

4 August 2022

General Manager
MAITLAND CITY COUNCIL
PO Box 42
MAITLAND NSW 2320

Attention: Brian Gibson

Dear Brian,

Re: s4.55 Amendment DA18-456 – Identification of Regional Basins & Revision to Stage 4 – Lochinvar Downs Residential Estate

A s4.55 (1A) modification is lodged to Development Consent DA/2018/456:2 (*As amended by Section 4.55 Modification dated 17 February 2022*) for the staged subdivision of land into 293 residential lots and supporting infrastructure.

The application seeks the following:

- Stage 4 – To amend the subdivision layout of Stage 4 to remove the stormwater basin and alternatively provide a bio-basin with detention accommodated by the regional basin to the north, create superlot 432, and provide a road connection into the adjoining estate.
- Stage 6 – To remove the requirement for the construction of a central median on the New England Highway.
- Stages 10 and 13 – To identify the final location and configuration of the regional basin and slightly revise the common boundary of the community facilities site and local park to accommodate the drainage works.

The matters are addressed as follows:

1. Stage 4 – Revised Layout & Bio-Basin

In conjunction with the adjoining property owners (Murphy and McCloys) and further to on-going discussions with Council, the regional basin identified as L38 in the Lochinvar Contributions Plan has been designed and is being constructed by a third party on behalf of Council on the adjoining land to the north of Stage 4 (Lot 12/DP1195444). As a result of this shared basin, Basin A in the NE of the Lochinvar Downs site is to be converted to a bio-basin and repositioned to the east adjoining the drainage channel. It is sized to accommodate the eastern catchment of the estate, catering for stages 4 -12 (excluding stage 9).

There is a minor change to Lilac Avenue (Road 2) and the adjoining lot frontages to enable a road connection to the north into the neighbouring estate (McCloys). The Christopher Road connection to the Springfield Drive distributor network to the east is retained. Lot 432 which was previously the basin site remains as a residential superlot of 4614m² with frontage to Lilac Avenue.

The detail design of road infrastructure, stormwater and water and sewer services has been coordinated between the various owners to ensure consistency with the delivery of the residential land in each of the estates.

A Subdivision Works application for Stage 4 is lodged concurrently with this modification to provide engineering design and drainage calculations to inform the proposed amendments. The engineering design and DA amendments are consistent with the DA modification DA/2017/2585:2 currently under assessment by Council for the adjoining site to the north (McCloy's). It is acknowledged that the Subdivision Certificate for Stage 4 will not be released until the regional basin is constructed.

2. Stage 6 – NEH Central Median

Condition 16(g) requires the restricted median proposed at Station Lane/Cantwell Road/New England Highway and Robert Road/New England Highway to be completed to the requirements of TfNSW and Council prior to the release of Stage 6. This matter has been considered by Council in the previous s4.55 amendment (#2 lodged 19/01/2021) relating to additional TIAs.

The Station Lane/New England Highway intersection upgrade has recently been completed by Lochinvar Downs Pty Ltd under a Works Authorisation Deed (WAD) with Transport for NSW. The design provides for a protected right turn bay into Station Lane from the west, a U-Turn bay on the highway to the west, and the right turn movement restricted from Station Lane onto the NEH heading east in accordance with condition 42 of the development consent. It was determined by TfNSW and supported by Council not to restrict the right turn movement from the NEH into Station Lane and not to provide the centre median along the highway.

The TIA submitted with the DA demonstrated that these intersection upgrade works were satisfactory to cater for the release of the entire Lochinvar Downs estate (313 lots). A further TIA has been prepared to include a cumulative assessment of other active and proposed developments potentially accessing this intersection, as well as their estimated timing for delivery as requested by TfNSW.

The additional modelling confirms that there is significant benefit in maintaining the right turn movement from the New England Highway into Station Lane, and that the current layout at this intersection is suitable to cater for all likely traffic flows through to full development of the Lochinvar URA. Consultation with the local bus companies has also confirmed there is a public benefit in retaining the right turn movement into Station Lane to allow vehicles (in particular buses) to continue to access the schools and allotments on the southern side of Lochinvar URA.

The Robert Road intersection upgrade is currently under construction by a neighbouring landowner, in accordance with the requirements of Development Consent DA12-3005 and under a WAD and detail design approval with TfNSW. Transport for NSW have determined that the central median is not required and the right-turn movement into Robert Road from the NEH is to be retained. An extract of condition 27 of this consent is below. This development application was determined after the adoption of Council's Lochinvar Contribution Plan.

Extract of Condition 27 DA12-3005

The existing CHR Type right turn treatment for vehicles turning right into Robert Road from the NEH shall be retained and an AUL Type treatment shall be provided for left turning vehicles at the intersection of the NEH and Robert Road. The AUL type intersection shall be designed and constructed in accordance with the *Austrroads Guide to Road Design 2010 (with Roads and Maritime supplements)* to the satisfaction of Roads and Maritime and Council.

The modelling demonstrates that this central median is not required at the Station Lane/Cantwell Road/New England Highway intersection as a result of the development of the Lochinvar Downs estate, and is not required at the Robert Road/New England Highway. As such the condition of consent is not warranted.

3. Stages 10 & 13 – Regional Basin & Community Land & Local Park

Following detail engineering design, the footprint of the regional basin and associated bio-basin has been agreed with Council, located within the eastern part of the site fronting Station Lane and Springfield Drive, and identified as proposed Lot 1301. The basin is identified as L36 in Council's Lochinvar Contributions Plan. An easement benefitting Council has previously been registered over this area to enable flexibility with the design.

Whilst it is intended to seek to construct the regional basin on behalf of Council in the immediate future as part of a separate agreement, the timeframe for completion and dedication is not critical to the delivery of this estate.

Basin B1 will be constructed in the interim in conjunction with Stage 2C to temporarily manage stormwater from the southern western catchment of Springfield Drive. It is to be converted to a bio-basin for water quality control for the regional basin. The proposed amendment is consistent with the detailed engineering plans lodged with Council for assessment in conjunction with Subdivision Works application SW2022-08 (CFT-119699).

Council has confirmed that as the B1 basin works form part of the overall footprint and operation of the regional basin and are being undertaken on behalf of Maitland City Council that they are considered an exempt activity and does not require a Controlled Activity Approval from NRAR.

As a result of the design of the regional basin and associated bio-basin B1, there is a very minor change to the alignment of the western and southern boundary and configuration of the proposed community facilities site and the local park. The location of both sites remain the same. Similarly the boundary to Stage 11 superlot to the south has been slightly amended to accommodate the regional basin.

The site areas continue to satisfy Council's requirements being 1ha for the community facility and 5000m² for the local park, both adequately shaped and positioned to be capable of supporting their intended future uses, and directly accessible from Springfield Drive and Leyland Circuit. The combined facility will have a high level of amenity being co-located with the surrounding public drainage reserve. The land will be dedicated to Council and offsets will be sought against the development contributions as provided for in the Lochinvar Contributions Plan.

The conditions sought to be amended are identified in the attached schedule. There is an overall increase of 1 lot to the estate which is located in Stage 4. The staging sequence remains the same and the development layout remains consistent with the approved stamped subdivision plans. The proposed modification will result in substantially the same development. There is minimal environmental impact arising from the proposed modification and the changes have occurred as a result of coordinating the delivery of infrastructure with the adjoining estates and in consultation with Council.

It would be appreciated if you could consider the proposed amendments at your earliest convenience to enable construction to progress.

Yours faithfully,

**On behalf of,
Lochinvar Downs Pty Ltd**

Schedule of proposed amendments to DA18-456:2:

- Condition 1 – Amend plan references
- Condition 2 – Amend development contributions to include an additional residential lot
- Condition 16(g) – Stage 6. Delete requirement for construction of the central median on the New England Highway for this development. The TIA & modelling prepared determined that the Station Lane/NEH intersection upgrade works recently completed were satisfactory to cater for the release of the entire Lochinvar Downs estate (313 lots) and no further works were required. The Robert Road intersection works are being constructed to the requirements of TfNSW under a WAD and in accordance with DA12-3005.