

Statement of Environmental Effects

**to accompany a
Development Application
for a proposed community title subdivision
of
Proposed Lot 3 in Lot 2 DP 1197299
91 Gardiner Street Rutherford**

MAY 2022

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Community Title Subdivision

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1. INTRODUCTION

The following Statement of Environmental Effects has been prepared to assist Maitland City Council in the processing of the attached development application for the Community Title subdivision of Proposed Lot 3 in Lot 2 DP 1197299, 91 Gardiner Street Rutherford.

On 1st July 2020, Maitland City Council approved DA/2019/1049 Community Title Subdivision – One (1) Lot into Four (4) Lots at Lot 2 DP 1197299, 91 Gardiner Street Rutherford. A modification application pursuant to S4.55 (1A) to amend the lot boundaries and lot sizes was approved by Council on 20th April 2022.

An application for the Community title Subdivision of proposed Lot 2 (created pursuant to DA 2019/1049) into twelve (12) lots was approved by Council on 20th April 2022.

It is now proposed to subdivide proposed Lot 3 (created pursuant to DA 2019/1049) into six (6) industrial sized lots. The proposed will include the extension of the existing driveway as a concrete Right of Carriageway to provide access to all newly created allotments.

The vegetation to be retained onsite will form part of the Community Lot.

The proposal will be wholly contained within the confines of proposed Lot 3. A Biodiversity Development Assessment Report (BDAR) for a proposed industrial Subdivision has been prepared for the site. The proposal largely avoids impacts to these communities by positioning the construction and operational development footprint within a large area of the site that has already been predominantly cleared of native vegetation and now consists of mostly exotic pasture grasses and weeds.

The land is zoned IN1 General Industrial pursuant to Maitland Local Environmental Plan (LEP) 2011. Clause 2.6 of the Maitland LEP requires development consent for land to be subdivided. The proposed development is consistent with Council's objectives as contained within the LEP and the development principles contained within the Maitland Development Control Plan 2011.

This report is structured to facilitate a logical understanding of the proposed development, an identification of the key issues, and a summary assessment of the proposed development. The development proposal has taken into account the Environmental Planning and Assessment Act 1979, the Maitland Local Environmental Plan 2011 and the Maitland Development Control Plan 2011.

2. THE SITE

This development application applies to the land identified as proposed Lot 3 in Lot 2 DP 1197299, 91 Gardiner Street Rutherford.

Lot 2 DP 1197299 is located south of the current limit of Gardiner Street where the road ends in a cul-de-sac. An existing road currently provides access into the site in accordance with DA 2019/1049.

The site is predominantly covered in exotic pasture grasses with some native trees.

A first order watercourse is located on site and is surrounded by regenerated vegetation. Apart from the extension of the driveway providing access into the site, the vegetation surrounding the watercourse will be retained.

Industrial land also adjoins the site.

The Great Northern Railway is located on the southern boundary of the site.

An aerial photo of the site is shown in Figure 1 below.



Figure 1 – Aerial Locality Plan (Six Maps 2021)

There are no known geotechnical hazards associated with this site. The site is not contaminated land.

The site is not located in a Heritage Conservation Area and does not contain an item of Heritage Significance.

The 'Government Railway', local heritage item 119 is situated south of the site.

The site is not located within a Mine Subsidence District and the proposal does not require referral to the Mine Subsidence Board.

The subject site and surrounding lands are zoned IN1 General Industrial pursuant to Maitland LEP 2011. Development for commercial and industrial purposes is expected to occur on the newly created lots in the future.

The land is identified as bushfire prone. A copy of the bushfire prone land map is shown below in Figure 2.

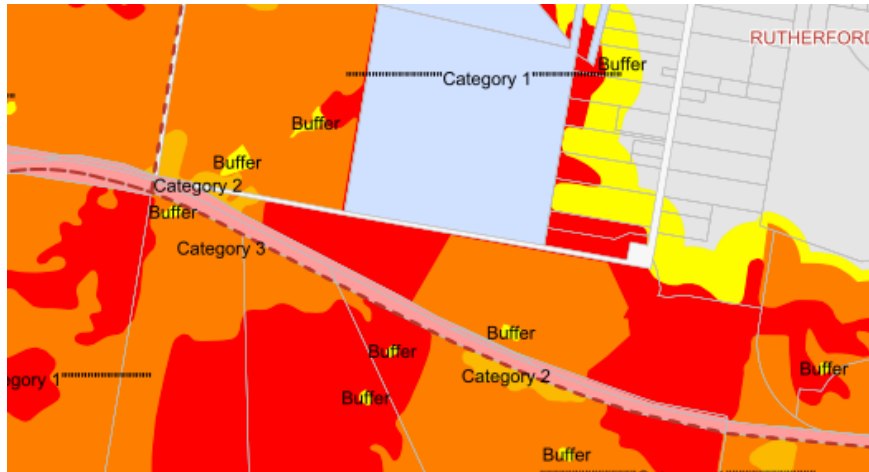


Figure 2 – Bushfire Prone Map (Source: MCC 2022)

3. BACKGROUND

On 13th November 2007, Maitland Council approved DA07-1067 for an Industrial Subdivision (57 Lots) on the subject land.

CC 08-0133 for Stage 1 – Road and Drainage Works – extension of Gardiner Road Rutherford was approved by Council on 19th March 2008.

On 29th October 2012, Maitland City Council provided a letter confirming physical commencement of the development on the site.

As a result of the above approvals, the area of land contained within proposed Lot 2 had been cleared.

On 1st July 2020, Maitland City Council approved DA/2019/1049 Community Title Subdivision – One (1) Lot into Four (4) Lots. On 20th April 2022, an application to modify this consent to amend the lot boundaries and lot sizes was approved by Council.

On 19th April 2022, a Community Title Subdivision of proposed Lot Two (2) into Twelve (12) Lots was approved by Maitland City Council.

4. PROPOSED DEVELOPMENT

It is proposed to undertake a Community Title subdivision of one (1) proposed lot into six (6) industrial sized lots and extend the existing right of carriageway for access into the site. The proposal also includes the retention of existing vegetation on site into a community lot.

Works on site include the extension of the existing driveway that was constructed pursuant to DA 2021/1314. A Right of Carriageway will be constructed, terminating at a cul-de-sac on the western boundary of proposed Lot 3 to provide vehicular access to all newly created allotments.

Lead in services of water and low-pressure sewer, power and NBN will be provided as part of the subdivision works.

Subdivision Plans are provided as **Appendix A**.

The details of the lot sizes are provided in Table 1 below:

Table 1: Proposed New Lot Sizes

Lot Number	Area
201	4421m ²
202	5125m ²
203	5021m ²
204	7729m ²
205	6049 m ²
206	2.3 ha

The intention of the subdivision and the proposed lot sizes is to provide a variety of lot sizes appropriate for this area. The proposed lot sizes can readily accommodate a range of land uses commonly associated with industrial estates including associated buildings, vehicle manoeuvring areas, car parking and landscaping.

5. STATUTORY PLANNING PROVISIONS

5.1. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

The subject site is zoned IN1 General Industrial pursuant to Maitland LEP 2011. A copy of the zoning map is shown as **Figure 3 - Zoning Map**.

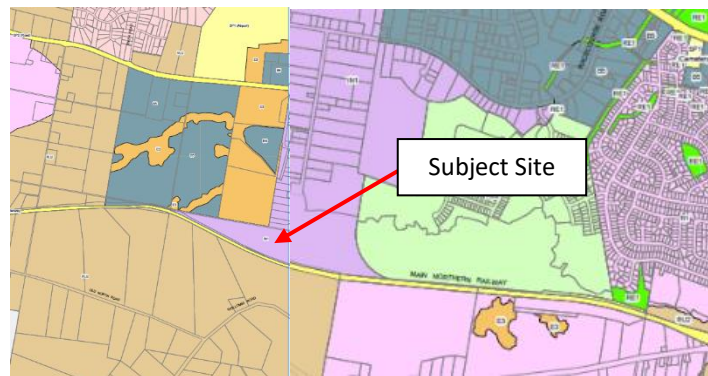


Figure 3 - Zoning Map (Source: Maitland LEP 2011)

The objectives of the IN1 General Industrial zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To provide a limited range of retailing activities that accommodate the everyday needs of employees within the zone and do not adversely affect the viability of centres.*

The proposed development is in accordance with the objectives and provisions of the IN1 General Industrial zone.

The proposed subdivision will provide suitable industrial sized lots with direct access to a private road that connects to Gardiner Street. The proposed lot sizes can support future uses that require large floor areas, access, vehicle manoeuvring, car parking, landscaping and any other requirements for industrial land uses. This will encourage employment opportunities and support the viability of centres. The proposed lot sizes are similar to the sizes of the existing lots in the vicinity of the area which include a variety of sizes to cater for market demand. The proposed subdivision will support industrial land for industrial uses.

The proposed subdivision meets the objectives of the IN1 General Industrial zone.

Clause 2.6 Subdivision – Consent requirements

Clause 2.6 of the Maitland LEP refers to consent requirements for subdivision. Clause 2.6 states:

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*

This application seeks Council's consent to subdivide the land in accordance with Clause 2.6 of the Maitland LEP 2011.

Clause 4.1 Minimum subdivision lot size

Clause 4.1 of the Maitland LEP 2011 ensures lot sizes meet minimum lot sizes as shown on the Lot Size Map. Clause 4.1 states:

4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows:*

(a) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*

(b) *to prevent the fragmentation of rural land.*

(2) *This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

(4) *This clause does not apply in relation to the subdivision of any land:*

(a) *by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*

(b) *by any kind of subdivision under the [Community Land Development Act 1989](#).*

4.1AA Minimum subdivision lot size for community title schemes

(1) *The objectives of this clause are as follows—*

(a) *to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*

(2) *This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—*

(a) *Zone RU1 Primary Production,*

(b) *Zone RU2 Rural Landscape,*

- (c) Zone R5 Large Lot Residential,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living,
- but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.



Figure 4 – Lot Size Map (Source: Maitland LEP 2011)

The lot size map above (Figure 4) shows no minimum lot size for this land. Clause 4.1AA applies to Community Title Schemes. This proposal is zoned IN2 Light Industrial and this zone is not listed in clause 4.1AA(2).

The proposed lot sizes range from 5021m² to 2.3ha in size and are of sufficient size to meet community and economic needs and end user requirements, in terms of floor space, setbacks, car parking requirements and manoeuvring of vehicles on site.

This proposal complies with the requirements of Maitland LEP 2011.

Part 7 Additional local provisions - generally

Clause 7.1 Acid Sulphate Soils

The development site is not identified on Council's Acid Sulphate Soil Map as being located on land potentially containing Acid Sulphate Soils. Refer to **Figure 5** below.

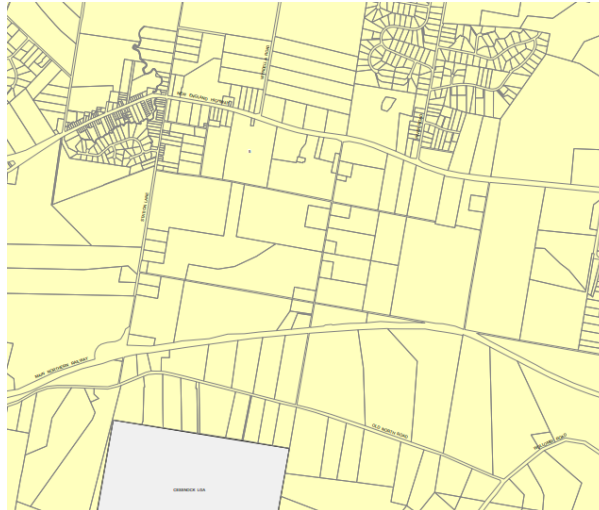


Figure 5 – Acid Sulphate Map (Source: Maitland LEP 2011)

Clause 7.2 Earthworks

Clause 7.2 of Maitland LEP 2011 refer to Earthworks. Clause 7.2 states:

(1) The objectives of this clause are as follows:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note.

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Only minor earthworks are proposed for this subdivision application including construction of the Right of Carriageway and the provision of services.

Clause 7.3 – Flood Planning

Development on land at or below the flood planning level must have regard to flood hazard and flood behaviour.

The subject land is not identified as being within the influence of the 1% flood event.

Clause 7.4 Riparian land and watercourses

Clause 7.4 of Maitland LEP 2011 refer to Riparian land and watercourses. Clause 7.4 states:

7.4 Riparian land and watercourses

(1) The objective of this clause is to protect and maintain the following:

(a) water quality within watercourses,

(b) the stability of the bed and banks of watercourses,

(c) aquatic riparian habitats,

(d) ecological processes within watercourses and riparian areas.

(2) This clause applies to:

(a) land identified as “Watercourse land” on the [Watercourse Map](#), and

(b) all land that is within 40 metres of the top of the bank of a watercourse identified as “Watercourse land” on the [Watercourse Map](#).

(3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

(a) is likely to have any adverse impact on the following:

(i) the water quality and flows within the watercourse,

(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,

- (iii) the stability of the bed, shore and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and its riparian areas, and
- (b) is likely to increase water extraction from the watercourse.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

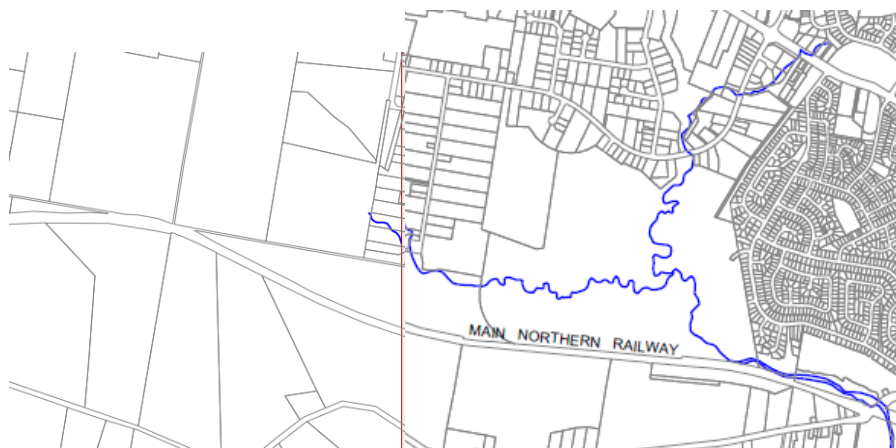


Figure 6 – Watercourse Map (Source: Maitland LEP 2011)

This application refers to proposed Lot 3 in Lot 2 DP 1197199 pursuant to DA 2019/1049. In accordance with Maitland LEP 2011, there are no watercourse located on proposed Lot 3 – refer to Figure 6 above.

However, the topographical map of the site shows a watercourse located within the area of vegetated land to be retained. The watercourse is a first order stream. Works are proposed to be undertaken within 10 metres of the watercourse to gain access into the site by extending the existing concrete driveway. Therefore, this development application is submitted as Integrated Development.

5.2. MAITLAND DEVELOPMENT CONTROL PLAN 2011

The Maitland Development Control Plan (DCP) 2011 provides all relevant guidelines to enable preparation of a DA for assessment by Council.

The following chapter of Maitland Development Control Plan is relevant to this development application.

C.10 – Subdivision

The DCP contains Council's requirements for designing subdivisions. The proposed subdivision fulfils the objectives of the Plan by promoting the efficient use of an increasingly limited land resource in Maitland.

The proposal complies with the DCP as follows:

- A Biodiversity Development Assessment Report (BDAR) for a proposed Industrial Subdivision has been prepared for the site. The proposal largely avoids impacts to these communities by positioning the construction and operational development footprint within a large area of the site that has already been predominantly cleared of native vegetation and now consists of mostly exotic pasture grasses and weeds.
- The land does not contain any heritage items, buildings with heritage significance nor is the land located in a conservation area. Local heritage item 119, the Government Railway is located immediately south of the proposed subdivision. The proposal will not demolish, alter, disturb or excavate the Government Railway or its surrounds. No work is proposed on or within the vicinity of the railway. The proposal will not affect the heritage significance of the item
- Heritage Now Pty Ltd (Heritage Now) was engaged by Machil Pty Ltd to provide an Aboriginal Heritage Due Diligence Assessment for the proposed subdivision. The background research and survey identified that there are two Aboriginal sites and two PADs in the Project Area. The surface artefacts were assessed as having low scientific significance and the significance of the PADs would need to be determined on the basis of further investigation. While the sites had general Aboriginal cultural values as indicated by Les Draper from Mindaribba LALC, there were no specific cultural stories relating to the Project Area or the artefacts. The Project Area can be subdivided as the nature of the sites and their significance does warrant further investigation at this stage.
- The site is not subject to flooding.
- The site is identified as bushfire prone land on the MCC Bush Fire Prone Land Map. The subject land is zoned IN1 General Industrial and industrial developments including subdivision applications are not captured under Section 4.46 of the Environmental Planning and Assessment Act 1979 or 100B of the Rural Fires Act 1997. Nonetheless, a bushfire assessment was prepared for the site with the following recommendations provided in relation to meeting the aims and objectives of PBP (RFS, 2019):
 - The proposed future buildings are to comply with the BCA; and
 - Any landscaping within the site is to meet the requirements of an Inner Protection Area (IPA)
- Maitland LEP 2011 does not have a minimum lot size for industrial zoned land.

- Direct road access is available to each proposed lot.
- Electricity, water, sewer, telecommunications and drainage will be provided to all lots. A section 50 certificate will be sought for the subdivision certificate stage of the proposal.

The proposal meets the requirements of C.10 - Subdivision of Maitland DCP 2011.

5.3. STATE ENVIRONMENTAL PLANNING POLICIES

There are no State Environmental Planning Policies relevant to the assessment and consideration of this development application.

5.4. INTEGRATED DEVELOPMENT

As discussed above, the watercourse identified on site is a first order watercourse and is located within the vegetated area of land to be retained.

However, works are proposed to provide access into the site.

Pursuant to Section 4.46 the EP&A Act 1979, this development application is therefore integrated development and requires referral pursuant to the Water Management Act 2000.

6. FLORA AND FAUNA

Firebird ecoSultants Pty Ltd was engaged by Machil Pty Ltd, to provide a Biodiversity Development Assessment Report (BDAR) for the proposed industrial subdivision. The report found the site is predominantly covered in exotic pasture grasses with two patches of native trees.

The site does not contain important mapped areas for threatened species or any mapped biodiversity values. The site's two identified PCT, is considered to be associated with a threatened ecological community (TEC); PCT 1601 –Spotted Gum - Narrow-leaved Ironbark-Red Ironbark shrub - grass open forest of the central and lower Hunter. The proposal largely avoids impacts to these communities by positioning the construction and operational development footprint within a large area of the site that has already been predominantly cleared of native vegetation and now consists of mostly exotic pasture grasses and weeds.

Although there are patches of native vegetation within 100 m of the site's native vegetation, these patches (including the site) are missing vegetation structural layers that are typical of the site's PCTs, such as the upper and lower mid stratum. Although shrubs/small trees do occur in the mid stratum within the site and the surrounding in the area. As such, no native shrub/small tree layer occurs within the site or within surrounding patches of native vegetation. This is likely due to the historic agricultural land practices in the Rutherford area. Therefore, it has been determined that the patch size for the site's impacted native vegetation is ≤ 3 ha.

Habitat Assessment

The following describes the habitat attributes of the study area;

- The study area provides open grassland habitat within the site's cleared exotic grassland area which may provide habitat for species adapted to open areas.
- The site's PCT 1602 corridor is located within the site could provide habitat for species adapted to forested areas.
- No Allocasuarinas or casuarinas occur within the study area which are a food source for species such as *Calyptorhynchus lathami* (Glossy Black-Cockatoo) – as such, the site provides limited habitat for these species.
- The site contains hollow-bearing trees with variable hollow sizes which would likely provide habitat for a wide range of species, including microbats, hollow dependant arboreal mammals, woodland birds and in some cases owls; however, none occur within the development footprint.
- The study area contains fallen logs and timber which may provide habitat for reptiles and foraging birds.
- No caves, tunnels, mines or culverts occur within the study area or the site.
- No flying fox camps occur within or near the site.

Avoidance of Impacts to the site's biodiversity values

The site's two identified PCT, is considered to be associated with a threatened ecological community (TEC); PCT 1601 –Spotted Gum - Narrow-leaved Ironbark-Red Ironbark shrub - grass open forest of the central and Lower Hunter. The proposal largely avoids impacts to these communities by positioning the construction and operational development footprint within a large area of the site that has already been predominantly cleared of native vegetation and now consists of mostly exotic pasture grasses and weeds.

Refer to BDAR attached.

7. HERITAGE

There are no heritage issues associated with the proposed subdivision. Local heritage item 119, the Government Railway is located immediately south of the proposed subdivision. The proposal will not demolish, alter, disturb or excavate the Government Railway or its surrounds. No work is proposed on or within the vicinity of the railway. The proposal will not affect the heritage significance of the item

Aboriginal Heritage Due Diligence Assessment

Heritage Now Pty Ltd (Heritage Now) was engaged by Machil Pty Ltd to provide an Aboriginal Heritage Due Diligence Assessment for the proposed subdivision.

The background research and survey identified that there are two Aboriginal sites and two PADs in the Project Area. The surface artefacts were assessed as having low scientific significance and the significance of the PADs would need to be determined on the basis of further investigation. While the sites had general Aboriginal cultural values as indicated by Les Draper from Mindaribba LALC, there were no specific cultural stories relating to the Project Area or the artefacts.

The Project Area can be subdivided as the nature of the sites and their significance does warrant further investigation at this stage.

However, the below recommendations are to be followed for subsequent development applications:

Recommendation 1

If the development footprint does not overlap with PADS or mapped sites, then this Aboriginal Heritage Due Diligence Assessment should be updated for the purposes of the Development Application.

Recommendation 2

If the development footprint does overlap with PADS, then subsurface archaeological investigations under the Code of Practice for the Investigation of Aboriginal Objects in NSW is to be undertaken, along with Aboriginal consultation in accordance the Aboriginal Cultural Heritage Consultation Requirements and an Aboriginal Cultural Heritage Assessment (ACHA) report is to be prepared. If Aboriginal objects are recovered during investigations, or known archaeological sites will be impacted by the proposed works, then an AHIP will need to be submitted and supported by an ACHA report and Aboriginal consultation.

Refer to Due Diligence Report attached.

8. BUSHFIRE ASSESSMENT

A Bushfire Threat Assessment Report has been prepared by Firebird ecoSultants Pty Ltd for the proposed subdivision.

This type of development is classified as Industrial development. Industrial development is not captured under Section 4.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act) or Section 100B of the Rural Fires Acts 1997 (RFS Act 1997).

In accordance with section 8.3.10 of PBP 2019, where no residential component is included, commercial and industrial development is addressed through the aim and objectives of PBP. The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- afford buildings and their occupants protection from exposure to a bush fire;
- provide for a defensible space to be located around buildings;

- provide appropriate separation between a hazard and buildings which, in combination with other measures, minimises material ignition;
- ensure that appropriate operational access and egress for emergency service personnel and residents is available;
- provide for ongoing management and maintenance of BPMs; and
- ensure that utility services are adequate to meet the needs of firefighters.

PBP states that a suitable package of Bushfire Protection Measures (BPMs) should be proposed commensurate with the assessed level of risk to the development. The scale of the development and numbers of people likely to be occupying the future buildings will be directly relevant to the BPMs proposed. The provisions within Chapter 7 should be used as a base for the development of a package of measures.

The following recommendations are provided in relation to meeting the provisions within chapter 7 of PBP (RFS, 2019):

- The proposed future buildings are to comply with the BCA; and
- Any landscaping within the site is to meet the requirements of an Inner Protection Area (IPA)

9. ACCESS AND TRAFFIC

The proposed subdivision will result in a minor increase in traffic. The land is zoned for Industrial purposes and it is not anticipated that the proposal will have any significant impact on the existing traffic arrangements. An additional six (6) lots are proposed.

Civil Engineering plans are attached providing construction details of the proposed Right of Carriageway.

10. SERVICES

All utility services will be available to all proposed lots, including water supply, sewer, power supply and NBN.

Water Supply

There is sufficient capacity in the DN150 watermain in Gardiner St to service the development.

Sewer

Hunter Water owned pressure sewer components would be delivered under a Complex Works Deed.

Power Supply

Existing High Voltage (HV) power is located at the current termination of the constructed section of Gardiner Street. It is proposed to install a HV connection from this point to proposed Lot 1 (the community lot) within the subdivision and continue supply with private reticulation.

NBN

Proposed to be provided as required under the NBN statutes.

Stormwater Drainage Strategy

High Definition Design Pty Ltd was commissioned by Machil Pty Ltd to formulate a Stormwater Drainage Strategy for the site in accordance with the stormwater quantity and quality requirements of the Maitland City Council's Development Control Plan and the Engineering Guidelines.

The report describes the principles and operation of the proposed stormwater system as well as the primary components of the drainage system. As the assessment and evaluation are required under the conditions of consent, the final stormwater system layout may need to be revised in the future during the application for a Construction Certificate.

Stormwater Flow Management (stormwater runoff quantity and quality)

The strategy for management of stormwater runoff from the development is depicted in the report comprises:

- The capture of stormwater detained in individual On-Site Detention systems and discharging on the road according to the maximum PSD described on this Report.
- The road reserve runoff will be detained in On-Site Detention basin located at downstream of this stage.
- Conveyance of captured stormwater of lots within the drainage pipe network to into the Swales for treatment.
- The swales will be built with a median filtration underneath them to increase the treatment train effectiveness. This combined system will provide attenuation of developed stormwater flowrates to existing flowrate conditions for the development site.
- Discharge from the major catchment outlets will be conveyed over land within the existing waterway according to maximum PSD allowed by council.

MUSIC modelling has demonstrated that the proposed treatment devices will treat developed stormwater runoff to meet requirements outlined in Manual of Engineering Standard 2014 Section 8.2 Stormwater Quality, and on this basis, it is considered that no further water quality controls will be required within the proposed subdivision development.

Details of the proposed local drainage system will be determined at the time of Construction Certificate application, to Council's standard requirements.

There is sufficient area within the site to provide stormwater drainage management measures to negate the impact of the proposed development.

The catchment area outside of the development portion of the site is not considered as part of this current application as the natural flow from this portion of the subject land will not be going to the proposed basin.

Flooding

From a review of Maitland City Council's Floodplain Risk Management Study and Plan 2015, Flood Planning Map, it is considered that the subject site is not in a mapped flood zone.

Therefore, the site is subject to flooding limitations.

11. LIKELY IMPACTS OF THE DEVELOPMENT

The proposal is for a six (6) Lot Community Title subdivision at 91 Gardiner Street Rutherford.

Gardiner Street is constructed and terminates at a cul-de-sac. A private concreted road was constructed pursuant to DA2021/1314. This private road will be extended and constructed to terminate at a cul de sac at the western boundary of proposed Lot 3 giving access to all newly created lots.

The proposal will not affect the visual, acoustic, recreational or social amenity of any neighbouring property.

The proposal will not cause overshadowing within the subject or adjoining lots.

The proposal will not create any negative impacts on the public domain within the locality.

The proposal will not create or permit any adverse impacts on air or microclimate of the area. The development will not create any adverse impacts on the soil, surface water or ground water of the area.

The proposed subdivision will not create any additional adverse noise impacts in the area or adverse impacts from the generation of waste.

The proposed development will not create any additional negative impacts on the environment or the locality.

The proposed development is the subdivision of a proposed lot approved under DA/2019/1049 to create additional lots which will increase employment opportunities in the area.

12. SOCIAL AND ECONOMIC IMPACTS

The overall social and economic impact of the proposed subdivision is positive. The proposed lot sizes are suitable for future industrial uses creating additional business opportunities in the area. The proposal will generate local investment and employment opportunities within Maitland LGA.

13. SITE SUITABILITY

The site has been assessed as being suitable for the proposed development for the following reasons:

- The proposed subdivision is permissible with consent in accordance with Clause 2.6 of Maitland LEP 2011;
- The subdivision proposal has been designed in accordance with the principles of the Maitland LEP 2011 and Maitland DCP 2011;
- The proposed lots have been located and designed so as to minimise and manage any environmental impacts;

- The proposed subdivision will contribute to employment opportunities in the future by creating industrial lots for industrial uses which in turn will contribute towards economic growth within the Maitland LGA;
- The development is located close to important transport nodes, including the New England Highway and the Hunter Expressway which provides transport links throughout the region.
- The land is not subject to flooding and is suitable for its intended purpose for development;

It is determined that the site is suitable for subdivision as proposed.

14. SUMMARY

This development application seeks approval for the Community Title subdivision of one (1) proposed lot into six (6) lots and the construction of a private road providing access to all newly created allotments.

The land is currently known as Lot 2 DP 1197299, 91 Gardiner Street Rutherford and located in the Rutherford Industrial Estate between the New England Highway and the Great Northern Railway. Proposed Lot 3 was created pursuant to DA/2019/1049 approved by Council on 1st July 2020.

The proposal has been designed to comply with the requirements and fulfil the objectives of the Maitland LEP and Maitland DCP 2011.

It is therefore recommended that Council approve the proposed subdivision.

APPENDIX A

SUBDIVISION PLAN