

STATEMENT OF ENVIRONMENTAL EFFECTS

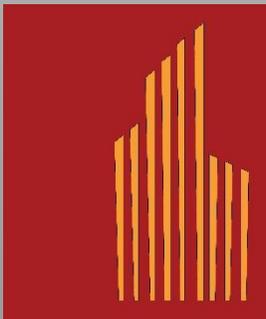
Development Application

STAGED TORRENS TITLE SUBDIVISION OF LAND INTO 30 x RESIDENTIAL LOTS,
CONSTRUCTION AND DEDICATION OF 3 x PUBLIC ROADS, TREE REMOVAL &
STORMWATER DRAINAGE WORKS

176 WOLLOMBI ROAD, FARLEY 2320

(LOTS 23 DP701849)

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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 30 x residential lots, construction and dedication of 3 x public roads, tree removal, stormwater drainage and other associated site works. The demolition of existing structures and are part of a separate development application (DA/2022/933) approved by Maitland City Council.

The Subject Site is legally described as being **176 Wollombi Road, Farley 2320 (Lot 23 DP701849)** and is zoned R1 General Residential 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;
- **Acoustic Assessment Report** prepared by Acoustic Logic Consultancy Pty Ltd;
- **Bushfire Protection Assessment** prepared by Firebird ecoSultants Pty Ltd;
- **Heritage Impact Statement** prepared by Apex Archaeology Pty Ltd;
- **Preliminary Site Investigation Report** prepared by Geotesta Pty Ltd;
- **Preliminary Geotechnical Investigation** prepared by Geotesta Pty Ltd;
- **Civil Engineering Plans** prepared by High Definition West Pty Ltd;
- **Stormwater Management Report** prepared by High Definition Pty Ltd;
- **Ecological Assessment Report** prepared by Firebird ecoSultants Pty Ltd;
- **Survey Plan** prepared by Innovative Surveying Associates
- **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 **176 Wollombi Road, Farley (Lot 23 DP701849)**, (**the Site**) is located within the area to which Maitland Council Local Government Area (LGA), within the Farley Urban Release Area. The Site is a rectangular parcel of land located on the northern side of Wollombi Road, approximately 100 m west of Owlpen Lane. The Site has a frontage width of approximately 103 m to Wollombi road, a lot depth of 239 m and occupies an area of approximately 2.05 ha. An aerial photograph of the Site is provided in **Figure 2 below**.

The Site is surrounded by large rural lots that are transitioning into low density residential housing.



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

2.2. Existing Site and Vegetation

The Site currently contains a single-storey dwelling, outbuilding, swimming pool and tennis court on 176 Wollombi Road. The Site falls from the south-western/front of the Site the north/rear of the Site from **40 m to 28 m**-Australian Height Datum (AHD). The Site contours are shown in **Figure 3**.

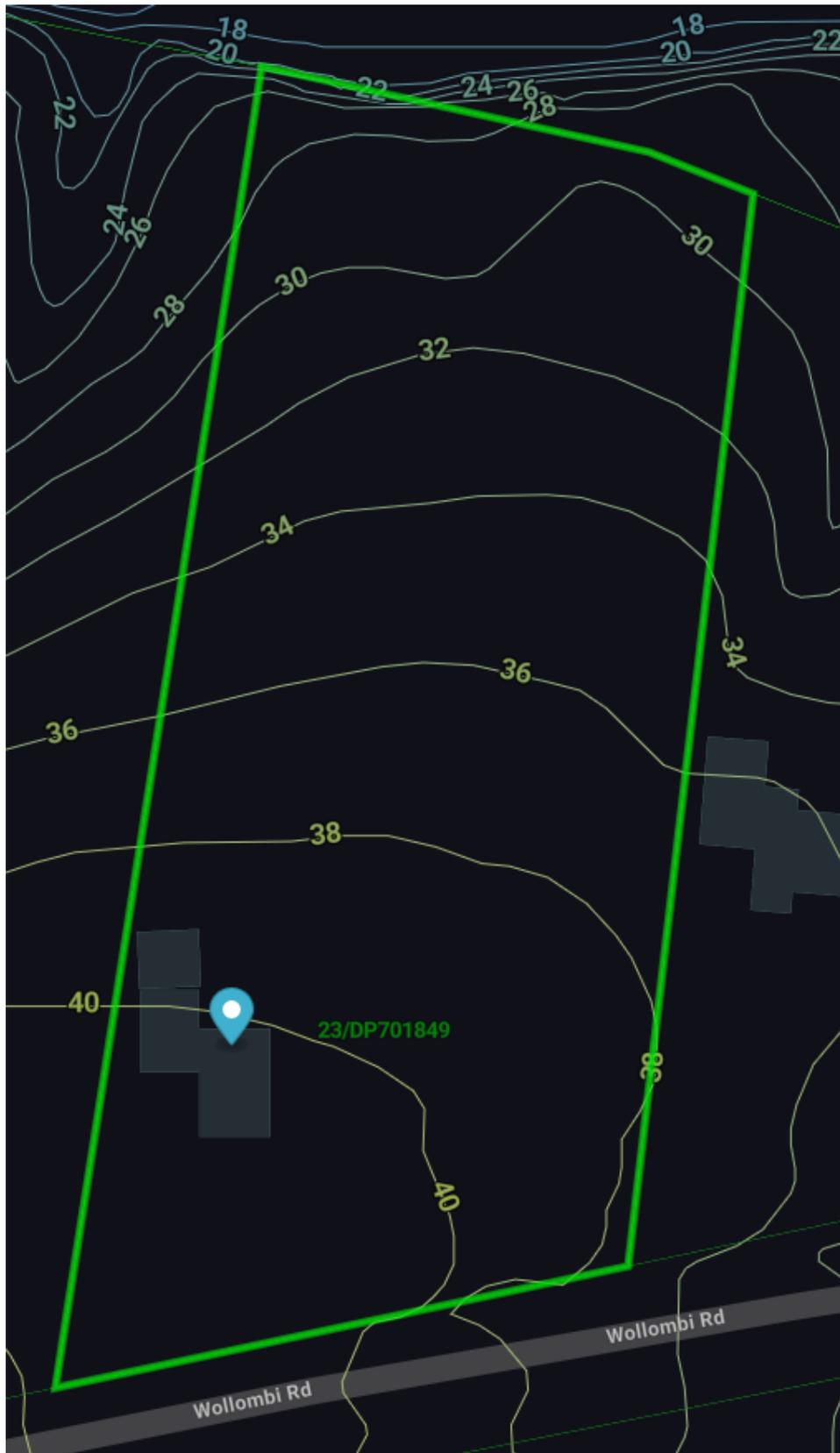


Figure 3: Site Contours (Source: Mecone Mosaic)

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 30 x residential lots across 2 stages:
 - Stage 1: Subdivision of land into 26 Lots (25 x residential lots, 1 x OSD Basin Lot).
 - Stage 2: Subdivision of the OSD Lot 26 into 5 lots.
- 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 private and public roads and temporary OSD lot.



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

The number and size of proposed lots are listed in **Table 1** below.

Type of Proposed Lot	Number of Lots	Area of Lots
Stage 1		
R1 Residential Lots	25 x lots Lot Frontage: 12.5 m to 18.2 m	450 m ² to 520 m ² size lots
On-Site Detention Lot	1 lot 77m lot length	2271 m ²
Stage 2		
5 Residential Lots	5 Lots Lot Frontage: 15.2 m to 15.8 m	450 m ² to 471 m ² size lots



Figure 5: Staged subdivision plans, Stage 1 left above, Stage 2 right above (Prepared by the Bathla Group)

A separate Demolition Application (DA/2022/933) for the existing structures has been approved. 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 connect to Beecher Road and Font Hill Drive as per the adjoining subdivision approved DA/2017/1438 as shown in **Figure 6** below.

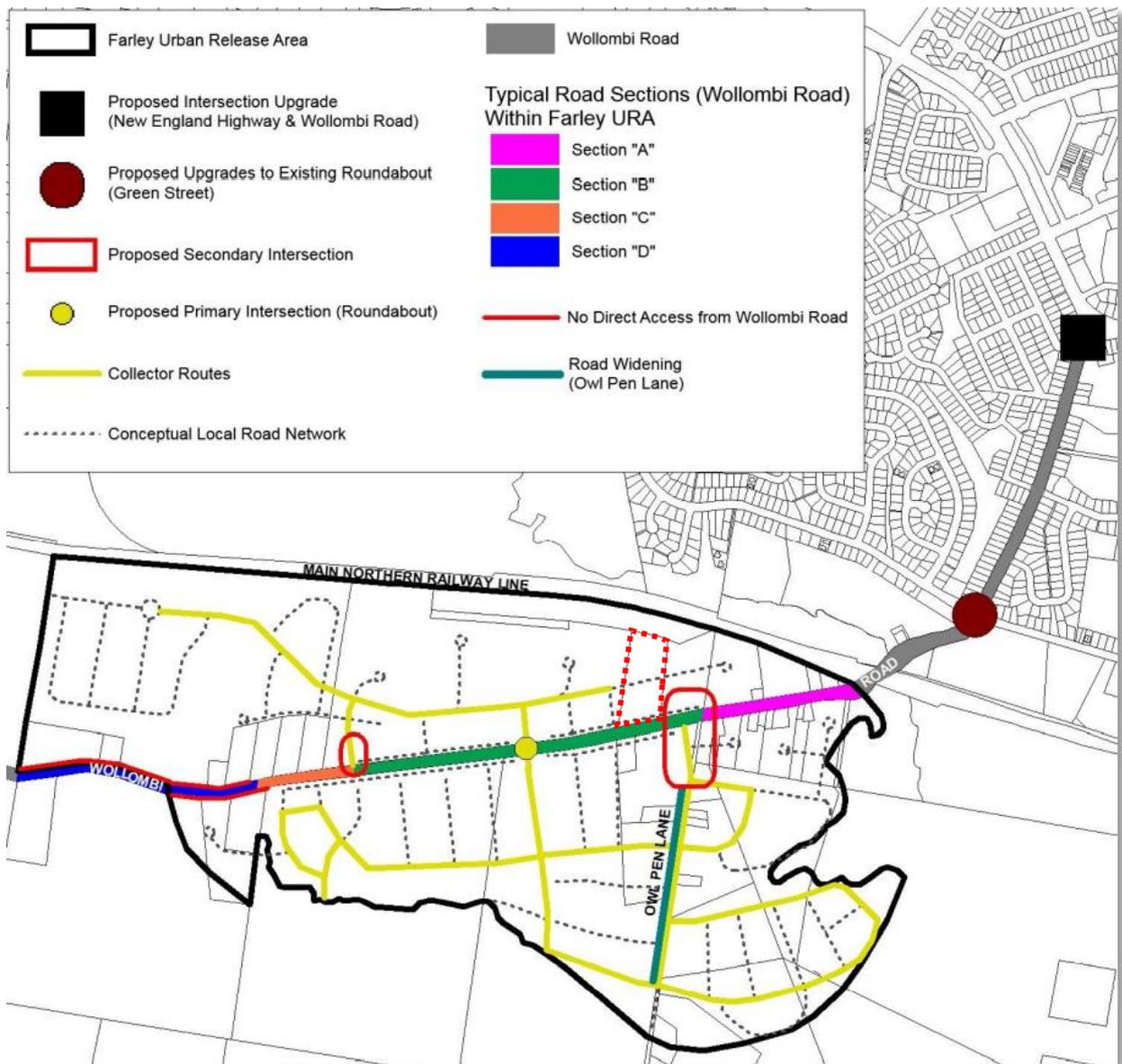


Figure 6: Farley URA Road Network, Treatments and road Widening (Figure 83 in Part F of the DCP), The Site shown in red-hatched

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 to 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** pursuant to Mainland LEP 2011.

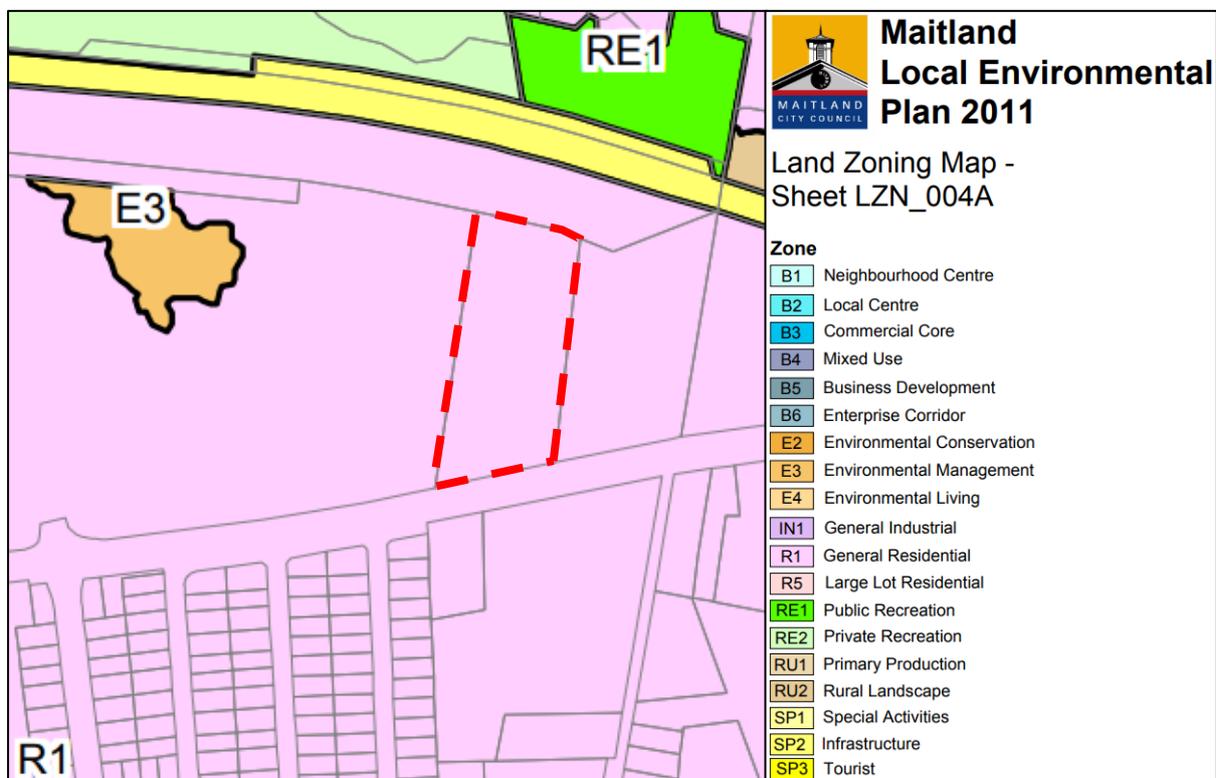


Figure 6: Land Zoning Map Sheet LZN_004A (Maitland LEP 2011)

The land use table for the R1 General Residential zone provides the following:

Zone R1 General Residential

1 Objectives of zone

- 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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

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

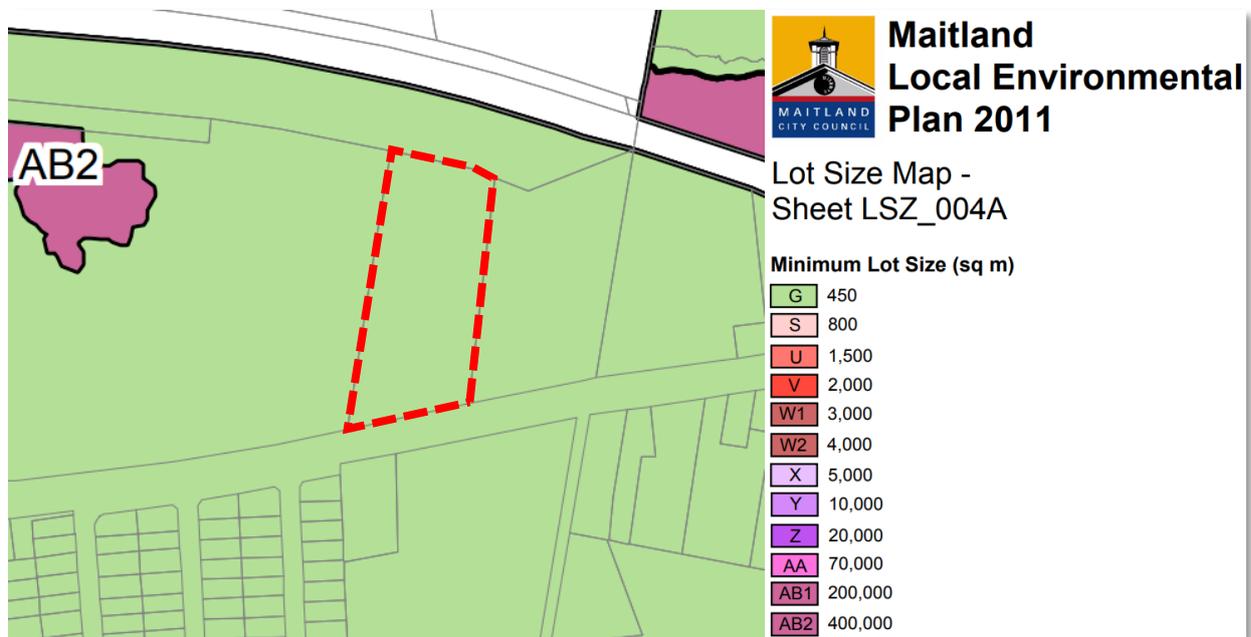


Figure 7: Maximum Building Height Map Sheet LSZ_004A

The subdivision lot sizes fully comply with the development standard proposing a range from 450m² to 520m².

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 Items 88 ‘Owlpen’, 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.

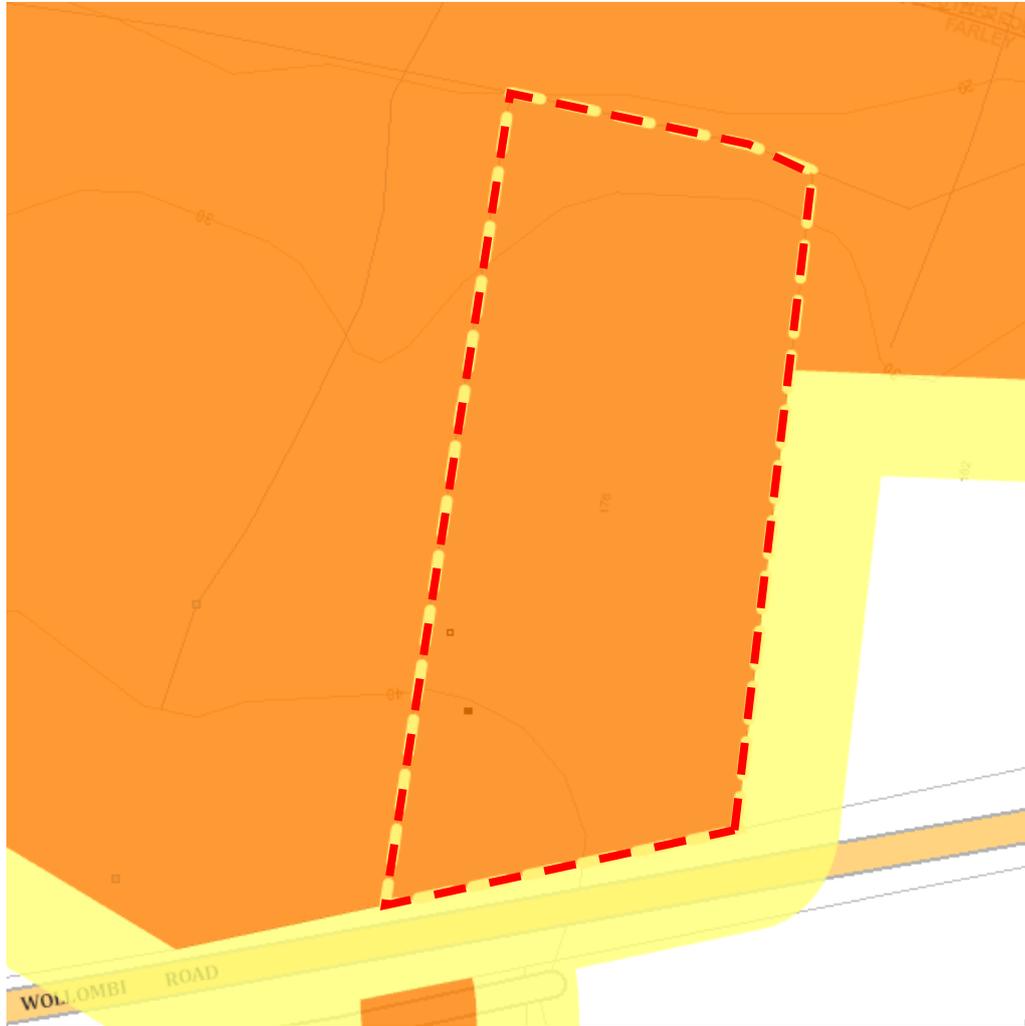


Figure 9: Bushfire Prone Land map (source: ePlanning Spatial viewer)

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 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 30 allotments).

4.1.4 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 NG Child & Associates discussed in Section 4.5.1 of this SEEs provides the following findings:

'The historical review indicated residential usage of the site since at least 1974. The historical information indicates that the site has been used as for cattle farming purposes. Several stockpiles with broken vehicle parts, farming and household wastes have been observed on the farming zone since 2007. The site inspection indicated that multiple stockpiles, sheds, and parked cars may pose environmental contamination concerns to the surrounding soil.'

The soil sampling and analysis program conducted as part of the PSI indicates 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 for the assessment.

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

- *The laboratory analysis detected concentrations of arsenic, chromium, lead, 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, copper, and mercury were detected 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 Site Assessment Criteria (SAC).*
- *No concentrations of Total PAH and Naphthalene were detected above the limit of reporting (LOR) and were therefore within Site Assessment Criteria (SAC).*
- *No concentrations of TRH were detected above the limit of reporting (LOR) and were therefore within Site Assessment Criteria (HSL, ESL and ML).*
- *No concentrations of BTEX were detected above the limit of reporting (LOR) and were therefore within Site Assessment Criteria (HSL and ESL).*
- *No concentrations of Phenols were detected above the limit of reporting (LOR) and were therefore within Site Assessment Criteria (SAC).*
- *No concentrations of PCB were detected above the limit of reporting (LOR) and were therefore within Site Assessment Criteria (SAC).*
- *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		
EC.1 Flora and Fauna	<ul style="list-style-type: none"> 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. 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. 	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	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.	Noted, an aboriginal due diligence assessment and heritage impact statement have been prepared to accompany the proposal.
EC.3 Hazards	<p><u>Bushfire prone land</u></p> <ul style="list-style-type: none"> 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 	The bushfire assessment and recommended protection measure are discussed in section 4.5.6.

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> 	
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> 	<p>Noted, no battle axe lots or access handles are proposed with the subdivision.</p> <p>The lots propose a minimum 12.5m 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 south/front of the site to the north/rear 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> <i>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.</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 proposed subdivision that is consistent with the indicative residential streetscape reducing the visual impact with street trees proposed in front of each lot proposed.</p>
DC.6 Roads & Access,	<p><i>Subdivisions must be designed having regard to network/hierarchy requirements and be designed and constructed to an appropriate standard for their</i></p>	<p>The road hierarchy plan (Figure 5 above) with roads proposed with 17m and 21m</p>

DCP Section	Objectives & Controls	Response	
Pedestrian & Cycleways	<i>intended use. Road standards will vary between residential, rural residential and industrial /commercial locations. 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:</i>	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.	
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><i>Design of subdivisions should consider the following principles:</i></p> <ul style="list-style-type: none"> • <i>Clear Sightlines between public and private places.</i> • <i>Landscaping that makes places attractive, but does not provide offenders with places to hide or entrap victims.</i> • <i>Lots created should be designed so buildings face outwards towards public and semi-public areas to provide natural surveillance opportunities.</i> 	The Street tree plan show trees proposed between future driveways will still allow sightlines between residents' private property and the street as well as contribute to the natural streetscape without provide any hiding places for potential offenders.	
DC.8 Site Filling	<i>An absolute maximum fill depth of 2 metres will be considered by Council.</i>	A maximum fill of 1.75m is proposed in the cut and fill plan.	

DCP Section	Objectives & Controls	Response
Part F.11 Farley Urban Release Area		
1.1 Staging Plan	<ul style="list-style-type: none"> • <i>Staging of the urban release area should be generally in accordance with Figure 86.</i> • <i>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.</i> • <i>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.</i> 	<p>The site is within stage 2 as per Figure 86 of the DCP, Part F.11. Stage 1 of the Urban release area is already in transition from large rural lots to low density residential (See Figure 2 above).</p> <p>Connection to the adjoining roads as per approval DA/2017/1438 is shown the subdivision and Civil Plans.</p>
1.2 Transport and Movement	<ul style="list-style-type: none"> • <i>The transport movement hierarchy shall be generally in accordance with Figure 85. (Figure 5 of this SEE)</i> • <i>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)</i> • Section B (Owl Pen Lane to proposed western intersection) <i>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.</i> 	<p>The conceptual roads as per Figure 85 of the DCP have been incorporated in the proposed subdivision</p>
1.5 Stormwater and Water Quality Management	<p><i>The stormwater and water quality management controls shall be consistent with the principles of Water Sensitive Urban Design (WSUD).</i></p>	<p>The principles of WSUD included in the stormwater management report accompanying the DA.</p>
1.6 Amelioration of Natural and Environmental Hazards	<p><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</i></p>	<p>An ecological assessment report including assessment of Flora and Fauna accompanies the proposal as discussed in section 4.5.10 of this SEE.</p>

DCP Section	Objectives & Controls	Response
	<i>mitigation strategies where impacts on flora and/or fauna communities are identified.</i>	
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); the service road (Fonthill Drive) to the west adjoining approved road.

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 18th 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 low density 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.'*

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 9th 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
S1-BH1	0.12	1.08	Non-Saline
S2-BH2	0.038	0.342	Non-Saline
S3-BH3	0.066	0.594	Non-Saline
S5-BH4	0.21	1.89	Non-Saline
S6-EBH101	0.07	0.63	Non-Saline
S7-EBH102	0.35	3.15	Slightly Saline
S8-EBH103	0.098	0.882	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 to slightly 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
S1-BH1	5.9	170	40	Non-aggressive	Non-aggressive
S2-BH2	6.1	32	10	Non-aggressive	Non-aggressive
S3-BH3	6.1	44	22	Non-aggressive	Non-aggressive
S5-BH4	5.6	200	200	Non-aggressive	Non-aggressive
S6-EBH101	6.0	67	51	Non-aggressive	Non-aggressive
S7-EBH102	5.9	190	380	Non-aggressive	Non-aggressive
S8-EBH103	5.9	47	77	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 17th August 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.*
- *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 Heritage impact assessment report has been prepared by **Apex Archaeology Pty Ltd** on 27th August 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 the wider vicinity of 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 **High Definition West Pty Ltd** on 15th August 2022. This report provides the following conclusion:

'The strategy for management of stormwater runoff from the development is depicted on the civil DA plans within the Appendix, and comprises:

- *Capture of stormwater from lot and road reserve areas by a conventional pit and pipe drainage network located in the street or in interlotment drainage easements where required.*
- *Conveyance of captured stormwater within the drainage pipe network to gross pollutant traps (GPT's) for primary treatment prior to discharge into the proposed combined detention and bioretention basins.*
- *The detention basins will provide attenuation of developed stormwater flowrates to existing flowrate conditions for the development site.*
- *The bioretention basins will provide secondary/tertiary treatment and polishing of the stormwater runoff from the development site prior to discharge downstream.*
- *Discharge from the major catchment outlets will be conveyed over land within the existing watercourses, or piped as required, towards the northwest corner of the site towards/through the Great North Railway line, generally similar to the discharge from the undeveloped catchments.*

MUSIC modelling has demonstrated that the proposed treatment devices will treat developed stormwater runoff to meet requirements outlined in Manual of Engineering Standard 2014 Section 8.2 Stormwater Quality, and on this basis it is considered that no further water quality controls will be required within the proposed subdivision development. Details of the proposed local drainage system will be determined at the time of Construction Certificate application, to Council's standard requirements. As illustrated by Figure 4 in Appendix B, there is sufficient area within the site to provide stormwater drainage management measures to negate the impact of the proposed development. A small catchment area outside of the site along Font Hill Drive from the neighbouring development site has been included in this model as the road once constructed will drain into this site and ultimately detain in the proposed basin.

Flooding

From a review of Maitland City Council's Floodplain Risk Management Study and Plan 2015, Flood Planning Map, it is considered that the subject site is in a mapped flood zone. Therefore, the site is subject to any flooding limitations.

The site's levels, including any site regrading that may be proposed, should be reviewed in the CC phase of the development to confirm that developable areas are at or above the 1 in 100 year flood level, enabling future habitable dwellings to be located at or above the flood planning level.'

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 8th September 2022. This report provides the following recommendations in the table below from the Bushfire reports' 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):*
 - *North for a distance of 2m as an IPA and 10m as an OPA; and,*
 - *North-East for a distance of 2m as an IPA and 10m as an OPA*

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 development is for three or more allotments and therefore requires perimeter roads.*
- *All perimeter and 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_BushFireSurvivalPlan.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 BPB (RFS, 2019)'

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

4.5.7 Acoustic Assessment Report

The Traffic and Parking Assessment report has been prepared by **Acoustic Logic Consultancy Pty Ltd** on 24th August 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' (NPMI) 2017.'*

For further details refer to the accompanying Acoustic Assessment report.

4.5.8 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 high tree retention value. Tree removal is proposed with the subdivision works. The tree retention value has been considered within the Ecological Assessment by Firebird ecoSultants Pty Ltd as discussed in the section below.

4.5.9 Ecological Assessment

The Ecological Assessment report has been prepared by **Firebird ecoSultants Pty Ltd** on 5th September 2022. This report provides the following recommendations:

'This assessment aims to recognise the relevant requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

A literature review and desktop research was combined with flora and fauna surveys, and a habitat assessment. Commonwealth, state and local government policies and guidelines formed the basis of project surveying and assessment methodology.

Assessments of Significance under the BC Act (five-part tests) and Significant Impact Assessments under the EPBC Act have acknowledged that the proposal has the potential to impact on a number of threatened species and one (marginally classified) EEC. This impact however is not significant and, provided that the recommendations below are adhered to, is unlikely to place any viable local populations / communities at risk of extinction.

It is concluded that the BOS and concurrence of OEH is not required. It is also concluded that an EPBC Act Referral and approval of DEE is not required. Finally, the provisions of SEPP 44 have also been considered and it is concluded that the site does not constitute 'Potential Koala Habitat'

The following measures of avoidance have been or are required to be undertaken:

- *One (1) hollow bearing tree will be removed by the proposed development which would be suitable for a range of species including small birds and mammals, and microbats. The following is recommended in relation to the removal of these trees:*
 - *Habitat trees identified for removal shall have their hollow sections salvaged; alternatively, artificial nest boxes will be erected at a replacement ratio of 1:1. The number and size of replacement nest boxes will be determined following clearing, where an ecologist can adequately assess the hollows on the ground.*
 - *Habitat trees identified for removal are to have their hollows inspected by a suitably qualified Ecologist and Fauna Handler immediately prior to clearing, to determine if the hollows are being utilised by fauna. Any fauna located are to be trapped and relocated to adjoining areas not subject to development pressure prior to the tree being felled.*
 - *Hydrological and sediment/erosion controls must be implemented where necessary to maintain the quality and quantity of pre-development water flows into downstream areas.*
 - *The clearing of any habitat trees shall be timed to take place outside of the breeding periods of the fauna species likely to use the site, or as approved by council.*
 - *A suitably qualified Ecologist and Fauna Handler should be present during habitat tree removal to ensure any displaced native fauna can be dealt with appropriately.'*
- *Hydrological and sediment/erosion controls must be implemented where necessary to maintain the quality and quantity of pre-development water flows into downstream areas.'*

For further details refer to the Ecological Assessment report.

4.5.10 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.

4.5.11 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 30 x residential lots, the construction and dedication of 3 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.