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Statement of Environmental Effects

Staged Residential Subdivision

Property:

Lot 100 DP 847510
523 Raymond Terrace Road, Chisholm

Applicant:

ACG Clovelly Road Pty Ltd

Date:

May 2023

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft to Client	19 May 2023	SVD	SVD
B	Final for Lodgement	22 May 2023	SVD	SVD

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Executive Summary

This Statement of Environmental Effects ("SEE") has been prepared by ADW Johnson to accompany a development application ("DA") with Maitland City Council for a residential subdivision at Chisholm.

Application Details

Applicant:	ACG Clovelly Road Pty Ltd
Development:	108 Residential Lots, two (2) Drainage Reserves and one (1) residue lot in five (5) stages
Site Description:	Lot 100 DP847510 523 Raymond Terrace Road, Chisholm
Owner:	Maria Romanelli
Development Cost:	\$7,285,000

Development Standards/Controls

Zone:	R1 General Residential
Definition:	Subdivision
Permissibility:	Permissible with Consent (Maitland Local Environmental Plan (LEP) 2011 – Section 2.6)
Minimum Lot Size:	450m ² (LEP – Section 4.1)
Urban Release Area:	Thornton North Stage 2

External Referrals

Bushfire:	Yes – Residential Subdivision within bushfire prone land (Rural Fire Service (RFS) – Integrated)
Waterfront land:	Yes – The proposed subdivision is within 40m of a watercourse (Natural Resources Access Regulator (NRAR) – Integrated)

Summary

The proposed subdivision achieves all key planning controls.

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- Appendix 3** Certificate of Title
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- Appendix 11** Traffic Impact Assessment
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- Appendix 14** Noise Impact Assessment
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1.0 Introduction

ADW Johnson has been engaged by ACG Clovelly Road Pty Ltd ("the proponent") to prepare and lodge a Development Application (DA) with Maitland City Council ("Council") for a 108-lot staged residential subdivision over Lot 100 DP 847510 at 523 Raymond Terrace Road (RTR), Chisholm

This SEE has been prepared pursuant to the Environmental Planning and Assessment Act 1979 (EP&A Act) and accompanying regulations, and addresses the necessary issues that require assessment to assist Council in making a determination on the subject application.

The proposed development involves the creation of 108 residential lots which will sit within the southern-central portion of the newest precinct (Chisholm Central) within Stage 2 of the Thornton North Urban Release Area (TNUAR).

The subject residential allotments are located within the *R1 General Residential Zone* (R1 zone) where subdivision is permissible with consent and where a minimum lot size of 450m² applies. All residential allotments have been designed to achieve this requirement. The proposed development also includes the retention and rehabilitation of an east/west riparian corridor which is also located within the R1 Zone. This will provide a passive open space/and ecological linkage between the eastern end of Stage 2 of the TURNA (Sofia Waters) through to Waterford.

As part of this application, consent is also sought for the construction of roads, connection of stormwater through to downstream (offsite) basins via retained riparian corridor, construction of a new biofiltration basin, vegetation removal, bulk earthworks/regrading for road construction, and landscaping. Water, sewer, stormwater, power and telecommunication services will also be provided under the proposal. Plans of the proposed subdivision are provided within Appendices 1A and 1B and further details are provided within Section 3.

This land is located within Stage 2 of the Thornton North Urban Release Area (TNURA) which was rezoned in July 2007, and which involved the development of an area specific Master Plan – the principles of which are now included within Part F7 of the Maitland City Council Development Control Plan 2011 (DCP). A requirement of Part F7 is the creation of Precinct Plans for each area. The subject site is covered by the Chisholm Central Precinct Plan which was adopted by Council on 22 March 2022.

Overall, the proposed development complies with all relevant provisions of the Maitland Local Environmental Plan 2011 (LEP) as well as the relevant aims and objectives of the DCP. A variation is required with regards to a residue lot which does not meet the minimum 450m² lot size control. Clause 4.6 of the LEP has been addressed in this regard.

2.0 The Site

2.1 LOCATION

The subject site is located on the northern side of RTR, approximately 4km to the east of East Maitland Town Centre, in a growing residential area where numerous DAs have been lodged and/or constructed (see Figure 1).

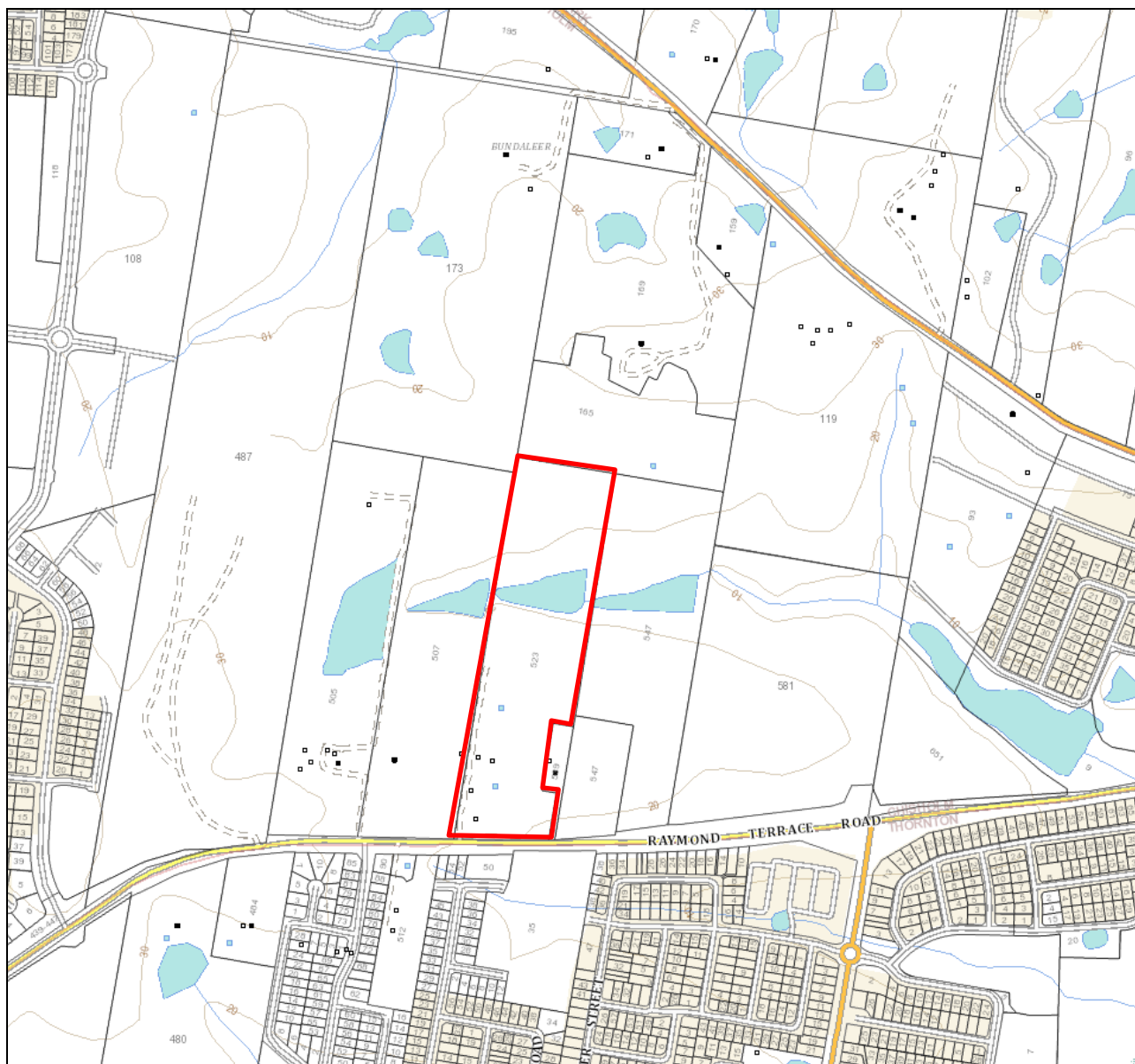


Figure 1: Locality Map

2.2 LAND TITLE

The subject site is identified as Lot 100 DP 847510 and is not burdened by any easements or restrictions.

A copy of the Deposited Plan is provided in Appendix 2.

2.3 OWNERSHIP

Lot 100 DP 847510 is owned by Maria Romanelli – whose consent to the lodgement of this DA is provided as a letter of authority attached to the application form.

A copy of the Certificate of Title is provided in Appendix 3.

2.4 PHYSICAL DESCRIPTION

2.4.1 Site

The site currently contains one (1) residential dwelling in the south west; three (3) shed structures in the south; and three (3) dams, with the largest traversing the site in an east/west direction (see Figure 3). The site also surrounds a battle-axe lot at 539 RTR.



Figure 2: Aerial Photo of Site

2.4.2 Context

The site is located within Stage 2 of the TNURA within the southern central portion of the newest residential precinct (Chisholm Central Precinct), where it sits amongst sites that are approved or proposed. The only exception to this, being the undeveloped land to the south-west, which retains the existing dwelling on the southern portion of this property (see Figures 3 and 4).



Figure 3: Aerial Showing Current Development Context

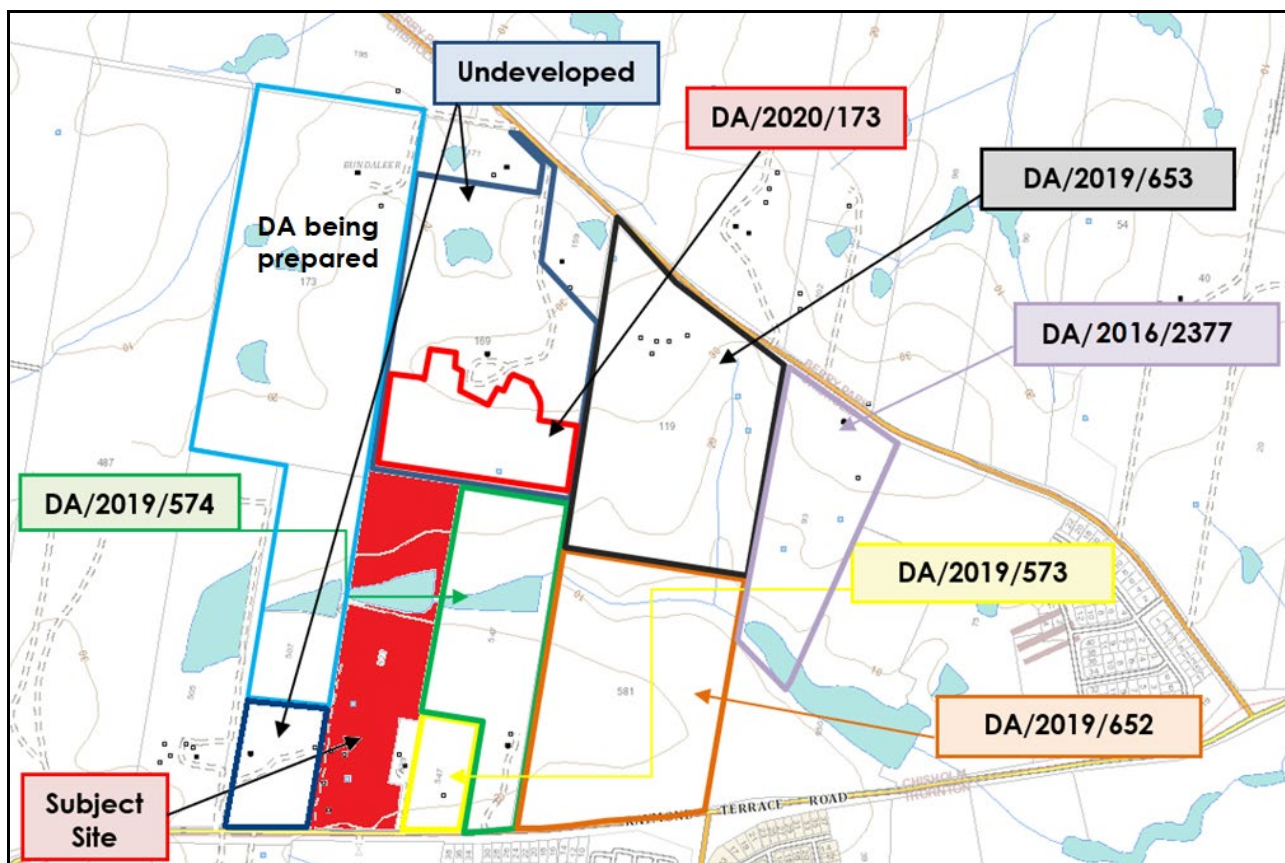


Figure 4: Aerial Showing Current Development Context

2.4.3 Access

Access to the site at present is gained off Raymond Terrace Road via a rural gravel driveway.

2.4.4 Topography & Watercourses

The site generally falls towards the large central dam which traverses a first order watercourse at approximately 18m AHD, from elevations in the north and south at approximately 27m AHD. The only exception to this, is a portion of the site towards the southern end which falls towards RTR at approximately 22m AHD (see Figures 5 and 6). This topography informs the site drainage catchments which predominantly fall towards the central dam, with the exception of a small southern portion which drains to a drainage channel along RTR.

The dam on site connects a series of dams/detention basins from the adjacent properties which flow in an easterly direction.

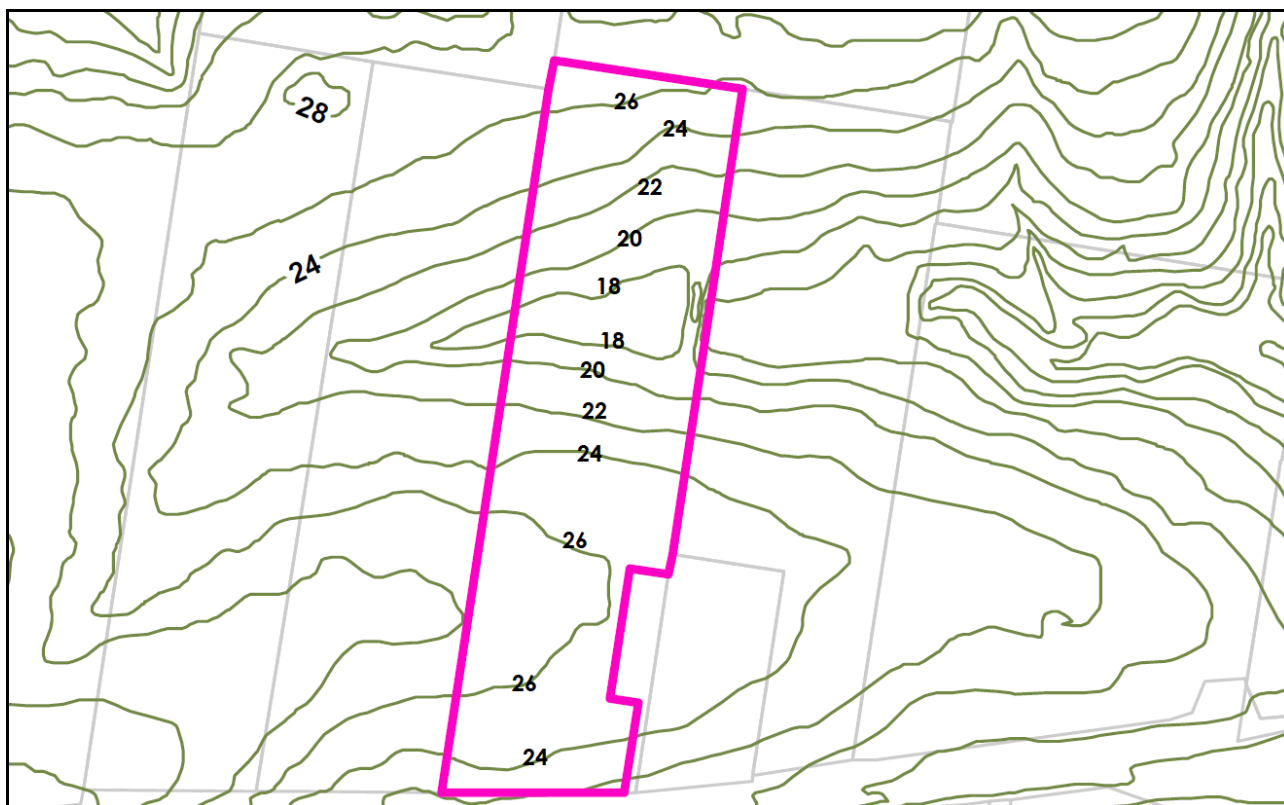


Figure 5: Existing Site Contours

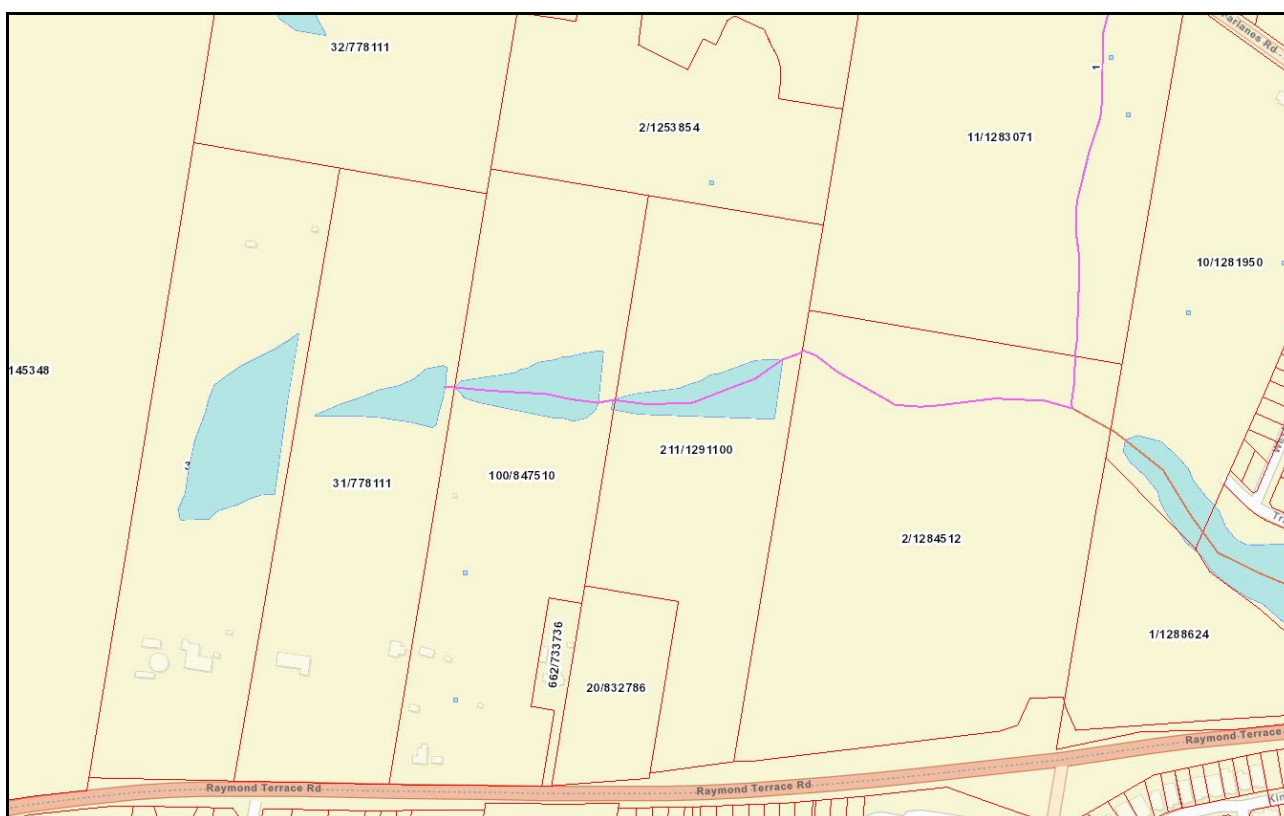


Figure 6: Watercourse Order

2.4.5 Vegetation

As demonstrated by the aerial photograph within Figure 2, the site is relatively cleared of vegetation and represents one of the least ecologically constrained sites within the precinct.

A recent drone photo of the site is provided below.



Photo 1: Drone Photo of Site taken from SE Corner at RTR

3.0 Description of the Proposed Development

3.1 DEVELOPMENT PARTICULARS

The proposed development comprises the following elements:

- Demolition of all structures on site;
- Earthworks as required for road and infrastructure provision (likely export of fill required);
- Vegetation removal where trees located within earthworks footprint;
- 108 Torrens Title residential lots; one (1) residue lot; and two (2) drainage reserves delivered in five (5) stages as follows:

STAGE SUMMARY		
STAGE	NUMBERING	LOT YIELD
1	101 – 141	40 LOTS + 1 DRAINAGE RESERVE (LOT 141)
2	201 – 242	42 LOTS
3	301 – 315	13 LOTS + 1 DRAINAGE RESERVE (LOT 314) + 1 ROAD WIDENING (LOT 315)
4	401 – 407	7 LOTS
5	501 – 507	6 LOTS + 1 RESIDUE LOT (LOT 507)
TOTAL		108 RESIDENTIAL LOTS 2 DRAINAGE RESERVES 1 ROAD WIDENING LOTS 1 RESIDUE LOT

- Construction of local roads with 1.5m wide footpaths along one (1) side;
- Construction of a Collector Road with 2.5m wide shared path along one (1) side;
- The existing dam will require reshaping to direct stormwater, following which is will be rehabilitated with endemic species;
- Provision of stormwater infrastructure and connections, including a bio-retention basin;
- Provision of underground water, sewer, communication (NBN) and electrical services as required;
- Creation of permanent and temporary APZs;
- Creation of any necessary easements;
- Street trees and landscape buffer treatment to RTR.

Plans of the proposed subdivision, including site plan, detailed lot layouts, servicing plans, and cut and fill plan, have been provided in Appendices 1A and 1B. Plans detailing the treatment for the water quality basins and landscaping are provided within Appendices 4 and 5 respectively.

3.2 DESIGN CONSIDERATIONS

The structure of the subdivision is generally set by the following:

- Location of approved or proposed lead-in roads to the east, north and west;
- Inclusion of a 90 degree road in the north-west corner which is unavoidable owing to the proposed layout lodged with DA/2020/173;
- Retention of a riparian corridor over the first order watercourse;

- Provision of perimeter roads along the riparian corridor;
- Provision of a Collector Road on the southern side of the riparian corridor;
- Where possible, adoption of a grid layout with north/south and east/west oriented allotments;
- Removal of four-way intersections except where already dictated by adjoining approved/layouts;
- Provision of block permeability through block lengths of less than 210m;
- Provision of larger corner lots and mid-block lots over 600m² to accommodate potential future dual-occupancies or small lot housing;
- Orientation of lots facing the riparian corridor;
- Adoption of 15m minimum lot width noting this accommodates a four (4) bedroom house;
- Provisions of a range of widths larger than 15m generally up to 20m to provide lot diversity;
- 15m lot widths adjoining the drainage reserve to increase lots accessing this amenity.

Staging of the development has been designed as follows:

- Stage 1: Corresponds to the first likely access provision from the adjoining development to the east which will be on the southern side of the drainage corridor. The first stage will include the drainage corridor as all drainage for the northern catchment will drain to this point. The northern boundary of the stage is the drainage corridor and the southern boundary follows a high point across the site. Lots south of this that fall towards RTR, are located within a different stormwater and sewer catchment.
- Stage 2: Stage 2 include the lots to the north of the drainage corridor once access is available from the adjoining development. These lots drain to the central corridor and the same sewer catchment as Stage 1.
- Stage 3: Stage 3 lots are within the southern catchment and will require their own stormwater basin for quality and quantity. They also drain via gravity sewer through the adjoining access handle on the site to the east.
- Stage 4: These lots are adjoining the site to the west and will require a temporary asset protection zone (APZ) or this development to proceed to be delivered.
- Stage 5: These lots will require land swap arrangements with the developer of have been left to the last stage to encourage a land swap with Bathla to the east and share construction costs of the road frontage.

3.3 COUNCIL CONSULTATION

A pre-lodgement meeting was held with Council on 23rd March 2023. A response table itemising how the subject DA has taken matters raised into consideration is provided within Appendix 17.

4.0 Planning Controls

4.1 ENVIRONMENTAL PLANNING INSTRUMENT (S4.15(1)(A)(I))

4.1.1 Maitland Local Environmental Plan 2011

Zoning

The site is located within the R1 General Residential Zone as shown in Figure 7.

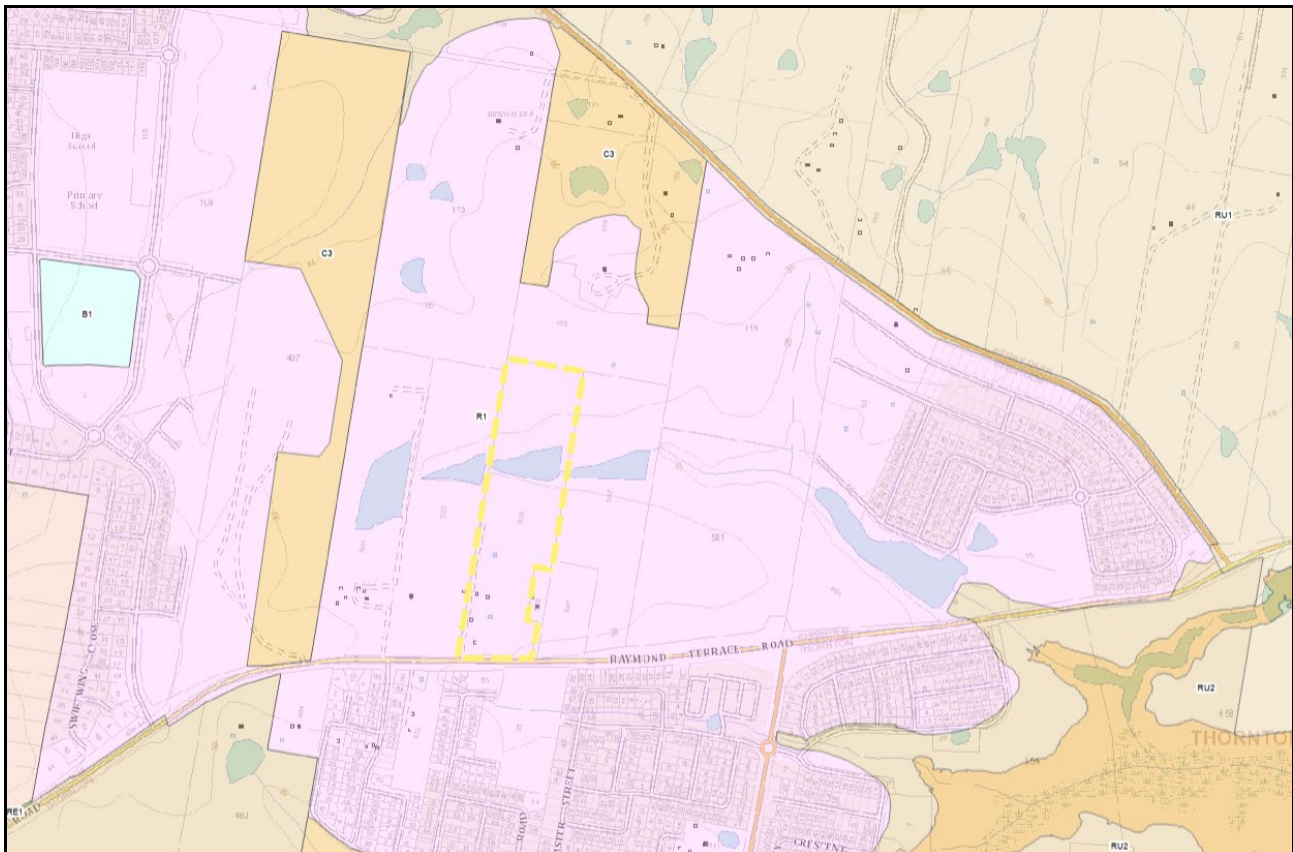


Figure 7: Zoning Map

The proposed development, which is defined as a "subdivision", is permissible with the consent of Council pursuant to Clause 2.6 of the LEP under all zones. It is also noted that "roads" are permissible with consent under the R1 zone.

Land Use Table

Clause 2.3 of the LEP stipulates that the consent authority must have regard to the objectives for a development in a zone when determining a development application in respect of land within the zone.

The proposed residential lots are located with the R1 zone, where the following relevant objectives have been addressed:

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

The proposed subdivision will create residential allotments in a logical pattern, including a variety of lot sizes, within an area specifically planned for growth. For these reasons, the development is considered to achieve the objectives of the R1 Zone.

Clause 4.1 – Minimum Subdivision Lot Size

A minimum lot size of 450m² applies to the site (see Figure 8). All proposed residential allotments will have an area of 450m² or greater with the exception of residue lot 507. A variation in this regard has been addressed below.

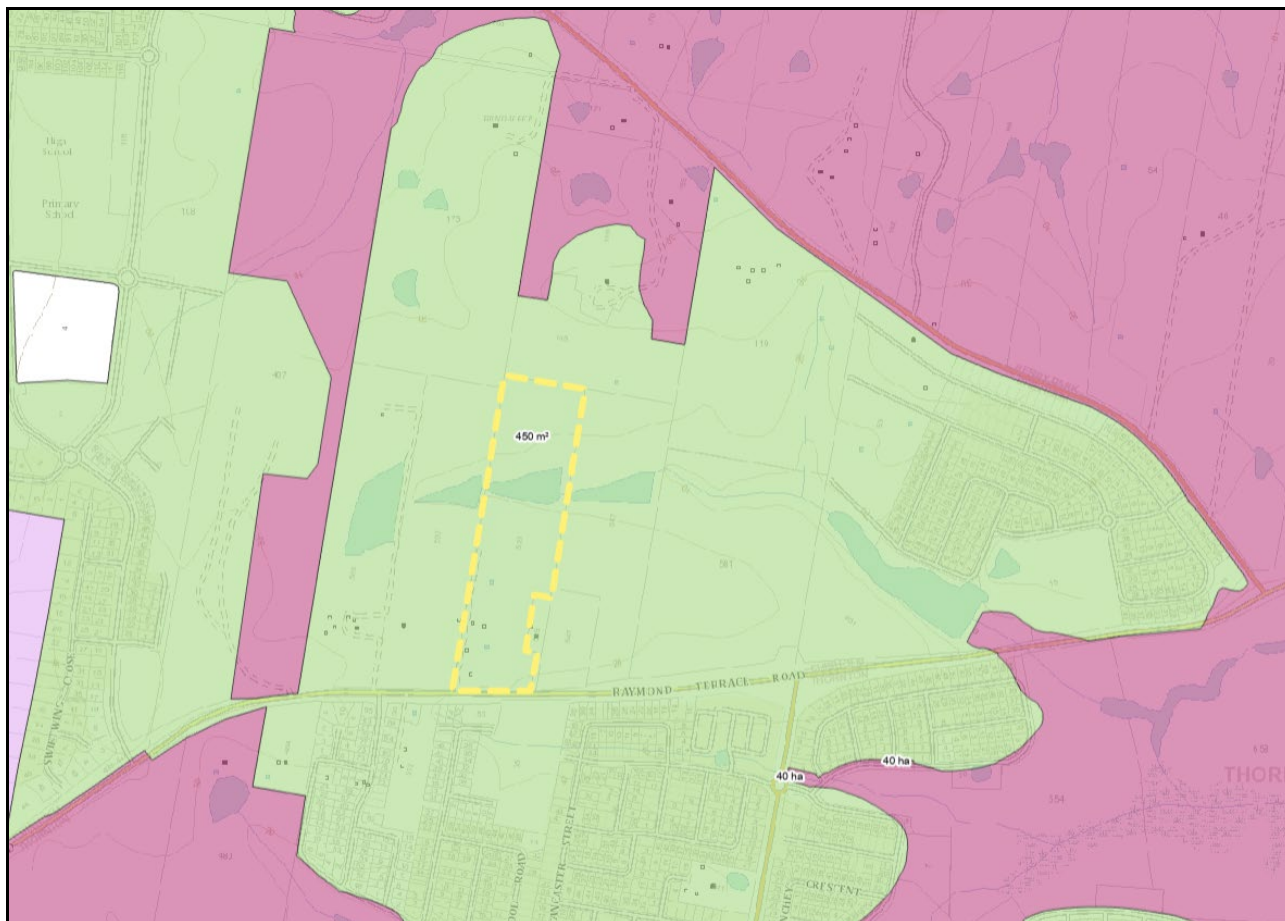


Figure 8: Lot Size Map

Clause 4.6 – Exceptions to Development Standards

Residue lot 507 has a lot size of 377m², representing a 72m² (16%) variation to the 450m² minimum lot size depicted under Clause 4.1.

Clause 4.6 allows for variations to development standards as follows:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

In this regard, the following is noted:

- Sub-clause (6) does not apply to land within the R1 Zone;
 - Sub-clause (8) does not apply as the proposed development is not complying; the standard is not a BASIX requirement; the development is not a miscellaneous use (Clause 5.4); the development is not a secondary dwelling (Clause 5.5); and contravention of the standard does not prevent compliance with Clause 6.1 or Clause 6.2.
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Addressing Clause 4.6 under this section is considered to represent the “written request”.

To assess whether compliance with a Development Standard is unreasonable or unnecessary, the NSW Land and Environment Court established a “five part test”. This test has been addressed as follows:

1. *The objectives of the Standard are achieved notwithstanding non-compliance with the Standard;*

The objectives of the minimum lot size standard are as follows—

- (a) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (b) *to prevent the fragmentation of rural land.*

The minimum lot size controls within the R1 zone are required to enable to development of future low density residential dwellings. It is intended that the proposed residue lot will be part of a land swap arrangement with the adjoining land owner to ultimately create a compliant lot size capable of accommodating a dwelling. For this reason, it is considered that the proposed lot, when part of the land swap arrangement will comply with the objectives of the lot size standard.

2. *The underlying objective or purpose of the Standard is not relevant to the development and therefore compliance is unnecessary;*

Noting the status of the lot as a residue lot intended for a future land swap arrangement, it is considered that the underlying objective or purpose of the controls is not relevant in this case.

3. *The underlying objective or purpose would be defeated or thwarted if compliance is required and therefore compliance is unreasonable;*

There are two (2) ways for the development to comply with the minimum lot size control:

- a) a portion of the adjoining road reserve could be included within the lot; or
- b) the residue lot could be combined with another lot.

Solution a) would not create a reasonable and rationale road layout, as the road reserve width would not comply with Council's standards for a local residential street. Solution b) would remove land from being able to be developed for an additional residential allotment, thereby "wasting" useable land.

4. *The Development Standard has been virtually abandoned or destroyed by the Council's own decisions in granting consents that depart from the Standard and hence compliance with the Standard is unnecessary and unreasonable;*

N/A – The development standard has been applied for standard residential lots; however, is not relevant in this case noting the residue lot status.

5. *The zoning of the particular land on which the development is proposed is unreasonable or inappropriate so that the Development Standard, (which is appropriate for the zoning), is also unreasonable or unnecessary as it is applied to that land, and that compliance with the Standard in the circumstances of the case will also be unreasonable or unnecessary. Not all of the above must be satisfied in each circumstance.*

N/A – The zoning of the site is appropriate.

It is considered that the variation to the development standard achieves test 2 and 3, and the future lot created by the land swap arrangement will achieve test 1. It is noted that not all of the tests have to be achieved.

To assess whether there are sufficient environmental planning grounds to justify varying a Development Standard, it is first necessary to determine what "environmental planning grounds" are. These grounds relate to the subject matter, scope and purpose of the Environmental Assessment and Planning Act 1979, including the objects in Section 1.3 of the Act.

With regards to the minimum lot size Development Standard, the following object is relevant:

- the orderly and economic use of land.

The proposed residue lot has been created due to the location and configuration of the adjoining lot (Lot 662) and the approved road alignments and widths over the adjoining site to the east. There is no solution to avoid the creation of this lot without impacting the rational arrangement of the subdivision and future public roads and in doing so impacting on the orderly and economic use of land.

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) *the consent authority is satisfied that—*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*

It is considered that the above request has adequately addressed subclause (3) and the proposed variation does not contravene the objectives of the standard or R1 Zone and is therefore in the public interest.

- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

Granting concurrence to the proposed variation is minor only and the ultimate proposed land swap arrangements will remove the non-compliance, thus it is considered temporary only. For these reasons, contravention of the development standard does not raise any matter of significance for State or regional environmental planning. Further, adjusting the road layout to achieve the development standard would not be in the public interest, therefore there would be no public benefit in maintaining the development standard.

Taking the above into consideration, the proposed variation to the lot size standard for residue Lot 507 is considered worthy of support and concurrence.

Clause 5.1A – Development on land intended to be acquired for public purposes

N/A – The site is not identified on the Land Reservation Acquisition Map.

Clause 5.10 – Heritage Conservation

The site is not identified as containing, or being adjacent to a heritage item, nor as being located within a heritage conservation area.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared which concludes that no Aboriginal sites or potential archaeological deposits (PADs) were identified over the site. The ACHAR has been made available to registered Aboriginal Parties (RAPs), with no comments being received.

Further details in this regard are provided within Section 5 and the ACHAR in Appendix 6.

Clause 5.21 – Flood Planning

N/A – The site is not impacted by the flood planning level.

Clause 6.1 – Arrangements for Designated State Public Infrastructure

The objective of Clause 6.1 is to require satisfactory arrangements to be made for the provision of designated State Public Infrastructure for the subdivision of land in an urban release area. In this regard, Clause 6.1 states:

- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

The site is located within the Thornton North Stage 2 Urban Release Area (see Figure 9).

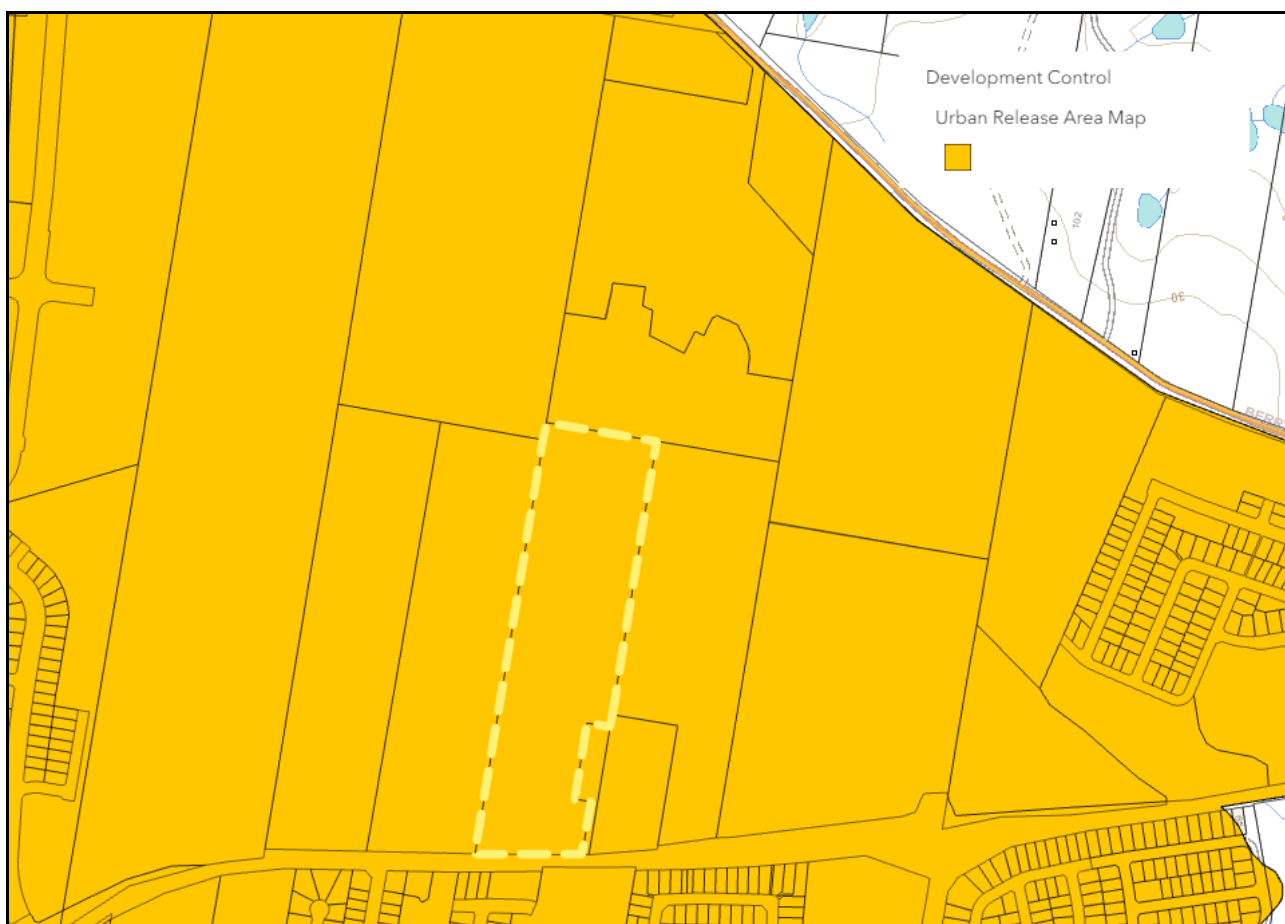


Figure 9: Urban Release Area Map

The Department of Planning, Environment and Infrastructure (DPIE) advised the following on 30th June 2015:

"I write in connection with your requests for satisfactory arrangements certification dated 2 June 2015 and 19 June 2015 in support of your development application proposals in the Thornton North Stage 2 Urban Release Area.

Satisfactory arrangements certification will be issued by the Secretary to Maitland City Council having received a referral from Council in connection with a development application for the subdivision of land. This ensures that any satisfactory arrangements certification issued by the Secretary relates to a subdivision proposal for urban purposes, rather than with the land.

This is consistent with the attached letter from the Secretary dated 10 April 2015, which confirmed that developers in the Thornton North Stage 2 Urban Release Area will not be required to enter into planning agreements to contribute to State infrastructure.

The Department will ensure that satisfactory arrangements certification will be issued in a timely fashion for Council referrals triggered by clause 6.1 of the Maitland Local Environmental Plan 2011 in Thornton North Stage 2."

A copy of this correspondence is provided within Appendix 13.

Once the subject DA has been lodged with Council, the proponent will contact DPIE to obtain a formal letter of Satisfactory Arrangements.

It is noted that this cannot be done until the development has a DA reference number.

Clause 6.2 – Public Utility Infrastructure

Clause 6.2 states:

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Adequate arrangements have been made for the provision of all services to all residential allotments within the subdivision and as such, the proposal adheres to the provisions of Clause 6.2. Further information with regards to servicing is provided within Section 5 and the servicing plans provided in Appendix 1B.

A Notice of Requirements (NOR) for the development has been provided by Hunter Water which confirms there is adequate capacity for a water service. It also advises that an update to the Thornton Release Area Wastewater Servicing Strategy is required to assess the spare capacity at Thornton 3 WWPS and associated infrastructure. A copy of the Hunter Water stamped plan and NOR is provided within Appendix 7.

Taking the above into consideration, adequate arrangements have been or will be made for the provision of all services to all residential allotments within the subdivision and as such, the proposal adheres to the provisions of Clause 6.2.

Section 6.3 – Development Control Plan

Section 6.3 states:

- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

- (3) The development control plan must provide for all of the following:*
- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
 - (d) a network of passive and active recreation areas,*

- (e) stormwater and water quality management controls,
- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

The Thornton North Area Plan was adopted by Council on 26th February 2008 and is now included within Part F of the DCP. Chapter F.7 was adopted into the Maitland DCP which addresses the above items and thereby adheres to Clause 6.3.

Clause 7.1 – Acid Sulfate Soils

Clause 7.1 states:

- (3) *Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

The subject site contains only Class 5 ASS (see Figure 10). It is not within 500m of Class 1 – 4 lands. Accordingly, the provisions of this clause do not apply.

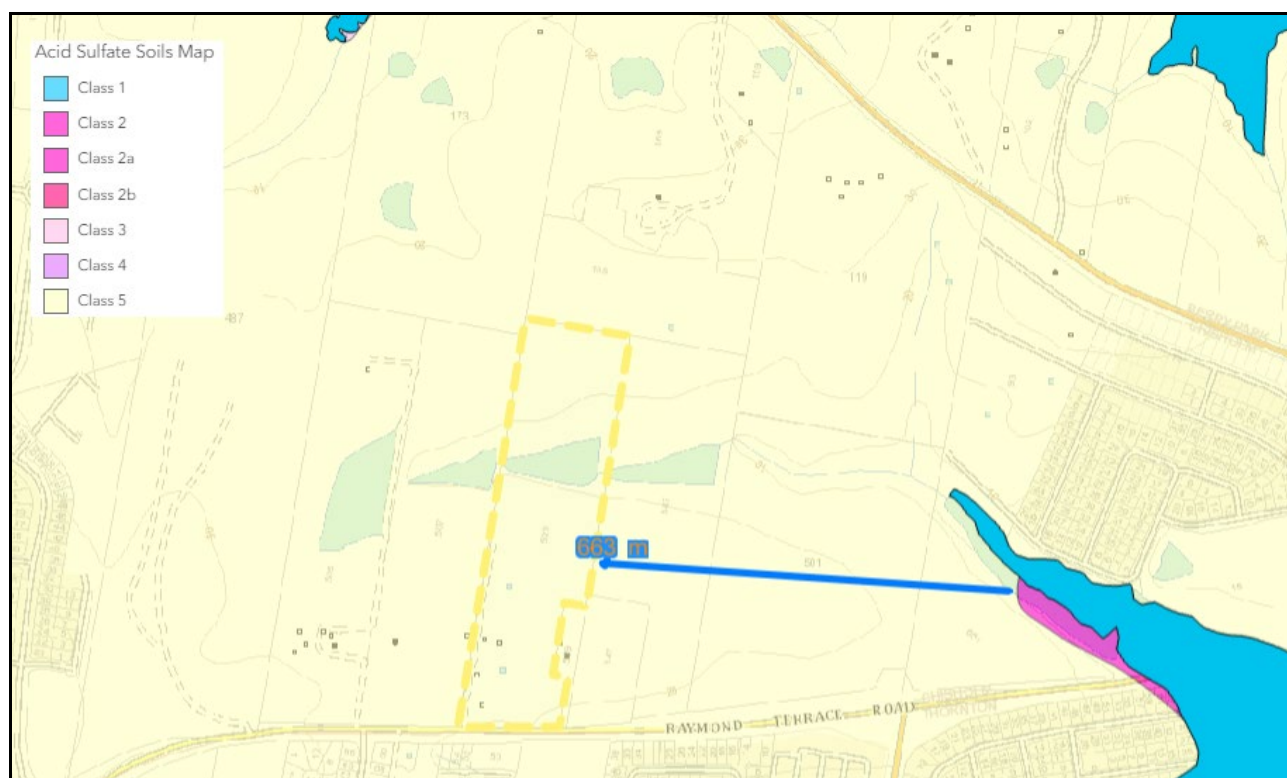


Figure 10: Acid Sulfate Soils Map

Clause 7.2 – Earthworks

Clause 7.2 states:

- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

In response to Clause 7.2 of the LEP, the following is provided:

- a) The earthworks have been designed in a holistic manner in coordination with the stormwater design to ensure there is no disruption or impacts on existing drainage patterns and soil stability.
- b) The earthworks are required to provide for supporting infrastructure to facilitate a residential subdivision which will have a positive impact on the future development of dwelling.
- c) Any fill will be clean engineering fill compacted under Level 1 supervision.
- d) The earthworks will ensure a smooth transition to adjoining allotments (i.e. site will not be artificially higher/lower than neighbouring sites). Minor construction based disruption would be expected but can be controlled through standard conditions of consent.
- e) It is unlikely fill will be required, however if during construction it appears fill is needed, it will be sourced offsite where it cannot be sourced from the excavation within the site. To reduce costs, this will be sourced from local areas where possible;
- f) All matters pertaining to heritage have been addressed above.
- g) Appropriate mitigation measures, including erosion and sediment control and stabilisation works, will be implemented to mitigate impacts to the watercourse on site.

Based on the above, the proposed earthworks are consistent with the requirements of Clause 7.2.

Clause 7.4 – Riparian land and Watercourses

The subject site is not identified as “watercourse land” under the Watercourse Map and it is not within 40m of such land.

Clause 7.5 – Significant Extractive Resources

Clause 7.5 applies to land mapped as “Identified resource” on the Mineral Resource Area Map and which State Environmental Planning Policy (Resources and Energy) 2021, Section 2.19 applies. The site is approximately 300m east of land to which this applies (see Figure 11). This has been addressed below.

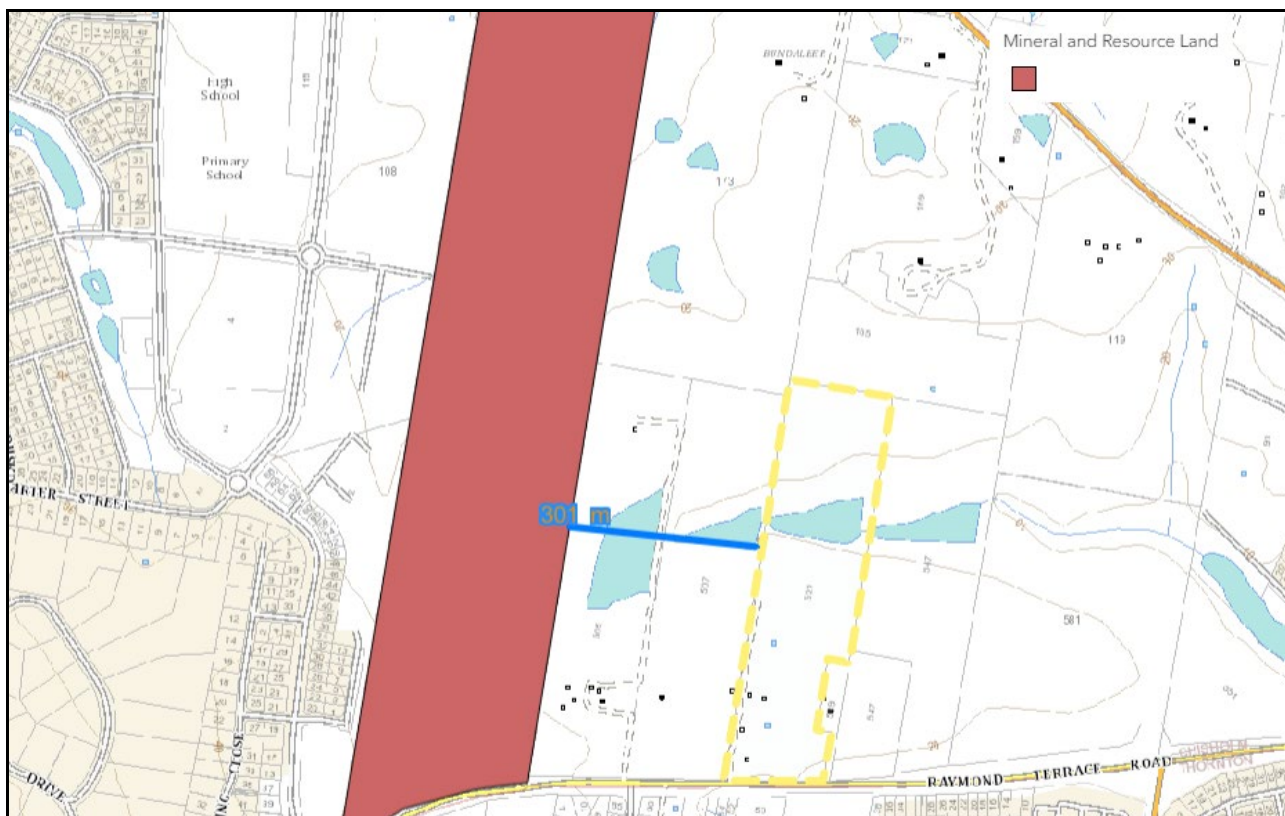


Figure 11: Mineral and Resource Map

4.1.2 SEPP (Transport and Infrastructure) 2021

Subdivision 2: Development in or adjacent to Road Corridors and Road Reservations

2.119 Development with Frontage to Classified Road

Section 2.119 states:

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

The site has a frontage to RTR; however, access to the subdivision will be obtained via internal roads leading in from the east and north.

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

A Traffic Impact Assessment has been prepared which concludes that RTR has capacity to cater for the proposed development. This is discussed in greater detail within Section 5 and Appendix 11.

- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential

traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

A timber lapped capped fence will separate the proposed allotments from RTR to ameliorate potential visual, noise and emissions issues. The first row of dwellings will also include building controls for future dwellings to ensure a compliant internal acoustic amenity. Full details in this regard are provided within Section 5, the Landscape Plans in Appendix 5, and the Noise Impact Assessment in Appendix 14.

2.122 Traffic-Generating Development

Section 2.122 of the SEPP provides that any development listed within Schedule 3 is classified as “traffic generating development”. Schedule 3 identifies subdivisions with 200 or more allotments where the subdivision includes the opening of a public road.

As the subdivision proposes only 108 allotments, it is not classified as Traffic Generating Development.

4.1.3 SEPP (Planning Systems) 2021

The proposed development does not constitute State Significant Development under this SEPP and hence, the provisions relating to same are not relevant.

As the proposed development does not have a capital investment value (CIV) exceeding \$30 million and is not subdivision located within the coastal zone, it is not identified as Regionally Significant Development under Schedule 6. A Cost Estimate Report is provided in Appendix 16 providing further details in this regard.

As such, the consent authority is Maitland City Council.

4.1.4 SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 of the SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. Chapter 2 applies to land within the coastal zone which includes coastal wetlands and littoral rainforests area, coastal vulnerability areas, coastal environment areas and coastal use areas. The subject development is not located within any of these areas.

Chapter 4 – Remediation of Land

Section 4.6 (2) of SEPP states:

Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

A Preliminary Site Investigation (PSI) has been prepared by EP Risk. The report identified that the site had previously been used for rural living, and represented a low risk of contamination.

EP Risk concluded that the land will be suitable for residential purposes. This is discussed in greater detail within Section 5 and the PSI located within Appendix 12.

4.1.5 SEPP (Resources and Energy) 2021

Chapter 2 – Mining, Petroleum Production and Extractive Industries

Section 2.17 of the SEPP requires the following:

Before determining an application to which this clause applies, the consent authority must—

(a) consider—

- (i) the existing uses and approved uses of land in the vicinity of the development, and*
- (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
- (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

In response to Section 2.17 of the SEPP, the following is provided:

- a) The quarry located on the site to the west has ceased operations for many years, with this site and surrounding areas identified for residential development. With this in mind, the proposed development will be consistent with residential land uses in the vicinity;
- b) The site has been strategically identified for residential growth for many years. Its use will be in accordance with its residential zoning and regional plan for the area. As such, it is considered to be in the public benefit;
- c) N/A for reasons mentioned above.

Taking the above into consideration, the proposed development meets the requirements of the SEPP.

4.1.6 SEPP (Biodiversity and Conservation) 2021

Chapter 4 – Koala Habitat Protection 2021

Chapter 4 of the SEPP applies to all local government areas (LGAs) listed in Schedule 2, which includes Maitland LGA and therefore the subject site.

The aim of the Chapter is “to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline”. The Chapter requires that development be consistent with an approved koala management plan that applies to the site, or where there is no such plan, make an assessment as to whether it is likely to have any impact on koalas or koala habitat.

A Biodiversity Development Assessment Report (BDAR) has been prepared which notes that there was only one (1) record of koalas within 5km of the site and no evidence of this

species on site following detailed koala surveys, including SATs, nocturnal surveys, call playback and passive Song Meter recording. The BDAR conducted a Tier 2 Assessment which concluded that the site is not considered to be core koala habitat and it is not anticipated that the proposal will impact koalas in the present or future.

Full details in this regard are provided within the BDAR in Appendix 10.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15(1)(A)(II))

There are no draft EPIs applicable to this type of development in this area.

4.3 DEVELOPMENT CONTROL PLANS (S4.15(1)(A)(III))

4.3.1 Maitland Development Control Plan 2011

A complete assessment against the DCP is provided within a compliance table located within Appendix 9. The following section, provides greater detail with regards to areas of non-compliance as well as Chapter F.7 Thornton North Urban Release Area (TNURA).

Chapter C.10 Subdivision

The proposed subdivision complies with the following key controls:

- Parallel street blocks against trunk roads are less than 180m in length (at approx. 120m);
- All other blocks are less than 250m in length (max being 207m);
- All lots are of a regular shape, with those necessitating an irregular configuration being able to accommodate a building envelope of 15m x 10m behind the building line;
- Regular shaped lots have a minimum lot width of 12.5m;
- Roads meet Council's Manual of Engineering Standards (MoES);
- No more than 2m of fill is proposed.

Chapter F.7 Thornton North Urban Release Area

The subject site is located within the Central Precinct within the TNURA (see Figure 12).

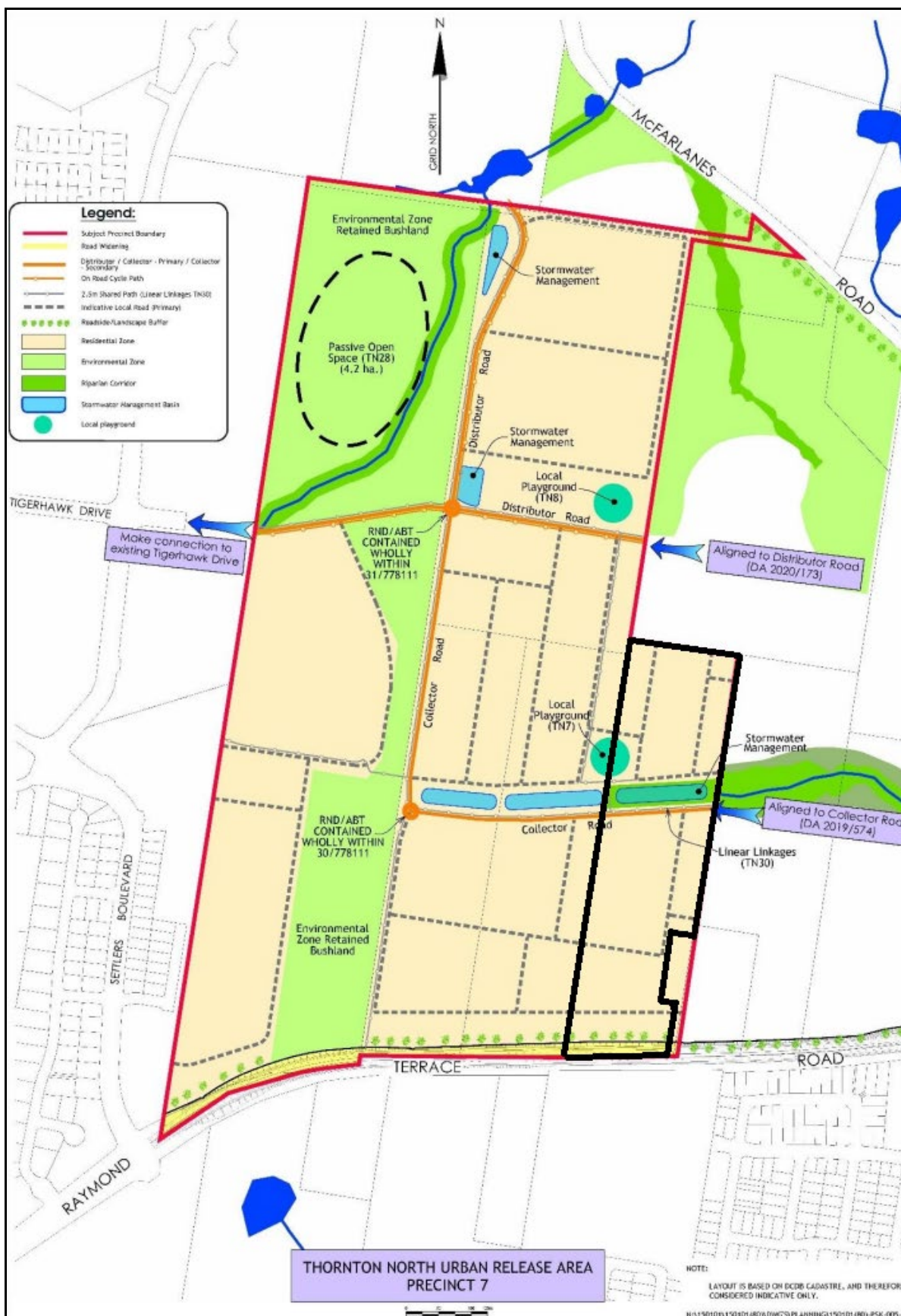


Figure 12: Central Precinct Plan

The proposed subdivision provides the following main elements, as depicted under the Central Precinct Plan:

- A riparian corridor has been provided through the centre of the site; however, stormwater is accommodated by an approved basin downstream and a small basin in the south east corner;
- A Collector Road has been provided along the southern side of the riparian corridor;
- East/west and north/south connecting local roads have been provided. The only exception to this is the western, northern connection. This has not been included on the adjoining site to the north that was lodged with Council prior to the adoption of the Central Precinct Plan;
- A 2.5m wide off road shared pathway has been provided along the northern side of the Collector Road adjoining the riparian corridor;
- A 10m wide landscaped buffer has been provided along RTR;
- Road widening has been accommodated for future upgrades to RTR.

The proposed subdivision complies with all relevant controls under the Central Precinct Plan.

4.4 PLANNING AGREEMENTS (\$4.15(1)(A)(IIIA)) AND CONTRIBUTION PLANS

4.4.1 Thornton North Contributions Plan

The site is not subject to any current or draft Planning Agreements, however is affected by the Thornton North Contributions Plan (CP) where the proposed residential lots require contributions at \$29,998 per lot. It is understood that a condition of consent will be applied to the development requiring the payment of contributions in accordance with this plan prior to the release of the Subdivision Certificate, with these funds going towards the below works (and others cited in the CP).

Works/land required under the CP on the subject site includes (see Figures 13 and 14):

- TN29: Stage 2 central precinct passive open space (5.8ha): Land Value = \$76,041 per ha; Capital Costs = \$869,471. The subject site includes 6,028m² of retained corridor land which is able to access the appropriate pro-rata'd amount;
- TN30: 8.8ha of linear linkages = \$1,319,198;
- TN38 (partial): Raymond Terrace Road – Settlers Boulevard to Government Road.

Extracts of the CP are provided within the following tables:

Recreation and Open Space Facilities						
Facilities		Approximate Location	Est. Capital Cost	Half width road	Est. Land Cost	Total Cost
Open Space	TN29	5.8 Ha Passive Open Space Stage 2 central precinct & Stage 3 Southern Precinct	\$869,471	\$0	\$441,037	\$1,310,508
	TN30	8.8Ha Various Linear Linkages – Not mapped	\$1,319,198	\$0	\$0	\$1,319,198

Thornton North Road & Traffic Facilities

Facilities	Location	Description	Est. Capital Cost	Est. Land Cost	Total Cost	
Road Upgrades	TN36	Harvest Boulevard to Haussman Drive	\$5,992,357	\$767,604	\$6,759,961	
	TN37	Haussman Drive to Settlers Boulevard	\$10,896,727	\$303,002	\$11,199,729	
	TN38	Settlers Boulevard to Government Road	\$6,969,829	\$1,212,007	\$8,181,836	
	TN39	Government Road to McFarlanes Road	\$6,984,612	\$686,804	\$7,671,416	
	TN40	Haussman Drive	Raymond Terrace Road to Railway Avenue	\$14,503,670	\$3,313,871	\$17,817,541
	TN41	Thornton Road	Railway Avenue to Glenwood Drive	\$7,151,104	\$59,828	\$7,210,932
	TN42	McFarlanes Road	Raymond Terrace Road to TN49	\$6,349,640	\$579,568	\$6,929,208
	TN43	Government Road	Raymond Terrace Road to Somerset Drive	\$1,674,814	\$246,651	\$1,921,465

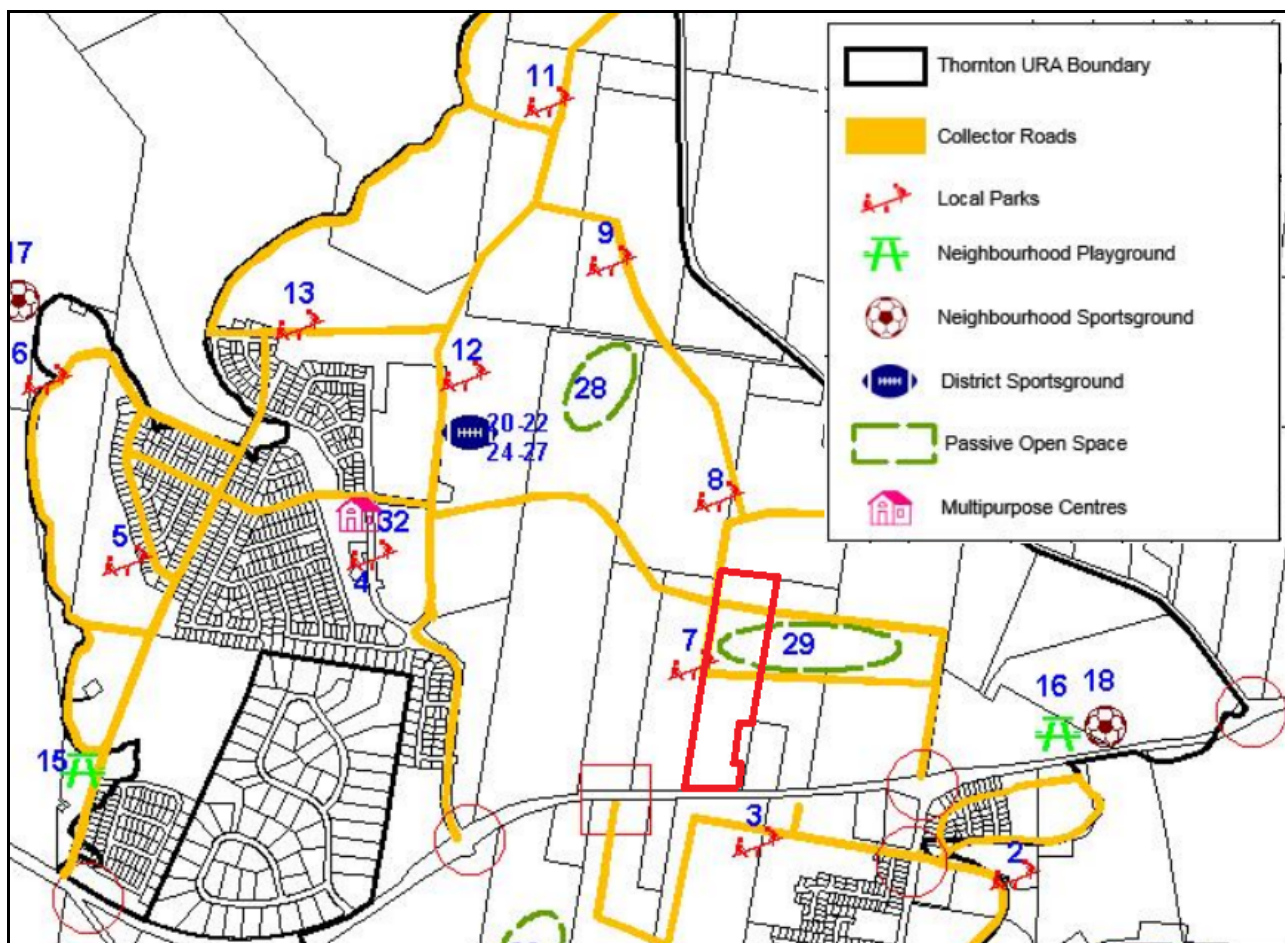


Figure 13: Recreation and Open Space and Community Facilities Plan

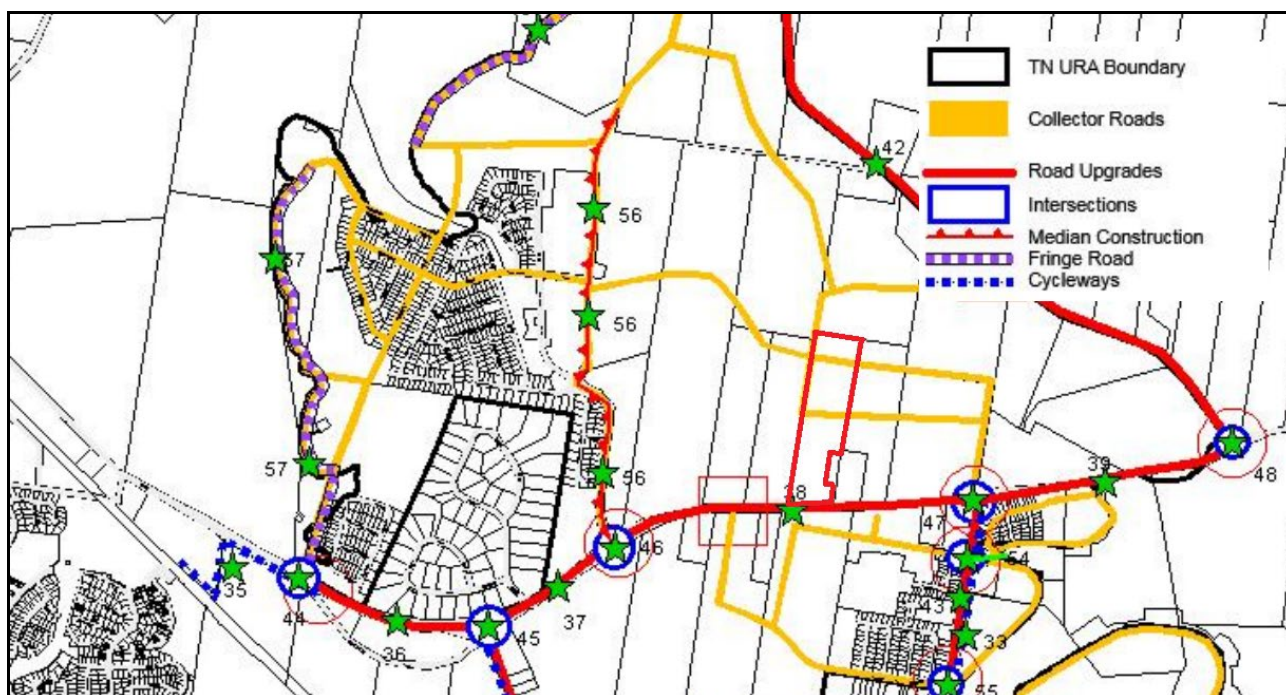


Figure 14: Road and Traffic Facilities Plan

It is understood that the land credit for TN29 will be applied as a reduction to the contributions payable and a Works in Kind Agreement can be entered into as part of the Subdivision Works Certificate (SWC) with regards to embellishment costs. Road works completed as part of the above will have their total cost deducted from the applicable contributions through a Works in Kind Agreement.

4.5 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT (EPBC ACT)

The proposed development does not require a referral to Australian Government Department of the Environment as the proposal is not likely to have a significant impact on nationally listed threatened or migratory species or threatened ecological communities.

Further information in this regard is provided within the BDAR located within Appendix 10.

4.6 BIODIVERSITY CONSERVATION ACT 2016

A BDAR has been prepared which assesses the impacts of the development upon threatened entities under this Act, and required offsets to be retired to compensate for this impact (refer to Appendix 10). This is discussed in more detail within Section 5.

4.7 INTEGRATED DEVELOPMENT

The proposed development is classified as "Integrated Development" under Section 4.8 of the Environmental Planning and Assessment Act 1979, as it requires the following separate approvals:

- Bushfire Safety Authority to be issued by the Rural Fire Service (RFS) under the Rural Fires Act 1997; and
- A Controlled Activity Approval to be issued by Natural Resources Access regulator (NRAR) under the Water Management Act 2000.

5.0 Environmental Assessment

5.1 THE LIKELY IMPACTS OF DEVELOPMENT (S4.15(1)(B))

5.1.1 Context and Setting

Area Context

The Central Precinct has been strategically located through detailed studies and future planning undertaken as part of its development. For this reason, it is situated in close proximity to a range of supporting infrastructure/services, making it ideal for residential growth. Such services within 5km of the site include four (4) schools, two (2) train stations, sporting fields and a hospital. Within 10km of the site is the wider Maitland CBD, offering a full suite of supporting community and retail facilities.

Subdivision

The subject development represents the natural progression to the existing approved and lodged subdivisions surrounding (see Figure 4).

The existing DAs lodged/approved surrounding the site provide a range of lot sizes, generally averaging around 600m². The proposed lot sizes provide a greater variety to this with smaller lots around 500m² ranging to larger lots around 700m² that would be able to accommodate future two (2) lot subdivisions. Given the growing nature of the area, it is considered that the subdivision fits cohesively within the existing and transforming context of the site.

5.1.2 Access, Transport and Traffic

Access

Traffic Control Signals (TCS) are currently under construction at the intersection of RTR and Government Road, which will provide the northern access leg into the eastern precinct of Chisholm. The timeframe for construction of the TCS is approximately 12 months.

Access to the site will be provided via adjoining developments, most likely with those east of the site progressing first noting the approved status of these developments, with access to the north and west then following.

Internal Road Design

Numerous new internal roads will be constructed as part of the proposed subdivision feeding off those mentioned above. With the exception of Road 5, these will all acts as local roads and have been designed in accordance with Council's Manual of Engineering Standards (MoES) as follows:

Road Reserve	Carriageway	Verge Width	Footpath
17m	8m	4.5m	1.5m: 1 side

Road 5 will be designed as a Collector Road in accordance with the adjoining development to the east as follows:

Road Reserve	Carriageway	Verge Width	Footpath	Shared pathway
20m	11m	4.5m & 4.5m	1.5m: 1 side	2.5m: 1 side

The location, width and treatment of these roads is depicted within Appendix 1B.

Traffic & Road Safety

The Traffic Impact Assessment (TIA) prepared by Intersect Traffic for the subject DA found that the proposed subdivision would generate an additional 92 vehicle trips per hour (vtph) during the AM peak traffic period and 98 vtph during the PM peak traffic period. Intersect Traffic have undertaken a growth analysis and SIDRA modelling using a growth rate of 3% up to 2033 and made the following conclusions:

- The local and state road network has capacity to cater for additional traffic associated with new development in the area;
- The local and state road network has sufficient spare capacity to cater for the development traffic generated by this development and other developments in the area without adversely impacting on the levels of service experienced by motorists on the road network through to at least 2033 subject to suitable upgrading of the RTR/Government Road intersection to signalised intersection, which is currently under construction;
- Planned upgrades for other intersections within the catchment will accommodate the proposed development, and contributions towards these as part of the S7.11 contributions will satisfy the developers obligations in this regard;
- The internal road layout proposed will be compliant with Maitland City Council's Manual of Engineering Standards.

Full details with regards to the above are provided within the TIA within Appendix 11.

Public Transport

The development will generate some public transport usage particularly regarding school bus services. All proposed lots are within 500m from existing bus routes along RTR or future bus route along the Collector Road.

Pedestrian and Cyclist Facilities

Significant pedestrian and cyclist facilities are accommodated through this development to allow connection to the existing infrastructure including:

- 1.5m wide footpaths on one side of all local roads; and
- 2.5m wide off-road shared pathway along the Collector Road.

5.1.3 Public Domain

The proposed development will have a beneficial effect on the public domain through the continuation of the strategically planned TNURA. It will provide attractive streetscapes through vibrant landscaping; footpaths and cycleways throughout; as well as the ability to provide future passive open space via the retention of the riparian corridor.

5.1.4 Utilities

Water & Sewer

Water and sewer reticulation has been provided throughout the subdivision, with these to feed off the approved/proposed connections to the east (refer to Appendix 1B).

Electricity/Telecommunications/Gas

Electricity, telecommunication and gas facilities to service the proposed allotments will be provided underground within the footpath reservation and connect to existing reticulation in the neighbouring development.

5.1.5 Stormwater, Water Quality, Flooding

It is proposed to remove the large dam/basin from the existing drainage line and reconstruct a drainage channel and riparian corridor to convey upstream flows through the site to the downstream receiving waters.

The site falls across two (2) catchments. The northern catchment of the site will be conveyed to the reconstructed channel and riparian corridor via stabilised headwalls to a single basin on the downstream "Munro" site (see Figure 15).

The southern catchment will be conveyed to a proposed detention/ biofiltration basin to limit the peak flows leaving the site to predeveloped flows before discharging to the existing table drain in the northern verge of Raymond Terrace Road via a stabilised headwall.

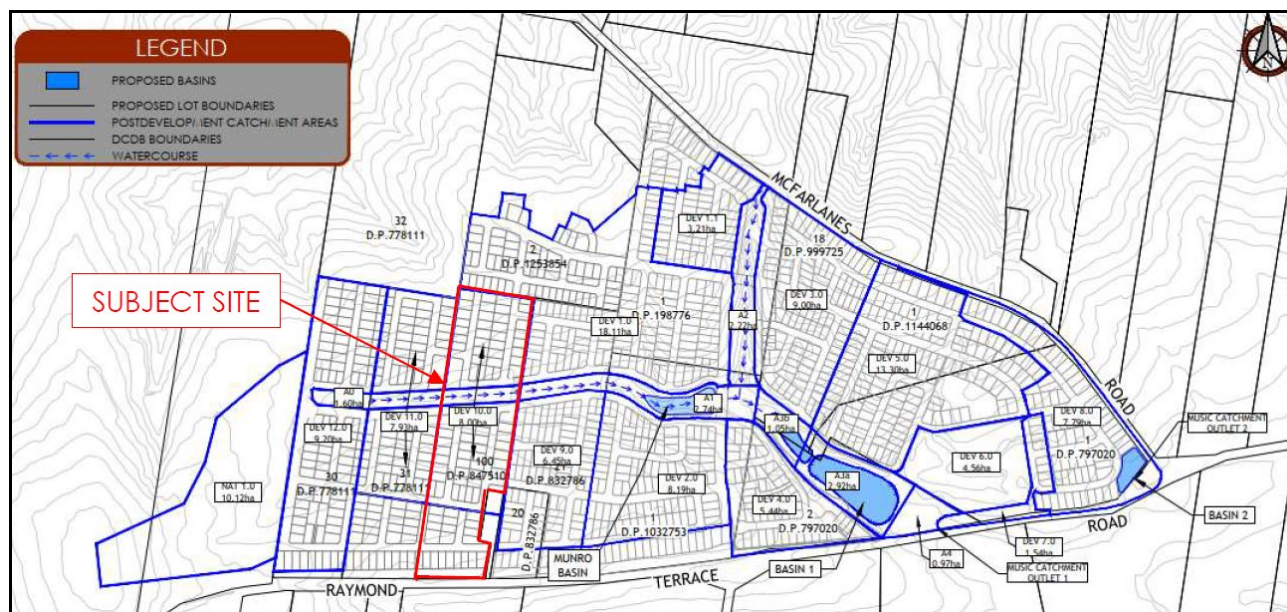


Figure 15: Subject Site in Context with Regional Stormwater Strategy

Full details with regards to the above are provided within the Stormwater Management Plan within Appendix 4.

5.1.6 Erosion and Sediment Control

Erosion and sedimentation control devices will be implemented during the construction phase and can be imposed through conditions of consent in accordance with Council requirements and the Blue Book. Details in this regard are illustrated within Appendix 1B.

5.1.7 Flora and Fauna

The proposed development will impact upon the following vegetation:

- 7.81ha of cleared land;
- 0.99ha of moderate condition and 0.87ha of degraded canopy only Plant Community Type (PCT) 1600 (Spotted Gum – Red Ironbark – Narrow-leaved Ironbark – Grey Box shrub-grass open forest of the lower Hunter);
- 0.18ha of moderate condition PCT 1598 (Forest Red Gum grassy open forest on floodplains of the lower Hunter);
- 0.37ha of poor condition PCT 1736 (Water Couch - Tall Spike Rush freshwater wetland of the Central Coast and lower Hunter).

See Figure 16.

As the proposed development will impact upon vegetation, a BDAR has been prepared to assess the development against the Biodiversity Conservation Act.

The BDAR has assessed the removal of vegetation across the entire site; however, it is noted that selective earthworks are proposed in order to retain a number of HBTs (see Figure 17). The existing degraded dam will also be removed and revegetated in accordance with the surrounding vegetation (see Figure 18).

It must be noted that under the Biodiversity Assessment Method (BAM), retention of trees within residential lots must still be assessed as impacted and consequently require the retirement of credits where applicable.

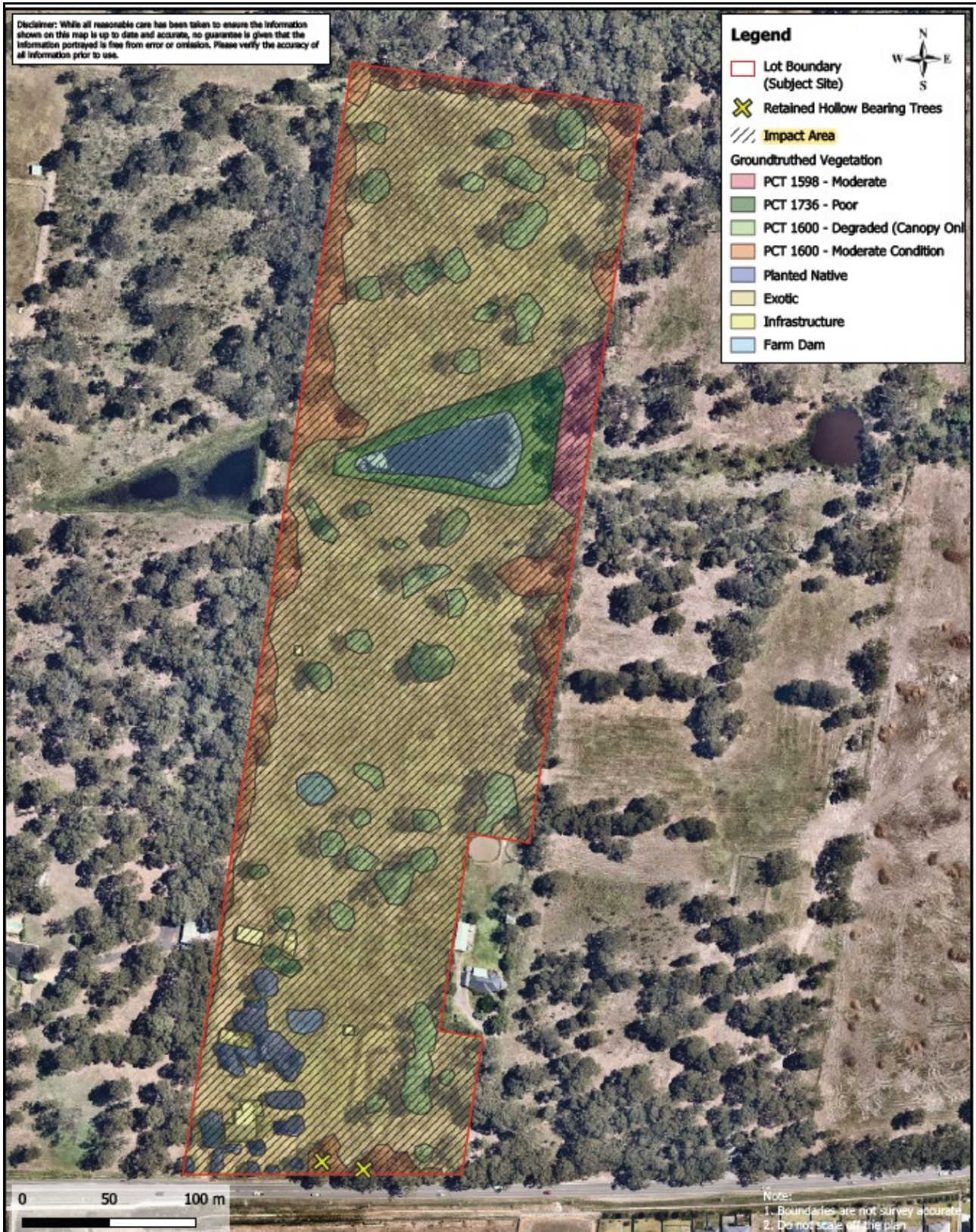


Figure 16: PCT Map (Source: AEP, 2023)



Figure 17: Earthworks Plan (Source: ADWJ, 2023)



Figure 18: Riparian Corridor Plan (Source: ADWJ, 2023)

The BDAR addresses the requirements of avoid, minimise and mitigate and concludes that residual impacts associated with vegetation removal will require the retirement of the following:

Table 33 – Ecosystem Credit Requirements

Vegetation Zone	Condition	Impact Area (ha)	Future VIS	Vegetation Integrity Score Loss	Biodiversity Risk Weighting	Credit Requirements
PCT 1598	Moderate	0.18	-	59.1	2.0	5
PCT 1600	Degraded - Canopy Only	0.87	-	26.3	2.0	11
PCT 1600	Moderate	0.99	-	52.1	2.0	26
PCT 1736	Poor	0.37	-	36.9	2.0	7
Total		2.42	-	-	-	49

Table 34 – Species Credit Requirements – *Myotis macropus*

Vegetation Zone	Condition	Impact Area (ha)	Biodiversity Risk Weighting	Credit Requirements
PCT 1598	Moderate	0.18	2.0	5
PCT 1600	Degraded - Canopy Only	0.58	2.0	8
PCT 1600	Moderate	0.83	2.0	22
PCT 1736	Poor	0.37	2.0	7
Total		2.42	-	42

Various mitigation measures are also recommended during construction, and it is assumed compliance these and the BDAR in general will be a condition of any future consent.

A copy of the BDAR is provided within Appendix 10.

5.1.8 Heritage

An ACHAR has been prepared for the development based on an artefact being shown on the site under the AHIMS mapping. The ACHAR undertook a review of the site card for this artefact which revealed that it was located approximately 150m east of the site.

A site survey has been conducted across the site which concludes that no Aboriginal sites or potential archaeological deposits (PADs) were identified over the site and an Aboriginal Heritage Impact Permit (AHIP) is not required. The ACHAR has been made available to registered Aboriginal Parties (RAPs) who had 28 days to comment, with no comments being received.

The ACHAR has recommended the following which can be included as conditions of consent:

- The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Regulation 2019, under the National Parks and Wildlife Act 1974; and
- Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

Further details in this regard are provided within the ACHAR in Appendix 6.

5.1.9 Natural Hazards

Bushfire

As noted previously, the subject site is classified as “bushfire prone” land under the bushfire maps adopted by Council.

Given the proposed development is classified as a “Residential Subdivision” under the Rural Fires Act 1997, Council is required to refer the application to the RFS to gain their General Terms of Approval as per the “Integrated Development” provisions of Section 4.46 of the EP&A Act.

To identify the extent of bushfire threat and to assist the RFS in their assessment of the proposal, a Bushfire Assessment Report (BAR) has been prepared by Bushfire Planning Australia (BPA) (refer to Appendix 8).

To inform the BAR, BPA have conducted a slope and vegetation assessment which has concluded that temporary APZs will be required until such time as the vegetation to the north, east and west is cleared, and permanent APZs will be required to minimise the bushfire hazard to the drainage corridor through the centre of the site which will be revegetated to a “forested wetland” standard. These will be accommodated along roads and front building setbacks (see Figure 19).

Other recommendations relating to building standards, water supply, APZ management and access arrangements are provided within the BAR within Appendix 8.

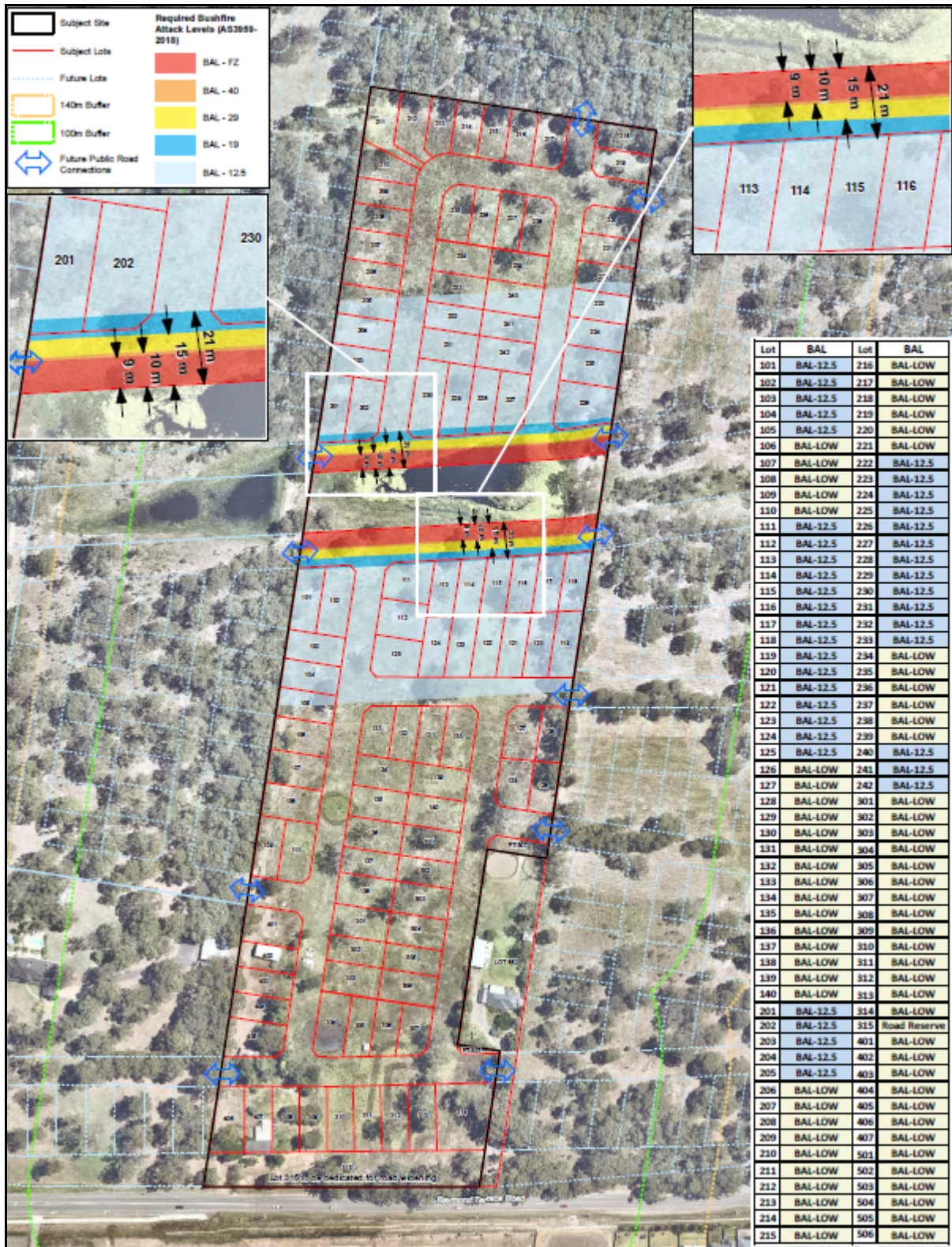


Figure 19: APZ & BAL Plan

Flooding

Discussed above.

Mine Subsidence

The subject site is not located within a Mine Subsidence District and is not identified on the NSW Planning Portal maps as being affected by underground coal mining.

5.1.10 Noise and Vibration

As the subject site fronts Raymond Terrace Road, an Acoustic Assessment has been prepared by Spectrum Acoustics. This identifies the potential level of traffic noise expected from this source (including background traffic growth of 25%) and the impact this may pose to future dwellings within the subdivision.

Section 2.120 of TISEPP advises that development must meet the following internal LAeq noise levels apply:

- Bedrooms: 35dB(A) between 10pm and 7am;
- Other Areas: 40dB(A) at any time.

Based on the noise logger measurements and, assuming standard ground conditions and no acoustic barriers, the predicted traffic noise level at residences in the closest lots to RTR would be approximately 65 dB(A) Leq (15hr) during the day and 61 dB(A) Leq (9hr) at night.

Based on the above, Spectrum concluded that the first row of dwellings along RTR would require some form of standard building treatments to attenuate noise noting that is able to be provided in a variety of different ways. It is assumed that compliance with this assessment will be added as condition of consent.

Full details with regards to the above are provided within Appendix 14.

5.1.11 Social and Economic Impact

The proposal will generate a number of social and economic benefits to both new and existing residents, but also the broader Hunter region. These benefits include:

- The creation of 108 residential lots, ranging in size to provide housing choice and diversity for future residents;
- Land identified for road widening to accommodate regional transport linkages;
- Land for a riparian corridor and a pathway network, providing significant benefits to the existing and new residents;
- Employment opportunities immediately associated with construction of the subdivision, as well as the construction of future dwellings;
- New capital investment from expenditure on housing, infrastructure and services;
- The release of residential land increases supply within the region, which can improve housing affordability;
- The development of community and social infrastructure relies on the support from a critical mass of users in a defined catchment. Surrounding communities will benefit from an increased population, on the basis that it is likely to improve the range of services available to local residents;
- The development will contribute to local and State infrastructure through the payment of developer contributions.

The positive economic impacts from the residential development of the development are substantial. The subject development is likely to result in approximately \$45 million dollars of

investment in the local economy (\$7 million from subdivision construction and \$38 million in dwelling construction).

The subdivision will accommodate approximately 250 additional residents, with around half of these within the work force.

This additional population will drive up demand for existing and proposed services and businesses within the area which will have a cyclical impact on job and wealth creation. In addition to this, significant local employment opportunities will exist during the construction process.

It is considered that the development will have an overall positive social and economic impact on the locality and broader region.

5.1.12 Geotechnical Considerations

Contamination

A PSI has been prepared by EP Risk including soil testing (14 test pits) and a site walk over to ascertain the level of contamination across the site. The findings from this assessment included:

- A small portion of the southern boundary of the site is located within a high hazard or risk of dryland salinity potential;
- There were no exceedances to the adopted health or ecological criteria in soil samples. The results indicate there were no elevated levels of the contaminants of potential concern at the sampling locations targeted in this investigation;
- Potentially contaminating activities identified to have been undertaken include clearing of land with potential use of herbicides and pesticides and rural agricultural land use;
- No evidence of asbestos containing materials were observed;
- Three (3) existing structures are present on the site;
- Four (4) anthropogenic material stockpiles and three (3) dams were identified.

See Figure 20.

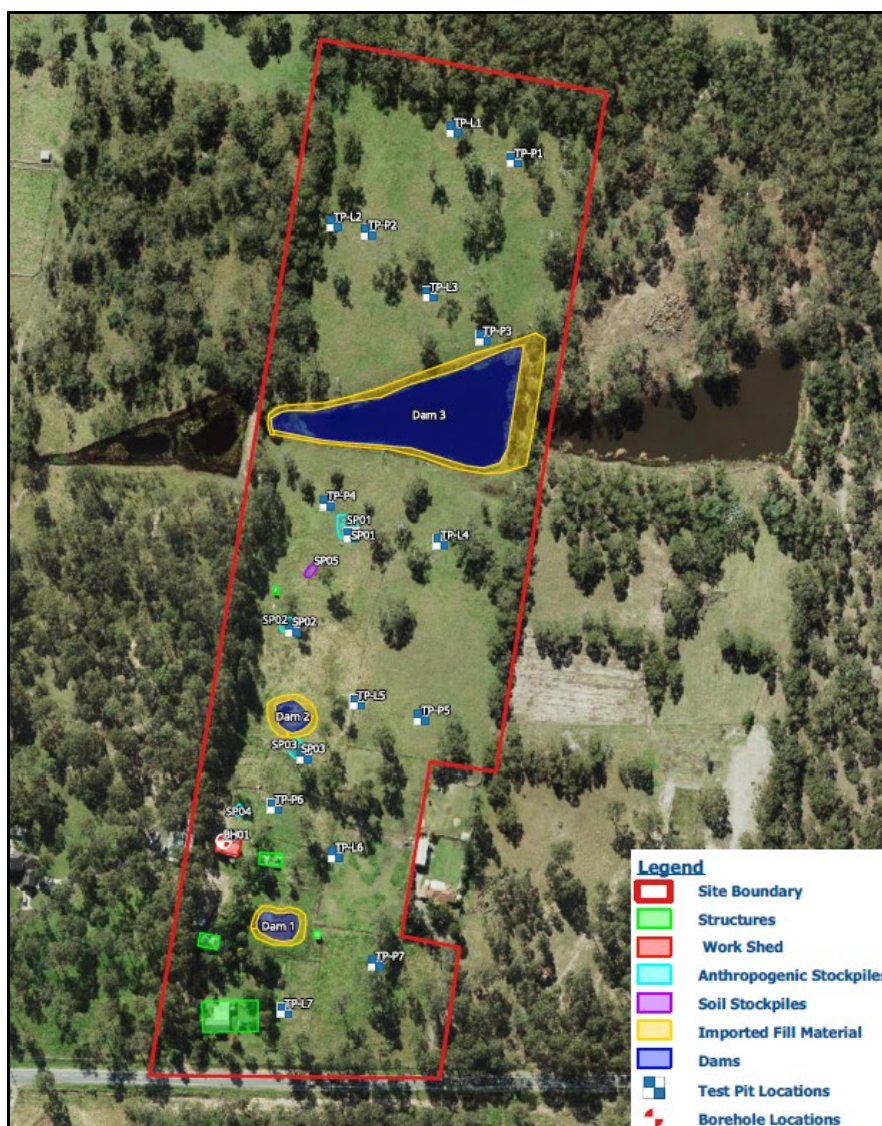


Figure 20: Test Pit Locations and Areas of Potential Contamination

Based on the above results, EP Risk has recommended that following be undertaken:

- A salinity management should be included as part of the construction environmental management plan for the site;
- Anthropogenic material within stockpiles and across the site should be removed from the site prior to any vegetation clearance or earthworks activities;
- A HAZMAT survey should be completed for all structures present on the site prior to demolition and removal of anthropogenic materials originating from these structures;
- Anthropogenic material from the demolition of the existing buildings and infrastructure should be removed from the site prior to any vegetation clearance or earthworks activities;
- Soil sampling of imported fill materials used for the construction of the three (3) historical dams onsite should be completed prior to reuse or disposal of this material;
- An unexpected finds protocol should be implemented during redevelopment to address any unidentified contamination that may be encountered during the proposed redevelopment works.

Compliance with the recommendations of the PSI can be included as conditions of consent.

A copy of the DSI is provided within Appendix 12.

Geotechnical Considerations

Preliminary Geotechnical Investigations undertaken by EP Risk for the site revealed the following with regards to the geotechnical characteristics:

- Groundwater was not encountered during investigation;
- Gently sloping grades of around 5 degrees;
- No known underground mining and not in mine subsidence district;
- Class 5 acid sulphate soils – The class is based on proximity to other classes and no Acid Sulphate soils are expected;
- The soil profile on site is typically 300mm of topsoil over 1-2m thick sandy/silty clay, over extremely weathered siltstone;
- Existing clays are highly reactive requiring careful management of materials on site for earthworks to avoid Class E lot classifications;
- Select material will be required under the road pavements.

A copy of the Preliminary Geotechnical Investigations within Appendix 15.

5.1.13 Landscaping

Landscaping elements proposed as part of this development include:

- Riparian revegetation works;
- Street tree planting along all proposed roads incorporating species selected from Council's Preferred Species List and reaching mature heights varying between 5m and 15m;
- 10m of buffer landscaping along RTR including acoustic fencing;
- Basin appropriate planting.

A copy of the landscape plans are provided within Appendix 5.

5.1.14 Site Design and Internal Design

Discussed within Section 3.2.

5.1.15 Waste

As with most best practice building projects, the amount of waste to be generated during the construction phase will generally be minimal by use of pre-ordered and pre-fabricated materials where possible.

In terms of waste management, during construction the majority of the waste produced will be from the removal of topsoil, and of trees. This will be re-used elsewhere by the contractors or where re-use is not possible or inappropriate, green waste will be disposed of at the local Waste Management Facility.

In terms of ongoing waste management for future dwellings, all allotments have sufficient area to accommodate Council's garbage bins, and all lots front roads which will be able to accommodate Council's collection service.

5.1.16 Safety, Security and Crime Prevention

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

The following CPTED principles are relevant to the development:

Territorial Re-Enforcement

Community ownership and sense of place contributes significantly to the safety of new subdivision developments. The proposed development achieves this through:

- Unique ability to retain and enhance the riparian corridor;
- High quality landscaping throughout, beyond standard street tree planting; including RTR buffer landscaping;
- Inter connected pedestrian and shared pathways.

All of the above features, give residents pride in their address, making them feel spatially connected to the neighbourhood. This connection in turn increases residents' feelings of responsibility, awareness and surveillance over their community. This increases the risk of detection, thereby deterring crime.

Surveillance

Neighbourhood surveillance, either passively or mechanically, is a known contributor in deterring crime. This is achieved in the proposed subdivision through the interconnected street network; the large majority of allotments having a direct street frontage; and orientation of lots towards the riparian corridor, to further improve casual surveillance and a sense of community ownership.

Further detail surrounding basin; riparian corridor treatment will be required as part of the SWC, to ensure proposed landscaping allows for clear sightlines through these public spaces. As part of the DA design, this is provided at a high level through the placement of roads on either side.

Access Control

Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. The proposed subdivision provides this through its clear and legible street hierarchy, and inter connected streets. Micro level access control will also be provided through the street signage and street numbers being clearly visible.

5.2 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (S4.15(1)(C))

The proposed subdivision is located on a site which is appropriately zoned, within a master planned urban release area, and adjoining similar existing/approved developments to the west. For these reasons, the subject site is considered to be entirely suitable for the proposed residential subdivision.

5.3 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (S4.15(1)(D))

The proposed subdivision will require public notification with any relevant submissions to be addressed by Council.

5.4 THE PUBLIC INTEREST (S4.15(1)(E))

The proposed subdivision will develop existing vacant land for the purposes for which it has been zoned and as such, is considered to be in the public interest through the long-term benefits of development and growth within a strategically appropriate location.

Beyond this, the development will also:

- Provide new pedestrian/cycle pathways which continue those built within the TNURA;
- Create jobs during construction;
- Enhance ongoing future business for locals; and
- Contribute significant funds towards the upgrade of a variety of community facilities, roads and infrastructure.

6.0 Conclusion

The proposed subdivision will create 108 residential allotments in a logical pattern within an area strategically planned for growth and in accordance with all the relevant provisions of Maitland LEP 2011.

The proposed subdivision provides allotments of an appropriate size, shape and orientation to allow for the construction of a wide range of housing types. The subdivision incorporates wide streets that facilitate easy vehicular, cyclist and pedestrian access and connections to nearby public transport facilities, schools, community facilities and areas of open space.

The proposed subdivision has taken into account all site constraints, most notably the adjoining approved developments road configuration and positioning, as well as the central riparian corridor.

All necessary infrastructure and services are available or can be provided to the site, inclusive of water, sewerage, underground gas, electricity and telecommunication facilities and an industry best practice stormwater management system. In addition, footpaths, cycleways and extensive landscaping throughout the subdivision will also be provided, all of which combine to ensure a high-quality residential neighbourhood will be created for the benefit of future residents.

The development has been professionally designed and provides a natural progression to Stage 2 of the TNURA.

In summary, the development complies with the applicable LEP and DCP objectives, and where variations are requested, they have been adequately justified ensuring that the intent of the control is still achieved.

Taking the above into consideration, the proposal addresses all matters under Section 4.15 of the EP&A Act and on this basis, Council is requested to grant development consent to the application.