preliminary heritage curtilage buffer to Owl Pen House. However, as per the Council's recommendation, Heritage Impact Statement has been prepared and submitted for Council's reference.



Figure 10: Environmental Heritage Map Sheet HER_004A

The works proposed are contained within the site and are unlikely to affect the heritage significance of the heritage items as discussed in Section 4.5.9 of this SEE below.

4.1.2 Bushfire Prone Land

The Site is identified as Bushfire Prone Land, Vegetation Buffer & Vegetation category 3 as shown in Figure 11 below.

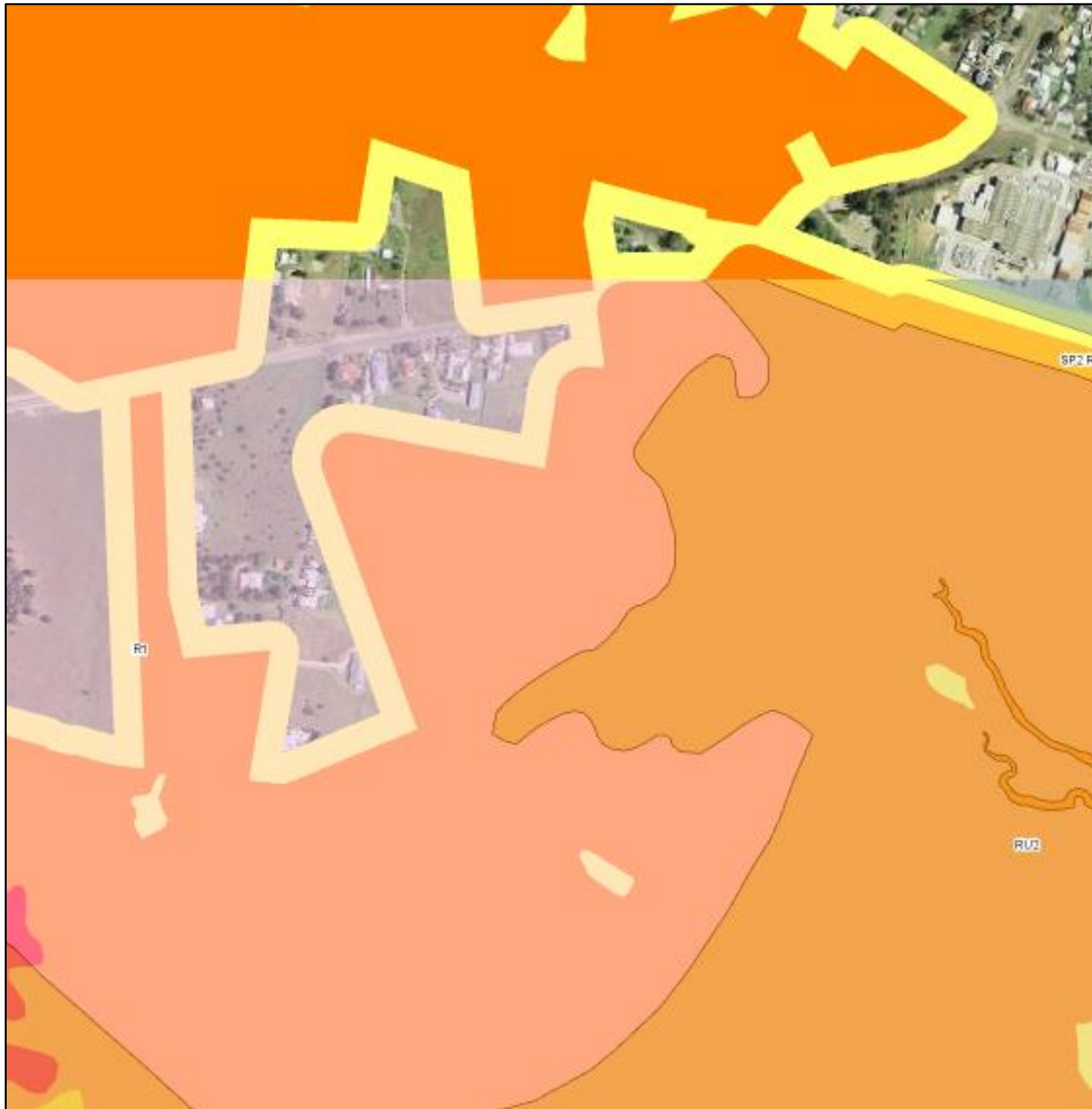


Figure 11: Bushfire Prone Land map (source: ePlanning Spatial viewer)

The subdivision proposed is therefore integrated development requiring external concurrence with the New South Wales Rural Fire Service (NSW RFS). Bushfire protection measures for future residential development on site are provided in the Bushfire Threat Assessment report prepared by Firebird ecoSultants Pty Ltd as discussed in Section 4.5.6 of this SEE below.

4.1.3 State Environmental Planning Policy (Transport and infrastructure) 2021

Section 2.122 of the SEPP does **not** apply to the proposed development as the DA is categorised as Traffic Generating Development identified under Schedule 3 as a matter for consideration under the

Policy because the Site is greater than 90 m from a state classified road and is below the size or capacity of 200 or more allotments considering the stages. A Traffic Impact Assessment Report has been prepared by Varga Traffic and Planning Consultants accompanying the proposed development.

4.1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires the Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the Council must be satisfied that the land is suitable in a contaminated state for the proposed residential use.

The Site Investigation report prepared by Geotesta Pty Ltd is discussed in Section 4.5.1 of this SEE.

4.2 The Provisions of any Draft Environmental Planning Instrument (Section 4.15(1)(a)(ii))

There are no Draft Environmental Planning Instruments that would apply to the proposed development at the Site.

4.3 The Provisions of any Development Control Plan (Section 4.15(1)(a)(iii))

Compliance with relevantly applicable development controls pursuant to Maitland Development Control Plan 2011 is addressed below:

4.3.1 Maitland Development Control Plan 2011 (Section 4.15(1)(a)(iii))

This section of SEE addresses the principal design guidelines and controls that are relevant to the small lot subdivision - at part C of DCP 2011 for Design Guidelines and Part F for development in Urban Release Areas.

Table 2: Compliance Table, Subdivision Development (Maitland DCP 2011)

DCP Section	Objectives & Controls	Response
Part C.10 Subdivision		
EC.1 Flora and Fauna	<ul style="list-style-type: none"> Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7 Part Test referred to in Section 5A of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP 44 – Koala Habitat Protection. As a result of this report a subsequent Species Impact Statement may be required. Planting should consist of species indigenous to the locality, and those which will enhance bio- 	A Vegetation Management Plan has been prepared for the proposed residential subdivision by Firebird ecoSultants Pty Ltd.

DCP Section	Objectives & Controls	Response
	<p><i>diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.</i></p>	
<p>EC.2 Heritage and Archaeology</p>	<p><i>Preparation of an Archaeological Assessment may be required where there is no previous investigative study, or where such study was so broad that Council is unable to reasonably predict the likelihood of European or Aboriginal sites of significance (such as a site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974). If in doubt, applicants should consult with the NSW National Parks and Wildlife Service or Council.</i></p>	<p>Noted, an aboriginal due diligence assessment and heritage impact statement have been prepared and submitted to accompany the proposed subdivision development.</p>
<p>EC.3 Hazards</p>	<p><u><i>Bushfire prone land</i></u></p> <ul style="list-style-type: none"> • <i>Proposals in areas subject to bushfire risk must indicate that measures to reduce risk to an acceptable level have been considered and can be achieved (for both the subdivision works and the resultant development) without significant loss of vegetation. The NSW Rural Fire Service publication "Planning for Bushfire Protection" 2006 and related guidelines should be consulted.</i> • <i>Bushfire protection measures (including setbacks) necessary for the safety of development and firefighters must be contained wholly within the site of the subdivision unless the most extraordinary circumstances apply.</i> 	<p>The bushfire assessment and recommended protection measures are discussed in section 4.5.6.</p>
<p>DC.1 Lot Size and Dimensions</p>	<ul style="list-style-type: none"> • <i>Access handles must have a minimum width of 3.5 metres for single lots, and be constructed in accordance with Council's Manual of Engineering Standards. No more than 2 lots may be serviced by a reciprocal right-of-carriageway which shall be centrally located within both access handles.</i> • <i>A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.</i> 	<p>Noted, no battle axe lots or access handles are proposed with the subdivision.</p> <p>The proposed residential lots ensure that it allows future dwellings with a 15m x 10m building envelope.</p>
<p>DC.2 Solar Access and Energy Efficiency</p>	<ul style="list-style-type: none"> • <i>Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximize solar access.</i> 	<p>Noted, the allotments proposed can accommodate dwellings with sufficient solar access.</p>

DCP Section	Objectives & Controls	Response
DC.3 Drainage, Water Quality and Soil Erosion	<p><i>Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering Standards.</i></p>	<p>Noted, the site slope from the south/front of the site to the north/rear of the site; Civil engineering plans accompany the proposal.</p>
DC.4 Landscape, Streetscape and Visual Impact	<ul style="list-style-type: none"> • <i>The visual impact of rural residential subdivisions must be considered especially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required.</i> • <i>Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping.</i> 	<p>The site is within the Farley Urban release area in transition from rural to low-density residential. A street tree plan accompanies the proposed subdivision that is consistent with the indicative residential streetscape reducing the visual impact.</p>
DC.6 Roads & Access, Pedestrian & Cycleways	<p><i>Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use. Road standards will vary between residential, rural residential and industrial /commercial locations.</i></p> <p><i>Detailed guidelines for design and construction of roads are contained in Council's Manual of Engineering Standards. However, a guide to minimum road widths for various forms of subdivision is contained in the following table:</i></p>	<p>The road hierarchy plan (Figure 6 above) with roads proposed with 17m, 18m, 19m, and 21m reserve widths and footpath widths from the carriageway to the property boundaries of 4.5m as per Cross Section B in Section F.11 of the DCP discussed below in this table.</p>

DCP Section	Objectives & Controls	Response	
ROAD TYPES AND DIMENSIONS			
Road Type	Max. No. Lots	ReserveWidth (m)	Carriageway or kerb -kerb (m)
Access Place	10	17	8
Local - Minor	20	17	8
Local - Secondary	50	17	8
Local - Primary	100	17	8
Collector	200	17	8
Distributor - Secondary	400	20	11
Distributor - Primary	800	22	11
Arterial or Sub-Arterial	> 800	24	13
Rural Residential (1c)	per above	20	7.5
Rural Residential (1d)	per above	20	per categories above
Rural – Minor	50	20	8
Industrial	10	20	11
Industrial	> 10	22	13
DC.7 Crime Prevention – Safer by Design	<p><i>Design of subdivisions should consider the following principles:</i></p> <ul style="list-style-type: none"> • <i>Clear Sightlines between public and private places.</i> • <i>Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims.</i> • <i>Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities.</i> 	The Street tree plan show trees proposed between future driveways will still allow sightlines between residents' private property and the street as well as contribute to Natural streetscape providing natural surveillance.	
DC.8 Site Filling	<i>An absolute maximum fill depth of 2 metres will be considered by Council.</i>	Please refer to the Engineering Plans prepared by GCA.	
Part F.11 Farley Urban Release Area			
1.1 Staging Plan	<ul style="list-style-type: none"> • <i>Staging of the urban release area should be generally in accordance with Figure 86.</i> • <i>Development Applications shall incorporate road networks, stormwater detention areas, active and passive recreation areas, consistent with the overall staging and intended development outcomes for the Farley URA.</i> • <i>The subdivision staging shall consider the timely connection of the road network to</i> 	The site is within stage 2 as per Figure 86 of the DCP, Part F.11. Stage 1 of the Urban release area is already in transition from large rural lots to low-density residential (See Figure 6 above).	

DCP Section	Objectives & Controls	Response
	<i>adjoining properties and/or stages generally before completion of 75% of the developable lot area.</i>	Connection/alignment to the adjoining roads located on Lot 5 DP514629 and Lot 1 DP456996 is shown the subdivision and Civil Plans.
1.2 Transport and Movement	<ul style="list-style-type: none"> • <i>The transport movement hierarchy shall be generally in accordance with Figure 85. (Figure 6 of this SEE)</i> • <i>A key road network design principle for the URA is the control of access to Wollombi Road. Parallel subdivision service roads will ensure that direct access from individual lots to a significant section of Wollombi Road does not occur. Figure 83 details the required treatments for the nominated sections of Wollombi Road as follows: (Section B applies to the site)</i> • Section B (Owl Pen Lane to proposed western intersection) <i>Service roads running adjacent and parallel to Wollombi Road will provide access to individual allotments. Direct access from lots to Wollombi Road will not be permitted. The centerline of the existing road pavement may be adopted as the centerline for new works subject to the landowners being aware of and accepting the road widening and potential service relocation implications for the northern side of the road. The ultimate pavement alignment for Wollombi Road will be detailed within the relevant Section 94 Plan applying to the URA.</i> 	The conceptual roads as per Figure 85 of the DCP have been incorporated in the proposed subdivision.
1.5 Stormwater and Water Quality Management	<i>The stormwater and water quality management controls shall be consistent with the principles of Water Sensitive Urban Design (WSUD).</i>	The principles of WSUD have been accompanying the DA.
1.6 Amelioration of Natural and Environmental Hazards	<i>Development Applications are to include a detailed assessment of the flora and fauna characteristics of the site prepared by a suitably qualified ecologist. Such an assessment shall include identification and retention of hollow bearing trees and mature trees (as far as is practicable) and shall address appropriate mitigation strategies where impacts on flora and/or fauna communities are identified.</i>	A Vegetation Management Plan has been prepared and discussed in this statement.
1.7 Aboriginal Heritage	<i>Development Applications shall be supported by appropriate Aboriginal Heritage Impact Studies to determine the presence and locations of any Aboriginal artefacts or sites of significance, including methods for providing any necessary buffers within the site. Reference should also be made to the Indigenous Archaeological Due Diligence Assessment</i>	The aboriginal due diligence report concludes no archaeological material on site, further recommendations are provided in section 4.5.3 of this SEE below.

DCP Section	Objectives & Controls	Response
	<i>completed by McCardle Cultural Heritage Pty Ltd, which informed the rezoning of the Farley URA.</i>	
1.8 European Heritage	<i>A European Heritage study shall incorporate an assessment of the appropriate heritage curtilage for Owl Pen House where it is proposed to subdivide land within the Preliminary Heritage Curtilage Buffer shown on Figure 82. The study shall consider options for reducing the impact of new development within and/or adjacent to the identified curtilage.</i>	No heritage items on the site, recommendations provided with the heritage impact statement that accompanies the proposal as discussed in Section 4.5.4 of this SEE below
1.9 Key Development Sites: Land Fronting Wollombi Road	<i>Vehicular access to Wollombi Road will be controlled via the road design (Sections A to D) contained in Figures 87, 88, 89 and 90 and Appendix A.</i>	The site fronts Owlpen lane. Hence this clause doesn't apply to the subject site.

4.4 The Provisions of any Matters Prescribed by the Regulations (Section 4.15(1)(a)(iv))

There are no matters of relevance prescribed by the Regulations.

4.5 Likely Impacts of the Development (Section 4.15(1)(b))

This Section considers the likely impacts of the proposed Torrens Title Residential Subdivision of the Site as described below:

4.5.1 Preliminary Site Investigation

The Preliminary Site Investigation report has been prepared by **Geotesta Pty Ltd** on July 2022. This report provides the following findings and recommendations:

- *All the contaminant concentrations of interest were found to be within the site assessment criteria (SAC).*
- *The conducted Preliminary Site Investigation's limited soil sampling and analysis program indicated a low risk of soil and groundwater contamination. It is the opinion of Geotesta Pty Ltd that the site is suitable for the proposed low density residential development pending an additional Data Gap Contamination Assessment is undertaken.*
- *Due to the existence of a data-gap in this investigation, a further assessment post demolition of the existing structures/dwellings is required to address further potential AECs identified previously and to determine if any contamination hotspots exist within the footprint of the existing sheds and dwellings. For further details refer to the accompanying Site Investigation report.*

4.5.2 Geotechnical Site Investigation

The Preliminary Site Investigation report has been prepared by **Geotesta** on September 2022. This report provides the following conclusions:

3.7.1 Salinity Assessment

Laboratory test results for salinity assessment are summarised in Table 3.

Table 3: Soil Salinity Test Results

Sample ID	Conductivity (Ec) (1:5 Aqueous extract dS/m)	Ece ¹ (ds/m)	Salinity Assessment ²
S1(1.5m)-BH1	0.062	0.56	Non-saline
S5(0.5m)-BH5	0.046	0.42	Non-saline
S6 (0.5m)-BH6	0.039	0.35	Non-saline
S8 (0.6m)-BH8	0.061	0.55	Non-saline
S9 (0.6m)-BH9	0.040	0.36	Non-saline
S13 (0.5m)-BH13	0.050	0.45	Non-saline

¹Based on EC to Ece multiplication factors in Department of Land and Water Conservation (2002) Guidelines (Table 6.1), a multiplication factor of 9 were applied to medium clays.

²Based on Table 6.2 of Department of Land and Water Conservation (2002) where Ece < 2dS/m = Non-saline; Ece= 2-4dS/m = slightly saline; Ece = 4-8dS/m = moderately saline; Ece = 8-16dS/m = very saline; Ece > 16dS/m = highly saline.

Referring to the above test results, the site is considered to be non-saline.

Aggressivity Assessment

Sulphate and pH test results for aggressivity assessment are summarised in Table 4.

Table 4: Soil Aggressivity test results for concrete and steel piles

Sample ID	pH (1:5 Aqueous extract)	Sulphate (SO ₄) (mg/kg)	Aggressivity Assessment ¹ Concrete	Aggressivity Assessment ¹ Steel
S1-BH1	6.0	33	Non-aggressive	Non-aggressive
S5-BH5	5.8	35	Non-aggressive	Non-aggressive
S6-BH6	5.9	24	Non-aggressive	Non-aggressive
S8-BH8	5.8	14	Non-aggressive	Non-aggressive
S9-BH9	5.8	35	Non-aggressive	Non-aggressive
S13-BH13	6.4	15	Non-aggressive	Non-aggressive

¹In accordance with AS3600 (2009)

Referring to the above test results, the site is considered non-aggressive.

For further details refer to the accompanying Geotechnical Assessment.

4.5.3 Aboriginal Due Diligence Assessment

The aboriginal due diligence assessment report has been prepared by **Apex Archaeology Pty Ltd** on August 2022. This report provides the following conclusions and recommendations:

Recommendations

- *No further Aboriginal archaeological assessment is required prior to the commencement of works as described in this report.*
- *This due diligence assessment must be kept by The Bathla Group so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the National Parks and Wildlife Act 1974.*
- *The results of this assessment fulfil the requirement for archaeological assessment in accordance with the OEH 2010 Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW and the Due ii Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Code of Practice). Works may proceed with caution.*
- *The proposed works must be contained to the area assessed during this archaeological assessment, as shown on Figure 1. If the proposed location is amended, further archaeological assessment may be necessary to determine if the proposed works will impact any Aboriginal objects or archaeological deposits.*
- *Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.*

For further details refer to the accompanying Aboriginal Heritage Due Diligence Report.

4.5.4 Heritage Impact Assessment

The Heritage impact assessment report has been prepared by **Apex Archaeology Pty Ltd** on August 2022. This report provides the following conclusions and recommendations:

- *The study area does not contain any items of historical heritage listed on any statutory registers.*
- *No newly identified items of historical heritage were noted within the lots.*
- *Two items of historical heritage are located in close proximity to the study area, namely Owlpen House (188) and the Government Railway - Station Master's House (189), both listed on the Maitland LEP 2011.*
- *The study area is not considered to hold specific heritage significance.*
- *The study area is not considered likely to have historical archaeological potential.*
- *The proposed development is not considered likely to impact on the heritage values of Owlpen House (188) or the Government Railway - Station Master's House (189).*
- *The study area is located outside both the lot boundary curtilage and the visual curtilage outlined for Owlpen House.*

- *The proposed subdivision has been designed in line with the controls of the Maitland Development Control Plan 2011.*
- *The proposed works are considered unlikely to impact on heritage values of any items within the Farley area.*

As such, the following recommendations have been made.

Recommendations

- **RECOMMENDATION 1: NO FURTHER APPROVALS REQUIRED**
The study area is not considered to possess heritage significance, or any historical archaeological potential. No further approvals are required under the Heritage Act.
- **RECOMMENDATION 2: MINIMISING IMPACT**
Any minor amendments to the proposed subdivision layout should respect the controls outlined in the Maitland Development Control Plan 2011, as these have been prepared to minimise impacts to Owlpen House (188) and the Government Railway - Station Master's House (189). Any significant amendments to the proposed subdivision layout should be assessed to ensure the proposal does not impact on the heritage values of any heritage items in the vicinity.
- **RECOMMENDATION 3: LOT LAYOUT**
The lot layout should respect the controls outlined in the Maitland DCP 2011 which outlines the requirements for lot density, along with building form and colours.
- **RECOMMENDATION 4: STOP WORKS PROVISION**
Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and approvals may be required prior to the recommencement of works. Any historical objects must be reported to Heritage NSW.

For further details refer to the accompanying Heritage Impact Assessment Report.

4.5.5 Bushfire Protection Assessment

The Bushfire Protection Assessment report has been prepared by **Firebird ecoSultants Pty Ltd** on July 2022. This report provides the following recommendations in the table below from the Bushfire reports' conclusion:

- *Assessment in accordance with AS3959 and the PBP 2019 (section 5 of this report) has shown that future dwellings within the lots will be able to comply with the required BALs. In any case, future dwellings within the site will be assessed under Section 4.14 of EP&A Act for each individual dwelling upon application.*
- *To achieve a Bushfire Attack Level (BAL) of BAL-29, following land is to be managed as an APZ, which is made up of an Inner Protection Area (IPA) and Outer Protection Area (OPA):*
 - o *North for a distance of 10m as an IPA, 10m as an OPA or to the property boundary, whichever occurs first,*
 - o *East for a distance of 10m as an IPA, 10m as an OPA or to the property*

boundary, whichever occurs first,
o South for a distance of 10m as an IPA, and, 10m as an OPA or to the property boundary, whichever occurs first,
o Along the Vegetated Riparian Zone for a distance of 4m as an IPA, and 10m as an OPA.

- Reticulated water is extended into the site.
- The development will be linked to the water pressure mains and the proposed internal fire hydrant spacing, sizing and pressures are to comply with AS 2419.1-2005 Fire Hydrant Installations – System design, installation and commissioning (2005).
- The development is for three or more allotments and therefore requires perimeter roads.
- All perimeter and non-perimeter roads identified on the subdivision plan need to be consistent with the following requirements:
 - a. Traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - b. Where access/egress can only be achieved through forest, woodland and have heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
 - c. Where kerb and guttering are provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - d. Two-way sealed roads;
 - e. Minimum 8m carriageway with kerb to kerb;
 - f. Parking is provided outside of the carriageway width;
 - g. Hydrants are located clear of parking areas;
 - h. There are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - i. Dead end roads are not recommended, but if unavoidable, are not more than 200 meters in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
 - j. Curves of roads have a minimum inner radius of 6m;
 - k. The maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - l. The road crossfall does not exceed 3 degrees; and
 - m. A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
 - n. Bridges and Causeways are designed sufficiently to carry a fully loaded firefighting vehicle (up to 23 tonnes) and signage is put in place to clearly indicate the maximum load rating of 23 tonnes,
 - o. Hydrants are:
 - Located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression, and
 - Provided in accordance with the relevant clauses of AS 2419.1:2017.
 - Provided the recommendations stated within this report are implemented in full then
 - Firebird ecoSultants Pty Ltd is of the opinion that the proposed development is able to meet the aims and objectives of PBP (RFS, 2019).

For further details refer to the accompanying Bushfire Protection Assessment Report.

4.5.6 Traffic Assessment Report

The Traffic and Parking Assessment report has been prepared by **Varga Traffic and Planning Pty Ltd** on September 2022. This report provides the following conclusion:

Based on the analysis and discussions presented within this report, the following conclusions are made:

- *the proposed development involves the subdivision of the subject site into 130 lots, comprising 127 standard residential allotments, a superlot and two residue lots*
- *the proposed subdivision is consistent with the zoning objectives of the site and will not have any unacceptable traffic implications in terms of road network capacity*
- *the proposed future internal/local road layout is consistent with the requirements of the Maitland DCP 2011 road network hierarchy*
- *the future local roads within the subdivision will have a minimum typical road reservation width 17m, and a minimum typical carriageway width of 8m, facilitating two-way traffic flows and allowing kerbside parking, consistent with the Maitland DCP 2011*
- *temporary cul-de-sac heads are also proposed at the ends of the new local roads to allow loading/servicing trucks to turn around until such time that the neighbouring properties are developed*
- *the proposed new road will accommodate two-way traffic and will satisfactorily allow service vehicles such as garbage truck or a removalist truck to circulate through the site in a forward direction*
- *the future off-street parking requirements of the subdivision will be subject to separate development applications however it is clear that the size of the proposed allotments can accommodate the DCP parking requirements.*

For further details refer to the accompanying Traffic Assessment report.

4.5.7 Vegetation Management Plan

The Vegetation Management Plan has been prepared by **Firebird ecoSultants Pty Ltd** on September 2022. This report provides management guidelines and protection measures during clearing and construction as well as protection of retained vegetation.

For details kindly refer to the submitted Report.

4.5.8 Sewage and Water

Water and sewer services are available at the site. The services will be connected to the proposed development in accordance with the Authority's requirements.

4.5.9 Electricity and Telecommunication Supply

Electricity and telecommunication services are available at the site. The services will be connected to the proposed development in accordance with the Authority's requirements.

4.6 Suitability of the Site (Section 4.15(1)(c))

The proposed subdivision is suitable due to the Site zoning, and residential density. Environmental hazards/constraints have also been addressed with the technical assessment reports that accompany this DA to ensure no adverse impacts occur upon the natural or built environments. Any impact on the built environment with regard to the erection of residential dwellings would be considered under a future DA to be lodged with Council on the proposed residential lots.

4.7 Any Submissions Made (Section 4.15(1)(d))

The council may formally advertise and notify the proposed development application. Should any submissions be made on the application, Council shall consider the merits of the proposal. Bathla would welcome an opportunity to review and appropriately respond to any community concerns that may be raised for this DA.

4.8 The Public Interest (Section 4.15(1)(e))

The proposed subdivision seeks to facilitate land release for future residential housing provisions located within the Urban Release Area and is considered to be in the public interest.

5. CONCLUSION

In conclusion, the proposed Staged Torrens Title Subdivision of the Site into 119 Lots comprising 117 residential lots, 1 Superlot, and 1 residue lot with construction and dedication of public roads, tree removal and stormwater drainage works are an appropriate and compatible form of development when assessed under Matters for Consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposed development satisfies and is in accordance with the planning controls pursuant to Maitland Local Environmental Plan 2011, and Maitland Development Control Plan 2011.

Based on the above proposal and the development plans submitted, it is recommended that Maitland City Council approve the proposed development.