



STATEMENT OF ENVIRONMENTAL EFFECTS

Concept Development Application and Stage 1 Subdivision

51, 134 & 146 Station Lane, Lochinvar

GLN Planning Pty Ltd Trading as GLN Planning
ABN 39 585 269 237

A Level 10, 70 Pitt Street Sydney NSW 2000
P GPO Box 5013, Sydney NSW 2001
E info@glnplanning.com.au
T (02) 9249 4109 F (02) 9249 4111

glnplanning.com.au

Statement of Environmental Effects

Concept Development Application and Stage 1 Subdivision
Lot 3 DP 564631, Lot 2 & 4 DP634523 at 51, 134 and 146 Station
Lane, Lochinvar

Prepared for

UPG 77 Pty Ltd ACN 623 973 046

By



ABN 39 585 262 237

A Level 10, 70 Pitt Street, Sydney 2000 P GPO Box 5013, Sydney
NSW 2001

T (02) 9249 4100 F (02) 2949 4111 E info@glnplanning.com.au

glnplanning.com.au

ABN 39 585 262 237

A Level 10, 70 Pitt Street, Sydney 2000 P GPO Box 5013, Sydney NSW 2001

T (02) 9249 4100 F (02) 2949 4111 E info@glnplanning.com.au



Date of final issue: 7 July 2021

File Path: C:\Users\Michael Hanisch\Dropbox (GLN Planning)\Public\Projects\Active\11519
Bathla - Lochinvar - Concept DA Appeal\Report

Project Manager: Michael Hanisch

Client: UPG 77 Pty Ltd ACN 626 973 046

Project Number: 11519

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Document History and Status

| Version | Issue To | Qty | Date | Prepared by | Reviewed by |
|----------|----------|-----|---------|-------------|-------------|
| V1 Draft | G. Allen | 1-e | | MH | PG |
| Final | G. Allen | 1-e | 7/07/21 | MH | PG |

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Executive Summary

This Statement of Environmental Effects (**SEE**) has been prepared to accompany an application lodged by UPG 77 Pty Ltd ACN 626 973 046 (the **Applicant**) for:

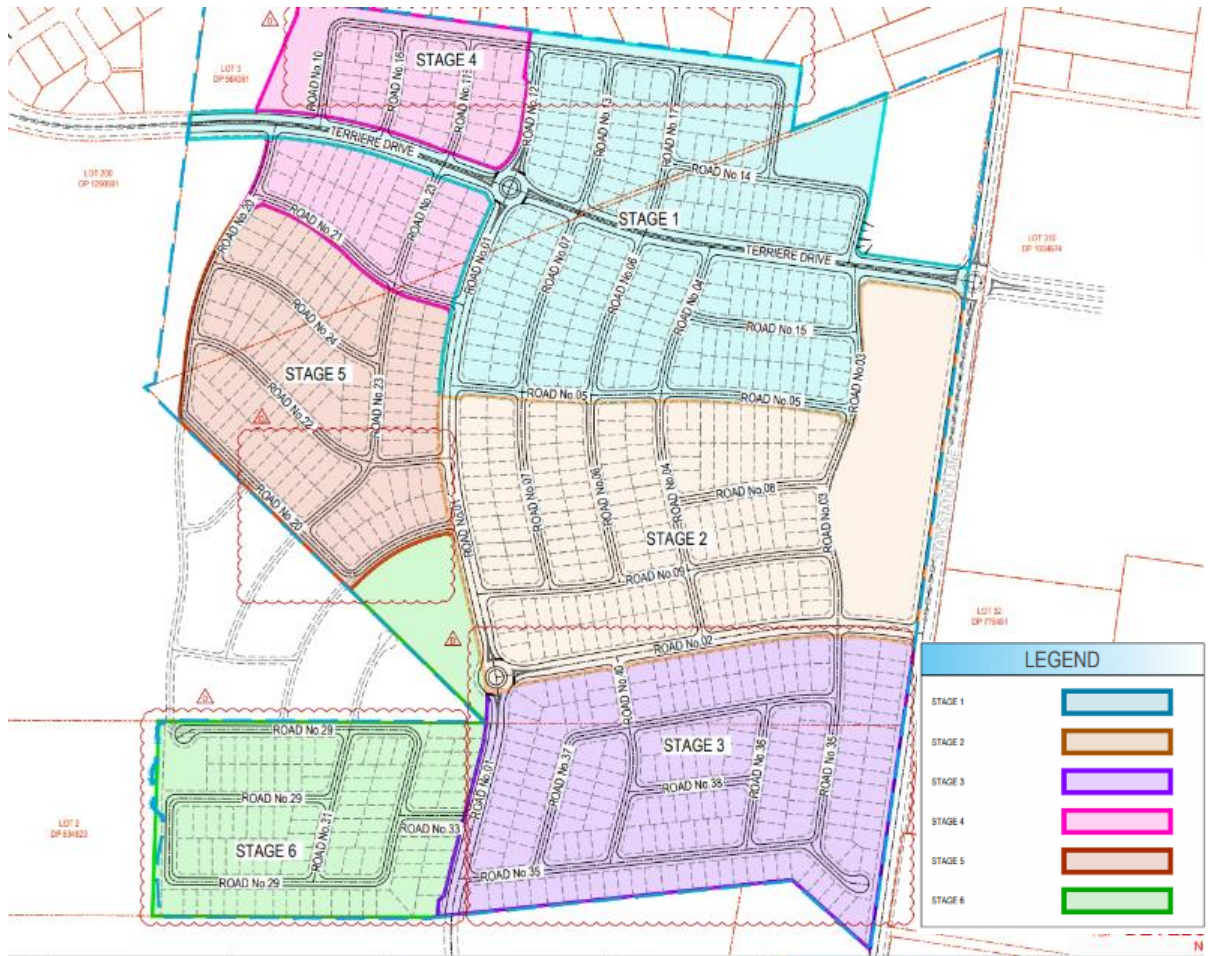
- Concept Development Application (**CDA**) for the staged delivery (6 stages) of;
 - Demolition of existing structures and clearing of the land,
 - 812 x residential allotments, varying in size between 450m² to 1,116m²,
 - 1 x Residue Lot zoned RU2 Rural Landscape,
 - Open space comprising of 2 x active pocket parks, 2 x riparian corridors and drainage reserve.
 - Associated civil works including delivery of roads, earthworks, drainage, connection to services.
- Development Application (**DA**) for subdivision and works associated with Stage 1 in the CDA including:
 - Clearing of the land,
 - 203 residential allotments, varying in size between 450m² - 804m²,
 - Planted buffer and open space link along the northern border of the site,
 - Associated civil works including delivery of roads, earthworks, drainage and connection to services, and
 - Works within a riparian corridor comprising of the placement of fill and a culvert over 3rd order streams to facilitate a road.

The CDA is located over land located at:

- 51 Station Lane, Lochinvar (Lot 3 DP564631),
- 134 Station Lane, Lochinvar (Lot 4 DP634523),
- Part of 146 Station Lane, Lochinvar (Lot 2 DP634523) to extent of the lot that is in the Lochinvar Urban Release Area and zoned R1 General Residential.

The DA for Stage 1 subdivision and works is contained within:

- 51 Station Lane, Lochinvar (Lot 3 DP564631),
- 134 Station Lane, Lochinvar (Lot 4 DP634523).



Source: Orion Consulting

Figure 1 Proposed Staging Plan

The original application was submitted on 16 December 2020 under DA/2020/1388, this revised SEE has been prepared in response to a request for further information issued by Council during the assessment of the original application. This SEE supersedes the original SEE and is accompanied by the original supporting information as well as the following amended plans and reports including:

- Revised Lot Layout (**Appendix A**)
- Supporting Urban Design Report (**Appendix B**)
- Associated revised Engineering Design (**Appendix E**)
- Revised Contamination Report prepared by Geotesta (**Appendix F**)
- Additional Traffic Assessment to the Traffic Impact Assessment (**Appendix I**)
- Evidence of a Letter of Offer to enter into a State Voluntary Planning Agreement (VPA) – Appendix (**Appendix O**)

This SEE has been informed by the details provided in the original application to the extent they are still relevant, which are also appended to this SEE and referred to throughout.

This DA seeks approval for a CDA as well as the DA for Stage 1 subdivision and works pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The site is zoned part R1 General Residential, and the development is permissible with consent pursuant to *Maitland Local Environmental Plan 2011* (**MLEP**).

The proposal is categorised as “Integrated development” pursuant to section 4.46 of the EP&A Act given:

- The site is mapped as bushfire prone land and requires a Bushfire Safety Authority from the New South Wales Rural Fire Service for the subdivision of bushfire prone land pursuant to section 100B of the *Rural Fires Act 1997*.
- Works are proposed within 40 metres of hydro line identified on the 1:10,00 topographic map. This application requires referral to the Natural Resource Access Regulator to confirm any requirement for a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000* for the temporary drainage works proposed in this area.
- The proposal is over land that contains an identified Aboriginal Places and Potential Archaeological Deposits (**PAD**). The proposed Stage 1 works may impact some of these areas. If determined that the proposal will affect any Aboriginal Place or Object, an Aboriginal Heritage Impact Permit (**AHIP**) is required. It is understood that additional information regarding the impact will be submitted under separate cover. This will ultimately identify whether an AHIP is required or not and may be reflected in a condition of consent.

The proposed development is not considered “Designated development” or “State significant development” pursuant to the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulations**). As the proposal has an overall capital investment value (**CIV**) of \$48,882,457.79 (see **Appendix N**) the proposal is considered Regionally Significant Development in accordance with Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**), accordingly the Hunter and Central Coast Regional Planning Panel is the consent authority.

The proposed development has been assessed against the relevant objectives of *Maitland Development Control Plan 2011* (**MDCP**). The proposal is considered to meet the principles and objectives of the DCP whilst providing a high level of amenity for future residents. Furthermore, this proposal has been considered in the context of the Lochinvar Structure Plan and associated documentation that informed the original rezoning of the land and the creation of the Lochinvar Urban Release Area (**URA**) of which the site is a part of.

The proposal represents out of sequence development from that provided within the Lochinvar Structure Plan, however the Applicant has engaged with service providers and the Department of Planning, Industry and Environment (**DPIE**) to ensure that services can be made available to the development in accordance with the Delivery Sequencing Plan in **Appendix C**. The Applicant issued a letter of offer to enter into a State Voluntary Planning Agreement (**VPA**) for delivery of state infrastructure (**Appendix P**). In addition, the Applicant has agreed to fund key infrastructure upgrades if they are required, ahead of the sequence in the Lochinvar Section 7.11 Contributions Plan and Lochinvar Structure Plan, with appropriate credits to be applied. It is expected that this arrangement could occur under relevant works in kind agreements or under a VPA with Maitland City Council (**Council**) (should this be Council’s preference) to ensure efficient and economical delivery of required services on a stage by stage basis.

This SEE concludes that the proposed development is an acceptable form of development as it will assist in the delivery of land and housing to the public in the Maitland local government area, Newcastle Metropolitan Area and the Greater Hunter Regional Area without having any unacceptable adverse impact upon the environment and surrounding location.

1 Introduction

1.1 Background

This SEE accompanies an application for CDA and a DA for Stage 1 subdivision and works. The CDA comprises of staged delivery of 812 residential lots and associated roads, infrastructure parks and riparian corridors. The DA for Stage 1 subdivision and works will include delivery of Stage 1 of the CDA, which includes delivery of 203 residential allotments, roads and civil works. The proposed development is over land at:

- 51 Station Lane, Lochinvar (Lot 3 DP564631),
- 134 Station Lane, Lochinvar (Lot 4 DP634523), and
- Part of 146 Station Land, Lochinvar (Lot 2 DP634523) to extent of the part of the lot that is in the Lochinvar Urban Release Area and zoned R1 General Residential.

The proposal represents a modified form of the application submitted to Council under DA/2020/1388 on 16 December 2021. The proposal has been amended to include additional supporting studies as well as revised lot layout that has reduced the total number of allotments being delivered under the CDA from 822 to 812.

The site is located within the Lochinvar URA. The URA has been undergoing significant transformation from the historical rural uses to urban purposes since its rezoning in 2010. Prior to rezoning, the Precinct was subject to extensive studies and consultation with the community, Council, stakeholders and agencies to inform the orderly development with the necessary infrastructure and services to accommodate the planned changes and growth.

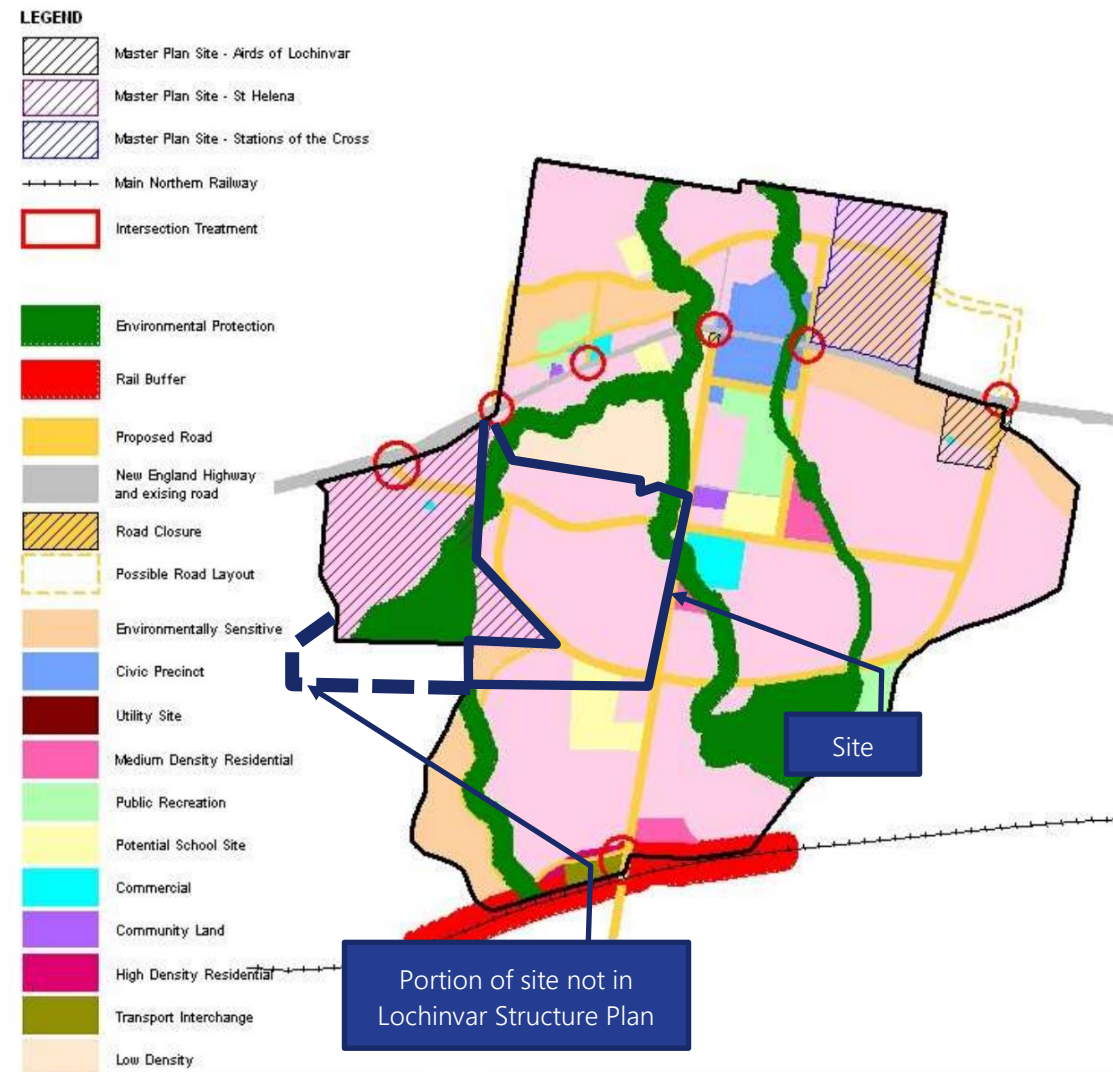
An extract from the Structure Plan for the Lochinvar URA is shown in **Figure 2**. This Plan nominates the site for medium density residential as well containing proposed roads and some areas identified for environmental protection. The Structure Plan is supported by the relevant planning controls applying to the site under the MLEP and MDCP.

Using Council's online ePlanning Portal, **Table 1** below identifies development on adjoining properties that is relevant in the context of the subject proposal. These investigations show that the proposed development will be consistent with surrounding development, and will ensure the orderly development and efficient use of land. It is our understanding the proposed road layout, particularly the location and levels for Terriere Drive have been designed to integrate with surrounding approvals.

Table 1. Relevant DAs

| DA No. | Description | Address | Status |
|-------------|---|-------------------------------------|------------------|
| DA/2021/473 | Torrens title subdivision – Two (2) into two hundred and twenty four (224) lots | 213 and 229 Station Lane, Lochinvar | Under Assessment |

| DA No. | Description | Address | Status |
|-------------------------------|---|---|--|
| DA/2018/456 (as modified) | 313 Lot Torrens Title Subdivision | 101 Station Lane, Lochinvar and 30 Christopher Road, Lochinvar | Approved (modification currently under assessment) |
| DA/2017/1401 (as modified) | 146 Lot Torrens Title Subdivision | 799, 803 and 807 New England Highway, Lochinvar | Approved (modification currently under assessment) |
| DA/2019/958 | Torrens Title Subdivision – 69 Residential Lots, 1 Drainage Reserve, Residue Lot and 1 super Lot | 8 Terriere Drive, Lochinvar | Approved |



Source: Maitland City Council

Figure 2 Snapshot of Lochinvar Structure Plan

1.2 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 of the EP&A Regulation for the purpose of:

- Demonstrating that the environmental impacts of the development have been considered, and
- Outlining steps to be undertaken to protect the environment or to lessen any expected harm to the environment.

This SEE details the necessary information for the proposal to be assessed by the consent authority, including a description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

This SEE concludes the proposed development is acceptable in that it is consistent with the relevant planning controls and will have minimal environmental impacts that can be satisfactorily managed.

1.3 Type of Development Application

This DA seeks approval for CDA and DA for Stage 1 subdivision and works. Ultimately the CDA will include the delivery of 812 residential allotments over six stages. The associated Stage 1 DA is for 203 residential lots and includes site clearing, civil works as well as delivery of roads and works within a riparian corridor. The proposal constitutes “development” pursuant to section 1.5 of the EP&A Act.

The capital investment of the development is over \$30 million and will be referred to the Hunter and Central Coast Regional Planning Panel for determination in accordance with section 2.15(a) of the EP&A Act.

The Applicant has elected to lodge the DA as “Integrated development” pursuant to section 4.46 of the EP&A Act given the land the subject of this DA is mapped as bushfire prone land and the proposal includes works within 40m of a waterway. The following is therefore required:

- A Bushfire Safety Authority is required to be obtained from the New South Wales Rural Fire Service (**RFS**) pursuant to section 100B(1) of *Rural Fires Act 1997* (**RF Act**) ‘for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes’.
- Works are proposed within 40 metres of the hydro lines identified on the 1:10,00 topographic map. The Lochinvar Structure Planning process for the URA has identified these watercourses, and the roadways that are required to cross the riparian areas. Nonetheless, this application should be to the Natural Resource Access Regulator (**NRAR**) to confirm any requirement for a Controlled Activity Approval (**CAA**) pursuant to Section 91 of the *Water Management Act 2000* (**WM Act**).
- A Basic Aboriginal Heritage Information Management Systems (**AHIMS**) search has confirmed that there are a number of Aboriginal Places and PADs that exist on the site. The Aboriginal Heritage Due Diligence Assessment in **Appendix L** has investigated these identified Places and PADs and determined that some of the previously identified objects no longer exist on the site due to impacts from natural processes. It is our understanding that the relevant Site Cards are being updated. Other objects and PADs have been largely contained within the proposed riparian corridor. Regardless, the Stage 1 DA works have the potential to impact some of these identified objects and PADs. Additional investigations are

currently being undertaken, the results of which will be provided under separate cover. At this stage, it is not known if the Stage 1 DA works component of the application will cause harm to an Aboriginal object or place therefore the application should be referred to Heritage NSW for assessment against the requirements in Part 6 of the *National Parks and Wildlife Act 1974*. It is suggested that a condition of consent could include the additional investigations to be undertaken.

This DA does not trigger any further integrated development approval requirements under section 4.46 of the EP&A Act. Section 4.2 of this SEE provides further discussion regarding integrated development matters.

1.4 Referrals and Consultation

As discussed above, the proposal is categorised as “Integrated development” pursuant to section 4.46 of the EP&A Act and is to be referred to the relevant authorities to obtain General Terms of Approval.

As the proposed development includes the ultimate subdivision of land for 200 or more allotments a referral to the Transport for NSW is required. As prescribed in schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*, the DA is considered traffic generating development as it includes the ultimate subdivision of the land for more than 200 residential allotments. The proposal will require referral to Transport for NSW for a period of 21 days.

In addition, the Concept DA will require the undergrounding of an overhead electrical infrastructure. Although the actual works will be subject of future DAs relevant to Stages 3 and 6 subdivision and works, the current proposal includes “Development likely to affect an electricity transmission or distribution network” under clause 45 of the Infrastructure SEPP and must be referred to the electricity supply authority for a period of 21 days.

2 The Site and Locality

This section of the SEE describes the site and its location. It defines the project area for the purpose of this SEE and provides a summary of the key features of the environment of the area, and the broader locality which may be impacted by physical works, and therefore provides the key factors considered as part of a site analysis of the land.

2.1 Site Location

This site is situated south of the town of Lochinvar, within the Maitland local government area (**LGA**) and is part of the greater "Lochinvar Urban Release Area". The Maitland LGA is part of the Hunter Region and greater Newcastle Metropolitan Area. Strategic planning in the Hunter Region and Newcastle Metropolitan Area are guided by the Hunter Regional Plan 2036 (**Regional Plan**) and the Greater Newcastle Metropolitan Plan 2036 (**Metropolitan Plan**).

Both plans identify Lochinvar as an area of emerging employment and residential opportunities. The Metropolitan Plan States that "a significant proportion of Greater Newcastle's greenfield development will continue to occur in Maitland, focused on the two priority housing release areas of Thornton-Lochinvar and Maitland-Kurri Kurri".



Source: DPIE

Figure 3 Greater Newcastle Metropolitan Plan

The Maitland Local Strategic Planning Statement 2040 (**LSPS**) was adopted by Council in June 2020 and outlines how the outcomes and strategies of the Regional Plan and Metropolitan Plan will be implemented across the Maitland LGA. Lochinvar is identified in the LSPS as part of the greater Western Precinct which is currently home to around 23,000 residents and is expected to grow to over 40,700 residents. The site is included in an area identified as a priority housing release area, referred to as the Lochinvar URA.

Source: Maitland City Council

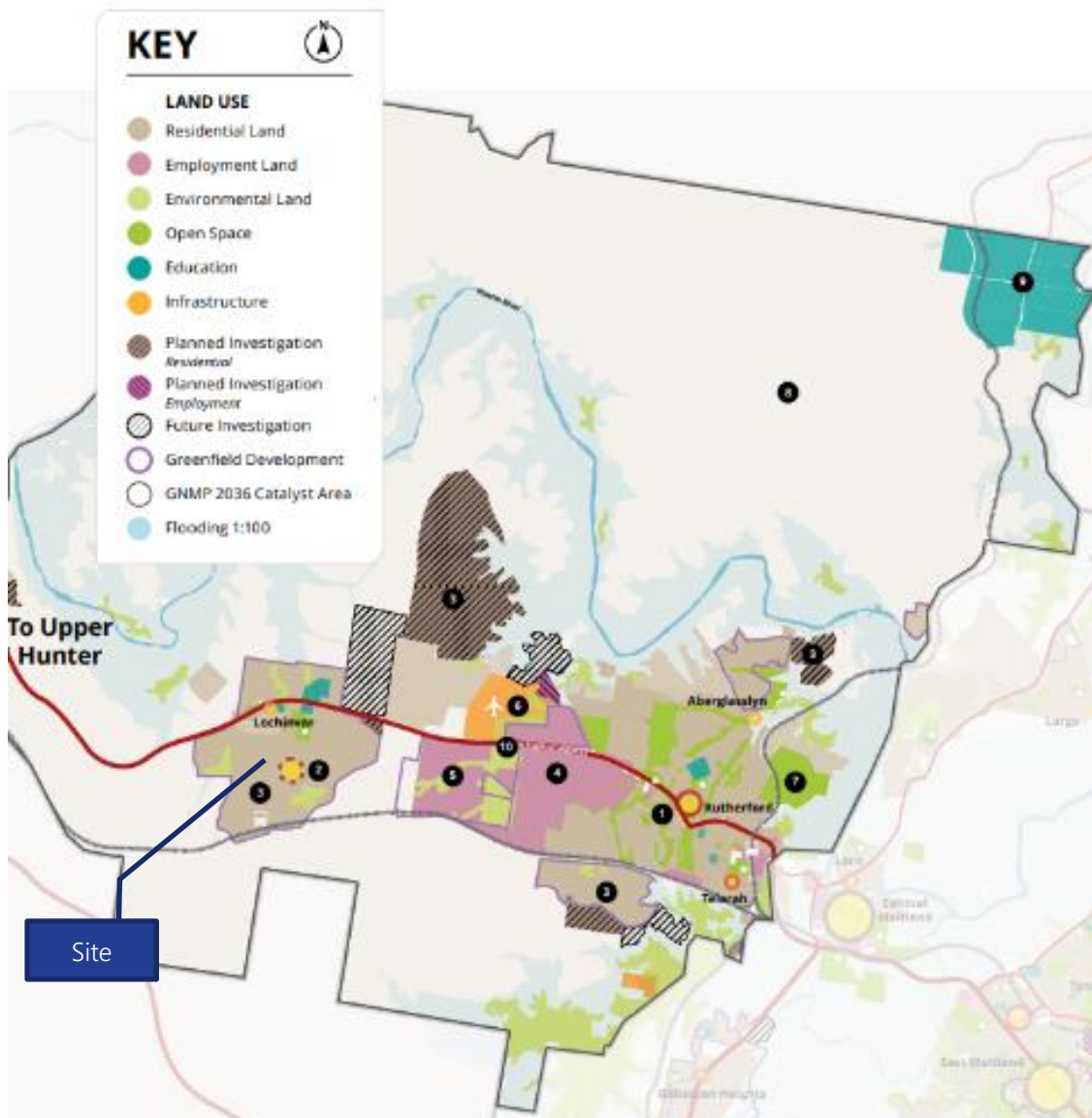
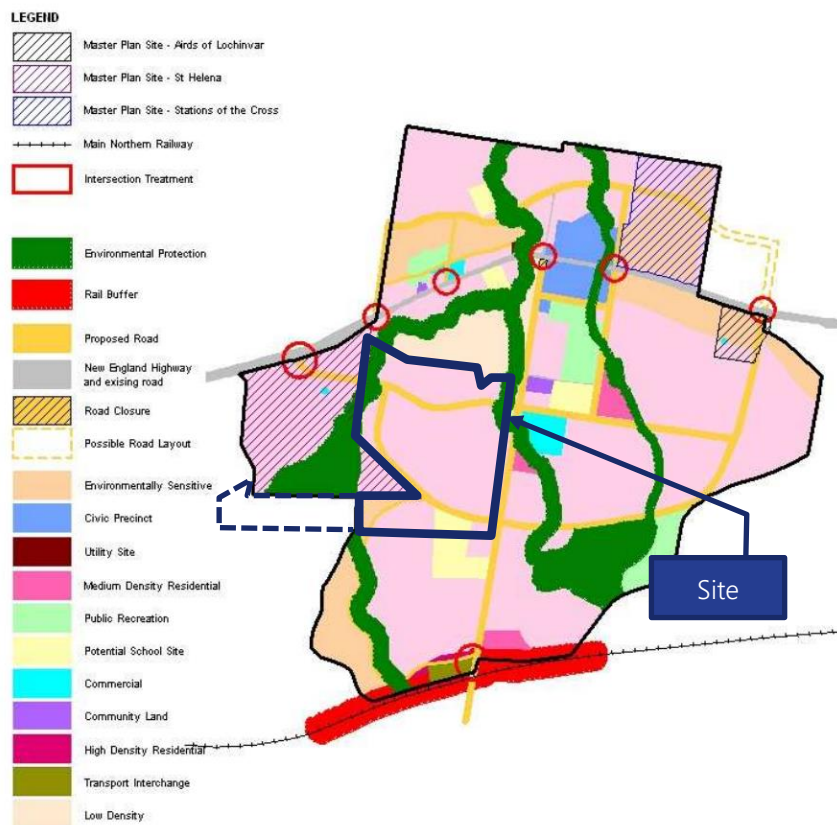


Figure 4 Map of the Western Precinct in the Maitland LSPS

The Lochinvar URA was originally identified in the Lower Hunter Regional Strategy 2006 as a "Proposed Urban Area". The (former) Department of Planning and Maitland City Council subsequently funded studies and developed the Lochinvar Structure Plan in 2007. The Structure Plan identified opportunities and constraints for the Lochinvar URA and was informed by investigations into the following key areas of consideration:

- Biodiversity
- Bushfire hazard
- Soils
- Topography
- Flooding and drainage
- Lot structure
- Scale of development
- Transport and traffic
- Visual environment
- Services and infrastructure
- Community facilities
- Heritage

Ultimately, the investigations found that there was limited vegetation or threatened fauna species in the area as well as limited risk from bushfire and flooding. Ultimately the Lochinvar Structure Plan aimed to achieve an urban structure based on a walkable, mixed use town, with capacity for up to 5,000 dwellings. The subject site is identified in the Structure Plan largely for medium density housing with areas of environmental protection.

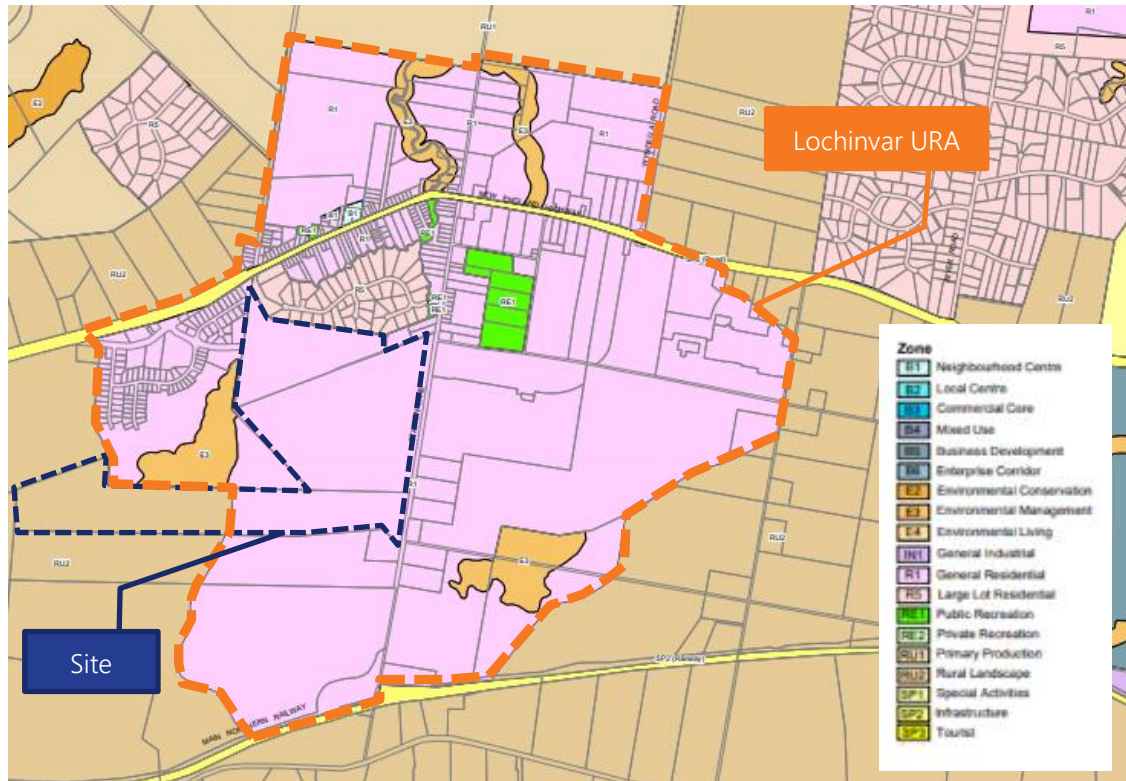


Source: Maitland City Council

Figure 5 Lochinvar Structure Plan

Subsequent to the creation of the Lochinvar Structure Plan, the Lochinvar URA was rezoned by Council in 2010. The rezoning included the site in the R1 General Residential zone. The western

portion of Lot 2 DP634529, 146 Station Lane, Lochinvar was not included in the Lochinvar URA and therefore was not rezoned.

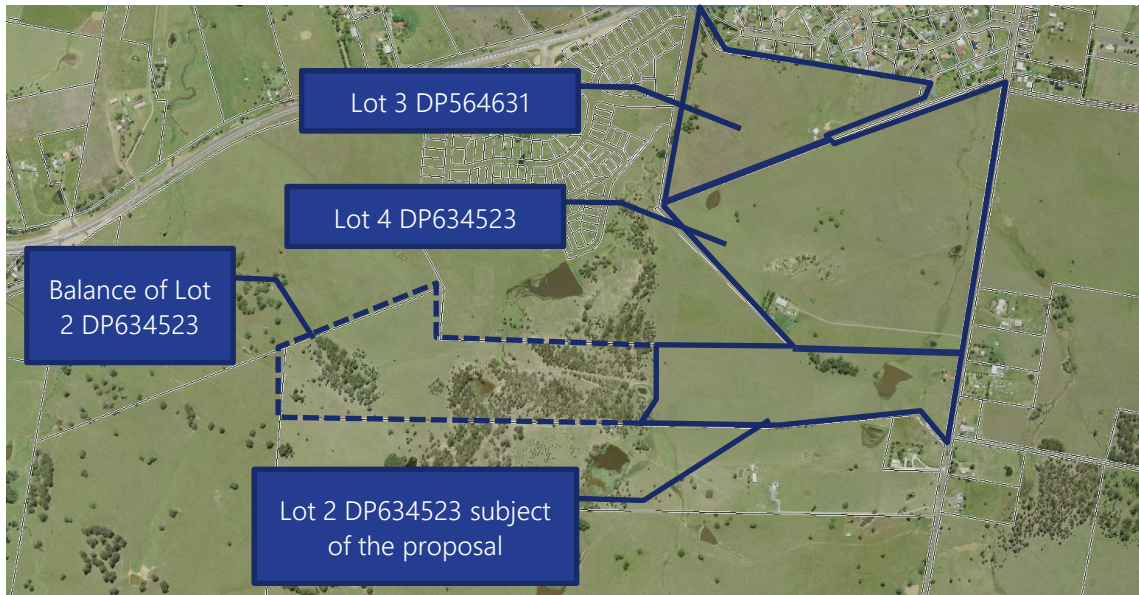


Source: Maitland LEP

Figure 6 Snapshot of Land Zoning Map (Lochinvar URA in Orange Dash – Site in Blue Dash)

2.2 Site Description

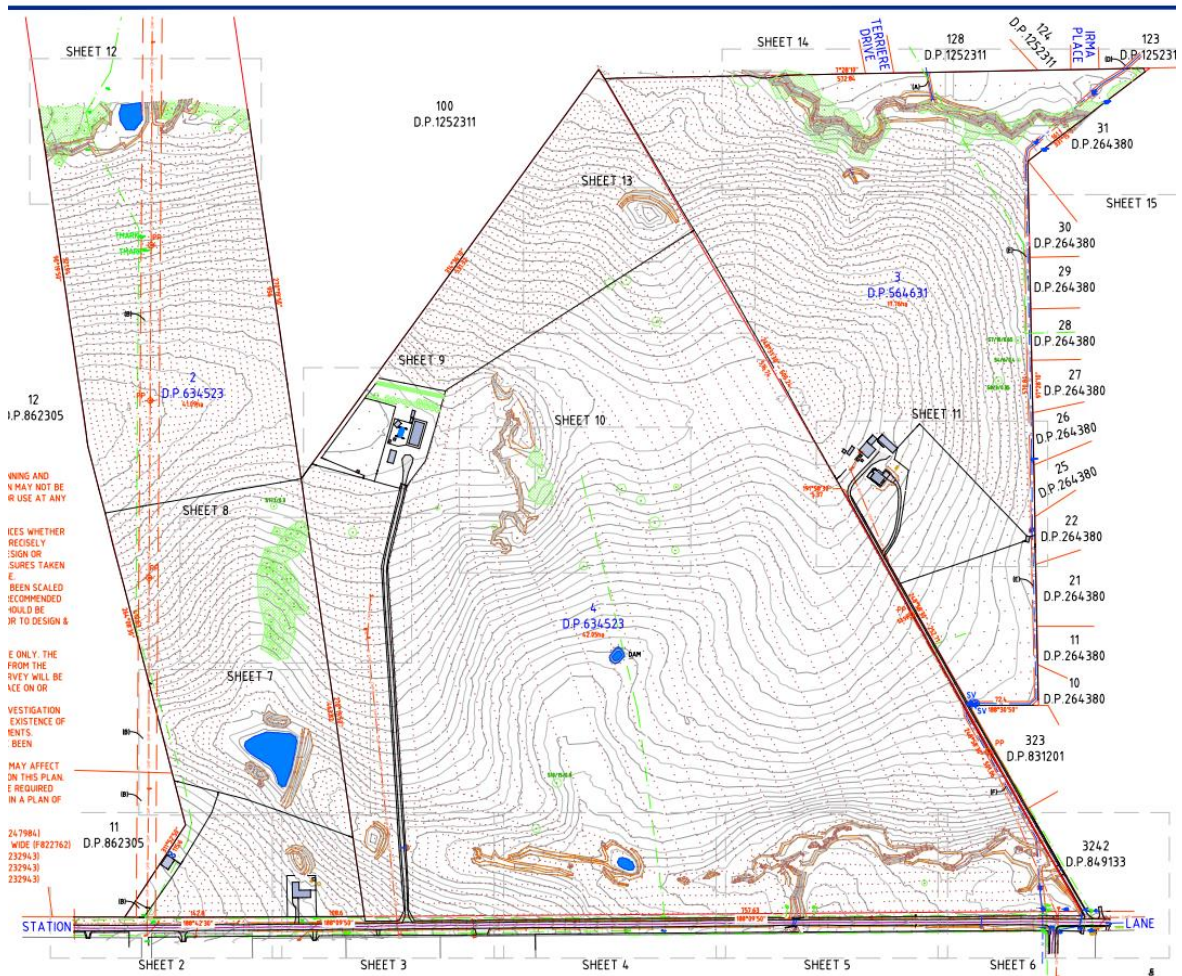
The site is located to the west of Station Lane and south of existing large lot residential development on Freeman Drive. The site comprises of three allotments, being Lot 3 DP564631, Lot 2 and 4 DP634523 and Part of Lot 2 DP634523. Although the land subject of this application includes Lot 2 DP634523, only part of the lot is subject to development.



Source: SIX Maps

Figure 7 Aerial of site

The site is currently used for grazing and is improved by three dwellings as well as ancillary structures. Two watercourses cross the north eastern and north western portion of the site. Both Lot 4 DP634523 and Lot 2 634523 contain dams as shown on the Contour and Detail Survey in **Appendix D**. The contour and detail survey also show easements that traverse the site for the purposes of electricity transmission lines (southern portion of the site), water pipelines (adjoining northern site boundary) and drainage (north western corner of the site into the existing waterway).



Source: de Witt Consulting

Figure 8 Contour and Detail Survey

2.3 Geology, Soils and Groundwater

Geotesta were engaged to undertake a geotechnical assessment of the site. The fieldwork undertaken included the drilling of nine bore holes on 1 August 2019. The findings of this testing are presented in the report provided in **Appendix G**. On review of the site salinity and aggressivity, it was found that the site is considered “non-saline to slightly saline” as well as being “non-aggressive for concrete piles and non-aggressive to mild aggressive to steel piles”.

After considering the geology of the area and the soil profile encountered in the bores; Geotesta classified the site as Class ‘E’ with respect to foundation construction (Australian Standard 2870-2011 Residential Slabs and Footings).

Geotesta were also engaged to consider the current and historical uses on the land and undertake additional fieldworks and lab analysis to identify any potential contaminants, which would affect the ability for the site to be used for residential pursuits. This included analysis of the dam water. The report in **Appendix F** included the following findings:

- Concentration of all soil and dam water heavy metal analytes were below the Site Assessment Criteria except for Arsenic concentration in Sample BH101.
- Additional investigations were undertaken to investigate Chromium concentrations on the site, which were specifically found in samples SA, S5, BH101, BH104, COM3, COM5 and COM14. The additional testing found that the hexavalent chromium in the sample was below the Site Assessment Criteria and concluded that these findings would be reflected in the other samples containing Chromium concentrations.
- Concentrations of Organochlorine Pesticides/Organophosphorus Pesticides (OCP/OPP) of soil and dam water samples were below the Site Assessment Criteria.
- Concentrations of PAH, TRH and BTEX analytes were below the Site Assessment Criteria.
- No asbestos detected, and only Organic fibres were detected in all the samples.

Ultimately, the site conditions were deemed able to be made suitable for residential development provided that a Remediation Action Plan (**RAP**) is developed and implemented. Geotesta have outlined that the likely strategy formulated in a RAP would include removal and offsite disposal of identified contaminated soil.

2.4 Biodiversity and Riparian Corridors

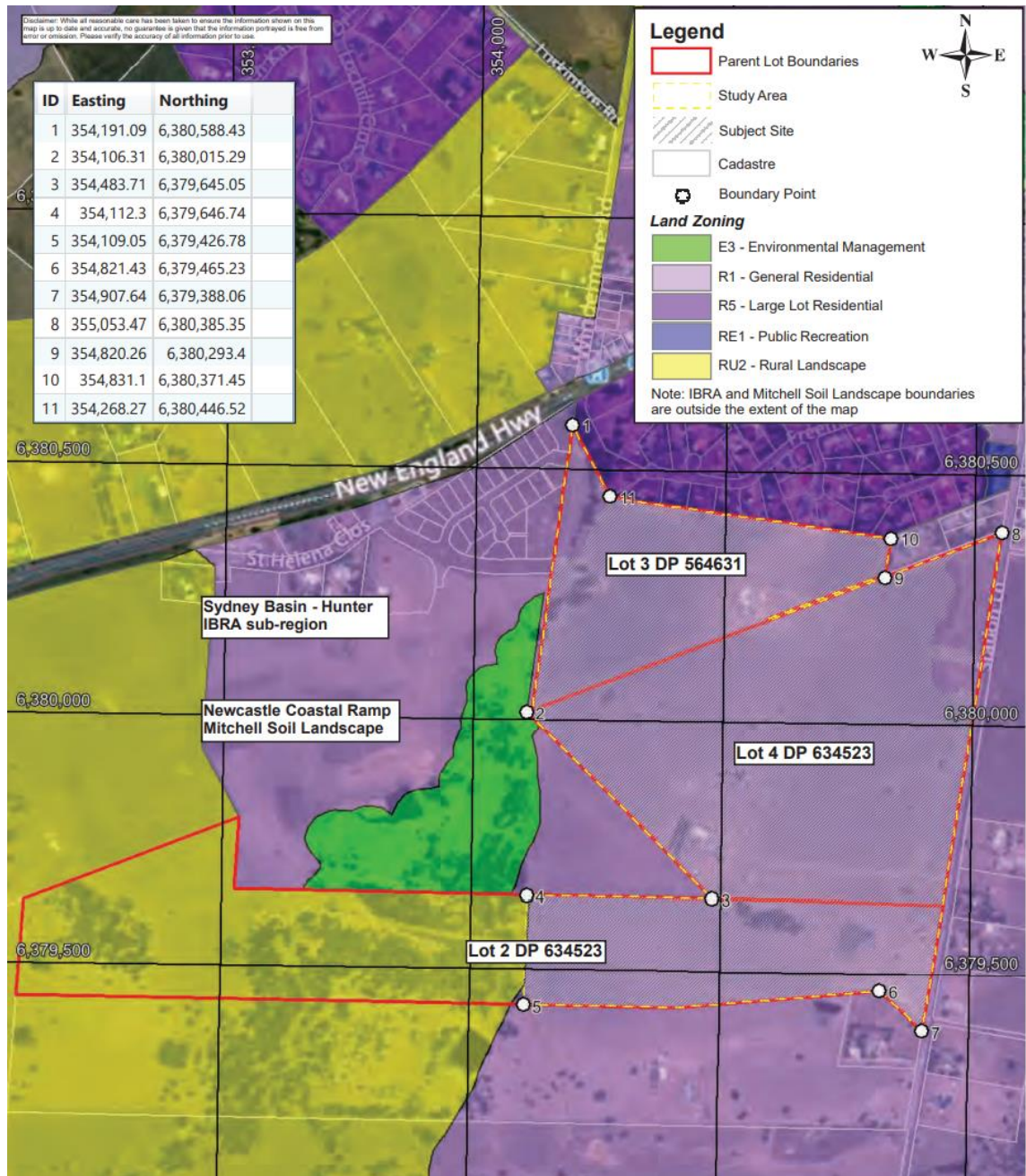
The Lochinvar Structure Plan outlined that there is limited biodiversity value in the Lochinvar URA. The potential areas of biodiversity value were concentrated in the remnant vegetation in the southern area along of URA, along with certain wetlands. Ultimately these concentrated areas of biodiversity value were zoned for E3 Environmental Management or excluded from the URA all together.

To further identify any biodiversity value on the site, AEP were engaged to prepare a Biodiversity Development Assessment Report (**BDAR**) which is provided in **Appendix J**. The scope of the area investigated by AEP was confined to the land zoned R1 General Residential. The part of Lot 2 DP634523 at 146 Station Lane that is zoned RU2 Rural Landscape was not included in AEP's investigation (see **Figure 9**).

AEP's findings included identification of two Plant Community Type (**PCT**) being:

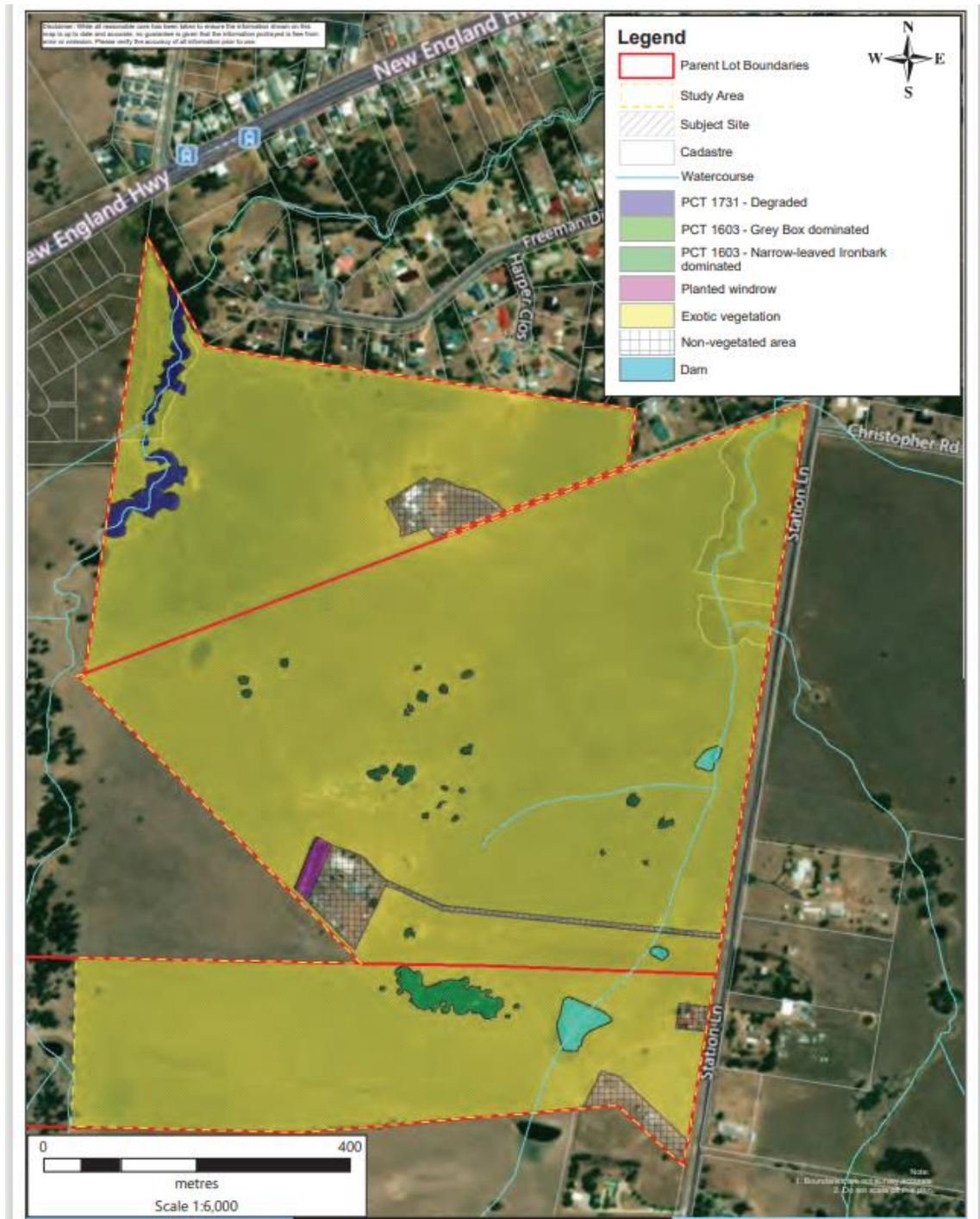
1. *PCT 1603 - Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter (0.70ha), and,*
2. *PCT 1731 – Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley (0.46ha).*

These PCTs are commensurate with two State listed Endangered Ecological Communities (**EEC**); the Central Hunter Grey Box-Ironbark Woodland in the New South Wales North Coast and Sydney Basin Bioregions and Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. The remainder of the area investigated by AEP (71.61ha) consisted of land dominated by exotic flora and cleared areas including gravel tracks, dwellings, farm buildings and highly managed pastureland, which do not require assessment for ecosystem values and were determined not to provide habitat for threatened species. Mapping of the PCT present on site is shown in **Figure 10**.



Source: AEP

Figure 9 AEP Study Area

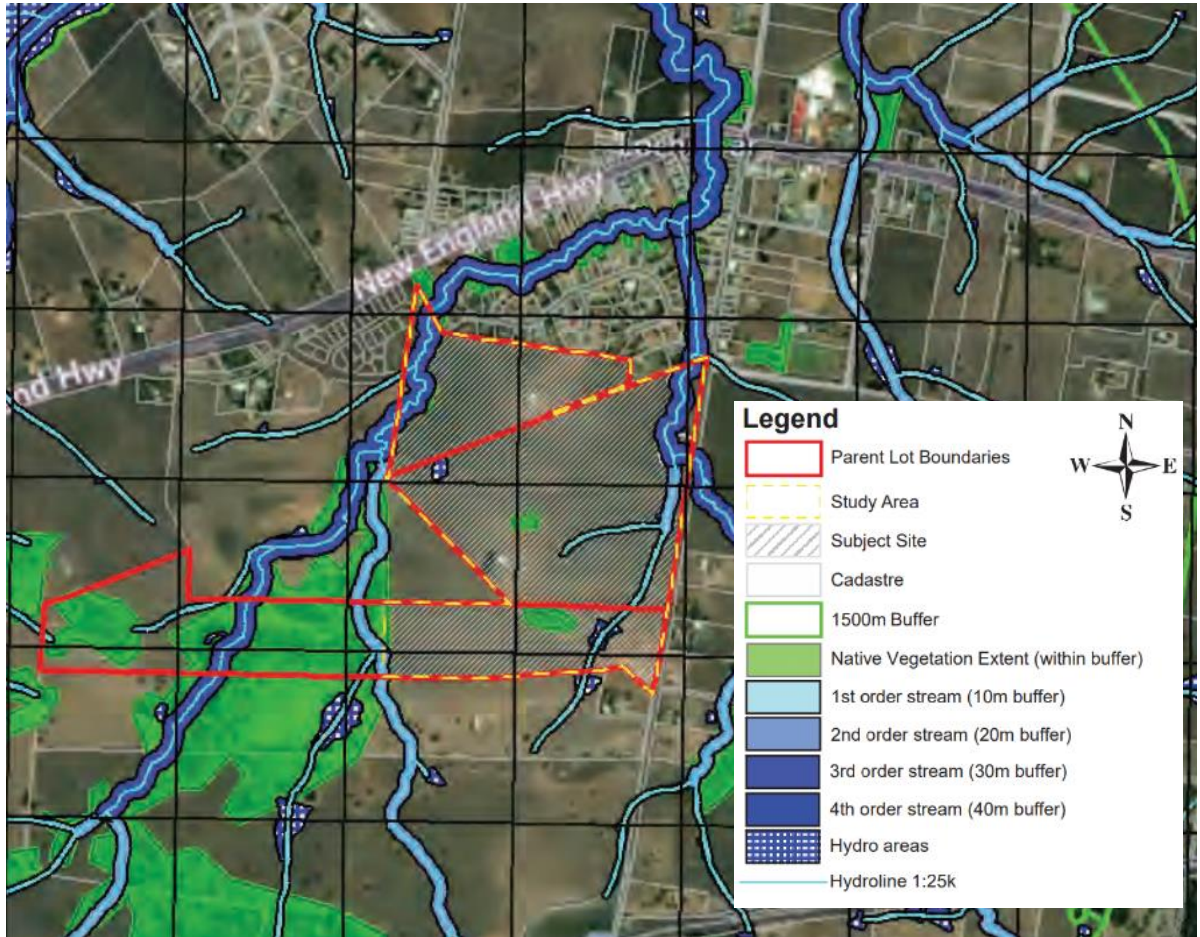


Source: AEP

Figure 10 PCT overview

In addition to existing vegetation AEP have identified two watercourses that traverse the site. The watercourses including associated Vegetated Riparian Zones (**VRZ**) and total Riparian Corridors (**RC**) were mapped by a surveyor. AEP note that the Hydroline Spatial Data no longer matches entirely the actual watercourse bed and outlines that this is “probably due to ongoing erosion issues associated with disturbance from current land management practices such as cattle grazing and lack of deep rooted riparian vegetation”.

Although the Maitland Hydroline Spatial Data identifies 1st and 2nd order streams in the eastern portion of the site, AEP have determined that “no clearly defined channels or banks were observed on the ground.” Consequently, as these streams possess one large dam and two minor dams and occur mostly as grassy swales” these streams are excluded from AEP’s assessment.



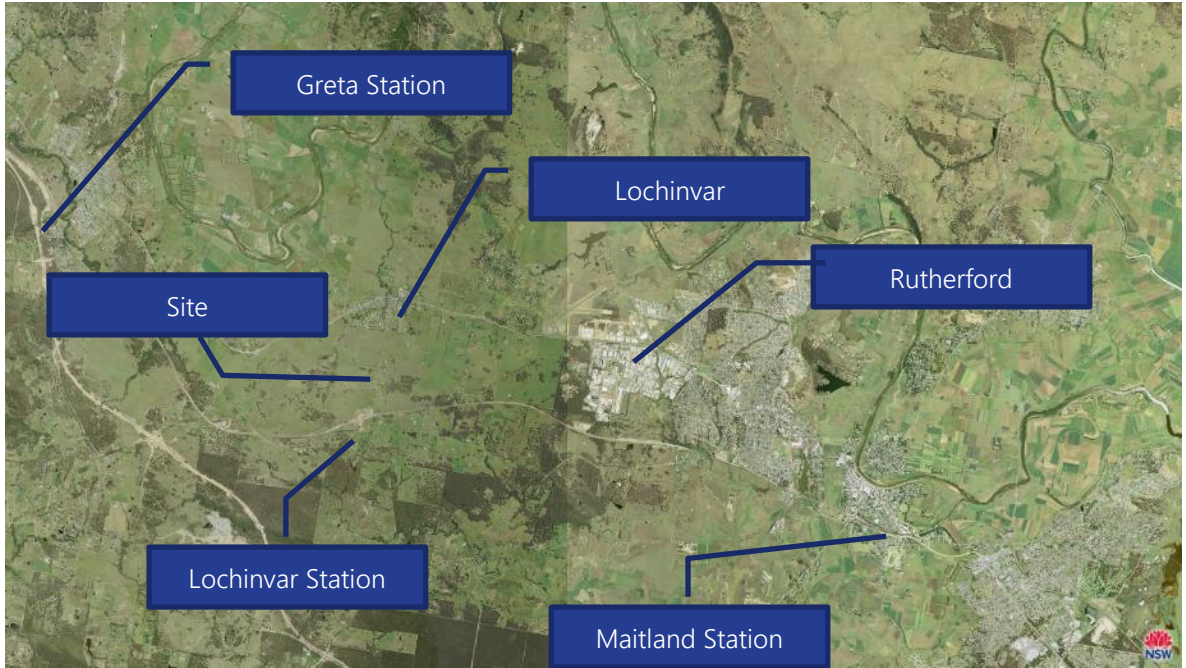
Source: AEP

Figure 11 Stream and vegetation identification

2.5 Surrounding Locality

Lands in the broader vicinity of the site area are currently characterised by rural and rural residential land uses with limited urban development. The small township of Lochinvar is located to the north of the site. Lochinvar provides some local facilities including hotel, post office, local shops and schools. Lochinvar Train Station is situated approximately 750m to the south of the site, which services the Northern Line.

Lochinvar is situated between the towns of Maitland and Greta on the New England Highway. Both towns also contain train stations on the Northern Line. Maitland is the larger of the two towns and provides regional services and employment opportunities. The western end of Maitland on the New England Highway is Rutherford, which contains significant industrial and big box retail. Maitland is identified as a Strategic Centre in the Greater Newcastle Metropolitan Plan 2036.



Source: SIX Maps (modified by GLN)

Figure 12 Locality Map

3 Proposed Development

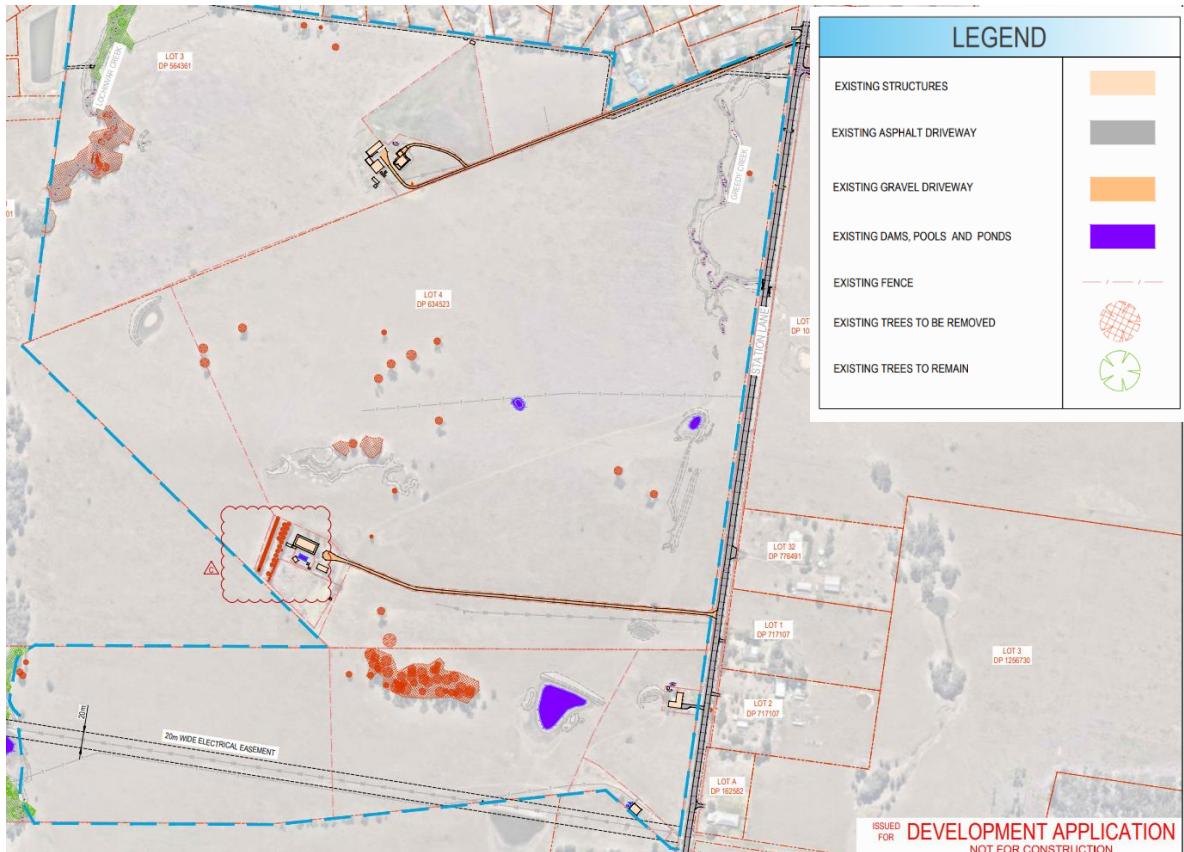
3.1 Overview

This application seeks consent for:

- Concept Development Application (**CDA**) for the staged delivery (6 x stages) of:
 - Demolition of existing structures and clearing of the land,
 - 812 x residential allotments, varying in size between 450m² to 1,116m²,
 - 1 x Residue Lot zoned RU2 Rural Landscape,
 - Open space comprising of 2 x active pocket parks and 2 x riparian corridors and drainage reserve, and
 - Associated civil works including delivery of roads, earthworks, drainage, connection to services.
- Development Application (**DA**) for subdivision and works associated with Stage 1 in the CDA including:
 - Clearing of the land,
 - 203 residential allotments, varying in size between 450m² - 804m²,
 - Planted buffer and open space link along the northern border of the site,
 - Associated civil works including delivery of roads, earthworks, drainage and connection to services, and
 - Works within a riparian corridor comprising of the placement of fill and a culvert over 3rd order streams to facilitate a road.

3.2 Demolition and clearing of the land

The proposal includes the demolition of all existing structures on the site and clearing of existing vegetation. Some existing trees will be retained on the western side of Lochinvar Creek, however the balance of the vegetation in the associated riparian area on the site will need to be removed to facilitate the construction of Terriere Drive. The vegetation removal around Lochinvar Creek as well the removal of driveway and structures on Lot 3 DP564361 will be required as part of the Stage 1 works.



Source: Orion

Figure 13 Structures and vegetation

3.3 Subdivision

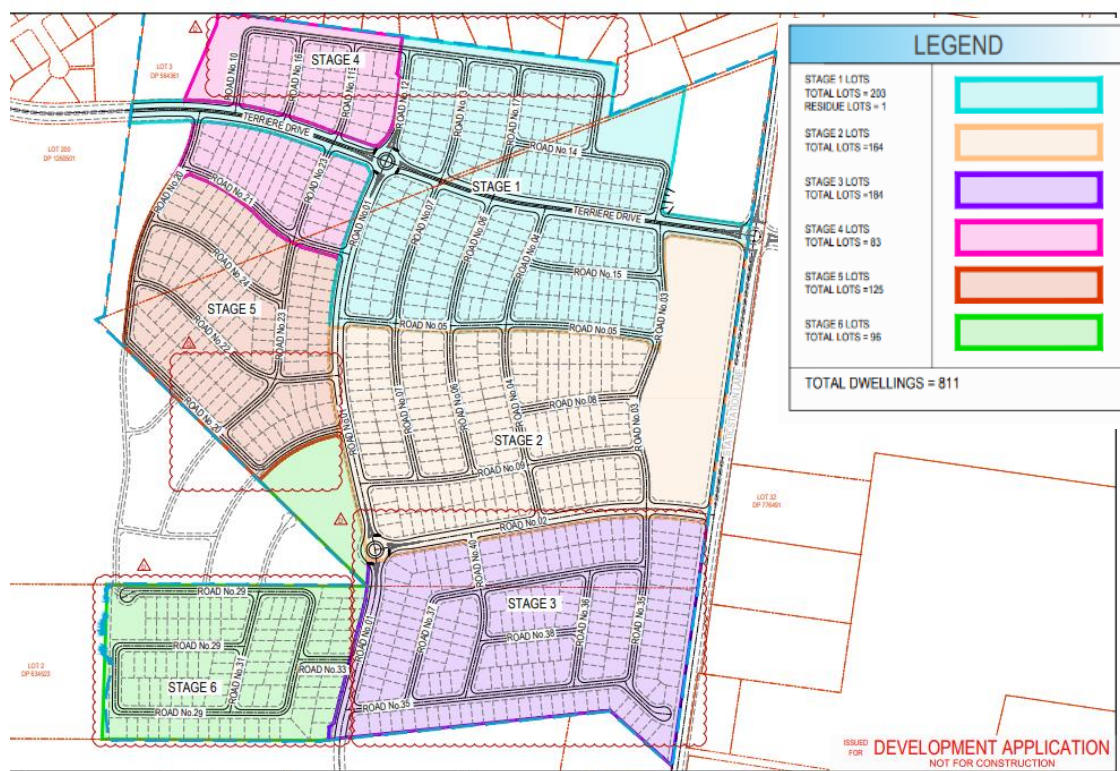
As outlined within the Urban Design Report in **Appendix B**, the vision for the development is to:

“Create a master planned, connected and beautiful residential community with its planning based on providing diverse housing choices, environmental protection and greenery, recreational opportunities and walkable neighbourhoods.”

The layout has been informed by the following design principles:

- A sense of place,
- Well connected community,
- A walkable community, and
- Density and housing diversity.

The overall layout reflects these principles as described in the following sections. The development is proposed to be delivered in six stages as shown in **Figure 14**, with this application including the delivery of the 203 lots and associated infrastructure shown in Stage 1.



Source: Orion

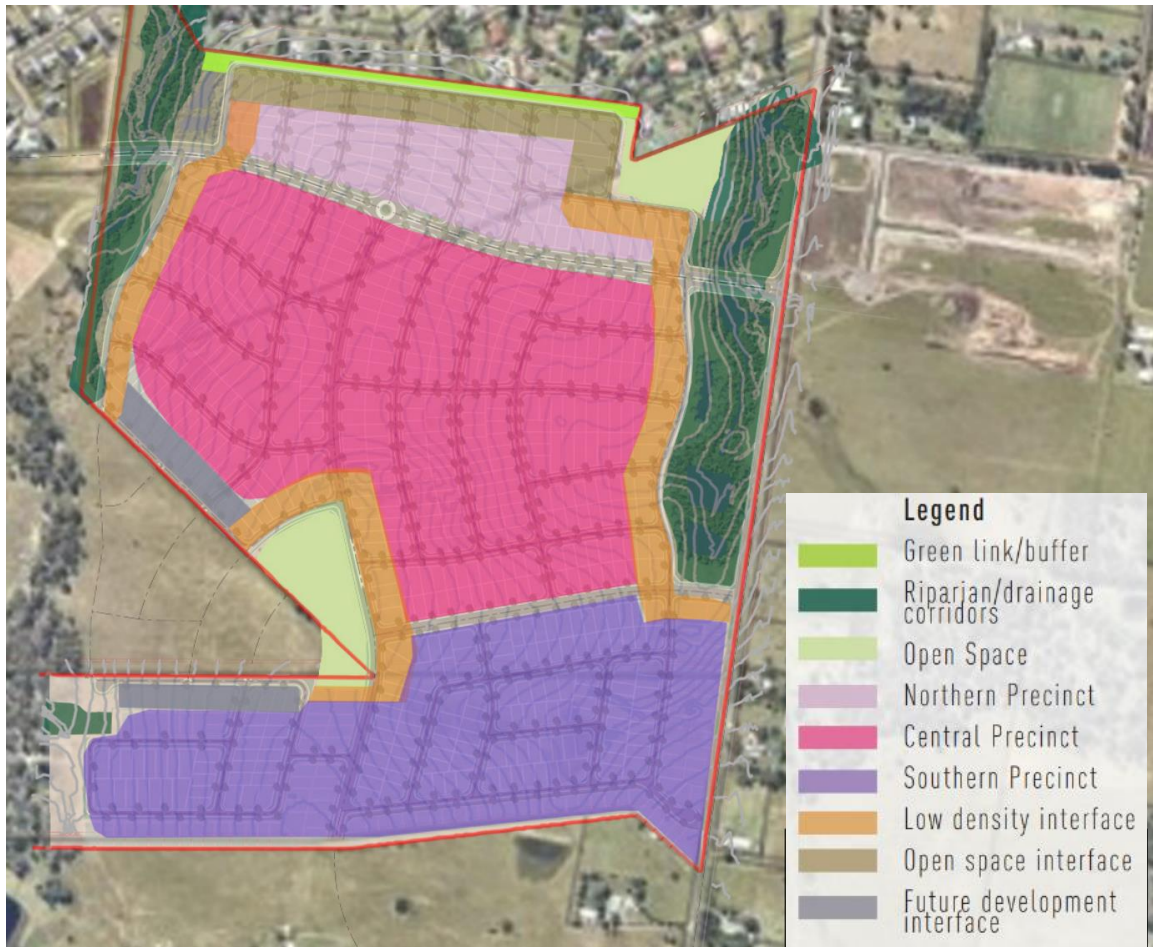
Figure 14 Concept Staging Plan

3.3.1 Sense of place

The Urban Design Report outlines that the proposal is to create a sense of place that is “true to the local character” as well as fostering a diverse community.

The development will create three discrete, but cohesive neighbourhoods, which are contained by Station Street/Riparian corridor in the east and Lochinvar Creek in the west. The precincts are largely divided by the east west road alignment and are described in the Urban Design Report and Figure 15 as follows:

- *Northern Precinct - Wider lots are located to the north to provide a transition to the existing residential. A green link located directly south of existing residential allows for a more sympathetic transition to the new development.*
- *Central Precinct - This precinct interfaces with both riparian corridors and major connecting roads. It is important lots are interfacing with the open space to further activate these spaces and allow for passive surveillance. Opportunity to look at built form solutions that can further celebrate this spaces.*
- *Southern Precinct - to interface with future development areas. Consideration has been given to how the development connects with the land lot to the west and future development to the south.*



Source: Sitios Urban Design

Figure 15 Precinct Character

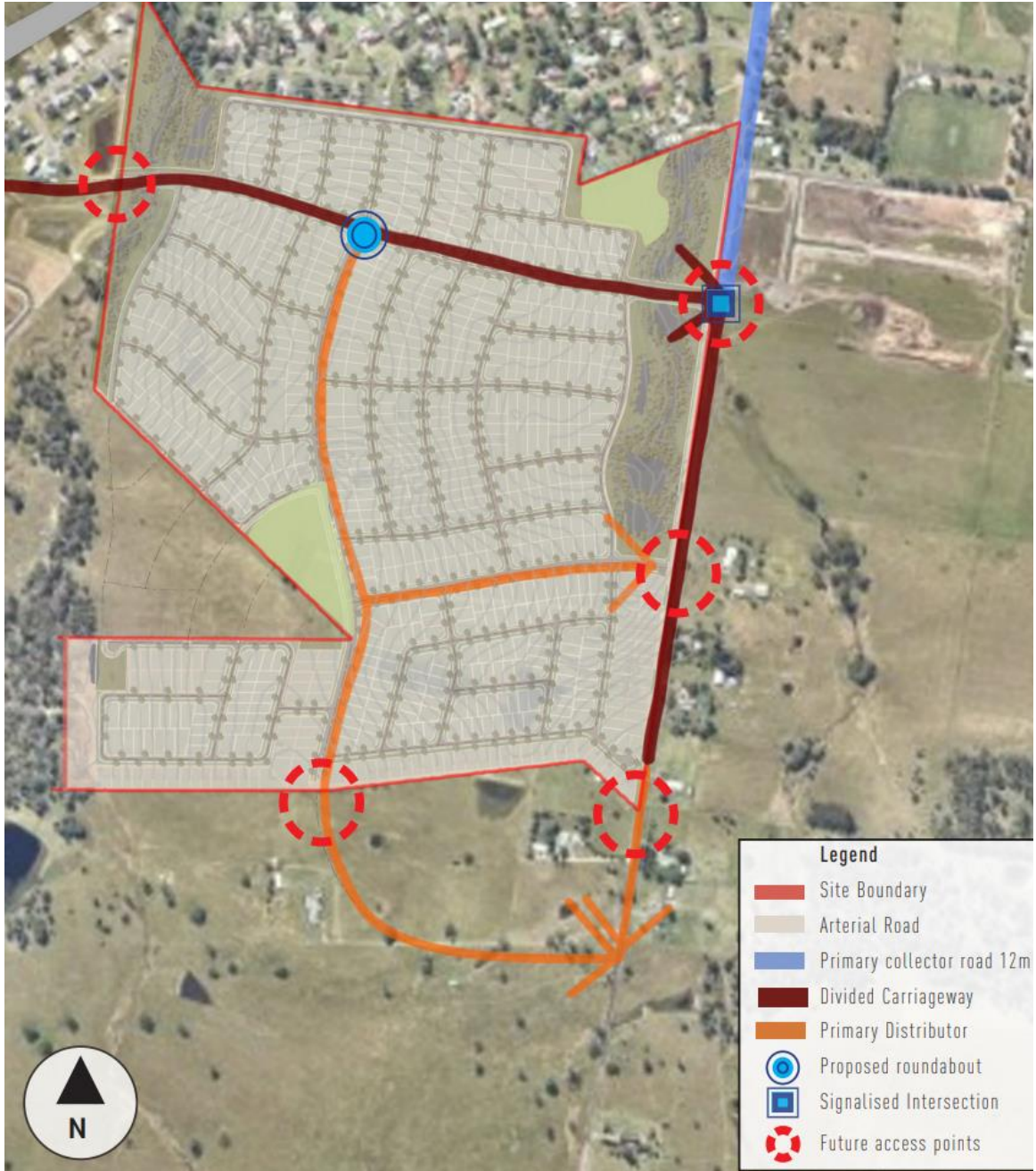
3.3.2 Well connected community and a walkable community

The proposal has ensured the community will be well connected, both from a vehicular and pedestrian standpoint. The street network focuses on the primary distributors identified within the Lochinvar Structure Plan (see Figure 16). The local roads between these distributors have been coordinated to deliver a legible road hierarchy that provides for the efficient and safe movement of vehicles.

Complimenting the proposed street network is a considered pedestrian and cycle network. The Urban Design Report states:

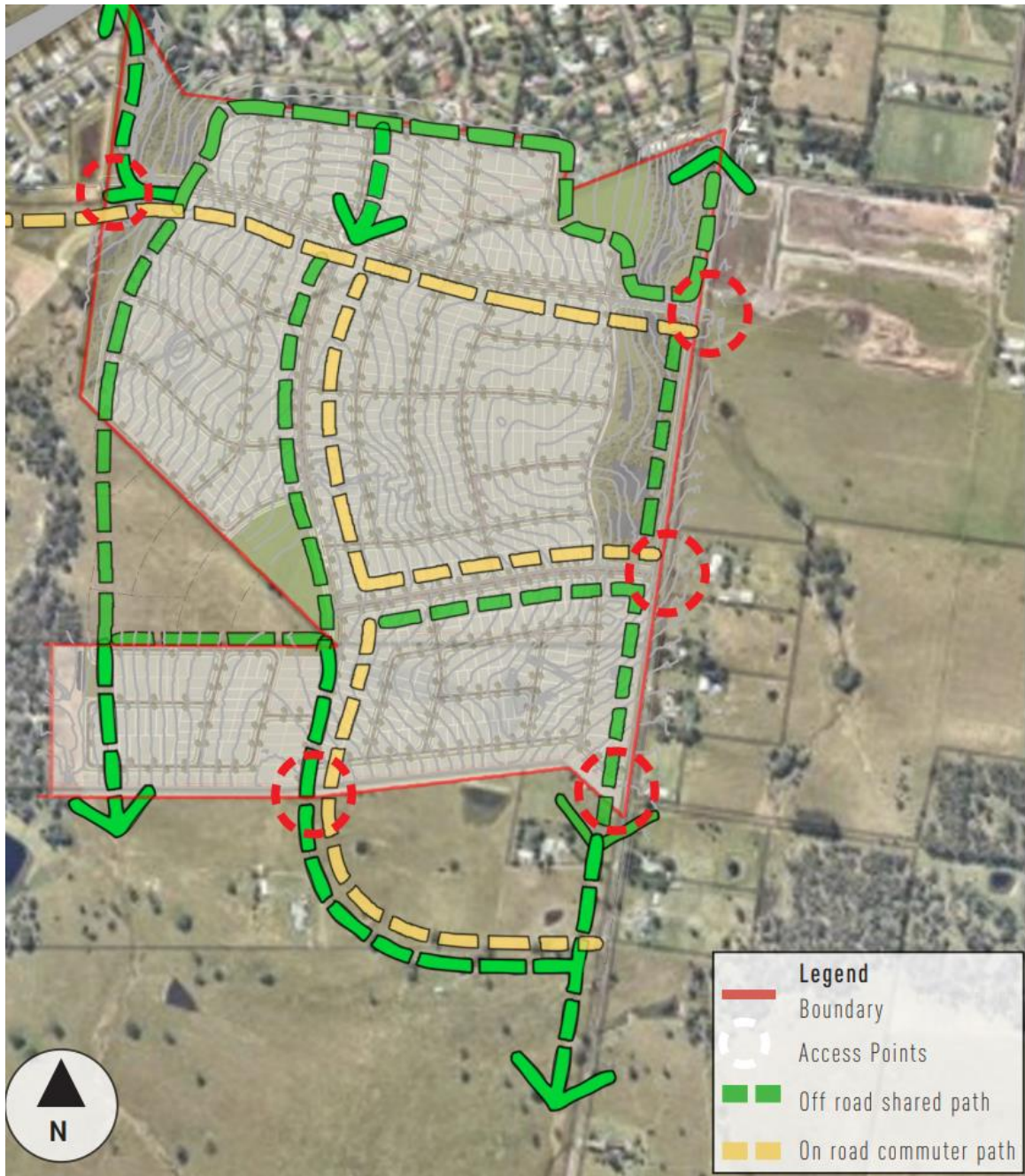
Pedestrian and cycle connections are proposed to be strategically located to prioritise and encourage walking and cycling to local areas of amenity, including the local parks, the town centre, schools, and the like.

The proposed pedestrian and cycle infrastructure is shown in **Figure 17**. The pedestrian and cycle infrastructure has also been provided to ensure that there is equitable access to the proposed local parks. The configuration of the development has been provided to ensure that all dwellings are within 10 minutes walk of a local park or riparian corridor (see **Figure 18**).



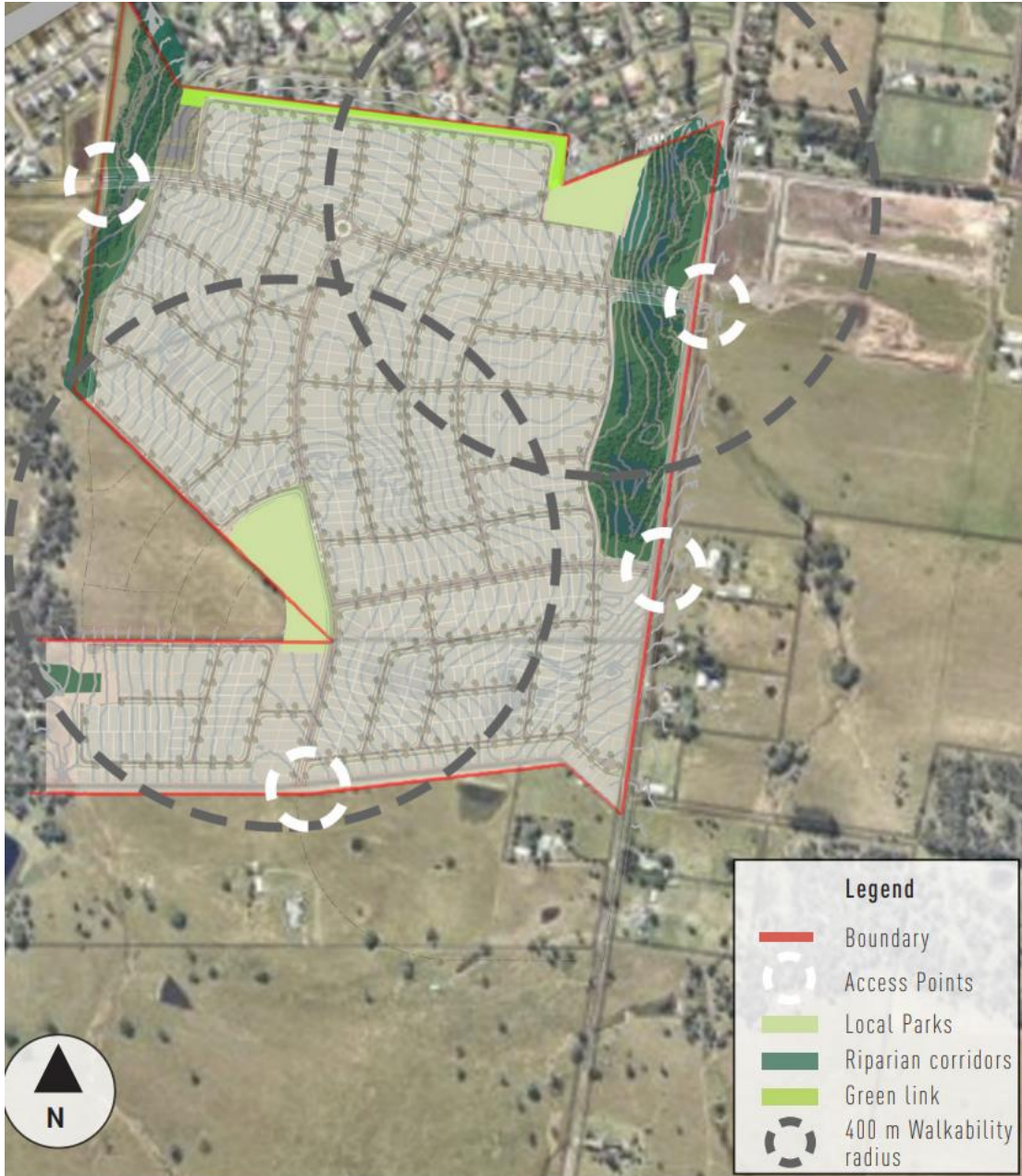
Source: Sitios Urban Design

Figure 16 Street Network



Source: Sitios Urban Design

Figure 17 Pedestrian and cycle network



Source: Sitios Urban Design

Figure 18 Open space connectivity

3.3.3 Density and housing diversity

The CDA includes the subdivision of the site to create 812 residential lots across six stages. The general layout has been devised to create standard blocks that generally conform to the existing constraints, environmental values as well as the identified road network within the Lochinvar Structure Plan. The total lot mix is provided as follows:

The proposed lot sizes are between 450m² and 1,116m². The lots are generally 15m wide with a depth of 30m. The significant depth of the lots ensures that there is opportunity to maintain sufficient solar access to the rear yards of future dwellings in the URA. The overall indicative lot mix includes:

- Lot area of 450m²-549m² – 77.71% of lots
- Lot area of 550m²-649m² – 12.44% of lots
- Lot area of 650m²-749m² – 6.4% of lots
- Lot area of 750m²-799m² – 13% of lots
- Lot area of 800+m² – 15% of lots.

The variety of lot sizes ensures that there is opportunity for a diversity of dwellings that can be established in the URA.



Source: Sitios Urban Design

Figure 19 Concept Design

3.4 Riparian corridors

The proposal includes the formalisation of two riparian corridors within the project boundary, which are identified in the Engineering Plans in **Appendix E** as Riparian Corridor A and Riparian Corridor B. Riparian Corridor A is associated with Lochinvar Creek, the third order stream that traverses the north western portion of the site. Riparian Corridor B is the third order stream located on the eastern boundary of the site. The Report prepared by AEP in **Appendix J** outlines that although there are 1st and 2nd order streams located in the eastern portion of the site, no discernible channels or banks were observed on the ground.

The development has generally avoided works occurring within the relevant Vegetated Protection Zone (**VPZ**) associated with Riparian Corridor as demonstrated in **Figure 20**. Works within the relevant VPZ's has been limited to culverts (and associated filling), batters to support adjoining roads, drainage infrastructure and landscaping.



Source: Orion Consulting (as modified by GLN)

Figure 20 Proposed Riparian Corridors

Stage 1 of the development will include the construction Terriere Drive. This will require the construction of a culvert to convey the two 3rd order streams below the roadways.

Works will include removal of some vegetation in order to facilitate the continuation of Terriere Drive. This will include some filling and the placement of a culvert. In addition to the filling and culvert, batters associated with some adjoining roads will be partially located within the 30m APZ. Detailed design of the culvert crossing as well as Vegetated Management Plan associated with the restoration of the Riparian Corridor can be provided as part of detailed design.

3.5 Open space and landscaping

The CDA includes delivery of landscaping and open space generally in accordance with the Landscape Plane in **Appendix O**. The Landscape Plans in **Appendix O** currently reflect the original lot configuration consistent with the proposal lodged with Council in December 2020. It is our understanding that the revised landscape design will be submitted under separate cover.

The required amendments to the Landscape Plans are generally contained to the developments northern interface, which has now included a 15m green link. The general landscape principles will remain consistent. This includes the following as stated in the Landscape Plans:

1. *Retain existing riparian corridors. These will provide natural feature elements throughout the site adding to the visual amenity of the area. Revegetate and rehabilitate as per the Ecologists report.*
2. *Street tree planting along the entry road. Strong avenue planting will set the theme for the development. Planting of trees in a close format will assist in traffic calming measures by providing the illusion that the road narrows as you arrive within the estate. This will also continue the theme from the adjoining St Helena residential estate to the north west of the proposed development.*
3. *Provide strong pedestrian linkages throughout the development through the use of concrete footpaths and cycle ways.*
4. *Street tree planting will assist in fragmenting the built form and provide seasonal colour and interest throughout the subdivision.*
5. *Provide pockets of natural landscape surrounding the stormwater detention basins. This will assist in driving the theme for the estate.*
6. *Establishment of Biofiltration basins.*
7. *Delivery of allocated council reserve area. Existing vegetation to be retained and protected.*

Stage 1 of the proposal will include delivery of all the relevant street tree planting as well as the Green Link and the northern interface and a proposed park in the north eastern corner of the site adjoining the riparian corridor.

3.6 Associated Civil Works

The Engineering Plans are provided in **Appendix E**. These plans detail proposed earthworks, roads and drainage infrastructure to be delivered on the site. Supporting the plans is correspondence in **Appendix M**, which confirm that the Applicant has been in discussions with Hunter Water to arrange the relevant water and sewer infrastructure. This includes the submission of an application for a

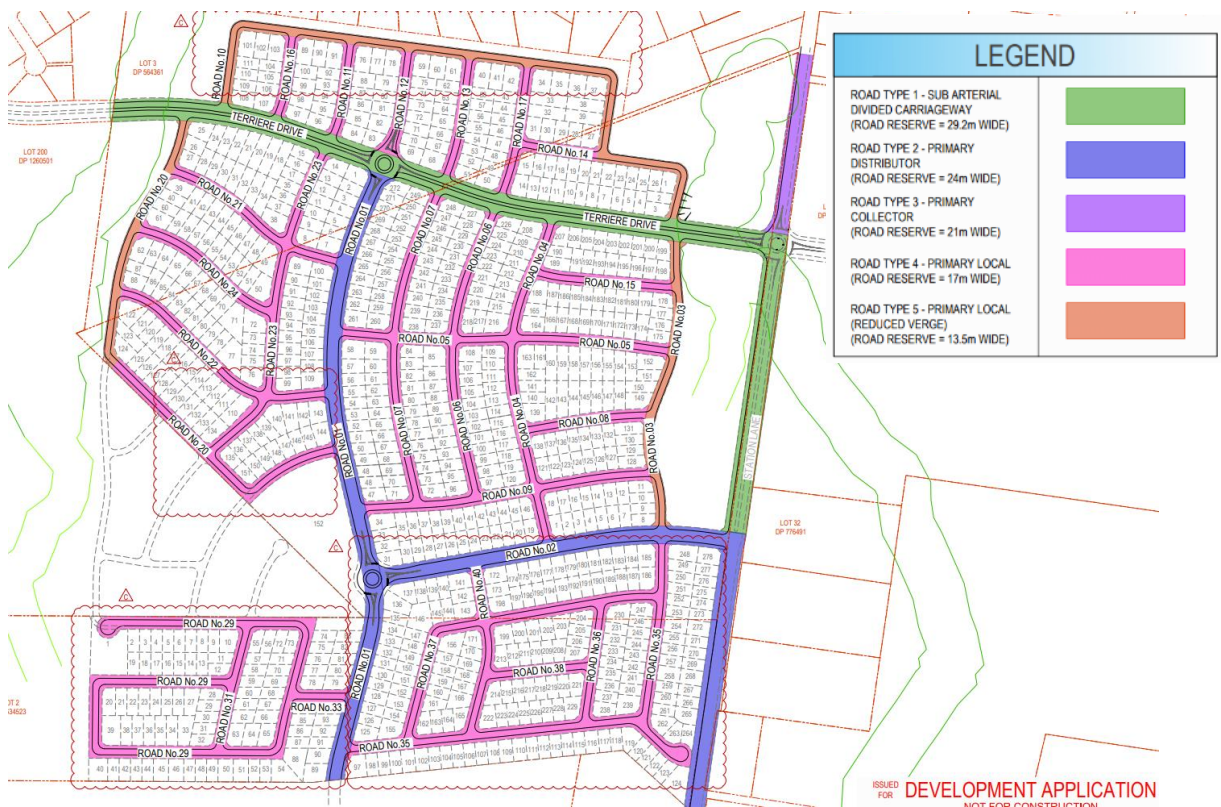
Section 50 Compliance Certificate under the *Hunter Water Act 1991*. The sequencing of proposed service delivery are described in **Appendix C**.

3.6.1 Earthworks

The proposed earthworks across the site will include site regrading to obtain suitable levels and benching. The amount of cut and fill has been limited where possible. The regrading will require 2,234m² net fill import.

3.6.2 Delivery of Roads

As previously outlined, the primary distributor road network will be delivered in accordance with the Lochinvar Structure Plan. This includes the provision of the continuation of Terriere Drive as a sub arterial divided carriageway through to Station Lane. The proposed road hierarchy plan and widths are shown in **Figure 21**. The Stage 1 DA will include delivery of Terriere Drive as well as part of Road No.1, Part of Road 3 and all of Roads 4-7, 12-15 and 17.



Source: Orion

Figure 21 Road Hierarchy Plan

The Traffic Impact Assessment provided in **Appendix I** outlines that the total traffic yield for the development will be approximately 640 trips in the morning peak hour, 702 trips in the afternoon peak hour and a total of 6,660 total trips per day. It should be noted that this is a conservative calculation as SECA Solutions used an indicative yield of 900 dwellings to inform their calculations.

The intersection of Station Lane and Terriere Drive is proposed as a roundabout. The delivery of this intersection will ultimately be subject to detailed design and negotiation with Council and Transport

for NSW. As outlined in the correspondence prepared by SECA Solutions also provided in **Appendix I**:

"The roundabout has been nominated based on advice from TfNSW in their correspondence. When assessing the appropriate control, a wide range of issues that [sic] should be addressed taking into account all future uses and demands. Using Safe Systems approach to the intersection should also be considered rather than just basing the control demands around traditional approaches".

The proposal also includes the connection of Terriere Drive through St Helena Close in Stage 1 of the proposal, which is out of sequence with the staging of the URA as outlined within the URA Infrastructure Plan. It is our understanding that Council has raised concerns over the out of sequence delivery of this intersection including:

"it will leave RMS with significant traffic issues on the New England Highway and Council with internal traffic problems on Station Lane as well as significant funding liability."

SECA Solutions has responded to this claim made by Council outlining that the current intersection has capacity to cater for the full development. Future increases to traffic on the New England Highway may however impact the ability for a vehicle to turn right out of St Helena Close. Additional investigation is required to determine at what stage the intersection will require upgrade, with the SECA Report outlining that a works in kind agreement for the upgrade of the intersection ahead of schedule could be utilised as a funding mechanism.

3.6.3 Stormwater Management

An Integrated Water Cycle Management Report was prepared by Orion and is provided in **Appendix H**. The report reviews the existing hydrological context of the site in the greater locality. The site is unique in that the topography includes a slight ridge through the middle of the site running north south, meaning that roughly half of the overland flow goes towards Lochinvar Creek and the other half to the east towards the 3rd order stream.

The stormwater and drainage system has been proposed to ensure that no net negative affect is provided downstream. This includes the management of flows immediately exiting the site as well as any further downstream effects.

In order to reduce and/or improve on the pre-development scenario, a series of on-site detention systems are proposed. These have generally been integrated into the proposed open space with the relevant location and design illustrated in **Appendix E**.

The report by Orion in **Appendix H** states:

"The on-site stormwater detention (OSD) strategy has been designed to cater for post developed flows ultimately discharging them into receiving waters from the following locations within the development:

- *Outlet 01 - North Western Corner; outlet into Lochinvar Creek.*
- *Outlet 02 - Central Eastern Edge; outlet into the second order stream and Greedy Creek.*

It is noted that due to the unique location of the proposed development in relation to both Lochinvar and Greedy Creeks, a high-level assessment under ARR1987 guidelines and rainfall data identified that bypassing significant areas of the site improved the downstream flooding conditions. This directly relates to accelerating runoff from the site before the peak occurred in each respective creek and helps to avoid an alignment of the time-to-peak of both Creek lines at the confluence near Hunter Close”.

Furthermore, the proposed Integrated Water Cycle Management strategy implements several water quality control mechanisms including:

- i. Proprietary gross pollutant trap (GPT) - for removal of coarse sediment and large debris reducing maintenance obligations and pollutant load on the tertiary treatment controls. (Noting that this modelling will not adopt generic GPT parameters). Sized generally for the 6-month flow (approximated as 50% of the 1 Year ARI flow rate).*
- ii. Bioretention systems - for capture of finer sediments and nutrients.*
- iii. Sediment basins - Allowance only for inclusion in proprietary bioretention systems for removal of fine and coarse sediments. Reduces pollutant loads passing further down the treatment train.*
- iv. Vegetated Swales - Including revegetated land and riparian corridor upgrades with native vegetation and macrophytes which aid in nutrient removal - not part of modelled treatment train.*
- v. Rainwater tanks - generally required in order to meet BASIX requirements and provides a starting point for pollutant capture and removal as well as reduction in runoff from the site due to the provided storage. A nominal 3,000 Litre tank has been allowed for each lot with 90mm dia. uPVC outlet and a reuse drawdown of 390 Litres, per lot, per day.*

It is acknowledged that the report does not rely on hydraulic modelling being prepared by WMAwater that is required to support the proposed on-site stormwater detention and flood mitigation strategy, however it is our understanding that additional information in the form of a revised report is being prepared and will be provided under separate cover.

4 Environmental Assessment

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Threatened Species and Biodiversity Impact (section 1.7 of the EP&A Act),
- Integrated development matters (section 4.46 of the EP&A Act),
- Bushfire prone land (section 4.14 of the EP&A Act), and
- Matters of consideration relating to DAs (section 4.15 of the EP&A Act).

4.1 Biodiversity and Threatened Species Impact

The EP&A Act contains provisions designed to ensure threatened species legislation as well as any approvals required under other legislation (known as 'Integrated development') are considered as part of a single development assessment process. The provisions as they apply to the proposed development are discussed below.

4.1.1 Biodiversity Impacts

Section 1.7 of the EP&A Act requires consideration as to whether a proposed development will have a significant effect on threatened species, population or ecological communities relating to terrestrial and/or aquatic environments as required under Part 7 of the *Biodiversity Conservation Act 2016* (**BC Act**) and Part &A of the *Fisheries Management Act 1994* (**FM Act**).

Biodiversity Conservation Act 2016

In accordance with the BC Act, consideration as to whether the proposal is likely to significantly affect threatened species or ecological communities, or their habitats is required in accordance with the test outlined in section 7.3 of Part 7 of the BC Act.

A BDAR has been prepared by AEP and is provided in **Appendix J**. The BDAR has been prepared to meet the minimum requirements of the Biodiversity Assessment Method (**BAM**) established under section 6.7 of the BC Act. As previously outlined, AEP found that the site contains two PCTs, being:

1. *PCT 1603 - Narrow-leaved Ironbark - Bull Oak - Grey Box shrub - grass open forest of the central and lower Hunter (0.70ha), and,*
2. *PCT 1731 - Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley (0.46ha).*

AEP found that the remainder of the area subject of the proposal (71.16ha) consisted of land,

"dominated by exotic flora and clear areas including gravel tracts, dwellings, farming buildings and highly maintained pastureland which do not require assessment ecosystems values and were determined to not provide habitat for threatened species".

The areas, of vegetation onsite is partially isolated from other areas of native vegetative habitat. AEP have identified that only the vegetation in the north west of the site is directly linked to other areas through the riparian corridor to Lochinvar Creek. The vegetation in the western part of Lot 2 DP634523 at 146 Station Lane, Lochinvar is not affected by the development.

The findings of the assessment undertaken by AEP show that Serious and Irreversible Impacts (**SAII**) will not result from the proposed development. The proposed development will however require removal of areas of PCT 1603 and 1731, which will require offsets as shown in **Figure 26** below.

| Vegetation Zone (PCT) | Impact Area (ha) | Future VIS | Vegetation Integrity Score Loss | Biodiversity Risk Weighting | Credit Requirements |
|---------------------------|------------------|------------|---------------------------------|-----------------------------|---------------------|
| 1603 - Grey Box dominated | 0.47 | 0 | -48.5 | 2 | 11 |
| 1603 - Ironbark dominated | 0.23 | 0 | -20.2 | 2 | 2 |
| 1731 - degraded | 0.46 | 0 | -23.7 | 2 | 5 |
| Total | 1.16 | | | | 18 |

Source: AEP

Figure 22 Ecosystem Credit Requirements

In addition to identifying the existing PCTs on the site, AEP identified the site has containing foraging habitat for the Large-eared Pied Bat and Southern Myotis. In addition to the above Ecosystem Credits above, a total of 41 Species Credits are required as shown in **Figure 23**.

| Impacted Species | Native Vegetation to be Removed (ha) | Number of Credits |
|----------------------------|--------------------------------------|-------------------|
| <i>Myotis macropus</i> | 0.45 | 13 |
| <i>Chalinolobus dwyeri</i> | 1.16 | 28 |
| Total | | 41 |

Source: AEP

Figure 23 Habitat Credit Requirements

The proposal includes implementation of "Avoid and Minimise" – which includes the establishment of two riparian corridors within the study area. AEP have outlined that despite the proposal's impact, the creation of these riparian corridors will result in a net gain to biodiversity. The riparian corridor in the north-east portion of the site will cover an area of approximately 2.5ha and the riparian corridor in the north west will be reconditioned and is likely to increase by approximately 1.3ha. AEP state that the 3.8ha of newly created riparian vegetation "will generate a net gain for biodiversity of approximately 2.3ha".

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (**FM Act**) contains several provisions for the protection of fish habitat and threatened species and aims 'to conserve, development and share the fishery resources of the State for the benefit of present and future generations'. The proposed development and associated civil works will require the drainage of water (where relevant) and the filling of three dams

on the property. The dams are identified on the NSW Governments Hydro line spatial data, however AEP in their report provided in **Appendix J** outlines the Hydro Lines that fill these identified watercourses are 1st and 2nd order streams that contain no clearly defined channels or banks. These watercourses are not identified as fish habitat and AEP has outlined that the works to these waterways are excluded from their assessment.

4.1.2 Environmental Protection and Biodiversity Conservation Act 1999

The AEP Report in **Appendix J** also considers the proposal's impact in the context of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (**EPBC Act**). The findings of AEP identify that the remnant vegetation present aligns with a highly modified form of the Central Hunter Valley eucalypt forest and woodland ecological community which is listed as a Critically Endangered under the EPBC Act. Their assessment has however determined that due to the degraded nature of the vegetation, it does not "fulfill the condition threshold and is not commensurate with the Critically Endangered Ecological Community".

The area is identified as potentially containing habitat for Grey-headed Flying-fox and Large-eared Pied Bat, however on account there are only small amounts of degraded vegetation on the site – with much better habitat occurring in surrounding land, AEP have determined that there will be no impact expected to occur to fauna species listed under the EPBC Act and referral is likely to be unnecessary for this development.

4.2 Integrated Development

Section 4.46 and 4.47 of the EP&A Act requires a review of whether the proposed development on the land whether it would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated development'. The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

Table 2. Summary of Integrated Development requirements

| Legislation | Comment | GTA Required |
|--|---|--------------|
| Coal Mine Subsidence Compensation Act 2017 | The land is not identified within a mine subsidence. | No |
| Fisheries Management Act 1994 | <p>Separate approval is required under the FM Act for various development works which may impact upon fishery resources.</p> <p>The site is not identified on the NSW Spatial Data Portal as containing any Key Fish Habitat.</p> <p>The proposal will involve draining of existing dams, however these dams are agricultural dams associated with first and second order streams. As outlined in the AEP report, the streams are identifiable on the grounds as drainage depressions rather than permanent streams. As such, the proposed works to the watercourse is not considered to impact the passage of fish.</p> <p>Based on the information above, the proposed works are not considered to require approval under the FM Act.</p> | No |

| Legislation | Comment | GTA Required |
|---|---|----------------------------------|
| Heritage Act 1977 | The site is not identified as a State Heritage listed item or is located within a heritage conservation area. As such, the proposed development would not require the referral under 57 of the <i>Heritage Act 1977</i> . | No |
| Mining Act 1992 | The proposed development does not seek to carry out mining works on the site. | No |
| National Parks and Wildlife Act 1974 | The subject site includes a number of identified Sites and Potential Archaeological Deposits (PAD). In accordance with the report prepared by McCardle Cultural Heritage Pty Ltd (McCardle) in Appendix L , the proposal has the potential to impact these identified Sites and may require an Aboriginal Heritage Impact Permit (AHIP) in accordance with Clause 90 of the <i>National Parks and Wildlife Act 1974</i> . | Subject to further investigation |
| Petroleum (Onshore) Act 1991 | A production lease is not being sought. | No |
| Protection of the Environment Operations Act 1997 | The implementation of appropriate environmental protection works will ensure that no licence will be required. | No |
| Roads Act 1993 | The proposed development does not involve works within a classified road and therefore does not require approval under the <i>Roads Act 1993</i> . | No |
| Rural Fires Act 1997 | The site is identified as bushfire prone land and the proposed development for residential subdivision requires referral to RFS for a Bushfire Safety Authority. A Bushfire Protection Assessment has been prepared by Travers Bushfire and Ecology (Travers) to demonstrate that the subdivision complies with the requirements of <i>Planning for Bushfire Protection 2019 (PBP 2019)</i> (refer to Appendix K). | Yes |
| Water Management Act 2000 | A Controlled Activity Approval is required to be obtained for any activity situated within 40 metres from the top of the riverbank in accordance with section 91(2) of the <i>Water Management Act 2000 (WM Act)</i> . As such the proposed development requires a Controlled Activity Approval under the WM Act and is lodged as integrated development to facilitate receipt of General Terms of Approval to inform any future Controlled Activity Approval. Approval under the WM Act is classified nominated integrated development and requires notification for a period of 28 days. | Yes |

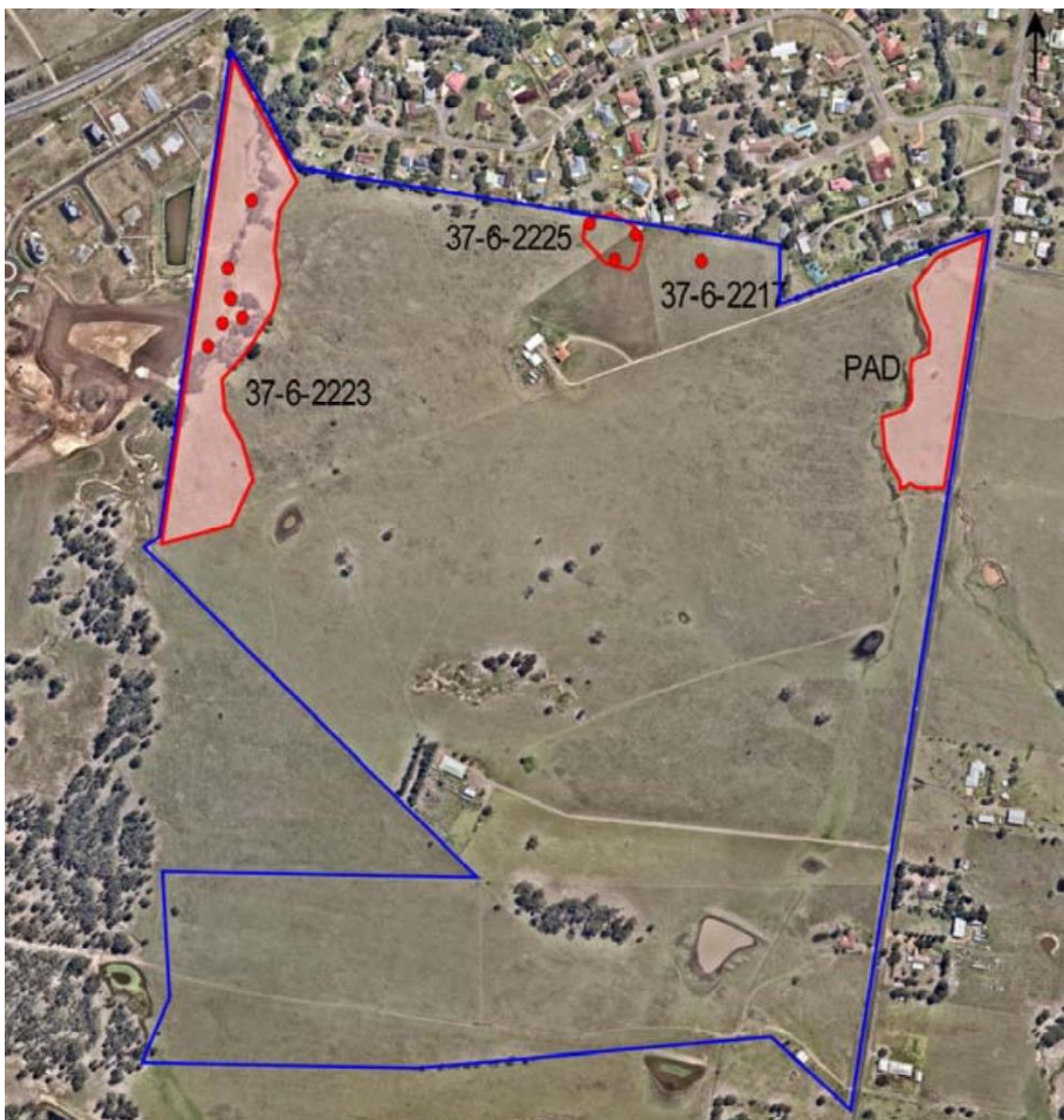
4.3 Aboriginal Heritage Impact

McCardle was engaged by the Applicant to undertake an Aboriginal Archaeological Due Diligence Assessment for the proposed residential subdivision (refer to **Appendix L**). Background research included the search of the Aboriginal Heritage Information Management System (**AHIMS**) database and a review of relevant reports. The AHIMS search that identified three sites located within the

project area and include two artefact scatters (one with an area of potential archaeological sensitivity) and one isolated artifact.

In addition to these areas, McCardle identified a further potential area of archaeological sensitivity. The area is identified as a PAD and includes the eastern side of the 3rd order stream in the eastern portion of the site.

Through their investigations McCardle noted that Site 37-6-2225 and 37-6-2217 have been impacted by natural processes and are no longer present. Accordingly, McCardle has outlined that the AHIMS cards for these Sites will be updated and that no AHIP will be required for any impact on these Sites. Notwithstanding, the proposal does still have the potential to impact on identified PADS and Site 37-6-2223, however McCardle has noted that the impact is only likely to be partial due to these areas being located in the 30m VRZ to the two 3rd order streams.



Source: McCardle

Figure 24 Location of Sites and PADs within the site

4.4 Bushfire Prone Land

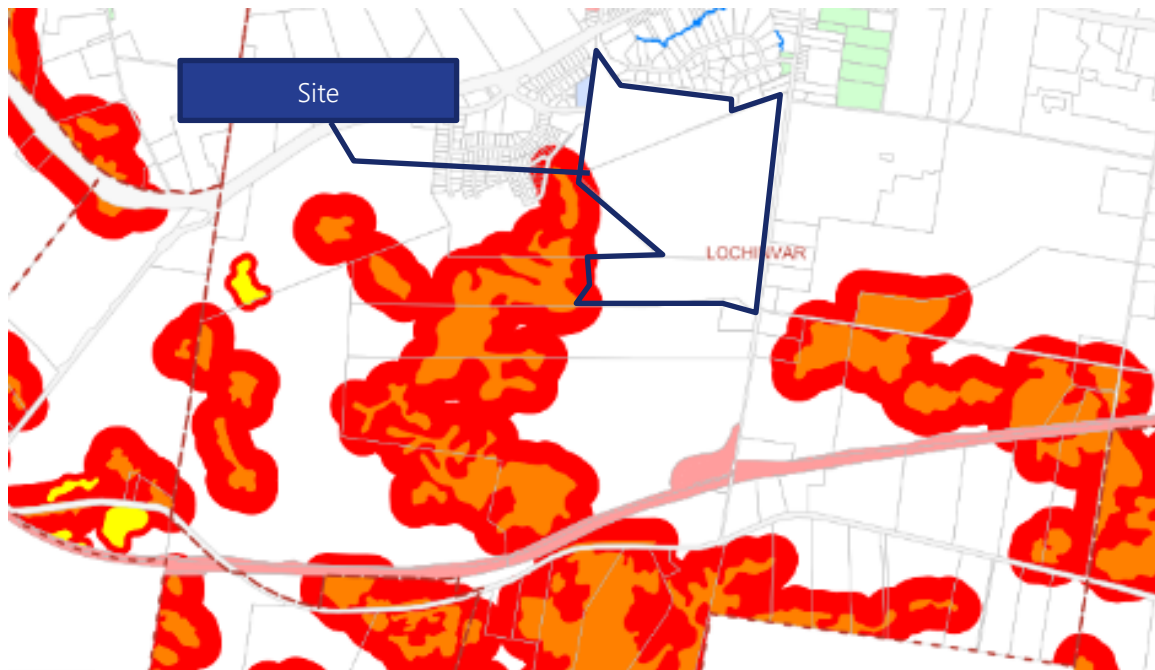
Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bush fire prone. The *Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2020* amended clause 272 of the EP&A Regulation and prescribed PBP 2019 for the purposes of s4.14(1)(a) of the EP&A Act.

Pursuant to section 4.14 of the EP&A Act, development consent cannot be granted for the carrying out of certain types of development on bush fire prone land, unless the consent authority:

- Is satisfied the development conforms to the specifications and requirements of PBP 2019, or
- Has received a certificate from a person recognised by the RFS as a qualified bush fire risk assessment consultant stating the development conforms to the specifications and requirements of PBP 2019.

The vegetation identified as being potential bushfire hazard is located on the adjoining site/s to the west (refer to **Figure 25**). Bushfire Prone Land Mapping identifies the subject site as containing buffer area to the adjoining Category 1 vegetation and therefore the site is considered 'bushfire prone'.

To assess the potential bushfire threat and determine the width of an Asset Protection Zone (**APZ**) for the development, a Bushfire Hazard Assessment (refer to **Appendix K**) including verification of the vegetation on site and surrounds and the effective slope within the vegetation is being undertaken. The assessment confirms the development compliance with PBP 2019 and following receipt of comments from the RFS as part of the 'Integrated development' referral, Council will be able to form the view that the development complies with the relevant requirements of PBP 2019.



Source: Maitland City Council

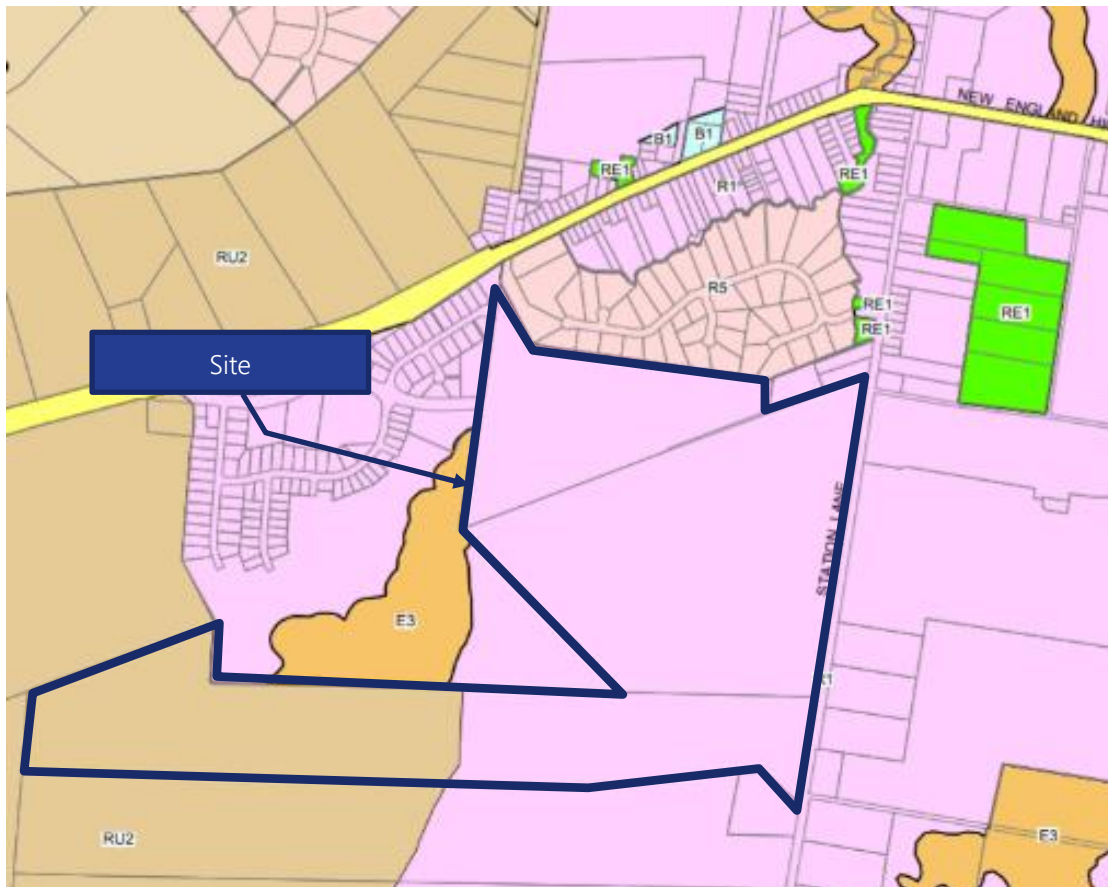
Figure 25 Bushfire Mapping

4.5 Environmental Planning Instruments

4.5.1 Maitland Local Environmental Plan 2011

The MLEP is the statutory framework regulating land uses within the Maitland LGA.

The portion of the site subject of the proposed development is zoned R1 General Residential, the balance of the site is zoned RU2 Rural Landscape as illustrated in **Figure 26** below. The land zoned Rural Landscape and will retained as a residue lot. The proposal relates to the portion of the site zoned R1 General Residential.



Source: MLEP

Figure 26 Snapshot of Land Zoning Map Sheet LZN_002A

The objectives of the R1 General Residential zone include:

- *To provide 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.*

As prescribed by clause 2.6 of the MLEP, subdivision of land is permissible with development consent. A detailed assessment of the proposal against the relevant sections of the MLEP is provided in **Table 3** below.

The identification of the site in an Urban Release Area intends for the site to be developed “intensively for urban purposes” subject to satisfactory arrangements being made for State public infrastructure. The Applicant has submitted a Letter of offer to DPIE (**Appendix P**) to address the satisfactory arrangement clause within the MLEP.

Table 3 Assessment against MLEP

| Clause | Requirement | Comment | Compliance |
|---|---|---|------------|
| Part 2 Permitted or prohibited development | | | |
| 2.3 Zone objectives and Land Use Table | Relevant R1 General Residential zone objectives are as follows: <ul style="list-style-type: none"> <i>To provide for the housing needs of the community.</i> <i>To provide a variety of housing types and densities.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | The site is zoned R1 General Residential. Subdivision is permitted with consent pursuant to clause 2.6. In particular the development will provide for ‘housing needs of the community within a low-density residential environment’. The proposed development seeks approval for subdivision under the Growth Centre SEPP to facilitate future residential uses. | Yes |
| 2.6 Subdivision – consent requirements | Land to which this Plan applies may be subdivided, but only with development consent. | This application seeks consent for a CDA and Stage 1 Subdivision and Works for staged residential subdivision to create 203 Torrens title residential lots and associated allotments for parks and drainage. | Yes |
| 2.7 Demolition | The demolition of a building or work may be carried out only with development consent. | This DA seeks approval for the demolition of ancillary structures on site and is permissible with consent. | Yes |
| Part 4 Principal development standards | | | |
| 4.1 | The size of any lot resulting from any such subdivision of land to | The minimum lot size for the part of the site within the R1 General Residential | Yes |

| Clause | Requirement | Comment | Compliance |
|--|--|---|------------|
| Minimum subdivision lot size | which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. | zone is 450m ² . All proposed lots are above 450m ² in area. Land zoned RU2 Rural Landscape has a minimum lot size of 40ha. Despite this, Clause 4.2C allows subdivision of RU2 Rural Landscape land below the minimum lot size where it involves subdivision of a lot that has split zones. | |
| 4.2C Minimum subdivision lot sizes for certain split zones | The objective of the clause is to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under 4.1. | The proposal provides all residential lots above the minimum lot size in accordance with Clause 4.1. The balance land is contained in a single allotment zoned RU2 Rural Landscape. | Yes |
| Part 5 Miscellaneous provisions | | | |
| 5.9 Preservation of trees or vegetation | The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation. | The existing vegetation needs to be removed for demolition, remediation and civil works to aid in preparation of future residential development. The removal of lot the vegetation is required to achieve road, drainage and design levels to connect to the regional stormwater management facility to the north and impact on this vegetation is unavoidable. | Yes |
| 5.10 Heritage conservation | To conserve the environmental heritage, heritage items, archaeological sites and Aboriginal objects and places of heritage significance. | The site is not identified as a heritage item or located within a heritage conservation area. The area is however identified as containing known Aboriginal Sites. See discussion in Section 4.3 | Yes |
| Part 6 Urban release areas | | | |

| Clause | Requirement | Comment | Compliance |
|---|---|--|------------|
| 6.1 Public utility infrastructure | The consent authority must not grant development consent to subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land was rezoned in 2010, unless the Director General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot. | The Applicant has offered to enter into a State VPA in accordance with the letter of offer in Appendix P . The State VPA ensures that satisfactory arrangements have been made for State public infrastructure. | Yes |
| 6.2 Public utility infrastructure | Development consent must not be granted for development unless 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. | Provided in Appendix M is preliminary water and sewer servicing advice as well as evidence of an application for Development Services in accordance with Section 50 of the <i>Hunter Water Act 1991</i> . The advice details that site can be fully serviced by Hunter Water Corporation's water and sewerage networks. Further detail is being prepared in accordance with the Hunter Water processes. The staged delivery of infrastructure is also detailed in Appendix C . To facilitate the delivery of infrastructure in the sequence outlined in Appendix C , the Applicant has expressed willingness to enter into works in kind agreements or a VPA with Council. | Yes |
| 6.3 Development control plan | Development must not be granted for development unless a development | The proposal is consistent with the Lochinvar Urban Release Chapter of the Maitland Development Control Plan that applies | Yes |

| Clause | Requirement | Comment | Compliance |
|---|--|--|------------|
| | control plan has been prepared for the land. | to the land. Furthermore, this application includes a CDA, for which under Clause 4.23 of the EP&A Act satisfies any obligation of making a DCP. | |
| Part 7 Additional Local Provisions | | | |
| 7.1 Acid sulfate soils | Development consent is required for carrying out works 500m from any adjacent class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lower than 1m AHD. | Site is not within 500m of any class 1, 2, 3 or 4 land. Samples undertaken by Geotesta did not hit the water table. | Yes |
| 7.2 Earthworks | Consent is required for earthworks unless the work is ancillary to other development for which consent has been given | The proposed earthworks are ancillary to the greater subdivision of the land. The proposed earthworks are detailed throughout this SEE and in plans provided in Appendix E . | |
| 7.4 Riparian Watercourses | Development within 40m of a watercourse must consider the impact on the health and the waterways | The site contains two major watercourses. The report provided in Appendix J has identified two 3 rd order streams as well as 1 st and 2 nd order streams. The 1 st and 2 nd order streams are drainage paths and in accordance with the report prepared by AEP do not require further assessment. The proposal has acknowledged the 30m RVZs associated with the 3 rd order streams and has appropriately avoided development within these VRZs where possible. | Yes |

4.5.2 State Environmental Planning Policy (Infrastructure) 2007

Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across NSW and allows for a range of development to be permitted with and without consent. It contains planning provisions

for development of government infrastructure and utilities including requirements for proposal adjacent to sites containing or nominated as containing planned infrastructure.

Clause 104 of the Infrastructure SEPP identifies the requirements for traffic generating development. The proposed development includes a CDA for over 800 residential lots, which meets the trigger for under Schedule 3 of the SEPP requiring referral to Transport for NSW. A Traffic Impact Assessment prepared by SECA Solutions is provided in **Appendix I**. The Traffic Impact Assessment concludes that the additional traffic movements generated by the proposal will not have an unacceptable impact on the surrounding road network and that the road upgrades identified within the Lochinvar URA will support the development of the site and surrounding land with finding of these provided in the Lochinvar Section 7.11 Contributions Plan.

There is an easement that traverses the southern portion of the site for the purposes of overhead power lines. Clause 45 of the Infrastructure SEPP relates to development that is carried out within or immediately adjacent to an easement for electricity purposes. In accordance with the plans in Appendix E, these power lines will be 'undergrounded and aligned with internal road network from Station Lane to the western edge of the Lochinvar URA residential land zoning.

4.5.3 State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP) applies to the City of Maitland LGA and the site is located in the Central Coast Koala Management Area (Schedule 1). The Koala SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for *Phascolarctos cinereus* (Koala) 'to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline' (clause 3). As there is no approved Koala Plan of Management for the land – AEP have reviewed the vegetation on the site to ensure that it is not core Koala habitat and/or does not include any trees belonging to the Koala use tree species listed in Schedule 2 for the relevant Koala area.

Investigations by AEP have determined that there are no records of Koala within a 10km x 10km area around the site in the last 18 years. The site therefore does not include core Koala habitat in accordance with the definition in Clause 4 of the Koala SEPP.

4.5.4 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) introduces state-wide planning controls for the remediation of contaminated land and aims to promote the remediation of any contaminated land for the purposes of reducing the risk of harm to human health and/or the environment.

A Preliminary Site Investigation (**PSI**) Assessment has been prepared to investigate the likelihood of ground contamination on the site from previous land uses (refer to **Appendix F**) and included a comprehensive sampling testing. The PSI determined that that Arsenic concentrations above the site assessment criteria were present in some of the samples undertaken – despite this, the report outlines that the site can be made suitable for the development subject to implementation of a Remediation Action Plan (**RAP**).

Provided appropriate conditions of consent are imposed to require the above, Council can be satisfied that the land can be made suitable for the proposed residential development. An assessment against the key provisions of SEPP 55 is provided in **Table 4**.

Table 4. Assessment against SEPP 55

| Relevant Clause | Assessment/Comment |
|---|--|
| Clause 7 Contamination and remediation to be considered in determining development application | |
| <p><i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> | <p>A PSI has been prepared for the site and identifies areas of environmental concern.</p> <p>Based on the contaminants found, the PSI makes appropriate recommendations for remediation to occur. This remediation will be detailed in a RAP.</p> |
| <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in sub clause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> | <p>A PSI was undertaken to review the sites history and assesses the potential contamination status of the site.</p> |
| <p><i>(3) The applicant for development consent must carry out the investigation required by sub clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i></p> | <p>The PSI identified the site as suitable for future development on the basis areas where minor contamination was noted are remediated.</p> |
| Clause 9 Category 1 remediation work: work needing consent | |
| <p>For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is:</p> <p><i>(d) development for which another State environmental planning policy or a regional environmental plan requires development consent,</i></p> | <p>The proposed remediation works require development consent under SREP 20 is DA is therefore categorised as Category 1 remediation work.</p> |
| Clause 17 Guidelines and Notices: all remediation work | |
| <p><i>(1) All remediation work must, in addition to complying with any requirement under the Act or any other law, be carried out in accordance with—</i></p> <p><i>(a) the contaminated land planning guidelines, and</i></p> <p><i>(b) the guidelines (if any) in force under the Contaminated Land Management Act 1997, and</i></p> <p><i>(c) in the case of a category 1 remediation work—a plan of remediation, as approved by the consent authority, prepared in accordance with the contaminated land planning guidelines.</i></p> | <p>The development is lodged with the PSI for approval that identifies areas of concern and the need for remediation in accordance with these requirements.</p> |

| Relevant Clause | Assessment/Comment |
|---|--------------------|
| <p>(2) A notice of completion of remediation work on any land must be given to the council for the local government area in which the land is situated (or, if the land is within the unincorporated area, to the Minister).</p> <p>(3) The notice is to be given within 30 days after the completion of the work.</p> <p>(4) A copy of the notice must also be given within the same period to the consent authority, if consent was required for the remediation work and the consent authority is not one of the authorities referred to in subclause (2).</p> | |

4.6 Proposed Environmental Planning Instruments

There are no proposed EPs that apply to the proposed development.

4.7 Development Control Plan

The following section discussed the relevant planning controls under the adopted DCP.

4.7.1 Maitland Development Control Plan 2011

The purpose of *Maitland Development Control Plan 2011* is to provide detailed provisions for development within the Maitland LGA. The aims of the DCP are:

- a) To provide a detailed planning document that outlines requirements for development which meets the community expectations and addresses the key environmental planning issue of the local government area.
- b) To identify certain development as advertised development to detail public notification requirements in accordance with Section 74C of the EP&A Act

Specifically, the site is identified within the Lochinvar URA under Part F of the DCP. Part F.9 of the DCP provides the site specific controls that apply to the proposal. An assessment against provisions in Part F.9 are provided in **Table 5** below.

Table 5. Compliance with Liverpool Growth Centre DCP

| Control | Matter | Comment | Compliance |
|-----------------------------------|--------------|--|------------|
| 1 Development Requirements | | | |
| 1.1 | Staging Plan | <p>The subject site is predominantly located within Stage 2 of the Lochinvar URA Staging Plan, with the southern part of the proposal located within Stage 3.</p> <p>The sequencing of the provision of infrastructure to the site has been detailed within Delivery and Sequence Plan within Appendix C. The Delivery and Sequence Plan has considered the primary infrastructure items required to be established</p> | Yes |

| Control | Matter | Comment | Compliance |
|---------|-------------------------------------|---|------------|
| | | <p>under the Lochinvar Section 7.11 Contributions Plan to deliver various stages of the development and proposes to provide these items under a Works In Kind Agreement.</p> <p>Furthermore, the Applicant has entered into discussions with Hunter Water Corporation regarding the provision of water and sewer (see Appendix M).</p> | |
| 1.2 | Transport and movement | <p>An overall transport movement hierarchy is provided as part of the proposal plans in Appendix E. The proposed movement network complies with that described in Figure 57 of the DCP in so much that it provides trunk road network that includes:</p> <ul style="list-style-type: none"> - The continuation of Terriere Drive through to Station Lane (29.2m wide in accordance with the DCP) including the construction of relevant intersections. - A north/south primary distributor through the centre of the site, allowing for continuation through the lot below. - An connection from Station lane to the north/south primary distributor further south of Terriere Drive. - The proposal also generally accommodates bus routes as outlined in Figure 60. - All roads have a minimum carriageway of 8m. <p>The roads all provide adequate dimensions to include footpaths that contribute to the pedestrian network.</p> <p>A Traffic Impact Assessment is provided in Appendix I.</p> | |
| 1.3 | Overall Landscaping Strategy | <p>An overall landscaping strategy has been provided and includes the protection and enhancement of riparian areas (see Appendix O).</p> <p>The landscape plans include street tree plantings along all roads and a vegetated green link between the proposed development and land to the north.</p> <p>An updated landscape strategy will be provided under separate cover.</p> | Yes |
| 1.4 | Passive and Active Recreation Areas | <p>The site does not include any active/passive recreation areas as outlined within Figure 59 of the DCP. Despite this, the proposal will provide passive surveillance along the riparian zones as well as green links around and through the development.</p> | Yes |
| 1.4 | Stormwater Quality Management | <p>An Integrated Water Cycle Management Report has been prepared and is provided in Appendix H.</p> | |

| Control | Matter | Comment | Compliance |
|---------|---|--|------------|
| | | To accommodate the development additional basins are proposed, which are integrated into existing drainage lines. | |
| 1.6 | Amelioration of Natural Environmental Hazards | The proposal is supported by Contamination Reports (Appendix F), Bushfire Reports (Appendix K) and has considered impacts from flooding within the Integrated Water Cycle Management Report (Appendix H). Development at its closest will be 750m from the Lochinvar Train Station and unexpected to receive any unreasonable impact from associated noise. | Yes |
| 1.7 | Aboriginal and European Heritage | An Aboriginal Due Diligence has been provided in support of the proposal (Appendix L). The report been prepared by an accredited person in the format and process required by the relevant guidelines and policies. The site does not contain any identified items or areas of European Heritage. | Yes |
| 1.9 | Key Development Sites | Only a small section of the eastern border of the site adjoins land zoned E3 Environmental Management. The proposal includes suitable buffers from this area that correspond with riparian corridor buffers. A vegetated buffer in the form of a "Green Link" is provided between the interface of residential allotments and the existing development on Freeman Drive. | Yes |
| 1.10 | Residential Densities | The proposal complies with the minimum lot size controls within the MLEP. No specific density control is applied to the site | Yes |
| 1.11 | Neighbourhood Commercial and Retail Uses | N/A | N/A |
| 1.12 | Provision of Public Facilities and Services. | The proposal has included detailed plan of the sequencing of delivery of services (Appendix C). Furthermore, the applicant has progressed with relevant applications for Section 50 Compliance Certificate under the <i>Hunter Water Act</i> (see Appendix M). The proposed road networks generally comply with those outlined in the Lochinvar Structure Plan and the Applicant has outlined they are willing to enter into a VPA where the advanced provision of certain infrastructure is required ahead of sequence. | |

4.8 Planning Agreements

To satisfy the Satisfactory Arrangements Clause within the MLEP, the Applicant has offered to enter into a State VPA in accordance with the letter of offer within **Appendix P**.

No Voluntary Planning Agreements currently apply to the subject site. Contributions towards the provisions of local infrastructure will be made in accordance with *Lochinvar Contribution Plan 2014*. As outlined within the Delivery and Sequence Plan in **Appendix C**, the Applicant proposes to enter into a works in kind agreement to deliver the relevant infrastructure for each stage of the development as outlined within the Contributions Plan and obtain the relevant credit for the works undertaken. The Applicant has also outlined that all works not identified within the Contributions Plan, including any shortfall in costs will be borne by the developer. This includes the “upgrades along Greedy Creek including permanent water quality basins that will be designed, developed and dedicate to Council as part of the delivery plan”.

It is our understanding that if preferred by Council, the Applicant is prepared to enter into a VPA for the delivery of the proposed works under the Contributions Plan rather than delivery under works in kind agreement.

4.9 Environmental Planning and Assessment Regulation 2000

There are no additional matters that previously considered in this SEE under the EP&A Regulation which would impact upon the consideration of this application. In accordance with the EP&A Regulation, all demolition works are to be carried out in accordance with AS 2601.

4.10 Likely Impacts of the Development

The likely environmental impacts of the proposed development have been discussed in the previous sections of this SEE. As previously discussed, the proposed development is not considered likely to result in any adverse impacts provided the mitigation measure described in this report and supporting appendices are implemented.

4.11 Suitability of the Site

The site has been rezoned for urban purposes under the MLEP. The proposed development is generally consistent with the Structure Plan and Council’s approvals on surrounding land and is suitable development of the site consistent with the relevant zone objectives.

4.12 Submissions

The application will be notified in accordance with Council’s Community Participation Plan. The Applicant requests the opportunity to review and comment on any submission received.

4.13 Public Interest

This application seeks approval for a CDA to create 812 Torrens title lots for future residential development as well as Stage 1 subdivision and works under the CDA for the delivery of 203 of the residential lots and associated infrastructure. The DA includes demolition of existing structures,

removal of trees and vegetation, site remediation, bulk earthworks and civil works including the construction of new roads, stormwater drainage, and installation of services. It is considered in the public interest for the following reasons:

- The site is zoned for urban development purposes, and the proposed development provides a range of residential accommodation choices that are consistent with the objectives and controls contained in the Lochinvar Structure Plan.
- The development provides a mix of lots that can accommodate a range of dwelling typologies as part of future applications to contribute to the supply and diversity of housing in the Lochinvar URA.
- The development responds to the characteristic of the site and has been designed to integrate with the Applicants surrounding DAs to develop a substantial area in the Lochinvar URA and would not impede the ability of surrounding land to develop in accordance with the revised Structure Plan adopted by Council.
- The proposed subdivision delivers a density consistent with the emerging character of future urban development within the Lochinvar URA.
- The development provides a suitable density within an area that will, when fully developed have excellent access to public recreation facilities, schools and town centre.
- The proposal will facilitate the delivery of local infrastructure identified in Council's development contributions plan ahead of Council's works program, if required under this DA, while also removing the cost and risk burden from Council for the delivery of infrastructure.

5 Conclusion

This DA seeks approval for:

- Concept Development Application (**CDA**) for the staged delivery (6 x stages) of;
 - Demolition of existing structures and clearing of the land,
 - 812 x residential allotments, varying in size between 450m² to 1,116m²,
 - 1 x Residue Lot zoned RU2 Rural Landscape,
 - Open space comprising of 2 x active pocket parks, 2 x riparian corridors and drainage reserve.
 - Associated civil works including delivery of roads, earthworks, drainage, connection to services.
- Development Application (**DA**) for subdivision and works associated with Stage 1 in the CDA including:
 - Clearing of the land,
 - 203 residential allotments, varying in size between 450m² - 804m²,
 - Planted buffer and open space link along the northern border of the site,
 - Associated civil works including delivery of roads, earthworks, drainage and connection to services, and
 - Works within a riparian corridor comprising of the placement of fill and a culvert over 3rd order streams to facilitate a road.

The CDA is located over land located at:

- 51 Station Lane, Lochinvar (Lot 3 DP564631),
- 134 Station Lane, Lochinvar (Lot 4 DP634523),
- Part of 146 Station Lane, Lochinvar (Lot 2 DP634523) to extent of the lot that is in the Lochinvar Urban Release Area and zoned R1 General Residential.

The DA for Stage 1 subdivision and works is contained within:

- 51 Station Lane, Lochinvar (Lot 3 DP564631),
- 134 Station Lane, Lochinvar (Lot 4 DP634523).

The proposed development has been assessed against the relevant provisions of the EP&A Act, MLEP and MDCP and has been found to be an acceptable development consistent with the future anticipated growth of the Lochinvar URA for urban development.

Based on the information contained in this SEE the proposal should be granted consent subject to appropriate conditions.

6 Glossary

| Abbreviation | |
|---------------------|---|
| AEP | Annual Exceedance Probability |
| AHIMS | Aboriginal Heritage Information Management System |
| APZ | Asset Protection Zone |
| The Applicant | UPG 77 Pty Ltd |
| BC Act | <i>Biodiversity Conservation Act 2016</i> |
| Contributions Plan | <i>Lochinvar Contributions Plan 2014</i> |
| Council | Maitland City Council |
| DA | Development Application |
| DCP | <i>Maitland Development Control Plan 2011</i> |
| DPIE | Department of Planning, Industry and Environment |
| EPBC Act | <i>Environmental Protection and Biodiversity Conservation Act 1999</i> |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| FM Act | Fisheries Management Act 1994 |
| GLN | GLN Planning |
| Infrastructure SEPP | <i>State Environmental Planning Policy (Infrastructure) 2007</i> |
| Koala SEPP | <i>State Environmental Planning Policy (Koala Habitat Protection) 2021</i> |
| MLEP | <i>Maitland Local Environmental Plan 2011</i> |
| NP&W Act | <i>National Parks and Wildlife Act 1974</i> |
| NRAR | Natural Resource Access Regulator |
| PBP 2019 | <i>Planning for Bushfire Protection 2019</i> |
| PSI | Preliminary Site Investigation |
| RF Act | <i>Rural Fires Act 1997</i> |
| RFS | New South Wales Rural Fire Service |
| SEE | Statement of Environmental Effects |
| SEPP | State Environmental Planning Policy |
| SEPP 19 | <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> |
| SEPP 55 | <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> |
| The Site | 51, 134 and 146 Station Lane, Lochinvar |
| TSC Act | <i>Threatened Species Conservation Act 1995</i> [repealed] |
| URA | Urban Release Area |
| WM Act | <i>Water Management Act 2000</i> |

APPENDIX A: CONCEPT SUBDIVISION PLAN



APPENDIX B: URBAN DESIGN REPORT

APPENDIX C: DELIVERY AND SEQUENCING PLAN



APPENDIX D: SURVEY PLAN



APPENDIX E: ENGINEERING PLANS



APPENDIX F: CONTAMINATION REPORT

APPENDIX G: GEOTECHNICAL REPORT

APPENDIX H: WATER CYCLE MANAGEMENT PLAN



APPENDIX I: TRAFFIC REPORT



APPENDIX J: BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT



APPENDIX K: BUSHFIRE REPORT

APPENDIX L: ABORIGINAL DUE DILIGENCE REPORT



APPENDIX M: WATER AND SEWER SERVICES INVESTIGATION

APPENDIX N: QUANTITY SURVEYORS REPORT



APPENDIX O: LANDSCAPE PLANS

APPENDIX P: LETTER OF OFFER

