

STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application

TORRENS TITLE SUBDIVISION OF LAND INTO 16 x RESIDENTIAL LOTS, 2 x DRAINAGE BASIN LOTS, 1 x RU2 ZONED LOT CONSTRUCTION AND DEDICATION OF 2 x PUBLIC ROAD, TREE REMOVAL & STORMWATER DRAINAGE WORKS

131 WOLLOMBI ROAD, FARLEY 2320

(LOTS 101 DP1287298)

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1. INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Universal Property Group Pty Ltd to accompany a Development Application (DA) to the Maitland City Council proposing the Torrens Title subdivision of the Subject Site into 16 x residential lots, 2 x drainage basin Lots, 1 x RU2 Zoned lot, construction and dedication of a public road, tree removal, stormwater drainage and other associated site works. The demolition of existing structures is to be approved through a separate development application.

The Subject Site is legally described as being **131 Wollombi Road, Farley 2320 (Lot 101 DP1287298)** and is zoned R1 General Residential and partially RU2 Rural Landscape pursuant to the provisions Maitland Local Environmental Plan. The residential subdivision development of the site is permissible with consent.

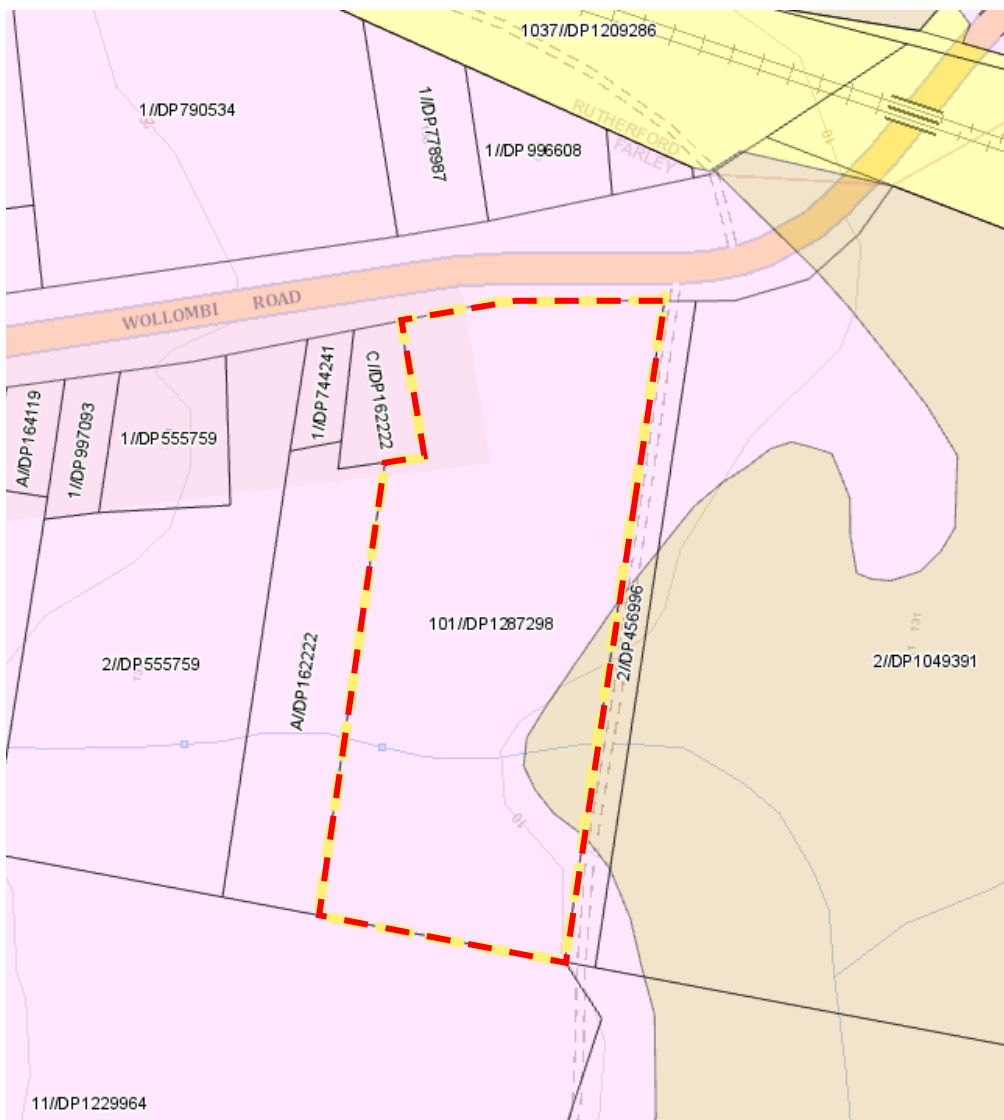


Figure 1: Extract of Zoning Map with Cadastre (source: ePlanning Spatial Viewer).

The proposed Torrens Title residential subdivision development is permissible with consent and consistent with the relevantly applicable provisions of Maitland Local Environmental Plan, Maitland Development Control 2011.

This Statement of Environmental Effects (SEE) addresses the proposal in the context of the applicable planning legislation and policy:

- Maitland Local Environmental Plan; and
- Maitland Development Control Plan 2011.

The purpose of this SEE is to provide Council with the relevant information necessary to assess and determine the application for the proposed subdivision development.

This report is to be read in conjunction with the following associated documents and plans prepared as a part of this Development Application:

- **Subdivision plans** prepared by Universal Property Group Pty Ltd;
- **Landscape plan** prepared by Universal Property Group Pty Ltd;
- **Aboriginal Heritage Due Diligence Assessment** prepared by Apex Archaeology Pty Ltd;
- **Statement of Heritage Impact** prepared by Apex Archaeology Pty Ltd;
- **Acoustic Assessment Report** prepared by Acoustic Logic Consultancy Pty Ltd;
- **Bushfire Protection Assessment** prepared by Firebird ecoSultants Pty Ltd;
- **Biodiversity Development Assessment Report** prepared by Firebird ecoSultants Pty Ltd;
- **Heritage Impact Statement** prepared by Apex Archaeology Pty Ltd;
- **Preliminary Site Investigation Report** prepared by Geotesta Pty Ltd;
- **Geotechnical Site Investigation** prepared by Geotesta Pty Ltd;
- **Civil Engineering Plans** prepared by GCA Engineering Solutions;
- **Stormwater Drainage Strategy Report** prepared by GCA Engineering Solutions;
- **Traffic and Planning Assessment Report** prepared by Varga Traffic Planning Pty Ltd;
- **Survey Plan** prepared by North Point Survey Pty Ltd;
- **Preliminary Tree Assessment** prepared by Monaco Design Pty Ltd; and
- **Owner's Consent.**

2. SITE LOCATION

2.1. Subject Site and Local Context

The Subject Site **131 Wollombi Road, Farley (Lot 101 DP1287298), (the Site)** is located within the area to which Maitland Council Local Government Area (LGA), within the Farley Urban Release Area. The Site is located on the northern side of Wollombi Road, approximately 270m west of Owlpen Lane. The Site has a frontage width of approximately 86 m to Wollombi road, a lot depth of 214 m and occupies an area of approximately 1.63 ha. An aerial photograph of the Site is provided in **Figure 2 below**.



Figure 2: Locality Map (Source: Maitland Councils' GIS software, Intramaps)

2.2. Existing Site and Vegetation

The Site currently contains a single-storey dwelling, outbuildings and dam on 131 Wollombi Road. The Site falls from the western side of the Site the eastern side of the Site from **16 m to 10 m-** Australian Height Datum (AHD). The Site contours are shown in **Figure 3**.

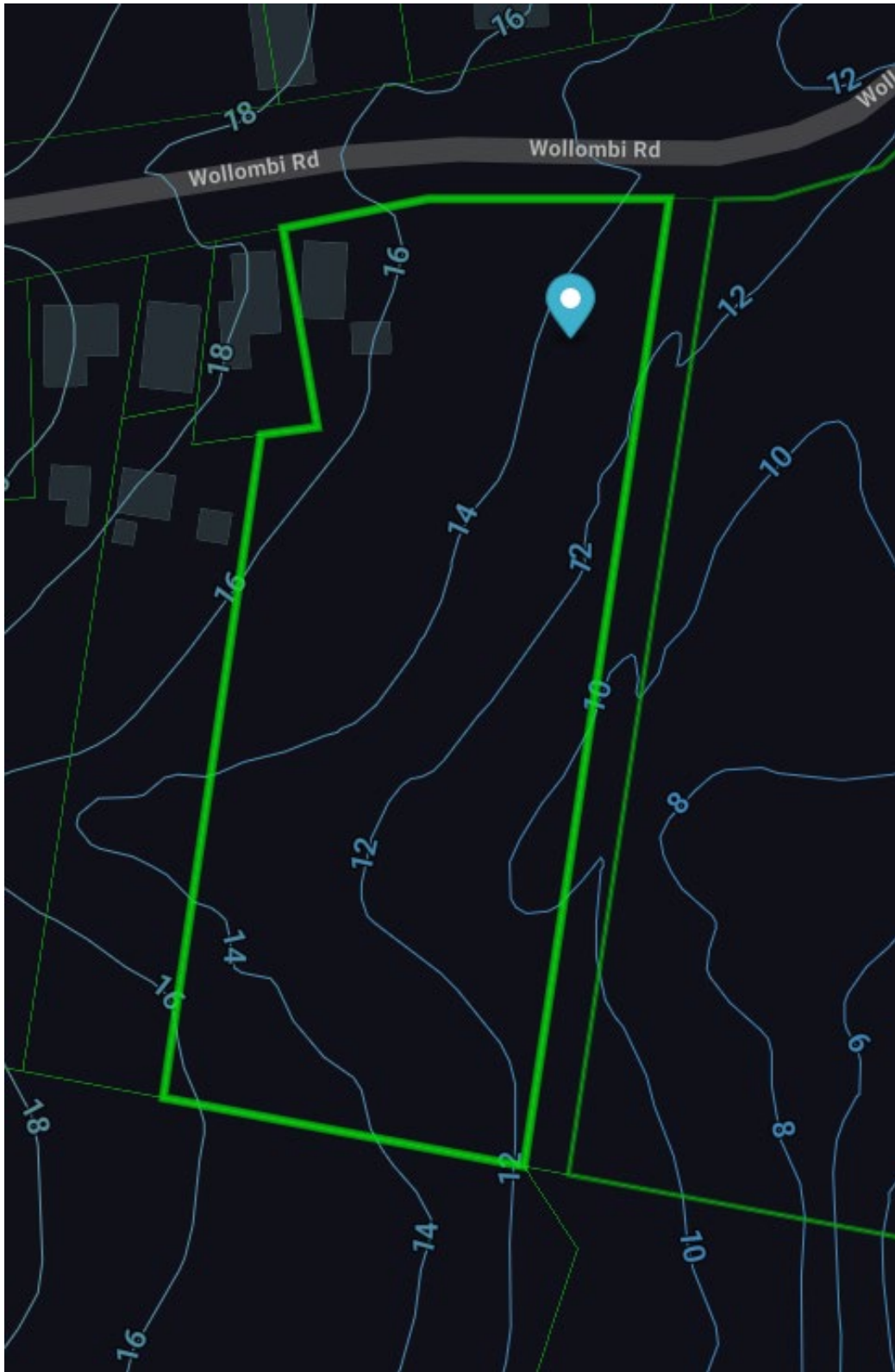


Figure 3: Site Contours (Source: Mecone Mosaic)

3. PROPOSED DEVELOPMENT

This SEE accompanies a development application (DA) seeking Council's consent for the following as detailed on the proposed Subdivision Plans prepared by Universal Property Group Pty Ltd.

The proposal seeks consent for:

- a) Torrens title subdivision of land into 19 Lots which consist of the following:
 - 16 x Residential lots
 - 2 x Drainage Basin Lots
 - 1 x RU2 Lot
- b) Construction of 3 x public roads (17 m wide road reserve width, 21 m wide and 17m reserve width);
- c) Tree removal; and
- d) Stormwater drainage and associated works.

Figures 4 illustrates the proposed Torrens Title subdivision lots public road and Basin Lots.

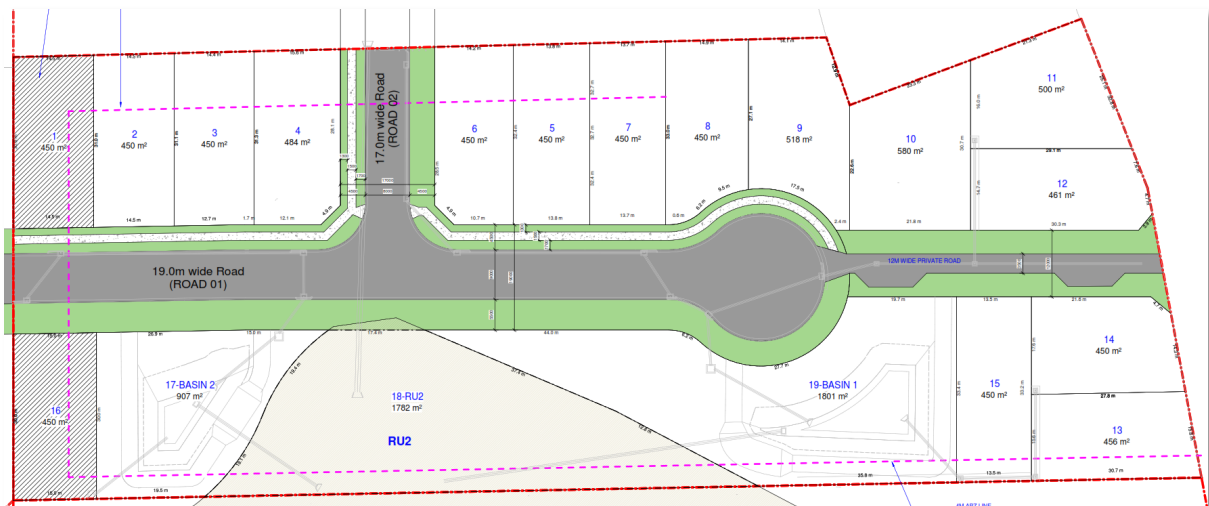


Figure 4: proposed Subdivision Plan (Prepared by the Bathla Group)

A separate Development Application for the existing structures is to be lodged. The proposed development is considered to be in accordance with the 'Conceptual Road Network' as per the **Farley Urban Release Area Road Hierarchy and Bus Routes Plan** and as shown in **Figure 5** below.

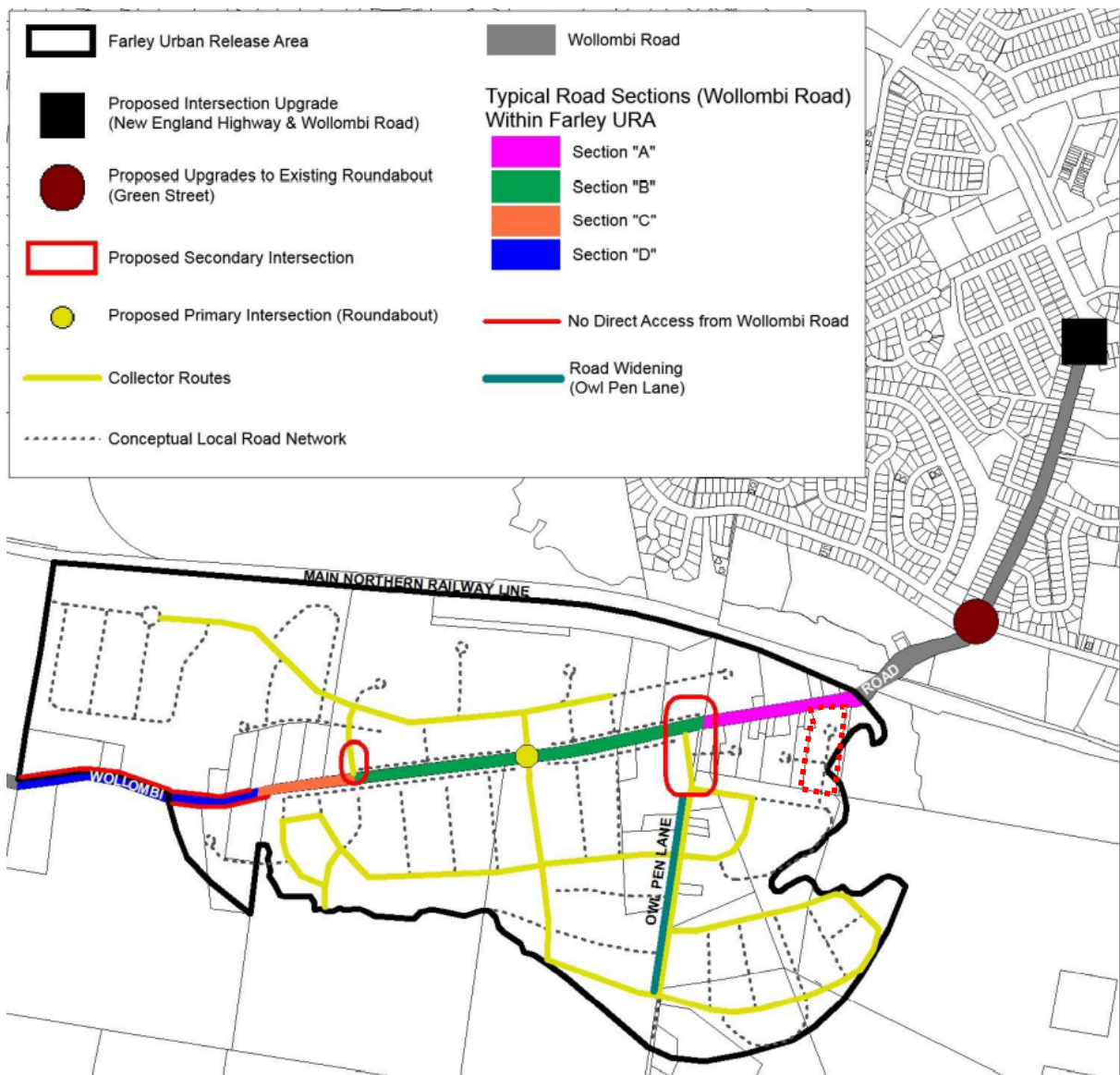


Figure 5: Farley URA Road Network, Treatments and road Widening (Figure 83 in Part F of the DCP), The Site shown in the red-hatched line

4. ENVIRONMENTAL PLANNING ASSESSMENT

Section 4.15 of the Environmental Planning & Assessment Act 1979 contains the matters for consideration when assessing development applications. This section of the SEE undertakes an assessment of the proposal in the context of Section 4.15 (1) of the Environmental Planning and Assessment Act which states as follows:-

4.15 Evaluation (cf previous s 79C)

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

- (a) the provisions of—
 - (i) any environmental planning instrument, and
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

4.1 The provisions of any Environmental Planning Instrument (section 4.15)(1)(a)(i)

Compliance with relevantly applicable development standards pursuant to Maitland Local Environmental Plan 2011 is addressed below:

4.1.1 Maitland Local Environmental Plan 2021

The proposed development site is located within the Maitland Local Environmental Plan 2011 and complies with the aims of the Plan.

The particular aims of Maitland LEP are as follows:

- (1) This Plan aims to make local environmental planning provisions for land in Maitland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to facilitate ecologically sustainable development of land and natural assets,
 - (b) to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,
 - (c) to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,
 - (d) to protect, enhance or conserve the natural resources of Maitland including the following—
 - (i) areas of high scenic rural quality,
 - (ii) productive agricultural land,

- (iii) habitat for listed threatened species and endangered ecological communities,
- (iv) minerals of regional significance,
- (e) to create liveable communities which are well connected, accessible and sustainable,
- (f) to provide a diversity of affordable housing with a range of housing choices throughout Maitland,
- (g) to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,
- (h) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,
- (i) to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,
- (j) to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

This application would provide Torrens Title allotments in conjunction with adjoining lands for residential development. The proposal would create lots that would facilitate residential development that will increase housing supply and affordability. An environmental assessment was undertaken in this SEE with no significant adverse impact raised in the specialist technical assessment reports that accompany this DA.

4.1.1.1 Zoning

The land is zoned **R1 General Residential** and part **RU2 Rural landscape** pursuant to Mainland LEP 2011.

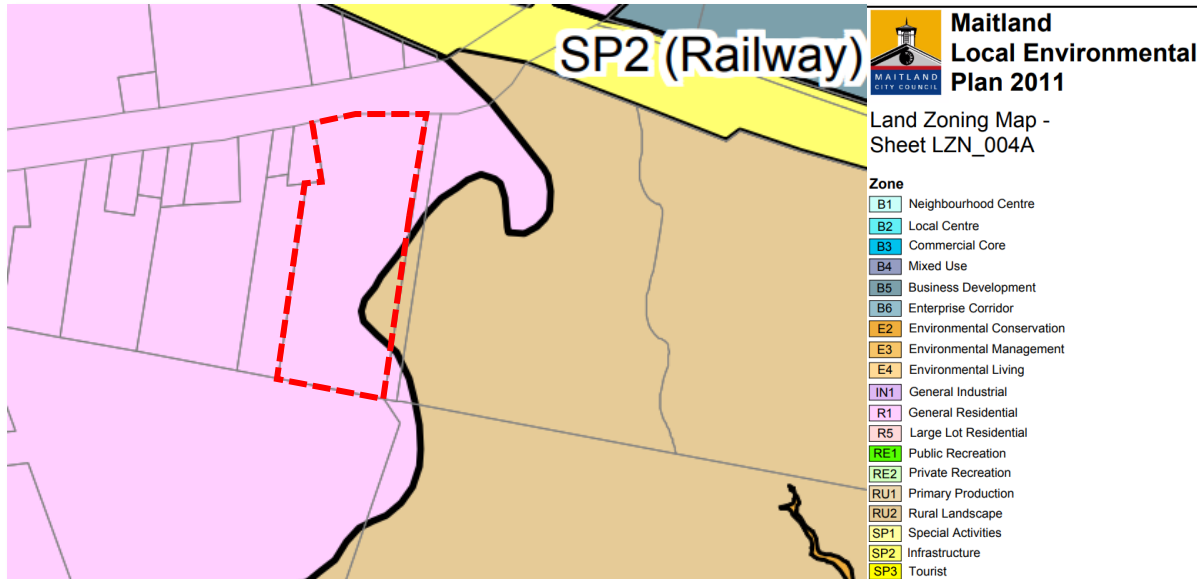


Figure 6: Land Zoning Map Sheet LZN_004A (Maitland LEP 2011)

Pursuant to clause 2.6 of SEPP Maitland LEP the subdivision of land to which this Plan applies is permissible with consent.

2.6 Subdivision—consent requirements

Land to which this Plan applies may be subdivided, but only with development consent.

Note—

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain subdivision development as exempt development.

The proposal is considered to be consistent with the relevantly applicable objectives of the R1 zone as:

- the subdivision proposes residential lots that will provide for the housing needs of the community
- The varying lot sizes and width will accommodate various dwelling types to provide a variety of housing types.

On the basis of the above assessment of the relevantly applicable objectives for the R1 zone, it is considered that the proposed development is a compatible form of land use with the zoning context of the site and surrounding locality.

4.1.1.2 Minimum Lot Size

The R1 Zoned part of the Site is located within **Minimum Lot Size Area Area G** – which requires residential allotments to have a minimum lot size of **450 m²** for the R1 Zoned part of the Site pursuant to Clause 4.1 of the Maitland LEP 2011 as shown in **Figure 7** below.

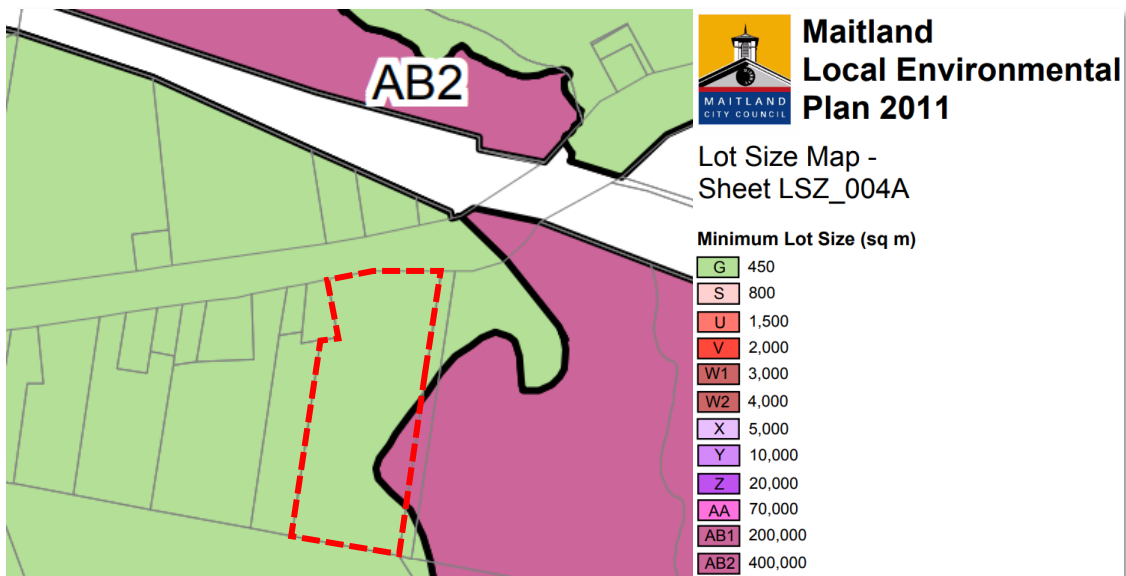


Figure 7: Maximum Building Height Map Sheet LSZ_004A

The subdivision lot sizes fully comply with the development standard proposing a range from 450m² to 1801m².

4.1.1.3 Environmental Heritage

The Site does not contain any Heritage Items or heritage items on the adjoining lots; nearby heritage items listed in schedule 5 of the Maitland LEP 2011 include Heritage Item 89 ‘Government Railway (station master’s house)’ and the Government Railway to the north of the site (heritage item 119) as shown in **Figure 8** below.

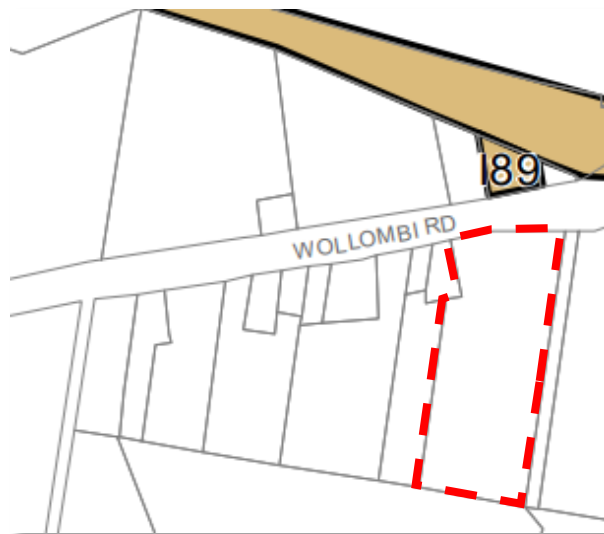


Figure 8: Environmental Heritage Map Sheet HER_004A

The works proposed are contained within the site and are unlikely to affect the heritage significance of the heritage items as discussed in Section 4.5.9 of this SEE below.

4.1.2 Bushfire Prone Land

The Site is identified as Bushfire Prone Land, Vegetation category 3 as shown in **Figure 9** below.

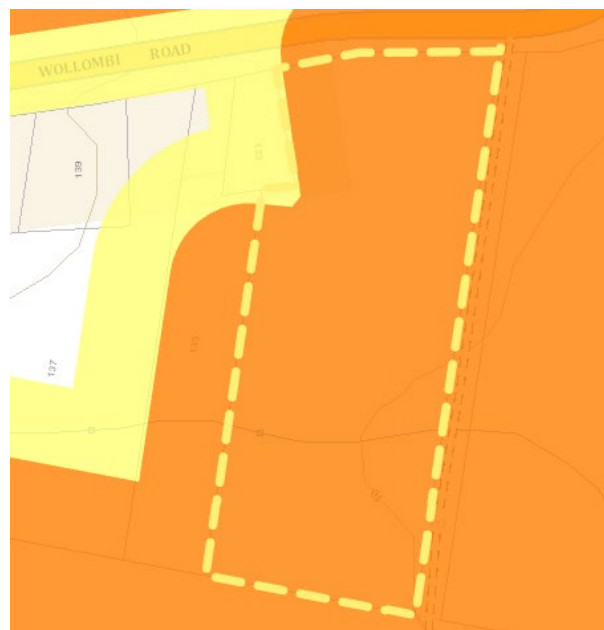


Figure 9: Bushfire Prone Land map (source: ePlanning Spatial viewer)

The subdivision proposed is therefore integrated development requiring external concurrence with the New South Wales Rural Fire Service (NSW RFS). Bushfire protection measures for future residential development on site is provided in the Bushfire Threat Assessment report prepared by Firebird ecoSultants Pty Ltd as discussed in Section 4.5.6 of this SEE below.

4.1.3 Flood Prone Land

The site is identified as partially within flood prone land as shown in **Figure 10** below.

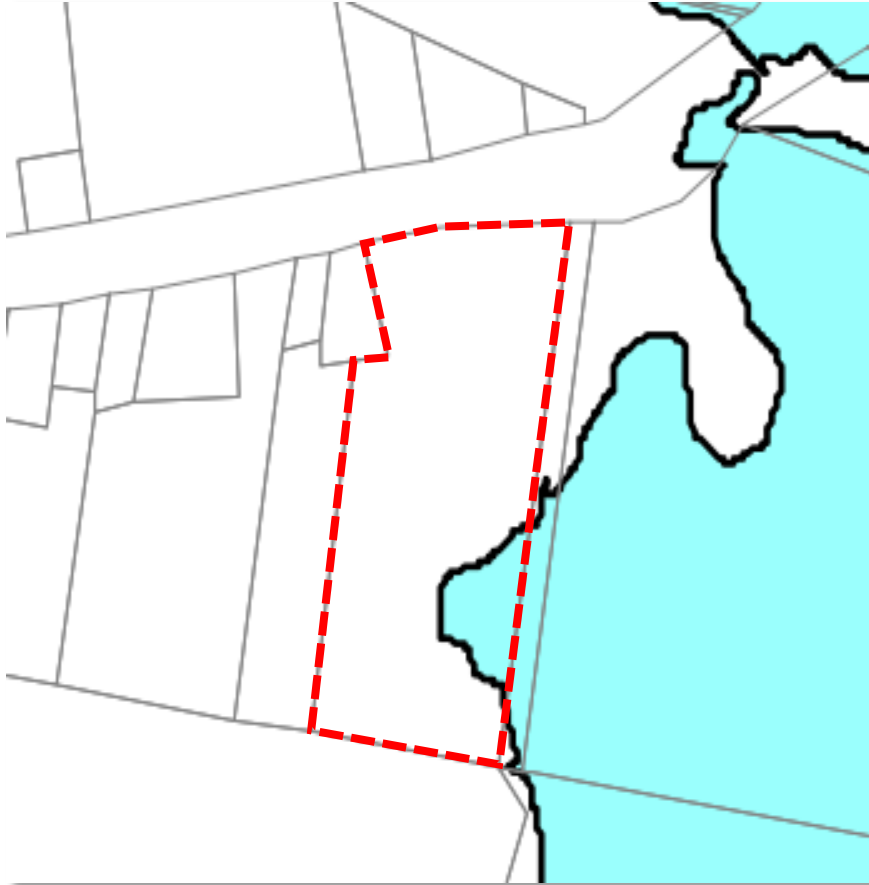


Figure 9: Flood Prone Land map (source: ePlanning Spatial viewer)

Stormwater Drainage measures for the proposed subdivision are provided in the Stormwater Drainage Strategy prepared by GCA Engineering Solutions as discussed in Section 4.5.5 of this SEE below.

4.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.122 of the SEPP does **NOT** apply to the proposed development as the DA is categorised as Traffic Generating Development identified under Schedule 3 as a matter for consideration under the Policy because the Site is greater than 90 m from a state classified road and is below the size or capacity of 200 or more allotments (proposed 19 allotments).

4.1.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires the Council to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the Council must be satisfied that the land is suitable in a contaminated state for the proposed residential use.

The Site Investigation report prepared by Geotesta discussed in Section 4.5.1 of this SEEs provides the following findings:

'From the review of the historical aerial photographs, it was observed that a residential dwelling had existed on the site since 1938 in the northwest section of the site, majority of the other adjacent sheds / structures were onsite since 1976. Signs of agricultural usage were evident from 1954, the central and southern sections of the site areas were vacant, grass covered ground surfaces, with trees mainly located in the northern, south-western and along the eastern and southern boundaries. The dam located in the south-western section of the site had been constructed by latest 1938. It is suspected that the site contains contamination from hazardous building materials, agricultural usage and possible imported fill and stockpiles

The limited soil sampling and analysis program conducted as part of the PSI indicated that there is no widespread significant soil contamination across the site. The analytical results for all chemicals assessed were below the adopted site assessment criteria (SAC) for the assessment.

A summary of the laboratory results is presented as the following:

- *The laboratory analysis detected concentrations of Arsenic, Chromium, Copper, Lead, Mercury, Nickel, and Zinc within the soil samples recovered. All detected concentrations were reported by the laboratory to have concentrations within the adopted Site Assessment Criteria (SAC) – Health Investigation Levels (HIL A) and Ecological Investigation Levels (EIL). No concentrations of Cadmium were detected above the limit of reporting and were therefore below the adopted site assessment criteria (HIL A and EIL).*
- *No concentrations of OCP/OPP were detected above the limit of reporting (LOR) and were therefore within the adopted Site Assessment Criteria (HIL A).*
- *All detected concentrations of PAH's were reported by the laboratory to have concentrations within the adopted Site Assessment Criteria (HIL A).*
- *All detected concentrations of TRH's were reported by the laboratory to have concentrations within the adopted Site Assessment Criteria (HSL, ESL and ML).*
- *No concentrations of BTEX were detected above the limit of reporting (LOR) and were therefore within the adopted Site Assessment Criteria (HSL and ESL).*
- *No concentrations of Phenols were detected above the limit of reporting (LOR) and were therefore within the adopted Site Assessment Criteria (HIL A).*
- *No concentrations of PCB were detected above the limit of reporting (LOR) and were therefore within the adopted Site Assessment Criteria (HIL A).*
- *A total of eight (8) samples were analysed for Asbestos. No Asbestos was detected above the reporting limit of 0.001% w/w in the samples analysed and were therefore within the Site Assessment Criteria (SAC).'*

For further details of recommendations, refer to section 4.5.1 of the SEE below.

4.2 The Provisions of any Draft Environmental Planning Instrument (Section 4.15(1)(a)(ii))

There are no Draft Environmental Planning Instruments that would apply to the proposed development at the Site.

4.3 The Provisions of any Development Control Plan (Section 4.15(1)(a)(iii))

Compliance with relevantly applicable development controls pursuant to Maitland Development Control Plan 2011 is addressed below:

4.3.1 Maitland Development Control Plan 2011 (Section 4.15(1)(a)(iii))

This section of SEE addresses the principle design guidelines and controls that are relevant to the small lot subdivision - at part C of DCP 2011 for Design Guidelines and Part F for development in Urban Release Areas.

Table 2: Compliance Table, Subdivision Development (Maitland DCP 2011)

DCP Section	Objectives & Controls	Response
Part C.10 Subdivision		
1. TITLE SYSTEMS FOR SUBDIVISION	<i>1.2 Conventional or Torrens Title Subdivision: This is the traditional or "single lot" form of subdivision, common in many residential estates. It applies to both "Old System" and "Torrens Title" on freehold land. Any buildings and structures erected on the land effectively become part of the land by definition.</i>	Torrens Title Subdivision proposed.
EC.1 Flora and Fauna	<ul style="list-style-type: none"> • <i>Where a subdivision proposal is likely to result in the loss of vegetation, or is likely to impact upon any environmentally sensitive area (such as a watercourse, wetland etc), it is to be accompanied by a flora and fauna assessment report prepared by a suitably qualified person. This report is to primarily address the 7 Part Test referred to in Section 5A of the Environmental Planning and Assessment Act, 1979, and the requirements of SEPP 44 – Koala Habitat Protection. As a result of this report a subsequent Species Impact Statement may be required.</i> • <i>Planting should consist of species indigenous to the locality, and those which will enhance bio-diversity and provide wildlife habitat. Suitable species can be sourced from local nurseries, or seed collected from plants already growing in the area. Species and planting guidelines are available from Council and/or Greening Australia.</i> 	An ecological assessment report including assessment of Flora and Fauna accompanies the proposal as discussed in section 4.5.10 of this SEE.
EC.2 Heritage and Archaeology	<i>Preparation of an Archaeological Assessment may be required where there is no previous investigative study, or where such study was so broad that Council is unable to reasonably predict the likelihood of European or Aboriginal sites of significance (such as a site that is the location of an Aboriginal place or relic, within the meaning of the National Parks and Wildlife Act 1974). If in doubt, applicants should consult with the NSW National Parks and Wildlife Service or Council.</i>	Noted, an aboriginal due diligence assessment and heritage impact statement have been prepared to accompany the proposal.
EC.3 Hazards	<p><u><i>Bushfire prone land</i></u></p> <ul style="list-style-type: none"> • <i>Proposals in areas subject to bushfire risk must indicate that measures to reduce risk to an acceptable level have been considered and can be achieved (for both the subdivision works and the resultant development) without</i> 	The bushfire assessment and recommended protection measure are discussed in

DCP Section	Objectives & Controls	Response
	<p><i>significant loss of vegetation. The NSW Rural Fire Service publication "Planning for Bushfire Protection" 2006 and related guidelines should be consulted.</i></p> <ul style="list-style-type: none"> <i>Bushfire protection measures (including setbacks) necessary for the safety of development and firefighters must be contained wholly within the site of the subdivision unless the most extraordinary circumstances apply.</i> <p><u>Flooding</u></p> <ul style="list-style-type: none"> <i>All new residential lots are to be wholly above Council's adopted flood standard (the 1% AEP or 1 in 100 flood event). Parts of the lot may be permitted below the adopted flood standard, where lot sizes have been increased to provide sufficient flood free area for erection of a dwelling and associated structures.</i> 	<p>section 4.5.6 of the SEE below.</p> <p>The residential lots proposed in the R1 zoned part of the site are above the 1% AEP, the Stormwater Drainage strategy is discussed in section 4.5.5 of the SEE.</p>
DC.1 Lot Size and Dimensions	<ul style="list-style-type: none"> <i>Access handles must have a minimum width of 3.5 metres for single lots, and be constructed in accordance with Council's Manual of Engineering Standards. No more than 2 lots may be serviced by a reciprocal right-of-carriageway which shall be centrally located within both access handles.</i> <i>A suitable building envelope with minimum dimensions of approximately 15 metres by 10 metres shall be provided behind the building line.</i> <i>Minimum lot frontage of 12.5m at the road frontage for rectangular lots</i> 	<p>Noted, no battle axe lots or access handles are proposed with the subdivision.</p> <p>The lots propose a minimum 12.7m width to allow future dwellings with a 15m x 10m building envelope.</p>
DC.2 Solar Access and Energy Efficiency	<ul style="list-style-type: none"> <i>Lot sizes are to reflect reasonable consideration of the impact of topography, aspect and other constraints so as to maximize solar access.</i> 	<p>Noted, the allotments proposed can accommodate dwellings with sufficient solar access.</p>
DC.3 Drainage, Water Quality and Soil Erosion	<p><i>Where site topography in new residential subdivisions prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage should be provided to accept run off from all existing or future parcels of land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Council's Manual of Engineering Standards.</i></p>	<p>Noted, the site slope from the western side of the site to the eastern side of the site; Civil engineering plans and stormwater management report accompany the proposal.</p>
DC.4 Landscape, Streetscape and Visual Impact	<ul style="list-style-type: none"> <i>The visual impact of rural residential subdivisions must be considered especially in areas where they can be viewed from a distance or from above. Landscaped buffers may be required.</i> 	<p>The site is within the Farley Urban release area in transition from rural to low density residential. A street tree plan accompanies the</p>

DCP Section	Objectives & Controls	Response
	<ul style="list-style-type: none"> Submission of a Landscape Plan will be required for residential and rural residential subdivisions, indicating the location of street trees and any other required landscaping. 	proposed subdivision that is consistent with the indicative residential streetscape reducing the visual impact with street trees proposed in front of each lot proposed.
DC.6 Roads & Access, Pedestrian & Cycleways	<p>Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their intended use. Road standards will vary between residential, rural residential and industrial /commercial locations.</p> <p>Detailed guidelines for design and construction of roads are contained in Council's Manual of Engineering Standards. However, a guide to minimum road widths for various forms of subdivision is contained in the following table:</p>	The road hierarchy plan (Figure 5 above) with roads proposed with 17m and 19m reserve widths and footpath widths from the carriageway to the property boundaries of 4.5m as per Cross Section B in Section F.11 of the DCP discussed below in this table. A 12m private road is proposed with driveway access to Lots 10 and 15 shown in the street tree plan.

ROAD TYPES AND DIMENSIONS

Road Type	Max. No. Lots	ReserveWidth (m)	Carriageway or kerb –kerb (m)
Access Place	10	17	8
Local - Minor	20	17	8
Local - Secondary	50	17	8
Local - Primary	100	17	8
Collector	200	17	8
Distributor - Secondary	400	20	11
Distributor - Primary	800	22	11
Arterial or Sub-Arterial	> 800	24	13
Rural Residential (1c)	per above	20	7.5
Rural Residential (1d)	per above	20	per categories above
Rural – Minor	50	20	8
Industrial	10	20	11
Industrial	> 10	22	13

DC.7 Crime Prevention – Safer by Design	<p>Design of subdivisions should consider the following principles:</p> <ul style="list-style-type: none"> Clear Sightlines between public and private places. 	The Street tree plan show trees proposed between
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DCP Section	Objectives & Controls	Response
	<ul style="list-style-type: none"> Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims. Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities. 	<p>future driveways will still allow sightlines between residents' private property and the street as well as contribute to the natural streetscape without providing any hiding places for potential offenders.</p>
DC.8 Site Filling	<p>An absolute maximum fill depth of 2 metres will be considered by Council.</p>	<p>A maximum fill of 1.5m is proposed in the cut and fill plan for the residential lots.</p>
Part F.11 Farley Urban Release Area		
1.1 Staging Plan	<ul style="list-style-type: none"> Staging of the urban release area should be generally in accordance with Figure 86. Development Applications shall incorporate road networks, stormwater detention areas, active and passive recreation areas, consistent with the overall staging and intended development outcomes for the Farley URA. The subdivision staging shall consider the timely connection of the road network to adjoining properties and/or stages generally before completion of 75% of the developable lot area. 	<p>The site is within stage 4 as per Figure 86 of the DCP, Part F.11. Stage 1 and 2 of the Urban release area is already in transition from large rural lots to low density residential (See Figure 2 above).</p>
1.2 Transport and Movement	<ul style="list-style-type: none"> The transport movement hierarchy shall be generally in accordance with Figure 85. (Figure 5 of this SEE) A key road network design principle for the URA is the control of access to Wollombi Road. Parallel subdivision service roads will ensure that direct access from individual lots to a significant section of Wollombi Road does not occur. Figure 83 details the required treatments for the nominated sections of Wollombi Road as follows: (Section B applies to the site) Section B (Owl Pen Lane to proposed western intersection) Service roads running adjacent and parallel to Wollombi Road will provide access to individual allotments. Direct access from lots to Wollombi Road will not be permitted. The centerline of the existing road pavement may be adopted as the centerline for new works subject to the landowners being aware of and accepting the road widening and potential service relocation implications for the northern side of the road. The ultimate pavement alignment for Wollombi Road will be detailed within the relevant Section 94 Plan applying to the URA. 	<p>The conceptual roads as per Figure 85 of the DCP have been incorporated in the proposed subdivision</p>

DCP Section	Objectives & Controls	Response
1.5 Stormwater and Water Quality Management	<i>The stormwater and water quality management controls shall be consistent with the principles of Water Sensitive Urban Design (WSUD).</i>	The principles of WSUD included in the stormwater management report accompanying the DA.
1.6 Amelioration of Natural and Environmental Hazards	<i>Development Applications are to include a detailed assessment of the flora and fauna characteristics of the site prepared by a suitably qualified ecologist. Such an assessment shall include identification and retention of hollow bearing trees and mature trees (as far as is practicable) and shall address appropriate mitigation strategies where impacts on flora and/or fauna communities are identified.</i>	An ecological assessment report including assessment of Flora and Fauna accompanies the proposal as discussed in section 4.5.10 of this SEE.
1.7 Aboriginal Heritage	<i>Development Applications shall be supported by appropriate Aboriginal Heritage Impact Studies to determine the presence and locations of any Aboriginal artefacts or sites of significance, including methods for providing any necessary buffers within the site. Reference should also be made to the Indigenous Archaeological Due Diligence Assessment completed by McCardle Cultural Heritage Pty Ltd, which informed the rezoning of the Farley URA.</i>	The aboriginal due diligence report concludes no archaeological material on site, further recommendations provided in section 4.5.3 of this SEE below.
1.8 European Heritage	<i>A European Heritage study shall incorporate an assessment of the appropriate heritage curtilage for Owl Pen House where it is proposed to subdivide land within the Preliminary Heritage Curtilage Buffer shown on Figure 82. The study shall consider options for reducing the impact of new development within and/or adjacent to the identified curtilage.</i>	No heritage items on the site, recommendations provided with the heritage impact statement that accompanies the proposal as discussed in Section 4.5.4 of this SEE below
1.9 Key Development Sites: Land Fronting Wollombi Road	<i>Vehicular access to Wollombi Road will be controlled via the road design (Sections A to D) contained in Figures 87, 88, 89 and 90 and Appendix A.</i>	The site fronts Wollombi road, Section B (see Figure 5);

4.4 The Provisions of any Matters Prescribed by the Regulations (Section 4.15(1)(a)(iv))

N/A, there are no matters of relevance prescribed by the Regulations.

4.5 Likely Impacts of the Development (Section 4.15(1)(b))

This Section considers the likely impacts of the proposed Torrens Title Residential Subdivision of the Site.

4.5.1 Preliminary Site Investigation

The Preliminary Site Investigation report has been prepared by **Geotesta Pty Ltd** on 22nd August 2022. This report provides the following findings and recommendations:

'Based on the assessment undertaken, the following conclusions and recommendations can be made:

- *The limited soil sampling and analysis program conducted indicated a low risk of soil and groundwater contamination. It is the opinion of Geotesta Pty Ltd that the site is suitable for the proposed residential development pending on the results of an additional Data Gap Contamination Assessment.*
- *Due to the existence of a significant data-gap in this investigation, a further Data Gap Contamination Assessment post demolition of the existing structures/dwellings is required to address further potential areas of concern (main emphasis on the footprint of the structures/dwellings) identified in the AECs and to determine if any contamination hotspots exist around the existing dwelling. The Gap Assessment scope must also include the following:*
 - *Any stockpiles that were not assessed at the time of the PSI or are new to site, will require sampling as part of the Data Gap Assessment. Sampling of stockpiles must adhere to the Victorian EPA, Industrial Waste Resource Guidelines, 2009. Classification of stockpiles must be conducted as per NSW EPA (2014), Waste Classification Guidelines, Part 1: Classifying Waste.*
 - *In addition, a Dam Dewatering Report is required for the decommissioning of the dam onsite.'*

For further details refer to the accompanying Site Investigation report.

4.5.2 Geotechnical Site Investigation

The Preliminary Site Investigation report has been prepared by **Geotesta** on 6th September 2022. This report provides the following conclusions:

'Salinity Assessment

Laboratory test results for salinity assessment are summarised in Table 3.

Table 3: Soil Salinity Test Results

Sample ID	Conductivity (Ec) (1:5 Aqueous extract dS/m)	Ece ¹ (ds/m)	Salinity Assessment ²
S4-BH101	0.011	0.099	Non-Saline
S5-BH102	0.07	0.63	Non-Saline
S6-EBH1	0.014	0.126	Non-Saline
S7-EBH2	0.12	1.08	Non-Saline

¹Based on EC to ECe multiplication factors in Department of Land and Water Conservation (2002) Guidelines (Table 6.1), a multiplication factor of 9 were applied to medium clays.

²Based on Table 6.2 of Department of Land and Water Conservation (2002) where ECe < 2dS/m = Non-saline; ECe = 2-4dS/m = slightly saline; ECe = 4-8dS/m = moderately saline; ECe = 8-16dS/m = very saline; ECe > 16dS/m = highly saline.

Referring to the above test results, the site is considered to be non-saline.

Aggressivity Assessment

Sulphate and pH test results for aggressivity assessment are summarised in Table 4.

Table 4: Soil Aggressivity test results for concrete and steel piles

Sample ID	pH (1:5 Aqueous extract)	Sulphate (SO ₄) (mg/kg)	Chloride (mg/kg)	Aggressivity assessment ¹ concrete	Aggressivity assessment ¹ steel
S4-BH101	6.7	15	17	Non-aggressive	Non-aggressive
S5-BH102	6.4	180	130	Non-aggressive	Non-aggressive
S6-EBH1	6.4	10	10	Non-aggressive	Non-aggressive
S7-EBH2	6.0	110	110	Non-aggressive	Non-aggressive

¹In accordance with AS2159 (2009)

Referring to the above test results, the site is considered non-aggressive to concrete and steel.'

For further details refer to the accompanying Geotechnical Assessment.

4.5.3 Aboriginal Due Diligence Assessment

The aboriginal due diligence assessment report has been prepared by **Apex Archaeology Pty Ltd** on 11th December 2022. This report provides the following conclusions and recommendations:

Conclusions

- No previously registered Aboriginal sites are located within the study area.
- No archaeological material was identified on the ground surface of the study area.
- The study area was assessed as being moderately disturbed due to past land use practices.
- The study area was assessed as having no sub-surface archaeological potential, based on the results of the visual pedestrian inspection and previously completed test excavations adjacent to the study area.
- This assessment was based on identification of landform elements, previous archaeological work undertaken within the wider region, and a visual inspection of the study area.

Recommendations

- No further Aboriginal archaeological assessment is required prior to the commencement of works as described in this report.
- This due diligence assessment must be kept by the Bathla Group so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the National Parks and Wildlife Act 1974.
- The results of this assessment fulfil the requirement for archaeological assessment in accordance with the OEH 2010 Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Code of Practice). Works may proceed with caution.

- *The proposed works must be contained to the area assessed during this archaeological assessment, as shown on Figure 1. If the proposed location is amended, further archaeological assessment may be necessary to determine if the proposed works will impact any Aboriginal objects or archaeological deposits.*
- *Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.'*

For further details refer to the accompanying Aboriginal Heritage Due Diligence Report.

4.5.4 Heritage Impact Assessment

The Statement of Heritage Impact report has been prepared by **Apex Archaeology Pty Ltd** on 11th December 2022. This report provides the following conclusions and recommendations:

‘Conclusions

- *The study area does not contain any items of historical heritage listed on any statutory registers.*
- *No newly identified items of historical heritage were noted within the lots.*
- *Two items of historical heritage are located in close proximity to the study area, namely Owlpen House (188) and the Government Railway - Station Master’s House (189), both listed on the Maitland LEP 2011.*
- *The study area is not considered to hold specific heritage significance.*
- *The study area is not considered likely to have historical archaeological potential.*
- *The proposed development is not considered likely to impact on the heritage values of the Owlpen House (188) or the Government Railway - Station Master’s House (189).*
- *The proposed subdivision has been designed in line with the controls of the Maitland Development Control Plan 2011.*
- *The proposed works are considered unlikely to impact on heritage values of any items within the Farley area.*

Recommendations

RECOMMENDATION 1: NO FURTHER APPROVALS REQUIRED

The study area is not considered to possess heritage significance, or any historical archaeological potential. No further approvals are required under the Heritage Act.

RECOMMENDATION 2: MINIMISING IMPACT

Any minor amendments to the proposed subdivision layout should respect the controls outlined in the Maitland Development Control Plan 2011, as these have been prepared to minimise impact to the Government Railway - Station Master’s House (189) and Owlpen House (188). Any significant amendments to the proposed subdivision layout should be assessed to ensure the proposal does not impact on the heritage values of any heritage items in the vicinity.

RECOMMENDATION 3: LOT LAYOUT

The lot layout should respect the controls outlined in the Maitland DCP 2011 which outlines the requirements for lot density, along with building form and colours.

RECOMMENDATION 4: STOP WORKS PROVISION

Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and approvals may be required prior to the recommencement of works. Any historical objects must be reported to Heritage NSW.'

For further details refer to the accompanying Heritage Impact Assessment Report.

4.5.5 Stormwater Management Report

The Civil Engineering and Stormwater Management report has been prepared by **GCA Engineering Solutions** on 30th November 2022. This report provides the following conclusion:

'The strategy for management of stormwater runoff during the proposed development includes:

- *Capture of stormwater from majority of lot and road areas by conventional pit and pipe drainage networks located in the street or in inter-allotment drainage where required.*
- *Construction of combined bioretention / detention Basins 1 and 2 on the eastern boundary of the Site.*
- *Catchment 1C will bypass the proposed stormwater basins and drain directly to the Stony Creek catchment.*
- *A V-drain is proposed along the western boundary of the Site to capture external flow from the existing western catchment and divert it to an inlet headwall. This flow will bypass the proposed stormwater basins and outlet directly to the Stony Creek catchment, along the western boundary of the Site.*

Post development outflows are less than or equal to predevelopment outflows for the 1EY, 10% and 1% AEP events. The development will not increase the risk or likelihood of mainstream erosion in smaller flood events or flooding in larger events.

Water quality modelling indicates that constructing Basins 1 and 2 as bioremediation basins and the inclusion of GPTs upstream of both Basins will allow the development to meet regional guidelines for best practice for retention of TSS, TN, TP, and GP (80%, 45%, 45% and 70%, respectively).

Based on this report, stormwater management and flooding are successfully managed in accordance with MCC guidelines.'

For further details refer to the accompanying Stormwater Management Report.

4.5.6 Bushfire Protection Assessment

The Bushfire Protection Assessment report has been prepared by **Firebird ecoSultants Pty Ltd** on 10th October 2022. This report provides the following recommendations and conclusion:

'If the recommendations contained within this report are duly considered and incorporated, it is considered that the fire hazard present is containable to a level necessary to provide an adequate level of protection to life and property on the subdivision. In summary, the following is recommended to enable the proposal to meet the relevant legislative requirements:

- *To achieve a Bushfire Attack Level (BAL) of BAL-29 or less, the following land is to be managed as an APZ, which is made up of an Inner Protection Area (IPA) and Outer Protection Area (OPA):*
 - *East for a distance of 4m as an IPA, and,*
 - *South for a distance of 10m; and,*
 - *West for a distance of 10m.*

These distances are to be managed as described under 'Planning for Bushfire Protection (Appendix 4 – Asset Protect Zone Requirements)' and the document titled 'Standards for Asset Protection Zones'

- *Based on the APZs provided above, future dwellings can be sited to achieve 29kW/m², which would result in BAL-29. This will result in future dwellings being assessed as BAL-29 or lower depending on the siting of the dwelling within the site.*
- *The non-perimeter roads identified on the subdivision plan need to be consistent with the following requirements:*
 - a. Traffic management devices are constructed to not prohibit access by emergency services vehicles;*
 - b. Where access/egress can only be achieved through forest, woodland and have heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;*
 - c. Where kerb and guttering are provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;*
 - d. Two-way sealed roads;*
 - e. Minimum 8m carriageway with kerb to kerb;*
 - f. Parking is provided outside of the carriageway width;*
 - g. Hydrants are located clear of parking areas;*
 - h. There are through roads, and these are linked to the internal road system at an interval of no greater than 500m;*
 - i. Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;*
 - j. Curves of roads have a minimum inner radius of 6m;*
 - k. The maximum grade road is 15 degrees and average grade of not more than 10 degrees;*

- l. The road crossfall does not exceed 3 degrees; and*
 - m. A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.*
 - n. Bridges and Causeways are designed sufficiently to carry a fully loaded firefighting vehicle (up to 23 tonnes) and signage is put in place to clearly indicate the maximum load rating of 23 tonnes,*
 - o. Hydrants are:*
 - Located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression, and*
 - Provided in accordance with the relevant clauses of AS 2419.1:2017.*
- *An assessment of the site and proposed subdivision plans have identified that a reticulated water supply is required to be constructed. This reticulated water supply is to be consistent with the following requirements:*
 - a. Reticulated water is to be provided to the development where available;*
 - b. A static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed;*
 - c. Static water supplies shall comply with Table 5.3d;*
 - d. Fire hydrant, spacing, design and sizing complies with the relevant clauses of the Australian Standard AS 2419.1:2017;*
 - e. Hydrants are not located within any road carriageway; and*
 - f. Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;*
 - g. Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2017.*
 - h. All above-ground water service pipes are metal, including and up to any taps; and*
 - i. Above-ground water storage tanks shall be concrete or metal.*
- *Fencing – All new fencing and gates shall be constructed in accordance with the NSW Rural Fire Service Guideline: Fast Fact – Fences or Gates in Bushfire Prone Areas*
- *Home owners should prepare a Bush Fire Survival Plan refer to the RFS Website http://www.rfs.nsw.gov.au/file_system/attachments/Attachment_Bush_FireSurvivalPlan.pdf*

Provided the recommendations stated above are implemented in full, Firebird ecoSultants Pty Ltd is of the opinion that the proposed development is able to meet the aims and objectives of PBP (RFS, 2019)'

For further details refer to the accompanying Bushfire Protection Assessment Report.

4.5.7 Traffic and Parking Report

The Traffic and Parking Assessment Report has been prepared by **Varga Traffic Planning Pty Ltd** on 6th December 2022. This report provides the following Parking implications:

“Off-Street Car Parking Provisions

The off-street parking rates applicable to the development proposal are specified in Council’s Maitland City Council DCP 2011 - Part C: Design Guidelines, Vehicular Access & Car Parking document in the following terms:

Dwelling House

1 Space per dwelling minimum

Whilst detailed designs of the future dwellings are not yet known, off-street car parking for the dwellings is to be provided on each of the individual allotments, and will be the subject of separate development applications. There is no doubt however, that the size of the allotments will be sufficient to accommodate vehicular access and off-street car parking being provided on each of the allotments in accordance with Council’s current parking requirements.

The geometric design layout of the proposed car parking facilities will also ultimately be designed to comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1:2004.

Internal Local Road Layout Considerations

The proposed residential subdivision includes the construction of new local roads with a minimum typical 17m wide road reservation and a 8m wide road carriageway, consistent with the Maitland DCP 2011 – Part C: Design Guidelines, DC.6 Roads & Access, Pedestrian & Cycleways document and the Manual of Engineering Standards – Part 4. Road Design.

An extract from Council’s DCP 2011, Part C – DC.6: Roads & Access, Pedestrian & Cycleways is reproduced below:

ROAD TYPES AND DIMENSIONS

ROAD TYPE	MAX NO. LOTS	RESERVE WIDTH (m) ^a	CARRIAGEWAY / KERB-KERB (m) ^b	ON-ROAD BICYCLE FACILITY	FOOTWAY VERGE (m) ^c	KERB ^d	FOOTPATH (1.5m WIDE) ^e	DESIGN ESA ^f
Local – Place ¹	10	17	8	Mixed	4.5	Rolled	As Required	1 x10 ⁵
Local – Access ¹	20	17	8	Mixed	4.5	Rolled	One side	1 x10 ⁵
Local – Secondary ¹	50	17	8	Mixed	4.5	Rolled	One side	2 x10 ⁵
Local - Primary ¹	100	17	8	Mixed	4.5	Rolled	One side	5 x10 ⁵
Collector - Secondary ¹	200	17	8	Mixed (Parking)	4.5	Upright	One side	1 x10 ⁶
Collector - Primary ^{iv}	300	20	11	Mixed (Parking) ^p	4.5	Upright	One side	1.5 x10 ⁶
Distributor -Secondary ^v	400	23	14	Mixed (Parking) ^p	4.5	Upright	Both sides	2 x10 ⁶
Distributor - Primary ^{m v}	500	24	15 ^q	1.5m Lane	4.5	Upright	Both sides	5 x10 ⁶
Sub-Arterial ⁿ	3500	24.4	15.4 ^r	1.7m Lane ^s	4.5	Upright	Both sides	1 x10 ⁷ min
Industrial - Secondary	10 ⁸	22	13	Mixed	4.5	Upright	As Required	5 x10 ⁶
Industrial - Primary	> 10	22	13	Mixed	4.5	Upright	As Required	1x10 ⁷
School Bus/Public Route ^o			9min / 12min					2/5 x10 ⁶ min
Business / School Precinct			15.4	1.7m Lane	5.5 min ^h	Upright		1 x10 ⁷ min

Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

- *the proposed development involves the subdivision of the site to create 16 new low density residential allotments and 2 OSD basin allotments, plus a RU2 – Rural Landscape residue lot*
- *the proposed future local roads through the site are consistent with Council’s DCP 2011, ‘Proposed Road Network, Treatments and Road Widening’ plan and will adequately cater for the traffic expected to be generated by the subdivision proposal*
- *the proposed residential subdivision will not have any unacceptable traffic implications in terms of road network capacity*
- *the future local roads within the subdivision will have a minimum typical road reservation width of 17m, and a minimum typical carriageway width of 8m, and will satisfactorily allow service vehicles such as a garbage truck or a removalist truck to circulate through the site in a forward direction*
- *a 23m diameter cul-de-sac turning head is also proposed at the northern end of the north-south local road to allow loading/servicing trucks to turn around, consistent with the Maitland DCP 2011*
- *a private road is provided at the northern end of ‘Road 01’, allowing connection onto Wollombi Road, with a road reservation width of 12m and a carriageway width of 3.5m, in accordance with Council’s pre-DA recommendations*
- *the future off-street car parking requirements of the subdivision will be subject to separate development applications however there are not expected to be any unacceptable parking implications.*

It is therefore reasonable to conclude that the proposed residential subdivision will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.”

For further details refer to the accompanying Traffic and Parking Assessment report.

4.5.8 Acoustic Assessment Report

The Traffic and Parking Assessment report has been prepared by **Acoustic Logic Consultancy Pty Ltd** on 12th December 2022. This report provides the following conclusion:

‘Provided that complying constructions detailed in section 5 are adopted internal noise level for the residential development will comply with the acoustic requirements of the following documents:

- *Maitland City Council – ‘Maitland Development Control Plan (DCP) 2011’*
- *NSW Department of Planning – ‘State Environmental Planning Policy (SEPP)(Infrastructure) 2007’*
- *NSW Department of Planning – ‘Developments near Rail Corridors or Busy Road – Interim Guideline’, and*
- *Australian Standards AS2107:2016 – ‘Recommended Design Sound Level and Reverberation Times for Buildings Interiors.’*

Vibration from rail movements has been assessed and complies with the following documents:

- *NSW EPA document – ‘Assessing Vibration – A Technical Guideline’.*

Noise emissions criteria has been set up in Section 6 using the following documents:

- *Maitland City Council – ‘Maitland Development Control Plan (DCP) 2011’.* And
- *NSW Department of Environmental Protection Agency – ‘Noise Policy for Industry’ (NPM) 2017.’*

For further details refer to the accompanying Acoustic Assessment report.

4.5.9 Arboricultural Impact Assessment

The Preliminary Tree Assessment report prepared by Monaco Designs Pty Ltd on 17th August 2022. This report concludes the existing trees as having a low to very high tree retention value. Tree removal is proposed with the subdivision works. The tree retention value has been considered within the Biodiversity Development Assessment by Firebird ecoSultants Pty Ltd as discussed in the section below.

4.5.10 Biodiversity Development Assessment Report

The Ecological Assessment report has been prepared by **Firebird ecoSultants Pty Ltd** on 14th December 2022. This report provides the following Impact Summary:

‘Serious and Irreversible Impacts

This OEH (2017) Guidance to Assist a Decision-maker to Determine a Serious and Irreversible Impact lists the ecological communities and species that are ‘potential serious and irreversible impact (SAII) entities. There are no serious and irreversible impact (SAII) entities relevant to this assessment.

Impacts Which require an Offset

Ecosystem Credits

As per Section 10.2 of the BAM, the removal of native vegetation within the site requires offsetting to achieve the ‘no net loss standard’. To calculate the required offsets in the form of ecosystem credits, the BAM Calculator has taken into consideration the impact area along with the loss in VIS and the biodiversity risk weighting of the PCTs. Table 3- 8 Details the Credits required

Table 3-8 Ecosystem Credits required

Vegetation Zone (PCT)	Impact Area (ha)	Future VIS	Vegetation Integrity Score Loss	Biodiversity Risk Weighting	Credit Requirement
Zone 1 PCT 1598 Moderate	0.306	0	-58.1	1.5	7
Zone 2 PCT 1598	0.152	0	-46.2	1.5	3
Total					10

Special Credits

If a Species Credit species is either identified on the site during survey, assumed to be present, or confirmed present within an expert report, a 'species polygon' is required to be produced for the area of suitable habitat within the site for the species. The size of this polygon is entered into the BAM Calculator, which determines the number of credits required to offset the removal of suitable habitat based upon the quality of habitat and biodiversity risk weighting of the species. No species credits are required for the proposal.

Refer to Appendix E for BAM summary reports.'

For further details refer to the Biodiversity Development Assessment Report.

4.5.11 Sewage and Water

Water and sewer services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.

4.5.12 Electricity and Telecommunication Supply

Electricity and telecommunication services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.

4.6 Suitability of the Site (Section 4.15(1)(c))

The proposed subdivision is suitable due to the Site zoning, residential density. Environmental hazards/constraints have also been addressed with the technical assessment reports that accompany this DA to ensure no adverse impacts occur upon the natural or built environments. Any future impact on the built environment with regard to the erection of residential dwellings would be considered under a future DA to be lodged with Council on the proposed residential lots to be created.

4.7 Any Submissions Made (Section 4.15(1)(d))

Council may formally advertise and notify the proposed development application. Should any submissions be made on the application, Council shall consider the merits of any issues that may be raised. Bathla would welcome an opportunity to review and appropriately respond to any community concerns that may be raised for this DA.

4.8 The Public Interest (Section 4.15(1)(e))

The proposed subdivision seeks to facilitate land release for future residential housing provision located within the Urban Release Area and is considered to be in the public interest.

5. CONCLUSION

In conclusion, the proposed Staged Torrens Title Subdivision of the Site into 16 x residential lots, 2 x Drainage Basin lots, 1 x RU2 Zoned lot, construction and dedication of 2 x public roads, tree removal and stormwater drainage works are an appropriate and compatible form of development when assessed under Matters for Consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposed development satisfies and is in accordance with the planning controls pursuant to Maitland Local Environmental Plan 2011, and Maitland Development Control Plan 2011.

Based on the above proposal and the development plans submitted, it is recommended that the Maitland City Council approve the proposed development.