

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED TORRENS TITLE SUBDIVISION (1 INTO 96 RESIDENTIAL LOTS & 1 RESIDUE LOT)

**WINDERMERE ROAD, WINDERMERE, NSW,
2321 (LOT 1902 DP1112961)**



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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by NewPro 27 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 96 R1 Lots and one residue RU1 Lot) implemented over two stages at Windermere Road, Windermere, NSW, 2321, legally identified as Lot: 1902 DP1112961 (**'the site'**).

Specifically, the proposal includes:

- 1 into 96 R1 residential Lots delivered in two stages, being:
 - **Stage 1:** 50 Lots to the rear of the site adjoining the drainage reserve. Access will be via the adjoining constructed subdivision to the south.
 - **Stage 2:** 46 Lots with access via Windermere Rd and internally from the constructed subdivision to the south.
- One residue RU1 rural Lot measuring 38.4 ha in size.
- Civil works including the creation of internal roads and stormwater drainage infrastructure (including detention basin)
- Vegetation removal and associated earthworks.

The proposed subdivision forms the logical extension of Lot provision within the Lochinvar Urban Release Area (URA) and associated approved subdivision to the south under DA 2020/1248. The proposed subdivision enables completion of the zoned land within the URA. This subdivision will not commence until such time Stage 3 of the subdivision under DA/2020/1248 has been released (including associated intersection requirements under this consent), enabling proper servicing and connection to occur.

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

- it is permitted in the R1 and RU1 zone and consistent with the R1 and RU1 zone objectives;
- it is consistent with the relevant planning requirements within the Lochinvar URA;
- provides a logical layout in connection with the adjoining subdivision to the south within the URA, consistent with the objectives of the DCP;
- enables the logical and economic management of the subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

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

TERMS & ABBREVIATIONS

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

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	EP&A Regulation 2021 Approved Form	Perception Planning	N/A
2	Certificate of title and existing Deposited Plan	NSW Lands Registry	N/A
3	Subdivision Plan	GCA Engineering Solutions	21460DA, No. 7 and dated 27.07.22
4	AHIMs Search Results	Office of Environment and Heritage	N/A
5	Bushfire Threat Assessment	Perception Planning	Version 2 and dated 22/10/2022
6	Landscape Plans	Moir Landscape Architects	2148, Rev B and dated 14/10/2022
7	Stamped HWC Plans	Hunter Water Corporation	N. A
8	Visual Impact Assessment	Perception Planning	J002747, Ver 2 and dated 31/10/2022
9	Fauna and Flora Assessment Report	Habitat Environmental Services	HBT0015_FFAR Ver 4.0 and dated 27/09/2022
10	BYDA Search Results	BYDA	N/A
11	Aboriginal Cultural Heritage Assessment	Niche Environment and Heritage	7163 and dated 26/10/2022 (Draft)
12	Traffic Impact Assessment	SECA Solution	P2316 and dated 27 September 2022
13	Civil Engineering Plans	GCA Engineering Solutions	21460C, Rev 2 and dated 23.09.22
14	Stormwater Report	GCA Engineering Solutions	21460, Rev 2 and dated 6 October 2022
15	Preliminary Soil Investigation	Cardno (now Stantec)	81022070-001 Dated: 7 October 2022
16	Pre-lodgement Meeting Minutes	Maitland City Council	21 July 2022
17	Clause 4.6 Request	Perception Planning	J002745

			Dated: 2/12/2022
18	Detailed Cost Report	RPS	PR7640DCR Dated: 1/12/2022
19	Water and Sewer Strategy	GCA Engineering Solutions	Dated 18/11/2022

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by NewPro 27 Pty Ltd (the client) to prepare a Statement of Environmental Effects (SEE) for a Torrens title subdivision (1 into 96 R1 Lots and one residue RU1/C3 Lot) implemented over two stages at Windermere Road, Windermere, NSW, 2321, legally identified as Lot 1902 DP1112961 ('the site').

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

The site is located in Windermere, directly north of Lochinvar within the Maitland Local Government Area (LGA) and within the Lochinvar Urban Release Area and Structure Plan boundary. The site is zoned R1 General Residential, C3 Environmental Management and RU1 Primary Production under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

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

1.1 PURPOSE OF THE STATEMENT

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

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

The objectives of this SEE area as follows:

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

1.2 SITE DETAILS

Property Address	Windermere Road, Windermere NSW 2321 (FIGURE 1).
Lot and DP	Lot 1902 DP1112961
Current Use	Undeveloped residential and rural land within URA.
Zoning	R1 General Residential RU1 Primary Production C3 Environmental Management
Size	47.51 ha
Site Constraints	Bushfire Prone Land – Vegetation category 3 Minimum lot size – 450m ² (R1), 40 ha (C3 & RU1) Urban Release Area (Lochinvar) Acid Sulfate Soils – Class 5 Biodiversity Values Map (Riparian) Flood Prone Land Riparian Lands and Watercourse – Lochinvar Creek
Owner	Owner’s consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in APPENDIX 2 .
Cost of Works	\$7,011,132 (inc. GST) per APPENDIX 18 .

1.3 SITE DESCRIPTION

The site is located at Windermere Road, Windermere, NSW, 2321, legally identified as Lot: 1902 DP1112961 (**‘the site’**) and has a total area of 47.51 ha (**FIGURE 1**). The site is located within the township of Windermere, within the Maitland Local Government Area (LGA) and is within the Lochinvar Urban Release Area (URA). The site is located north of the New England Highway (NEH) and directly adjoins the suburb of Lochinvar.

The site is the northern-most section of the Lochinvar URA, and is located directly off Windermere Road, adjoining the existing R1 General Residential subdivision known as ‘Hillcrest Lochinvar’ (south) and other rural allotments (north). The URA has traditionally been used for grazing and is within the visual catchment of Hillcrest Lochinvar and is also visible over the undulating landscape from all directions. Riparian vegetation along Lochinvar Creek provides some visual buffering looking across the site from the east. The site is located within the northern area of the URA, which will complete development of residentially zoned land within this part of the catchment.

Three land zonings under the Maitland Local Environmental Plan (LEP 2011) apply to the site, including:

- The northern portion is zoned *RU1 Primary Production*.
- The southern portion (where development is proposed, as shown in **FIGURE 2**) is zoned *R1 General Residential*.
- A small area in the south-eastern corner (associated with Lochinvar Creek) is zoned *C3 Environmental Management*.

The site currently maintains direct site frontage and vehicular access from Windermere Road (160m wide), and connections to two internal access roads (8m and 12m wide wide) created on the adjoining land estate to the south under DA/2020/1248.

Vegetation on the site generally consists of natural grasses. A narrow strip of riparian vegetation is associated with Lochinvar Creek, which flows through the eastern portion of the site in a northern direction. No existing structures or dams are located on the site. The eastern edge of the site is affected by the Maitland Flood Planning Level, with the 1% AEP flood level (24m AHD).



Figure 1: Aerial image of site (NSW ePlanning Spatial Viewer, 2021)



Figure 2: Subject Area of Development (Niche, 2022)

1.4 BACKGROUND

A review was conducted of the Maitland City Council Development Application Tracker on 23 March 2022 for any lodged and/or determined development consents, with no results being obtained. As detailed in the PSI by Cardno at **APPENDIX 15** the site has a historical use as undeveloped, open pastureland.

There are no known compliance issues relating to the site.

A pre-lodgement meeting was held with Maitland City Council on Thursday 21 July 2021, with the minutes provided at **APPENDIX 16**. In response to the matters raised in Item 3 of the Minutes, the subdivision layout has been redesigned to comply with the Planning for Bushfire Protection (PBP) requirements and Lochinvar URA Road Hierarchy, namely the inclusion of a perimeter road at the interface between RU1 and R1 zoned land. This road

has also been designed to provide a buffer between the detention basin and Lots, to remove any potential for hidden corners and associated CPTED issues. Further, the staging boundaries have been designed to ensure temporary turning heads are not needed (i.e., roads are staged to create a closed loop), in response to Item 1 of the engineering advice.

The supporting documentation identified within the minutes has also been provided with this application, including:

- Visual Impact Assessment
- Aboriginal Cultural Heritage Assessment
- Subdivision Plan identifying 1% AEP flood line
- Ecological Assessment
- Landscape Plan
- Traffic Impact Assessment
- Civil Plans including cut / fill and batters across the site.
- Geotechnical Report

2.0 THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for a Torrens title subdivision (1 into 96 R1 Lots and one residue RU1 Lot) implemented over two stages (**FIGURE 3**). Specifically, the proposal includes:

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- 1 into 96 R1 residential Lots (ranging in size from 480m² to 856m²) delivered in two stages, being:
 - o **Stage 1:** 50 Lots to the rear of the site adjoining the drainage reserve. Access will be via the adjoining constructed subdivision to the south.
 - o **Stage 2:** 46 Lots with access via Windermere Rd and internally from the constructed subdivision to the south.
- One residue Lot, containing the remaining RU1 and C3 zoned land, measuring 38.4 ha in size
- Civil works including the creation of internal roads and stormwater drainage infrastructure (including detention basin)
- Vegetation removal and associated earthworks.

The development footprint of residentially zoned land has an approximate area of 8.84ha.

The proposed subdivision forms the logical extension of Lot provision within the Lochinvar Urban Release Area (URA) and associated approved subdivision to the south under DA/2020/1248. The proposed subdivision enables completion of the zoned land within the URA. This subdivision will not commence until such time Stage 3 of the subdivision under DA/2020/1248 has been released (including associated intersection requirements under this consent), enabling proper servicing and connection to occur.

The subject site and proposed development are reflective of the character and overall pattern of development within the Lochinvar URA. Each Lot will be capable of supporting a single dwelling with ancillary development or dual occupancy development depending on the Lot size which will respect the low scale nature of the built form within the locality.

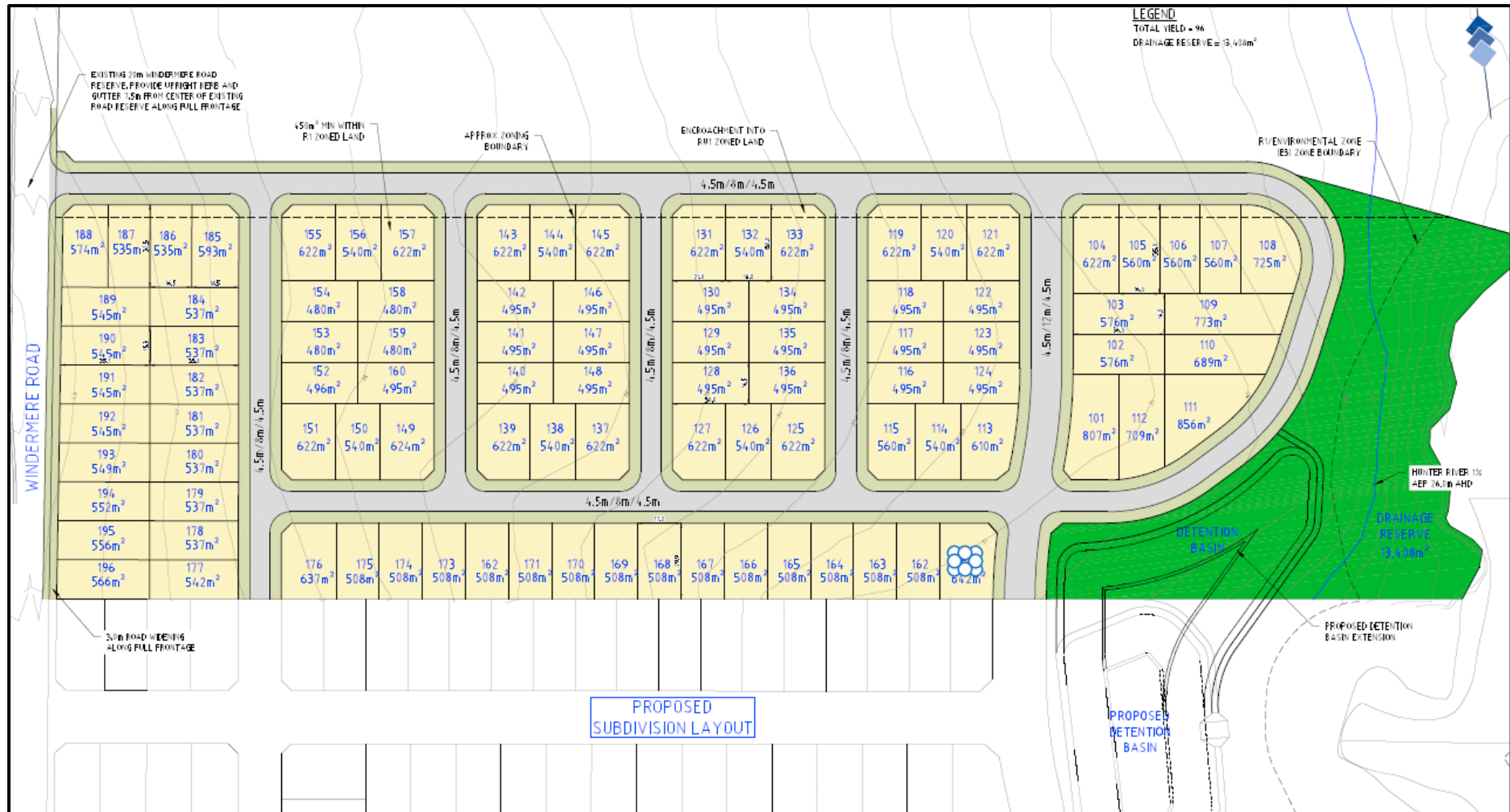


Figure 3: Proposed subdivision plan (GCA Engineering Solutions, 2022)

3.0 PLANNING FRAMEWORK

3.1 ACTS

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

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

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Integrated development

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

Table 1: Integrated development

Integrated development	Section	Assessment
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	NA
Heritage Act 1977	s 58	NA – The site is not identified as being a heritage item or located within a heritage conservation area. An AHIMs search conducted on 29 March 2022 (APPENDIX 4) identified the presence of one Aboriginal site near the site within a 200m buffer. The known and identified site is located on

		<p>an adjoining lot, and the application is not integrated under this Act.</p> <p>An Aboriginal Heritage Due Diligence Assessment has been prepared and supports the application at APPENDIX 11.</p> <p>Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.</p>
Coal Mine Subsidence Compensation Act 2017	s 22	No – The site is not located within a mine subsidence district.
Mining Act 1992	s 63, 64	NA
National Parks & Wildlife Act 1974	s 90	NA
Petroleum (Onshore) Act 1991	s 16	NA
Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	NA
Roads Act 1993	s 138	NA
Rural Fires Act 1997	s100B	Yes – the site is identified as bushfire prone land, as further assessed below and within the Bushfire Assessment Report provided at APPENDIX 5 .
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	ss 89, 90, 91	<p>Yes - A controlled activity approval is required when works are proposed on, in or in proximity to waterfront land.</p> <p>Lochinvar Creek that flows through the eastern section of the site is a 2nd Order Watercourse and is considered a Minor Stream under the Strahler System and under Schedule 2 of the Regulation. The minor stream has two first order ephemeral tributaries intersecting that are not subject of the Activity approval.</p>

3.1.2 COAL MINE SUBSIDENCE COMPENSATION ACT 2017

The site is not located within a mine subsidence area.

3.1.3 HUNTER WATER ACT 1991

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

3.1.4 WATER MANAGEMENT ACT 2000

The site is not identified as Drinking Water Catchment Area.

The subject site is located within 40m of mapped watercourses/waterways being Lochinvar Creek. The creek flows north into the Hunter River a 3rd/4th order watercourse (2.27km north of site). Lochinvar Creek is identified as a Minor Stream or Second Order watercourse, under Schedule 2 of the Regulation, and hence this application is integrated under s.90 of this Act. A controlled activity approval under Clause 91 of the WM Act is required for any works within 40m from the top of the banks of any waterfront land. An exemption does not apply under Clause 36 of Schedule 4 of the Regulation in this instance.

Earthworks, roads and detention basin/stormwater constructions shall be setback from the riparian area a minimum of 10m from centreline, with vegetation regeneration works (10m wide along each side of the Lochinvar Creek). Only minor solid disturbance works are anticipated to occur in proximity to the creek line.

No physical works will take place on or in proximity to the watercourse with regeneration the main works along the watercourse and are for the purpose of conservation and ongoing management. The proposal is not anticipated to have any lasting impact on any watercourses or waterbodies on site and shall result in an improved outcome for the quality, management and form of the watercourse. Concurrence from Office of Water is required prior to issue of development consent.

3.1.5 RURAL FIRES ACT 1997

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The subject site is identified as bushfire prone, vegetation category 3. The development includes a subdivision that will result in land that can lawfully be used for residential purposes, and therefore requires referral to the NSW Rural Fire Service as 'integrated development', requesting the issue of a Bushfire Safety Authority.

A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at **APPENDIX 5** to enable referral to the NSW RFS.

This BAR identifies that the predominant bushfire hazard is located to the east of the site. This hazard is classified as 'remnant vegetation' and is situated on land that has an effective slope of Downslope (0-5). Remnant vegetation is a parcel of vegetation with a size of less than 1 Ha or a shape that provides a potential fire run that could threaten buildings not exceeding 50m, according to A1.11.1. This BAR provides a series of recommendations for the different Bushfire Protection Measures (BPM)s, as per Section 4 of report. In relation to Asset Protection Zones (APZs), the site will be managed as an IPA with an APZ of >14m from the Lot boundary to achieve BAL-Low and BAL-29. The perimeter road and internal roads comply with the acceptable solutions prescribed by PBP.

3.1.6 BIODIVERSITY CONSERVATION ACT 2016

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

The minimum lot size of the site is 450m² (R1); therefore, the vegetation clearing threshold (as prescribed by the BC Reg, Part 7, Clause 7.6, Table 1) that would trigger entry into the BOS is 0.25 hectares (ha).

As discussed in the FFAR at **APPENDIX 9**, the residentially zoned land is vegetated with grasslands only with no shrubs or trees occurring. The habitat within the site is generally unsuitable for threatened species. The proposed development is unlikely to cause a significant impact to any threatened species, populations, or ecological communities listed under the NSW BC Act. No EPBC listed species, ecological communities, migratory species, or important habitat for such entities were identified within the Subject Site.

The riparian zone associated with Lochinvar Creek is mapped on the NSW BV Map. However, clearing of native vegetation is not proposed within this area for the construction of the Drainage Reserve. The grasslands within the Drainage Reserve are exotic, thus no clearing of native vegetation will be required for the project. Entry into the BOS is not triggered. A FFAR is appropriate to support the DA is provided at **APPENDIX 9**. Further consideration under the BC Act is not required.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

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

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

3.2.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

CHAPTER 4 – KOALA HABITAT PROTECTION 2021

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identifies the Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area. The key threats within the Central Coast Koala Management Area have been identified as:

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

The Maitland City Council do not have an approved Koala Plan of Management for Land. Therefore, under Section 11 the policy applies to land that has an area of at least one hectare. The site does not contain 'Highly Suitable Habitat' as defined by the Koala SEPP 2021 (Koala feed trees listed in Schedule 2 do not comprise greater than 15% of overstorey species). As such, the site does not support Core Koala Habitat, thus a Koala Assessment Report is not required.

3.2.2 SEPP (RESILIENCE AND HAZARDS) 2021

CHAPTER 2 – COASTAL MANAGEMENT

The site does not contain areas mapped as any of the four coastal management areas. As such, the *Coastal Management Act 2016* does not apply to this development.

CHAPTER 4 – REMEDIATION OF LAND

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Under Section 4.6 a consent authority must not consent to the carrying out of

development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site has historically been used for rural / agricultural purposes; thus, a Preliminary Site Investigation (PSI) has been prepared and supports the DA at **APPENDIX 15**. The objectives of the PSI are:

- To the extent practicable, identify the potential for past or present activities on; and surrounding the Site, to have impacted soil or groundwater at the Site.
- Identify potential areas and contaminants of concern at the Site.
- Identify potential receptors of concern and assess the potential for the protected beneficial uses of the land to be impacted due to contamination.
- To make a preliminary assessment of whether contamination is likely to affect the future use or development of the Site.
- Assess the requirement, if any, for further environmental investigation to assess or make the Site suitable for the proposed use.

The investigation comprised intrusive test pitting and sampling for laboratory analysis. Results from laboratory testing indicate there were no exceedances of the adopted guidelines for the analytes tested as detailed in NEPM 1999 [1]. Based on the review of the site history, geotechnical works, and site inspection, Stantec identified no past or current, potentially gross contaminating activities having been undertaken on or adjacent to the site. The site has remained undeveloped grassland since 1958. As there is a low risk for contamination an unexpected finds protocol should be implemented and managed during the development. The proposed development satisfies the requirements of this Chapter.

3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 2 – INFRASTRUCTURE

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

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

Section 2.48 – Determination of development applications – Other development

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

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

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

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

Windermere Road is identified as a local public road dedicated to Maitland City Council. As such, referral, or Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.117, 2.118 and 2.119.

Section 2.121 – Traffic Generating Development

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

Despite the development not being considered a traffic generating development, a Traffic Impact Assessment (**APPENDIX 12**) has been prepared to demonstrate safe traffic movement to and from the site. The TIA concludes that the additional traffic movements generated by the new residential development will have an acceptable impact short term upon the surrounding road network with no road upgrades required. The major impact shall be at the intersection of Windermere Road and the New England Highway, and the Sidra modelling demonstrates that this intersection has adequate capacity to cater for the traffic flows associated with the subject site together with the land at 259 or Lot 1902 and 48 Windermere Road, without the immediate need to upgrade this intersection to signal control as per the Structure Plan for Lochinvar. Advice from the study team indicates the development and occupancy of the lots could take five or more years to achieve and by this time, the background traffic growth along the New England Highway generated by other land within the Lochinvar release land south of the New England Highway could require the upgrade of this intersection to traffic signal control, as per the Structure Plan. The upgrade of this intersection to traffic signals to allow for the identified lot yields and development within Lochinvar will need to be implemented at this time, as it is the background growth along the New England Highway (partially associated with the Lochinvar release land) that will require the upgrade of this intersection to traffic signals and not the traffic generated by the residential development on Windermere Road. To this extent, the proposed development is not identified to have an adverse impact on road infrastructure.

3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

Clause 3.2 - Zone Objectives

The site is zoned R1 – General Residential under the Maitland LEP 2011. The R1 zone objectives are as follows:

- *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 proposal will contribute to providing for the housing needs of the community, will provide a variety of lot sizes for housing density in the area, and enables support to local services and facilities by attracting population to the locality. The proposed subdivision forms the logical extension of Lot provision within the Lochinvar Urban Release Area (URA) and associated approved subdivision to the south under DA/2020/1248. The proposed subdivision enables completion of the zoned land within the URA. This subdivision will not commence until such time Stage 3 of the subdivision under DA/2020/1248 has been released (including associated intersection requirements under this consent), enabling proper servicing and connection to occur. The development is consistent with the R1 zone objectives.

The site is also zoned RU1 – Primary Production within the northern portion. The RU1 zone objectives are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Maintaining character does not mean change cannot occur. Change will likely be necessary to retain the vitality, viability, and significance of the place. The amount of change should be guided by whether the attributes that warranted the main characterisation will be retained (NSW Gov, 2019). This proposal is consistent, in that the lots have historically been used for rural residential living and large open lifestyles. The proposed subdivision design aims to provide larger than average residential lots. The northern most lots have been designed as the largest lots that each include a minor portion of RU1 land contained within 21 Lots, along with 450m² of R1 land, being:

- 104 – 108,
- 119 – 121
- 131 – 133
- 143 – 145
- 155 – 157
- 185 – 188

The intent of this inclusion is to provide larger allotments on the 'edge' of the rural zone to ensure a proper transition from the residential zone. The perimeter road is then located wholly within RU1 land in accordance with bushfire requirements. This enables the preservation of rural character and minimises conflict between the two zones. This will reinforce the R1 zoning of the land whilst ensuring respect for the adjoining rural zones within the locality and allows for a respected transition from the residential to rural zone character and density in both the local and wider community. As requested by Council in the pre-DA meeting, the design has been amended to ensure the proposed subdivision can support itself without relying on a possible future re-zoning of the remaining land through incorporation of a perimeter road and associated street tree planting to create a 'rural edge', as shown in **FIGURE 4** below. This landscaping also provides a suitable buffer between the two zones and minimises conflict. To this extent, the development is compliant with the RU1 zone objectives.

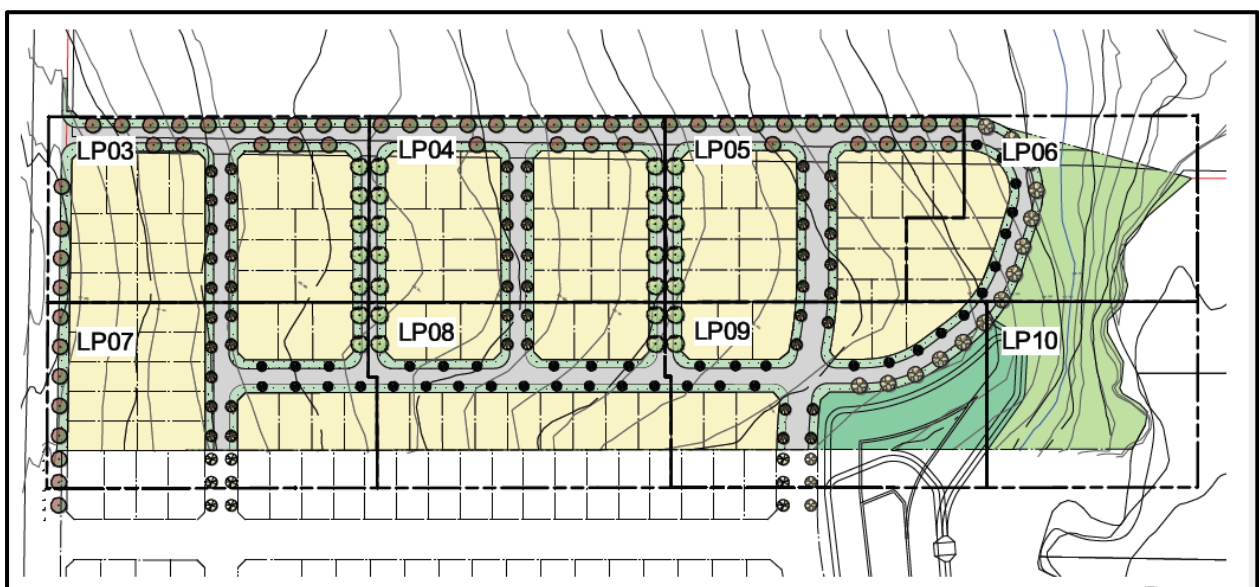


Figure 4: Proposed landscaping to create rural edge (Moir, 2022)

Permissibility

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

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

The proposed development satisfies the above definition, as it comprises a ninety-six (96) residential lot subdivision, with areas greater than the specified minimum lot sizes in accordance with Clause 4.1 and located within the R1 Zone. Subdivision is permissible with the consent of Council in the R1 Zone under clause 2.6 of the LEP. Further, 'roads' are permissible within the RU1 zone.

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

Table 2: MLEP Compliance Assessment

Clause	Control	Comment
4.1	Minimum subdivision lot size	<p>The minimum subdivision lot size applicable to the site is 450m² (R1) and 40 ha (RU1 & C3).</p> <p>95 x Lots numbered 101-103, 109-118, 122-130, 134-142, 146-154, 158-184, 189-196 can be subdivided under Clause 4.1 and meet the minimum lot size requirements for the R1 zone and are compliant with this clause.</p> <p>Residential lots shall have a minimum lot size ranging from 480m²-856m².</p> <p>The remaining RU1 and C3 residual land measures 38.4ha in lot size, with further assessment provided under clause 4.6 below.</p>
4.2C	Minimum subdivision lot sizes for certain split zones	<p>The proposed subdivision does not rely on this clause, given the subdivision is able to be subdivided under clause 4.1 and 4.2C (see subclause (1)(a)).</p>
4.3	Height of buildings	<p>The site is not affected by a maximum height of buildings.</p>
4.4	Floor space ratio	<p>The site is not subject to a maximum floor space ratio.</p>
4.6	Exceptions to development standards	<p>The RU1 land aims to maintain a minimum lot size of 40ha. The proposed RU1/C3 residual lot measures 38.4 ha, thus operation of cl 4.6 is requested in this regard. In accordance with subclause (6), development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:</p> <p style="padding-left: 40px;"><i>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</i></p> <p>The subdivision only creates one Lot less than the MLS, thus is compliant.</p> <p style="padding-left: 40px;"><i>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</i></p> <p>90% of 40ha is 36ha. The proposed Lot measures 38.4ha thus is compliant. Consent may be granted for this lot under this</p>

		<p>clause. Refer to the variation request at APPENDIX 13 for further assessment against the requirements of clause 4.6.</p>
5.3	Development near zone boundaries	<p>The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. In accordance with subclause (2), this clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.</p> <p>The site is not located within any of the listed zones or coastal zone, as prescribed by subclause (3), thus the requirements of this clause apply.</p> <p>The proposed subdivision design includes a minor portion of RU1 land contained within 21 Lots, along with 450m² of R1 land, being:</p> <ul style="list-style-type: none"> • 104 – 108, • 119 – 121 • 131 – 133 • 143 – 145 • 155 – 157 • 185 – 188 <p>The intent of this inclusion is to provide larger allotments on the ‘edge’ of the rural zone to ensure a proper transition from the residential zone. The perimeter road is then located wholly within RU1 land in accordance with bushfire requirements. This enables the preservation of rural character and minimises conflict between the two zones. In accordance with subclause (4),</p> <ol style="list-style-type: none"> (a) the development is not inconsistent with the objectives for development in both zones, as detailed further in the land use zone assessment above, and, (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, particularly noting the achievement of ‘transition’ between the two zones and associated maintenance of rural character and reduction in any conflict between the two zones. <p>The development is compliant with the requirements of Clause 5.3. It is noted that this test was utilised in the Hillview Estate (see FIGURE 5 below). The boundary line between any two zones is often arbitrary, and not certain, hence the creation of this clause for operation.</p>

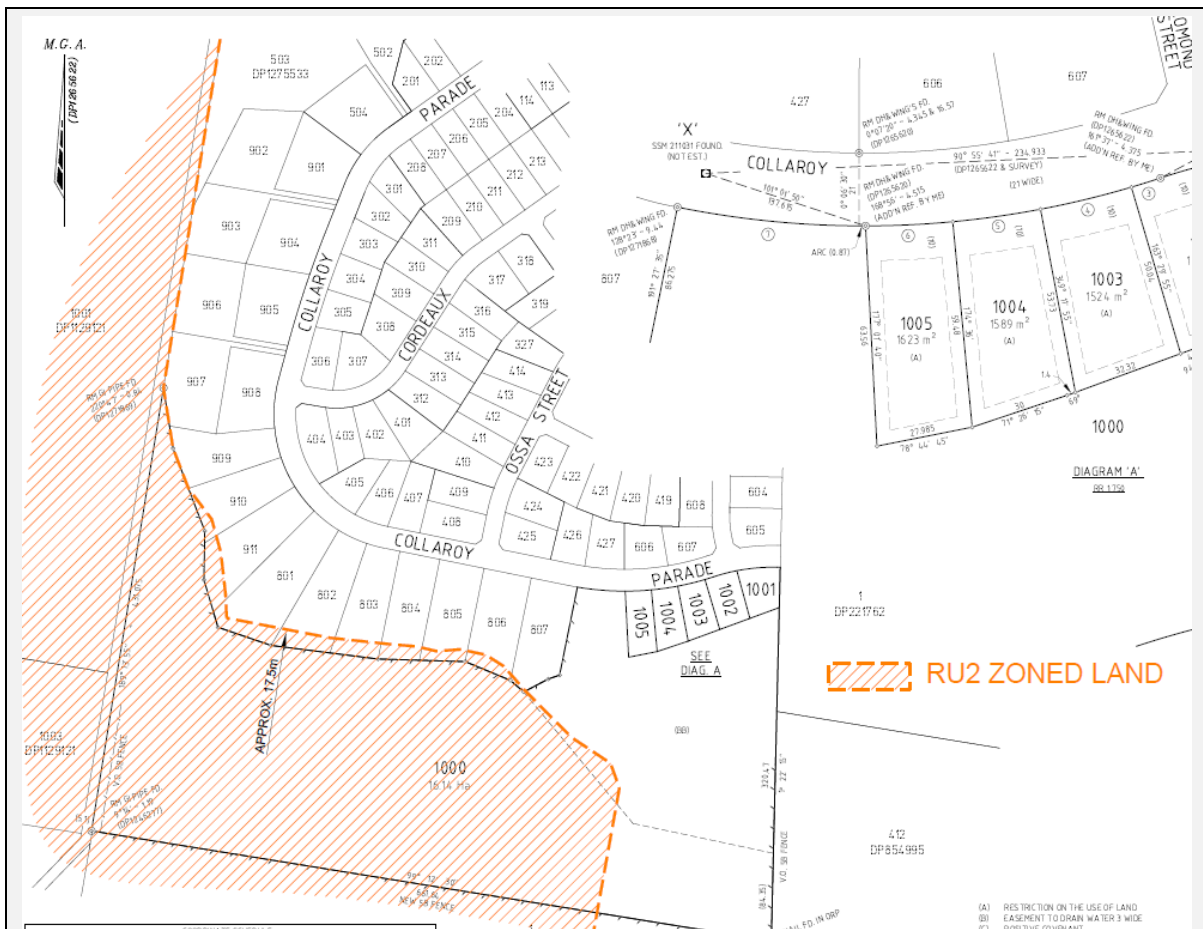


Figure 5: Hillview Estate Louth Park registered subdivision (Delfs Lascelles, 2022)

5.10	Heritage conservation	<p>The site is not identified as being a heritage item or located within a heritage conservation area.</p> <p>An AHIMs search conducted on 29 March 2022 (APPENDIX 4) identified the presence of one Aboriginal site on or near the site within a 200m buffer.</p> <p>An Aboriginal Heritage Due Diligence Assessment has been prepared and supports the application at APPENDIX 15. Based on this DD it has been identified that there is a registered PAD within the eastern portion of the Activity Area whischerch will require test excavation. Outside of this PAD there were no other areas of archaeological sensitivity or Aboriginal objects identified.</p> <p>Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.</p>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or	<p>The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses). This clause applies to land within the</p>

	environment protection zones	RU1 Zone. In response to subclause (4), it is noted that the site is located within the Lochinvar URA. Land to the south have recently been subdivided (or approved for subdivision) in line with the DCP and associated staging of the URA. The intention of the proposed subdivision is to enable completion of subdivision within the URA. The remaining rural land can maintain one dwelling entitlement as following the subdivision. To this extent, the subdivision is consistent with the requirements of clause 5.16.
5.21	Flood Planning	A portion of the site is identified as flood prone (east). The Stormwater Management Report submitted with the DA at APPENDIX 14 , demonstrates that centralised stormwater management controls at the subdivision level have been designed to achieve the detention of stormwater flows that mimic natural, pre-development flows for all storm events up to and including the 1% AEP event. This report shows that the overall post development stormwater runoff quantity will not impact on downstream flooding. The requirements of this clause have been satisfied.
6.1	Arrangements for designated State public infrastructure	<p>The site is located within the Lochinvar Urban Release Area (URA). Subclause 6.12(1) states that the objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>Subclause 6.1(2) states that development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>The SAC has been applied for and will be forwarded as soon as received.</p>
6.3	Development Control Plan	As per this clause, a DCP that provides the logical and strategic development of the land has been prepared. The Maitland DCP 2011, Chapter F.9 - Lochinvar Urban Release Area has been prepared for the residential zoned land subject of this application. This site is identified within Stage 2 of the URA, with majority of Stage 1 consisting of approved development applications currently approved and under construction, this lot will result in the logical extension of residential development consistent with the wider area. The

		development will result in the timely and cost-effective development of the URA and is generally in accordance with the DCP, Chapter F.9 intentions and there for satisfies the objectives of this Clause
7.1	Acid sulfate soils (ASS)	<p>The objective of Clause 7.1 is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site is identified to contain Class 5 Acid Sulfate Soils (ASS). A Preliminary Site Investigation Report has been prepared for the proposal that considered the ASS associated with the site and potential for Salinity (APPENDIX 15).</p> <p>Review of the Department of Land and Water Conservation Acid Sulfate Soil Risk Map – Maitland Edition 2 [5] indicates that the Site is situated within area of no known occurrence of ASS.</p> <p>The proposal will not adversely affect or impact acid sulfate soils. Hence an ASS Management Plan is not required.</p>
7.2	Earthworks	<p>The proposed earthworks will consist of surface remodelling for installation of infrastructure and new roads, and the new detention basin to the east. Earthworks are not anticipated to require any such works that would the water table. Consent is sought for the required civil earthworks associated with the development.</p>
7.4	Riparian Lands and Watercourse	<p>This clause applies to land within 40m of mapped/identified “watercourse land”. The proposal is considered to be setback sufficient distance from the mapped Lochinvar Creek.</p> <p>No physical works will take place on or in proximity to the watercourse with regeneration being the main works along the watercourse, a minimum of 20m wide. A 40m wide Vegetated Riparian Zone (VRZ) has been established under the C3 environmental land use zoning for preservation of the area. The development footprint has been kept outside of this C3 zoning accordingly.</p> <p>Any works in the vicinity of the waterway are primarily for the purpose of conservation and ongoing management. The proposal is not anticipated to have any lasting adverse impact on the watercourse on site and shall result in an improved outcome for the water and bank quality, ongoing management and definitive form of the watercourse and its surrounding vegetation and resulting habitats. As such the proposal is not considered to adversely impact:</p> <ul style="list-style-type: none"> - water quality or flows, - aquatic or riparian species habitats or ecosystems, - the stability of the bed and banks,

		<ul style="list-style-type: none"> - the free passage of fish and other aquatic organisms, and - will facilitate the future rehabilitation fo the watercourse and riparian areas, with ongoing management measures implemented for longevity. <p>Concurrence from Office of Water is also required prior to issue of development consent.</p>
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3.4 MAITLAND DEVELOPMENT CONTROL PLAN (DCP)

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

Table 3: MDCP Assessment

MDCP 2011	Controls	Review/Response	Comply
Part A – Administration			
A.4 – Notification	<p>Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.</p> <p>Where council is of the opinion that the proposed development is minor in nature and its location, size, height, bulk and proposed use will not adversely affect the amenity of the adjoining land, advertising of the development may not be required.</p>	It is expected that the proposal will be notified and advertised.	Yes
Part B – Environmental Guidelines			
B3 – Hunter River Floodplain	<p>The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.</p>	The development site is partly identified within a flood planning area. All residential lots and drainage basin are located outside this area and are flood free.	Yes
B4 – Onsite Sewage Management System	<p>This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.</p>	The proposal will be connected to reticulated sewer and water.	N/A
B5 – Tree Management	<p>This section prescribes the types of trees and vegetation where development approval is required</p>	A Fauna and Flora Assessment Report is provided at APPENDIX 9 . The proposed	Yes

MDCP 2011	Controls	Review/Response	Comply
	<p>under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i>.</p> <p>These provisions only apply to urban land.</p>	<p>development will require clearing Exotic Grasslands. No clearing of native vegetation is required for the project. Entry into the NSW BOS is not triggered.</p> <p>The habitat within the site is generally unsuitable for threatened species. The proposed development is unlikely to cause a significant impact to any threatened species, populations, or ecological communities listed under the NSW BC Act. No EPBC listed species, ecological communities, migratory species or important habitat for such entities were identified within the Subject Site. An EPBC referral to the Commonwealth Minister for the Environment is not recommended.</p> <p>Avoidance and mitigation measures have been presented to reduce potential impacts to biodiversity values within the site and the environment.</p>	
<p>B6 – Waste Minimisation & Management</p>	<p>This section only applies to a specific type of construction development.</p>	<p>No construction of buildings is applicable to this development application.</p> <p>Earthworks undertaken onsite will be encouraged to be reused and spread onsite to minimise waste and development costs.</p>	<p>N/A</p>

MDCP 2011	Controls	Review/Response	Comply
<p>B7 – Riparian Land and Waterways</p>	<p>This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.</p>	<p>This proposal adjoins part of the Lochinvar Creek which is classified as a Second Order stream.</p> <p>The vegetation present within the riparian area in the east part of the site is highly degraded, presenting low floristic diversity, poor structural complexity and high incidence of exotic species. nonetheless, this riparian corridor may still represent potential habitat for highly adaptable species.</p> <p>A 10m revegetation buffer is proposed to be installed as part of the development to ensure environmental conservation and consistency with the Lochinvar URA DCP.</p> <p>A 40m wide Vegetated Riparian Zone (VRZ) has been established under the C3 environmental land use zoning for preservation of the area. The development footprint has been kept outside of this C3 zoning accordingly.</p> <p>The proposed footprint will not adversely impact upon the Lochinvar Creek and will have a beneficial outcome for the locality. All lots are located to be flood free and will not negatively affect local flooding, drainage and waterways or riparian land.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
Part C – Design Guidelines (C10 – Subdivision)			
EC.1 – Flora and Fauna	The objective of this section is to protect remnant bushland, significant flora and fauna habitats and wildlife corridors and aim to enhance or repair environmental significant or degraded land.	The proposal is not located in proximity and will not affect local flora, fauna or habitats, riparian land or corridors. See APPENDIX 9 and assessment under B5 above.	Yes
EC.2 Heritage and Archaeology	The objective of this section is to protect heritage items, buildings with heritage significance and conservation areas and to protect known potential archaeological relics from damage or destruction. To ensure these are considered in the new design of subdivisions.	Refer to clause 5.4 of the MLEP above.	Yes
EC.3 Hazards	The objectives of this section are to minimise risk to life and property from hazards such as bushfires, flooding, landslip, contamination, salinity and ASS.	The site mapped as being within 500m of watercourses and is identified as Class 5 Acid Sulfate Soils and is identified within the URA DCP as having potential for Saline Soils. The site is not mapped as being affected by hazards such as flooding (within the development footprint), landslip, contamination, or salinity. No significant earthworks or ground dewatering works are proposed with the application that would be considered to risk the potential for acid sulfate soils or salinity. Refer to section 3.1.5 and 3.2.2 of	Yes

MDCP 2011	Controls	Review/Response	Comply
		this Report for further assessment relating to bushfire and contamination.	
DC.1 Lot size and dimensions	These sections objectives are to ensure all new lots have an appropriate size and shape to their proposed use and to allow for the provision of necessary services and other requirements.	The proposal is for 96 Residential Lots ranging in size from 480sqm and larger. All lots meet the LEP for residentially zoned lot size requirements and propose a regular rectangle lot configuration and grid layout to Councils requirements. Each of the lots can provide a building envelope of 10m x 15m and are larger lots. No battle-axe lots have been proposed.	Yes
DC. 2 Solar Access and Energy Efficiency	The objective of this section is to encourage the design of residential subdivisions which maximise solar access and allow flexibility in the siting of future buildings to take advantage of a north aspect	The subdivision designed to maximise lots with solar access with majority of lots having a north-south axis or east west axis and satisfies this development control. Building envelopes are adequate and achieved on each lot.	Yes
DC.3 – Drainage, Water Quality and Soil Erosion	The objective of this section if to preserve natural drainage, enhance environmentally significant and maintain the health and quality of the water catchment and its health.	The proposal will preserve natural drainage onsite, with the development to provide a new detention basin to cater for the proposed development in the lower section of the site. Overflow shall be to the downstream watercourse and connected to adjoining development within the URA. Civil design has guided the development proposal and ensures suitable stormwater, drainage, and water quality control.	Yes

MDCP 2011	Controls	Review/Response	Comply
		The proposal will ensure water quality measures implemented for the development.	
DC.4 Landscape, Streetscape and Visual Impact.	These sections objectives are to maintain and enhance the rural character of the landscape and create or enhance streetscapes in the LGA.	<p>The proposal will not impact the character of the surrounding landscape and will provide streetscape as consistent with the developing area.</p> <p>The proposal will provide the adequate lots consistent with the development of the wider URA and will provide the necessary services/utilities to each lot.</p> <p>Larger lots are provided along the northern fringe, with the intent of this design to provide larger allotments on the 'edge' of the rural zone to ensure a proper transition from the residential zone.</p> <p>This enables the preservation of rural character and minimises conflict between the two zones.</p> <p>Please refer to the VIA provided at APPENDIX 8 for detailed assessment.</p>	Yes
DC.5 Effluent Disposal	This sections objective it to ensure new lots appropriately manage effluent in an environmentally sustainable manner, and is appropriate to the location and the wide use	The proposed development is to be connected to reticulated sewer and water. These services will be timed and augmented to ensure the development is adequately serviced.	Yes

MDCP 2011	Controls	Review/Response	Comply
DC.6 Roads, Access, Pedestrian and Cycleways	This sections objective is to provide adequate road networks, functioning, traffic and speeds as well as safe and appropriate access to traffic, pedestrians and public that is convenient.	<p>A Traffic Impact Assessment is provided at APPENDIX 12.</p> <p>Footpaths/Bus Stop Instruction shall be incorporated as per Councils requirements.</p> <p>Road widening to Windermere Road is proposed as per the DCP and Councils requirements and surrounding developments fronting Windermere Road.</p> <p>The proposal is not considered to adversely impact the road networks surrounding the site and is suitable development.</p>	Yes
DC.7 Crime Prevention – Safer by Design	This sections objectives are to achieve effective design of subdivisions to reduce crime.	<p>The proposal will not create opportunity or increase the potential risk of crime/criminal behaviour in the locality. The proposal is adequately designed for the locality and is in context. The proposal has clear sightlines between public and private places.</p> <p>Crime Prevention is not considered to be impacted by the proposed layout and satisfies the objectives of this development control.</p> <p>The objective of this part is satisfied</p>	Yes
DC. 8 Site Filing	The objective of this section is to ensure fill is properly assessed.	Soil disturbance is proposed with earthworks associated with the regrading	Yes

MDCP 2011	Controls	Review/Response	Comply
		for the construction of the new subdivision and excavation of the detention basin. Any earthworks onsite will not require filling and will be won onsite. No extraction or fill from offsite is proposed.	
DC. 9 Reticulated Services (Waste/Sewer/Electricity/Telecommunications)	The objective of this section is to provide utilities and services to new lots in an efficient manner.	All lots are to be serviced with water, sewer power, and telecommunications. Preliminary Service Inquiry has been lodged with Hunter Water to determine capacity of the nearest infrastructure and extension of the service requirements. Of to be constructed infrastructure can be coordinated collaboratively with adjoining subdivisions. 259 Windermere Road was considered in water/sewer concept plans prepared and approved by Hunter Water in conjunction with 48 Windermere Road. A copy of the "DRLs" are provided at APPENDIX 19 for reference.	Yes
IC.1 Entry Features	The objective of this section is to ameliorate cumulative visual impact of entry features	No entry features are proposed.	N/A
IC. Street Names	Street names to be approved by council	Not applicable to this proposal. Nominated street names will occur at Subdivision Certificate stage with the consent of Council.	Yes

MDCP 2011	Controls	Review/Response	Comply
IC.3 House numbering	Council will supply the house numbering	Council supplies a number for all new lots created and has an adopted policy in this regard. A fee applies for this service and will be charged accordingly.	Yes
Part F – Urban Release Areas			
F.9 – URA – Lochinvar	This Part of the DCP gives detailed guidance to people wishing to develop land identified as an urban release area in the Maitland LEP 2011.	The site is identified within the Urban Release Area (URA) of Lochinvar, and Part F of the DCP applies.	Yes
Development Requirements	<p>To provide for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.</p> <p>To provide for the logical development of the URA based on the cost-effective provision and availability of infrastructure and servicing arrangements</p>	<p>The proposed development is to be connected to reticulated sewer and water, gas, telecommunications, and power. These services will be timed and augmented with adjoining developments to ensure the development is adequately serviced.</p> <p>Proposed Roads have been placed according to the URA future roads and will contribute to the future of the URA road networks. The road networks is considered adequate and can cater for the development and locality growth for a period of 10 years.</p>	Yes
Transport and Hierarchy	To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists	Proposed Roads have been placed according to the URA future roads and will contribute to the future of the URA road networks.	Yes

MDCP 2011	Controls	Review/Response	Comply
	To facilitate new development which supports the efficiency of public transport systems, and provides safe, direct access to the system for residents	<p>Road widening shall be implemented to Windermere Road as per this section of the DCP and will contribute to the cumulative upgrade of the roadway for the benefit of the community. This shall support local transport and services.</p> <p>A Traffic Impact Assessment has been provided at APPENDIX 12. It concludes the development will not cause any adverse impacts to the existing local and regional road networks. The Assessment considered approved surrounding DA's and intersection upgrades proposed or under construction to ensure a cumulative assessment of impact. The proposal is reasonable and practical.</p> <p>The proposal satisfies the objectives of this part.</p>	
Landscaping Strategy	To soften the visual impact of all built elements, creating attractive and consistent streetscapes when viewed by passing traffic and pedestrians.	<p>The proposed development will not adversely affect any existing environmental corridors, riparian zones. These zones along the watercourse are to be enhanced and protected under this application.</p> <p>Street tree landscaping shall be implemented so that its consistent with the surrounding developments to ensure</p>	Yes

MDCP 2011	Controls	Review/Response	Comply
		<p>consistent streetscapes when viewed by passing traffic/pedestrians.</p> <p>No native tree removal is proposed under this application.</p> <p>The proposal can satisfy the objectives of this part.</p>	
<p>Passive and Recreational Areas</p>	<p>Neighbourhoods are conveniently located open space areas that offer a range of recreational opportunities for residents, accessible within walking distance from each residence.</p> <p>To provide a safe and appropriate level of pedestrian and cycleway access linking new development with established urban areas, parks and public transport, including a mix of on-road and off-road cycle routes.</p>	<p>The proposal includes road widening to Windermere Road and as per the DCP and local adjoining development requirements and will include the necessary road pedestrian and cycleways for the URA. The development has been designed to ensure the proposal will integrate with and contribute to linkages of cycleways, roadways and pedestrian routes to the wider area. The subdivision does not inhibit future connections and is consistent with the objectives of this part.</p> <p>A lot (containing the riparian land, public drainage and open space) is proposed to be dedicated to community recreational land as per the DCP requirements. The lot has been located to benefit the wider subdivision and enable good connection with the wider URA, located off a collector/distributor road.</p> <p>The proposal is considered to satisfy the objectives of this section of the DCP.</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
<p>Stormwater and Water Quality</p>	<p>To provide for an integrated and sustainable approach to the design and provision of open space and urban water management.</p> <p>To protect and enhance the water quality, water quantity and habitat value of downstream waterways and environment.</p> <p>To prevent erosion and run-off during site preparation, construction and the ongoing use of the land to minimise cumulative impact on receiving waterways.</p>	<p>The proposal includes works to improve and enhance the environmental corridors, riparian zones to the east of the site and ensure their enhancement and protection as per the DCP.</p> <p>The proposal will preserve natural drainage onsite, with the development to provide a new detention basin to cater for the proposed development in the lower section of the site. Overflow shall be to the downstream watercourse and is likely to be connected to adjoining development.</p> <p>The proposal will ensure water quality measures implemented for the development.</p> <p>The proposal is not inconsistent with the DCP drainage strategy.</p>	<p>Yes</p>
<p>Amelioration of Natural & Environmental Hazards</p>	<p>Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected is achieved.</p> <p>To ensure that future residential development is not adversely affected by any noise and vibration from incompatible land uses, including road and rail corridors</p>	<p>Please see the DCP response sections above relating to site hazards and assessment for a subdivision proposal.</p> <p>A Visual Impact Assessment has been prepared at APPENDIX 8 to consider the scenic qualities of the area and assess the visual impact of the proposal on the area.</p> <p>The land to be developed is zoned R1 and shall be collaboratively developed as a residential estate. The distant scenic vistas of the mountains will not be</p>	<p>Yes</p>

MDCP 2011	Controls	Review/Response	Comply
		impacted, and hence visual impact is considered consistent for the immediate area, the intent of the zoning and URA, is characteristic of Maitland LGA's rural residential interfaces and will not be detrimental on the area.	
Aboriginal and European Heritage	Heritage items, buildings with heritage significance and conservation areas are protected.	Please refer to assessment provided against Clause 5.4 of the LEP and APPENDIX 11 . The objectives of this section of the DCP are satisfied by the proposal.	Yes
Key Development Sites	Detailed urban design controls are provided for significant development sites	The site is not a Key Development Site.	N/A
Residential densities	Specified by the LEP	Complies	Yes
Neighbourhood Commercial and retail uses	To accommodate and control appropriate neighbourhood commercial and retail uses. To foster a sense of community and strong local identity and sense of place in neighbourhoods	None proposed or required onsite under URA development controls.	N/A
Provision of Public Facilities and Services	Suitably located public facilities and services are provided, including provision for appropriate traffic management facilities and parking.	The proposal includes local roads as per Councils specifications and can accommodate public transport. The proposal will not inhibit the provision of public facilities and is capable providing any public transport (e.g., bus stops) and pedestrian pathways as required by Council and the wider areas planning. No additional public parks are required to be	Yes.

MDCP 2011	Controls	Review/Response	Comply
		provided by this development noting the presence of community parkland in the subdivision design to the south. The development is compliant with the requirements of this part.	

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

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

3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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

3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

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

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

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

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

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

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

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

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

4.1.1 BUILT ENVIRONMENT

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

Context & Setting

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

The proposal is appropriately located within the URA and is a progressive site that represents the logical extension of the residential zoned areas and is in proximity to the approved larger developments. The proposal will allow the contribution to the augmentation and extension of utilities for the wider area (via development contributions) to service the locality and will contribute to the growth of the northern side of Lochinvar.

The proposal is capable of being adequately serviced and accessed via Windermere Road and adjoining subdivision to the south, creating additional residential allotments within the locality. The lot has been located to benefit the wider subdivision and enable good connection with the wider URA.

Visual Impact

This proposed will not significantly affect the visual amenity of the locality and is consistent with the intentions of the URA. The development 'completes' subdivision within the URA and is consistent with the lot size and shape of those existing lots delivered or approved to be subdivided to the south. The development will not negatively impact on the visual amenity of the locality as it continues to provide a blend of lot densities along Windermere Road and

larger lots along the norther fringe, acting as a transition to the rural land use zone, and continues to achieve appropriate siting, size, and design of the subdivision with good solar access.

As requested by the URA DCP a Visual Impact Assessment was completed for the proposal and is provided at **APPENDIX 8**. The proposal is not considered to adversely affect the visual or scenic qualities of the locality and identified items for visual preservation and is a suitable development outcome for the site, its location and zoning.

Access, Transport & Traffic

Access will be provided as per the approved subdivision layout plan. This layout has been considered in relation to the URA's DCP and approved DA's surrounding the site. A Traffic Impact Assessment is provided at **APPENDIX 12**. It concludes the development will not cause any adverse impacts to the existing local and regional road networks. The Assessment considered approved surrounding DA's and recent intersection upgrades to ensure a cumulative assessment of impact.

As concluded in the TIA, the additional traffic movements generated by the new residential development will have an acceptable impact upon the surrounding road network. The major impact shall be at the intersection of Windermere Road and the New England Highway, and the Sidra modelling demonstrates that this intersection has adequate capacity to cater for the traffic flows associated with the subject site, allowing for future growth in traffic over 10 years.

Suitable access can be provided to the proposed subdivision off Windermere Road and developed subdivision to the south with these connections to be designed in accordance with the Austroads Guidelines and Council requirements. Adequate sight lines can be achieved at each access in accordance with the Austroads Guide to Road Design.

The proposal can meet the requirements of the Development Control Plan in relation to traffic, parking and access as well as the overall planning for the subject site. The proposal is reasonable and practical. Road widening shall be implemented to Windermere Road as per this section of the DCP and will contribute to the cumulative upgrade of the roadway for the benefit of the community. This shall support local transport and services.

There is no anticipated adverse impact to traffic, access and transport attributed to the approved development.

Public Domain

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

Services

The site is adequately serviced, and the proposal will not result in any undue pressure or impacts.

Safety, security, and crime prevention

No safety, security or crime prevention measures are required. Location of the road between the detention basin and Lots reduces any potential for 'hidden corners' and associated CPTED issues.

Heritage and Archaeology

The site is not identified as being a heritage item or located within a heritage conservation area. An AHIMs search conducted on 29 March 2022 (**APPENDIX 4**) identified the presence of one Aboriginal site near the site, on the adjoining allotment within a 200m buffer.

An Aboriginal Heritage Due Diligence Assessment has been prepared and supports the application at **APPENDIX 11**. Based on this DD it has been identified that there is a registered PAD within the eastern portion of the Activity Area which will require test excavation. Outside of this PAD there were no other areas of archaeological sensitivity or Aboriginal objects identified.

Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.

4.1.2 NATURAL ENVIRONMENT

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

Ecology

The development is not anticipated to have any adverse impacts on the ecology onsite. The site is developed, relatively level and clear of any native vegetation. This application does not seek consent for any significant vegetation removal. Any vegetation removal consists of exotic paddock trees or landscaping species onsite and are of poor quality. There will be no impact to vegetation within 40m of the riparian zone.

The development footprint is not mapped as an Area of Outstanding Biodiversity Value, and any vegetation removal is exotic sparse paddock trees and does not exceed the BOST threshold requirements. Hence this SEPP (vegetation and koala) is not applicable for the assessment of this application and consent may be issued by Council.

There will be no significant impacts upon the natural environment as a result of the proposal.

Landscaping

Street tree landscaping shall be implemented to be consistent with the surrounding developments to ensure consistent streetscapes when viewed by passing traffic/pedestrians as required by the URA DCP.

Noise and vibration

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

Stormwater management

The stormwater report demonstrates that centralised stormwater management controls at the subdivision level have been designed to achieve the detention of stormwater flows that mimic natural, pre-development flows for all storm events up to and including the 1% AEP event. The report shows that the overall post development stormwater runoff quantity will not impact on downstream flooding. The report also demonstrates that the retention of nominated pollutants (Total Suspended Solids, Nitrogen, Phosphorous and Gross Pollutants) will meet Maitland City Councils (MCC's) current nominated targets.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

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

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

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

4.4 CUMULATIVE IMPACTS

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

4.5 SUITABILITY OF THE SITE

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

The site has undergone sufficient preliminary studies to as part of the DCP Precinct Plans and previous DAs located south of the site. These studies have been relied upon to guide the

future development of this land and to confirm the land is appropriate for residential development and fits with the region and locality.

The design of the proposal has considered these constraints and made allowance to provide suitable land for dwellings that are not excessively inhibited and are relatively free of unacceptable environmental constraints. The proposal and its location is considered to fit within the locality appropriately.

4.6 CONSULTATION

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

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

4.7 THE PUBLIC INTEREST

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

- it is permitted in the R1, RU1 and C3 zone and consistent with the zone objectives;
- it is consistent with the relevant planning requirements within the Lochinvar URA;
- provides a logical layout in connection with the adjoining subdivision to the south within the URA, consistent with the objectives of the DCP;
- enables the logical and economic management of the subdivision within the URA, whilst protecting the natural attributes of the land; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

5.0 CONCLUSION

This SoEE has shown that the development is within the public interest from a social, economic and environmental perspective and will have no adverse significant impact upon the locality. The proposed development is the most suitable option for the development of the site and will contribute to the cumulative development of the URA. Any relevant matters have been addressed through this SoEE.

The development proposal is considered suitable as;

- The land is appropriately zoned for residential development, and is permissible through the LEP;
- The proposal has been designed to meet the development controls were applicable to achieve a suitable development outcome and is able to integrate with the wider URA's planned development potential;
- The development will contribute to ongoing provision and diversification of residential lands and future housing for the Maitland LGA and wider region;
- The proposed development will have a positive impact on the site and the surrounding community;
- Care has been taken in the design of the layout to ensure that it is sympathetic to the site, environmental and site constraints and the surrounding areas;
- The proposed development has shown consistency with the Maitland DCP and URA DCP and is compliant with the LEP.
- The development of the area is occurring in a logical manner as designated by the wider URA intentions, service, and infrastructure delivery. This planned development has been considered to be needed and not to have an adverse cumulative impact as a result. Hence there are no tangible cumulative impacts arising from the proposal; and
- The application is supported by Strategic Merit and is consistent with the land projections as specified in the Hunter Regional Plan, the Greater Metropolitan Plan, and the Lochinvar Structure Plan. This proposal will contribute to the collaborative growth of the Newcastle and Hunter Region and is within the identified strategic regional areas with good connection and economic viability.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity.

We look forward to Councils determination of this matter. If we can provide any further information or clarity, please do not hesitate to contact us.



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