



BARR
PLANNING

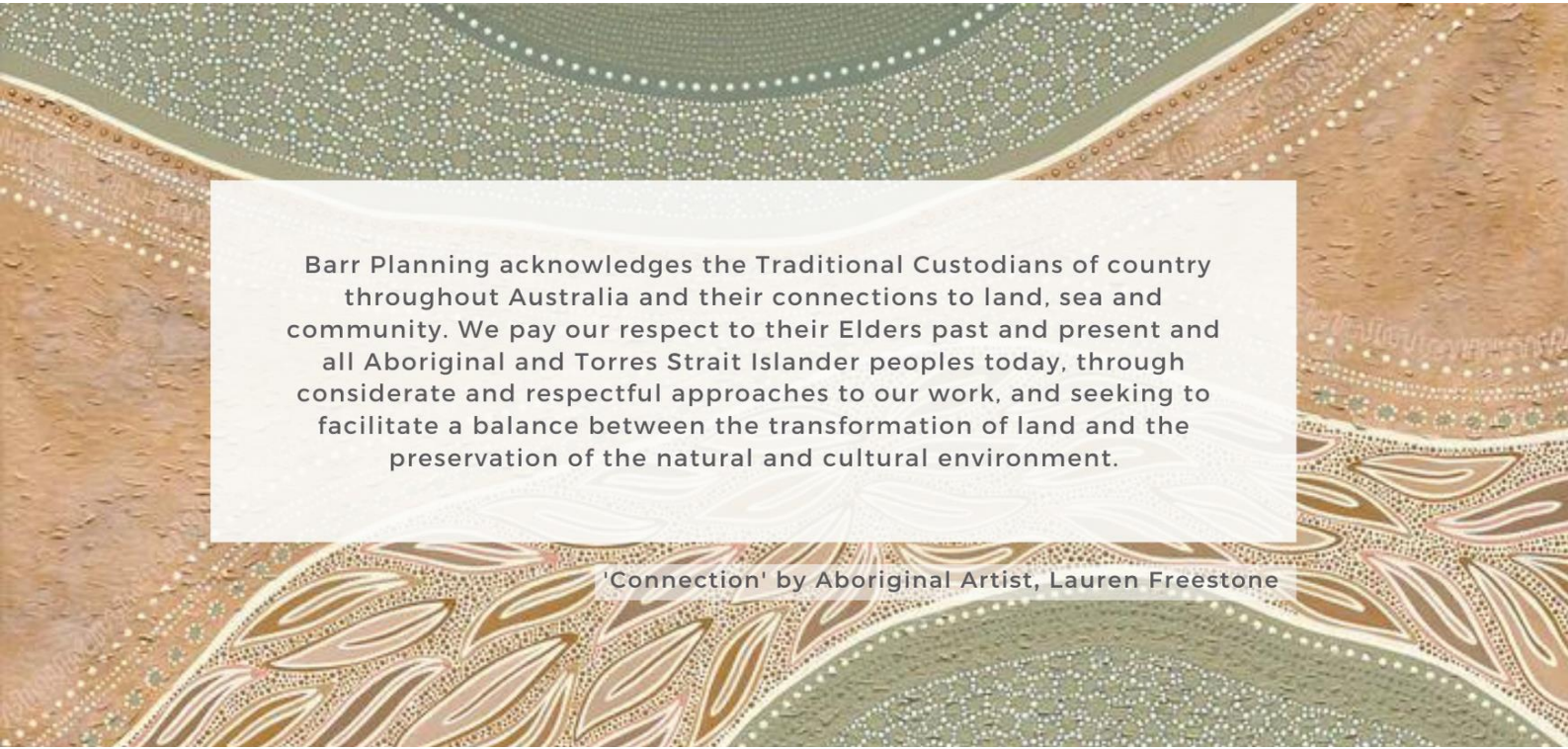
Statement of Environmental Effects Concept Development Application Stage 1 Development Application Anambah

Prepared by Barr Planning

for Thirdi Group

August 2024



The background of the page is a vibrant Aboriginal artwork. It features a complex pattern of concentric circles and organic shapes, rendered in earthy tones of green, brown, and white. The artwork is highly detailed, with many small dots and lines forming the larger shapes. The overall effect is one of traditional craftsmanship and cultural significance.

Barr Planning acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and all Aboriginal and Torres Strait Islander peoples today, through considerate and respectful approaches to our work, and seeking to facilitate a balance between the transformation of land and the preservation of the natural and cultural environment.

'Connection' by Aboriginal Artist, Lauren Freestone

Document Control

Title:	Statement of Environmental Effects
Address:	559 Anambah Road, Gosforth
Job No.	22NEW0071
Client:	Thirdi Group

Document Issue

Issue	Date	Prepared by	Reviewed by
WIP Draft 1	17/07/2024	Samuel Liu	Rebecca Johnston
WIP Draft 2	12/08/2024	Jack Loughnan	Stephen Barr
Final Issue	30/08/2024	Jack Loughnan	Stephen Barr

Signed



Jack Loughnan
Planner
bPlanning



Stephen Barr
Director
BSurv (Hons), MPlanning, MBus, Registered
Planner

For queries about this report please contact

Jack Loughnan
jloughnan@barrplanning.com.au
0412 598 443

Barr Property and Planning PTY LTD
Trading as Barr Planning
ABN 57 604 341 302

92 Young Street Carrington NSW 2294
PO Box 96 Carrington NSW 2294
(02) 4037 2451

BARRPLANNING.COM.AU

Contents

1	Introduction	8
1.1	Purpose of this Statement of Environmental Effects	8
1.2	Ownership.....	8
1.3	Consent Authority.....	8
1.4	Supporting Documentation	8
2	Site and Project Context.....	10
2.1	Background	10
2.2	The Site	11
2.2.1	Road Network	12
2.2.2	Services and Utilities.....	13
2.2.3	Topography and Geology.....	13
2.2.4	Environmental Constraints	14
2.2.5	Archaeology and History.....	15
2.3	Pre-Lodgement Meeting Minutes.....	17
3	Proposed Development.....	17
3.1	Concept Masterplan	17
3.1.1	Staging and Sequencing	18
3.1.2	Transport Movement Plan.....	18
3.1.3	Landscaping Strategy	19
3.1.4	Water Management Strategy	19
3.1.5	Environmental Risk Mitigation	20
3.1.6	Site Specific Design Controls.....	21
3.2	Stage 1 Development.....	21
3.2.1	Subdivision	21
3.2.2	Site Access and Roads.....	22
3.2.3	Tree Removal	24
3.2.4	Landscaping	25
3.2.5	Servicing and Utilities	25

3.2.6	Open Space	27
3.2.7	Waste Management	27
3.2.8	Interim environmental mitigations.....	27
4	Strategic Context	28
4.1	Hunter Regional Plan 2041	29
4.2	Greater Newcastle Metropolitan Plan 2036.....	30
4.3	Maitland Local Strategic Planning Strategy	30
4.4	Maitland Local Housing Strategy 2041	30
5	Statutory Assessment.....	33
5.1	Environmental Planning and Assessment Act 1979	33
5.2	Objects of the Act	33
5.3	Integrated Development	35
5.4	Environmental Planning and Assessment Regulation 2021	36
5.5	Other Legislation.....	36
5.5.1	Biodiversity Conservation Act.....	36
5.6	State Environmental Planning Policies	37
5.6.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	37
5.6.2	State Environmental Planning Policy (Planning Systems) 2021.....	38
5.6.3	State Environmental Planning Policy (Resilience and Hazards) 2021.....	38
5.6.4	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	39
5.7	Maitland Local Environmental Plan 2011	40
5.7.1	Aims of Plan	40
5.7.2	Zone objectives and Land Use Table.....	42
5.7.3	Subdivision of Land	43
5.7.4	Minimum Subdivision Lot Size	43
5.7.5	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones 44	
5.7.6	Flood Planning	45
5.7.7	Urban Release Areas.....	45
5.7.8	Acid Sulphate Soils.....	49
5.7.9	Earthworks.....	49
5.7.10	Riparian land and watercourses	49

5.7.11	Subdivision of land in Zone R1 in Anambah Urban Release Area.....	50
5.8	Proposed Environmental Planning Instruments.....	51
5.9	Maitland Development Control Plan 2011	51
5.10	Planning Agreements.....	60
5.11	Development Contributions	60
5.11.1	State Development Contributions	60
5.11.2	Local Development Contributions	60
6	Likely Impacts of the Development (Stage 1)	61
6.1	Environmental Impacts.....	61
6.1.1	Traffic and Access	61
6.1.2	Bushfire	62
6.1.3	Stormwater Drainage.....	65
6.1.4	Flooding	65
6.1.5	Aboriginal Cultural Heritage	66
6.1.6	Flora and Fauna	67
6.1.7	Visual Impact.....	68
6.1.8	Noise and Vibrations.....	69
6.1.9	Waste Management	69
7	Suitability of the Site	71
8	Submissions.....	71
9	Public Interest	71
10	Conclusion	71

Figures

Figure 1	Urban Release Area Map. Site outlined in yellow. Source: NSW ePlanning Spatial Viewer...	10
Figure 2	Locality Plan. Source: Near Map (June 2024)	12
Figure 3	Looking west over the site from Anambah Road. Source: RCA Australia (August 2023)	14
Figure 4	Rock outcrop zone along crest in the central northern area of the site. Source: RCA Australia (August 2023).....	14
Figure 5	AHIMS search results. Source: SCP aerial with Heritage Now and AHIMS additions	16
Figure 6	Archaeological Survey Results. Source: SCP with Heritage Now additions	17
Figure 7	Anambah Road Intersection Detail. Source: Northrop, August 2024.....	22

Figure 8 River Road Works, Source: Northrop, August 2024..... 23

Figure 9 Source: Concept Masterplan PAA Design August 2024 24

Figure 10 Existing electricity infrastructure, Source: Power Solutions, March 2024 26

Figure 11 BAL Subdivision Plan (Stage 1). Source: BPA, August 2024 28

Figure 12 Land Zoning Map. Source: eSpatial Viewer (June 2024)..... 42

Figure 13 Level of Service definitions, SCT Consulting August 2024 61

Figure 14 Intersection performance, Source: SCT Consulting, August 2024 62

Figure 15 Temporary Subdivision BAL Plan, Source: BPA, August 2024..... 64

Figure 16 Permanent Subdivision BAL Plan. Source: BPA, August 2024..... 65

Tables

Table 1 Property Ownership Details 8

Table 2 Submitted Documentation..... 8

Table 3 Proposed Staging..... 18

Table 4 Cost and Lead-time Estimates, Source: Power Solutions, March 2024 26

Table 5 Compliance with Clause 6.3(3) DCP requirements 47

Table 6 Cut and Fill Volumes. Source: JBS&G August 2024 49

Table 7 Assessment of Relevant Sections of the MDCP 2011 51

Table 8 Housing and Productivity Contribution Transitional Arrangements. Source: DPE (2023) 60

	removed during works than an exclusion zone will need to be established.
All Sites General mitigation methods	All Aboriginal sites within the residential development and access road are to be clearly marked on all relevant construction drawings, along with buffers and fencing, as relevant. All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974, this includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an onsite induction or other suitable format.

Table 9 ACHA Recommendations, Source: Heritage Now, August 2024 67

Table 10 Plant Community Types assessed on Site, Source: MJD Environmental, August 2024 68

Table 11 Credits required to be retried, Source: MJD Environmental, August 2024 68

Table 12 Cut and fill balance for the site, Source: JBS&G August 2024..... 70

1 Introduction

1.1 Purpose of this Statement of Environmental Effects

This Statement of Environmental Effects ('Statement') has been prepared by Barr Planning on behalf of Thirdi Group to support a concept development application lodged to Maitland City Council pursuant to Section 4.12 and 4.22 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). The application seeks approval for a concept proposal to create a new urban subdivision within the Anambah Urban Release Area. The subdivision proposed under the concept master plan creates the opportunity to deliver a mix of housing types. The concept plan includes approximately 900 residential lots, and incorporating open space, roads, pedestrian networks, utilities and services, intersection upgrades and drainage infrastructure. The application also seeks approval for Stage 1 of the development, being the construction of 240 residential lots and associated works including road access via Anambah Road and River Road, vegetation removal, landscaping, drainage, utilities and services. Further detail regarding the proposed development is provided in Section 3 of the Statement.

1.2 Ownership

Table 1 Property Ownership Details

Property	Street Address	Owner
Lot 177, DP 874171	559 Anambah Road Gosforth	Rodney David Bird Caveat #AS489911 by Thirdi Anambah Pty Ltd.
Lot 55, DP 874170	559 Anambah Road Gosforth	Rodney David Bird Caveat by Thirdi Anambah Pty Ltd. #AS489911
River Road		Council Road

1.3 Consent Authority

The proposed development has an Estimated Cost of Development of over \$30 million. Pursuant to Clause 2, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 the development is classified as Regionally Significant Development. The consent authority is the Hunter and Central Coast Regional Planning Panel.

1.4 Supporting Documentation

This Statement is supported by the following documentation:

Table 2 Submitted Documentation

Document	Author	Revision	Date
Plan of Subdivision (Stage 1 Sequencing)	Delfs Lascelles	A	28/08/2024
Civil Engineering Drawings	Northrop	B	28/08/2024



BARR
PLANNING

Document	Author	Revision	Date
Landscape Plan	EMM Consulting	B	28/08/2024
Visual Impact Assessment	EMM Consulting	3	29/08/2024
Urban Design Report	Peter Andrew + Associates Pty Ltd	C	30/08/2024
Flood Impact Assessment	Northrop	A	30/08/2024
Aboriginal Cultural Heritage Assessment Report	Heritage Now	2	29/08/2024
Bushfire Assessment Report	Bushfire Planning Australia	4	30/08/2024
Biodiversity Development Assessment Report	MJD Environmental	1	30/08/2024
Traffic Impact Assessment Report	SCT Consulting	V4	30/08/2024
Arborist Report	EMM Consulting		
Geotechnical Report	EP Risk	V01	27/05/2024
Preliminary Site Investigation	EP Risk	V1	22/07/2024
Design and Servicing Report	Northrop		
Estimated Development Cost Report	Aplas Quantity Surveyors	NA	26/08/2024
Waste Management Plan	JBS&G	NA	29/08/2024
Staging Plan	Northrop	B	29/08/2024

These documents have been uploaded as separate documents to the NSW Planning Portal.

2 Site and Project Context

2.1 Background

The site is located within the Anambah Urban Release Area (URA) and is part of the Branxton to Anambah Regionally Significant Growth Area identified in the Hunter Regional Plan 2041. It is strategically located in proximity to other areas earmarked for urban release including the Lochinvar URA, Anambah Road URA, Anambah Employment Area, Anambah Urban Extension Site (Wyndella) and Anambah Road Urban Extension Site.

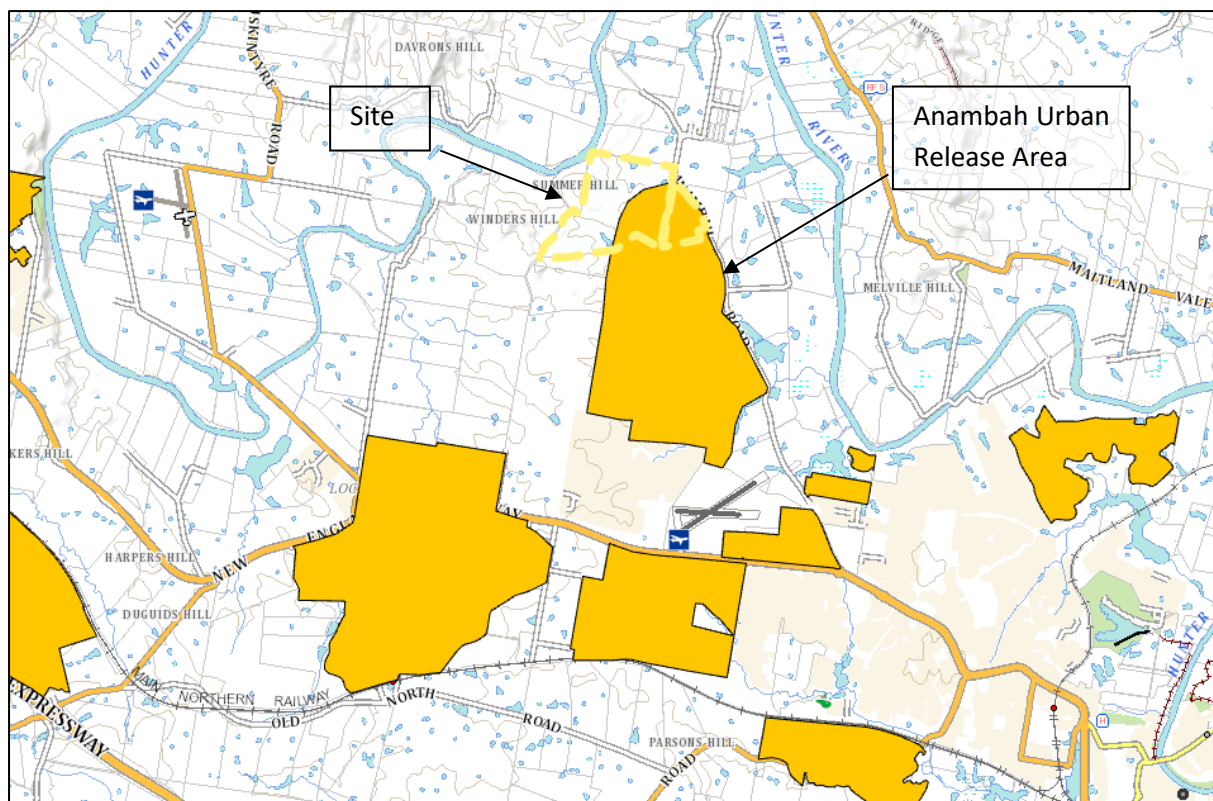


Figure 1 Urban Release Area Map. Site outlined in yellow. Source: NSW ePlanning Spatial Viewer

The Anambah Urban Release Area (URA) comprises a total area of approximately 490 hectares within the western corridor of Maitland. The site was first identified as being suitable for urban development in the Maitland Urban Settlement Strategy (2006). In the 2010 update to the Maitland Urban Settlement Strategy the site was progressed to 'Category 1 – Residential'. The site formed the subject of a planning proposal which resulted in the rezoning of RU2 Rural Landscape zoned land to predominantly R1 General Residential in December 2020 under Maitland Local Environmental Plan 2011 (Amendment No. 26). The LEP amendment included site specific minimum lot sizes for the Anambah URA and prescribed the requirement for the future provision of suitable and safe road access to the New England Highway via Wyndella Road after 1,200 lots are delivered within the Anambah URA. The intention of the Maitland Local Environmental Plan is that Anambah Road is the primary point of access for the Urban Release Area prior to the connection to Wyndella Road being constructed after the delivery of 1,200 lots. The Anambah URA seeks to deliver a total of 3,000

residential allotments, and will include a small neighbourhood centre, public recreation and environmental conservation areas.

No Development Control Plan (DCP) or Draft Contributions Plan have been prepared for the Anambah Urban Release Area. Information on modelling and proposed infrastructure projects on the New England Highway from Branxton to Anambah has been provided by Transport for New South Wales (TfNSW).

2.2 The Site

The site is located on the traditional lands of the people of the Wonnarua Country and is located within the boundary of the Mindaribba Local Aboriginal Land Council.

The site is located at Lot 177 in Deposited Plan 874171 ('Lot 177') and Lot 55 in Deposited Plan 874170 ('Lot 55'), which is commonly referred to as 559 Anambah Road, Gosforth. Lot 177 and Lot 55 have a combined area of approximately 125 hectares and the site is irregular in shape. River Road bisects Lot 177 and Lot 55 and forms part of the site the subject of the concept development application.

The site is zoned R1 General Residential and RU2 Rural Landscape pursuant to the Maitland Local Environmental Plan (MLEP 2011). The R1 General Residential part is approximately 66 hectares, and the remaining 59 hectares is zoned RU2 Rural Landscape. The site comprises of largely cleared, pastured and agricultural land which is bisected by a single watercourse. The application is limited to the parts of the site that are predominantly cleared. Vegetation exists on the western side of the site; this application does not impact this area.

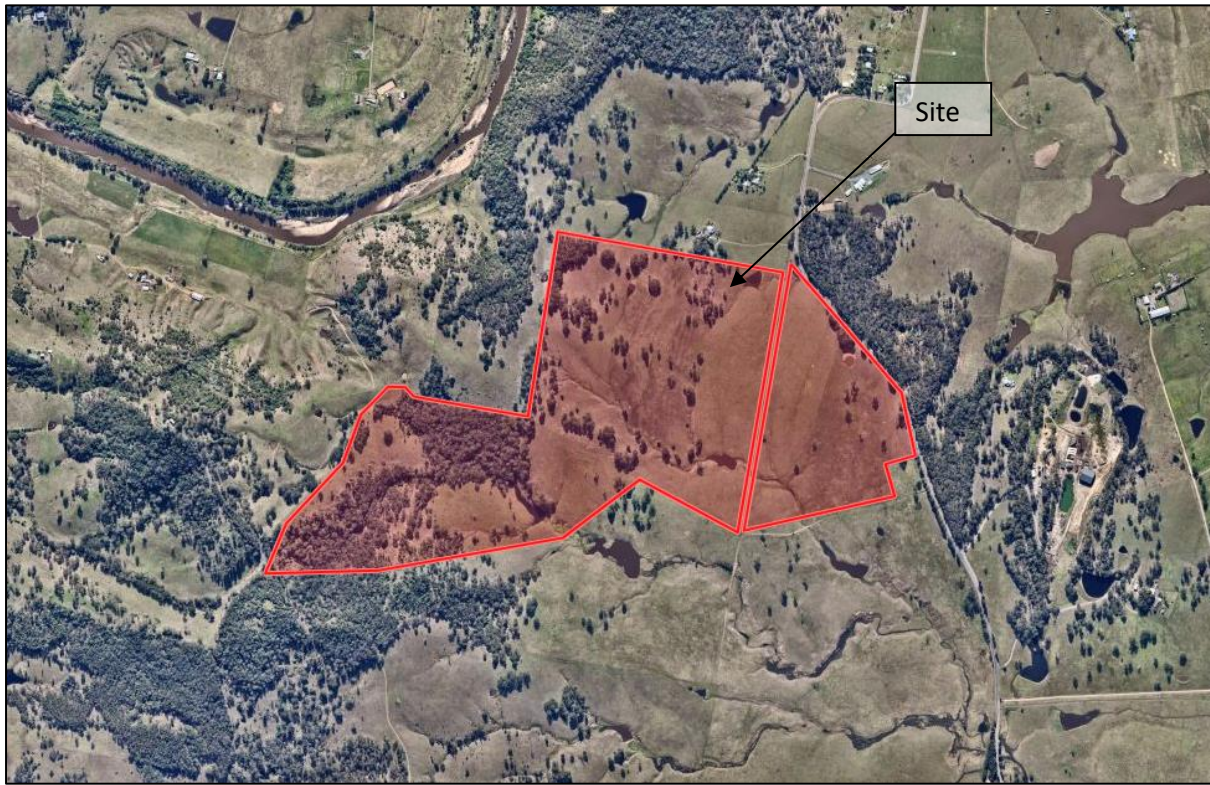


Figure 2 Locality Plan. Source: Near Map (June 2024)

2.2.1 Road Network

The main roads in the surrounding road network comprise of the New England Highway, River Road, Wyndella Road and Anambah Road.

The New England Highway is a state classified road located approximately 5kms south of the site providing east-west connectivity to the arterial road network and access to Branxton in the west and Maitland and Newcastle in the east.

River Road is a local public road which has been gazetted in the Parish of Gosforth Status Branch Charting Maps and has a road reserve width of approximately 20m. It begins at an intersection on the New England Highway to the south and connects to Anambah Road to the north bisecting Lot 177 and Lot 55. It is noted that there is a 3.3km section of River Road between Lot 33, DP263829 and Anambah Road which is not formed or sealed. Road access between Lot 33, DP263829 and the site forms part of the proposed development and is detailed further in Section 3 of the Statement.

Wyndella Road is a part public, part private road with road reserve width of approximately 20m. Wyndella Road becomes a private road north of Lot 1 DP65706 and has frontage to Lot 177, however, no formed public road access exists to the site from Wyndella Road. The proposed development does not impact Wyndella Road.

Anambah Road is a local public road managed by Council. The site has a 750m frontage to Anambah Road on its eastern elevation which provides the only current sealed road with frontage to the site. The Maitland Local Environmental Plan anticipates that Anambah Road will be used for access to the Anambah Urban Release Area prior to the delivery of the first 1,200 residential lots. Anambah Road currently services a range of rural, industrial and residential uses along its length.

2.2.2 Services and Utilities

Overhead power lines are located along Anambah Road, on the eastern extent of the site. The site is not serviced by reticulated sewer and water, however, servicing strategies for both sewer and water have been approved by Hunter Water for land to the south of the Site. The servicing strategy to the south of the site considered the land that is the subject of this proposal to ensure that the infrastructure has sufficient capacity to serve the land within the Urban Release Area. Hunter Water has requested the preparation of an addendum to these servicing strategies for the Site, which ensures that the development can be serviced either independently of, or integrated with, the land to the south of the Site. No existing telecommunications services are provided to the site. The nearest authority sewer and water infrastructure is located on the New England Highway approximately 5km south of the site. Upgrades to essential services including new inground potable water, sewer, electricity, telecommunications and drainage services are proposed as part of the subject application.

2.2.3 Topography and Geology

Geological maps indicate that the site is situated within the Lochinvar and Seaham geological formations noted to include basalt, siltstone, sandstone and other sedimentary rock types. Rock outcrop zones were observed along a ridge in the central-northern area of the site and within a watercourse in the western portion of the site.

The site comprises gently to moderately sloping undulating rolling hills. The majority of the of the site is gently sloping with slopes generally ranging from 2-5 degrees over the eastern portion of the site and up to 7-8 degrees over much of the western portion of the site within the cleared areas. The elevation of R1 zoned land on the site ranges from approximately 50m AHD in the north-western part of the site to approximately 20m AHD in the southern sections of the site. Drainage across the site is directed into watercourses draining towards the south-east into the neighbouring properties and towards the north-east into the neighbouring property and piped culverts below Anambah Road. Three (3) dams are located on the site.

The site is mapped as being located on Class 5 acid sulphate soils indicating a low likelihood of acid sulphate soils. Geotechnical investigations conducted for the site indicated, in certain locations, the presence of Class M, H1 and H2 clay soils requiring geotechnical consideration for ground preparation, earthworks, subgrade filling and footing design. A copy of the Geotechnical Report is included in the supporting documentation.



Figure 3 Looking west over the site from Anambah Road. Source: RCA Australia (August 2023)



Figure 4 Rock outcrop zone along crest in the central northern area of the site. Source: RCA Australia (August 2023)

2.2.4 Environmental Constraints

Bushfire

The site is mapped as bushfire prone land and is categorised as Vegetation Category 1, 2 and 3 and Vegetation Buffer land. The site has been “highly modified” for farming/cattle grazing and is dominated by a mixture of native and exotic grasslands. There are scattered trees and mature

vegetation located sporadically across the site. The bushfire threat associated with the site in its current state is 'medium' with the primary hazard identified as the '*Hunter Macleay Dry Sclerophyll Forest*'. The bushfire threat will be mitigated through measures suggested by the accredited bushfire practitioner in accordance with the Planning for Bushfire Protection 2019 guidelines detailed later in this Statement.

Biodiversity

The site is not mapped as having biodiversity value within the Biodiversity Values Map (Non-EPI), however, the western section of the broader site which is zoned RU2 Rural Landscape is mapped to contain the Hunter Lowland Redgum Forest and Central Hunter Valley Eucalypt Forest plant communities which are identified as threatened ecological communities under the Biodiversity Conservation Act 2016 and Environment Protection and Biodiversity Conservation Act 1999 (Cth). This community forms part of a broader vegetation corridor beyond the site to the west. The development does not impact on these threatened ecological communities. The site is broadly cleared pasture in the east, and actively grazed by cattle. As shown in the image below, there are scattered individual trees within the site that have been individually assessed.

Flooding and Riparian Areas

The residentially zoned portion of the site is mapped as containing a single natural watercourse on the NSW eSpatial Viewer. This watercourse passes through the southern edge of the site. This watercourse is not mapped as 'watercourse land' under the Maitland Local Environmental Plan. There are three minor watercourses on the northern tip of the site. A further watercourse impacts the rural part of the site flowing in to the residential land to the south and this watercourse is mapped on the Maitland Local Environmental Plan Watercourse Map. Key Fish Habitat (KFH) is mapped by NSW Department of Primary Industry (DPI) – Fisheries over a 1st and 3rd order watercourse at the south of the site. It is noted that streams which are 1st or 2nd order, and agricultural dams, are nominally not assessed as KFH.

Lot 177 is not mapped as flood prone land. The southern extent of Lot 55 is partially mapped as being located in the flood planning area with low hazard flood risk, flood velocity of less than 0.5m/second and being classified as a flood fringe area.

2.2.5 Archaeology and History

There are no registered Aboriginal Heritage Information Management System (AHIMS) located on the site. However, a number of AHIMS registered items including artefacts, PAD sites and an Aboriginal ceremony and dreaming place are located in proximity to the site as shown in the Figure below, of which, six AHIMS sites (comprising artefacts and PADs) are located within 300m of the site.



Figure 5 AHIMS search results. Source: SCP aerial with Heritage Now and AHIMS additions

An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and is included in the supporting documentation. An archaeological survey was conducted as part of due diligence investigations for the site which identified three (3) surface artefact sites adjacent to the creek line running through the middle of the site. The entire creek line, and the second order creek in the south-west corner of the site have been assessed as being archaeologically sensitive, with potential for subsurface archaeological material. The ACHAR concluded that the artefact sites and PADs identified within the site are required to be protected by an exclusion zone during construction; if the sites cannot be protected an Aboriginal Heritage Impact Permit is required.

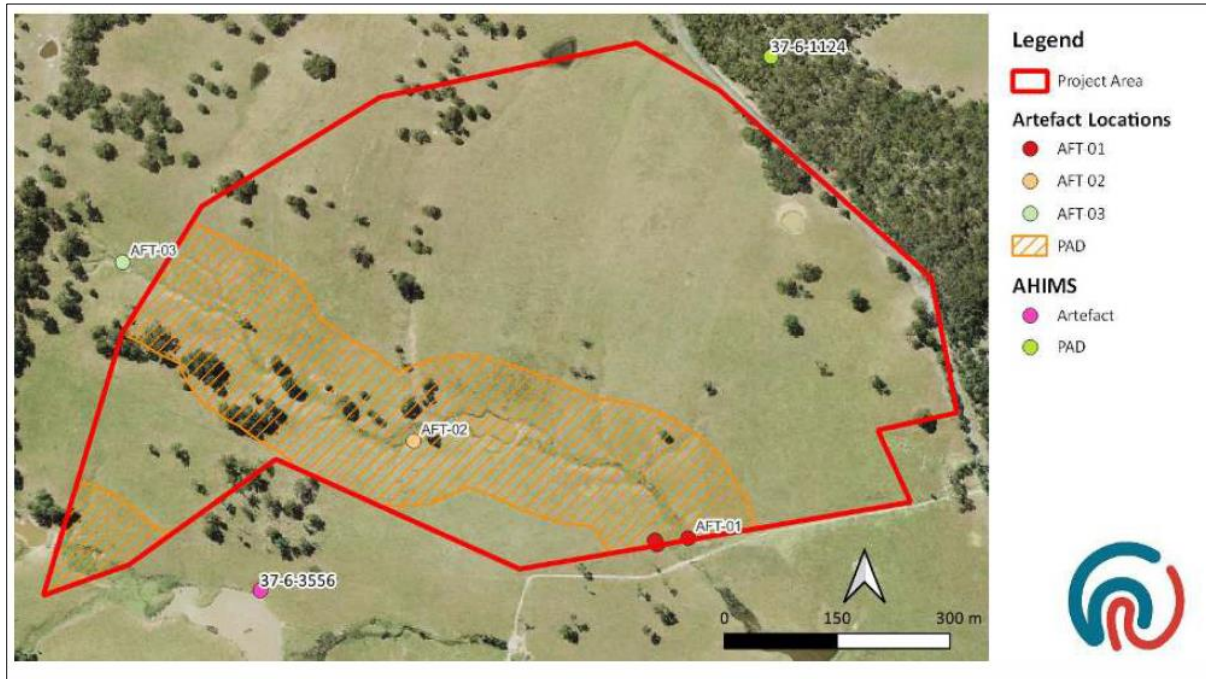


Figure 6 Archaeological Survey Results. Source: SCP with Heritage Now additions

2.3 Pre-Lodgement Meeting Minutes

A Pre-lodgement meeting was held with Maitland City Council on 11 July 2024. The Minutes of the meeting are provided as an Appendix. The matters raised in the pre-lodgement meeting have been addressed within this Statement and the supporting technical documents.

3 Proposed Development

This Statement of Environmental Effects (SEE) provides an assessment of the environmental considerations associated with the development. The Statement considers both the concept masterplan and the Stage 1 works. The concept masterplan excludes the assessment of the carrying out of development apart from the works associated with Stage 1 of the Project which includes an assessment of the construction and delivery of that part of the development.

3.1 Concept Masterplan

It is noted that no site-specific development control plan (DCP) has been prepared for the Anambah URA the subject of this application. Pursuant to Section 4.23 of the EP&A Act, this concept development application has been prepared to satisfy the obligation under Clause 6.3 of the MLEP 2011 requiring a development control plan be prepared for land in an urban release area prior to consent being granted to development on the land. Accordingly, the Concept DA will identify the following:

- Staging for the release of land, and the delivery of residential lots and infrastructure in accordance with Clause 6.3(3)(a)

- Transport movement plan including internal road layout for vehicles, pedestrians, cycling and bus routes in accordance with Clause 6.3(3)(b)
- Landscaping strategy including active and passive recreation areas, and riparian land in accordance with Clause 6.3(3)(c) and (d)
- Stormwater and Water Management Strategy in accordance with Clause 6.3(3)(e)
- Environmental mitigation measures to address bushfire and flooding risks, and safe access and evacuation routes in accordance with Clause 6.3(3)(f)
- Site Specific Design controls for the site in accordance with Clause 6.3(3)(g)
- Opportunities for small lot housing focused around open space in accordance with Clause 6.3(3)(h)
- Measures to accommodate and control appropriate neighbourhood commercial and retail uses in accordance with Clause 6.3(3)(i)
- Provision for public facilities and services in accordance with Clause 6.3(3)(j)

3.1.1 Staging and Sequencing

The concept masterplan is proposed to be delivered in six (6) stages. In accordance with Section 4.22(2) of the EP&A Act, the concept development application includes a detailed assessment of Stage 1 of the development. All stages subsequent to Stage 1 will form the subject of separate development applications. Flexibility is sought in the delivery of future stages and the construction of subsequent stages is not intended to be carried out in numerical order.

Table 3 Proposed Staging

Stage	Yield
Stage 1 (First Stage)	240 lots
Stage 2-6	Up to 660 lots

3.1.2 Transport Movement Plan

The Concept Masterplan displays the proposed movement network to and within the site including an overall transport movement hierarchy. Vehicular access to the site from the broader road network will be facilitated by Anambah Road on the site’s eastern and northern elevation. It is noted that Clause 7.8(3) requires the construction of a suitable and safe road access to the New England Highway via Wyndella Rd:

- (3) Development consent must not be granted to the subdivision of land that would result in more than 1200 lots being on the land to which this clause applies unless the consent authority is satisfied that—*
- (a) persons residing on the land will have suitable and safe road access to the New England Highway via Wyndella Road, and*
 - (b) the road will be appropriately located.*

The application will provide 900 lots once developed and does not trigger the requirement to augment Wyndella Road.

It's also proposed to construct as part of Stage 1 flood free egress by River Road, this road will not be operational outside of flood events.

Active Transport

The Project will include on-road bicycle lanes within the sub-arterial and distributor primary roads to promote active transport methods. Further details regarding design measures the promote active transport methods are in Section 3.2.2 of this Statement.

3.1.3 Landscaping Strategy

The proposal is supported by a landscape strategy prepared by EMM Consulting Pty Ltd. The landscape strategy has been designed generally in accordance with the Maitland Development Control Plan. The key themes within the Landscaping strategy are listed below:

Key Themes

- The proposed landscaping enhances the appearance, amenity and energy efficiency of the development for the benefit of the wider community.
- The principles of Crime Prevention Through Environmental Design (CPTED) have been incorporated in to the planting and general design of the landscaped areas.
- The street tree planting palette is based on a mixture of durable native and exotic species that will provide interesting seasonal foliage colour and contrasts.
- The use of deciduous species where winter solar access is desirable particularly adjacent to residential lots.
- The use of evergreen species where screening is required.
- Mass planting consisting of low native shrubs, grasses and groundcovers.

Riparian Zones

The landscape strategy includes the planting of clumps of tree species consistent with existing tree species around riparian areas. The landscape plan includes the planting of Macrophyte (aquatic plants) along the stream edge and stormwater detention basins.

Parklands

Design features included in the landscape plan within the Parklands area are listed below:

- Seating adjacent to garden beds for quiet relaxation or conversation.
- Playground area with play equipment suitable for inclusive play.
- Turf kick around area.
- Seating adjacent to play equipment and kick around area.
- Park shelters with tables and seating.
- Trees and low mass planting around the playground and corners of the kick around area.

3.1.4 Water Management Strategy

The proposal is supported by a Stormwater Management plan and flood impact assessment prepared by Northrop Consulting Engineers. The outcome of the stormwater management and flood impact

investigations was that on-site detention (OSD) and water quality infrastructure are to be provided as end of line treatment.

Stormwater detention is achieved through end of line detention basins. The required storage volume is achieved through online detention within the existing first order watercourse. The detention of stormwater using the previously stated method will ensure the site mimics pre-developed flows and ensures that there is no impact of development on stormwater management.

3.1.5 Environmental Risk Mitigation

Bushfire

The site is identified on the Bushfire Prone Land Map (Non-EPI) as vegetation buffer and vegetation category 1, 2 and 3. The bushfire hazard primarily relates to the identified ‘forest’ or more specifically, ‘Hunter Macleay Dry Sclerophyll Forest’. It is noted that the site is predominantly pastured land made up of native and exotic grasslands with limited mature vegetation scattered across the site. The proposal is supported by a Bushfire Threat Assessment Report (BTAR) prepared by an accredited bushfire practitioner (Stuart Greville, Bushfire Planning Australia). The BTAR nominates the required Asset Protection Zones (APZs) including temporary APZs required to mitigate the bushfire risk to the developed site.

Flooding

The site is partially prone to flooding from the nearby Hunter River to the east. In a flood event, the south eastern portion of the Site is expected to be affected by flooding. Anambah Road is likely to be flooded during a 10% AEP Hunter River Flood Event.

The Project has been strategically designed with mitigation measures to reduce the impact of flood events on safe egress from the site and damage to property. The Project includes the augmentation of River Road to the south of the site to create a flood free egress from the site during an 10% AEP Hunter River Flood event.

Design measures to assist in mitigating flood impacts include:

- All new lots resulting from the subdivision are situated above the flood planning level (FPL) post cut and fill.
- Detention areas and road crossings implemented to reduce peak flows from the unmitigated condition on downstream lots.
- Augmentation of River Road for flood free egress from the Site during a 1% AEP flood event.
- Flood free land located above the probable maximum flood (PMF) within the Site.
- Provision of a riparian corridor design to minimise changes in velocity downstream.

The conclusions of the Flood Impact and Risk Assessment prepared by Northrop found that the above mitigation measures ensure the development will not create a significant adverse impact to existing flood behaviours. Further, the mitigation measures are appropriate in managing risk to property, life and the environment.

3.1.6 Site Specific Design Controls

The Project is supported by an Urban Design Report (UDR) prepared by PAA Design that explains the methodology behind the design of the Site within the concept masterplan. The UDR was prepared with guidance from the existing local strategies in the Maitland local government area such as the Maitland Urban Settlement Strategy 2010, the Maitland Development Control Plan (MDCP) 2011, the Maitland Local Housing Strategy 2041 and the Maitland +10 Plan.

The overarching considerations identified in the UDR and used for the creation of the Concept Master Plan are:

- Integration with existing development,
- Limiting visual impact of development,
- Consideration of impacts on road infrastructure,
- Ensuring bushfire, flooding and other environmental constraints are appropriately managed,
- Ensuring capacity existing for the augmentation of infrastructure in the locality.

The site-specific design controls align with Part C.8 Residential Design of the Maitland Development Control Plan 2011. Refer to Section 4.8 of the UDR for the minor deviations from Part C.8 of the MDCP.

3.2 Stage 1 Development

Approval for Stage 1 of the development is sought as part of the concept development application. Stage 1 involves the construction 240 residential lots and associated works including bulk earthworks, road access, tree removal, landscaping, drainage, utilities and services. This includes any works required to deliver access to the site, including flood free egress via River Road.

3.2.1 Subdivision

Stage 1 of the development will create 240 lots with one drainage reserve lot as summarised in the table below.

Sequence	Lot Type	Number of lots	No.
1A	Standard residential (SR), small lots (SL), Residual (R), Drainage Reserve (DR).	SR = 41 lots, SL = 11 lots, R = 3, DR = 1	56
1B	Standard residential (SR), small lots (SL), open space (OS),	SR = 2 lots, SL = 39 lots, OS = 1 lot	42
1C	Standard residential (SR), small lots (SL),	SR = 8 lots, SL = 37 lots	45
1D	Standard residential (SR)	SR = 40	40
1E	Standard residential (SR)	SR = 25	25
1F	Standard residential (SR), small lots (SL)	SR = 32, SL = 1	33
Total	Standard residential = 148, small lots = 88, Residual lots = 3, open space = 1, drainage reserve = 1	240 + one drainage reserve lot	

3.2.2 Site Access and Roads

New road access will be constructed on Anambah Road to access the site on the eastern elevation. The intersection will provide a one lane approach on all three legs as shown in the Figure below. The intersection upgrades have been designed to improve safety noting the high speed of traffic on Anambah Road. The intersection upgrade allows for additional turning lanes in to the site from the Northern and Southern approach.

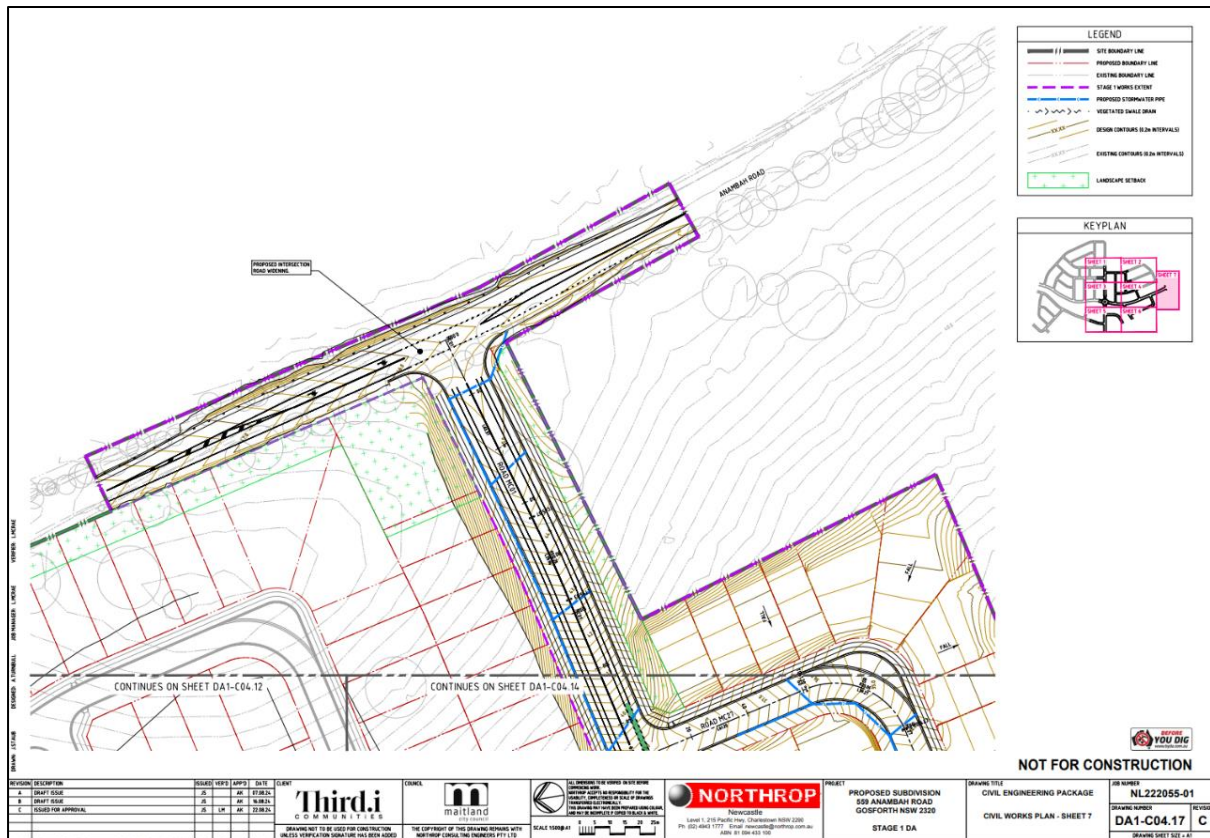


Figure 7 Anambah Road Intersection Detail. Source: Northrop, August 2024

River Road will be augmented from the existing, paved cul-de-sac to the South within the existing low density residential development. The augmentation of River Road will be completed with gravel and is intended to serve as an emergency flood free egress road only, with the River Road access otherwise restricted during ordinary operations of the site. See Figure below showing extent of River Road works:

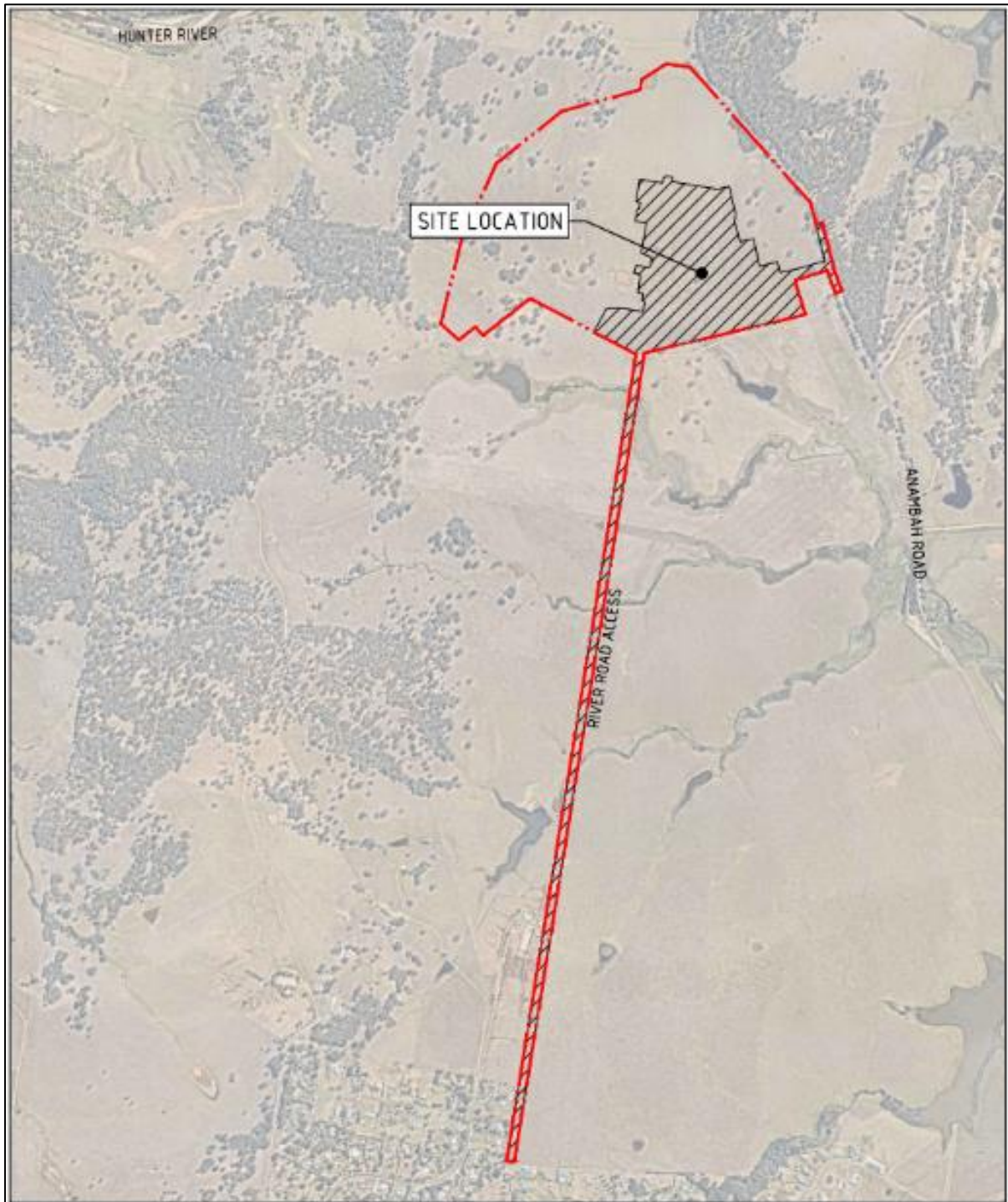


Figure 8 River Road Works, Source: Northrop, August 2024

Internal Roads

New internal roads will be constructed as part of Stage 1 as shown in the figure below:



Figure 9 Source: Concept Masterplan PAA Design August 2024

Pedestrian and Cycling Network

Stage 1 of the Project provides footpaths with a minimum width of 1.5m on at least one side of all roads which encourages active modes of transport such as walking. The Project will include on-road bicycle lanes within the sub-arterial and distributor primary roads to promote active transport methods. The proposed park includes a 2.5m share path around its perimeter providing further opportunities for cycling within the subdivision. The existing roundabout at the Anambah Road and New England Highway intersection provides shared paths on all legs of the intersection allowing cyclists to use the wide shoulders. There are on-road cycle lanes on the eastern, western and southern approaches to New England Highway and Wyndella Road.

3.2.3 Tree Removal

Approval is sought for the removal of 156 trees as part of Stage 1 with a summary of the trees proposed for removal summarised in the table below. The proposed subdivision works include regarding of the site and the provision of utility infrastructure which requires the removal of trees within the development footprint. The application is supported by an Arborist Report prepared by EMM Consulting that confirms the retention value of trees proposed for removal lies between ‘very low to moderate’.

Retention Value	Number
Moderate	125
Low	23
Very Low	8

The removal of any vegetation in subsequent stages will form the subject of separate development applications.

3.2.4 Landscaping

The project is supported by a landscape plan for Stage 1 of the development which details landscaping themes, streetscape planting and entry works. The landscaping themes, streetscape planting and riparian plantings are consistent with the overarching, landscape master plan and are detailed above in Section 3.1.3.

The entry works relate to a landscaped allotment adjacent to the Anambah Road/Access Road intersection; The entry works will include tree plantings with decorative tree guards, post and rail rural fencing. Low mass planting is also included in this allotment. Refer to the Stage 1 landscape plan prepared by EMM Consulting.

3.2.5 Servicing and Utilities

Water & Sewer

The development site was included in the Anambah Urban Release Wastewater Servicing Strategy prepared by ADW Johnson. The strategy proposes the area be serviced through a series of give Wastewater Pump Stations (WWPS).

A WWPS is proposed for the northern catchment of the development site, which then gravitates towards another WWPS within the Roche development.

Addendum to Wastewater Servicing

It is proposed that Stage 1 of the development be serviced by an internal sewer gravity network to a WWPS in the south-eastern corner of the site. In accordance with the Anambah Urban Release Wastewater Servicing Strategy, an internal sewer reticulation network will gravitate to a second WWPS in the northern catchment. Concept sewer servicing plans are attached to the Engineering report; Ongoing consultation is being undertaken with Hunter Water to prepare an addendum to the approved Anambah Urban Release Wastewater Servicing Strategy.

Electricity

A supply investigation was completed by Power Solutions which identified upgrade requirements to the existing electricity infrastructure. Gosforth and Anambah are currently serviced by 11kV feeder 29878 that originates at the Rutherford Zone Substation and runs via Lochinvar and Windermere. See Figure below:

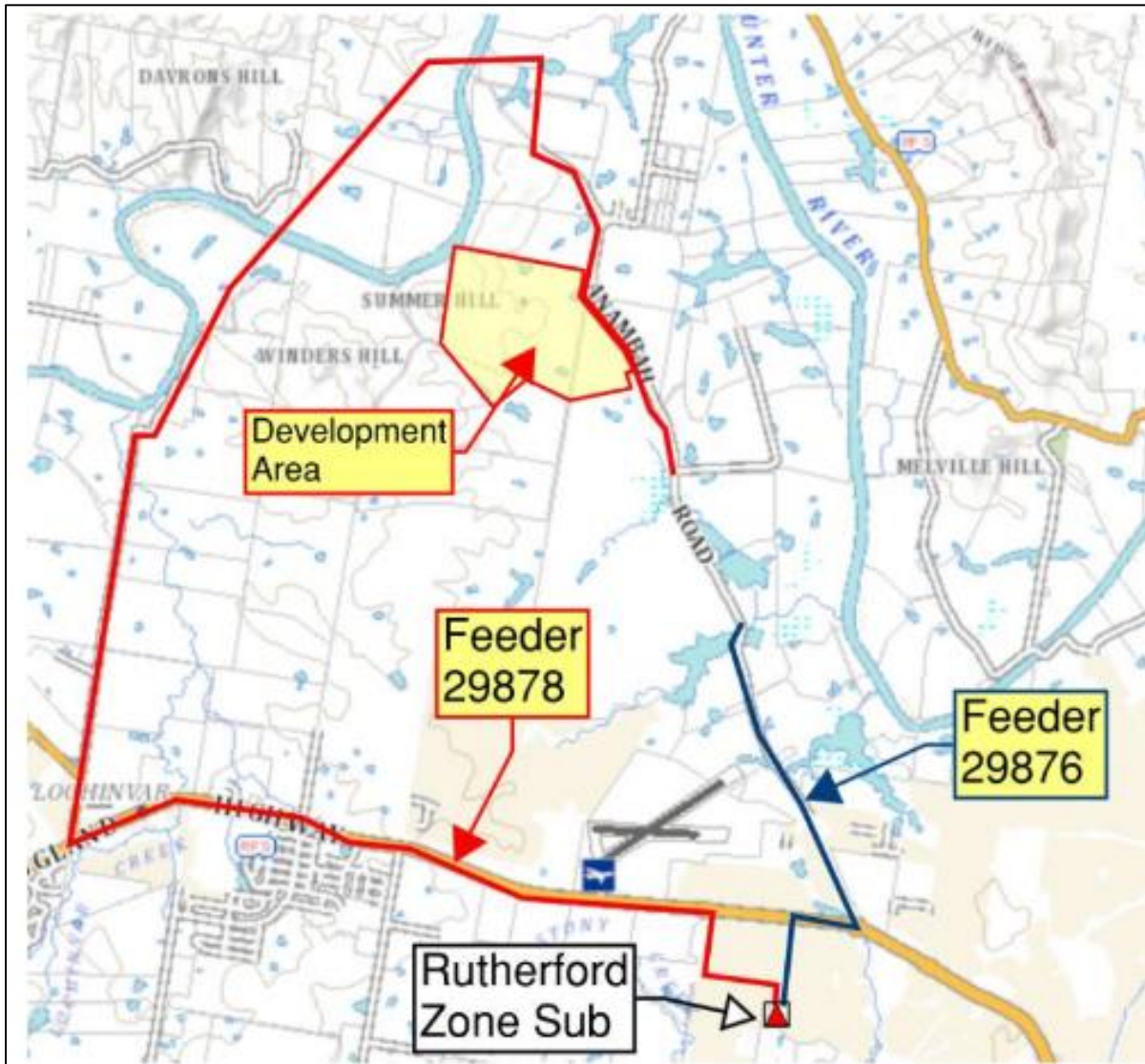


Figure 10 Existing electricity infrastructure, Source: Power Solutions, March 2024

The electrical supply options are detailed below:

Table 4 Cost and Lead-time Estimates, Source: Power Solutions, March 2024

COST AND LEAD TIME ESTIMATES		
Description	Years	Cost
Option 1 – Upgrade existing feeders	1	\$1,500,000
Option 2 – Install new feeder	1.5	\$5,000,000
Option 3 – Zone Substation upgrades	5	\$25,000,000
Option 4 – Wait for new zone substation (incl new 11kV feeder)	12	\$8,000,000

A preliminary enquiry has been sent to Ausgrid to determine the capacity of the network and upgrades required; the likely upgrades will be Option 1 to be cost and time effective in delivering essential infrastructure.

3.2.6 Open Space

Stage 1 of the Project will deliver two, large allotments used for open space and public recreation. These landscape allotments are located at the entrance to the site from Anambah Road and at the north-western corner of Stage 1. The north-western allotment includes tree plantings, low mass plantings, integrated park benches, gazebo structures with tables and seats and play equipment. The Anambah Road allotment includes soft landscaping and plantings in accordance with the Stage 1 Landscaping Plan prepared by EMM Consulting.

The Project also provides a riparian corridor that intersects Stage 1; this riparian corridor will be used for drainage and public recreation with walking tracks and riparian planting proposed along the bank of the corridor.

3.2.7 Waste Management

A Waste Management Plan (WMP) has been prepared by JBS&G to support the application. The WMP identifies the potential waste generated during the Stage 1 works of the concept development application in accordance with Maitland Councils Development Control Plan and industry guidance. The three streams of waste to be stored, reused or exported from the site are:

- **Vegetation:** shall be cleared or mulched as part of the site preparation works;
- **Excess natural soils:** will be exported off site in accordance with the requirements of an EPA Order or the NSW Waste Classification Guidelines;
- **Excess construction materials:** will be recycled or disposed of at a suitably licensed waste facility.

The WMP identifies approximately 79380m³ of wood chip waste will be mulched and stockpiled on site following the removal of on-site vegetation as nominated in the Arborist Report prepared by EMM Consulting. Soil will be reused on site to achieve site levels, with around 80,000 m³ of excess cut from Stage 1. It is noted that the earthworks for Stages 2-6 are preliminary only and will be resolved in more detail with subsequent development applications.

3.2.8 Interim environmental mitigations

The proposal is supported by a Bushfire Threat Assessment Report (BTAR) and a Subdivision BAL Plan that was prepared by Bushfire Planning Australia. These reports and plans identify the Temporary Asset Protection Zones (TAPZs) required for Stage 1 of the development; see figure below:

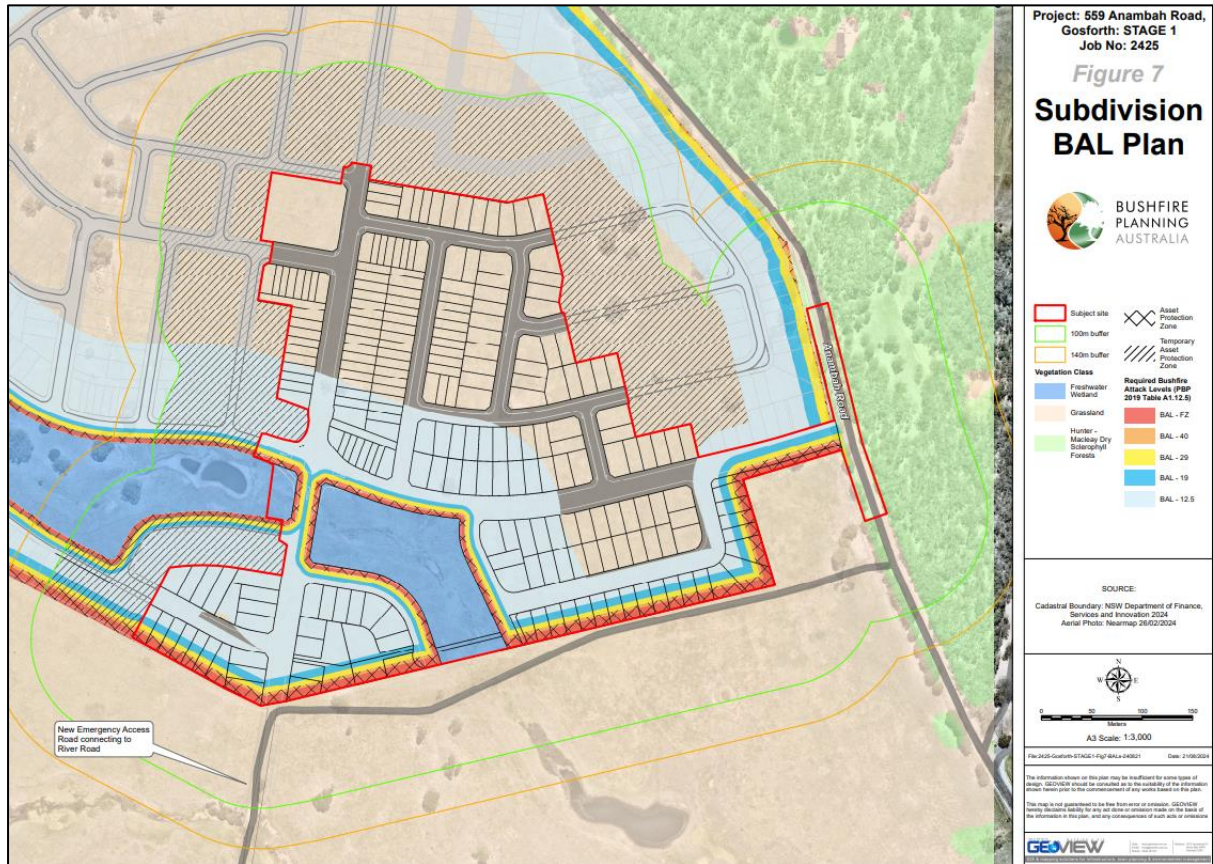


Figure 11 BAL Subdivision Plan (Stage 1). Source: BPA, August 2024

Roads will be constructed in accordance with the engineering design plans and the Planning for Bushfire Protection Guidelines 2019.

As stated in Section 3.2.2 of this SEE, a further interim mitigation measure will be the construction of the unformed River Road. The River Road extension will serve as flood free egress from the site during flood events.

These interim environmental mitigation measures will be implemented during Stage 1 of the development and suitably mitigate environmental hazards. These measures offer an acceptable level of protection not life and property for persons and assets occupying the site.

4 Strategic Context

This section of the SEE assesses the strategic context of the concept masterplan inclusive of Stage 1 of the Project.

4.1 Hunter Regional Plan 2041

The Hunter Regional Plan (HRP) 2041 is a 20-year land use plan prepared under the Environmental Planning and Assessment Act 1979 (EP&A Act). The Hunter Regional Plan sets the strategic land use framework for continued economic growth and diversification of land uses.

The Hunter Regional Plan identifies Anambah as a regionally significant growth centre, particularly the land identified as the Anambah Urban Release area and its surrounds. The Anambah Urban Release area is located at the convergence of the growth corridors of the New England Highway, Hunter Expressway and the Great Northern Railway. Its accessibility to employment areas in both the Greater Newcastle and the Upper Hunter districts by road and rail has resulted in rapid growth.

The concept development application seeking approval for a 900-lot residential subdivision aligns with the vision outlined in the Hunter Regional Plan through the facilitation of a residential precinct and supporting services in the Anambah Urban Release Area.

Objective 3 seeks to ‘create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities’. The objective seeks to create communities with improved access to living, working, education, recreation and entertainment within a 15-minute walk, cycle or public transport access with less car dependency than historic approaches of residential development. Instead of residential growth radiating from a strategic centre, the 15-minute neighbourhood re-establishes the role and importance of local centres and public areas within the overall strategic hierarchy of centres. The proposed development will be situated in proximity to the new E1 zoned local centre within the Anambah Urban Release Area which is expected to provide access to goods and services to meet the everyday needs of future residential population.

Objective 3 identifies the important of green infrastructure in supporting public recreation and open space needs of new 15-minute neighbourhoods. The proposed development will provide green infrastructure through a landscape masterplan strategy including tree-lined streets, a centrally located public recreation area and will preserve creek corridors through the site.

Objective 5 plans for ‘nimble neighbourhoods’, diverse housing, and sequenced development. Objective 5 supports the *NSW Housing Strategy 2041* which is underpinned by the 4 pillars of housing supply, diversity, affordability and resilience. Objective 5 identifies the baseline Maitland LGA housing target to supply 25,200 additional dwellings between 2021 to 2041. Maitland LGA is noted to have the highest housing supply target out of all LGAs identified in the Hunter Region and is expected to deliver approximately 25% of the region’s new housing supply over the next 20 years. Objective 5 highlights the importance of a mix of housing typologies including smaller homes on smaller lots to support housing supply, housing diversity and affordability.

The proposed development provides a concept masterplan to deliver 900 residential lots including small lots as provided by the Maitland LEP within urban release areas. This will facilitate housing

supply and a diversity of lot sizes and will support housing affordability in an area earmarked for new residential growth. The development will facilitate the sequenced and orderly delivery of housing supply by providing the required infrastructure and services as the concept masterplan is delivered.

4.2 Greater Newcastle Metropolitan Plan 2036

Outcome 3 of the Greater Newcastle Metropolitan Plan 2036 seeks to deliver housing close to jobs and services.

In delivering housing supply, Action 19.1 of the Metropolitan Plan identifies minimum residential density of 15 dwellings per hectare in housing release areas, with 25% of lots capable of providing small lot or multi-dwelling housing types. The development seeks approval for a concept masterplan which will deliver housing and will include small lots as provided for under the urban release provisions of the Maitland LEP 2011 to increase the density.

4.3 Maitland Local Strategic Planning Strategy

The Maitland Local Strategic Planning Statement (LSPS) provides a long-term vision and planning priorities that will guide the evolution of Maitland Local Government Area (LGA). The strategy sets out a 20-year land use vision for the Maitland LGA. Maitland has already experienced significant growth over the past two decades and will continue to grow along with the rest of the Greater Newcastle metropolitan area.

Anambah is identified as a Regionally Significant Strategic Economic Centre and new urban release area within the Maitland LSPS. These areas are significant contributors to the supply of greenfield housing for the Greater Newcastle area. Furthermore, Anambah is identified as being within the ‘Western Precinct’ which will facilitate 17,700 additional residents between the present and 2040.

The proposal for the 900-Lot Residential subdivision and supporting infrastructure meets the objectives of the *Local Planning Priority 2 – Support Sustainable Housing Growth by Balancing Greenfield and Infill Housing*. The proposal is fundamental in achieving the visions and objectives of the Maitland LSPS.

4.4 Maitland Local Housing Strategy 2041

The Maitland Local Housing Strategy 2041 was adopted by Council in June 2023 and aims to provide the right type of housing in the right locations with essential infrastructure and services to meet the housing needs of our growing and changing population over the next 20 years. The Strategy builds on seven planning principles that serve as a foundation for future planning and decision making to achieve better housing outcomes across the city, as follows:

1. *Provide the right type of housing in the right locations to suit our growing and changing population.*

The proposed development will facilitate the provision of future housing in the right locations. Whilst it is noted that the development does not propose the construction of new dwellings, which will be the subject of separate development applications, the concept development application locates housing in the Anambah URA and is aligned with the strategic intent for housing to be delivered in the Branxton to Anambah Regionally Significant Growth Area.

2. *Provide greater housing choice by encouraging a range of different housing types, sizes and tenures in appropriate locations.*

The proposed development will accommodate a variety of housing types including small lot development pursuant to MLEP 2011 provisions for minimum lot sizes below 450m² within the urban release area. Additionally, the proposed concept development application seeks approval for future build-to-rent development in the northeast of the site which will support varied tenure arrangements within the residential estate.

3. *Encourage infill housing and increased densities in different neighbourhood contexts to facilitate a greater mix of housing types and 15-minute neighbourhoods.*

The proposed development is for greenfield development, and Outcome 3 is not directly relevant to the proposal. Notwithstanding this, the development will support the objectives of the 15-minute neighbourhood and will locate housing in proximity public recreation areas and everyday amenities and services located at the future E1 local centre south of the site.

4. *Achieve high quality urban design and better planning outcomes from all forms of residential development.*

The proposed development is supported by Site Specific Design Guidelines which will ensure that high quality urban outcomes are achieved for the residential estate.

5. *Increase the supply of affordable housing in Maitland through public and private development.*

The proposed development seeks approval for a future built-to-rent development in the northeast which will support varied tenure arrangements within the residential estate. Consideration of the provision of affordable housing in the build-to-rent development will be given during the preparation of the separate development application for that stage.

6. *Promote resilient and environmentally sustainable outcomes through appropriately located and designed housing development.*

The proposed development has been designed to respond to the environmental constraints and context including bushfire risk and existing watercourses. The development is accompanied by a landscape masterplan which retains and enhances a riparian creek corridor in a first order creek along the east-west axis of the site, provides green and blue infrastructure and promotes biodiversity outcomes.

7. *Plan and coordinate the timely delivery of infrastructure required to enable greenfield release areas, and make more efficient use of existing infrastructure in established urban areas for infill housing.*

The site is not considered an established urban area and existing infrastructure is not available to the Urban Release area. The proposed development will deliver new infrastructure to support the greenfield residential development. The development will ensure that adequate services and infrastructure are provided as the concept masterplan is delivered. An assessment of public utility infrastructure provisions of the MLEP 2011 is provided in Section 5.7 of the Statement.

5 Statutory Assessment

5.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

Considerations have been made under section 4.15(1)(a) are set out in section 5.6, 5.7, 5.8, 5.9, and 5.10 of this Statement. The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are considered within sections 6, 7, 8 and 9 of this Statement.

Section 4.23 of the EP&A Act states the following:

- (1) An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*
- (3) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

This application is for a concept development application pursuant to Section 4.23 of the EP&A Act and is intended to satisfy the obligation under Clause 6.3 of the MLEP 2011 requiring a development control plan be prepared for land in an urban release area prior to consent being granted to development on the land.

5.2 Objects of the Act

The objects of this Act are as follows:

- (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 proposed development supports the objects of the EP&A Act, in particular object (b), (c), (d) and (e).

Regarding object (b), the proposed development facilitates ecologically sustainable development (ESD). The principles of ESD are defined under Clause 193 of the EP&A Regulation 2021 and include the precautionary principle, inter-generational equity, conservation of biological diversity and ecological integrity and improved valuation, pricing and incentive mechanisms.

The proposed development supports the precautionary principle and conservation of biological diversity by minimising the threats of serious or irreversible environmental damage through the suitable siting of the development. The development will occur on land which has generally been cleared, and as demonstrated in the biodiversity assessment report, the development will have an acceptable on the biodiversity values within the site following the implementation of mitigation measures and retiring of credits.

The development supports the principle of inter-generational equity by increasing the supply of available land for residential development to support the housing needs of the current and future generation. The provision of additional residential lots for low and medium density housing developments will improve housing affordability in the Maitland local government area.

Regarding the improved valuation and pricing mechanisms, the costs of the development are adequately attributed to the development including the demand for additional services. The development will provide additional infrastructure including roads, services and utilities and will pay the relevant development contributions including the Housing and Productivity Contribution to ensure that there is adequate delivery of infrastructure to service the development.

In regard to local infrastructure the developer is willing to enter into a Voluntary Planning Agreement (VPA).

Regarding object (c), the proposed development promotes the orderly and economic use and development of land and is aligned with the zone objectives and strategic intent for the site. The development will occur on land identified as the Anambah Urban Release Area and supports the coordinated delivery of housing in an area of intended residential development. The development will deliver the required infrastructure and utilities to service future residential development of the site. The servicing strategies presented with this application account for the development to the South of the Site; the strategies have been provided as an addendum to the existing infrastructure strategy to the South to facilitate the orderly and economic development of the land.

Regarding object (d), the proposed development will promote the delivery of new housing. Whilst it is noted that the development does not include the erection of dwellings and will not directly provide 'affordable housing' as defined under the EP&A Act, the proposal is expected to support improved housing affordability in the area by facilitating future housing supply. Future development applications lodged post acceptance of the concept master plan will include integrated housing and build-to-rent housing. Future applications will also include dedicated affordable housing.

Regarding object (e), the proposed development will occur on suitably zoned land that has been earmarked for urban release and will not occur on land mapped as having biodiversity value. The development has been assessed within the BDAR to acceptable with the provision of mitigating strategies and retirement of credits to the Biodiversity Conservation Fund. The provision of landscaping and new plantings will enhance the Site and is considered to be consistent with the landscaping strategy of the broader locality.

5.3 Integrated Development

Pursuant to Section 4.46 of the EP&A Act, the proposed development is classified as integrated development with respect to the following integrated development referrals:

- Section 100B of the Rural Fires Act 1997: the proposed development is for the subdivision of land for residential purposes on bushfire prone land and requires approval from NSW RFS.
- Section 138 of the Roads Act 1993: the proposed development will involve the digging up or disturb the surface of a public road. The proposed development requires approval from TfNSW.
- Section 91 of the Water Management Act 2000: the proposed development will involve a controlled activity, namely works within 40 metres of waterfront land and requires approval from Natural Resources Access Regulator (NRAR).
- Section 90 of the National Parks and Wildlife Act 1974: the proposed development will impact on Aboriginal artefacts and requires an Aboriginal Heritage Impact Permit (AHIP) to be granted by OEH.
- Section 219 of the Fisheries Management Act 1994: the proposed development will involve the construction of River Road which is located on land mapped as key fish habitat and may result in an obstruction to the free passage of fish and requires approval from the Department of Primary Industries.

5.4 Environmental Planning and Assessment Regulation 2021

The proposed development has been prepared in accordance with Part 3 of the EP&A Regulation. It is noted that Clause 33 of the Regulation specifies provisions for concept development applications. Pursuant to Clause 33(1):

- (1) The information about the various stages of development, required by this Regulation to be included in a concept development application, may be deferred to a subsequent development application, with the approval of the consent authority.*

The Stage 1 DA accompanies the concept development application. Detailed information relating to subsequent stages of the concept development application will form the subject of future development applications for the site.

5.5 Other Legislation

5.5.1 Biodiversity Conservation Act

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. Part 7 of the BC Act specifies provisions for biodiversity assessment and approvals under the EP&A Act.

Section 7.7(2) of the BC Act states:

If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report.

Section 7.2(1) of the BC Act states that an activity is ‘likely to significantly affect threatened species’ if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value.*

With reference to subsection (b), the proposed development exceeds the biodiversity offsets scheme threshold; the Project is supported by a Biodiversity Development Assessment Report (BDAR) that nominates the amount of species and ecosystem credits to be retired.

5.6 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

5.6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('BC SEPP') specifies provisions for the clearing of vegetation in non-rural areas and applies to R1 General Residential zoned land.

Section 2.6(1) of the SEPP states that a person must not clear vegetation in a non-rural area of the State to which Part 2.3 of the SEPP applies without the authority conferred by a permit granted by the council under that Part. An assessment of the vegetation clearance subject to Part 2.3 of the SEPP has been undertaken in the Arboricultural Assessment included in the supporting documentation. A total of 144 trees are proposed to be removed on R1 zoned land and development consent is sought for their removal.

Additionally, Section 2.6(2) states that a person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme (BOS) threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4. A Biodiversity Development Assessment Report (BDAR) has been prepared and is included in the supporting documentation which confirms that the development exceeds the BOS threshold and is seeking an approval granted by the Native Vegetation Panel.

Chapter 4 Koala Habitat Protection 2021

Chapter 4 of the BC SEPP specifies provisions related to koala habitat protection. Pursuant to Section 4.4 of the Biodiversity and Conservation SEPP, Chapter 4 applies to the local government areas listed in Schedule 2 which includes the City of Maitland. As per Schedule 2, the City of Maitland Council is located in the Central Coast Koala Management Area.

Pursuant to Section 4.8 of the SEPP, council's determination of a development application must be consistent with the approved koala plan of management that applies to the land. A Biodiversity Development Assessment Report (BDAR) has been prepared and is included in the supporting documentation. The BDAR concluded that due to lack of evidence of Koala use within the Site and the lack of Koala records within the locality, it is not considered necessary to prescribe monitoring/adaptive management plans or compensatory measure for the proposal.

5.6.2 State Environmental Planning Policy (Planning Systems) 2021

The State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) aims to identify development that is regionally and state significant. Pursuant to Clause 2, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, development that has an estimated development cost (EDC) of more than \$30 million is classified as regionally significant development.

The development has an EDC which exceeds \$30 million and is regionally significant. Hence, the consent authority is the Hunter and Central Coast Regional Planning Panel.

5.6.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 ('RH SEPP') specifies provisions related to coastal management, hazardous and offensive development, and remediation of land. Chapter 4 is relevant to the application and the relevant provisions are considered below.

Chapter 4 Remediation of Land

Chapter 4 of the RH SEPP seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. The Chapter applies to the whole of the State. Pursuant to Section 4.6 of the SEPP:

- (a) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation (PSI) has been prepared and is included in the supporting documentation. The PSI reviewed historic use of the site using historic aerial imagery and title search information to assess the potential contamination status of the site resulting from land use activity. The historic use of the site was identified to be cleared farmland and grazing land with no farming sheds, machinery or residential structures evident from the desktop review. Based on the historic use of the site, the PSI identified two potential Areas of Environmental Concern (AEC) relating to rural agricultural land use (AEC 1) and potential fly tipping / uncontrolled filling (AEC 2). It is noted that no contamination was found on site, however, these two AEC's are considered to potentially be contaminated. Forty (40) site soil samples were obtained and tested against the adopted criteria for residential land use with all analytical results being below the adopted criteria. The PSI concluded that the site is considered to pose a low risk of contamination to the proposed future land users and is suitable for the proposed residential use.

5.6.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 ('TI SEPP') specifies provisions related to transport and infrastructure including educational establishments, childcare facilities, major infrastructure corridors and ports. Chapter 2 Infrastructure of the SEPP is relevant to the proposed development and the relevant provisions have been assessed below.

Chapter 2 Infrastructure

Chapter 2 of the TI SEPP aims to facilitate the effective delivery of infrastructure across the state. Section 2.122 of the TI SEPP specifies provisions for traffic-generating development identified in Schedule 3 of the SEPP. Subdivision of land is classified as traffic-generating development where the development results in 200 or more allotments where the subdivision includes the opening of a public road.

Stage 1 of the proposed development will result more than 200 allotments and will include the construction of a new public road and is hence subject to Section 2.122. Before determining the application, the consent authority must notify the application to TfNSW and take into consideration any submission received within 21 days of the notice being given. It is understood that pursuant to Section 2.122(4), consent authority will take the following matters into consideration:

- (ii) the accessibility of the site concerned, including—*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

A Traffic Impact Assessment (TIA) has been prepared by SCT Consulting and is included in supporting documentation.

Regarding (ii)(A), access to the site for Stage 1 will be through the Anambah Road access which will facilitate movement to the state road network through the New England Highway to the South of the site. River Road will be augmented in to Stage 1 of the development to allow for flood free egress in emergency events, this road will not be operational outside of these specific flood events.

The traffic modelling within the TIA indicates that movement of people and freight to and from the site will achieve a 'good' level of service rating with the existing and proposed infrastructure relating to Stage 1 works.

- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

Regarding (ii)(B), the proposed development promotes the minimisation of travel by car by providing infrastructure that includes active modes of transport such as shared lanes for bicycle riding. The proposed road network allows for the movement of buses to provide public transport for the future

residents of the precinct. Further, the Main Northern Railway is located to the South of New England Highway which can assist in the moving of freight.

(iii) any potential traffic safety, road congestion or parking implications of the development.

Regarding (iii), the TIA has identified that there is no traffic safety concerns with development and the surrounding road network can comfortably accommodate the traffic generated by Stage 1 of the development with background growth accounted for in the 2028 and 2038 models. Adequate parking is provided within the site generally in accordance with the Maitland Development Control Plan.

5.7 Maitland Local Environmental Plan 2011

5.7.1 Aims of Plan

The Maitland LEP 2011 makes local environmental planning provisions for land in the Maitland local Government area. The particular aims of this Plan as set out in Clause 1.2(2) are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to facilitate ecologically sustainable development of land and natural assets,*
- (b) to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,*
- (c) to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,*
- (d) to protect, enhance or conserve the natural resources of Maitland including the following—*
 - (i) areas of high scenic rural quality,*
 - (ii) productive agricultural land,*
 - (iii) habitat for listed threatened species and endangered ecological communities,*
 - (iv) minerals of regional significance,*
- (e) to create liveable communities which are well connected, accessible and sustainable,*
- (f) to provide a diversity of affordable housing with a range of housing choices throughout Maitland,*
- (g) to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,*
- (h) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,*
- (i) to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,*
- (j) to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.*

With regard to aim (a), the proposed development will facilitate ecologically sustainable development of land and is consistent with object (b) of the EP&A Act. The proposal aligns with the intention for the Site as depicted in the local strategic planning framework. The concept masterplan has been designed in accordance with the four principles of ecologically sustainable development.

In considering aim (b) the proposed development will protect the extent, condition and connectivity of the natural ecosystems, specifically the riparian creek corridor which traverses the east-west axis of the site by maintaining suitable offsets to the vegetated riparian zone (VRZ). Similarly, the proposed development will protect, enhance and conserve the natural resources of Maitland, specifically the habitat of endangered ecological communities consistent with aim (d). As detailed in the BDAR, the development will replace the removed riparian corridors with water quality basins of a similar scale. The proposal also will maintain the existing 1st order creek with minor bank adjustments as depicted in the attached BDAR.

With regard to aim (e) the proposed development will support liveable communities which are well connected, accessible and sustainable within the Anambah URA. The development will be serviced with public transport access and will be located within proximity to the future Anambah E1 local centre which will provide amenities and services to meet the everyday needs of residents. Access to outdoor public recreation areas will support a sustainable future residential neighbourhood.

Aim (f) seeks to provide for diversity of affordable housing. The proposed concept development application will provide opportunity for a future build-to-rent development, the subject of a separate application. The provision of small lot housing will deliver a range of housing products with different price points which will support affordable housing options by diversifying housing supply within the Maitland LGA.

Aim (g) seeks to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner. The proposed development will facilitate urban development on land within a designated URA and is consistent with Council's strategic intent to deliver housing on the site.

The development of land will occur in a coordinated manner, with services infrastructure delivered in planned stages to service the residential growth. Further detail regarding services infrastructure design and delivery is detailed in Section 3.2.5 of this Statement.

The proposed development will ensure that land uses are organised to minimise environmental risk including flooding and bushfire. The development will be serviced with safe access via River Road, and perimeter ring roads have been designed to provide asset protection zones to mitigate bushfire risk, consistent with aim (i). The proposal is supported by a BAL Subdivision plan prepared by BPA, an accredited bushfire engineer, that identifies the temporary asset protection zones (APZs) required to for the carrying out of Stage 1 of the Project.

Consistent with aim (j) the proposed development will encourage orderly development of land by facilitating housing in an urban release area which is consistent with the strategic planning intent for the site. The delivery of services infrastructure to support the future population will be delivered in planned stages to ensure that development is provided with essential services as the concept masterplan is delivered. The design responds to the environmental constraints of the site by preserving riparian creek corridors and providing open space and recreational areas to support residential amenity.

5.7.2 Zone objectives and Land Use Table

The site is zoned R1 General Residential and RU2 Rural Landscapes under Maitland LEP 2011 as shown in Figure 11 below.

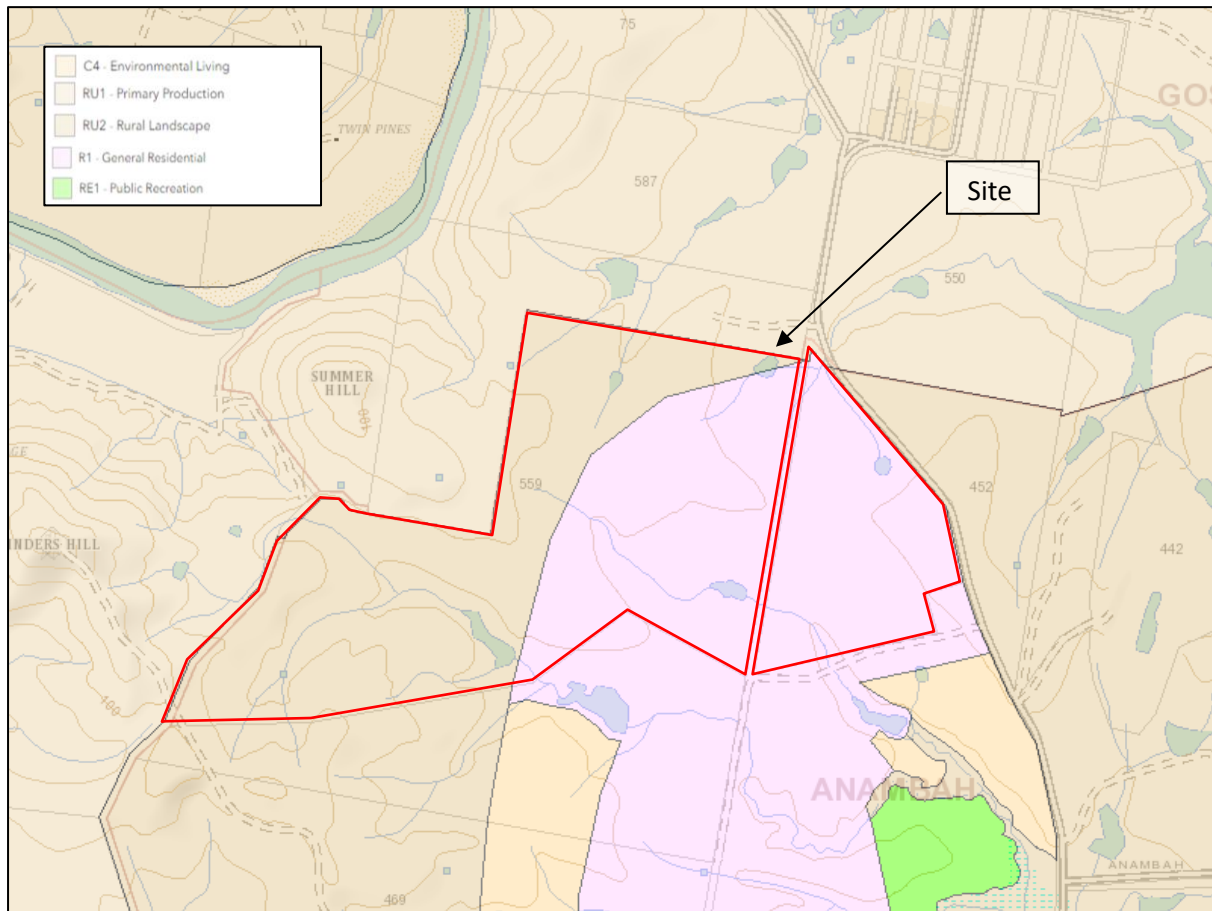


Figure 12 Land Zoning Map. Source: eSpatial Viewer (June 2024)

The objectives of the R1 General Residential zone are stated below:

- 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 development is consistent with the objectives of the R1 zone. Regarding the first objective, the proposed development facilitates the future delivery of housing within an urban release area to meet the growing population of Maitland LGA, and Hunter Region.

Regarding the second objective, the development provides for a variety of lot sizes, including small lot sizes below 450m² as allowed under the MLEP 2011, to facilitate a variety of housing typologies and densities including build-to-rent (BTR) housing.

Regarding the third objective, the development will provide outdoor passive recreation areas to support the residential amenity and recreational needs of the neighbourhood.

The objectives of the RU2 Rural Landscape zoning are stated below:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.

Minor development is proposed on RU2 zoned land as part of the concept development application; The clearing of vegetation to establish Asset Protection Zones for the subsequent stages of the Project and minor adjustment to the Lot 177 boundary under Stage 1 of the development. The development will be consistent with the objectives of the zone and will maintain the rural landscape character of the land.

5.7.3 Subdivision of Land

Pursuant to Clause 2.6 of the MLEP 2011, land to which the MLEP applies may be subdivided, but only with development consent. Development consent is sought for the subdivision of land.

5.7.4 Minimum Subdivision Lot Size

Clause 4.1 of the MLEP specifies minimum subdivision lot sizes. Pursuant to subclause (3), the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

RU2 zoned land has a minimum lot size of 40 hectares. The residual lot on RU2 zoned land will comply with the minimum lot size of 40 hectares.

R1 zoned land has a minimum lot size of 450m². 88 proposed Stage 1 lots will have lot sizes smaller than 450m². The remainder of subdivision lots on R1 zoned land comply with the minimum lot size of 450m².

Clause 7.8 Subdivision of land in Zone R1 in Anambah Urban Release Area provides an exception to the minimum lot size of 450m². This exception will be utilised for the 88 lots that do not comply with Clause 4.1 of the Maitland LEP. An assessment of the proposed development against Clause 7.8 is provided under Section 5.7.11 of this statement.

5.7.5 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

Clause 5.16 of the MLEP specifies provisions related to subdivision of land in certain rural, residential and conservation zones including the RU2 zone. Subclause (3) and (4) state the following:

- (3) *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*
- (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (4) *The following matters are to be taken into account—*
- (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The objective of Clause 5.16 is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones. The development on RU2 land relates to the removal of trees for the widening of Anambah Road. The RU2 land is under the same ownership as the R1 General Residential land and will not result in any land use conflicts.

Having regard to potential land use conflict between residential development and the potential for agricultural uses of the remaining RU2 zoned land, the following is considered:

- The works related to the rural land relate to the construction of a fire trail and asset protection zones for the future, residential development.
- The fire trail and asset protection zones will provide a clear distinction in land use between the adjoining zones.
- The RU2 land is under the same ownership as the R1 land making land use conflict unlikely.

5.7.6 Flood Planning

Clause 5.21 of the MLEP specifies provisions related to flood planning. The southern extent of Lot 55 is located in the flood planning area and is subject to Clause 5.21. Subclause (2) states the following:

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (a) is compatible with the flood function and behaviour on the land, and*
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

A Flood Impact Assessment (FIA) has been prepared to address the above criteria and is included in the supporting documentation:

- Regarding (a), The subject site is generally located outside the Hunter River Floodplain, and function of the local drainage gullies has been considered in the riparian corridor design. The development is compatible with the flood function of the land.
- Regarding (b), Consideration has been given to changes in flood levels and behaviour. It was determined the changes in level were localized and did not affect the flood hazard. On this basis, the level changes are not detrimental.
- Regarding (c), The provision of River Road at the 1% AEP facilitates a higher level of access immunity for the proposed development. River Road provides access to the existing subdivision that is not flood affected and is not an existing evacuation route.
- Regarding (d), The provision of River Road is an appropriate measure to manage the risk to life in the event of a flood.
- Regarding (e), Standard engineering responses to water quality treatment and riparian corridor design have been documented in the civil design to respond to this item.

5.7.7 Urban Release Areas

Part 6 of the MLEP specifies provisions for urban release areas. The site is located in the Anambah Urban Release Area and requires consideration of Part 6 of the LEP.

Pursuant to Clause 6.2(1):

- (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.

The proposal is supported by a water servicing strategy prepared by ADW Johnson and attached in the supporting documentation. A water servicing strategy was previously developed by ADW Johnson for the Anambah Urban Release Area in 2012 which is now replaced by the strategy attached as supporting documentation to this Statement.

The Anambah Urban Release Area (AURA) is anticipated to deliver 4,400 lots once fully developed; Consultation has been undertaken with the Hunter Water Corporation (HWC) to facilitate the servicing requirements of the 900 lots related to the Site.

Five options were investigated to facilitate the delivery of water infrastructure to the Site known as Option A, B, C, D and E. Following detailed investigation and consultation with HWC, option C was considered the superior option in comparison to the other options. A summary of reasons why option C is considered superior are below:

- Option C is cost effective allowing for timely delivery of the required infrastructure,
- Increased security of supply,
- Reduced number of Hunter Water watermains to be maintained, and
- Ability to loop water through the large diameter pipes in the early stages to maintain water quality.

Option C is considered to address Hunter Water's concerns relating to poor water quality and flushing requirements whilst satisfying capacity requirements.

Pursuant to Clause 6.3(2):

- (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.*

It is noted that a development control plan for the land has not been prepared. Notwithstanding this, Section 4.23 of the EP&A Act specifies that concept development applications can serve as an alternative to a DCP required by an environmental planning instrument. Pursuant to Section 4.23(2) and (3):

- (2) [If] an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

(3) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.

The proposed concept development application the subject of this application is taken to address the requirements of Clause 6.3(2) of the MLEP 2011. The information required to be contained in the concept development application as required by a development control plan is specified in Clause 6.3(3) as detailed in the table below.

Table 5 Compliance with Clause 6.3(3) DCP requirements

Clause 6.3(3)	Comment
<i>(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,</i>	Complies – a staging plan is provided as part of the application. The first stage has the sequenced delivery of lots.
<i>(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,</i>	<p>Complies – the Project is supported by a TIA and Urban Design Report that identifies the transport movement hierarchy within the Site and the surrounding road network. Active modes of transport are supported through the provision of multiple shared paths, bike lanes and wider footpaths.</p> <p>The masterplan has been strategically designed to incorporate road widths that allow for the movement of buses within the Site to promote access to public transport.</p> <p>Circulation routes are shown in detail within the TIA.</p>
<i>(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,</i>	Complies – the proposal is supported by an overarching landscape strategy that promotes the enhancement of riparian areas through macrophyte planting along stream edges and stormwater basins. This landscaping strategy also includes durable street tree plantings that provide interesting season foliage colour and contrasts enhancing the public and private domains within the Site.

<p><i>(d) a network of passive and active recreational areas,</i></p>	<p>Complies – The Project includes multiple passive and active recreation areas as shown in the concept masterplan. In Stage 1, these recreation areas are two landscaped areas that include playgrounds, seating and sheltered areas with access to bike racks and bins. These landscaped areas are suitably located within the development and are accessible by shared paths within the proposed road network.</p>
<p><i>(e) stormwater and water quality management controls,</i></p>	<p>Complies – the proposal is supported by a stormwater and water quality management plan within the engineering report prepared by Northrop. The measures adopted in the management plans include the on-site detention in the first order stream and end of line water quality treatment.</p>
<p><i>(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,</i></p>	<p>Complies – the proposal is supported by technical documents that identify environmental hazards within and surrounding the site and provide appropriate mitigation measures identified in this Statement.</p>
<p><i>(g) detailed urban design controls for significant development sites,</i></p>	<p>Complies – the proposal is supported by an Urban Design Report that stipulates Site Specific Design Controls used to inform the Concept Master Plan. The controls used have been designed in accordance with the Maitland Development Control Plan with slight variations that are identified in the Urban Design Report.</p>
<p><i>(h) measures to encourage higher density living around transport, open space and service nodes,</i></p>	<p>Complies – the concept masterplan makes provision for medium density housing which aligns with the current and proposed access to transport.</p>
<p><i>(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</i></p>	<p>Complies – No neighbourhood or commercial uses proposed.</p>

(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Complies – the proposal includes provision for parking within the proposed, residential lots. The Project is supported by a Traffic Impact Assessment that confirms the Project provides suitable arrangements for traffic movements post construction.

5.7.8 Acid Sulphate Soils

Clause 7.1 of the MLEP 2011 specifies provisions related to acid sulphate soils. The site is located on land mapped as being Class 5 acid sulphate soils. Pursuant to Clause 7.1, development consent is required for works occurring within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. Site is not located within 500m of Class 1,2,3, or 4 land and not further consideration of Clause 7.1 is required.

5.7.9 Earthworks

Clause 7.2 of the MLEP 2011 specifies provisions related to earthworks. The concept masterplan requires earthworks to facilitate the full development of the Site and mitigate the impacts of flooding and geotechnical constraints. The proposal is supported by a cut and fill plan prepared by Northrop; this heat map displays the areas of proposed cut and fill required to construct Stage 1 and future stages of the Project. The table below details the cut/fill volumes relating to the first stage of development and future stages of the Project:

Cut/Fill	Stage 1 (including River Road) Subject to this WMP	Whole of site (including River Road) Subject to future approval
Total Cut	130,000 m ³	270,000 m ³
Total Fill	50,000 m ³	120,000 m ³
Balance	80,000 m ³ excess cut	150,000 m ³ excess cut

Table 6 Cut and Fill Volumes. Source: JBS&G August 2024

Soil will be reused on site to achieve site levels, with around 80,000 m³ of excess cut from Stage 1. It is noted that the earthworks for Stages 2-6 are preliminary only and will be resolved in more detail with subsequent development applications.

5.7.10 Riparian land and watercourses

Clause 7.4 of the MLEP 2011 specifies provisions related to riparian land and watercourses. The site is not identified on the Maitland Local Environmental Plan’s Watercourse Map. Clause 7.4 is not applicable to this assessment.

5.7.11 Subdivision of land in Zone R1 in Anambah Urban Release Area

Clause 7.8 of the MLEP 2011 specifies provisions development on land in Zone R1 General Residential in the Anambah Urban Release Area identified on the Urban Release Area Map. Clause 7.8 applies to the site and the provisions have been assessed below.

Pursuant to subclause (2):

- (2) *Despite clause 4.1, development consent may be granted to the subdivision of land to which this clause applies to create a lot with a size less than the minimum subdivision lot size shown on the Lot Size Map in relation to those lots, if the consent authority is satisfied that—*
- (a) *the subdivision will result in 2 or more lots equal to or greater than 200 square metres, and*
 - (b) *the subdivision will not result in any lot being more than 200 metres from a community facility, recreation area or commercial premises, and*
 - (c) *the subdivision will not result in more than 450 lots on land to which this clause applies with a lot size of 450 square metres or less.*

The Stage 1 DA proposes 88 small lots which will have an area of less than 450m² and will not comply with the minimum lot size under Clause 4.1 of the MLEP 2011. These lots will range from 201m² up to 450m² in size.

The development proposes the provision of a 5184m² park to be dedicated to Council. This would meet the definition of a recreation area, which means

- a place used for outdoor recreation that is normally open to the public, and includes—*
- (a) *a children's playground, or*
 - (b) *an area used for community sporting activities, or*
 - (c) *a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).*

The small lots are proposed to be located within 200m of the park as indicated on the Plan of Subdivision prepared by Delfs Lascelles Surveyors.

Of the total lots proposed on land in the Anambah Release Area, the proportion of lots less than 450m² to which the Concept DA applies, will be 36.7% as such, consent may be granted the proposed lot sizes less than the minimum lot size.

Pursuant to Clause 7.8(3):

- (3) *Development consent must not be granted to the subdivision of land that would result in more than 1200 lots being on the land to which this clause applies unless the consent authority is satisfied that—*
- (a) *persons residing on the land will have suitable and safe road access to the New England Highway via Wyndella Road, and*
 - (b) *the road will be appropriately located.*

The proposed development does not result in subdivision of land resulting in more than 1200 lots on land to which the clause applies. The consent authority is not prevented from granting consent to the proposed Stage 1 subdivision within the proposed concept development application. As previously stated, Stage 1 of the Project will result in the delivery of 240 lots; the entire Concept Masterplan inclusive of Stage 1 will result in 900 lots. Clause 7.8 (3) is not applicable.

5.8 Proposed Environmental Planning Instruments

A Planning Proposal to amend Maitland Local Environmental Plan 2011 for the implementation of Maitland Local Housing and Rural Land Strategies 2041 is currently being considered by Council. Exhibition of the planning Proposal was undertaken in July 2024. Of relevance to the proposed development application, the Planning Proposal seeks to introduce a new LEP clause for ‘Essential services’.

The intended effect of the draft LEP clause is to ensure that the consent authority considers the availability of essential services to areas which are not mapped in the Urban Release Area. Regarding the proposed ‘Essential services’ clause, the requirement to consider the provision of public utility infrastructure is already considered under Clause 6.2 of the MLEP as the site is an urban release area as assessed above. There are no other provisions of draft environmental planning instruments related to the proposed development to consider.

5.9 Maitland Development Control Plan 2011

The Maitland Development Control Plan 2011 (MDCP 2011) supports the MLEP 2011. It provides general controls within the LGA that should be considered in the preparation of a development application. The relevant sections of the MDCP 2011 have been assessed below.

Table 7 Assessment of Relevant Sections of the MDCP 2011

Clause	Provision	Comment
B.3	Hunter River Flood Plain	
	<i>Chapter B.3 of the MDCP 2011 applies to critical infrastructure and facilities within the Probable Maximum Flood (PMF) area. The site is affected by the PMF event in the north and southeastern portions of the site. It is noted that the development will be located above the Flood Planning Level (FPL). The relevant considerations are assessed below.</i>	

Clause	Provision	Comment
2.3 Filling of Flood Storage and Flood Fringe Areas	<p>1. An application for filling within the flood storage or flood fringe areas must be supported by a fully dynamic computer flood model unless:</p> <p>(a) There is no net importation of fill within the 1:100 ARI flood extent; or</p> <p>(b) Filling up to 7,000m³ or 20% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) that;</p> <p>(ii) is associated with construction of a dwelling in rural zones, and</p> <p>(iii) where construction of a dwelling is permitted; and</p> <p>(iv) all of other flood requirements (such as evacuation) is achieved; and/or</p> <p>(c) Filling up to 3,500m³ or 10% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) associated with construction of a mound to provide refuge for stock during floods.</p>	Complies – no fill is proposed in the flood affected area within the site.
2.3 General Building Requirements	1. All habitable finished floors shall be no lower than the FPL.	The site will have levels which will be above the FPL and facilitate construction of housing with FFL above the FPL.
	3. Flood-free access shall be provided from the development to an appropriate evacuation facility (as identified in the Maitland Local Flood Plan), at the 1:20 ARI flood level or higher.	Complies – the proposal includes the augmentation of River Road to the South of the site to provide Flood free egress from the site during a flood event. River Road will not be operational outside of these events.
	4. Provision shall be made for the safe evacuation of people from the development in accordance with the Maitland Local Flood Plan.	Complies – the proposal includes the augmentation of River Road to the South of

Clause	Provision	Comment
		the site to provide Flood free egress from the site during a flood event. River Road will not be operational outside of these events.
2.8 Critical Infrastructure and Facilities	<p>1. The following developments are unlikely to be supported on land below the PMF:</p> <ul style="list-style-type: none"> (a) hospitals and ancillary services (b) regional communication centres (c) State Emergency Services stations (d) sewage plants (e) electricity plants or substations unless the plant is designed for controlled failure or shut-off when flooding occurs (f) installations containing control equipment for critical infrastructure; and (g) operational centres for flood emergency response. 	All essential services and utilities infrastructure will be sited to be located above the PMF event.
B.5 – Tree and Vegetation Management		
1. Clearing of Vegetation that Requires a Council Consent	<p>Consent from Council is required prior to clearing or pruning the following:</p> <ul style="list-style-type: none"> (a) vegetation in a threatened ecological community or a threatened plant species listed under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994; or (b) a tree that is required to be retained or planted as a condition of a complying development certificate or development consent, or (c) a tree that was planted as a replacement tree, or (d) any other native vegetation including understorey plants, groundcovers and plants occurring in a wetland and is less than the biodiversity offsets scheme threshold identified under the Biodiversity Conservation Act 2016, or (e) all trees and shrubs, regardless of size, on land managed by a public authority including Council, or (f) all other trees or shrubs that are not listed in (a) to (f) above, unless: <ul style="list-style-type: none"> (ii) the tree or shrub is located within 3m of the wall of an existing principal building (excluding 	<p>The proposed development will result in the removal of native vegetation of 3.71 ha which does exceed the BOS. Consent is sought for the removal of the vegetation. A landscape strategy has been prepared for the concept development application which will include additional tree plantings. An Arboricultural Impact Assessment has been prepared and is included in the</p>

Clause	Provision	Comment
	<p><i>carports, garages, pergolas, fences, retaining walls and the like); or</i></p> <p><i>(iii) the tree is less than 3m in height, or with a Diameter at Breast Height (DBH measured at 1.3m above ground level) less than 100mm; or</i></p> <p><i>(iv) the shrub is less than 5m in height; or</i></p> <p><i>(v) the tree is grown for fruit or nut production;</i></p> <p><i>(vi) pruning is maintenance of less than 12 months growth or 10% of foliage undertaken in accordance with Australian Standard (AS) 4373– Pruning of amenity trees;</i></p> <p><i>(vii) the tree is dying or dead and is not required as the habitat of native animals, where Council is provided with a tree removal notification 10 days prior to removal; or</i></p> <p><i>(viii) where there is a risk to human life or property, when Council is provided with a tree removal notification 10 days prior to removal; or</i></p> <p><i>(ix) that requires urgent removal on account of immediate failure when Council is provided with a tree removal notification post-event.</i></p> <p><i>(x) ix. the tree is listed as Priority Weed for the Hunter Region, Weed of National Significance (WoNS) or any other exotic species determined to be an invasive species.</i></p>	<p>supporting documentation.</p>
<p>B.7 – Environmentally Sensitive Land</p> <p><i>The site is located on land within 40m of the top of the bank of a watercourse identified as ‘Watercourse land’ on the Maitland LEP Watercourse Map and is subject to Chapter B.7.</i></p>		
<p>2. Access & Pathways</p>	<p><i>Pedestrian paths and cycleways shall not interfere with the connectivity or functions of riparian land, but they may be located in such a way that they contribute to management of edge effects and have minimal impact on riparian land. This includes the integration of appropriately designed and engineered drainage and stormwater infrastructure (refer to Council’s Manual of Engineering Standards).</i></p>	<p>Complies – the proposal has been strategically designed to incorporate shared paths and bicycle lanes with the Site. These bicycle lands and paths have been suitably located and have a minimal effect on the Riparian corridors as depicted</p>

Clause	Provision	Comment
		in the Concept Master Plan.
	<i>While riparian waterways should allow for public access and integration where appropriate and practical, access paths should not unnecessarily impact upon the VRZ.</i>	Riparian waterways have been partially maintained and integrated into the plan of subdivision for the Concept Master Plan.
	<i>Where perimeter roads are to be incorporated in subdivisions adjacent to riparian land, roads must be located in a way that ensures houses are orientated towards riparian land (as shown in Figure 7 previously).</i>	Complies – Houses are generally orientated towards the riparian corridor in the south section of Stage 1.
3. Development Location	<p>3.1 <i>The use of services such as stormwater, water and sewer infrastructure within riparian areas shall be limited to those circumstances where no other option exists, and Council is satisfied that the riparian corridor and waterway will not be significantly impacted.</i></p> <p>3.2 <i>Subdivision works and other development must not extend into the VRZ, unless there is no other practicable means to achieve an appropriate development outcome or to service development with essential services and infrastructure. The VRZ shall be protected from any unreasonable environmental effects that could be generated by new development. The proponent must demonstrate that any proposal involving interference with the VRZ will result in no significant or unnecessary vegetation loss.</i> <i>Note: Any application requiring referral to the WaterNSW (in accordance with Guidelines for Riparian Corridors on Waterfront Land administered by WaterNSW) will trigger integrated development, and the respective referral fees and charges will apply.</i></p>	<p>Complies – the proposal is supported by a stormwater management plan and civil engineering plans that ensure services do not conflict or impact the riparian corridor that intersects the site.</p> <p>Subdivision works are proposed within the VRZ, the impact on the VRZ is minimal and relates to minor bank adjustments only. The proposal includes the removal of three 1st order streams to be replaced by Water quality basins of a similar size. The attached BDAR confirms that the impact on biodiversity is unlikely to cause significant stress due</p>

Clause	Provision	Comment
		to the replacement basins and nearby waterbodies.
	<i>3.3 Siting, location and design of developments on land that directly adjoins riparian areas shall consider the effects of the development on riparian land and comply with the specific requirements as contained in the Maitland Local Environmental Plan 2011 and associated plans identified in section 1.1 above.</i>	Complies – the proposal is supported by a Biodiversity Development Assessment Report that has carefully considered the impacts on riparian land. The Concept Masterplan and Plan of Subdivision have been designed accordingly and the impact is considered acceptable.
	<i>3.4 The use of impervious areas within and directly adjoining riparian areas is to be minimised in order to reduce unacceptable rates of runoff that cause erosion, sedimentation and siltation.</i>	Complies – The use of impervious areas surrounding the riparian corridors within the Site has been minimized.
	<i>3.5 Fencing within riparian areas shall be minimised and be of open design in order to allow for the free passage of water, fauna and flora.</i>	Complies – the proposal does not include fencing around the riparian areas.
	<i>3.6 Bridges and crossings over waterways shall not interfere with connectivity of vegetation, alignment or profile of stream banks, and must not restrict flow during flood events.</i>	Complies – The proposed pedestrian crossing does not interfere with vegetation connectivity.
	<i>3.7 For watercourses traversing urban release areas, rehabilitation shall be assisted through the appropriate design of roads, cycleways, pathways and infrastructure, ensuring that a VRZ and riparian buffer areas are maintained throughout the extent of the urban release area, and that connectivity occurs with</i>	Complies – the concept masterplan has been strategically designed to integrate the riparian corridor in to the subdivision



Clause	Provision	Comment
	<i>adjoining riparian areas and waterways. The width of buffer areas is to be determined in conjunction with the order of streams, as defined in the Guidelines for Riparian Corridors on Waterfront Land administered by WaterNSW.</i>	design. Internal roads are designed with curvature that replicates the curvature of the riparian corridor.
4. Riparian Watercourses & Flooding	<i>4.1 Soil disturbance - within riparian areas shall be limited to the purposes of providing critical infrastructure and remediation activities associated with improving flood mitigation and health of waterways. Disturbances within the VRZ should be avoided at all costs.</i>	Complies – soil disturbance within the riparian areas is required for the re-grading, servicing and subdivision of the site. The removed riparian areas are to be replaced with water quality basins. The 1 st order creek to the south east of the site is to be maintained with minor bank works proposed for construction of roads and infrastructure.
	<i>4.2 Riparian vegetation - should not be removed from riparian corridors for the purposes of new development. Any proposal to consider offsets associated with development are to be assessed in accordance with the Guidelines for Riparian Corridors on Waterfront Land administered by WaterNSW. Where a proponent pursues an offset within the riparian corridor, the application will trigger integrated development, and the respective referral fees and charges will apply.</i>	Riparian vegetation is proposed to be removed, offsets have been provided within the BDAR and replacement planting is proposed in the attached landscape masterplan.
	<i>4.3 Vegetation Connectivity - Development shall not compromise connectivity, or opportunities for future connectivity, of riparian vegetation and habitat, or interfere with hydrological flows within waterways or riparian land.</i>	The proposal has been strategically designed to maintain and promote vegetation connectivity, notwithstanding minor disturbance to the existing land through the provision

Clause	Provision	Comment
		of the water quality basins.
	<i>4.4 Any flood study to support a DA which could impact upon riparian land and/or waterways needs to include an assessment of improvements to the health and structure of riparian land. This is necessary in order to determine flood risk and identify possible natural mitigation measures against flooding, as opposed to alternative engineered mitigation measures that could have greater impacts upon the riparian corridor.</i>	Complies – the attached flood impact report confirms that the post-developed site will have appropriate measures for flood control and protects the new, riparian areas.
	<i>4.5 Improvements and remediation of riparian waterway banks should include only endemic native riparian species and complimentary soft engineering techniques.</i>	Complies – the proposal includes native, aquatic plantings within the new water quality basins.
	<i>4.6 Stormwater detention areas and infrastructure shall maintain appropriate engineering design and mechanisms to ensure that all stormwater is treated prior to entering riparian waterways, whilst ensuring that such engineering and the location of stormwater devices does not compromise the connectivity and functioning of riparian vegetation, waterways and wildlife habitat.</i>	Complies – the proposal includes new water quality basins for the storage and processing of excess stormwater to reduce impact on riparian vegetation.
	<i>4.7 Works shall not be permitted in riparian areas that are likely to require excessive or incompatible piping, cause realignment of natural waterways, or alter the depth or width of natural waterways.</i>	The primary watercourse within the Site has been maintained. Minor watercourses of low ecological value are proposed for removal to the north of concept plan.
	<i>4.8 The stability of waterway banks and channels shall be protected by minimising the removal of vegetation, natural riparian debris and natural stream structure, except where woody debris results in a flood hazard.</i>	Vegetation removal has been minimised through the project design.
	<i>4.9 Where there is no alternative but to locate infrastructure and services within riparian areas (i.e. all possible alternative options have been exhausted), the</i>	The proposed infrastructure and services within the

Clause	Provision	Comment
	<i>design of such services shall accommodate for the natural functions of the riparian area and waterway.</i>	riparian areas can accommodate for the natural functions of the riparian area and waterways.
5. Other Environmental Considerations	<i>5.1 Asset Protection Zones (APZs) proposed for bushfire management in association with a proposed development should not be located within the VRZ (see Figure 1). No riparian vegetation should be removed from the VRZ for the purposes of providing an APZ or for bushfire management, unless the proponent pursues an APZ within the VRZ (in accordance with Guidelines for Riparian Corridors on Waterfront Land administered by WaterNSW). Any such application will trigger integrated development, and the respective referral fees and charges will apply.</i>	The proposal includes temporary APZ's related to Stage 1 works. Refer to the Bushfire Threat Assessment Report for further details.
	<i>5.2 Access points to riparian waterways shall be located so as to minimise disturbance to riparian vegetation, banks and wildlife habitat. Access shall be restricted within the VRZ.</i>	Complies – access points to the riparian waterways do not disturb vegetation, access to the VRZ will be restricted.
	<i>5.3 Rehabilitation - within the VRZ the density of plantings shall be consistent with the naturally occurring density of endemic species in the riparian area, and shall comprise 100% local native species. No substitution for native endemic species will be permitted.</i>	Complies – the proposed aquatic planting compromises of 100% local native species.
	<i>5.4 Rehabilitation of environmentally sensitive land must be accompanied by a 5 year Vegetation Management Plan (VMP) prepared by a qualified restoration ecologist. The VMP must include but is not limited to:</i> <ul style="list-style-type: none"> • <i>Planting schedule including species list, planting density, timing</i> • <i>Key performance indicators</i> • <i>Maintenance regime and weed control</i> • <i>Monitoring</i> 	NA
	<i>5.5 The objectives of the VMP should be to:</i> <ul style="list-style-type: none"> • <i>Recreate the original vegetation that was present prior to disturbance.</i> 	NA

Clause	Provision	Comment
	<ul style="list-style-type: none"> Achieve a low maintenance state within 5 years or prior to being handed over to council. 	

5.10 Planning Agreements

In accordance with Clause 4.15(1)(a)(iiia) a consent authority is required to take into consideration any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4.

The applicant intends to enter into Voluntary Planning Agreement (VPA) in relation to the site.

5.11 Development Contributions

5.11.1 State Development Contributions

The Housing and Productivity Contribution applies to the Lower Hunter region which includes the site of the Project. A contribution rate of \$8,000 per dwelling/lot is specified for the Lower Hunter and will apply to the development.

As per guidance from Department of Planning, Housing and Infrastructure (formerly Planning and Environment) dated May 2023 on the proposed implementation of the contribution, transitional arrangements will apply with the following discount rates applicable at the time that payments are considered payable.

Table 8 Housing and Productivity Contribution Transitional Arrangements. Source: DPE (2023)

Year	Discount Rate
Initial period (1 October 2023-- June 2024)	50%
Second year (July 2024 – June 2025)	25%
Third year (July 2025 onwards)	0%

It is understood that the applicable Housing and Productivity Contribution will be subject to discount rates shown in the Table above.

5.11.2 Local Development Contributions

There is no Section 7.11 contributions plan in the Maitland Local Government Area.

6 Likely Impacts of the Development (Stage 1)

6.1 Environmental Impacts

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

6.1.1 Traffic and Access

A Traffic Impact Assessment (TIA) has been prepared by SCT Consulting. SCT Consulting are an accredited Traffic Engineering Consultancy who have liaised with Transport for New South Wales (TfNSW) to confirm modelling assumptions used in the TIA.

The TIA includes the following:

- A review of existing conditions.
- Traffic data collection during the weekday morning and afternoon peak periods for the intersections at Wyndella Road / New England Highway and Anambah Road / New England Highway.
- Future vehicle trip generation from the proposed development and surrounding urban growth areas.
- Distribution of trips to the surrounding road network based on preferred access strategies and travel patterns.
- SIDRA intersection modelling for the scenarios as requested by TfNSW.

Table 2.1 within the TIA defines the level of service of modelled intersection; see figure below:

Level of Service	Average delay per vehicle	Performance explanation
A	Less than 14.5s	Good operation
B	14.5s to 28.4s	Good with acceptable delays and spare capacity
C	28.5s to 42.4s	Satisfactory
D	42.5s to 56.4s	Operating near capacity
E	56.5s to 70.4s	At capacity. At signals incidents will cause excessive delays. Roundabouts require another control method.
F	70.5s or greater	At capacity. At signals incidents will cause excessive delays. Roundabouts require another control method.

Source: Roads and Maritime Services (2002), Traffic Modelling Guidelines

Figure 13 Level of Service definitions, SCT Consulting August 2024

SCT Consulting completed modelling on the intersections at New England Highway / Anambah Road / Shipley Drive and New England Highway / Wyndella Road / Springfield Drive as requested by TfNSW. Analysis of existing intersection performance within the TIA shows that the modelled intersections are

currently performing satisfactorily with limited delays and excess capacity for future growth, see figure below:

Intersection	Delay	LoS	DoS	Delay	LoS	DoS
	Weekday AM peak			Weekday PM peak		
New England Highway / Anambah Road / Shipley Drive	17.5s	B	0.47	16.5s	B	0.54

Figure 14 Intersection performance, Source: SCT Consulting, August 2024

The Project will achieve strategic access to existing road network through an access road extended to Anambah Road from the East of the Site. Access to the state road network will be via Anambah Road only noting that River Road is only to be used as flood free egress during flood events.

The modelling assumptions used by SCT Consulting in consultation with TfNSW are:

- 70% west and 30% east traffic distribution (A 50% / 50% sensitivity analysis will be included given this site is located closer to Maitland)
- A release rate of 300 lots per year in Lochinvar URA
- 3% p.a. growth on New England Highway. This is in addition to development traffic from the Lochinvar URA
- Site completion year of 2028 and sensitivity test of 2038 (This will be carried out for 240 dwellings of Stage 1 and 900 dwellings of full development)
- Adoption of 0.71/0.78 veh/h traffic generation rates for residential dwellings across the area.
- A 90% outbound and 10% inbound ratio is applied to the development traffic in the AM peak, which is inversed for the PM peak hour.

Future 2028

The TIA and associated modelling confirm that the existing infrastructure (New England Highway / Anambah Road Roundabout) can accommodate traffic generated from Stage 1 of the Project and the background growth in traffic.

Future 2038

The TIA and associated modelling confirm that without any infrastructure upgrade, the roundabout will fail in 2038 based on background growth alone (excluding any traffic generated from the proposed development). Hence, the roundabout will need to be upgraded by 2038 independent of any traffic generated from the proposal to respond to significant background growth on the New England Highway.

6.1.2 Bushfire

A Bushfire Threat Assessment Report (BTAR) has been prepared by Stuart Greville from Bushfire Planning Australia. Stuart Greville is an accredited Bushfire Practitioner. The site is identified as bushfire prone land on the Bushfire Prone Land Map (Non-EPI); The BTAR found that the site is currently exposed to a medium bushfire hazard located within 140m east of the proposed

development. The primary bushfire hazard is identified as a *'forest'*, or more specifically, *'Hunter Macleay Dry Sclerophyll Forest'*.

The site has been highly modified for rural agricultural purposes being farming and grazing; the site is dominated by exotic and native grasslands with sporadic, mature vegetation scattered spread across the existing pastures.

The BTAR provides key recommendations to mitigate the threat to life and property; these recommendations have been provided in accordance with the aims and objectives of the *Planning for Bushfire Protection* guidelines (PBP 2019).

- All land within the site zoned R1 Residential; excluding the riparian corridors will be managed as an Inner Protection Area (IPA) in accordance with the RFS standards for asset protection zones.
- Asset Protection Zones will be provided in accordance with Figure 14 and 15 below;
- Perimeter roads will be constructed in accordance with the engineering design plans and the following general requirements of the PBP2019:
 - Minimum 11.0m wide pavement width measured kerb to kerb;
 - Hydrants are located clear of parking areas;
 - Curves of roads have a minimum inner radius of 6m;
 - The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including trees branches is provided.
- Non-perimeter roads will be constructed in accordance with engineering design plans and the following general requirements of PBP2019.
 - Minimum 8.0m wide pavement width measured kerb to kerb;
 - Hydrants are located clear of parking areas;
 - Curves of roads have a minimum inner radius of 6m;
 - The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches is provided.
- A temporary access road will be provided during the staged construction of the development to River Road.
- Any temporary turning heads will be constructed in accordance with PBP2019;
- Vegetation within road verges will be consistent with a grassland vegetation classification with tree canopy less than 10% at maturity;
- Vegetation with the stormwater basins, including associated batters, will be planted consistent with a grassland vegetation classification with tree canopy less than 10% at maturity;
- All future dwellings to be constructed on the proposed lots will have due regard to the specific considerations given in the National Construction Code: Building Code of Australia (BCA) which makes specific reference to the Australia Standard AS3959-2018 Construction of buildings in bushfire prone areas and the NASH Standard Steel Framed Construction in Bushfire Prone Areas;

- All new lots will be connected to a reliable water supply network. Suitable fire hydrants are located throughout the development site that will be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure will comply with AS2419.1 2005 and section 5.3.3. of PBP2019.
- Consideration has been given to landscaping and fuel loads on the site to decrease potential fire hazards on site.

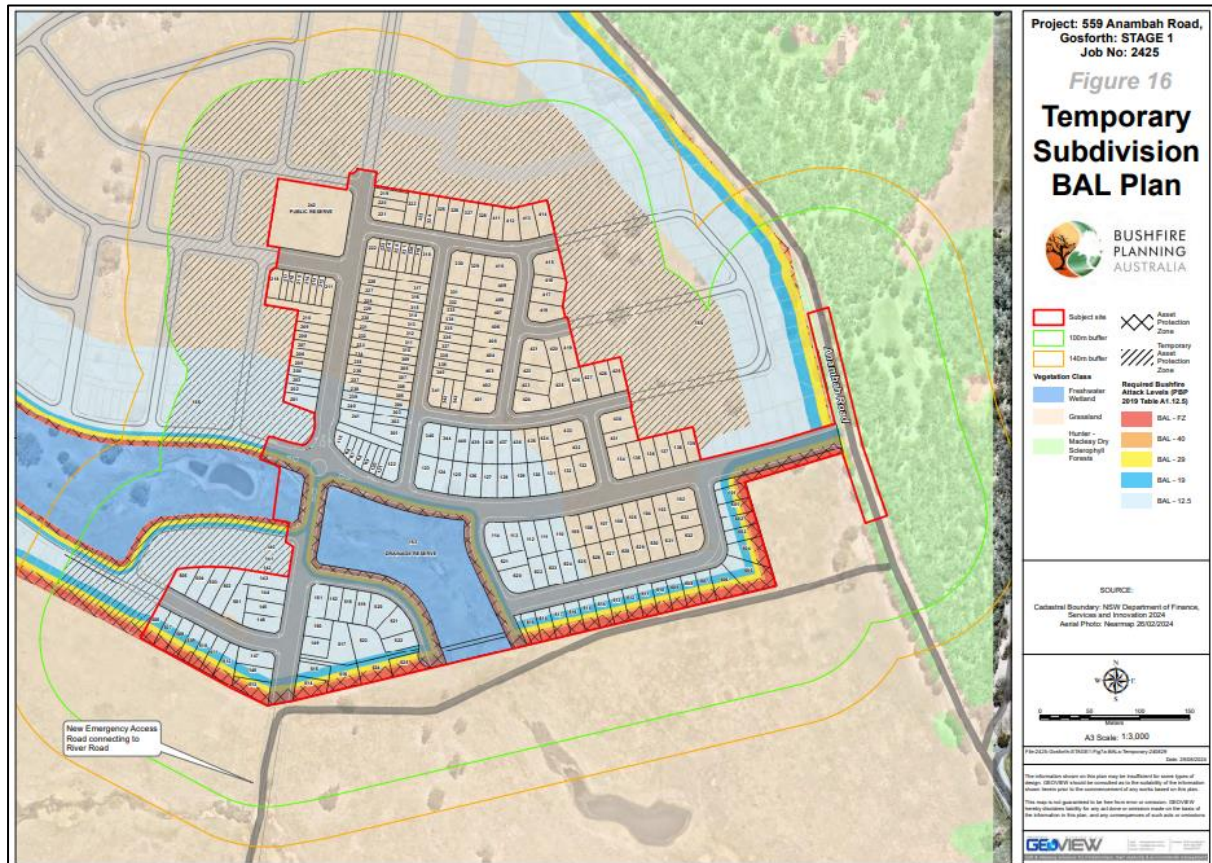


Figure 15 Temporary Subdivision BAL Plan, Source: BPA, August 2024

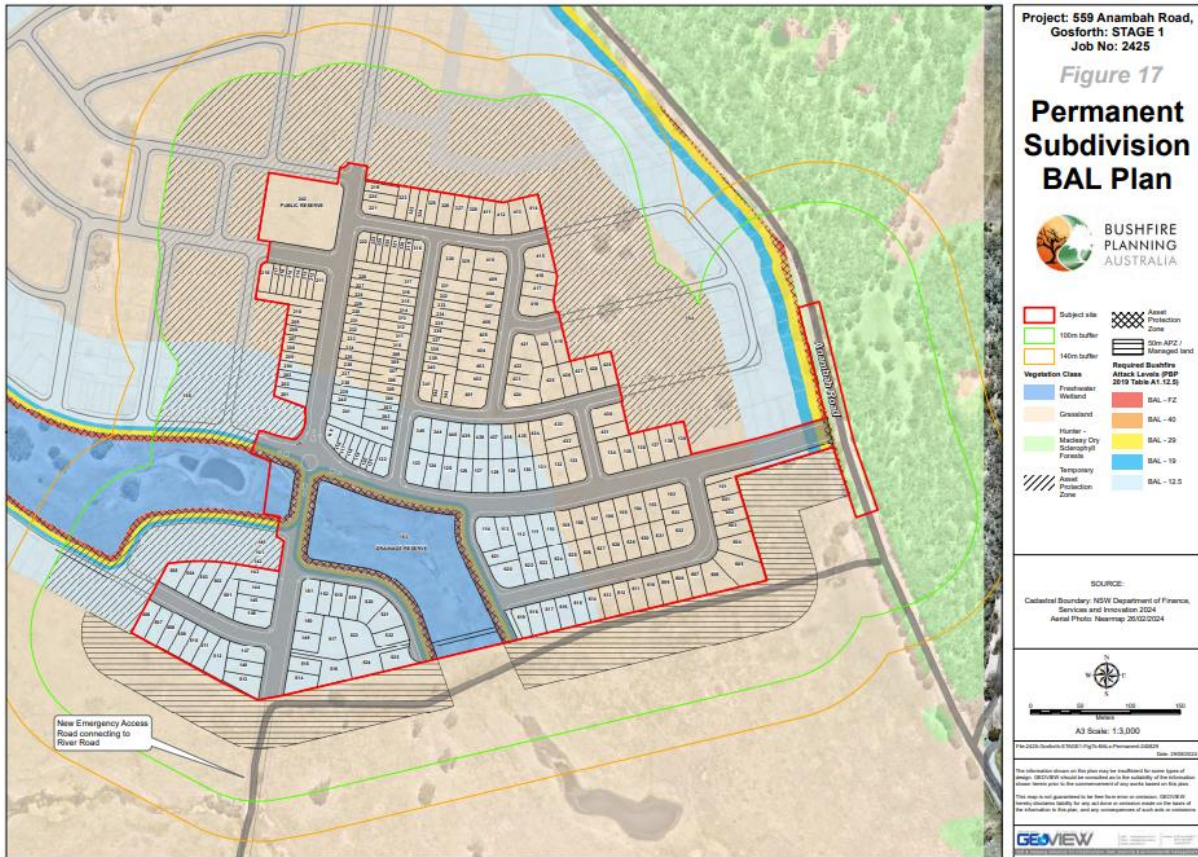


Figure 16 Permanent Subdivision BAL Plan. Source: BPA, August 2024

The adoption of the above measures complies with the recommendations in the BTAR and will adequately manage the bushfire hazard associated with the Site.

6.1.3 Stormwater Drainage

The proposal is supported by a Stormwater Management Plan (SWMP) prepared by Northrop Consulting Engineers; The SWMP provides detail about the stormwater management strategy and the required infrastructure to achieve pre-developed flows while ensuring post developed stormwater flows meet Maitland Council’s water quality objectives.

The SWMP identifies the requirement for on-site detention (OSD) and water quality infrastructure provided as end of line treatment within the Site. The OSD is achieved through end of line detention basins within the existing first order watercourse. OSD is supported by staged outlet configurations, including box culverts and circular pipes with headwalls to mimic pre-developed flows. Refer to Exhibit C of Appendix B within the Northrop Engineering report for further details.

6.1.4 Flooding

The proposal is supported by a Flood Impact and Risk Assessment (FIRA) prepared by Northrop Consulting Engineers. The site is in a broader catchment (Refer to Figure 1 in the FIRA) which predominantly falls from the east and directs runoff towards the Hunter River floodplain. Three major

ephemeral watercourses traverse the catchment and generally drain from the west to the east towards Anambah Road culvert crossings which then discharge to Hunter River.

Stage 1 proposed the construction of a local emergency access road augmented from the existing River Road Reserve to the South of the subject site. Stage 1 works include the construction of River Road including four hydraulic structures (Culverts) along the newly constructed road (Refer to Figure 2 in the FIRA).

The proposed flood free egress in conjunction with the post-developed grade of the site being above the Flood Planning Level (FPL) is identified by Northrop as an adequate response to flood risk in the area.

6.1.5 Aboriginal Cultural Heritage

The proposal is supported by an Aboriginal Cultural Heritage Assessment (ACHA) prepared by Heritage Now in collaboration with the Mindaribba Local Aboriginal Land Council.

The Site was investigated and surveyed in December 2023 by Heritage Now and the Mindaribba Land Council which identified three artefact sits along the creek terrace; As a result, the entire creek terrace was identified as a sensitive landform and an area of Potential Archaeological Deposit.

A subsequent survey was undertaken in July 2024 by Heritage Now and the Mindaribba Local Aboriginal Land Council for the proposed River Road access route. The proposed access road is located in proximity to the previously identified site known as AHIMS 370603568 which has surface artefacts and a potential archaeological deposit (PAD); The PAD partially overlaps the road corridor. No new sites were identified during the July 2024 survey.

Heritage Now have provided the following recommendations for the development of the proposal:

AHIMS Site	Recommendations
AHIMS 37-6-4425 Anambah AFT-01	The surface artefacts are within the riparian zone and are at risk of impact from re-vegetation and stabilisation works to the riparian corridor. An exclusion zone is to be established around the artefact sites prior to the commencement of ground disturbing works to reduce inadvertent impacts to sites. If sites cannot be avoided than an AHIP for the collection of the surface artefacts is required and no ground disturbing works are to undertaken in these areas without further archaeological investigation, as per the below recommendation.
AHIMS 37-6-4428 Anambah AFT-02	
AHIMS 37-6-4427 Anambah AFT-03	
Anambah Road Potential Archaeological Deposit	The area of Potential Archaeological Deposit will be impacted by the residential development. Archaeological testing is required to be undertaken in the development / ground disturbance footprints to identify if salvage excavation under an Aboriginal Heritage Impact Permit is warranted.
AHIMS 37-6-3568 Anambah SAC 11 and Potential Archaeological Deposit 27	The area of Potential Archaeological Deposit partially extends into the River Road Access Route. It can likely be avoided by the roadworks, but if it cannot be avoided, then an Aboriginal Heritage Impact Permit for community collection and salvage within the Project Area is required.
AHIMS 37-6-3555 Anambah IF 8 and Potential Archaeological Deposit 23	The surface artefacts and Potential Archaeological Deposit are outside the River Road access route will not be directly impacted by development. The current fence line needs to remain in place to avoid the risk of inadvertent impacts. If the fence needs to be
	removed during works than an exclusion zone will need to be established.
All Sites General mitigation methods	All Aboriginal sites within the residential development and access road are to be clearly marked on all relevant construction drawings, along with buffers and fencing, as relevant. All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974, this includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an onsite induction or other suitable format.

Table 9 ACHA Recommendations, Source: Heritage Now, August 2024

6.1.6 Flora and Fauna

The proposal is supported by a Biodiversity Development Assessment Report (BDAR) prepared by MJD Environmental in support of the concept masterplan and Stage 1 works.

The subject land is not mapped on the OEH Biodiversity Values Map; however, the proposal exceeds the area clearing threshold for the relevant minimum lot size of 450m² being the clearing of native vegetation greater than 2,500m². This triggers the Biodiversity Offsets Scheme (BOS).

Table 10 Plant Community Types assessed on Site, Source: MJD Environmental, August 2024

PCT ID	PCT Name			Vegetation Information		Vegetation Class		Percent cleared value
3446	Lower North Foothills Ironbark-Box-Gum Forest	Grassy		Dry Sclerophyll Forests (Shrub/grass sub-formation)	Hunter-Macleay Sclerophyll Forests	Dry	74.83%	
3433	Hunter Spotted Grassy Forest	Coast Gum-Ironbark	Foothills				68.60%	

The proposal will impact 3.71ha of native vegetation compromising of the listed PCT’s and habitat for the threatened species; the offsets required are as follows:

Table 11 Credits required to be retrieved, Source: MJD Environmental, August 2024

Credit type	Impact Area	Number of credits required
Ecosystem Credits	3.71ha	71
Species Credits	16.62ha	323

The project avoided access portions through remnant forest and woodland and proposed the replacement of dams with water quality basins to mitigate aquatic habitat loss.

The Plant Community Types (PCTs) are not assessed as a Threatened Ecological Communities relating to scattered paddock trees and small timbered patches only.

No entities at risk of serious and irreversible impact were identified on the subject land assessed as having likely habitat within the relevant buffers. Studies informing the LEP amendments indicated minimal biodiversity constraints on the pastoral lands in the release area.

6.1.7 Visual Impact

The proposal is supported by a Visual Impact Assessment (VIA) prepared by EMM Consulting. The VIA assesses the potential impact of the development through the combination of the below, two factors:

- Visual sensitivity of the development on the viewer
- Visual effect of the development on the landscape

To measure visual sensitivity and visual effect of the developed site on the locality, viewpoints are selected (Refer to Figure 5.1 of the VIA).

The VIA was completed in accordance with and guided by the local planning legislation, namely, the Maitland Local Environmental Plan (MLEP) and the Maitland Development Control Plan (MDCP). The VIA concluded that proposal would have nil impact on public viewpoints.

One heritage item was identified in the study area with potential views to the subject site approximately 2.6km south east of the Project site. The associated impact rating on the heritage item is low considering the significant distance between the site and the heritage item and the buffer of vegetation on the rural land between the item and the Project site.

The VIA assessed and rated visual impact at seven, further impacts (Refer to table 5.2 in the VIA) and found:

- Low visual impact at four viewpoints
- Moderate visual impact at three viewpoints
- High visual impact at no viewpoints

A limitation of the VIA is that it assesses the existing landscape and characteristics without accounting for anticipated future character of the site. It is noted that “No viewpoints would have received a visual impact rating above low if visual effect was assessed based on the anticipated future character of the site. For this reason, no additional mitigation of anticipated visual impacts is required.”

6.1.8 Noise and Vibrations

An Acoustic Assessment has been prepared by RAPT Consulting to support the Stage 1 works. The rural setting of the Site resulted in the lowest adopted values in the NSW EPA publication Noise Policy for Industry (NPfI) 2017 for deriving construction noise goals for the project.

While it is unknown at this stage what specific plant and equipment are planned to be used generally the typical construction activity on the proposal will be in the form of construction of road and associated infrastructure. The assumed construction sequence is:

- Excavation/Site preparation
- Building of site facilities

Acoustic modelling was undertaken using Bruel and Kjaer’s “Predictor” to predict the effects of construction noise. Predictor calculates environmental noise propagation according to ISO 9613-2, “Acoustics – Attenuation of sound during propagation outdoors.”

The modelling completed in the acoustic assessment confirm that construction noise management levels will be complied with and the highly noise affected level of 75dB(a) LAeq(15min) is also expected to be complied with.

6.1.9 Waste Management

The proposal is supported by a Waste Management Plan (WMP) prepared by JBS&G in accordance with the Maitland Development Control Plan 2011 (MDCP), particularly, ‘Section B.6 – Waste Not – Site Waste Minimisation & Management.’

The WMP provides an outline of considerations regarding waste during site preparation and construction phases of the proposal with respect to types, estimated volumes and potential reduction opportunities. The WMP addresses the requirements of the MDCP, particularly:

- The volume and type of waste and recyclables on site.
- The volume and type of waste and recyclables to be generated.
- The disposal of residual waste and recyclables.
- The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider.

Waste Streams and Classification

The type of waste generated by the development of the site for Stage 1 are categorised in to three streams:

- **Vegetation/Green Waste**

The proposal includes the removal of approximately 156 trees across the site as well as grass, leaves, plants and similar materials. It is estimated that the removal of 156 trees will generate 79,380m² of wood chip. Vegetation/green waste will either be reused on-site or recycled off-site at a facility legally permitted to receive and use the materials.

- **Soils at the site**

The proposal includes bulk earthworks across the site to achieve the appropriate grade, the following table shows the expected cut and fill balances:

Cut/Fill	Stage 1 (Including River Road) Subject of this Application	Whole of site (including River Road) Subject to future approval
Total Cut	130,000m ³	270,000m ³
Total Fill	50,000m ³	120,000m ³
Balance	80,000m ³ excess cut	150,000m ³ excess cut

Table 12 Cut and fill balance for the site, Source: JBS&G August 2024

Soil will be reused on site to achieve site levels, with around 80,000 m³ of excess cut from Stage 1. It is noted that the earthworks for Stages 2-6 are preliminary only and will be resolved in more detail with subsequent development applications.

- **Excess construction materials**

The principal constructor will endeavour to order the required quantum of materials, however where there is excess, the materials will need to be disposed off-site. At this stage, a volume cannot be attributed to these potential waste streams, however, is it prudent to include in this waste management plan to ensure that should any excess materials result from the development, they are managed properly.

7 Suitability of the Site

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The proposed development is permitted with consent within the R1 General Residential Zone and is consistent with zone objectives.
- The development provides additional housing with supporting infrastructure in regionally significant growth area.
- The development aligns with Maitland’s strategic framework to deliver diverse housing in various Urban Release Areas within the Maitland Local Government Area.
- The proposed development will result in the provision of 900 residential lots which aligns with the overarching objectives of the Hunter Regional Plan.
- The Project promotes the orderly and economic development of the land.

8 Submissions

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood this development application will be notified.

9 Public Interest

This section addresses the development in accordance with section 4.15(1)(e) of the Act. The Project is for a master planned community within an Urban Release Area that is permitted with consent in the zone. The development provides additional housing supply in a Regionally Significant Growth Area that strongly aligns with the strategic framework of the local government and the broader Hunter Region. The development of this site will include the augmentation of existing essential services at the cost of the developer; The development of this site will be a catalyst for additional residential development in the Maitland LGA. This development is considered to be in the public interest.

10 Conclusion

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans and is permissible with consent. The proposed development is recommended for approval.