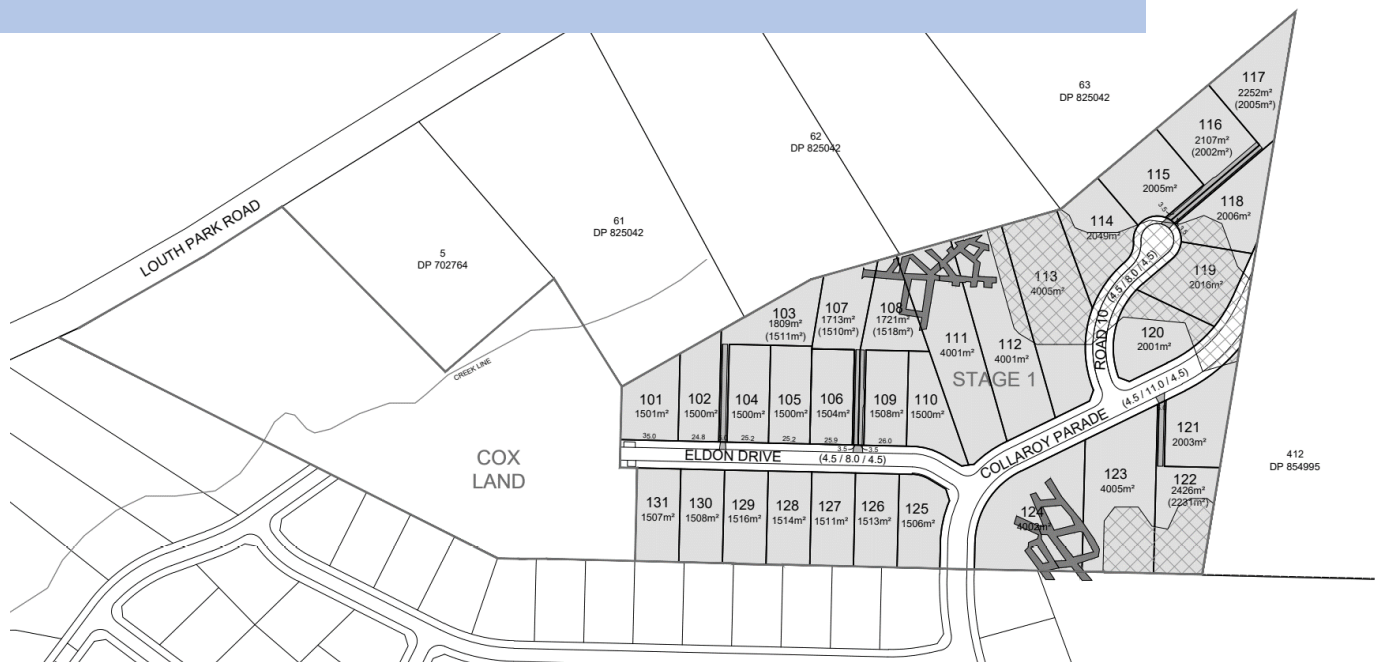


# STATEMENT OF ENVIRONMENTAL EFFECTS

## PROPOSED TORRENS TITLE SUBDIVISION (1 INTO 31 LOTS)

**442 LOUTH PARK ROAD, LOUTH PARK,  
NSW (LOT 2 DP1286289)**



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Statement of Environmental Effects – 442 Louth Park Rd Louth Park				
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2	14/11/22	SEE – 442 Louth Park Rd	ED	MB / Client
3	17/11/22	SEE – 442 Louth Park Rd	ED	MB / Client
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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by NewPro 25 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 31 Lots) at 442 Louth Park Road, Louth Park, NSW, 2320, legally identified as Lot 2 DP1286289 (**'the site'**).

Specifically, the proposal includes:

- 1 into 31 Lot Torrens title subdivision
- Civil works including the creation of internal roads and stormwater drainage infrastructure
- Vegetation removal and associated earthworks.

This application relates to the development of created Lot 2, approved for subdivision under DA/2021/1391 (7 March 2022). The subdivision under DA/2021/1391 was registered on 18 October 2022.

The key reasons why the proposal should be considered acceptable include:

- is permitted in the R5 zone and consistent with the R5 zone objectives;
- is consistent with the relevant planning requirements within the Louth Park URA;
- provides a logical extension of the adjoining subdivision within the Louth Park URA, consistent with the objectives of the DCP;
- enables the logical and economic management of subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland City Council.

## TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
MCC	Maitland City Council
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects
URA	Urban Release Area

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	EP&A Regulation 2021 – Approved Form	Perception Planning	N/A
2	Certificate of Title and existing Deposited Plan	NSW Lands Registry	DP1286289 Registered 18.10.2022
3	Subdivision Plan	GCA Engineering Solutions	21360L, Rev: 11 and dated 4.11.22
4	Aboriginal Due Diligence Assessment Report	Niche Environment and Heritage	7382 and dated 17 June 2022
5	Bushfire Threat Assessment	Coolburn	Version 1.1 Dated 19 October 2022
6	Stamped SA Plans and Determination	Subsidence Advisory NSW	N/A
7	Stamped HWC Plans	Hunter Water Corporation	N/A
8	Biodiversity Development Assessment Report	Habitat Environmental Services	HBT0019_BDAR_V1.0 and dated 17/10/2022
9	DBYD Search Results	DBYD	N/A
10	Traffic Impact Assessment	SECA Solution	P2280 Dated 16 November 2022
11	Civil Engineering Plans	GCA Engineering Solutions	21360C, Rev: 2 and dated 4.11.22
12	Stormwater Management Report	GCA Engineering Solutions	21360C, Rev: 1 and dated 4.11.22
13	Landscape Plan	Moir Landscape Architects	2123, Rev: C and dated 7/4/2022
14	Signed NOD DA/2021/1391	Maitland City Council	Dated 7 March 2022
15	Pre-DA Meeting Minutes	Maitland City Council	Dated 6 September 2022

16	Report on Geotechnical Investigation	Cardno (now Stantec)	81022027-002.1 and dated 8 November 2022
17	Report on Preliminary Site Investigation	Cardno (now Stantec)	81022027-004.1 and dated 10 November 2022

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by NewPro 25 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 31 Lots) at 442 Louth Park Road, Louth Park, NSW, 2320, legally identified as Lot 2 DP1286289 (**'the site'**).

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposed relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located in Louth Park within the Maitland Local Government Area (LGA). The site is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

This SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

### 1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPIs);
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

## 1.2 SITE DETAILS

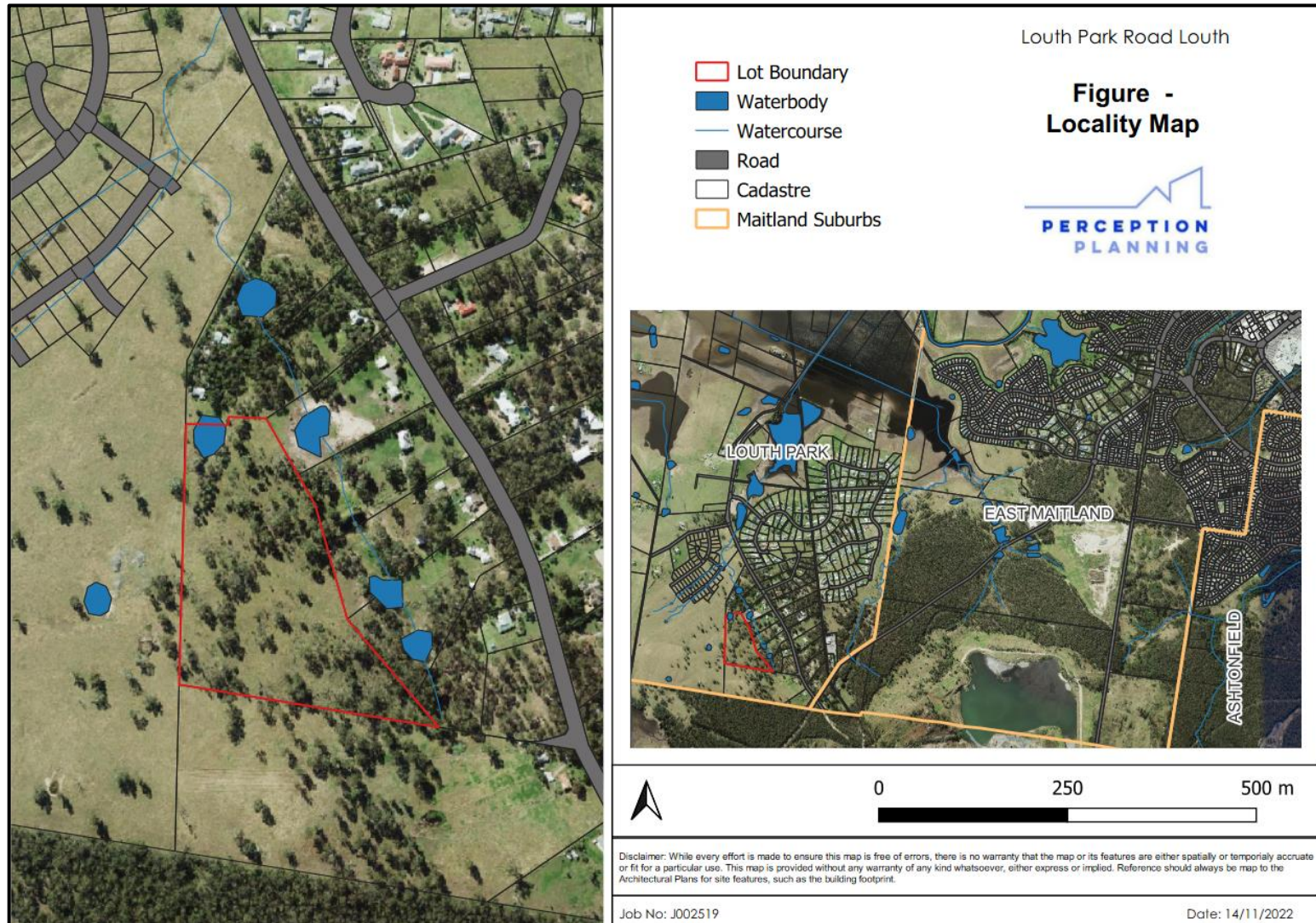
<b>Property Address</b>	442 Louth Park Road, Louth Park NSW 2320 ( <b>FIGURE 1</b> ).
<b>Lot and DP</b>	Lot 2 DP1286289
<b>Current Use</b>	Residential
<b>Zoning</b>	R5 Large Lot Residential
<b>Size</b>	7.625 ha
<b>Site Constraints</b>	Bushfire Prone Land – Vegetation buffer and category 1 Minimum lot size – 1,500m <sup>2</sup> , 2,000m <sup>2</sup> , 4,000m <sup>2</sup> Urban Release Area (Louth Park) Acid Sulfate Soils – Class 5 Mine Subsidence District – Guideline 7
<b>Owner</b>	Owner’s consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in <b>APPENDIX 2</b> .

## 1.3 SITE DESCRIPTION

The site is located at 442 Louth Park Road, Louth Park, NSW, 2320 (**‘the site’**) and has a total area of 7.625 ha (**FIGURE 1**). The site is located within the township of Louth Park, within the Maitland Local Government Area (LGA) and within the Louth Park Urban Release Area (URA). The Louth Park URA is located off Louth Park Road and Dagworth Road, adjoining the existing R5 Large Lot Residential subdivision known as Waterforde and Hillview Estates and other rural allotments. The URA has traditionally been used for grazing and is within the visual catchment of the Waterforde Estate, and is also visible from the north, south and west. The site is located within the southern precinct of the URA, within Stage 2 of the land release.

The site is immediately bound by R5 Zoned land in all directions for residential development purposes consistent with the URA intention. Rural land is located further to the south-east. The site contains an existing dwelling house and associated outbuildings / ancillary structures. The site currently maintains direct vehicular access from Louth Park Road, however future subdivision adjoining the site will enable additional access via new roads from the west. Vegetation on the site generally consists of natural grasses with scattered trees within the southern portion of the site, with more dense vegetation located around the existing structures. Two farm dams are located on the site with associated natural water course lines running through these dams into surrounding catchments. Photos of the site are provided below.

Figure 1: Aerial image of site (Perception Planning, 2022)



*Photo 1: Site looking from the west towards the site*



*Photo 2: Site in the distance, looking from Louth Park Road*



## 1.4 BACKGROUND

This application relates to the development of created Lot 2, approved for subdivision under DA/2021/1391 (7 March 2022). The commencement of the proposed development under this application will not commence until such time the subdivision under DA/2021/1391 has been registered. There are no known compliance issues relating to the site.

A pre-lodgement meeting was held with Maitland City Council on 6 September 2022, with the minutes provided at **APPENDIX 15**. The supporting documentation identified within the minutes has also been provided with this application, including:

- This Report forms the SoEE, addressing environmental impacts, legislative requirements, and compliance with the DCP (namely Parts C.10 and F.10).
- Civil Plans including cut / fill and batters across the site.
- Bushfire report demonstrating compliance with PBP 2019. Roads within the subdivision are consistent with those established within the adjoining estate (i.e., width). The Lots proposed are large in nature, thus the road will not ensure parking as primary option. This is evidenced by the pre-existing situation and precedence set within the existing Estate.
- Stormwater Management Report, providing detail and design in accordance with ARR 2019, and an analysis of the existing flood control measures.
- Geotechnical report addressing cut / fill, slope stability and contamination.
- Preliminary Soil Assessment.
- Aboriginal Objects Due Diligence Assessment.
- Subdivision Plan identifying building envelopes.
- Visual Impact Analysis within this SoEE.
- Landscape Plan.
- Biodiversity Development Assessment Report.
- Traffic Impact Assessment.

## 2.0 THE DEVELOPMENT

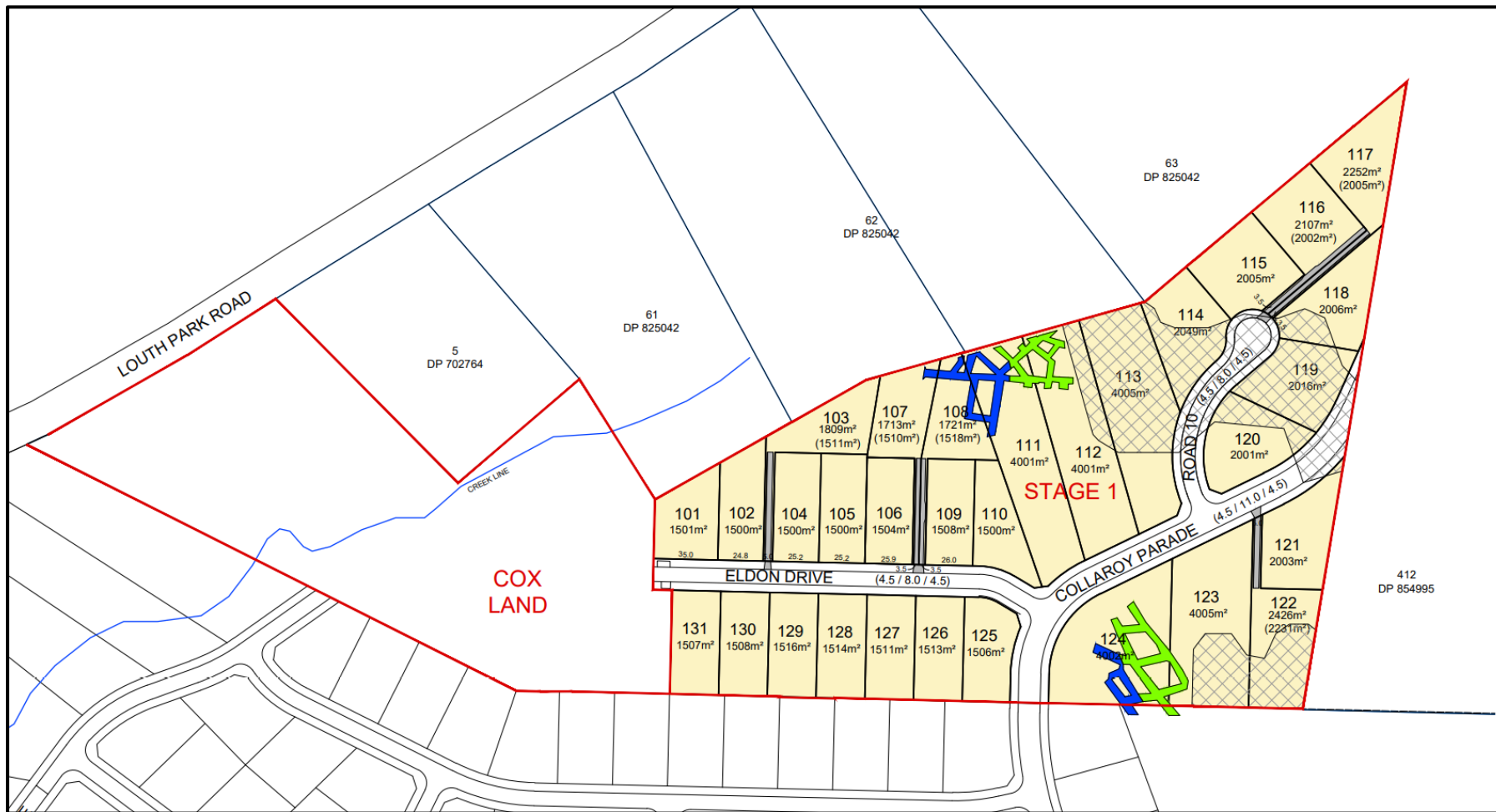
### 2.1 PROPOSED DEVELOPMENT

Development consent is sought for a Torrens title subdivision (one into 31 Lots) (**FIGURE 2**).

Specifically, the proposal includes:

- 1 into 31 Lot Torrens title subdivision
- Civil works including the creation of internal roads and stormwater drainage infrastructure
- Vegetation removal and associated earthworks

Figure 2: Proposed subdivision plan (GCA Engineering Solutions, 2022)



## 3.0 PLANNING FRAMEWORK

### 3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Coal Mine Subsidence Compensation Act 2017*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

- **Section 4.46 – Integrated development**

Section 4.46 of the EP&A Act provides that integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more other approval. An assessment has been made against s.4.46 and in this instance the application is not deemed to be integrated development (refer to **Table 1** below).

*Table 1: Integrated development*

Integrated development	Section	Assessment
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	NA
Heritage Act 1977	s 58	NA – The site is not identified as being a heritage item or located within a heritage conservation area.  An Aboriginal Heritage Due Diligence (DD) assessment has been prepared and is provided at <b>APPENDIX 4</b> . The DD identifies that within 1km of the site, nine Aboriginal cultural sites were identified, including five artefacts, two PADs, one modified tree and one

		Artefact Scatter. No recorded historic heritage items are located on or within the site. Following site review, no further investigation was deemed to be required prior to the proposed minor works within the already disturbed activity area. Recommendations have been made within the report, to be followed during works.
Coal Mine Subsidence Compensation Act 2017	s 22	Yes – The site is located within a mine subsidence district. Stamped Subsidence Advisory Plans are provided at <b>APPENDIX 6</b> .
Mining Act 1992	s 63, 64	NA
National Parks & Wildlife Act 1974	s 90	NA
Petroleum (Onshore) Act 1991	s 16	NA
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	NA
Roads Act 1993	s 138	NA
Rural Fires Act 1997	s100B	Yes – the site is identified as bushfire prone land, as further assessed below and within the Bushfire Assessment Report provided at <b>APPENDIX 5</b> .
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	ss 89, 90, 91	No – a first order stream is located within the properties to the east of the site. All civil works proposed as part of the development will be located greater than 40m from the stream, thus referral to NRAR as part of this application is not required.

- **Section 7.11 – Development Contributions**

Development contributions are payable for each new Lot created, in accordance with the Maitland City Council Contributions Plan.



- **Section 7.24 – Special Infrastructure Contributions**

In accordance with section 7.24, the Minister may direct a consent authority to impose a condition on the grant of development consent in relation to development within a special contributions area to which a determination under section 7.23 applies for the purpose of giving effect to the determination.

Contact has been made with the NSW Department of Planning, Infrastructure and Environment in relation to the SIC amount payable. The Planning Agreement will be provided to Council once received to enable determination.

### 3.1.2 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

A Biodiversity Development Assessment Report (BDAR) has been prepared in support of the proposed development to meet the requirements of the Biodiversity Assessment Method (BAM) established under Section 6.7 of the BC Act and is provided at **APPENDIX 8**. This assessment utilises methods detailed within the BAM Order 2020 to identify biodiversity values inherent within the site, including known and potentially occurring threatened species and ecological communities, and quantifies impacts of the proposal upon these values.

The BDAR concludes that no species at risk of Serious or Irreversible Impacts (SAILs) will be impacted by the proposed development. As such, no SAIL assessments were completed in accordance with Section 9.1 of the BAM.

The proposed development will result in the clearing of 7.54 ha of native vegetation (PCT 1600 and PCT 1598), requiring ecosystem credits as shown in **FIGURE 3**.

*Figure 3: Ecosystem credits (Table 15 BDAR, 2022)*

Zone	PCT	Condition class	Impact Area (ha)	Current VI Score	Future VI Score	Credits Required
1	1600	Moderate	4.03	65.8	0	133
2	1600	Cleared	3.14	11.9	0	0
3	1598	Moderate	0.37	62.1	0	11

Credit requirements for Southern Myotis and Squirrel Glider are also required, as detailed in **FIGURE 4** below.

Figure 4: Fauna Credits (Table 16 and 17 BDAR, 2022)

Table 16 Southern Myotis Credit Requirements						
Zone	PCT	Condition class	Impact Area (ha)	Current Habitat Score	Future Habitat Score	Credits Required
1	1600	Moderate	1.34	65.8	0	44
2	1600	Cleared	1.09	11.9	0	6
3	1598	Moderate	0.37	62.1	0	11
					Total	61

Table 17 Squirrel Glider Species Credit Requirements						
Zone	PCT	Condition class	Impact Area (ha)	Current VI Score	Future VI Score	Credits Required
1	1600	Moderate	4.03	65.8	0	133
2	1600	Cleared	0	11.9	0	0
3	1598	Moderate	0.37	62.1	0	11
					Total	144

### 3.1.3 COAL MINE SUBSIDENCE COMPENSATION ACT 2017

The site is located within a mine subsidence area. Stamped Subsidence Advisory NSW Plans are provided at **APPENDIX 6**. A grouting strategy has been approved by Subsidence Advisory NSW under DA2021/1391.

### 3.1.4 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act. Stamped plans in accordance with Section 49 of the HW Act are contained in **APPENDIX 7** of this application.

### 3.1.5 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment. No physical works will take place within 40m of any body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site.

### 3.1.6 RURAL FIRES ACT 1997

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential

purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The subject site is identified as bushfire prone, vegetation category 1 and buffer. The development includes a subdivision that will result in land that can lawfully be used for residential purposes, and therefore requires referral to the NSW Rural Fire Service as 'integrated development', requesting the issue of a Bushfire Safety Authority.

A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at **APPENDIX 5** to enable referral to the NSW RFS. The BAR has utilised a 'performance-based assessment' as the fire behaviour modelling has used:

- Modified fuel loading for Hunter Macleay Dry Sclerophyll Forest vegetation classification (NSW RFS Comprehensive Fuel Load, March 2019)
- Short fire run (SFR) consistent with A1.11.2 of Planning for Bushfire Protection (PBP 2019).

The proposal to apply SFR to assess the hazard to the east is deemed acceptable in principle by the NSW RFS (RFS Ref: PRE-DA20220623000111).

## **3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)**

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and discussed in further detail below.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
  - *Chapter 4 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
  - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
  - *Chapter 2 – Infrastructure*

### **3.2.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021**

#### **CHAPTER 4 – KOALA HABITAT PROTECTION 2021**

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4

and Schedule 2 of the SEPP identifies the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area. The key threats within the Central Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The Maitland City Council do not have an approved Koala Plan of Management for Land. Therefore, under Section 11 the policy applies to land that has an area of at least one hectare. The site measures greater than 1 ha and vegetation removal is proposed, thus a Biodiversity Development Assessment Report (BDAR) has been prepared and is provided at **APPENDIX 8**. No koalas or evidence of koalas were recorded during site assessment. The vegetation within the site is highly fragmented and modified, thus use of the vegetation would be intermittent. Based on this, the proposed development is unlikely to cause a significant impact to the koala.

### **3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021**

#### **CHAPTER 4 – REMEDIATION OF LAND**

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Under Section 4.6 a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

A preliminary site investigation (PSI) has been prepared and is provided at **APPENDIX 17**. The PSI concludes that based on site history and inspection, no indication of gross contamination was identified. Given the lack of observation of contamination associated with the site, excluding “adit” fill, the risk of contamination of the remainder of the site is considered low risk. Any risk of contamination at the site including those not observed could be dealt with by the recommendations outlined as follows:

- An Unexpected Finds Protocol (UFP) 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 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 require classification in accordance with the NSW EPA Waste Classification Guidelines.

- Any materials removed from within and in proximity to the shaft and former adit must be assessed both geotechnically and environmentally by suitably qualified consultants for either reuse onsite or offsite disposal. Any existing stockpiles will also require such assessment.

### 3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

#### **CHAPTER 2 – INFRASTRUCTURE**

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

#### **Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network**

##### **Section 2.48 – Determination of development applications – Other development**

The Lots created by the subdivision will be connected to underground reticulated electricity, connecting to the infrastructure within adjoining subdivision. Penetration of the ground within 2m of underground electrical infrastructure triggers referral the electricity supply authority is triggered pursuant to Section 2.48(1)(a). It is not anticipated that referral to the electricity authority is warranted in this instance.

#### **Division 12A, Subdivision 2 Development adjacent to pipeline corridors**

##### **Section 2.76 – Determination of development applications**

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

#### **Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations**

The proposed subdivision incorporates an extension to the adjoining road network, being Collaroy Parade, which is identified as a local public road dedicated to Maitland Council. As such, referral or Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.117, 2.118 and 2.119.

##### **Section 2.121 – Traffic Generating Development**

In accordance with Section 2.121, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW.

Despite the development not being considered a traffic generating development, a Traffic Impact Assessment (**APPENDIX 10**) has been prepared to demonstrate safe traffic movement to and from the site. The additional traffic movements generated by the development will have a minimal and acceptable impact on the surrounding road network and site access can operate with minimal delay or congestion. It is considered that the development is consistent with the requirements of the Louth Park Development Control Plan in relation to traffic, parking and access. To this extent, the proposed development is not identified to have an adverse impact on road infrastructure.

### 3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

#### Permissibility

The site is zoned R5 Large Lot Residential under the Maitland Local Environmental Plan 2011 (LEP).

The *subdivision of land* is defined under section 6.2 of the *Environmental Planning and Assessment Act 1979* as follows:

***subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.*

The proposed development satisfies the above definitions, as it comprises a thirty-one (31) Lot Torrens title subdivision. Subdivision is permissible with the consent of Council in the R5 Large Lot Residential zone under clause 2.6 of the LEP.

#### Zone objectives

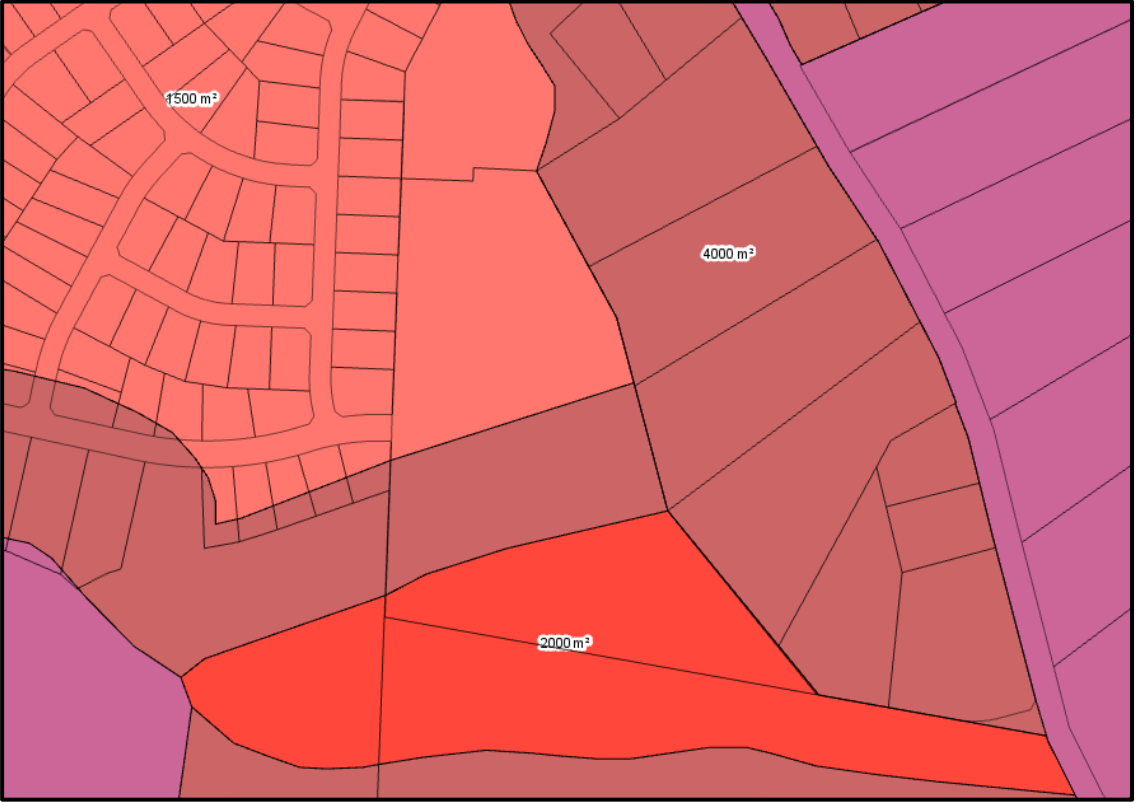
The Land Use Table of the LEP identifies the following objectives for the R5 Large Lot Residential zone:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development provides additional Lots within the Louth Park Urban Release Area (URA) to accommodate future residential accommodation within a large Lot residential environment that caters for the housing needs of the community, whilst protecting and enhancing the existing residential amenity and character of the area. The Lot sizes are commensurate with the natural elements of the land, maintaining compliance with the minimum lot size provided which ensures preservation of the natural characteristics and associated constraints of that Lot, being vegetation, waterways, and dams. The proposal is consistent with the objectives for development in the R5 zone.

Further assessment against the relevant requirements of the MLEP is provided in **Table 2** below.

**Table 2: MLEP Compliance Assessment**

Clause	Control	Comment
4.1	Minimum subdivision lot size	<p>The minimum subdivision lot size applicable to the site varies between 4,000m<sup>2</sup> in the central portion of the site, 1,500m<sup>2</sup> (northern) and 2,000m<sup>2</sup> in the south as shown in <b>FIGURE 5</b> below.</p>  <p><i>Figure 5: MLS (NSW ePlanning Spatial Viewer, 2022)</i></p> <p>At completion of the subdivision, each proposed Lot will be compliant with the corresponding MLS applicable to the site, as shown in <b>FIGURE 6</b> below. Lots within the northern portion of the site measure over 1500m<sup>2</sup> (smallest 1,500m<sup>2</sup> and largest 1,518m<sup>2</sup>), Lots within the centre measure</p>

between 4,001m<sup>2</sup> and 4,005m<sup>2</sup> compliant with the MLS of 4,000m<sup>2</sup> and Lots to the south measure between 2,001m<sup>2</sup> and 2,231m<sup>2</sup> compliant with the MLS of 2,000m<sup>2</sup>. Overall, the development is compliant with this clause.

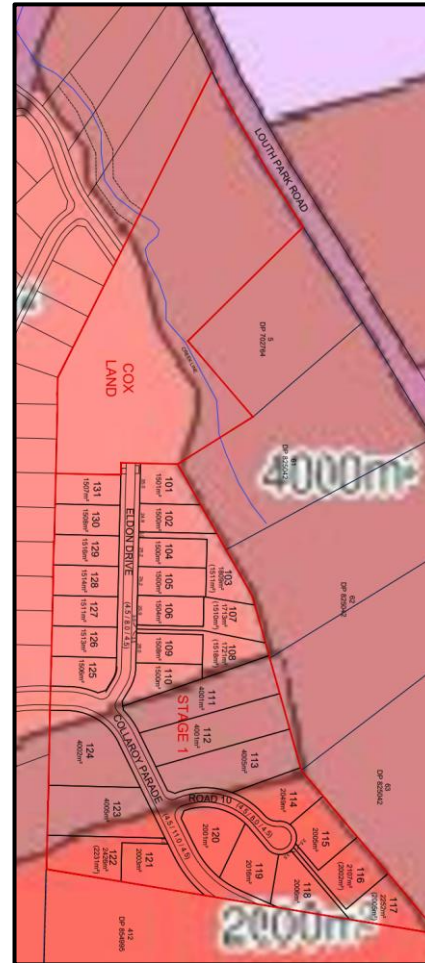
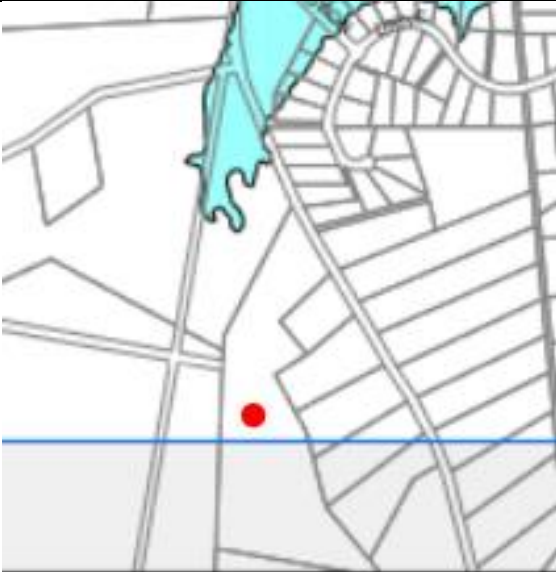


Figure 6: Proposed subdivision layout corresponding to MLS (GCA, 2022)



4.3	Height of buildings	The site is not affected by a maximum height of buildings.
4.4	Floor space ratio	The site is not subject to a maximum floor space ratio.
5.10	Heritage conservation	<p>The subject site is not identified as a heritage item under the MLEP. The AHIMS search conducted on 12 October 2021 did not identify any Aboriginal sites or places within a 50m buffer of the site.</p> <p>An Aboriginal Heritage Due Diligence (DD) assessment has been prepared and is provided at <b>APPENDIX 4</b>. Refer to further assessment provided under the Heritage Act within Section 3.1 of this SoEE.</p> <p>Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required</p>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<p>The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses). This clause applies to land within the R5 Zone. In response to subclause (4), it is noted that the site is located within the Louth Park URA. Land to the west and north have recently been subdivided in line with the DCP and associated staging of the URA.</p> <p>The intention of the proposed subdivision is to provide a logical extension to this subdivision within the URA in accordance with the Louth Park URA and associated DCP requirements. To this extent, the subdivision is consistent with the requirements of clause 5.16.</p>
5.21	Flood Planning	<p>The site is not identified as flood prone as per LEP Map FLD_004B as shown in <b>FIGURE 7</b> below. The Stormwater Report submitted with this application also identifies that the overall post development stormwater runoff quantity will not impact on downstream flooding.</p>

		 <p data-bbox="1014 783 1753 815"><i>Figure 7: Flood planning map (FLD_004B, LEP Maps 2021)</i></p>
6.1	Arrangements for designated State public infrastructure	<p data-bbox="730 852 2018 1038">The site is located within an Urban Release Area (URA) pursuant to LEP Map URA_004B and 005. Subclause 6.12(1) states that the objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, <b>but only if the land is developed intensively for urban purposes.</b></p> <p data-bbox="730 1054 2029 1241">Subclause 6.1(2) states that development consent must not be granted for the subdivision of land in an urban release area if the subdivision would <b>create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date</b>, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p data-bbox="730 1257 1995 1369">The proposed subdivision will result in Lots that are above the MLS applicable to the land (the relevant date is not expressly identified within subclause (5) of the Louth Park URA) and results in the land being developed intensively for urban purposes, thus arrangements for designated State</p>

		public infrastructure in accordance with this clause is required. Application will be made to DPIE via the NSW Planning Portal following lodgement, noting that a DA number is required to enable submission of the request.
7.1	Acid sulfate soils (ASS)	The site is identified as Class 5 ASS under the MLEP. A Geotechnical Report is provided at <b>APPENDIX 16</b> . Based on the likely depths of cut and encountered subsurface conditions at the test pit locations, excavations are expected to be undertaken within the existing fill, alluvium, colluvium, residual soils, and weathered rock profile. Excavations into the existing fill, alluvium, colluvium and residual soils are expected to be readily undertaken utilising conventional earthmoving equipment, such as backhoes and small excavators. Given the proximity to adjoining ASS class soils, impacts to ASS are not anticipated.
7.2	Earthworks	<p>Earthworks are proposed as part of the subdivision, as detailed within the civil plans submitted with the application, with fill up to 3.0m in height associated with the filling of the existing farm dam and gully. Filling is also required for the eastern verges of Road 10 and portions of Collaroy Pde, with depths of up to 1.0m. Filling will also be required where the historic mine workings are over-excavated.</p> <p>Temporary measures adopted to control erosion during the construction phase would be maintained by the civil works contractor. This may include a sediment fence or bund on the lots to minimise sediment transfer until the turf or grass is established. Diversion banks or cut-off drains may also be formed for the construction phase to limit mixing of dirty and clean water for the period where the site is disturbed during bulk earthworks. A Soil and Water Management Plan would be required prior to commencement of construction works in accordance with the Blue Book (5) so as to prevent erosion and runoff during site construction to minimise impacts on receiving waterways.</p> <p>Additional detailed recommendations for earthworks (excavations) are provided within the geotechnical report prepared and provided at <b>APPENDIX 16</b>.</p>
7.6	Essential services	Essential services will be extended to the proposed Lots via the existing conduits and infrastructure provided within the adjoining subdivision, as per the DBYD Search Results provided at <b>APPENDIX 9</b> .
7.8	Drinking water catchments	The site is not located within a Drinking Water Catchment Area.

### 3.4 MAITLAND DEVELOPMENT CONTROL PLAN (DCP)

The Maitland Development Control Plan (MDCP) 2011 outlines the relevant design controls applicable to the site. Assessment of the development against the relevant parts of the MDCP is contained in **Table 3** below.

*Table 3: MDCP Compliance Table*

MDCP 2011	Controls	Review/Response	Comply
<b>Part A – Administration</b>			
<b>A.4 – Notification</b>	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified.	Yes
<b>Part B – Environmental Guidelines</b>			
<b>B3 – Hunter River Floodplain</b>	<p>The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.</p>	The development site is not located within a flood planning area or floodplain as discussed in Section 3.3 of this SEE.	Yes

MDCP 2011	Controls	Review/Response	Comply
<b>B4 – Onsite Sewage Management System</b>	This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.	Each Lot has the ability to be connected to reticulated sewer. A request for formal arrangements has been made to Hunter Water Corporation accordingly.	Yes
<b>B5 – Tree Management</b>	This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i> . These provisions only apply to urban land.	Vegetation removal is proposed as part of this application, as detailed within Section 3.1.2 of this report and within the BDAR provided at <b>APPENDIX 8</b> .	Yes
<b>B6 – Waste Minimisation &amp; Management</b>	This section only applies to a specific type of construction development.	A waste minimisation and management plan will be prepared in consultation with the civil contractor in accordance with the Council requirements and provided prior to the issue of a subdivision works certificate.	N/A
<b>B7 – Riparian Land and Waterways</b>	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	The site is not located within or adjoining riparian land or waterways. A first order stream is located more than 40m to the east of the site boundary within adjoining land, thus no controlled activity approval from NRAR is required as part of this application.	N/A
<b>Part C – Design Guidelines (C10 – Subdivision)</b>			
<b>EC.1 – Flora and Fauna</b>	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	Vegetation removal is proposed as part of this application, as detailed within Section 3.1.2 of this report and within the BDAR provided at <b>APPENDIX 8</b> .	Yes
<b>EC.2 Heritage and Archaeology</b>	The objective of this section is to protect heritage items, buildings with heritage significance and	The site is not identified as a listed Heritage Conservation Area and is not known to contain any known heritage items, place or artefacts. Refer to	Yes

MDCP 2011	Controls	Review/Response	Comply
	<p>conservation areas and to protect known potential archaeological relics from damage or destruction.</p> <p>To ensure these are considered in the new design of subdivisions.</p>	<p>assessment provided within the Due Dilligence Assessment, at <b>APPENDIX 4</b> for further detail.</p> <p>The proposal is not considered likely to cause any adverse impacts to any European or aboriginal heritage items, buildings, conservation areas, deposits or relics.</p>	
<b>EC.3 Hazards</b>	<p>The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.</p>	<p>The site mapped as containing watercourses, is identified as Class 5 Acid Sulfate Soils, and is not identified within the URA DCP as having potential for Saline Soils. The site is also mapped as bushfire prone.</p> <p>The site is not mapped as being affected by hazards such as flooding, landslip, contamination, and salinity.</p> <p>The bushfire report provided demonstrates compliance with PBP 2018.</p>	Yes
<b>DC.1 Lot size and dimensions</b>	<p>These sections objectives are to ensure all new lots have an appropriate size and shape to their proposed use and to allow for the provision of necessary services and other requirements.</p>	<p>The lots meet the LEP lot size requirements and provide Lots capable of development in accordance with the URA requirements.</p>	Yes
<b>DC. 2 Solar Access and Energy Efficiency</b>	<p>The objective of this section is to encourage the design of residential subdivisions which maximise solar access and allow flexibility in the siting of future buildings to take advantage of a north aspect.</p>	<p>No impacts on solar access to the existing dwelling will occur as a result of the subdivision. Sufficient area is available for the location of an indicative building envelope to achieve solar access.</p>	Yes
<b>DC.3 – Drainage, Water Quality and Soil Erosion</b>	<p>The objective of this section if to preserve natural drainage, enhance environmentally significant and maintain the health and quality of the water catchment and its health.</p>	<p>The Stormwater Management Report provided at <b>APPENDIX 12</b> shows that the overall post development stormwater runoff quantity will not impact on downstream flooding. The report also demonstrates</p>	Yes

MDCP 2011	Controls	Review/Response	Comply
		that the retention of nominated pollutants (Total Suspended Solids, Nitrogen, Phosphorous and Gross Pollutants) will meet Maitland City Councils (MCC's) current nominated targets.	
<b>DC.4 Landscape, Streetscape and Visual Impact.</b>	These sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.	The proposal will not impact the character of the surrounding landscape and will provide streetscape as consistent with the developing area. A Visual Impact Assessment is provided in further detail on these elements below.	Yes
<b>DC.5 Effluent Disposal</b>	This sections objective it to ensure new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	Each Lot can be connected to reticulated sewer. Details in accordance with Hunter Water requirements will be provided at subdivision works stage.	Yes
<b>DC.6 Roads, Access, Pedestrian and Cycleways</b>	This section's objective is to provide adequate road networks, functioning, traffic, and speeds as well as safe and appropriate access to traffic, pedestrians and public that is convenient.	A Traffic Impact Assessment ( <b>APPENDIX 10</b> ) has been prepared to demonstrate safe traffic movement to and from the site. The additional traffic movements generated by the development will have a minimal and acceptable impact on the surrounding road network and site access can operate with minimal delay or congestion. It is considered that the development is consistent with the requirements of the Louth Park Development Control Plan in relation to traffic, parking and access. To this extent, the proposed development is not identified to have an adverse impact on road infrastructure.	Yes

<b>MDCP 2011</b>	<b>Controls</b>	<b>Review/Response</b>	<b>Comply</b>
<b>DC.7 Crime Prevention – Safer by Design</b>	These sections objectives are to achieve effective design of subdivisions to reduce crime.	The proposal will not create opportunity or increase the potential risk of crime/criminal behaviour in the locality. The proposal is adequately designed for the locality and is in context. Crime Prevention is not considered to be impacted by the proposed layout and satisfies the objectives of this development control.	Yes
<b>DC. 8 Site Filing</b>	The objective of this section is to ensure fill is properly assessed.	Refer to further assessment provided under the LEP above.	Yes
<b>DC. 9 Reticulated Services (Waste/Sewer/Electricity/Telecommunications)</b>	The objective of this section is to provide utilities and services to new lots in an efficient manner.	Each Lot has the ability to be connected to reticulated sewer, telecommunications and electricity, with details to be provided at the subdivision works certificate stage, in accordance with the relevant authorities' requirements.	Yes
<b>IC.1 Entry Features</b>	The objective of this section is to ameliorate cumulative visual impact of entry features	No entry features are required or proposed given the small scale nature of the subdivision.	N/A
<b>IC. Street Names</b>	Street names to be approved by council	Noted – to occur at subdivision works certificate stage.	N/A
<b>IC.3 House numbering</b>	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	Yes
<b>Part F – Urban Release Areas</b>			



MDCP 2011	Controls	Review/Response	Comply
		<p>The site is located within the Louth Park URA thus the requirements of Part F apply. The site is primarily located within the southern precinct of the URA, within Stage 2 of the land release as shown in <b>FIGURE 8</b> and <b>9</b> below* (*note: the outlined parcel relates to the land prior to subdivision and registration under DA/2021/1391). Land to the south of the site is under separate ownership and not part of the proposed subdivision. Future road networks will likely be from Louth Park Road as detailed by the DCP. The layout of the proposed subdivision corresponds with the existing road network and layout established by the subdivision as approved and in the process of construction to the west. The road layout enables future connectivity into adjoining land to the south and north.</p> <p>The following is noted in accordance with the DCP:</p> <ul style="list-style-type: none"> <li>• <b>1.3 Landscaping strategy:</b> street trees are proposed as detailed within the landscape plan.</li> <li>• <b>1.5 Stormwater and water quality:</b> The Stormwater Management Report provided at <b>APPENDIX 12</b> shows that the overall post development stormwater runoff quantity will not impact on downstream flooding. The report also demonstrates that the retention of nominated pollutants (Total Suspended Solids, Nitrogen, Phosphorous and Gross Pollutants) will meet Maitland City Councils (MCC's) current nominated targets.</li> <li>• <b>1.6 Amelioration of natural hazards:</b> a bushfire report has been provided with the application, as detailed within Section 3.1.6 of this report, for referral to the RFS. A grouting strategy has been approved by Subsidence Advisory NSW under DA2021/1391. Stamped SA Plans and associated conditions are provided with this application. The Geotechnical Investigation provided with this application details requirements for during construction in relation to earthworks (cut and fill).</li> <li>• <b>1.7 Key development sites:</b> refer to visual impact analysis provided under Section 4.1.1 below.</li> <li>• <b>1.9 Archaeological Heritage:</b> An Aboriginal DD assessment is provided with this application.</li> </ul> <p>The proposed subdivision meets the intent of the URA and provides a layout to that is commensurate with the adjoining subdivision to the west, and the objectives of this Part. The proposed subdivision enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land.</p>	Yes



### **3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN**

Development contributions will be calculated and charged in accordance with the Maitland s94 Contributions Plan (CP).

### **3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

This Statement has been prepared to support a development application, as described in Section 2, to Maitland City Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2021* (EPA Regulations). Assessment against the Approved Form is provided in **APPENDIX 1**.

### **3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS**

Section 4.15(1)(a)(ii) requires the consent authority to consider:

*Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or the subject site that require consideration as part of this development application.

### **4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES**

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

### **4.1 LIKELY IMPACTS OF THE DEVELOPMENT**

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

#### **4.1.1 BUILT ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the built environment:

## **Context & Setting**

The features of the site have informed the design of the proposal, which is consistent with development surrounding the site and within the broader locality. The proposal complies with the relevant requirements of the planning framework including the detailed design provisions for subdivisions under the DCP. The design of the proposal responds appropriately to the context and setting of the site.

## **Visual Impact**

The proposal has been designed to respond to the existing lot layout and to compliment surrounding future residential development. The visual presentation of the proposed subdivision is consistent with intended residential development within the locality.

Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels and differentiates an area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere and their emotional response to that place (NSW Gov, 2019). Desired future character refers to an agreed vision of how an area will change over time, including an identification of characteristics to be retained or enhanced. Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain.

Louth Park is a rural – residential suburb that is situated within the western portion of the Maitland Local Government Area, that has experienced moderate to largescale residential growth over the last decade, reflective of the URA and associated zoning. The subject site is located within a URA and adjoining existing and approved subdivision with patterns developed for large Lot urban development. The location of the site is not isolated, in comparison to the rural properties located further away from the Louth Park neighbourhood centre. The design and character of the centre is reflective of the greater environment consisting of generally flat or low-lying topography of the land. The style of buildings anticipated is contemporary in nature, varying between weatherboard and brick veneer.

Part F of the DCP advises the following (p. 227):

- *The development shall retain existing vegetation to screen and break up visual impacts.*
- *The area along the southern ridgeline shall include larger allotments, to provide adequate land area to include new buildings, generous setbacks and appropriate landscaping, notwithstanding any mine's subsidence constraints and requirements.*

The layout incorporates Lots that are compliant with the range of minimum Lot sizes applicable to the land, which were originally incorporated to protect the ridgeline. Larger lots measuring over 2,000m<sup>2</sup> are located to the south, closest to the ridgeline, to ensure dwelling(s) in this area can be appropriately placed without dominating the ridgeline. Street tree planting is also proposed to provide visual relief of dwellings to the surrounding catchment, once established.

The proposed development would see a visual change in the location and change in built elements which would result in a more developed character of the site and locality. However, it is recognised that the development is responding to the aims and objectives of the R5 Zone and associated Urban Release Area, consistent with the surrounding dense development which has occurred over the last decade. Generally, the duration of time that a person may view the development from Louth Park Road or surrounding roads is low – moderate, given that they are in transit along the local or main roads. Those residences positioned within the closest proximity to the development that would have a permanent view of the development are not considered to be highly affected due to their existing large setbacks from the site. Future development will be required to comply with the DCP with the inclusion of appropriate setbacks, landscaping, materials, colours, and articulation to soften the appearance of the dwellings.

The proposal is consistent with the developed character of Louth Park and residential/rural interfaces, with Lot sizes provided in accordance with the LEP. The landscaping proposed is sufficient and suitable for the area, siting and visual impact and does not result in a negative impact to the subject site and locality and can be supported on merit by the consent authority.

### **Access, Transport & Traffic**

Access to the proposed Lots and associated indicative building envelopes is via the proposed adjoining road network within the URA. As detailed within the TIA provided with this application, the proposal will not result in any significant impacts to access, traffic, or transport in the area.

### **Public Domain**

The development will not result in any detrimental impacts on the public domain. Development contributions that will be payable will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

### **Services**

The site will be adequately serviced in accordance with the relevant authority's requirement, and the proposal will not result in any undue pressure or impacts.

### **Safety, security and crime prevention**

No safety, security or crime prevention measures are required.

## **4.1.2 NATURAL ENVIRONMENT**

The following matters are relevant to an assessment of any impacts on the natural environment:

### **Ecology**

The BDAR demonstrates that there will be no SAIL as part of the development. Appropriate offsetting of vegetation is proposed to compensate for the loss of vegetation required to support the layout. There will be no significant impacts upon the natural environment as a result of the proposal.

### **Landscaping**

Street tree landscaping shall be implemented to be consistent with the surrounding developments to ensure consistent streetscapes when viewed by passing traffic/pedestrians as required by the URA DCP. Landscaping is detailed within **APPENDIX 13**, identifying street tree planting incorporating the following species:

- Claret Ash
- Water Gum
- Weeping Lilly Pilly.

### **Noise and vibration**

Noise and vibration are limited to the construction period which will be managed in accordance with Safe Work requirements. No acoustic impacts or associated mitigation measures are required for future dwellings due to the low impact of the surrounding road network.

### **Stormwater management**

The Stormwater Management Report provided at **APPENDIX 12** shows that the overall post development stormwater runoff quantity will not impact on downstream flooding. The report also demonstrates that the retention of nominated pollutants (Total Suspended Solids, Nitrogen, Phosphorous and Gross Pollutants) will meet Maitland City Councils (MCC's) current nominated targets.

## **4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY**

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather, the proposed development provides positive economic and social impacts by providing a layout consistent with the objectives of the DCP, Structure Plan, LEP and intentions of the URA. The proposal shall provide a range of lot densities for the local population and offers a diverse variety density of living for the locality that benefits a range of affordable living options and housing demand.

The application is supported by Strategic Merit and is consistent with the land projections as specified in the Hunter Regional Plan, the Greater Metropolitan Plan, and the Louth Park Structure Plan. This proposal will contribute to the collaborative growth of the Newcastle and Hunter Region and is within the identified strategic regional areas with good connection and economic viability.

The proposed subdivision enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land.

#### **4.4 CUMULATIVE IMPACTS**

The proposed development has shown consistency with the Maitland DCP and URA DCP and is compliant with the LEP. The development of the area is occurring in a logical manner as designated by the wider URA intentions, service, and infrastructure delivery. This planned development will not have an adverse cumulative impact as a result, hence there are no tangible cumulative impacts arising from the development.

#### **4.5 SUITABILITY OF THE SITE**

The proposed development is a suitable use of the site, achieving the highest and best use of the land within the URA. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE. The proposal is within the public's best interest.

The site has undergone sufficient preliminary studies to as part of the DCP Precinct Plans and previous DAs located west of the site. These studies have been relied upon to guide the future development of this land and to confirm the land is appropriate for residential development and fits with the region and locality. The design of the proposal has considered these constraints and made allowance to provide suitable land for dwellings that are not excessively inhibited and are relatively free of unacceptable environmental constraints. The proposal and its location are considered to fit within the locality appropriately.

The proposal is permitted with consent in the R5 zone and is consistent with both the zoning objectives and the relevant requirements of the MLEP and the MDCP. A review of the site has identified the following constraints:

- Acid sulphate soils (Class 5)
- Bushfire prone land
- Mine subsidence area
- Urban release area.

Site specific studies prepared in support of the application, provided under separate cover have demonstrated the sites suitability for subdivision, taking the above constraints into consideration.

#### **4.6 CONSULTATION**

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

If this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

## **4.7 THE PUBLIC INTEREST**

The public interest is best served by the orderly and economic use and development of land for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls. The proposed development is in the public interest as:

- it is permitted in the R5 zone and consistent with the R5 zone objectives;
- it is consistent with the relevant planning requirements within the Louth Park URA;
- provides a logical layout in connection with the adjoining subdivision to the west within the URA, consistent with the objectives of the DCP;
- enables the logical and economic management of future subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

## **5.0 CONCLUSION**

In conclusion, the proposal is permissible under the MLEP and is consistent with the objectives for development in the R5 Large Lot Residential zone. The proposal has been assessed against the MDCP and is consistent with the relevant provisions.

The proposal will result in positive social and economic benefits, with no adverse impacts anticipated on the residential amenity of surrounding properties, the locality, or the natural environment.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal. It is recommended that Council approve the application.





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