

Statement of Environmental Effects

2A Johnson Road, Maitland

Bunnings Warehouse Maitland
- Internal Access Road Extension

Submitted to Maitland City Council on behalf
of BWP Trust

October 2021 | Job No. 21060

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3	21/10/2021	QA & Finalise	SL

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This document has been authorised by: _____

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Planning Director

Date: 21 October 2021

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ATTACHMENTS

	Attachment	Prepared by
1	Site Plan	High Definition Design Pty Ltd
2	Detail Site survey	RPS Australia East Pty Ltd
3	Proposed Easement	Delfs Lascelles
4	Adjoining Works	ECLIPSE
5	Stormwater/Civil Works	ECLIPSE
6	Water Cycle Management Plan	ECLIPSE
7	Geotechnical Assessment	Sanko
8	Fencing Elevations	Michael Carr Architect
9	Site Waste Management & Minimisation Plan	Insite Planning services

1. INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by Insite Planning Services (Insite) on behalf of BWP Trust, the applicant. It has been prepared to support a Development Application (DA) to Maitland City Council for the construction of an internal access road extension over a right of carriageway through the existing Bunnings Maitland site, 2A Johnson Street, Maitland (the subject site). The proposed internal access road extension will be constructed over Lot 2 DP1078905 to benefit neighbouring Lot 2 DP1239486 (22 Johnson Street, northwest of the subject site).

- The development site is located in the north-eastern corner of Telarah and is split by the Maitland and Telarah border.
- The development site is currently developed as a Bunnings Warehouse premises with a floor area of approximately 12,250m². The Bunnings Warehouse premises also has existing carparking and servicing facilities. The development site has previously been established as being suitable for use as a Bunnings Hardware and Building supplies store (warehouse) in DA 02-2112.
- Key features of the proposed development include:
 - The construction of an internal access road over a right of carriageway benefitting neighbouring Lot 2 DP1239486 (22 Johnson Street).
 - Minor earthworks enabling the construction of the internal access road
 - Construction of a retaining wall
 - Erection of fencing between the Bunnings Warehouse building and the internal service road

The proposed development has a Capital Investment Value (CIV) of approximately \$200,000. As such, the proposal is characterised as local development as defined in the EP&A Act and accordingly, Maitland City Council is the relevant Consent Authority.

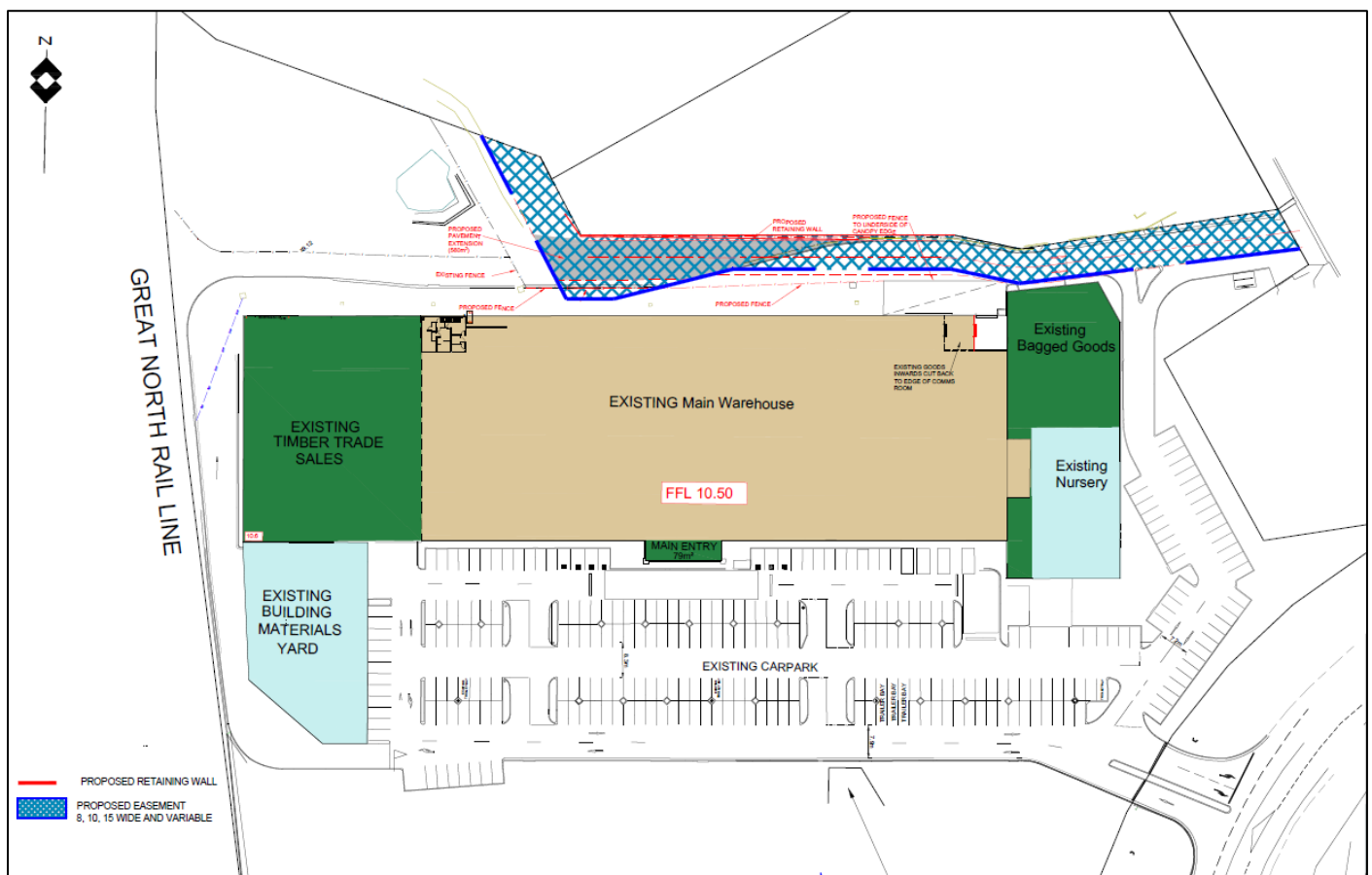


Figure 1. Proposed development.

1.1. Development Application Details

Table 1: Development Application Details

Statement of Environmental Effects Prepared by:	
Name:	Insite Planning Services PO Box 93, Cessnock NSW 2325
Contact:	Cameron Ashe – Town Planner Ph: 02 4998 7496 Email: cameron@insiteplan.com.au
Project Details:	
Applicant Name:	BWP Trust
Property Description:	2A Johnson Street, Maitland, Lot 2 DP1078905
Project Description:	Bunnings Warehouse Internal Access Road Extension

1.2. Summary of Application

This SoEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000, having regard to Section 4.15 of the EP&A Act. The structure of the report is as follows:

- Section 2: Site location, description, and context
- Section 3: Details of the proposed development including pre-DA lodgement consultation
- Section 4: Planning Assessment of the proposal; Environmental Planning Framework applying to the site and proposal, and an assessment of compliance with these controls
- Section 5: Conclusion

This report demonstrates that the Proposal is consistent with relevant statutory controls. In particular, the proposal represents permissible development and achieves the objectives of the B5 Business Development zone, by providing services and facilities that meet the needs of business in the area (ie; enabling access to adjoining site 22 Johnson Steet). The proposal has been found to be compliant with the controls of the Maitland Local Environmental Plan and the Maitland Development Control Plan.

The Proposal has been designed to enable access to the adjoining site while not negatively impacting the operation of the Bunnings Warehouse site. The following assessment has concluded that the design will result in no negative environmental impacts.

2. SITE LOCATION, DESCRIPTION AND CONTEXT

2.1. Site Location

The subject site is located at 2A Johnson Street, Telarah/Maitland. As previously mentioned, the subject site is located in the north-eastern corner of Telarah and is split by the Telarah/Maitland border. The site is located within a mix of commercial and residential zonings.

The site is also located immediately adjacent to the New England Highway, a major intersection and roundabout near to the Maitland Hospital. The formal title of the subject site is known as Lot 2 DP 1078905.

As shown in Figure 2, the site is irregular in shape and has an area of 3.67ha. The site is relatively flat and bounded by the Great Northern Rail Line on its western boundary, mixed commercial uses to the north, commercial uses and the New England Highway to its east and cleared land and a local water catchment to its south.

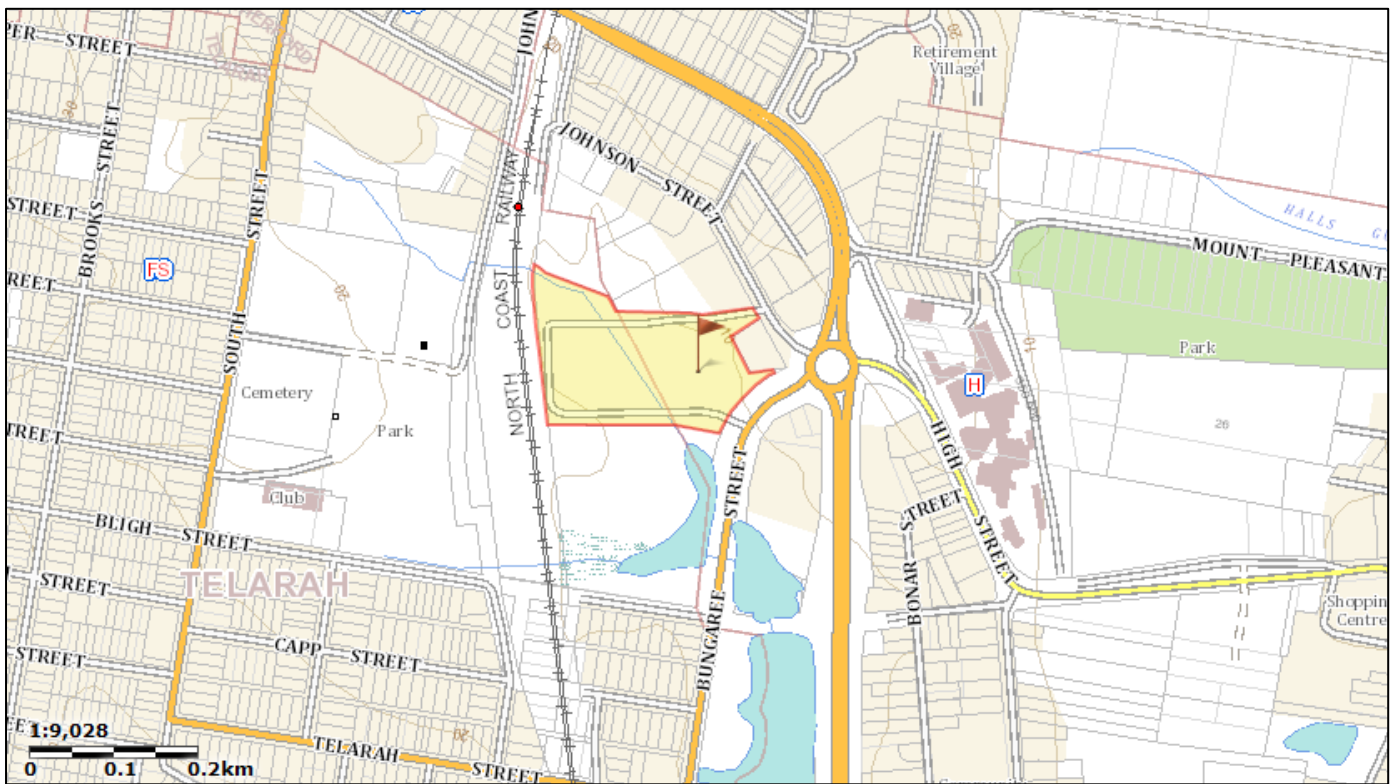


Figure 2. Site location

2.2. Site Details

The formal title of the subject site is Lot 2 DP 1078905.

- The subject site is irregular in shape and has an area of 3.67ha containing a Bunnings Warehouse.
- The existing Bunnings Warehouse has primary access via Bungaree Street, with a service entry via Johnson Street, both east of the subject site.
- The subject site is adjoined by land zoned for infrastructure (SP2) directly to its west (Great Northern Rail Line)
- The subject site is adjoined by land to the north and south by land also zoned B5 Business Development.
- Land directly east of the subject site is zoned R1 General Residential.
- Figure 3 below shows the subject site.
- Figure 4 below show the subject site in its local context



Figure 3. Aerial photograph of site

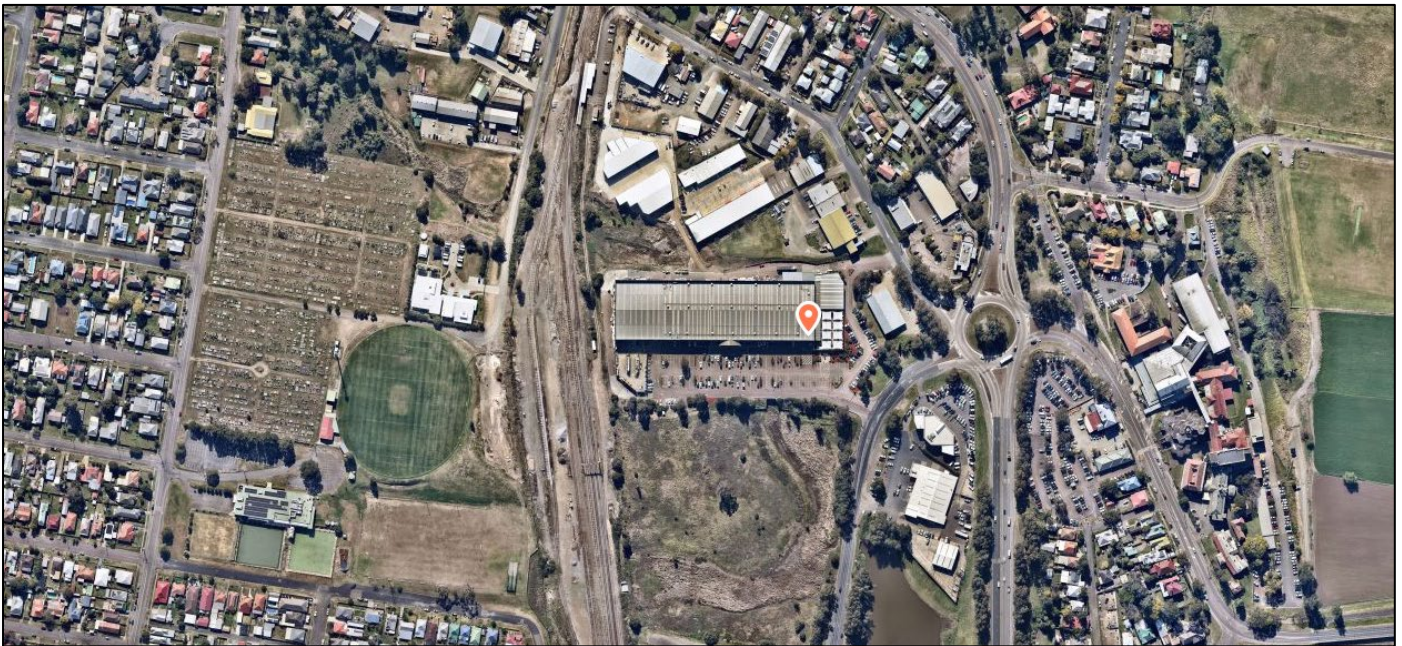


Figure 4. Subject site in local context.

- The **development area**, being the area where the internal road works are proposed, is located on the northern boundary of the existing Bunnings Warehouse site, as shown in figure 5 below in red.
- The development area extends from Johnson Street west and north up to adjoining Lot 2 DP1239486.
- The development area where the construction works are proposed is approximately 1,030m².
- The development area is currently an informal dirt road servicing the adjoining lot, and batter that extends from the existing formation to the northern boundary.



Figure 5. Aerial photograph of subject site in context



Figure 6. Existing Bunnings store.

2.3. Hazards and Constraints

- **Flooding** – The development site is identified as being affected by the flood planning area. WMA Water have previously provided a flood study on the site and have identified the development area as being impacted only by slow-rising backwater flooding. The proposed development is not anticipated to have any impact on flood behaviour.
- **Bushfire** – The development site is not identified as being bushfire prone land.
- **Ecological Constraints** – There are no ecological constraints on the development site.
- **Aboriginal Archaeological Constraints** – The subject site is highly disturbed and considered unlikely to contain items of Aboriginal Archaeological items.
- **Acid Sulphate Soils** – The subject site contains Class 5 Acid Sulfate Soils.

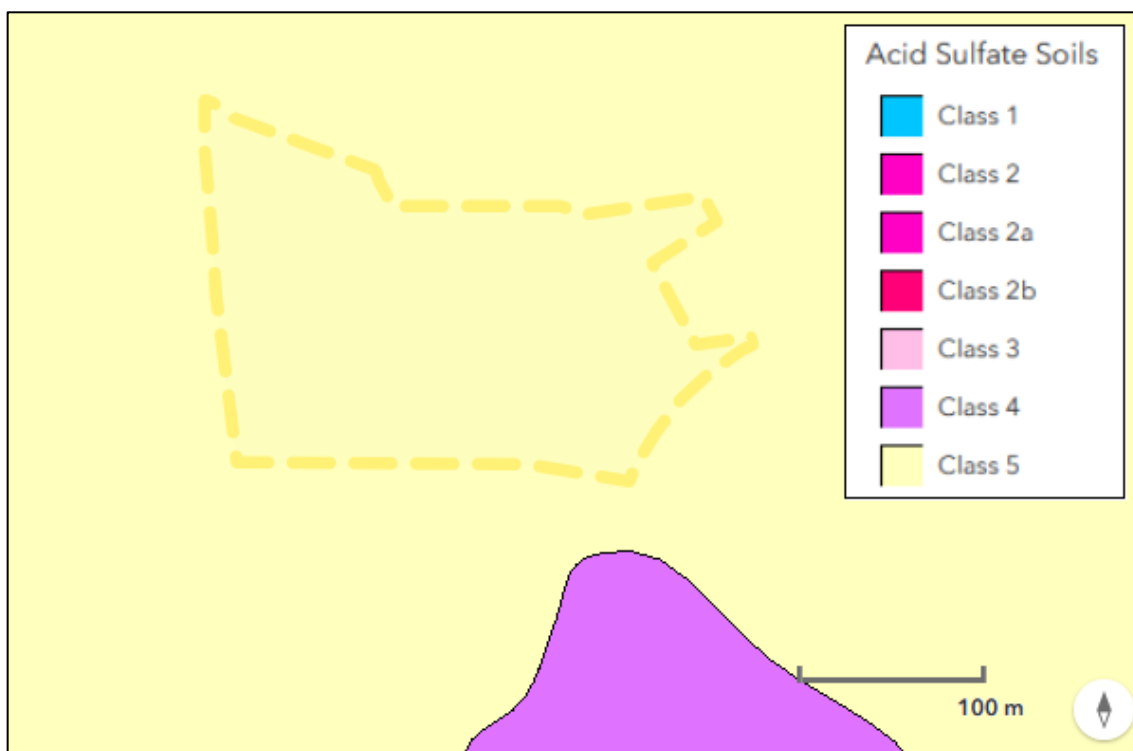


Figure 7. Acid Sulphate Soils mapping

2.4. Site Access and Transport Infrastructure

- The subject site’s eastern frontage provides access for patrons and service vehicles by 2 separate access points to the existing Bunnings Warehouse. The primary access point by which patrons enter this site is via Bungaree Road. The secondary service road providing access for vehicles delivering goods to the premises is via Johnson Street.
- The subject site is connected to the local street network of Maitland and is located in the north-eastern fringe of Telarah.
- The subject site has some connectivity to the Maitland Public Transport system, with the nearest bus a 350m (5-minute walk) north-east of the development site. However, given the nature of retailing from the site (bulky goods) private vehicle use to and from the site is generally employed to enable customers to transport their acquired goods home.

2.5. Existing Approvals

Existing approvals relating to the development site are as follows:

- DA 02/3112 – New Commercial Building (Bunnings Warehouse) – this is the existing store on the site.
- DA 2018/2066 – Alterations and Additions to Existing Commercial Premises (Bunnings Warehouse) – this consent has not yet been actioned.

3. DESCRIPTION OF DEVELOPMENT PROPOSAL

The proposed development involves the construction of an internal access road. The proposed development is illustrated on the Site Plan (**Attachment 1**) accompanying the development application, as well as figures 9 & 10 below. In summary, the development will incorporate the following:

- The construction of an internal access road over a right of carriageway benefitting neighbouring Lot 2 DP1239486 (22 Johnson Street).
- Earthworks enabling the construction of the internal access road totalling 347.558m³ of cut and 55.208m³ of fill (see **Attachment 5**)
- Construction of a retaining wall
- Installation of on-site detention and sediment control
- Erection of fencing between the Bunnings Warehouse building and the internal service road

The existing Bunnings Store itself will not be impacted upon by the proposed internal access road extension in terms of its operation. The proposed internal access road extension seeks only to provide access to 22 Johnson Street through the subject site as necessary.



Figure 9. Overall Site Plan.

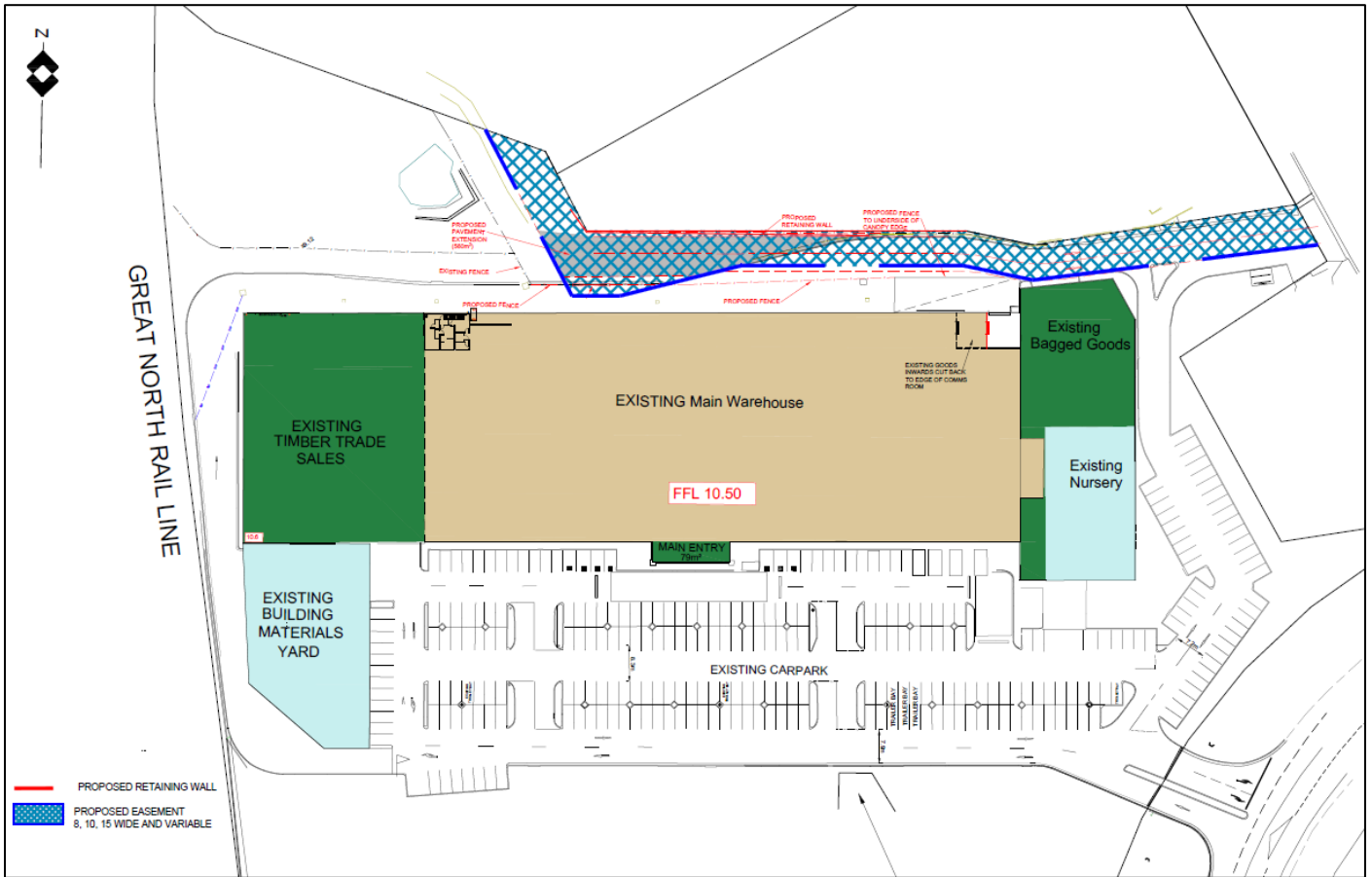


Figure 10. Proposed works.

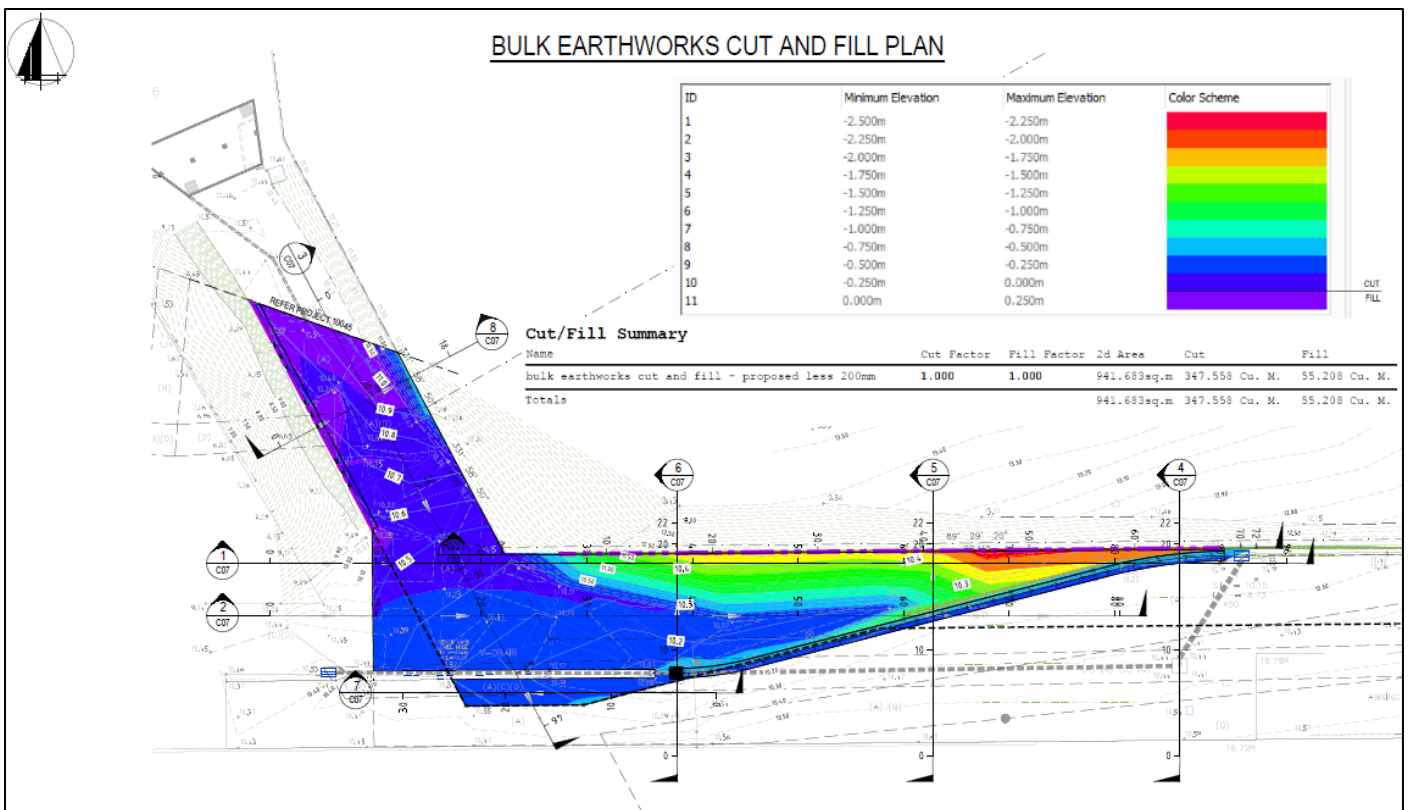


Figure 11. Proposed cut and fill

3.1. Site Infrastructure

- **Access Roads** – The internal access road extension will connect adjoining Lot 2 DP1239486 (22 Johnson Street) to Johnson Street via the subject lot. The right of carriageway will be enacted by extending the existing internal access road (service road) north-west to 22 Johnson Street. The proposed works have been designed to seamlessly integrate with the existing road infrastructure on Lot 2 DP1239486.
- **Carparking** – The proposed works will have no impact on carparking requirements on the subject site.
- **Stormwater** – On-site detention is proposed as part of the internal access road extension. The OSD basin designed for the development site serves the dual purpose of meeting both the stormwater quality and quantity requirements outlined in Section 3. The content of this section discusses the method and results of the analyses used in the design of this system. The above-ground on-site detention basin controls both water quality and quantity exiting the site. Water quantity control is required such that outflow from the site is limited to pre-development conditions in all rainfall events up to and including the 1% AEP event. The total site area draining to the OSD basin is 952 m², and all rainfall on impervious areas are directed to the OSD basin prior to discharge from the site. The on-site detention tank characteristics are listed below:
 - Detention basin is formed by new and existing concrete pavement. Discharge control pit level is designed as 10.05 with top water level 10.25. Detention area at top water level is designed as 245.50m². Detention volume at top water level is designed as 15.10 m³.
 - Discharge control pit at low-level outlet contains orifice plate restricting post-development flows to predevelopment discharge in the 20% AEP rainfall event.
 - Discharge control pit discharges into adjacent sealed junction pit, which connects to existing drainage.
 - Overflows in extreme rainfall events overflow to adjacent pits and to the infiltration basin to the west of the proposed development.
 - The proposed on-site detention basin is located as shown in figure 12 below.

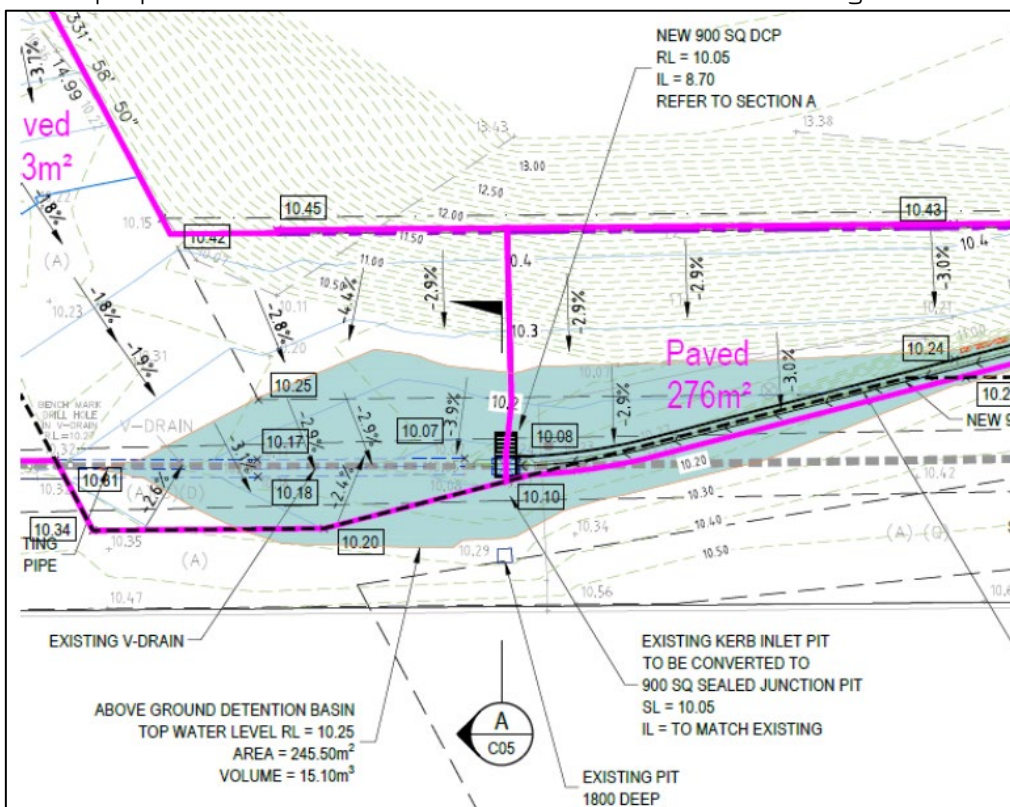


Figure 12. On-Site Detention Basin

- Operation Details – The proposed development will not impact the current operation of the Bunnings Warehouse Premises; delivery vehicles will simply be made aware of the proposed works during construction and will be required to deliver goods outside of construction hours.

3.2. Pre-DA Lodgement Consultation

Pre-Lodgement consultation was held with Duty Planner Greg Claydon of Maitland City Council on Monday September 6th 2021. Greg confirmed that flooding was not a major concern on the site given the development area is only impacted by slow-filling backwaters. Greg encouraged consideration of on-site detention and indicated the need to gain Owner’s Consent from 22 Johnson Street to lodge with the proposed DA. Further correspondence was received from Scott Page requesting a full Water cycle Management Plan be prepared to show on-site detention. These items raised by Maitland City Council have been addressed within the SoEE as indicated below:

Table 2: Summary of Key Issues identified by Council

Council Advice	DA Response
On-site Detention/Water cycle management plan	Addressed in attachment 6
Adjoining Owner’s Consent	See Attached

3.3. Approvals Sought

The development application which this Statement of Environmental Effects supports, seeks consent under section 4.16 of the Environmental Planning and Assessment Act, 1979 to extend the existing internal access road to fulfil a right of carriageway over Lot 2 1078905 (2A Johnson Street, the subject site) benefitting Lot 2 DP1239486 (22 Johnson Street).

4. PLANNING ASSESSMENT

Prior to any development taking place in New South Wales, a formal assessment must be made of the proposed work to ensure it complies with relevant planning framework and, according to its nature and scale, confirm that it is environmentally and socially sustainable. State, regional, and local planning legislation indicates the level of assessment required, and outlines who is responsible for assessing the development, be it the local council, an accredited private professional or the Minister for Planning.

The proposed extension of the internal access road is a relatively minor work in the context of the existing development on the site, and as such, very little impact is likely occur.

The following section outlines the approval assessment of the proposed internal access road extension as is relevant to the site in the context of the legislative framework that applies in NSW. The following legislative framework is applicable in NSW to this form of development and this site:

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policies
- Maitland LEP 2011
- Maitland Development Control Plan

The planning framework which is applicable to the subject land is discussed below.

4.1. Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The construction of the internal access road extension will facilitate the orderly and economic use and development of both the subject site and the site benefitting from the easement.

4.2. Integrated Development

Section 4.8 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. The proposed development has been reviewed in relation to these Acts as follows:

Table 3: Integrated Development Assessment

Act	Provision	Approval	Applicable
Fisheries Management Act 1994	s144	Aquaculture permit	NA
	s201	Permit to carry out dredging or reclamation work	NA
	s205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	NA
	s159	Permit to: a) Set a net, netting, or other material, or b) Construct or alter a dam, floodgate, causeway, or weir, or c) Otherwise create an obstruction, across or within a bay, inlet, river, or creek, or across or around a flat	NA
Heritage Act 1977	s58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s57(1)	NA
Mine Subsidence Compensation Act 2017	S22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	NA
Mining Act 1992	ss63,64	Grant of mining lease	NA
National Parks and Wildlife Act 1974	s90	Consent to knowingly destroy, deface, or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place	NA
Petroleum (Onshore) Act 1991	s9	Grant of production lease	NA
Protection of the Environment Operations Act 1997	s43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises	NA
	ss43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	NA

	ss43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity	
Roads Act 1993	s138	Consent to: 1) a) Erect a structure or carry out a work in, on or over a public road, or b) Dig up or disturb the surface of a public road, or c) Remove or interfere with a structure, work or tree on a public road, or d) Pump water into a public road from any land adjoining the road, or e) Connect a road (whether public or private) to a classified road 3) Development is not integrated development in respect of the consent required under section 138 of the <i>Roads Act 1993</i> if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same Council	NA
Rural Fires Act 1997	s100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	NA
Water Management Act 2000	ss89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	NA

As shown above, the development *would not* trigger any of the integrated development provisions.

4.3. Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case the development *would not* trigger any of the designated development provisions.

4.4. Section 4.15 Assessment

This application is to be assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979. In particular, section 4.15 outlines matters that a consent authority must take into consideration in determining a development application. These matters are detailed as follows:

Table 4: Section 4.15 Assessment

Section 4.15 Considerations	Compliance
(a) the provision of items (i) to (iv) below.	See comments below
(i) any environmental planning instrument, and	Consideration has been given to the Maitland LEP 2011 and all relevant State Environmental Planning Policies (SEPPs). See Section 4.4.1 and Section 4.4.2
(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 (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and	The Draft Remediation of Land SEPP has been considered at section 4.5.
(iii) any development control plan, or	Consideration has been given to the Maitland Development Control Plan 2011 – refer to Section 4.6.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There are no planning agreements relevant to this application
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,	Consideration has been given to the Environmental Planning and Assessment Regulations 2000. There are no provisions preventing the proposed development from proceeding.
(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	The potential environmental impacts of the proposed development have been considered under the section 4.7-4.9 headings. The proposed development is viewed as unlikely to have any adverse environmental impacts.
(c) the suitability of the site for the development	The suitability of the site is discussed under Section 4.10 of this assessment. It is submitted that the existing building is suitable for the proposed use.
(d) any submissions made in accordance with this Act or the regulations,	Not applicable at this stage
(e) the public interest	The public interest of the proposal is discussed under Section 4.11 of this assessment

4.4.1. State Environmental Planning Policies (Section 4.15 (1) A (I))

The State Environmental Planning Policies (SEPPs) of relevance to this site and proposal are as follows:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021

4.4.1.1. State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a development application, the consent authority must observe the requirements of SEPP 55. The significant clauses of SEPP 55 are clauses 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application
Under Clause 7:

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Planning Comment: The site has previously been determined as suitable for development as part of DA 2018/2066. The area of development has not been the subject of a past landuse activity that could have potentially contaminated the development area. Consequently, Council can be satisfied that the land is suitable for the purpose for which development consent is sought in this instance, an access road.

4.4.1.2. State Environmental Planning Policy (Infrastructure) 2007

SEPP Infrastructure 2007 is aimed facilitating the effective delivery of infrastructure across NSW. It seeks to do so by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

Planning Comment: The Proposal does not warrant any special consideration in respect of the provisions set out in the Infrastructure SEPP. While the proposed development will provide 22 Johnson Street with access to a road connecting to a classified road within 90m, 22 Johnson Street is not anticipated to generate 50 vehicle movements to the site an hour through via the proposed internal access road. The proposed internal access road extension will provide access to 22 Johnson Street for service vehicles only.

4.4.1.3. State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) encourages the conservation and management of koala habitat to ensure populations remain in their present range and the trend of population decline is reversed. The SEPP is made under the Environmental Planning and Assessment Act 1979 (EP&A Act) and replaces the previous State Environmental Planning Policy No 44 - Koala Habitat Protection. Given Maitland City Council does not have an approved Koala management Plan, Clause 11 provides the assessment under the Koala SEPP. This clause states as follows:

- 11 Development assessment process—no approved koala plan of management for land*
- (1) This clause applies to land to which this Policy applies if the land—*
- (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
 - (b) does not have an approved koala plan of management applying to the land.*
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
- (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
- (5) However, despite subclauses (3) and (4), the council may grant development consent if the applicant provides to the council—*
- (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or*
 - (ii) is not core koala habitat, or*
 - (b) information the council is satisfied demonstrates that the land subject of the development application—*
 - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*
 - (ii) includes only horticultural or agricultural plantations.*
- (6) In this clause—*
- koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

Planning Comment: In accordance with sub-clause (3), no native vegetation will be cleared or impacted by the proposed development and therefore, Council can conclude that the proposal is likely to have *no impact on koalas or koala habitat*.

4.4.2. Maitland Local Environmental Plan 2011

The Maitland Local Environmental Plan 2011 (MLEP 2011) is the applicable local planning instrument for the site.

4.4.2.1. Applicable Land Use Definitions

The applicable landuse definition is a road:

“road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.”

4.4.2.2. Site Zoning

The subject site is zoned B5 Business Development under the MLEP 2011, as illustrated below in figure 13.



Figure 13. Zoning plan for subject site

Under the B5 Business Development zone the following land use table applies:

Table 5: B5 Business Development land use table.

B5 Business Development Zone
Permitted without consent
<i>Nil</i>
Permitted with consent
<i>Centre-based child care facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Rural supplies; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4</i>

Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Recreation facilities (major); Registered clubs; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities

4.4.2.3. Permissibility

The construction of the access road linking 22 Johnston Street through the Bunnings site is defined as a **road** which is permissible with consent in the B5 Business Development zone as noted in table 5 above.

4.4.2.4. Zone Objectives

In relation to zone objectives clause 2.3 (2), the MLEP 2011 requires the following:

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The zone objectives for the B5 Business Development zone are listed below along with an analysis pertaining to the proposal’s consistency with each objective:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

Planning Analysis: The proposed development will facilitate commercial development within the B5 zone so is considered to be consistent with these zone objectives.

4.4.2.5. Other Relevant Provisions

The following table outlines the other relevant provisions of the MLEP 2011.

Table 6: Maitland Local Environmental Plan 2011 Assessment

MLEP 2011 Provision	Proposal	Compliance
5.10 Heritage Conservation	<p>The subject site is not a heritage item or within a heritage conservation area. However, the site does lie adjacent to a heritage item <i>1719 - East Maitland Railway Station group</i>.</p> <p>Clause 5.10(5) of the MLEP 2011 requires that development within the vicinity of a heritage item may require a heritage management</p>	Complies

	<p>document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</p> <p>The proposal can be considered minor development that facilitates the existing to existing infrastructure on the site in a location removed from the heritage item and on that basis such Council can be satisfied that the proposal will not impact on the heritage item nor is a heritage impact assessment required.</p>	
<p>5.21 Flood Planning</p> <p>Clause 7.3(3) of the MLEP 2011 requires that development consent cannot be granted to development on this land unless the consent authority is satisfied that the development:</p> <p><i>(a) is compatible with the flood hazard of the land, and</i></p> <p><i>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) incorporates appropriate measures to manage risk to life from flood, and</i></p> <p><i>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i></p> <p><i>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p>	<p>The proposed development has been considered compatible with the flood function and behaviour on the land as applicable to the development area on the site (ie; slow-moving backwater flooding). The proposed development will not adversely impact flood behaviour on site.</p>	<p>Complies</p>
<p>7.1 Acid Sulphate Soils</p> <p>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>Clause 7.1(3) requires that prior to development consent being granted for the carrying out of works, an acid</p>	<p>The AHD of the development area ranges from 10.20m to 11.00m. Given the proposed earthworks will involve cutting no deeper than 2.5m, the proposed works will not be below 5m AHD, an acid sulphate soils management plan.</p>	<p>N/A</p>

<p>sulphate soils management plan must be prepared for the proposed works in accordance with the Acid Sulphate Soils Manual and provided to the consent authority.</p>		
<p>7.2 Earthworks</p>	<p>The development proposed would not involve earthworks by themselves, but rather earthworks in association with the internal access road. The proposed earthworks are minor in the context of the subject site and are not anticipated to have any detrimental effect on existing drainage patterns as a drainage plan has been developed for the proposed works.</p> <p>Clause 7.2(3) lists certain considerations the Council must take into account before granting consent. These are matters that would ordinarily be dealt with via stormwater management plans and erosion and sedimentation control plans. These plans are provided as part of the Civil Engineering Plan set provided at Attachment 5.</p>	<p>Complies</p>

4.5. Proposed Instruments – Section 4.15(1)(A)(II)

- *The Draft Remediation of Land SEPP*

An Explanation of Intended Effect (EIE) was exhibited from 31 January to 13 April 2018.

The Draft Remediation of Land SEPP works largely in the same way as SEPP 55 in addressing contaminated lands, with the key point of difference being the Draft Remediation of Land SEPP providing guidance on remediation works requiring consent and remediation works not requiring consent. Given there are no remediation works proposed, the Draft Remediation of Land SEPP is largely irrelevant to this development proposal.

- *Draft Environment SEPP*

An EIE was exhibited from 31 October to 31 January 2018.

The site is not located within any of the key catchments and is not urban bushland and the draft SEPP is not relevant to the application.

- *Draft Design and Place SEPP*

An EIE was exhibited from 26 February 2021 to 28 April 2021.

The draft SEPP is not relevant to this proposal.

- *Draft Environmental Planning and Assessment Regulation 2022*

None of the proposed changes to the Regulation have an impact to the assessment of this proposal.

4.6. Development Control Plan

Maitland Development Control Plan (MDCP 2011) applies to the proposed development. MDCP 2011 complements MLEP 2011, providing clear objectives and controls for development. A full assessment against the requirements of these Parts of MDCP 2011 has been undertaken as part of this application below:

Table 7: MDCP 2011 Assessment

MDCP Controls	Comment	Compliance
Part B – Environmental Guidelines		
<p>B.3 Hunter River Floodplain</p> <p>1. An application for development below the FPL must demonstrate:</p> <p>2. Survey plans shall be dimensioned in metres with levels to Australian Height Datum (AHD), prepared and signed by a Registered Surveyor.</p> <p>3. The type and extent of survey information likely to be required to support a development in a flood liable area is as follows:</p> <ul style="list-style-type: none"> • the location of the site relative to other features such as roads, bridges, etc; • the assessed flood levels at the site (for the 1:100 ARI as a minimum and PMF where critical infrastructure is proposed), the origin of that level and how it was derived; • the position of existing buildings (if any) and proposed buildings and works on the site; • the existing and proposed floor levels of buildings on the site; • the existing ground levels around all existing buildings on the site, or if the site is vacant, ground levels on the site and on adjacent properties within approximately 30 metres of the boundary of the site; • the locations should be shown of any structure of the Hunter Flood Mitigation Scheme (such as levee banks, spillways, floodgates etc.), which are inside or within 100 metres of the subject property site; and • the position and floor and ground levels of buildings on adjacent properties, and the use of the properties within 100 metres of the subject site. 	<p>Development area is above the FPL.</p> <p>AHD shown on Stormwater and Civil Works Plans (Attachment 5)</p>	<p>N/A</p> <p>Complies</p>
3.1 Development in Floodway	The development area is not a floodway area.	N/A
3.2 Filling of Flood Storage and Flood Fringe Areas	There is a net cut of 292m ³ in the proposed development area. As such, no filling of the flood fringe area will occur.	N/A

<p>3.3 General Building Requirements These provisions apply to all development below the flood planning level.</p>	<p>The proposed development is not below the flood planning level.</p>	<p>N/A</p>
<p>B.6 – Waste not – Site Waste Minimisation & Management <i>2.1 Documentation to be submitted</i> All applications relating to residential developments, as well as commercial and industrial premises are to include a Site Waste Minimisation and Management Plan (SWMMMP) as part of documentation submitted to Council. The development plans should also clearly indicate the location of waste management facilities, including recycling bins and the like. <i>a) Site Waste Minimisation and Management Plans (SWMMMP)</i> A SWMMMP outlines measures to minimise and manage waste generated during demolition and construction processes, as well as the ongoing use of the site. <i>The SWMMMP is to nominate the following:</i> - The volume and type of waste and recyclables to be generated. - The storage and treatment of waste and recyclables on site. - The disposal of residual waste and recyclables. - The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider. <i>b) Submission of a SWMMMP</i> A SWMMMP is to be submitted for all types of development listed within this policy. Council's document titled 'Site Waste Management and Minimisation Plan' Standard Form provides the necessary information and examples of SWMMPs</p>	<p>A SWMMMP has been submitted at attachment 9 including the following information:</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>No operational procedures involved with the internal access road extension.</p> <p>✓</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>N/A</p> <p>Complies</p>
<p><i>2.2 Implementing the SWMMMP</i> When implementing the SWMMMP, the applicant must ensure: - Roads, footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind. - Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997. - Waste is only transported to a place that can lawfully be used as a waste facility, and by contractors who are aware of the legal requirements of the disposal of waste. - Generation, storage, treatment and disposal of hazardous, offensive or special waste (including asbestos) is conducted in accordance with relevant waste legislation as implemented by the Department of Environment and Climate Change, and relevant</p>	<p>The SWMMMP addresses the following items:</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Complies</p>

<p><i>Occupational Health and Safety legislation administered by WorkCover NSW.</i></p> <ul style="list-style-type: none"> - Evidence such as weighbridge dockets and invoices for waste disposal or recycling services is retained. - Evidence of compliance with any specific industrial waste laws and protocols, such as the Protection of the Environment Operations Act 1997. - Materials which are to be disposed of and those which are to be reused/recycled are to be separated through the demolition and construction process. - Materials that have existing reuse or recycling markets should not be disposed of in landfill when possible. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	
<p>2.3 Waste/Recycling Generation Rates <i>In the absence of project specific calculations, the rates specified in Appendix C Waste/ Recycling Generation Rates, including rates for residential development can be used to inform the compilation of a SWMMP.</i></p>	<p>Noted</p>	
<p>4.1 Construction of Buildings or Structures a) Specific Controls <i>I. An area shall be allocated for the storage of materials for use, recycling and disposal, giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements. Signage is to be incorporated into this area in order for the clear definition of the space.</i> <i>II. Waste and recycling materials are to be separated. Signage shall clearly indicate which bins or disposal units are for waste and those for recycling.</i> <i>III. Measures are to be implemented to prevent damage by the elements, health and odour risks, and windborne litter.</i> <i>IV. The use of prefabricated components and recycled materials should be considered when possible.</i> b) Submission Requirements <i>I. A completed SWMMP shall accompany the development application for construction for developments listed in Section 5.</i> <i>II. The SWMMP shall identify all waste likely to result from the construction process, and the opportunities for the reuse and recycling of these materials.</i></p>	<p>This area has been nominated as the clear area west of the proposed development area.</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	
<p>Part C – Design Guidelines</p>		
<p><u>C.5 – Industrial Land</u> <u>Vehicular Access</u> <i>11. Access drives shall have a minimum width of 6 metres (Note: Major traffic generating developments may require a greater access width, divided at the property line).</i> <i>12. Access drives shall not be located in close proximity to an intersection.</i></p>	<p>The internal access has a width of 8m at its narrowest point, and 15m at its widest point.</p> <p>The proposed access extension is not nearby any intersections.</p>	<p>Complies</p> <p>Complies</p>

<p><i>13. Loading and unloading facilities appropriate to the particular development are to be provided on site such that service vehicles are located wholly within the site, and do not create conflicts with parking areas.</i></p>	<p>Loading and unloading facilities have been designed wholly within the site avoiding conflict.</p>	
<p><u>C.11 – Vehicular Access & Car Parking</u> 3. Guidelines for the design, layout and construction of access and parking areas 3.1 Access to the site</p> <p>3.2 Sight distances</p> <p>3.3 Entrance / Exit to the site <i>The driveway standards recommended by the Roads and Traffic Authority of NSW for Traffic Generating Developments are adopted for the purpose of this Plan.</i> <i>Requirements specified by the Roads and Traffic Authority are summarised in Tables 1 and 2 in Appendix B, and in general the following shall apply:</i></p> <ul style="list-style-type: none"> - separate entrance and exit driveways should be provided for developments requiring more than 50 car parking spaces or where the development generates a high turnover of traffic such as a service station or other drive-in retail facilities; - entry and exit driveways shall be clearly signposted; - the number of access points from a development site to any one street frontage should be limited to one ingress and one egress; and - the potential for on-street queuing should be minimised by ensuring that adequate standing areas are available for vehicles entering the car park and loading areas. 	<p>Site access is not proposed to change. The existing access will simply be extended to meet the approved access point of the adjoining site to the north.</p> <p>Sight distances will not be impacted by the proposal.</p> <p>The internal access road can be constructed to Australian Standards.</p> <p>Existing approved entrances are not proposed to be changed.</p> <p>Entrances/exits clearly signposted</p> <p>One access to Johnson Street, one access to Bungaree Street.</p> <p>Adequate standing areas are available on site, adequate standing areas are also available for the proposed development area.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>3.6 Construction Requirements <i>In general, all car parking areas, manoeuvring areas and unloading areas shall be constructed with a base course of adequate depth to suit design traffic, and shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. In choosing the most suitable pavement type, consideration should be given to:</i></p> <ul style="list-style-type: none"> - anticipated vehicle loads; - run-off gradients and drainage requirements; and, 	<p>The proposed internal access road extension has been designed to effectively serve the anticipated vehicle loads and drainage requirements.</p>	<p>Complies</p>

- construction constraints. The works are to be maintained to a satisfactory standard throughout the term of development and/or use of the land for which the facilities are provided.		
3.9 Principles for Crime Prevention	The proposed internal access road extension will not increase the risk of crime on the subject site.	Not Relevant
4.0 Loading/Unloading Requirements	Loading facilities will not be impacted by the proposed internal access road extension.	Complies
Part E – Special Precincts		
1. Centres 3.7 Parking, loading and servicing	All existing parking and loading facilities are not proposed to change.	Complies
3.11 Vehicular Access	Existing access points will not change. The service road from Johnson Street will simply be extended through the subject site to service 22 Johnson Street.	Complies
3.16 Central Maitland	The proposed development does not trigger any provisions.	N/A

4.7. Likely Impacts of the Development on the Natural Environment – Section 4.15(1)(B)

Below is an assessment of the likely impacts of the development on the natural environment and the measures proposed to effectively manage or eliminate those impacts. In summary the issues addressed below and in detail are:

4.7.1 Ecological Considerations

The proposed development area is highly disturbed and does not contain any native vegetation. The proposed internal access road extension will not see the removal of any vegetation, meaning Council can be satisfied that the development will have no impacts on site biodiversity.

4.7.2 Bushfire

The site is not identified as bushfire prone land.

4.7.3 Aboriginal Archaeology

The proposed development area is highly disturbed and considered unlikely to contain items of Aboriginal Archaeological items.

4.7.4 European Heritage

Refer to section 4.4.2.5 of this report.

4.7.5 Contaminated Land

The site has previously been determined as suitable for development as part of DA 2018/2066. The area of development is not within any part of the site that has potentially been contaminated. Consequently,

Council can be satisfied that the land is suitable for the purpose for which development consent is sought in this instance.

4.8. Likely Impacts of the Development on the Built Environment – Section 4.15(1)(B)

Below is an assessment of the likely impacts of the development on the built environment and the measures proposed to effectively manage or eliminate those impacts. In summary the issues addressed below and in detail are:

4.8.1 Stormwater

An on-site detention basin has been proposed to deal with additional stormwater generated through the construction of the pavement access road. Details of stormwater management are provided through the attached Water Cycle Management Plan (attachment 6).

4.8.2 Traffic Generation

22 Johnson Street has been developed as industrial sheds – this is not considered a significant traffic-generating development. Furthermore, the proposed access extension will provide service access only, seeing very limited additional vehicle movements to the site via the access daily. The existing access from Johnson Street is considered capable of absorbing the limited number of additional vehicular movements through the site.

4.8.3 Access

The existing accessways will continue to effectively service the development site.

4.8.5 Servicing

The proposed internal access road fulfilling the right of carriageway over the subject site will not impact the existing servicing of the site.

4.8.6 Waste Management

The proposed internal access road extension will have no impact on operational waste produced on site. A Waste Management Plan has been submitted alongside this DA outlining how any waste associated with construction of the road will be managed.

4.9. Likely Impacts of the Development on the Social and Economic Environment – Section 4.15(1)(B)

The proposed internal access road extension over the Bunnings Warehouse site is anticipated to have no social impact. The proposed road extension will produce a minor positive economic impact through the investment in construction associated with its creation.

4.10. Suitability of the Site

The suitability of the site has been established previously within DA 2018/2066. The subject site remains suitable for use as a Bunnings Warehouse retail premises.

4.11. The Public Interest

There are not likely to be any impacts arising from the proposal which will detrimentally affect the public interest. Accordingly, the proposed development supports and promotes the public interest.

5. CONCLUSION

This Statement of Environmental Effects accompanies a development application for extension of the existing internal access road over a right of carriageway benefiting 22 Johnson Street, Maitland. This report provides an assessment of the proposal against the provisions of S.4.15 of the EP&A Act 1979.

This report has addressed relevant State Environmental Planning Policies, the Maitland Local Environmental Plan 2011, and the Maitland DCP 2011, as well as other relevant considerations. The proposed development is consistent with the provisions of the relevant SEPP's, the MLEP 2011 and the relevant MDCP 2011 requirements. No variation to any requirement is sought.

This report has assessed environmental considerations of the proposal, including heritage, traffic impacts, impacts to neighbouring properties and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal.

On the basis of the assessment provided in this report the proposal can be approved with conditional consent.