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Statement of Environmental Effects

Proposed two into 264 Lot Torrens Title Residential Subdivision and Associated Infrastructure

Property:

Lot 31 and part Lot 32 DP 778111
173 McFarlanes Road, Chisholm

Applicant:

Allam Land No.1 Pty Ltd
C/- ADW Johnson



Date:

June 2023

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	1/2/2023	AB	CMO
B	Final	05/06/2023	AB	AB

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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1.0 Introduction

1.1 INTRODUCTION

ADW Johnson has been engaged by Allam Land No.1 Pty Ltd ("the proponent") to prepare and lodge a development application (DA) with Maitland City Council ("Council") for a 2 into 264 lot residential subdivision of Lot 31 and part Lot 32 DP 778111, at 173 McFarlanes Road Chisholm.

1.2 DEVELOPMENT APPLICATION DETAILS

STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY:	
Name:	ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Contact:	Andrew Biller – Senior Town Planner Ph: (02) 4948 5100 Email: andrewb@adwjohnson.com.au
PROJECT DETAILS:	
Applicant Name:	Allam Land No.1 Pty Ltd C/- ADW Johnson
Applicant Address:	Allam Land No.1 Pty Ltd C/- ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Owners' Details:	Edna Harris and Stewart Harris
Property Description:	Lot 31 DP 778111 and part Lot 32 DP 778111 at 173 McFarlanes Road Chisholm.
Project Description:	2 into 264 Lot Torrens Title Subdivision
PROJECT TEAM:	
Project Manager:	ADW Johnson
Town Planner:	ADW Johnson
Engineering Consultant:	ADW Johnson
Bushfire Consultant:	Bushfire Planning Australia
Ecology Consultant:	MJD Environmental
Geotechnical Consultant:	EP Risk
Archaeological Consultant:	McCardle Cultural Heritage
Traffic Consultant:	Intersect Traffic
Landscape Consultant	Terras Landscape Architects

1.3 BACKGROUND

1.3.1 Development Applications on and Surrounding the Site

This DA seeks consent for the subdivision of Lot 31 and part Lot 32 DP 778111, at 173 McFarlanes Road Chisholm (the site) from 2 into 264 lots.

A separate DA has been lodged with Council to subdivide Lot 32 DP 778111 from one into two lots so that the northern part of current Lot 32 can form part of the site.

There are a number of current or recently approved development applications on allotments immediately adjoining the site. **Figure 1** below shows the sites immediately adjoining the subject site which are subject to current or recently approved applications. **Table 1** summarises these applications.

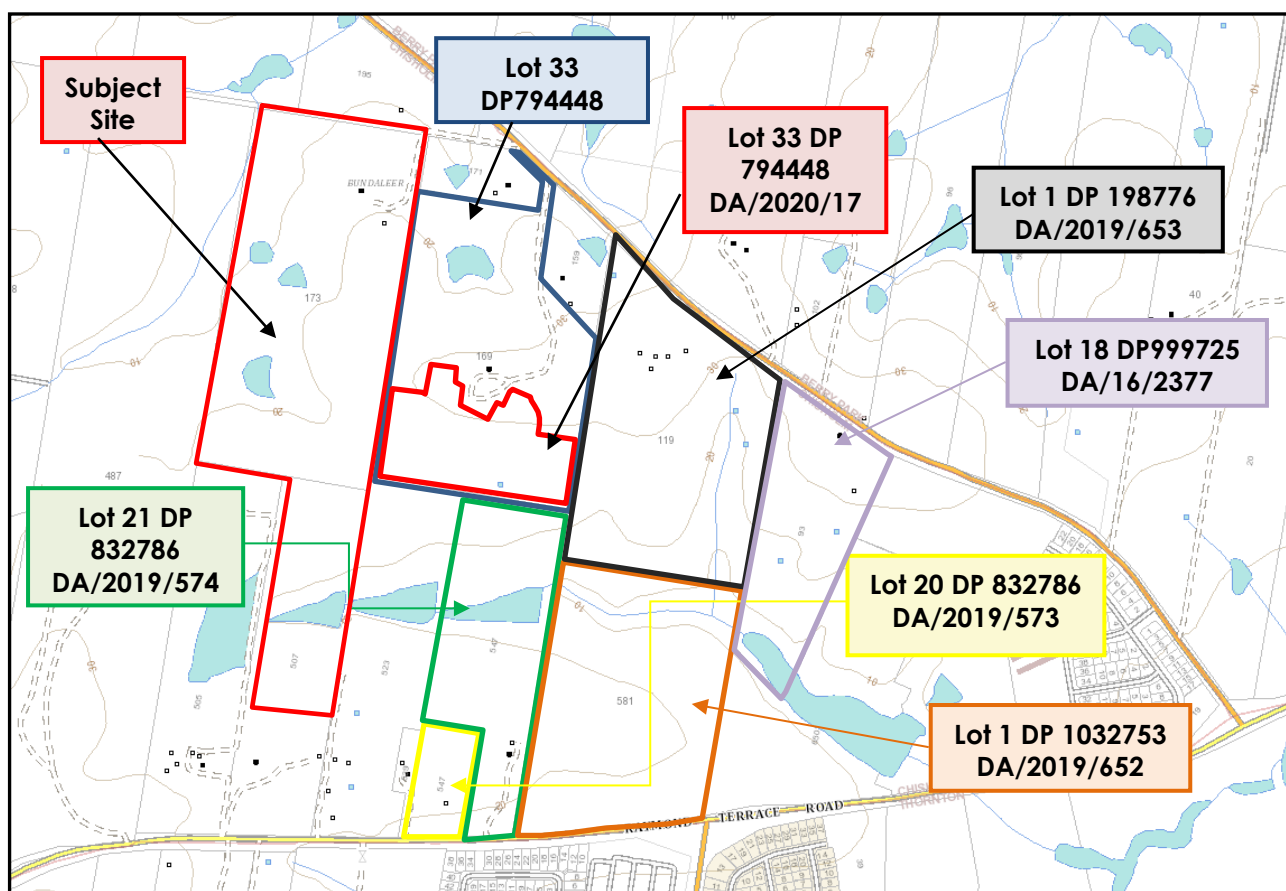


Figure 1: Approval and DA Status of Adjoining Sites.

Table 1: Approval Status of Surrounding Sites

Land	DA Number	Description	Status
Lot 20 DP 832786	DA/2019/573	22 lot residential subdivision	Approved
Lot 21 DP 832786	DA/2019/574	102 lot residential subdivision	Approved
Lot 1 DP 1032753	DA/2019/652	132 lot residential subdivision	Approved
Lot 1 DP 198776	DA/2019/653	143 lot residential subdivision	Approved
Lot 18 DP 999725	DA/16/2377	88 lot residential subdivision	Approved
Lot 33 DP 794448	DA2019/1091	1 into two lot Torrens title subdivision	Approved
Lot 33 DP 794448	DA 2020/173	62 lot residential subdivision	Under Assessment

1.3.2 Thornton North Urban Release Area

The subject site is located within the land affected by the Thornton North Area Plan (TNAP) which was rezoned in July 2007, and 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 (MDCP). As part of the Master Plan, a concept road layout was adopted that addressed the important ecological and flooding characteristics of the area as well as the existing major road network. The proposal will facilitate the subdivision of the subject site in accordance with the major principles of the masterplan.

In addition to the above, the site is located within the Thornton North Stage 2 Urban Release Area (URA), where the development is required to adhere to Clause 6.1 of the Maitland Local Environmental Plan 2011 (MLEP) concerning State Infrastructure. In this regard, the NSW Department of Planning and Environment (DPE) confirmed on 10 April 2015 that all developers within Thornton North Stage 2 URA are not required to contribute to State infrastructure. A copy of this agreement, which was sought from DPE is provided within **Appendix F** and further details are provided within **Section 4**.

1.4 BRIEF OVERVIEW OF THE PROPOSAL

The proposal seeks to subdivide the subject site to create 264 Torrens title lots ranging in size from 450m² – >750m².

Consent is also sought as part of this application for the demolition of the existing dwelling house and associated structures at 173 McFarlanes Road, vegetation removal/clearing, construction of roads, stormwater infrastructure, bulk earthworks and landscaping associated with the establishment of the allotments and provision of a local park. Water, sewer, power and telecommunication services will also be provided to the lots under this proposal. Plans of the proposed subdivision are enclosed as **Appendix B**.

1.5 PURPOSE OF THIS REPORT

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12(9) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying Regulation. Its purpose is to:

- Describe the site;
- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context; and
- Review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to Council's guidelines and the full range of other relevant legislation and development guidelines in preparing this Statement of Environmental Effects.

1.6 CONSULTATION WITH COUNCIL

On 3 November 2022 a meeting was held with Council staff to discuss the project. In particular, Avoid and Minimise Strategies for the site were discussed as required by Clause 6.12 of the Biodiversity Conservation Act 2016. On 16 November 2022 an inspection of the site was carried out which included Council staff. On 15 March 2023 a further pre-DA meeting was held to discuss a concept design for the central park and associated childcare centre. Pre-lodgement meeting minutes are included at **Appendix M**.

2.0 Proposed Development

2.1 OBJECTIVES OF THE PROPOSAL

The proposal seeks to continue the delivery of quality residential lots within the Thornton North Urban release area in accordance with the TNAP. The design of the proposed subdivision has been undertaken in accordance with the major design principles established in the TNAP and aligning with approved, proposed and future development on lots adjoining the subject site.

The objective of the proposal is to create physically unconstrained residential lots supported by a public road network, for future development, to facilitate the continued delivery of the urban release area and contribute towards its intended benefits.

2.2 DESCRIPTION OF PROPOSED DEVELOPMENT

This DA seeks consent for the subdivision of Lot 31 and part Lot 32 DP 778111, at 173 McFarlanes Road Chisholm (the site) from 2 into 264 lots.

A separate DA has been lodged with Council to subdivide Lot 32 DP 778111 from one into two lots so that the northern part of current Lot 32 can form part of the site.

The proposal seeks development consent for the subdivision of the subject site into 264 Torrens title lots ranging in size from 450m² – >750m² and 7 residue lots. The proposed subdivision is to occur in 6 stages. Plans of the subdivision and proposed staging are enclosed as **Appendix B**.

Temporary access is to be provided to stage 6 until such time that a development connection is provided from adjoining developments either to the east or the south.

Associated works include:

- Vegetation removal/clearing;
- Demolition of the existing dwelling house and associated structures at 173 McFarlanes Road;
- Bulk earthworks;
- Construction of roads;
- Stormwater infrastructure including one stormwater basin;
- Provision of a space for a local park; and
- Landscaping works including revegetation of the riparian corridor.

Proposed civil works are shown on the concept engineering plans provided within **Appendix C**.

2.3 DOCUMENTATION

The following documentation has been provided to support the proposed development:

- Extracts of Certificates of Title and Deposited Plans - **Appendix A**.
- Proposed Staging and Subdivision Plans prepared by ADW Johnson - **Appendix B**.
- Concept Engineering Plans prepared by ADW Johnson - **Appendix C**.
- Stormwater Management Plan prepared by ADW Johnson - **Appendix D**.
- Landscape Plan prepared by Terras Landscape Architects - **Appendix E**.
- Letters from DPE regarding SIC and Satisfactory Arrangements - **Appendix F**.
- Bushfire Assessment Report prepared by Bushfire Planning Australia - **Appendix G**.
- Biodiversity Assessment Report prepared by MJD Environmental - **Appendix H**.
- Preliminary Site Investigation prepared by EP Risk - **Appendix I**.
- Geotechnical Investigation prepared by EP Risk – **Appendix J**.
- Aboriginal Heritage Due Diligence Assessment prepared by McCardle Cultural Heritage

- **Appendix K.**
- Traffic Impact Assessment prepared by Intersect Traffic - **Appendix L.**
- Minutes of pre-DA lodgement meeting – **Appendix M.**
- Notice of formal requirements – **Appendix N.**
- Maitland DCP checklist – **Appendix O.**
- Cost Summary Report – **Appendix P.**

3.0 The Site

3.1 SITE LOCATION

The site at 173 McFarlanes Road (Lot 31 and part Lot 32 DP 778111) is located approximately 4.5km north of the New England Highway and 750m west of the existing Chisholm residential area. The site is located within the Thornton North Stage 2 Urban Release Area, within which there are a number of current or recently approved development applications for residential subdivisions. To the east of the site is Lot 33 DP 794448, which is currently the subject of DA/2020/173 to establish a 62-lot residential subdivision. The site location is shown in **Figure 2** below.

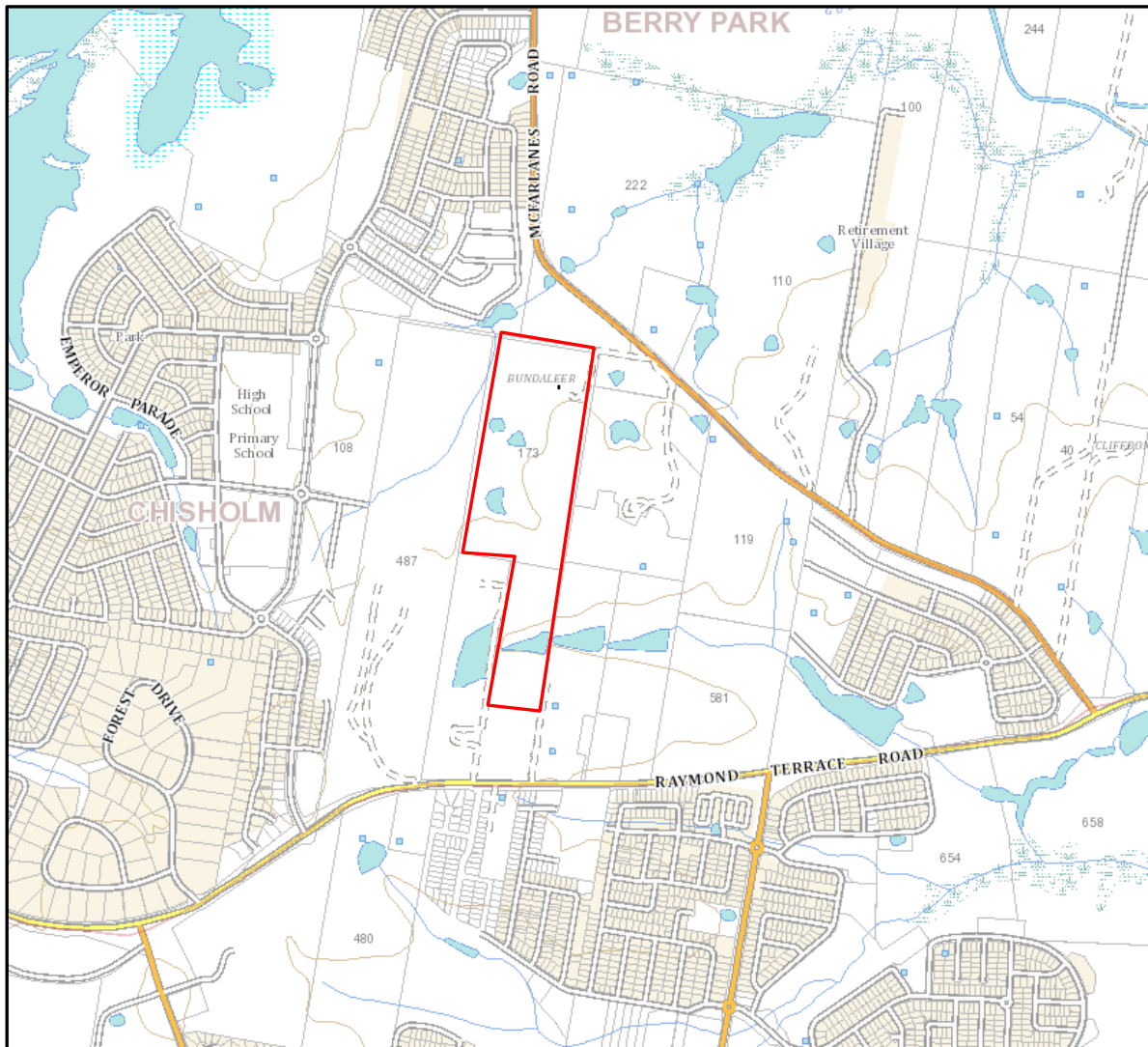


Figure 2: Site Location (Source Six Maps).

3.2 SITE DESCRIPTION

The site has an irregular shape, with an area of approximately 27ha. The site has a rural residential character consisting of areas of disturbed grassland and vegetation (refer **Figure 3** below). A homestead is located close to the north-eastern corner.



Figure 3: Aerial image (Source Six Maps).

3.3 LAND TITLE & OWNERSHIP

The proposed residential subdivision involves the following allotments:

- Lot 32 DP 778111
- Part Lot 31 DP 778111

Lot 32 is owned by Edna and Stewart Harris. Lot 31 is owned by Jennifer May. A contract exists between the current land owners and Allam Property Group allowing for the development of the site.

Copies of the Certificate of Title and Deposited Plan are provided at **Appendix A**.

3.4 TRAFFIC, ACCESS & ROAD NETWORK

The distributor road network servicing the development includes 3 connection points, Steamcruiser Drive constructed to the northern boundary of Lot 32 and which will be formalised with the registration of DP 1276265, Ballymore Drive which will connect from the east with all land to Raymond Terrace Road under the care and control of the developer (Allam Land No 4 Pty Ltd), and Tiger Hawk Drive which will extend from the west as part of the Waterford County Development. The connections are shown in **Figure 3(a)** below.

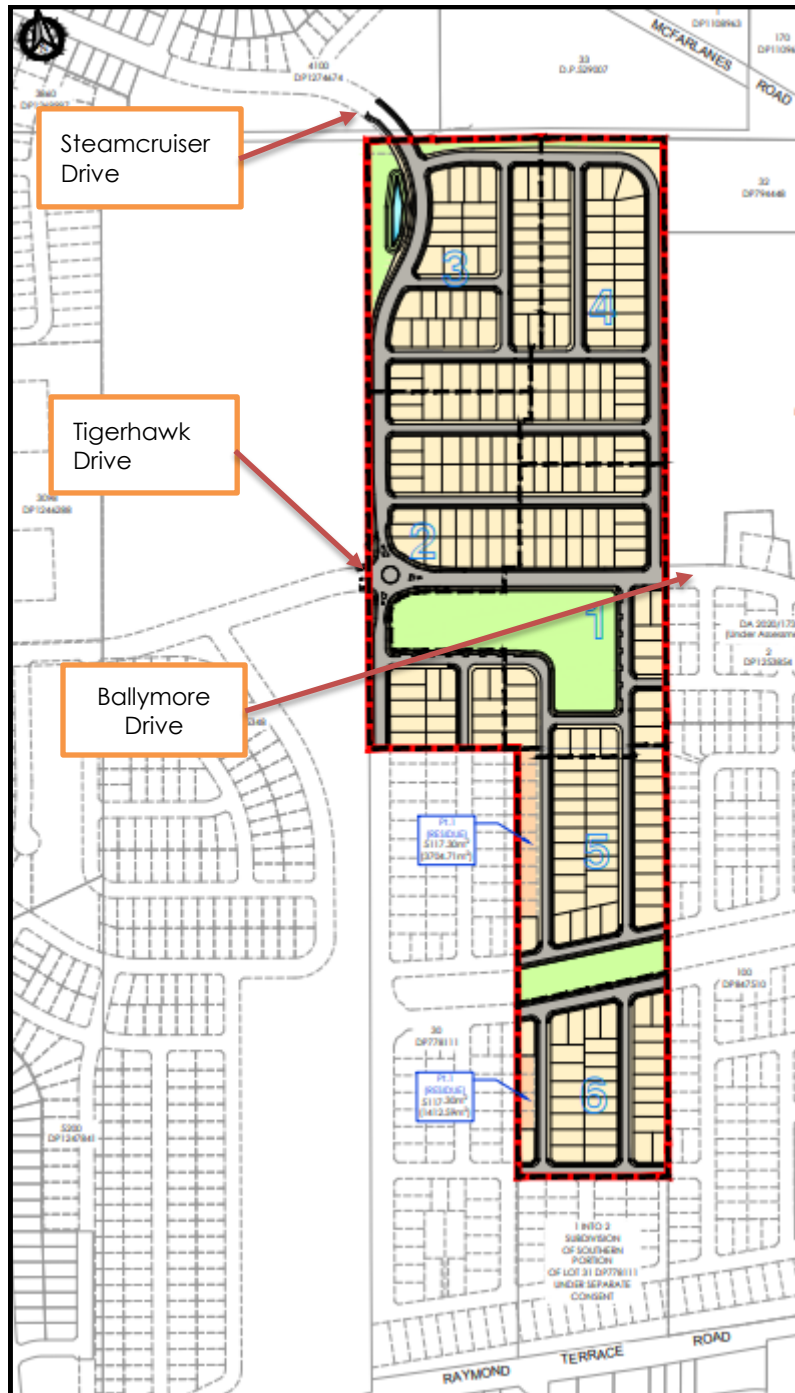


Figure 3(a) Distributor Road Network

3.5 TOPOGRAPHY, DRAINAGE & FLOODING

3.5.1 Topography

The site is located in an area of gently undulating terrain near the crest of a broad hill with low relief. The site falls gently in a north to north-westerly direction.

3.5.2 Drainage

Rainfall across the site currently drains via overland flow.

3.5.3 Flooding

The north-west corner of the site is identified on the MLEP Flood Planning Map as being located within a Flood Planning area – refer **Figure 4** below.

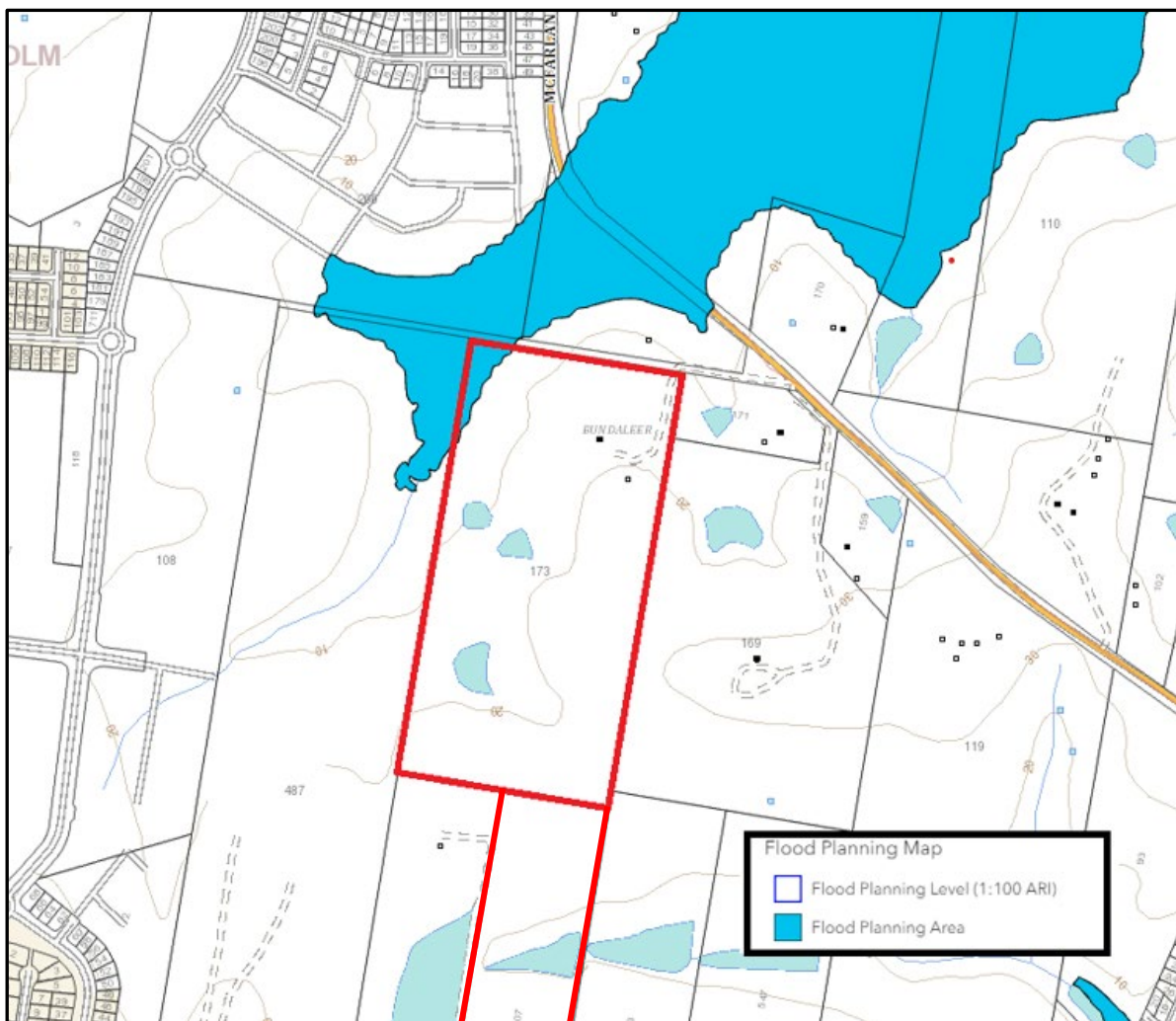


Figure 4: Extract from MLEP Flood Planning Map.

3.6 WATERCOURSES

There are no watercourses within the site. The MLEP 2011 Watercourse Map does not identify any watercourses on or within the site.

3.7 GEOTECHNICAL CHARACTERISTICS

3.7.1 Contamination

The subject site has historically been used for semi-rural and residential purposes. The risk of contamination on the site is low. Contamination is discussed further in **Section 5.8** below.

3.7.2 Geotechnical

The Site is underlain by Mulbring Siltstone which comprises Palaeozoic aged siltstone, claystone and minor fine-grained sandstone. From a geotechnical perspective there are no constraints that would be prohibitive to the proposed development or future development of allotments created by the proposed subdivision.

3.7.3 Mine subsidence

The subject site is not located within a mine subsidence district.

3.8 ACID SULFATE SOILS

The subject site is identified as containing Class 3 and 5 Acid Sulfate Soils as shown on Council's Acid Sulfate Soils Map (refer **Figure 5** below).

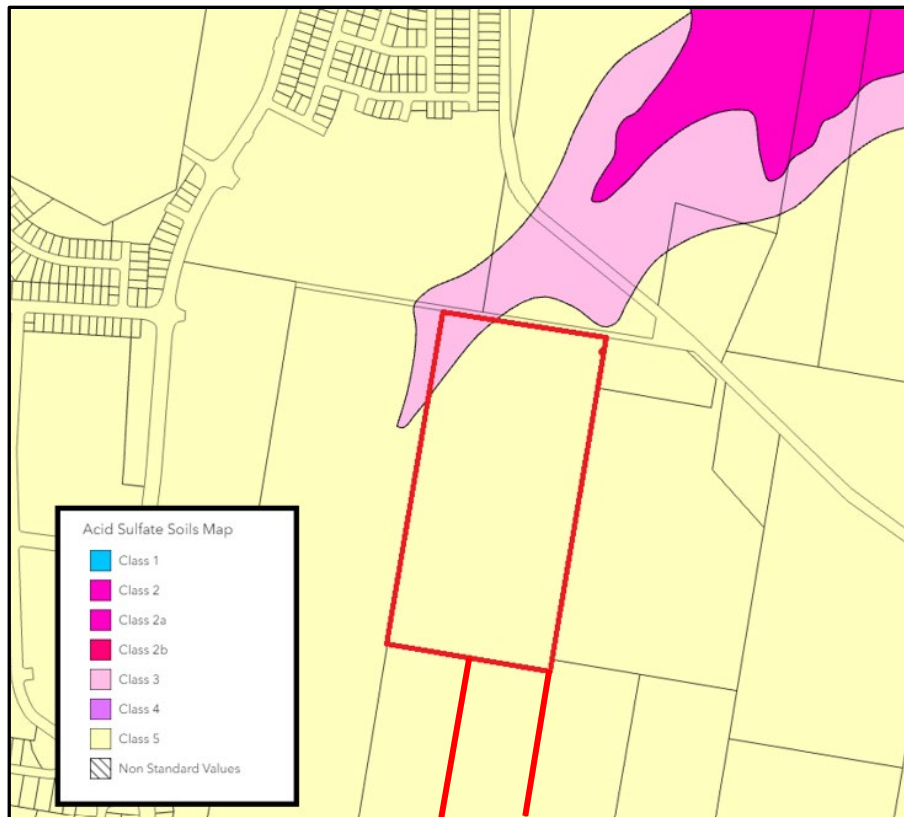


Figure 5: Extract from the MLEP Acid Sulfate Soil Map.

3.9 VEGETATION

The subject site contains native bushland, with some areas of managed grassland.

The area surrounding the subject site contains predominately sparsely vegetated paddocks which are identified for future residential development.

3.10 BUSHFIRE

The subject site is identified as containing Category 1 Bushfire Prone Vegetation (refer **Figure 6** below). Bushfire is discussed in detail in **Section 5.7** of this report and a Bushfire Assessment Report has been prepared by Bushfire Planning Australia and provided at **Appendix G**.

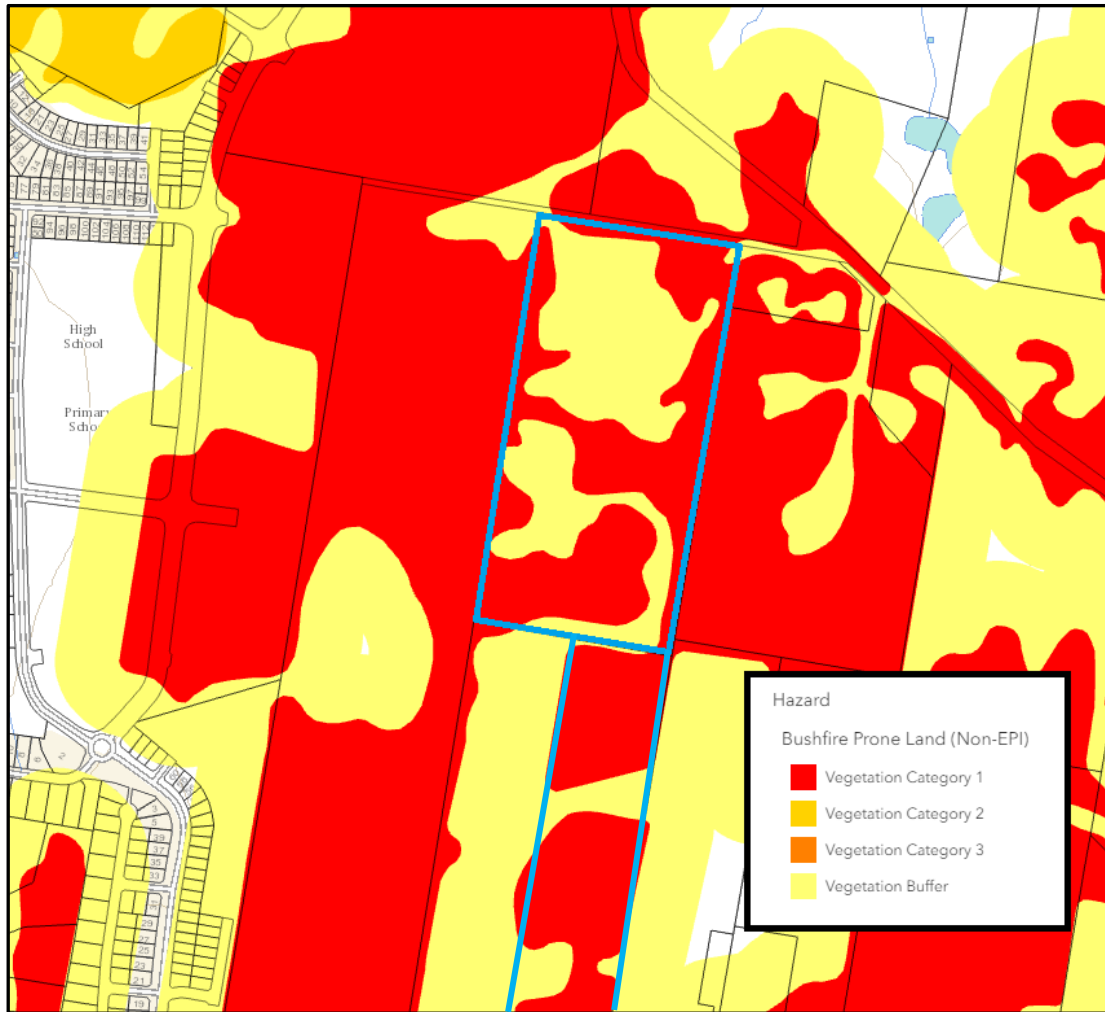


Figure 6: Extract from the Maitland Online Mapping Bushfire Layer.

3.11 HERITAGE

The subject site is not identified on the MLEP Heritage Map as containing any listed heritage items, nor is it located within a heritage conservation area.

3.12 COASTAL ZONE

The subject site is not identified in SEPP (Resilience and Hazards) 2021 mapping as being located in a Coastal Environment or Coastal Use Area, nor is it within a coastal wetland or littoral forest or associated buffer.

3.13 UTILITY SERVICES

Public utility services including reticulated water and sewer, electricity, and telecommunications are all located adjacent to and within the site and will be extended as part of the Thornton North Urban Release Area.

4.0 Planning Controls

4.1 COMMONWEALTH CONTROLS

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides a legal framework to protect and manage nationally and internationally significant flora, fauna, ecological communities and heritage places including:

- World heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar Wetlands);
- Threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

The Proposal, as established with advice from specialist consultants, does not constitute a controlled action and no further action is required relating to the EPBC Act.

4.2 STATE PLANNING CONTROLS

4.2.1 Environmental Planning & Assessment Act 1979 and Regulation 2021

The *Environmental Planning & Assessment Act 1979* (EP&A Act) and *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation) constitutes the principal planning legislation in NSW and provide the statutory framework for the assessment of the proposed development.

This Statement of Environmental Effects (SoEE) has been prepared to accompany a DA pursuant to Section 4.12(9) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and accompanying Regulation.

EP&A Act Objects

Consideration has been given to the objects of the EP&A Act 1979 and these are addressed below:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning*

and assessment.

The development is consistent with the objects of the EP&A Act 1979 in the following manner:

- (a) The proposal will promote the economic and social welfare of the community by providing increased residential and recreational opportunities close to existing services in Maitland LGA; and
- (b) The proposal will facilitate ecologically sustainable development by providing a balanced response to the constraints and opportunities presented by the site. The development promotes a good design outcome and will enhance the natural area surrounding the site, ensuring its ongoing maintenance and rehabilitation. The landscape masterplan provides for a high-quality public domain which recognises the site context.

4.2.2 Biodiversity Conservation Act 2016

As per Part 7.7 of the Biodiversity Conservation Act 2016 (BC Act), all applications for development consent under Part 4 of the EP&A Act are to be accompanied by a Biodiversity Assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The proposal exceeds the native vegetation clearing threshold set out in the Biodiversity Conservation Regulation 2017, and a BDAR is required for the proposal. A BDAR has been prepared in support of the proposal by MJD Environmental and is included at **Appendix H**. Flora and Fauna are discussed further in **Section 5.10**.

Avoid and Minimise

A Biodiversity Development Assessment Report Urban Design Supplement has been prepared in support of the proposed subdivision masterplan and is included at **Appendix Q**. As required by Clause 6.12 of the Biodiversity Conservation Act 2016 (BC Act), the report demonstrates how the principles of "avoid and minimise" with regard to biodiversity impact have been observed in the development of the site masterplan.

The masterplan includes three biodiversity connection strategies as follows - see **figure 6(a)** below;

1. Connection of the Forest Red Gum Grassy Open Forest on Floodplains Endangered Ecological Community (EEC) via an existing unnamed road reserve at the north of the site plus a 10m additional buffer within the site;
2. Connection of Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub - grass woodland EEC through strategic location of open space in the centre of Lot 32 DP778111 aligned to the C3 zones on adjacent lots 4 DP1145348 and 33 DP794448;
- 2a. Ancillary connection from item 2 along the proposed east-west distributor road to the riparian corridor on Lot 11 DP 1283071; and
3. Connection along the east-west riparian corridor via removal of the existing farm dam and reinstatement of riparian vegetation befitting the Ironbark – Spotted Gum EEC.



Figure 6(a): Biodiversity connection strategies

A 10m wide buffer has been reserved along the northern edge of the subject site to provide a respectful offset and facilitate Strategy 1. This connection can be further enhanced by retaining mature canopy vegetation within the adjoining unnamed road reserve.

The avoid and minimise strategies associated with the proposed subdivision were presented to Council staff at a meeting on 3 November 2022 and are fully described in the BDAR.

4.2.3 SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

A BDAR prepared for the subject site (refer **Appendix H**) includes a Koala Assessment Report. Due to the very low number of recorded koala sightings within the area within the last 18 years, coupled with the disturbed nature of the subject land within a highly fragmented landscape, minor area of intact native vegetation under assessment, the subject land is not considered to serve as an important ecological function for koalas, or important to the recovery of the koala.

Assessment determined the proposal is unlikely to have an impact on the Koala with due regard to the proposal and site context.

4.2.4 SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Clause 7 of SEPP (Resilience and Hazards) requires contamination and remediation to be considered in determining a development application. A Preliminary Site Investigation was undertaken over the subject site and is enclosed as **Appendix I**. The Preliminary Site Investigation identified a low risk of contamination at the site and concluded that in accordance with the site investigation process outlined in the SEPP, a detailed site Investigation of the site is not necessary. The assessment concludes that the subject site is capable of accommodating the proposed development from a contamination perspective. Contamination is discussed further in **Section 5** and **Appendix I**.

4.2.5 SEPP (Planning Systems) 2021

Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 sets out that development that has a capital investment value of over \$30 million is Regionally significant development. Regionally significant development is determined by Regional Planning Panels. A cost of works estimate is included at **Appendix P**. The total cost of the works is **\$21,923,066** including GST.

4.2.6 SEPP (Exempt and Complying Development Codes) 2008

The RU2 zoned land contains drainage reserve lots which do not meet the minimum 40ha lot size. As these lots will contain stormwater basins and will be dedicated to Council, their subdivision from the development lands is "exempt development" pursuant to Clause 2.75 as follows:

Subdivision 38 Subdivision

2.75 Specified development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code:

- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.*

4.2.7 SEPP (Transport and Infrastructure) 2021

The development requires referral to TfNSW pursuant to Schedule 3 - Traffic Generating Development - of SEPP Transport and Infrastructure 2021 since the proposed subdivision exceeds 200 or more allotments.

4.3 REGIONAL PLANNING CONTROLS

4.3.1 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 published in December 2022 is a 20-year land use plan prepared for the Hunter which sets the strategic land use framework for continued economic growth and diversification in the region. The site is located in a regionally significant growth area and will contribute to Planning Priority 4 which is to grow Maitland's strategic centres along the New England Growth Corridor.

4.3.2 Hunter Regional Plan 2036

The NSW Government has developed the Hunter Regional Plan 2036 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each Council area.

The vision of the Hunter Regional Plan 2036 is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The Greater Newcastle area comprises the closely connected urban areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens local government areas.

Figure 7 below provides the indicative boundaries of the Greater Newcastle area and identifies the location of the subject site within the Greater Newcastle area.

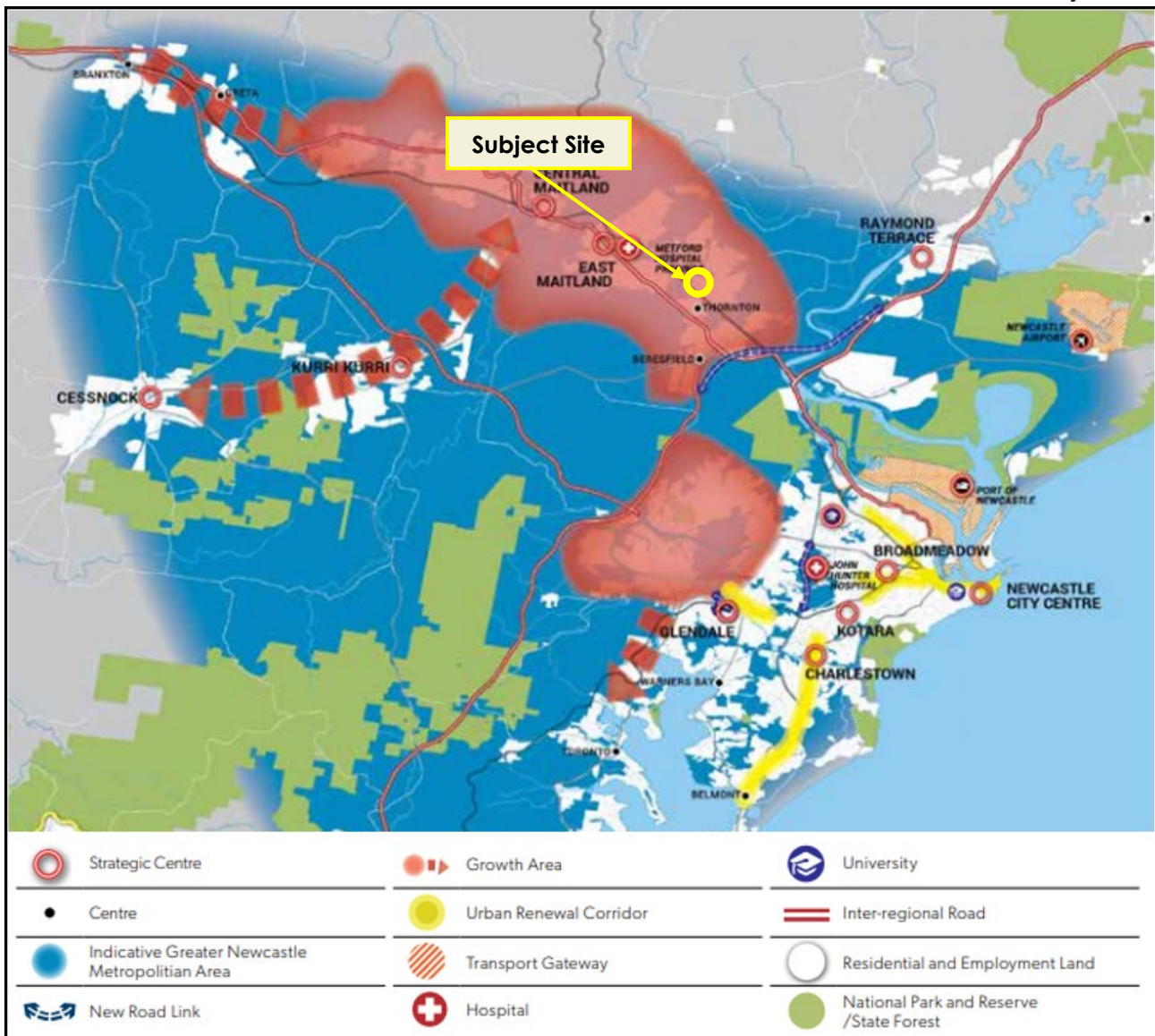


Figure 7: Extract from Hunter Regional Plan 2036 – Greater Newcastle Area.

The Plan identifies that an additional 70,000 dwellings will be needed in the region by 2036 (of which 12,550 are in the Maitland LGA), and providing the housing and infrastructure to meet this demand is central to the Plan. Delivering housing in urban release areas, including Thornton North, is central to achieving the dwelling targets established in the plan. The delivery of the Thornton North Urban Release Area is identified in the plan as a key urban renewal opportunity for the Maitland LGA.

The proposed subdivision will establish 264 new residential allotments within the Thornton North Urban Release Area which are suitable for future development. Through this, the proposal will contribute to the delivery of suitable residential land, to accommodate the additional 70,000 dwellings within the region, within an identified growth area.

The proposed subdivision is consistent with aims and outcomes outlined in the Hunter Regional Plan 2036.

4.3.3 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 is a priority action of the above referenced Hunter Regional Plan 2036. The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- *dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities*
- *offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake*
- *a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.*

The Plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

Chisholm is identified in the plan as being located within the Metro Frame (refer **Figure 8**). The plan seeks to continue to provide housing and services within the Metro Frame. The proposed subdivision is consistent with this aim.



Figure 8: Extract from Greater Newcastle Metropolitan Plan 2036 Vision Figure.

The site is also identified as a housing release area (refer **Figure 9**). Housing release areas are areas that will be supported by infrastructure planning and delivery. The plan seeks to unlock housing supply in these areas. The proposed subdivision will establish an additional 264 residential allotments and supporting infrastructure within the Chisholm housing release area.

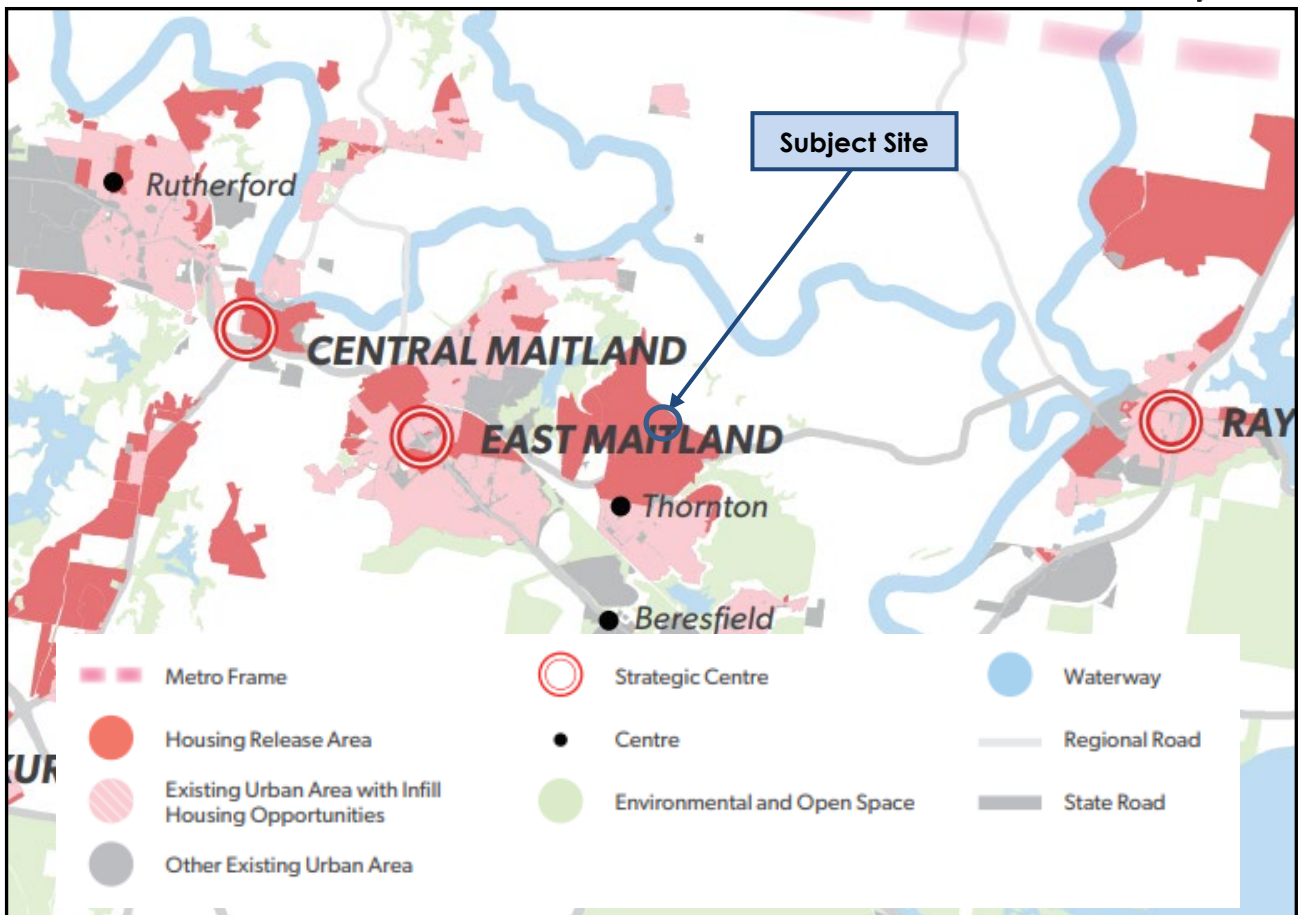


Figure 9: Extract from Greater Newcastle Metropolitan Plan 2036 Housing Opportunities Figure.

The proposed subdivision will contribute to the delivery of residential land within the Thornton North Urban Release Area to assist with meeting the growing demand for suitable residential land within the Newcastle metropolitan area.

The proposal is considered consistent with the Newcastle Metropolitan Plan 2036.

4.4 LOCAL PLANNING CONTROLS

4.4.1 Maitland Local Environmental Plan 2011

Zoning

The subject site is zoned *R1 General Residential* as identified under the Maitland Local Environmental Plan (MLEP) 2011 zoning maps, other than a small portion in the north-west corner which is zoned *RU2 Rural landscape* – refer **Figure 10** below.

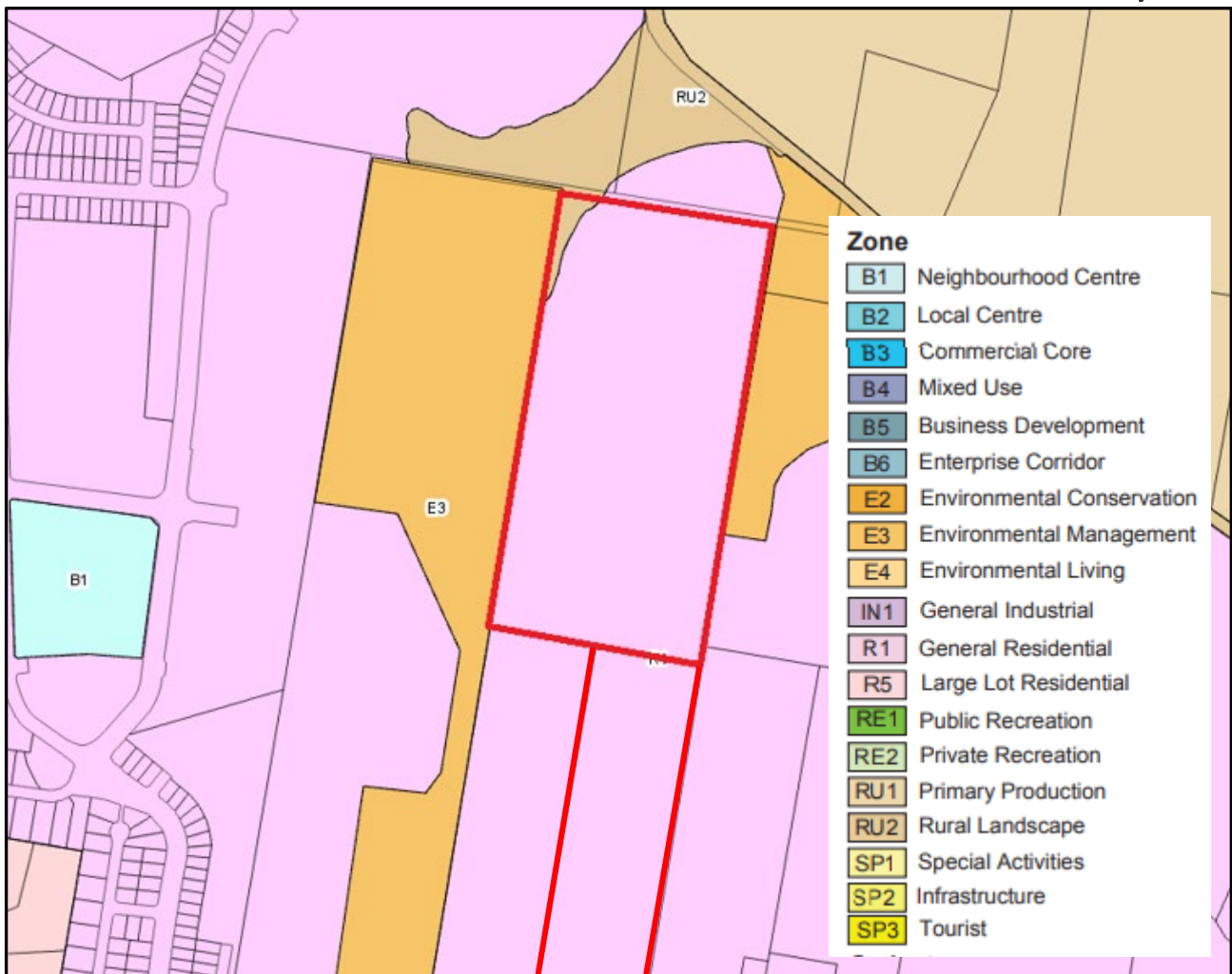


Figure 10: Extract from MLEP Zoning Map.

The proposed development, which is defined as a “subdivision”, is permissible with the consent of Council pursuant to Clause 2.6 of the MLEP.

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 relevant objectives of the R1 Zone are as follows:

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

The proposed subdivision is entirely consistent with the objective of the site's zoning noting the following:

- The proposed development will contribute to an increase in the variety of residential land available within the Maitland Local Government Area;
- The proposal will contribute to meeting the housing needs of the community; and
- The proposed subdivision layout is consistent with the major principles Thornton North Precinct Plan.

Clause 2.6 - Subdivision

Land to which Maitland LEP 2011 applies may be subdivided, but only with development consent. This application seeks development consent for the proposed subdivision as detailed on the plan of subdivision provided within **Appendix B**, and this is not contrary to any subdivision requirements or minimum lot sizes.

Clause 2.7 – Demolition

The demolition of a building or work may be carried out only with development consent.

This application seeks development consent for the removal and demolition of an existing dwelling and sheds.

Clause 4.1 – Minimum Subdivision Lot Site

The subject site is shown on the Lot Size Map as having a 450m² minimum lot size for the R1 zoned site (refer **Figure 11**). All proposed residential allotments have a lot size of 450m² or greater.

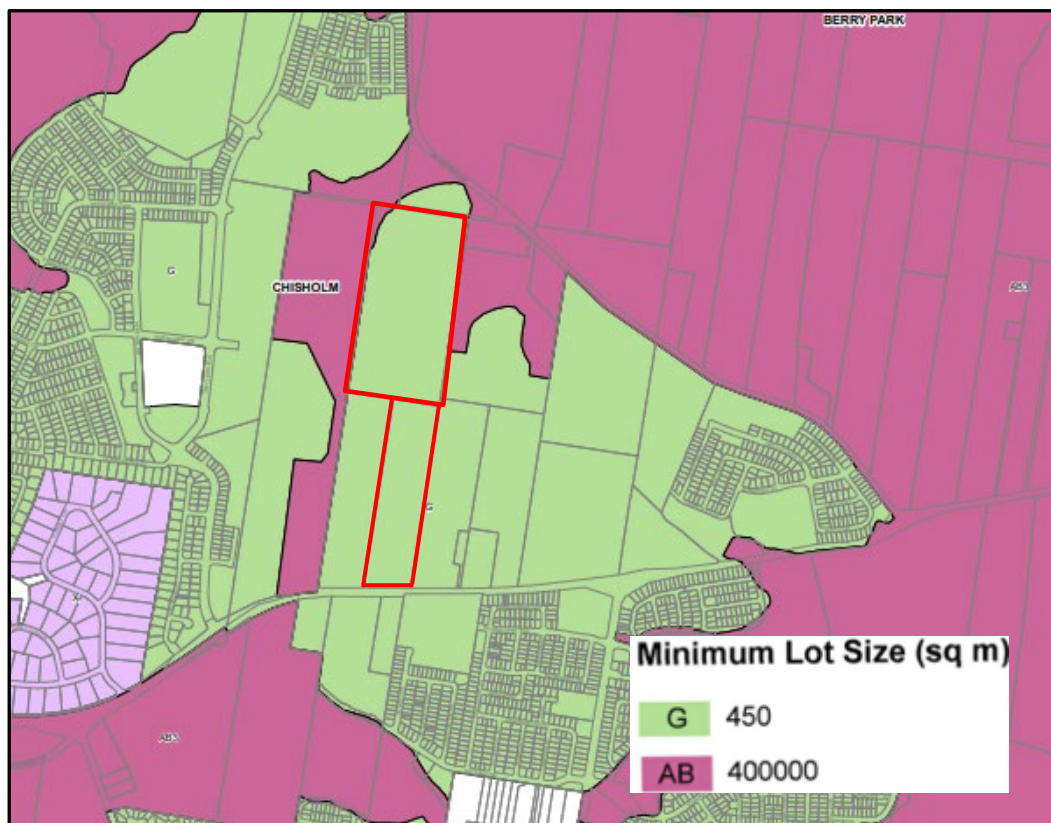


Figure 11: Extract from MLEP Minimum Lot Size Map.

Clause 4.2C Minimum subdivision lot sizes in certain split zones

Clause 4.2C sets out that

Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (**the resulting lots**) if—

(a) one of the resulting lots will contain—

- (i) land in a residential, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
- (ii) all the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to the land.

The drainage reserve lots which contain RU2 zoned land do not meet the minimum 40ha lot size. As these lots will contain stormwater basins and will be dedicated to Council, their subdivision from the development lands is "exempt development" pursuant to Clause 2.75 as follows:

Subdivision 38 Subdivision

2.75 Specified development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code:

(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Clause 4.3 Height of Buildings

No buildings are proposed as part of this application.

Clause 5.10 Heritage Conservation

Clause 5.10 sets out requirements in relation to heritage conservation. The subject site is not identified on the MLEP Heritage Map as containing any listed heritage items, nor is it located within a heritage conservation area. An Aboriginal Heritage Due Diligence Assessment has been prepared in support of the proposed development and is included at **Appendix K**. The Assessment concludes that no sites or potential archaeological deposits have been identified and there are no impacts on the archaeological record, therefore an AHIP is not required in this instance. To manage any potential impacts, the Assessment recommends that:

1. Persons responsible for the management of onsite works 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, and
2. Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line be contacted.

It is anticipated that any potential archaeological impacts can be managed through appropriate conditions of consent.

Clause 5.21 Flood Planning

Clause 5.21 sets out requirements in relation to flood planning. That part of the site which is identified on the MLEP Flood Planning Map is limited to the north-west corner where the stormwater basin is to be located. It is not anticipated that the proposed development will adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.

Part 6 – Urban Release Areas

Part 6 of the MLEP relates to development of land within an Urban Release Area. The subject site is located within the Thornton North Stage 2 Urban Release Area (refer **Figure 12**) and Part 6 therefore applies to the proposed development.

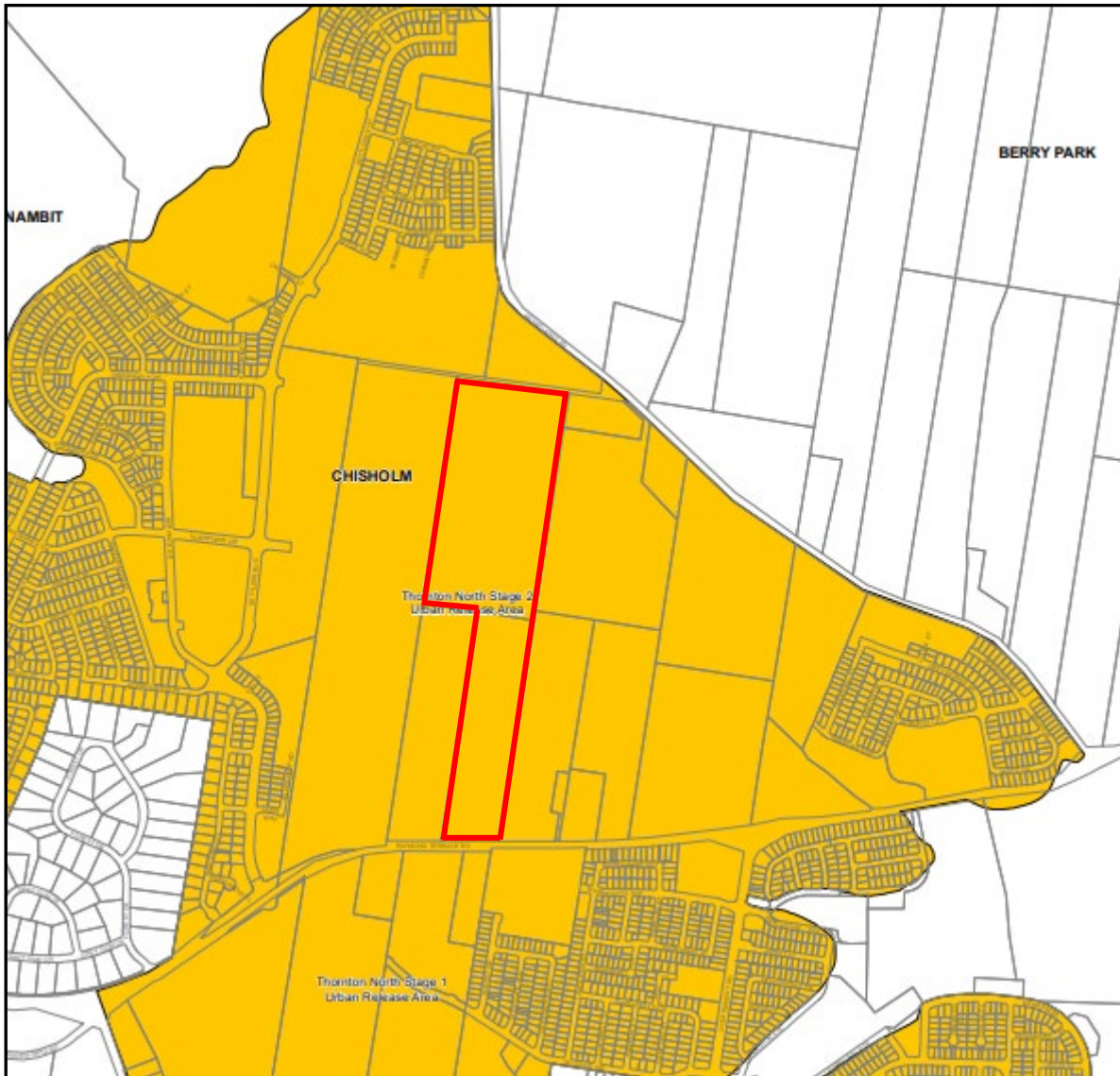


Figure 12: Extract from MLEP Urban Release Area Map.

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 areas. 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.*

On 30 June 2015, the Department of Planning and Environment advised the following:

“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 F**.

Once the subject DA has been lodged with Council, the proponent will contact DPE 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.*

In this regard, preliminary servicing advice for the proposed development was issued by Hunter Water on 20 April 2023 refer **Appendix N** Electricity, telecommunications and gas facilities to service the proposed allotments will be provided underground within the footpath reservation.

Full details on all services and requirements for connection will be provided to Council within the engineering design associated with Construction Certificate for the proposed development.

Clause 6.3 – Development Control Plan

Clause 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 active and passive 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. Within this DCP, the site is subject to the Central Precinct Plan adopted in March 2022, which addresses the above items and thereby adheres to Clause 6.3. The Central Precinct Plan is provided as **Figure 14** of this SoEE.

Clause 7.1 – Acid Sulphate Soils (ASS)

Clause 7.1 states:

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

The subject site is identified in the MLEP as potentially containing Class 3 and 5 Acid Sulphate Soils. The preliminary site investigation enclosed as **Appendix I** indicates that the site is unlikely to contain acid sulphate soils. It is not expected that acid sulphate soils will be disturbed by the proposed development.

Clause 7.2 – Earthworks

The relevant objective of this clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed earthworks are consistent with those required for the provisions of roads and development lots with stormwater management, and will not result in a detrimental impact to the area or the considerations under Clause 7.2. The extent of the earthworks proposed is detailed on the Concept Engineering Plans provided within **Appendix C**, and appropriate erosion and sediment control and stormwater management is incorporated.

4.5 MAITLAND DEVELOPMENT CONTROL PLAN 2011

The Maitland Development Control Plan 2011 (MDCP 2011) applies to the proposed development. Chapter F.7 of the MDCP 2011 applies to development within the Thornton North Urban Release Area. The site is located within the Central Precinct under Stage 2 of the Thornton North Urban Release Area (see **Figures 13 and 14**).

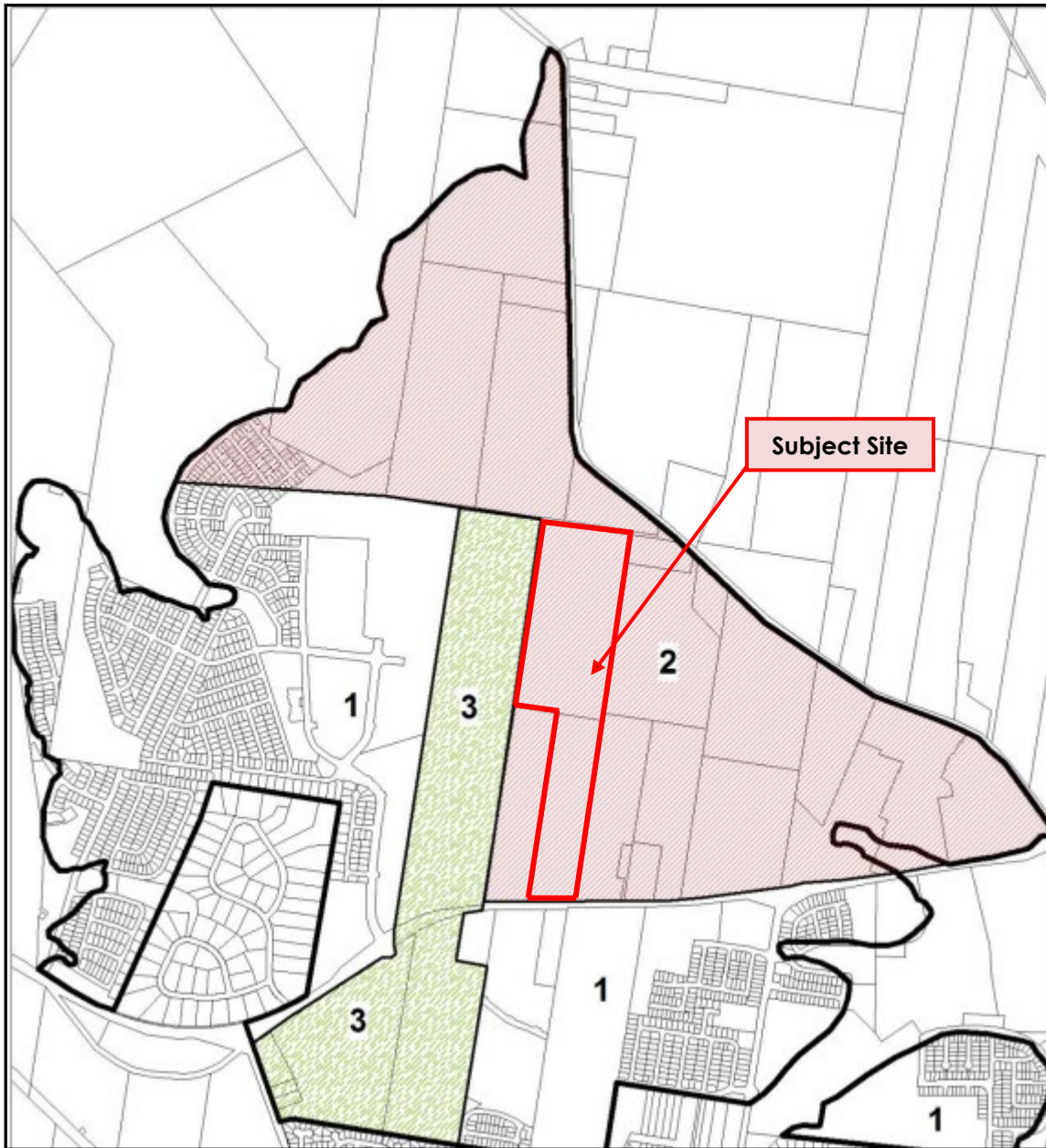


Figure 13: Thornton North Staging Plan.

The Figure below shows the vision established in the DCP for development within the Central Precinct of the Thornton North Urban Release Area.

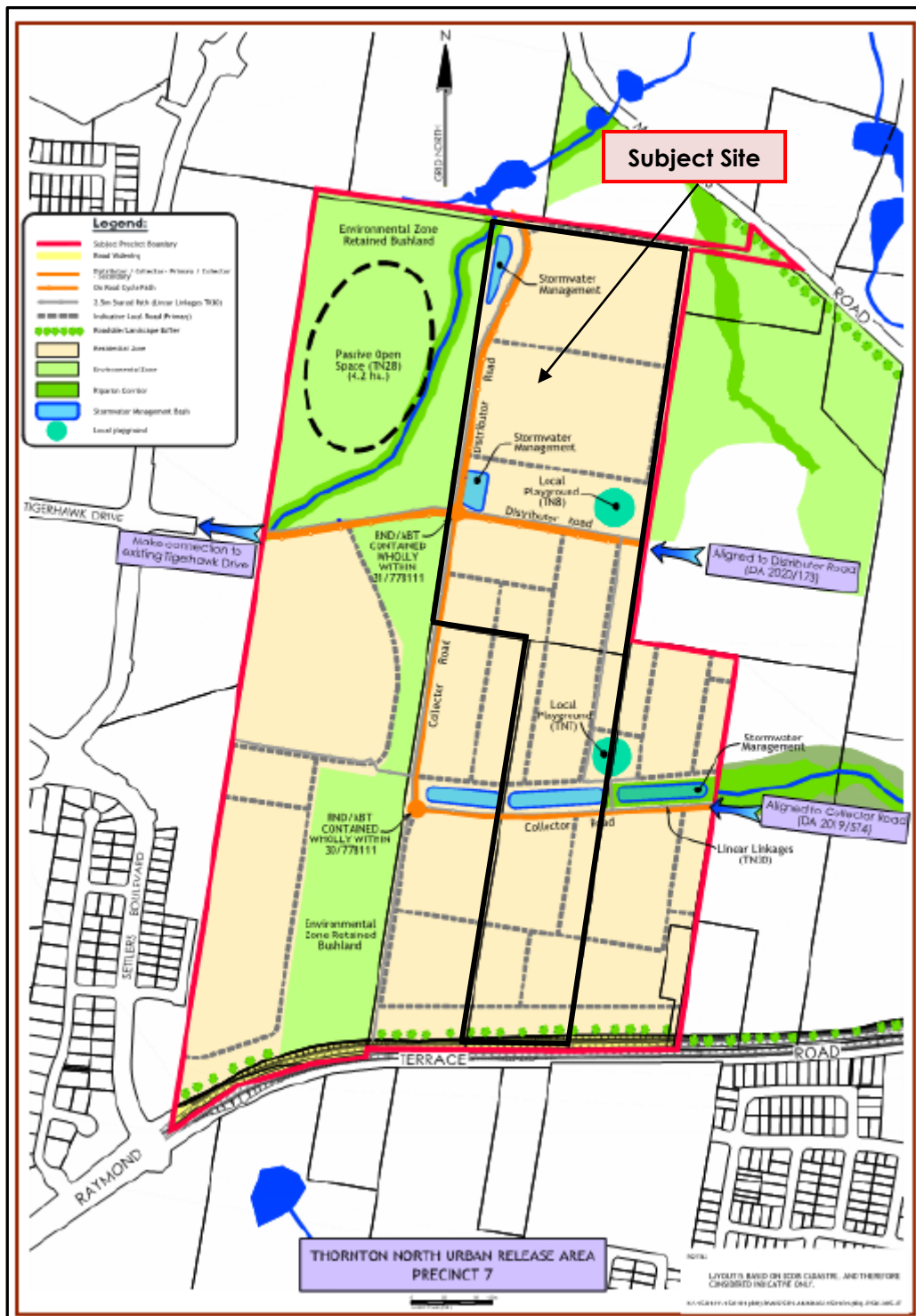


Figure 14: Central Precinct Plan.

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

- The proposed subdivision is located within the R1 General Residential zoned portion of the site;
- The proposal will create new residential allotments which are suitable for future residential development in accordance with the structure plan; and
- The proposed subdivision road layout is broadly consistent with the layout identified on the precinct plan and allows connectivity to proposed and approved development to the east and south and opportunities for connections into adjoining precincts to the west.

With the exception of the consolidation of the lot playgrounds (TN7 and TN8) as identified in Council’s development contributions plan, the proposed development is generally consistent with Precinct 7 (Chisholm Central Precinct Plan adopted on 22 March 2022). Playgrounds TN7 and TN8 are to be consolidated as a centrally located district park – refer subdivision plans at **Appendix B**.

A detailed assessment of the proposed development against the relevant provisions of MDCP 2011 is included at **Appendix O**.

4.6 THORNTON NORTH AREA PLAN

The Thornton North Area Plan provides a broad framework for potential development in the Thornton North area which will act as a guide for future investigations and decisions by Council and the community. Its objective is to ensure that any growth takes place in a co-ordinated and sustainable manner in consultation with the local community.

The Thornton North Area Plan is reproduced below:

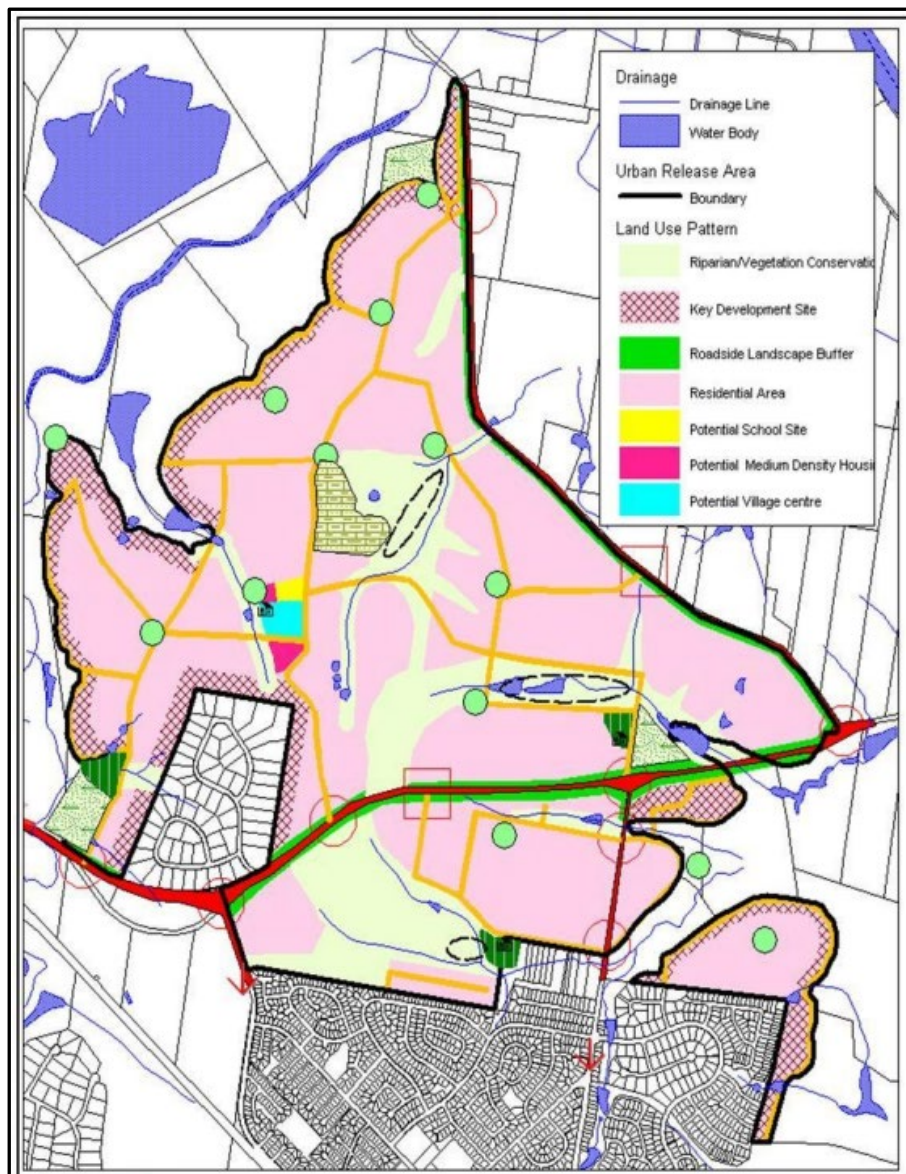


Figure 15: Thornton North Area Plan.

The proposed development is consistent with the Thornton North Area Plan. The subject site is identified in the area plan to be developed for residential purposes. The proposal seeks to provide an efficient residential lot layout for the site which maximises opportunities for

appropriately sized residential allotments, while giving consideration to the key features of the site. The subdivision layout incorporates road and pedestrian linkages between existing and proposed development.

4.7 MAITLAND URBAN SETTLEMENT STRATEGY

The Maitland Urban Settlement Strategy (MUSS) has been developed to provide the overarching framework for urban growth in the city between 2001-2020. The MUSS examines the wider implications of new urban development, including effects on servicing, existing land uses, environmental values and the historic and rural character of the City. It also examines the level of supply and demand in different parts of the City to ensure that there is adequate on-going supply of land zoned for urban purposes.

The strategy identifies Thornton North as being located in the major growth corridor for residential development during the 2001-2020 period. The proposal seeks to subdivide the site to create 251 residential allotments, in accordance with the key principles of the TNAP. The proposed subdivision is consistent with the findings and projected pattern for future residential development established by the MUSS.

4.8 THORNTON NORTH CONTRIBUTIONS PLAN

The subject site is affected by the Thornton North Contributions Plan (CP). 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. Currently these are \$29,998 per allotment.

5.0 Environmental Assessment

5.1 ZONING & PERMISSIBILITY

As detailed in **Section 4.0** of this report, the subject site is zoned R1 General Residential in accordance with the MLEP. The proposed subdivision is permissible within the R1 zone with the consent of Council.

The proposed subdivision is consistent with the objectives of the R1 zone, as it will establish allotments suitable for future residential development in accordance with the objectives of the R1 zone. The consistency of the proposed development with the objectives of the R1 zone is discussed in detail in **Section 4.4.1** above.

5.2 CONTEXT & SETTING

The subject site is located adjacent to a number of approved and proposed subdivisions and has been designed to ensure that the proposed road and lot layout corresponds with the road and service layout of adjoining developments and is consistent with the Thornton North Precinct Plan.

5.3 SUBDIVISION

The subject site is identified in the Thornton North Area Plan. The proposed subdivision is consistent with the road and block layout established in the area plan.

The proposal seeks to provide an efficient residential lot layout for the site which maximises opportunities for appropriately sized residential allotments, while giving consideration to the key features of the site. The proposed subdivision is designed to align with existing and proposed development to the east and south and provides linkages to land to the west which is identified for residential development as part of the Thornton North Area Plan.

5.4 LANDSCAPING

Landscape Plans for the proposed development have been prepared by Terras Landscape Architects and are included at **Appendix E**. The landscape drawing package includes concept sketches for the centrally located park (to be subject to a future development application) where trees are to be retained to reinforce biodiversity connection strategies for the site.

Overall, the proposed landscaping seeks to establish an aesthetically pleasing streetscape which is consistent with the Thornton North Area Plan. Proposed Landscaping includes the treatment of road verges with turf and a variety of street trees consistent with the landscape theme for the Thornton North Urban Release Area.

5.5 STORMWATER

A Stormwater Management Plan for the proposed development has been prepared by ADW Johnson and is enclosed as **Appendix D**.

The proposed subdivision occupies the central precinct of the Thornton North Urban Release Area and is accounted for in the precinct-wide Chisholm Residential Subdivision stormwater management plan.

5.6 EROSION AND SEDIMENT CONTROL

Erosion and Sediment control has been addressed within the Civil Engineering Plans attached as **Appendix D**.

The erosion and sediment controls proposed to be employed during construction includes a combination of the following:

- Sediment Basins;
- Silt Fencing;
- Strawbale and Geotextile Fencing;
- Kerb Inlet Controls;
- Sandbag Kerb Inlet Sediment traps;
- Shaker Ramp; and
- Diversion Drains.

All erosion and sediment controls and practices are to be in accordance with Council's 'Manual of Engineering Standards Appendix B – Erosion and Sediment control' and 'Managing Urban Stormwater' by Landcom (Blue Book).

5.7 BUSHFIRE

The site is currently exposed to high bushfire hazard located to the west of the subject site. The predominant vegetation surrounding the site in unmanaged conditions is consistent with a forest, specifically Hunter Macleay Dry Sclerophyll Forest.

The bushfire hazard will be substantially reduced over the next 2-5 years as the remaining land surrounding the subject site zoned for residential use is subdivided and the remaining hazardous vegetation removed.

A Bushfire Assessment Report (BAR) has been prepared by Bushfire Planning Australia in support of the proposed subdivision and is included at **Appendix G**. A Bushfire Safety Authority will be required pursuant to section 100b of the Rural Fires Act 1997 and endorsement is also being sought for the Subdivision BAL Plan prior to the registration of the subdivision.

The BAR concludes the bushfire hazard the proposed development is exposed to can be successfully mitigated by applying a combination of bushfire mitigation measures including temporary and permanent Asset Protection Zones (APZs), and includes a number of recommendations designed to enable the development to achieve the aims and objectives of Planning for Bushfire Protection 2019.

5.8 GEOTECHNICAL & CONTAMINATION

EP Risk was engaged to prepare a Preliminary Site Investigation and Geotechnical Assessments for the subject site. These are included as **Appendices I and J**.

The review of site history information identified the Site has been used for rural lifestyle living since sometime between 1984 and 1993. Prior to this time the Site comprised of native eucalypt bushland. No major potentially contaminating activities were identified from the historical land ownership review. A search of the Universal Business Directory (UBD) (Lot search 2020), spanning circa 1950 to 1991 identified no adjacent commercial uses during this period.

Based on the results of the Site history review, site inspection and analytical results, the Site is considered to present a low risk of contamination. The results of analytical testing have been reported at levels that would not preclude the proposed future use of the site as a general residential land use, subject to completion of recommended works.

From a geotechnical perspective there are no constraints prohibitive to the proposed development as a low to medium density residential subdivision.

5.9 FLORA & FAUNA

As per Part 7.7 of the Biodiversity Conservation Act 2016 (BC Act), all applications for development consent under Part 4 of the EP&A Act are to be accompanied by a Biodiversity Assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR has been prepared in support of the proposal by MJD Environmental and is included at **Appendix H**. The proposal exceeds the native vegetation clearing threshold set out in the Biodiversity Conservation Regulation 2017. As such, the proposal triggers assessment under the Biodiversity Assessment Method (BAM) and entry into the Biodiversity Offset Scheme (BOS) as per Section 7.1.1 (b) of the BC Regulations (2017).

Application of the BAM was used to establish biodiversity impacts of the proposal inclusive of impacts to native vegetation and threatened entities (species and communities) within the locality listed under the BC Act, requiring that an accredited assessor (AA) prepare and submit a BDAR to the approval consent authority; Maitland City Council (MCC) as part of the Development Application. In addition, preliminary assessment was undertaken having regard to those threatened entities listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Assessment has been considered against the State Environmental Planning Policy (Koala Habitat Protection) 2021.

The land is zoned primarily R1 General Residential with a portion of the far north-west of RU2 Rural Landscape. The land has been historically cleared across the majority of the subject land. Vegetation regeneration presents in different conditions between the northern and southern portions of the subject land due to the implementation of different management. The northern portion contains native canopy and a heavily grazed understorey with the presence of exotic grasses and shrubs. The southern portion of the subject land contains a higher density of mid stratum species due to lack of grazing and slashing practices however less remnant canopy trees have been retained.

Impact Avoidance and Mitigation

The BDAR includes a package of avoidance and mitigation measures associated with the project. The subject land for development was selected due to the largely cleared or highly disturbed lands with poor-moderate native species diversity as a result of past and present land use. 24.65 ha of native vegetation is to be entirely removed, and 1.70 ha of native vegetation is to be retained under this proposal within the study area. All measures have been incorporated into the design (avoidance) in the first instance with mitigation measures assessed for the construction phases of the project. Considerations have been made with regards to the impacts of the proposal to the broader connectivity of the landscape.

5.10 ACCESS, TRANSPORT & TRAFFIC

Intersect Traffic was engaged to prepare a Traffic Impact Assessment for the proposed development. The Traffic Impact Assessment is enclosed as **Appendix K**.

As part of the original planning for the Thornton North Urban Release Area a traffic study was undertaken by Parsons Brinckerhoff (2003) to inform the Thornton North Masterplan. This study assessed the regional transport and traffic impacts of the urban release area and identified the road and intersection upgrades required to mitigate the traffic impacts. These road and intersection upgrades were included within the Thornton North S7.11 Contributions Plan.

For the proposed development, payment of the required S7.11 developer contributions ensures that the external road network is upgraded to a suitable standard to cater satisfactorily for additional traffic generated by the subdivision. To date McFarlanes Road/Raymond Terrace

Road intersection has been completed and construction of Government Road/Raymond Terrace Road intersection is to be completed mid-2024.

The assessment indicates that existing traffic volumes on the local and state road network surrounding the site are within the technical mid-block capacity standards and are operating at satisfactory levels of service, with acceptable delay for motorists.

The road network surrounding the subject site can cater for the additional traffic generated by proposed 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 2029. This is subject to suitable upgrading of the Raymond Terrace Road / Government Road intersection. This intersection is currently under construction by Maitland City Council with a combination of S7.11 funding and Housing Acceleration Funding. It is anticipated that this upgrade will be completed in 2024.

It is also noted that the Thornton North S7.11 plan allows for widening of Raymond Terrace Road to 4 lanes west of Government Road. It is expected that these works will occur when development within the Thornton North Urban Release Area reaches a point at which these works are required. Stage 6 access will be subject to the development of Lot 100 DP8457510 being complete.

The proposed access arrangements for the development are suitable for the type of development and the road environment in the vicinity of the site. Future development of the new allotments would be able to accommodate the required on-site car parking and the development will not generate an unacceptable on-street car parking demand that would adversely impact on the local road network.

Drawing DA-012 at **Appendix B** shows proposed pathways, cycleways and shared paths throughout the subdivision as well as 400m walking distance to the centrally located park.

The proposed development will generate additional public transport usage particularly in regard to school bus services. It is therefore envisioned that bus routes may need to be changed in the future to service the area. Suitable reserve widths have been provided on the roads likely to accommodate bus routes.

With regard to the Maitland DCP (2011) Part F.7 – Thornton North Release Area and the current Precinct Plan, the assessment concludes that the proposed transport management hierarchy within the subdivision plan is consistent and compliant with the transport management hierarchy requirements within Part F.7 of the DCP. A future connection to the west to Tigerhawk Drive and Settler's Boulevard, Chisholm is likely to be physically available prior to construction of Stage 2 of this development. Road connection to the north west is available for the development.

The internal road layout proposed will be compliant with Maitland City Council's Manual of Engineering Standards and suitable pedestrian and cycleway networks are to be provided within the development to ensure compliance with the requirements of Part F.7 of the DCP.

The traffic impact assessment recommends that subject to the signalisation of the Raymond Terrace Road / Government Road intersection, currently under construction, the proposal can be supported from a traffic impact perspective as it will not adversely impact on the local and state road network and complies with all relevant Maitland City Council, Australian Standard and TfNSW requirements.

5.11 HERITAGE

5.11.1 Aboriginal Archaeology

McCardle Cultural Heritage Pty Ltd was commissioned to prepare an Aboriginal Due Diligence Assessment for the subject site (refer **Appendix J**).

The assessment was undertaken in accordance with the NSW OEH, Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, the OEH Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

The due diligence assessment involved a search of the OEH AHIMS register, a review of the environmental and archaeological context of the site and locality and a survey of the site.

A search of the AHIMS register indicates that there are 104 known Aboriginal sites recorded within two (2) kilometres of the project area, including 90 artefact sites. The search indicates that a site (38-4-0123) is located within the Lot 33 DP 794448. However, examination of the site card places this site outside the project area. The site, an artefact scatter, was recorded in 1987. It is well known that the coordinates of sites recorded during this time are often significantly inaccurate. The site card places the site within 300m of a second order stream and all second order streams are over 300m from the furthest boundaries of the project area, placing the site well outside the project area. It is also noted that no sites were observed on the site during a site inspection. Site 38-4-0123 is not in the project area. No other recorded sites are located with Lot 33 DP 794448.

No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the survey of the site. This is likely due to a number of factors including:

- Distance from reliable water and subsistence resources indicates the subject site was unlikely to have been utilised for camping;
- The subject site may have been used for travel and/or hunting and gathering;
- Past and present land uses would have displaced and/or destroyed any evidence of past Aboriginal land use; and
- Any cultural materials within the subject site would have likely been displaced and/or destroyed through both natural and/or human impacts.

The report concludes that the proposed development will have no impacts on the archaeological record. The following recommendations are made:

1. The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974; and
2. Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

5.11.2 European Heritage

As discussed above, the site does not contain any items of heritage significance and is not located within a heritage conservation area. The proposal will therefore not result in any adverse impacts on European heritage.

5.12 SOCIO-ECONOMIC

The proposed subdivision represents an efficient use of the subject site in accordance with the site's zoning and the vision identified for the site in the Thornton North Area Plan. The proposal will contribute to the delivery of the emerging Thornton North area.

The proposal will result in the following socio-economic benefits:

- The delivery of residential land to increase housing availability and choice within Thornton North and Maitland;
- The proposed subdivision will further strengthen Thornton North as an emerging growth area;
- The proposed development will provide construction jobs as well providing an ongoing increase in demand for local business;
- The proposed subdivision is consistent with the TNAP and aligns with the aims and objectives of the Hunter Regional Plan 2036 and Newcastle Metropolitan Plan; and
- The proposed subdivision will support interconnectivity through providing road and pedestrian linkages to future subdivisions to the east, south and west.

The proposed subdivision is unlikely to be a high-risk development with respect to crime and public safety. The proposal will not significantly alter the structure of the local community, will not decrease the community's capacity to act cooperatively and will not physically separate one part of the community from another.

The proposed development is considered to provide a net social and economic benefit.

5.13 UTILITIES & SERVICES

All public utility services such as water (including recycled water) sewer, electricity, Gas and telecommunications will be provided to service each development lot.

Full details on all services and requirements for connection will be provided within the engineering design as part of the Construction Certificate.

6.0 Conclusion

This statement and supporting documentation demonstrates that the proposed 264 lot residential subdivision and associated infrastructure is an appropriate and suitable development when tested against the relevant heads of consideration detailed within Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development can be supported for the following reasons:

- The proposed subdivision is permissible within the R1 General Residential zone under Maitland LEP 2011 with the consent of Council;
- The proposed subdivision will create 264 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;
- As required by Clause 6.12 of the Biodiversity Conservation Act 2016 (BC Act), the proposal demonstrates how the principles of “avoid and minimise” with regard to biodiversity impact have been observed in the development of the site masterplan;
- The subdivision has been designed to comply with the applicable chapters of the Maitland DCP 2011; and
- The development has been professionally designed and provides a natural progression and infill to the Thornton North area. The proposal stems from long term growth planning ensuring adequate services and infrastructure are available to the growing neighbourhood.

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.

Appendix A

CERTIFICATE OF TITLE AND DEPOSITED PLAN

Appendix B

PLANS OF THE PROPOSED SUBDIVISION

Appendix C

CONCEPT ENGINEERING PLANS

Appendix D

STORMWATER MANAGEMENT PLAN

Appendix E

LANDSCAPE PLAN

Appendix F

LETTERS FROM DPER REGARDING SIC SATISFACTORY ARRANGEMENTS

Appendix G

BUSHFIRE ASSESSMENT REPORT

Appendix H

BIODIVERSITY ASSESSMENT REPORT

Appendix I

PRELIMINARY SITE INVESTIGATION

Appendix J

GEOTECHNICAL INVESTIGATION

Appendix K

ABORIGINAL HERITAGE ASSESSMENT

Appendix L

TRAFFIC IMPACT ASSESSMENT

Appendix M

MINUTES OF PRE-LODGEMENT MEETINGS

Appendix N

NOTICE OF FORMAL REQUIREMENTS

Appendix O

MAITLAND DCP CHECKLIST

Appendix P

COST OF WORKS ESTIMATE

Appendix Q

BIODIVERSITY ASSESSMENT REPORT SUPPLEMENT