

**Statement of Environmental Effects**

**Lot 101 and Lot 102 DP 1233753**

**OWL PEN LANE FARLEY**

**JULY 2022**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed 69 Lot Torrens Title Residential Subdivision  
Lot 101 and 102 DP 1233753  
Owl Pen Lane  
FARLEY

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## **1. EXECUTIVE SUMMARY**

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The following Statement of Environmental Effects has been prepared to assist Maitland City Council in the processing of the attached development application for 69 lot Torrens Title Residential subdivision and a drainage reserve at Lot 101 DP 1233753 and part Lot 102 DP 1233753. The site is located within the Farley Urban Release Area on the eastern side of Owlpen Lane.

The proposal will facilitate the extension of Precinct 2 of the Farley Urban Release Area and provide additional housing opportunities in the locality.

The proposal is consistent with the Farley Chapter of the Maitland DCP and Maitland LEP 2011.

It is therefore recommended that Council approve the proposed subdivision.

## **2. INTRODUCTION**

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This Statement of Environmental Effects has been prepared to support a Development Application for the proposed subdivision of land identified as Lot 101 DP 1233753 and part Lot 102 DP 1233753, No. 65 Owlpen Lane, Farley. The site has an area of approximately 8928m<sup>2</sup>.

The land is located on the eastern side of Owlpen Lane approximately 650m south of Wollombi Road. The land is located within the Farley Urban Release Area (URA) and zoned for future residential development.

The Development Application seeks approval for 69 lot residential subdivision and a drainage reserve. The development is to be undertaken in 3 stages. The construction of roads, earthworks, landscaping, drainage works and installation of utility services are all included as part of this development proposal.

The development of the land will facilitate the development of Precinct 2 of the Farley Urban Release Area.

The proposed subdivision is consistent with the Farley Chapter of the Maitland DCP and Maitland LEP 2011.

The subdivision has been designed to ensure the connectivity of the Ravensfield subdivision across Owlpen Lane through to the eastern precinct of the URA.

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.

### 3. THE SITE

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The land is located on the eastern side of Owl Pen Lane approximately 650m south of Wollombi Road at Farley. The site is of irregular configuration and has its western north frontage to Owl Pen Lane of approximately 42m. The site is generally orientated with its longer axis running northwest to southeast. east. Land surrounding the site to the east, west and north is rural. The subject site being Lot 101 has an area of approximately 5.528m<sup>2</sup> and the area of Lot 102 considered for infrastructure is approximately 3400m<sup>2</sup>. Refer to Figure 1 below.

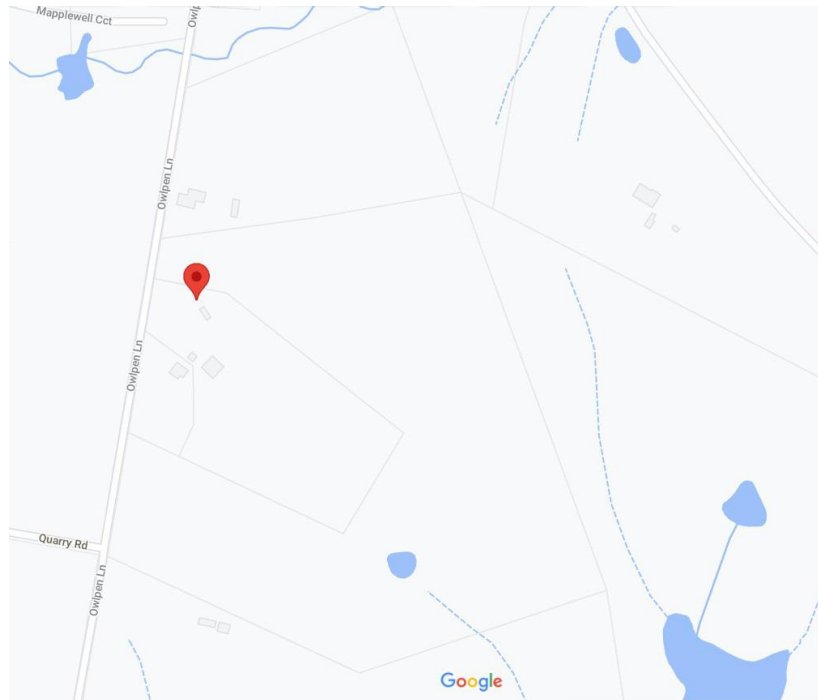


Figure 1 – Site Location

Existing improvements on the land comprise a small farm dam generally located centrally within cultivated field, fencing and farm access. A powerline crosses part of the site at Owl Pen Lane from the northwest corner towards the southeast corner. There are few isolated trees on the land.

An aerial phot of the site is shown in Figure 2.



Figure 2 – Aerial photo of the site



Figure 3 – Photograph of the site

#### **4. CONSULTATION**

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The subdivision design including the road layout has been prepared in consultation with the representatives of the adjoining properties to ensure an equitable and logical pattern of development, and within the limits and environmental constraints of the land, where known.

#### **5. PROPOSED DEVELOPMENT**

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The proposed development is described as follows:

1. Subdivision in three (3) stages comprising 69 residential lots and a drainage reserve;
2. Clearing of land, site regrading and earthworks;
3. Provision of urban infrastructure including roads, stormwater drainage, water and sewer reticulation, electricity supply and telecommunications.

The components of the proposal are discussed in the following sections.

##### **SUBDIVISION WORKS & INFRASTRUCTURE**

The development to which this application relates aims to create 69 residential Torrens Title allotments. The residential subdivision is proposed to be developed in 3 stages. The plan of subdivision is provided in Appendix A.

The land is primarily cleared grasslands with the exception of some isolated trees.

Access to the site is to be provided via Owlpen Lane.

Lots generally range in size from approximately 500m<sup>2</sup> to 1836.6m<sup>2</sup>.

The development will be serviced with reticulated water and sewer, electricity supply, and waste collection services.

Clearing of the land where necessary, earthworks, road construction and associated drainage, installation of utility services and infrastructure, implementation of sedimentation and erosion control measures and landscaping is included as part of this development application.



## **6. STATUTORY PLANNING CONTROLS**

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The following legislation, Environmental Planning Instruments (EPIs), regional strategies and local controls are relevant to the proposed development.

### **6.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The proposed development is classified as integrated development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 and requires the following referrals:

- Subsidence Advisory NSW under the Coal Mine Subsidence Compensation Act 2017.
- Natural Resources Access Regulator under the Water Management Act 2000.

### **6.2. STATE ENVIRONMENTAL PLANNING POLICIES**

#### **6.2.1. SEPP INFRASTRUCTURE (2007)**

The following ISEPP provisions have been considered in relation to the proposal:

- Clause 45(1)(d) relates to development involving the placement of power lines underground. The proposed subdivision intends to provide underground power to all residential lots created.
- Clause 104 relates to traffic generating development. Column 2 of Schedule 3 provides the requirements in this respect, in relation to development on a site that has direct vehicular or pedestrian access to any road, other than a classified road.

As the proposed development is not in excess of 200 lots, the application does not require referral to the NSW Roads and Maritime Services (RMS) under the provisions of SEPP Infrastructure 2007.

Council is the relevant roads authority for any roadworks on Owlpen Lane.

- Development for the purposes of stormwater management (cl 111), telecommunications (cl 114) and a sewerage reticulation system (cl 106) are also to be undertaken on site, on behalf of the relevant public authorities, and in accordance with the provisions of the ISEPP.

#### **6.2.2. SEPP NO. 55 – REMEDIATION OF LAND**

Clause 7 of SEPP 55 requires a consent authority to consider whether the land is contaminated based on knowledge of previous land uses on the site and whether the land is suitable or can be made suitable for the purposes of its intended future land use.

A preliminary site investigation assessment was undertaken to determine any potential contaminants on site by EP Risk (September 2021) and is attached to this development application. Based on the results of the Site history review, site inspection and analytical results, the site is considered to present a low risk of contamination. The results of analytical testing have been reported at levels that would not preclude the Proposed Development, subject to completion of the following recommended works:

- *Removal and disposal of anthropogenic waste in areas identified in Figure 2.*
- *Development of an ASSMP should earthworks involve disturbance of > 1000 tonnes of the residual sandy clay horizon across the entire Site.*
- *An unexpected finds protocol should be implemented during redevelopment to address any unidentified contamination that may be encountered during the proposed redevelopment works.*

The assessment determines that the site is suitable or could be made suitable for residential purposes with respect to contamination.



Figure 4 – Photo of southern portion of Lot 1 looking southeast from Owl Pen Lane

### **6.3. HUNTER REGIONAL PLAN 2036**

The Hunter Regional Plan identifies the Farley locality as being within the urban growth area around the strategic centre of Maitland, to be developed for urban purposes.

The Plan supports the continued development of identified greenfield sites such as the Farley URA and recognises the need for the provision of land and infrastructure to meet the demand for additional housing within the region.

The development of the Farley URA is consistent with the goals of the HRP 2036 to provide new housing opportunities and greater housing choice by delivering diverse housing, lot types and sizes, along with healthy built environments with access to open spaces. The proposed subdivision will facilitate the delivery of new housing in an emerging growth area.

#### **6.4. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011**

The subject land containing the residential lots is zoned R1-General Residential under the Maitland Local Environmental Plan 2011 (LEP). The area of land within Lot 102 containing potential use for infrastructure is zoned RU2 – Rural Landscape.

The objectives of the R1 General Residential zone are

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

The subdivision layout is adequately designed to allow the development of residential lots consistent with the overall development of the Farley URA.

The lots are adequately sized and located to provide for a variety of housing types and densities.

The proposed subdivision will provide additional housing opportunities for both the local community and the wider region.

Supporting services and infrastructure will be provided throughout the URA as development of Farley evolves. Higher order services are available close by within the Rutherford shopping area, the Maitland CBD and the regional Stocklands GreenHills shopping centre.

The proposed subdivision is consistent with and satisfies the objectives of the relevant zone.

The extent of perimeter road and detention basin are also permissible uses within the RU2 – Rural Landscape

The zoning map of the area is shown in Figure 5 below.

#### ***Part 2 – Permitted or prohibited development***

##### **Clause 2.6 – Subdivision – consent requirements**

Clause 2.6 of the Maitland LEP 2011 provides that land to which this Plan applies may be subdivided with consent. The subject land containing the residential lots is zoned R1-General Residential under the Maitland Local Environmental Plan 2011 (LEP). The area of land within Lot 102 containing potential use for infrastructure is zoned RU2 – Rural Landscape.

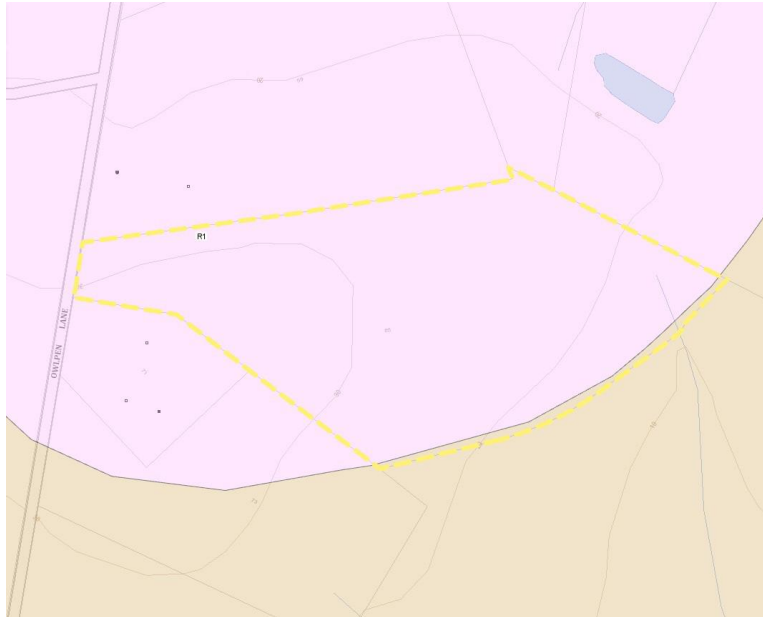


Figure 5 – Zoning map (Maitland LEP 2011).

#### **Part 4 – Principal Development Standards**

##### **Clause 4.1 – Minimum Subdivision Lot Size**

This clause permits a minimum subdivision lot size of 450m<sup>2</sup> for the R1 General Residential zoned land. There are no maximum floor space ratios or building heights relating to the Farley URA.

Each residential lot to be created satisfies this minimum lot size. The smallest lot created is 500m<sup>2</sup> in size.

#### **Part 5 – Miscellaneous Provisions**

##### **Clause 5.9 – Preservation of trees or vegetation**

Removal of vegetation on site requires the consent of the Council.

The site comprises isolated trees.

This application seeks approval for the removal of the trees within the subdivision footprint to undertake construction work. An Ecological Assessment by Wildthing Environmental Consultants (October 2021) was prepared for the subdivision of the land. The report made the following conclusion:

*the proposal will result in a small incremental reduction of habitat for a number of species, however is unlikely to disrupt the life cycle of any addressed threatened species, endangered populations or endangered ecological community such that local extinction would occur.*

##### **Clause 5.10 – Heritage Conservation**

Local Item No.71 Owl Pen House is located in the vicinity of the site. A Heritage Curtilage Study and Statement of Heritage Impact was prepared by EJE Heritage and is attached to this development application.

The report finds that the heritage curtilage most suitable to Owlpen House is that of lot boundary heritage curtilage, therefore the proposal will not impact on the significance of the item.

Furthermore, since the preparation of this report, the original parcel of land on which Owlpen House sits, being within its lot boundary heritage curtilage, has been subdivided. The subdivision also included the erection of an additional dwelling and shed which would appear to be within the curtilage area of Owlpen House. The proposed subdivision of the subject site will therefore not impact on the significance of the item.

#### ***Part 6 – Urban release areas***

Part 6 of the Maitland LEP 2011 refers to Urban Release Areas. The site of the proposed subdivision is located within the Farley Urban Release Area. The following clauses relate to provisions for Urban Release Areas:

##### **Clause 6.1 – Arrangements for designated State public infrastructure**

This clause requires satisfactory arrangements to be made for the provision of designated State public infrastructure before the granting of consent for the subdivision of land in an Urban Release Area.

Arrangements for the payment of a State Infrastructure Contribution (SIC) are being made and will be finalised prior to the release of the consent for the subdivision of the land.

##### **Clause 6.2 – Public utility infrastructure**

Reticulated water, sewer and electricity supply services will be provided to the residential subdivision, as development progresses.

##### **Clause 6.3 – Development Control Plan**

The Farley Urban Release Area Chapter of the Maitland Development Control Plan 2011 applies to the land. The DCP requirements are addressed within Section 6.5.

#### ***Part 7 – Additional local provisions***

##### **Clause 7.1 – Acid Sulfate Soils**

The subject land is identified on Council's Acid Sulfate Soil (ASS) Map as being located on Class 5 land.

The subject site is located at approximately 20m AHD. Excavation works will be required for the provision of infrastructure (roads and drainage works) and to provide for reasonable building sites. The disturbance of any potential Acid Sulfate Soils is not likely as a result of the proposed development.

##### **Clause 7.2 – Earthworks**

Earthworks are required to be undertaken to facilitate the residential subdivision for which development consent is being sought. A Construction Certificate will be sought following Development Consent outlining the earthworks in conjunction with the civil works.

##### **Clause 7.3 – Flood Planning**

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

##### **Clause 7.4 – Riparian Land and Watercourses**

There are no water courses relevant to this development application.

## **6.5. MAITLAND DEVELOPMENT CONTROL PLAN 2011**

Various elements of the Maitland City Council Development Control Plan (DCP) apply to the subject site. Table 1 below describes how the proposal meets the criteria of the DCP where relevant.

<b>PART C.10 - Subdivisions</b>		
<b>Development Requirements</b>	<b>Comment</b>	<b>Compliance</b>
Design elements		
<p><b>EC.1 Flora and Fauna</b></p> <p>Design layout to avoid significant stand of vegetation</p>	<p>The land is predominantly vacant grazing land with very little native vegetation.</p> <p>There are minimal trees which have been considered within the layout and by ecological assessment. The subdivision will have less impact on native vegetation because of the highly degraded state of the land and existing vegetation.</p>	Yes
<p><b>EC.2 Heritage and Archaeology</b></p> <p>Where a subdivision affects any listed heritage item, the impact must be investigated.</p> <p>Preparation of an Archaeological Assessment required where no previous study had been undertaken.</p>	<p>The proposed subdivision will not impact the significance of any listed heritage item.</p> <p>As discussed in this report, the proposed subdivision is outside the Heritage curtilage of Owlpen House.</p> <p>An Aboriginal Heritage Due Diligence Assessment was prepared for the site by McCardle Cultural Heritage Pty Ltd (January 2022) and is attached to this development application. The survey of the site confirmed that the project area had been cleared and ploughed and grazed throughout. No archaeological sites or PADs were identified during the survey.</p>	Yes
<p><b>EC.3 Hazards</b></p> <p>All new subdivision are to be designed to provide adequate, safe access for future users.</p>	<p>All lots within the new subdivision are located wholly above the 100% AEP flood level with a detention basin proposed to reduce developed outflows to pre-developed levels.</p>	Yes

	<p>A Bushfire report was prepared for the site by Peak Land Management Pty Ltd (June 2022). The report determines that the development complies with PBP, 2019/Rural Fire Service Act/EP&amp;A Acts. The proposal does not need to address bush fire as no hazard is present within 100m of any proposed lot or subdivision boundary, subject site is not within a bush fire prone land mapped area, and has an adequate road network, and services including reticulated water, fire hydrants and underground electricity services.</p> <p>No other hazards for the site have been identified.</p>	
<p><b>DC.1 Lot Size and Dimension</b></p> <p>All new lots are of a size and shape suitable for their future use.</p>	<p>The application proposes a Torrens Title subdivision comprising lots in excess of the minimum area requirements.</p> <p>The proposed lot size and dimensions are suitable for existing and proposed uses with suitable building envelopes available for each proposed lot. No battle-axe lots are proposed.</p>	Yes
<p><b>DC.2 Solar Access and Energy Efficiency</b></p> <p>Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints as to maximise solar access.</p>	<p>The proposed subdivision will allow flexibility in the siting of future buildings to have good solar access.</p> <p>All new lots will be able to comply with the Performance Criteria of the DCP.</p>	Yes
<p><b>DC.3 Drainage, Water Quality and Soil Erosion.</b></p> <p>Adequate provision should be made for implementation of measures during</p>	<p>Drainage, Sediment and Erosion control have been considered through the layout of the urban subdivision.</p> <p>Provision of detention basin has been provided for the subdivision.</p>	Yes

<p>subdivision construction to ensure that the landform is stabilised and erosion controlled. Where inter-allotment drainage is required, easements having a general minimum width of 1.5 metres are to be identified on plans submitted.</p>	<p>The Torrens Title Subdivision to create residential lots has catered for site drainage and short-term construction to control sediment.</p>	
<p><b>DC.4 Landscape, Streetscape and Visual Impact</b></p> <p>Existing landscape and streetscape character should be maintained and enhanced.</p>	<p>A landscape plan is attached to this development application.</p>	<p>Yes</p>
<p><b>DC.5 Effluent Disposal</b></p> <p>All new lots will be connected to a reticulated sewerage system.</p>	<p>Reticulated water and sewer supply to all new lots in accordance with the requirements of the Hunter Water Corporation and submission to Council of a Section 50 Certificate from the Corporation.</p> <p>No new residential lots will be permitted without provision of reticulated sewer</p>	<p>Yes</p>
<p><b>DC.6 Roads and Access, Pedestrian and Cycleways.</b></p> <p>The subdivision must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for its intended residential use.</p>	<p>The proposal has been designed in accordance with Council's Manual of Engineering.</p>	<p>Yes</p>
<p><b>DC.7 Crime Prevention – Safer By Design</b></p> <p>The proposed subdivision should consider the principles of crime prevention.</p>	<p>The proposal has been designed with consideration to the principles of crime prevention.</p>	<p>Yes</p>
<p><b>DC.8 Site Filling</b></p> <p>Earthworks require development consent of Council under the provisions of Maitland LEP 2011.</p>	<p>The construction of roads, earthworks, landscaping, drainage works and installation of utility services are all included as part of this development proposal.</p>	<p>Yes</p>



	Engineering plans are submitted with this development application.	
<p><b>DC.9 Reticulated Services</b> (Water/Sewer/Electricity/Telecommunications)</p> <p>Reticulated water and sewer will be supplied to all new lots in accordance with the requirements of the Hunter Water Corporation.</p> <p>No new residential lots will be permitted without provision of reticulated sewer.</p> <p>Underground low voltage electricity will be supplied to all new lots in accordance with requirements of Energy Australia or other approved electricity provider.</p> <p>Telephone connection to be available to all new lots in accordance with the requirements of Telstra or other approved provider.</p>	All services will form part of the construction of the residential estate including underground power, road, sewer and water.	Yes
<b>IC.1 Entry Features</b>	No entry features are proposed	Yes
<b>IC.2 Street names</b>	Street names will be provided with the Construction Certificate application to be submitted to Council once the development application has been approved.	Yes
<b>IC.3 House Numbering</b>	Council will supply house numbers once the proposed lots have been created.	Yes
<b>PART F - Farley</b>		
<b>Development Requirements</b>	<b>Comment</b>	<b>Compliance</b>
<b>a) Staging and Essential Infrastructure</b>	The site is located within Stage 4 of the URA Staging Plan. The Staging Plan was developed in response to the servicing strategies.	Yes

	<p>Capacity is available within the Farley 1 WWPS and was designed to accommodate to service the development and other land within this catchment. Water is available as an extension of the services constructed for Ravensfield including trunk watermain upgrades throughout the locality.</p> <p>Infrastructure and facilities will be provided in accordance with the DCP and in line with the sequencing schedule within the S94 Plan.</p> <p>The proposed subdivision is consistent with the concept plan, staging, and the design principles of the DCP.</p> <p>The residential subdivision provides for internal connections through to the adjoining approved subdivision.</p>	
<b>b) Transport Movement Hierarchy</b>	<p>The subdivision is consistent with the road hierarchy in the DCP and that approved as part of the adjoining Ravensfield development.</p> <p>The layout provides for a connection to the extension Owlpen Lane.</p> <p>Development contributions will be paid towards road works identified to facilitate the development within the Farley URA.</p> <p>A 1.5m wide pedestrian link will be provided along Road 1.</p>	Yes
<b>c) Overall Landscaping Strategy</b>	<p>Street trees will be provided along the internal street network having regard to the principles of CPTED. A Landscaping Plan is attached.</p>	Yes
<b>d) Passive and Active Recreational Areas</b>	<p>There are no specific facilities identified as being required on the subject land.</p> <p>A monetary contribution will be made towards the provision of local parks and neighbourhood sporting facilities within</p>	Yes.

	the URA as identified in the Farley Contributions Plan.	
<b>e) Stormwater and Water Quality Management Controls</b>	A stormwater management plan has been prepared for the site and is attached to this DA. A basin is to be provided in the southeast corner of the site to cater for the proposed residential development.	Yes
<b>f) Amelioration of Natural and Environmental Hazards</b>	<p>The land is relatively clear of vegetation and is not affected by bushfire, flooding, noise and vibration, or air quality impacts. An ecological assessment has been prepared in accordance with the relevant legislation and determined that there is not likely to be any significant impact on flora or fauna.</p> <p>The subdivision is not directly visible from any public vantage points and will not have a significant impact on the visual amenity of the locality.</p> <p>No heritage items are located on the site. Owlpen House is located nearby but the subdivision of the site will not impact on the significance of the Item.</p> <p>The Aboriginal Due Diligence Assessment did not identify any materials or artefacts present or visible on the land nor identify the site as having potential to contain sub-surface deposits.</p>	Yes
<b>g) Key development Sites</b>	The land does not form part of a key development site identified within the DCP.	N/A
<b>h) Neighbourhood Commercial and Retail Uses</b>	The development does not propose the inclusion of any neighbourhood commercial or retail uses upon the land.	N/A

<p><b>i) Provision of Public Facilities and Services</b></p>	<p>Public facilities and services will be provided in line with the schedule of expenditure determined by the Farley DCP and Development Contributions Plan</p>	<p>Yes</p>
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## **7. ASSESSMENT OF PLANNING ISSUES**

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Section 4.15 of the Environmental Planning and Assessment Act 1979 describes matters for consideration in the assessment of a development application. The following assessment considers the environmental impacts of the proposal on the natural and built environments and the social and economic impacts in the locality, as are relevant to the proposal.

### **7.1. SUBDIVISION DESIGN AND LAYOUT**

The subdivision plans are provided in Appendix A.

The subdivision layout is consistent with plans of subdivision north and south of the site.

The proposed subdivision has been prepared showing linkages for the development of the adjoining lands within this eastern precinct.

The proposed subdivision has been designed to ensure that allotments are capable of supporting future residential development. All lots are at least 450m<sup>2</sup> in size, with a minimum lot size of approx. 500m<sup>2</sup> and a maximum lot size of 1836.6m<sup>2</sup>.

All of the lots are generally at least 30m deep which is adequate for a standard residential house and associated structures.

The allotments are generally orientated on a north-south or east-west alignment which will provide for good solar access and optimises the design of energy smart homes.

Connections with the pedestrian and cycle network will be provided along the collector road/drainage reserve within the URA and co-ordinated with existing approvals on the surrounding land.

Infrastructure including stormwater management, telecommunications, and a sewerage reticulation system is to be provided to each lot within the subdivision.

### **7.2. VISUAL ASPECT & NOISE**

Visually the proposal will alter the existing landscape. However, the proposed subdivision creates residential lots within the broader urban zoned land.

### **7.3. BUSHFIRE**

Peak Land Management Pty Ltd undertook a Bushfire Threat Assessment Report in June 2022. The report determined that proposal complies with PBP 2019 namely:

- *Serviced by reticulated water & fire hydrants- complies with PBP, 2019.*
- *Serviced by overhead/underground electricity power- complies with PBP, 2019.*
- *Serviced by a public road –complies with, PBP, 2019.*
- *Asset Protection Zone – will comply with Table A1.12.2, PBP, 2019.*
- *All dwellings to be constructed in conformance with PBP, 2019, and all construction in accordance with AS 3959.*
- *Landscaping- to comply with PBP 2019*

The bushfire report is attached to this development application.

#### **7.4. ECOLOGY**

The site is highly disturbed as a result of past native vegetation clearance, ongoing cattle grazing and cropping with only a few isolated trees which have no inter connectivity with any remnant bushlands.

An Ecological Assessment was prepared by Wildthing Environmental Consultants for the site in October 2021. The report found that the remnant trees on site were found to be most consistent with a very highly degraded example of the BC Act listed TEC – Lower Hunter Spotted Gum – Ironbark Forest of Sydney Basin Bioregion. Due to the condition of what remains, the proposal is unlikely to substantially impact or adversely modify the composition or extent of these TECs such that their local occurrence will be placed at risk of extinction.

Four remnant trees within the site were found to be consistent with that of the state and nationally threatened species *Eucalyptus parramattensis* subsp. *decadens* (Drooping Red Gum) and would likely require removal due to the high disturbance within the site (under cultivation). The high disturbance and land use (weed incursion, changed soil chemistry, cropping and cattle grazing) would inhibit seed from these trees from germinating and maturing into a tree. All four specimens of *E. parramattensis* subsp. *decadens* may likely require removal as a result of the subdivision and subsequent development.

Taking into consideration the disturbance of the site, current agricultural activities, lack of natural recruitment and given mitigation measures for *Eucalyptus parramattensis* subsp. *decadens* the proposal is unlikely to have a significant impact on this threatened tree species such that a local population would be placed at risk of extinction.

No other threatened flora species were recorded within the survey area during fieldwork. Due to the highly degraded and cultivated state of the environment, only marginal habitat was considered to be present for only one additional threatened flora species; *Rutidosis heterogama* (Heath Wrinklewort).

No threatened fauna species were recorded during fieldwork.

Consideration of the State Environment Planning Policy 2021 - Koala Habitat Protection for areas of Lot 101 zoned as R1 identified that the study area would low or no impact on koalas or koala habitat.

Consideration of the State Environment Planning Policy 2020 - Koala Habitat Protection for areas of Lot 101 and 102 zoned as RU2 identified that the study area would not constitute 'Potential Koala Habitat'.

Considerations have been made to the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act (1999). One nationally threatened flora species *Eucalyptus parramattensis* subsp. *decadens* was observed within the site. Considering the disturbance to the site and given mitigation measures the proposal is unlikely to be significant and therefore not require controlled activity approval.

Mitigation measures have been specified to ameliorate the impact on native flora and fauna, particularly the presence of *E. parramattensis* subsp. *decadens* as a result of the subdivision and subsequent development.

In conclusion, the proposal will result in a small incremental reduction of habitat for a number of species, however, is unlikely to disrupt the life cycle of any addressed threatened species, endangered populations or endangered ecological community such that local extinction would occur.

Refer to Ecological report attached.

## **7.5. HERITAGE**

### **7.5.1. ABORIGINAL ARCHAEOLOGY**

The subject land has undergone extensive Aboriginal Archaeological Assessment as part of the Farley Urban Release Area Investigations. The subject sites were found to be relatively unaffected by archaeological deposits.

More recent investigations via AHIMS searches discloses that there are a number of registered archaeological sites on or near the subject lands and these sites are more generally within the residue wetlands and rural land. Lot 101 which forms the majority of the development area is unaffected by archaeological sites.

A recent Archaeological Aboriginal Heritage Due Diligence Investigation and Report was undertaken in July 2021 by McCardle Cultural Heritage P/L. The report disclosed no sites were identified and therefore no impacts to the archaeological record and the following recommendations are provided.

*1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974;*

*2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.*

Consequently, it is considered that with appropriate protocols in place there is no impediment to the residential subdivision proposed for the land.

### **7.5.2. EUROPEAN HERITAGE**

Non-Aboriginal Heritage is regulated through the NSW Heritage Act 1977 and Local Environmental Plans (LEPs) within local Councils.

There are no listed items of heritage significance or heritage conservation areas identified in Schedule 5 of the Maitland LEP 2011 located upon the subject site.

The proposed subdivision sits adjacent to an item of local heritage significance titled No. 188 on the Heritage Plan Sheet 004A pursuant to Maitland LEP 2011. The local heritage item is known as Owl Pen House. The building is located on Lot 2, DP 1209700 whilst the remainder of the site Lot 2, DP 1209700 contains the curtilage of the item.

Owl Pen House was constructed in 1837 and is located on the eastern side of Owl Pen Lane approximately 700m south of Wollombi Road. The house is located on a low ridge and is surrounded by long established gardens which generally obscure the view of the house and outbuildings from the road.

The proposed subdivision to create the residential lots stands approximately 140m to the north and downhill of the heritage item dwelling and consequently there is no impact from the proposal on the heritage item. Similarly, the residue Lot 2 rural lands wrap around the land on which the heritage item stands and as there is no change to the rural land no impacts will result. A subsequent heritage impact and curtilage investigation which was carried out in 2015 by EJE Heritage P/L disclosed that the required curtilage for Owl Pen House was contained within the sites cadastral boundaries and no impact resulted in a curtilage sense beyond those boundaries. A copy of this report is attached.

Furthermore, the land parcel on which Owlpen House sits has since been subdivided and included the erection of a dwelling and shed on the lot created, which implies that the proposed subdivision has even less impact on the curtilage of the Item.

Therefore, the subdivision pattern proposed for the development of the land and rural land has no impact on the heritage item or its curtilage.

## **7.6. FLOODING AND STORMWATER**

### **7.6.1.FLOODING**

The site is not identified as being affected by the 1% flood event.

### **7.6.2. STORMWATER AND DRAINAGE**

A Stormwater Management Plan has been prepared for the proposal and is attached. The results of MUSIC Modelling is included in the report demonstrating that the proposed treatment devices will meet the requirements outlined in Council's MOES. The report found that no further water quality controls will be required within the proposed subdivision.

A stormwater basin is to be constructed in the southeastern corner of the site to cater for the residential development of the land.

### **7.7. MINE SUBSIDENCE**

The site is located in a proclaimed Mine Subsidence District. Consequently, referral to the Mine Subsidence Board is required.

Previous geotechnical investigation for the rezoning of the Farley URA confirmed the ability for the site development in respect to former site mine workings.

### **7.8. GEOTECHNICAL ASSESSMENT**

EP Risk prepared a site investigation and report into the Geotechnical aspects of the site. Refer to report attached. No geotechnical limitations nor risk of localised contamination was identified.

There are no impediments for development from site geotechnical or contamination assessment.

### **7.9. EROSION AND SEDIMENT CONTROL**

Earthworks will be undertaken on site. An Erosion and Sediment Control Plan will be submitted to Council with the Construction Certificate.

### **7.10 TRAFFIC AND ACCESS**

Extensive traffic analysis and modelling was undertaken for the Farley DCP and URA and no further reporting is considered necessary. The contribution plans towards roads and intersections emanated from those investigations and modelling.

A threshold release of 150 lots is contained within the URA prior to construction of traffic control signals at Wollombi Road/New England Highway intersection. The signals are under construction documentation. Monetary contributions from the proposed subdivision will be made for these and other road works in accordance with the contribution plan and accordingly the approval of the subdivision will assist in provision of the URA infrastructure.

The internal road pattern within the subdivision is consistent with the DCP provisions and provides access to adjoining lands to permit development over time. Access to the proposal is off Owl Pen Lane.



### **7.11 LANDSCAPING**

Additional landscaping is proposed throughout the subdivision within the basin and via street tree planting. Such landscaping will add to the severely limited vegetative footprint currently within the site. Refer to landscape plans attached.

### **7.12 SERVICES AND INFRASTRUCTURE**

A servicing strategy was prepared as part of the URA within which the subject site is noted as Precinct 4. However, the servicing strategy includes the subject land within Precinct 1 for the provision of services. A Sewer pump station has been provided within adjoining land to the north Lot 1 DP 457996 with the concurrence and funding by the current proponent.

Prior to the release of the subdivision either as a phased construction or in its entirety all services such as NBN, sewer, water, power and access roads will be provided in accordance with public authority requirements.

### **7.13 SAFETY AND SECURITY**

The subdivision design has incorporated the principles of safety by design for crime prevention (CPTED) The lots will have active surveillance over streets and linkages. Appropriate street lighting throughout the subdivision will enhance such security.

### **7.14 ECONOMIC IMPACT**

It is considered there will be a positive economic impact from the proposed development.

It is anticipated that local contractors and thereby local sub-contractors would undertake works for the construction of the subdivision. This will support local industries and service providers.

Further economic and social advantage will be the provision of residential lots for future housing within the locality providing an increased future dwelling resource and more efficient use of the land together with State and local contributions.

## **8. THE PUBLIC INTEREST**

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Public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with prevailing development controls. The development is permissible and is consistent with strategic policies specific to the site, in particular Maitland DCP.

The proposed development will provide residential land for future housing opportunities to the people of Maitland with no significant adverse environmental or built impacts. The proposal is therefore considered to be in entirely in the public interest.

## **9. SITE SUITABILITY**

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The NSW State Government has supported the direction of urban expansion in this locality. The site is suitable for the proposed development for the following reasons:

- The proposal is permissible with consent within the R1 General Residential zone under the provisions of Maitland LEP 2011;
- The subdivision proposal has been designed in accordance with the principles of the Maitland LEP 2011 and the Farley URA Chapter of Maitland DCP 2011;
- The development will provide a range of housing opportunities for the community, in an identified Urban Release Area with access to schools, shops, and sporting and community facilities.
- The proposed subdivision has been located and designed so as to minimise and manage the environmental effects on the environment;
- The site can be adequately serviced;
- The subject land in the location of the proposed residential subdivision is not affected by traffic or rail noise or vibration as a result of the proximity of the Great Northern Railway or Wollombi Road;
- The site is relatively cleared with few isolated trees. The subdivision will have no impact on native vegetation because of the highly degraded state of the land and existing vegetation;
- The proposal will not impact the significance of the adjacent local heritage item being Owlpen House;
- The site investigations have determined that the land is suitable for its intended purpose for development; and
- The subdivision will contribute towards meeting the housing demands of the Lower Hunter which in turn will contribute towards economic growth within the Maitland LGA.

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

## **10. CONCLUSION**

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The development proposal includes the subdivision of the site to create 69 residential Torrens Title lots in three (3) stages and a drainage reserve at Lot 101 DP 1233753 and part Lot 102 DP 1233753. The site is located within the Farley Urban Release Area on the eastern side of Owlpen Lane.

The site is not affected by any physical constraints such as flooding or vegetation that would prevent the site being developed.

The subdivisional lot arrangement has been undertaken with consideration to the relevant planning instruments and development controls applicable to the land and particularly the requirements of Maitland DCP Farley URA Chapter.

It is proposed to incorporate access throughout the subdivision by the provision of access roads and services which will ultimately provide services to adjoining land.

The development is permissible within the zone and complies with the various planning instruments and development controls. Additionally, there are no significant impacts resulting from the development that cannot be ameliorated with appropriate conditions of consent. Based on the proposed development and the locality, it is concluded that the application for residential subdivision as detailed in this application warrants the support of the Maitland City Council.