

URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS

Chisolm Shopping Village –
20 Heritage Drive, Chisolm

Prepared for

**CHISHOLM SC PTY LTD AF CHISHOLM SC
INVESTMENT TRUST**

December 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Associate Director	Christophe Charkos
Senior Consultant	Naomi Ryan
Assistant Planner	Kirraly Northey
Project Code	P0035655
Report Number	V3 – Final

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EXECUTIVE SUMMARY

This SEE has been prepared by Urbis on behalf of Chisholm SC Pty Ltd AF Chisholm SC Investment Trust (**the Proponent**), to accompany a development application (**DA**) which seeks approval for the development of Chisholm Shopping Village located at 20 Heritage Drive, Chisholm. Consent is sought for the built form, land uses, fit out for specific uses, ancillary car parking, landscaping, public domain improvements and associated site works.

Chisholm Shopping Village will be a planned retail and community focal point providing an important local hub for services, employment, and hospitality facilities to serve the rapidly growing residential population within the suburb of Chisholm.

The proposed development represents a long awaited and significant investment in the Maitland local government area (**LGA**). The additional community uses proposed will increase the community's opportunity for linked trips. This will positively contribute to the overall vitality of the centre and will help support the retail component by introducing new services and as such a greater choice to the market.

The objectives of the proposal are:

- To ensure that the future development on the site remains consistent with the intent of Council's original adopted resolution for the centre, i.e. overall retail/commercial floor space of 12,600m².
- To maintain the existing role and function of the Chisholm Shopping Village in Council's adopted retail centres hierarchy.
- To ensure that the development satisfies the objectives of the B1 zone under the Maitland Local Environmental Plan 2011, which are very much focussed on convenience-based retail.
- To ensure that the proposal can achieve the objectives of the adopted Precinct Plan for the Chisholm Shopping Village site including providing a 'full line' supermarket, and
- To provide an activated and legible public space for the use of the local community and the provision of community services such as a child care centre, learn to swim centre, gym and medical centre.

The assessment provided in this SEE concludes that the proposed development achieves key objectives of the State and local planning policy framework and Council's resolution dated 11 May 2010.

Chisholm Shopping Village will provide a positive community benefit for the local and wider population of Chisholm and Maitland.

This SEE has assessed potential impacts of the development under the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A 1979). The planned centre will have minimal impacts on the environmental, economic, and social function of the site and surrounding area.

The built form and landscaping responds to the location and topography of the site and will represent an attractive addition to the area. The proposed centre will provide a vibrant community hub and will activate the public domain surrounding the centre throughout the day and into the evening.

In view of the above, we conclude that the proposed development should be approved subject to Council's standard conditions of consent.

1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of Chisholm SC Pty Ltd AF Chisholm SC Investment Trust (**the Proponent**) to accompany a Development Application (**DA**) for the construction of a neighbourhood scale shopping centre known as Chisholm Shopping Village at 20 Heritage Drive, Chisholm (**the site**).

The proposed development is to a one-to-two storey mixed use retail/commercial development with basement level parking, comprising the following land uses:

- a full-line supermarket,
- retail premises,
- indoor recreation facilities,
- food and drink premises,
- childcare centre, car wash and
- a medical centre.

Consent is also sought for bulk excavation, new structure, fit-out and commissioning of the proposed centre based child care facility. All other fit outs and signage will be subject to future applications.

The DA seeks consent for the following:

- Site preparation and early works including removal of all vegetation, retaining walls and bulk earth works;
- All land uses proposed within Chisholm Shopping Village including Retail Premises, Food and Drink Premises, Health Services Facility (Medical Centre), Recreation Facility (Indoor) and Centre based child care facility;
- Fit out of the Centre based child care facility;
- Development of the shopping centre and ancillary uses including all external walls and structures. All detailed internal tenancy fit outs will be subject to separate approval (with the exception of the Centre based child care facility);
- A total commercial / retail Gross Floor Area of 8,060m² and 3,320m² GFA for a Medical Centre, centre based child care facility and recreation facility (Indoor);
- An on site detention system which will be provided as a combination of below ground tanks and surface storage within the proposed carpark;
- All internal driveways and hard stand areas to accommodate loading and 682 car parking spaces and a basement car park with ancillary car wash facility; and
- Landscaping and public domain works including tree planting, paving, construction of driveways and perimeter footpaths.

This proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and the *Environmental Planning and Assessment Regulation 2000* (**the Regulations**). The development consent is sought in accordance with Part 4 of the EP&A Act.

1.2. COST OF WORKS

The proposed works have an estimated cost of \$36,955,000 (including GST) and development consent is sought in accordance with Part 4 of the EP&A Act. A Quantity Surveyors (**QS**) Cost Estimate Report has been prepared by Altus Group and is provided at **Appendix B**.

The cost of works is above \$30 million; accordingly, the DA is declared as regionally significant development, and will be determined by the Hunter and Central Coast Planning Panel (**HCCPP**).

1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 1 – Introduction**
- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal including the demolition and construction phase.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.4. PROJECT TEAM

The technical and design documents that have been prepared to accompany this DA are provided as attachments to this SEE and in Appendices **A** to **V**.

Table 1 Supporting Documentation

Document Title	Consultant	Appendix
Survey Plan	Land Development Solutions	Appendix A
Quantity Surveyor Report	Newton Fisher	Appendix B
Architectural Plans	BN Architects	Appendix C
Landscape Plans	Moir	Appendix D
Traffic Impact Assessment and Turning Templates	McLaren Traffic Engineering	Appendix E
Access Strategy	Vista Access	Appendix F
Regulatory Compliance Report (BCA and Fire Engineering)	McKenzie Group	Appendix G
Waste Management Plans	Elephants Foot	Appendix H
Preliminary Construction Management Plans	Richard Crooks	Appendix I
Economic Impact Assessment	Ethos Urban	Appendix J

Document Title	Consultant	Appendix
Bush Fire Assessment	Newcastle Bushfire	Appendix K
CPTED Report	Design Partnership	Appendix L
Section J Report	JHA	Appendix M
Hunter Water Stamped Plans	Hunter Water	Appendix N
Acoustic Assessment	Acoustic Logic	Appendix O
National Quality Framework Assessment Checklist	BN Architects	Appendix P
Civil Engineering Documentation including: Stormwater and Engineering Report and Stormwater Management Plan Sediment and Erosion Control Plan Bulk Earthworks Plan	Triaxial	Appendix Q
Supplementary Flora and Fauna Assessment & Arborist Report	EPS	Appendix R
Preliminary Site Contamination Investigation	GHD	Appendix S
Preliminary Geotechnical Investigation	Douglas Partners	Appendix T
Preliminary Environmental Site Assessment	Environmental Consulting Services	Appendix U
DCP Compliance Table	Urbis	Appendix V

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located within the Waterford County precinct within the suburb of Chisholm. The site is legally described as the northern part of Lot 11 DP 1280255 and owned by Chisholm SC Pty Ltd AF Chisholm SC Investment Trust.

The site comprises cleared grassland with some existing trees. The surrounding road network has been constructed including the recently completed Settlers Boulevard frontage. The site slope is between 3.6% and 5.2% generally sloping in a north westerly direction and has a total area of 42,287.6m² (4.23ha) with the following frontages and dimensions:

- Heritage Drive – 240.3m
- Tigerhawk Drive – 199.5m
- Settlers Boulevard – 173.5m

A site survey, prepared by Land Development Solutions is included at **Appendix A**. An aerial photograph of the site is included at **Figure 1**.

Figure 1 Aerial photo of the site



Source: Urbis

2.2. LOCAL CONTEXT

Chisholm is located centrally in the Lower Hunter Region within the Maitland to Newcastle growth corridor. The site is located approximately 11km from Maitland and 30km from Newcastle. It is at an approximate mid-point between the main urban areas of Maitland and East Maitland to the north-west and Thornton and Beresfield to the south.

Maitland is well serviced by major transport infrastructure including the New England Highway and M1 Freeway which provide road links to Newcastle and Sydney. Nearby Metford and Thornton railway stations provide reasonably frequent rail links to Maitland, Newcastle and the wider regional rail network.

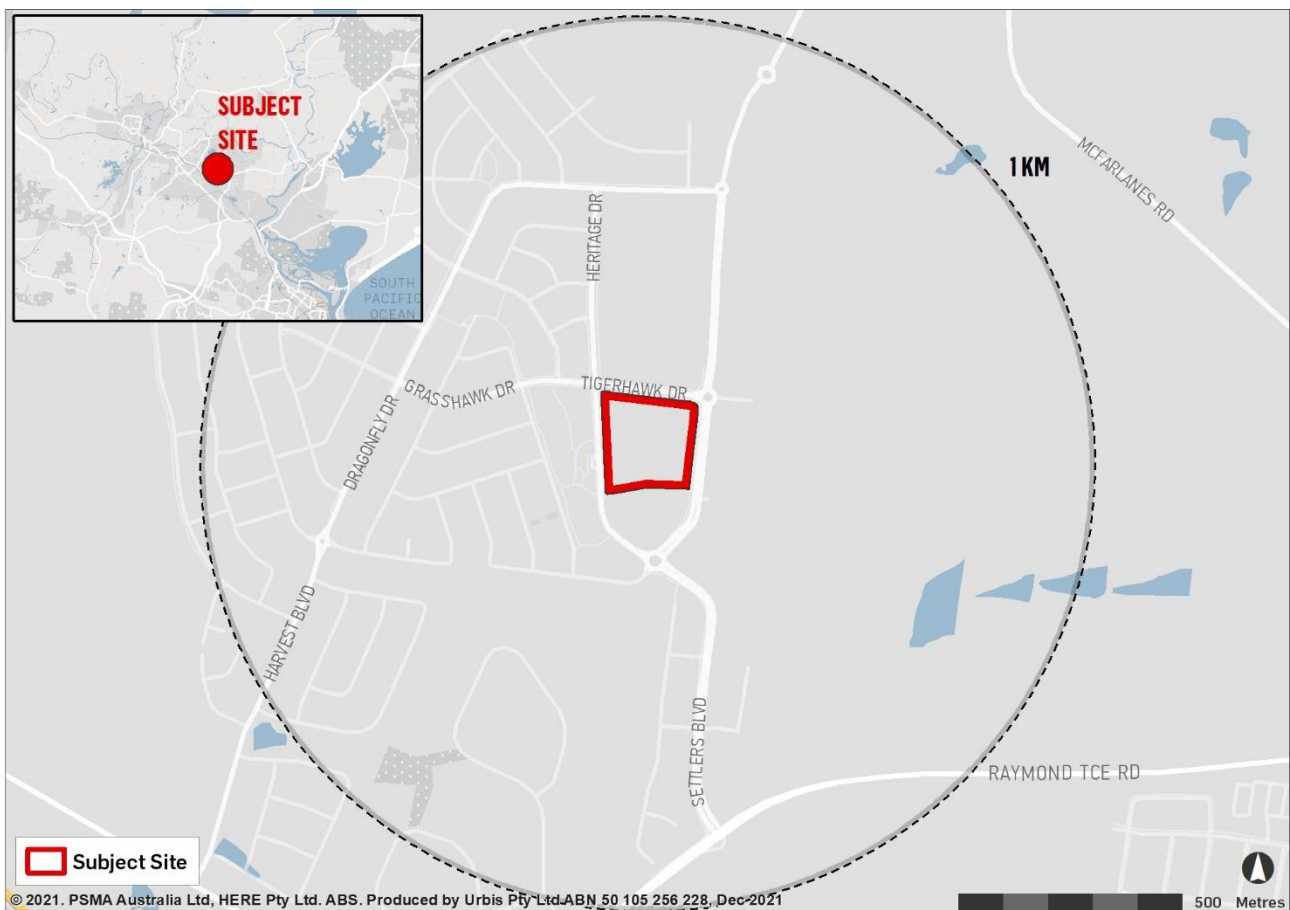
Maitland and Raymond Terrace are subregional centres which comprise commercial, retail, health, educational, civic and community facilities and services. Newcastle is the main city that services the wider Hunter region.

Nearby retail centres include Thornton Shopping Centre that includes commercial and retail uses servicing the neighbouring suburb of Thornton and the regional centre, Stockland Greenhills at East Maitland.

The location of the site is shown on the map at **Figure 2**. The location of the site in relation to the nearest two retail centres is shown on the map at **Figure 3**.

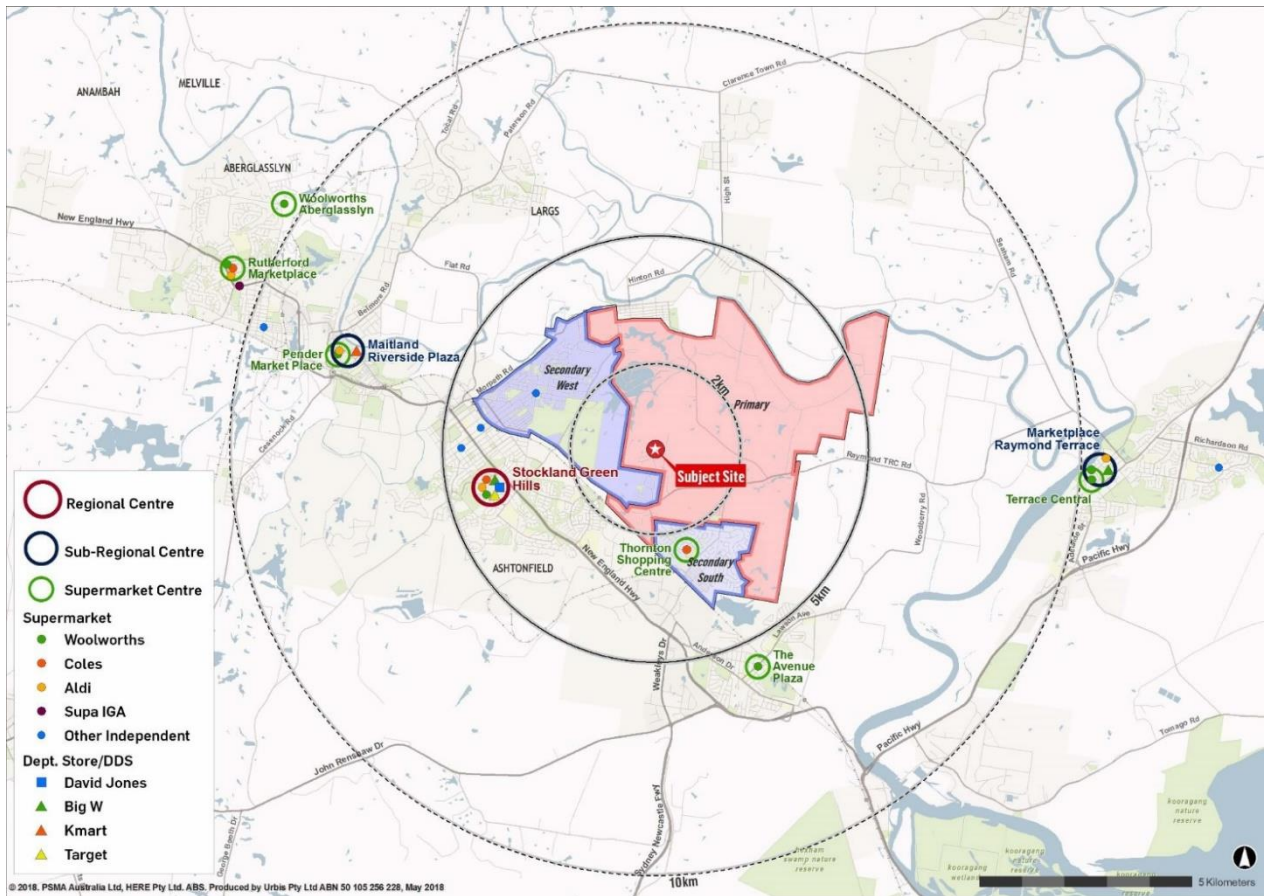
The area surrounding the site consists of recent residential and community infrastructure development (i.e., previous stages of the Waterford County development), riparian parkland, St Aloysius College, and remnant bushland. Photos of the site and surrounds are shown in **Figure 4**.

Figure 2 Location Map



Source: Urbis

Figure 3 Location of Nearby Centres



Source: Urbis

Figure 4 Site Photo



Picture 1 North eastern view from Heritage Drive



Picture 2 North Western View of Riparian Parklands from Heritage Drive



Picture 3 Eastern view of proposed site from Heritage Drive



Picture 4 Looking south east to the site from Heritage Drive



Picture 5 Looking across the site to the north



Picture 6 St Aloysius School – Northern view from proposed site

Source: BN Architects

2.3. SURROUNDING DEVELOPMENT CONTEXT

The site is located within the Thornton North (since renamed Chisholm) Urban Release Area and has undergone significant change over the past 10 years. Specifically, the surrounding development includes:

- **To the north** of the site is St Nicholas Early Education Centre, St Aloysius Catholic Primary School and St Bede's Catholic College, Chisholm. In addition, numerous display homes are located to the north and residential low-density dwellings.
- **To the east** of the site is riparian parkland and undeveloped open space.
- **To the south** of the site are residential low-density dwellings and larger lot residential lots. In addition, Little Zak's Academy, Chisholm is also located to the south of the site.
- **To the west** of the site is Whitewater Park providing open space and children's play equipment, and further west are residential low-density dwellings.

As outlined above, the site is primarily located amongst low density residential uses with minimal commercial and community uses servicing the day-to-day needs of the community. The proposed development will support the on-going residential growth of Chisholm noting that the closest retail centres including Thornton Shopping Centre and Stockland Greenhills are located 3.5km and 6.6km from the site respectively.

2.4. UTILITY SERVICES

The site is located within an urban release area which has been subdivided and is being progressively delivered. As such the public utility infrastructure for the proposed development is either available or can be made available.

3. PROJECT HISTORY

3.1. SITE HISTORY

- Chisholm Shopping Village is a planned shopping centre that was first identified in the Thornton North Structure Plan (TNSP). The TNSP was adopted by Council in 2003 to guide the long-term planning of the Thornton North (since renamed Chisholm) Urban Release Area.
- In August 2009, Waterford County submitted a rezoning application for the centre. The timing for the lodgement of the application coincided with Council's preparation of a Draft Centres Strategy for the Maitland LGA. The Draft Centres Strategy was informed by a Centres Study which recommended the site be zoned B1 Neighbourhood Centre.
- Despite this, the rezoning application for the site sought to rezone the site (approx. 3.2ha) to B2 Local Centre. In the rezoning application, it was argued at the time that the centre should be at least 6,000sqm and to be anchored by a new full line supermarket.
- The rezoning was ultimately supported by Council, its support included a resolution dated 11 May 2010 which stated:
 - *“To progress the rezoning of this site and to reinforce the scale and role of Chisholm as a **local centre** it is proposed that:*
 - *The area zoned for commercial be reduced to 2.5ha;*
 - *A 0.5:1 floor space ratio be applied to the commercial zoned area; and*
 - *DCP provisions and design guidelines be prepared to ensure quality planning and design outcomes for the Chisholm Local Centre site.”*
- The implication of this resolution effectively capped the retail/commercial floor space of the centre at 12,500m². At the time of its Gazettal, the Chisholm Shopping Village site was the only centre within the LGA that had an FSR imposed on it.
- Subsequent to the rezoning, Council proceeded to adopt its Centres Strategy in January 2010 which included a hierarchy of centres. Notably, Chisholm was classified a “Neighbourhood Centre” whereas the existing Thornton centre was classified a “Town Centre”:
- Maitland LEP was gazetted later in 2011. The zoning of the Chisholm Shopping Village site was “translated” into the Standard LEP format. This resulted in the site being zoned ‘B1 Neighbourhood Centre’ with a 0.5:1 FSR being maintained across the site. The new MLEP 2011 also included erroneous maps which resulted in an increase to the area of land zoned for B1 Neighbourhood Centre from 2.5ha to 3.9ha.
- Since the rezoning, Chisholm has been developed and the road layouts and cadastral boundaries defined. As such, the original maps of the LEP did not correspond to the cadastre.
- As part of ongoing discussions around the submission of the Precinct Plan for the site, Council also prepared a Planning Proposal to amend the Maitland LEP to rectify the mapping errors to ensure that the zoning and associated built form controls of the site reflected the cadastral boundaries.
- On 8 November 2016, Council resolved to forward the planning proposal to the Minister for Planning requesting a gateway determination for the following:
 - Rezone the entire 4.2ha site to B1 Neighbourhood Centre,
 - Decrease the Floor Space Ratio (FSR) to 0.3:1 to account for the larger site area and maintain a maximum GFA of 12,600m² over the site (original resolution, 2.5:1 – 12,500sqm GFA)
 - Remove the 8m building height to provide flexibility for the future built form, and
 - Include **Recreation Facility (indoor)** as a permitted use within the B1 Neighbourhood Centre zone.
- Gateway Determination was received from the Department of Planning and Environment (DP&E) on 9 December 2016. The planning proposal was recommended to proceed subject to amendments to be made prior to requirement for exhibition.

- The planning proposal was placed on exhibition from 17 February to 17 March 2017. One (1) submission was received from the proponent which was in support of the planning proposal.
- In its meeting on 11 April 2017 Council supported a resolution to request that the Minister for Planning to make the LEP. The planning proposal was subsequently forwarded to the Department of Planning for final assessment and drafting of the LEP on 08 May 2017.
- The Amendment to the MLEP 2011 was Gazetted on 21 July 2017.
- Following, the rezoning a development application (DA/2018/1526) with a CIV of \$29,733,000 for a Neighbourhood Shopping Centre was approved on the 22nd October 2019. This development sought consent for the first stage of the development of Chisolm Village Centre.
- The site was subsequently sold, and the approved scheme has been revisited by the new owners. The revised scheme is the subject of this DA.
- Subdivision of the lot into two lots was approved on 28 September 2021 (DA/2021/677). The subdivision is currently being registered with Land Registry Services NSW.

3.2. PRECINCT PLAN HISTORY

Part 6.3 of the MLEP 2011 required the preparation of a site-specific DCP which required the Urban Release Area to inter alia provide

6.3 (3)(g) 'detailed urban design controls for significant development sites,

A site specific DCP was subsequently prepared for the Thornton North Release Area. This DCP was incorporated into Part F of the Maitland DCP 2011 as F.7 Thornton North Release area.

Section 1.1 of Part F.7 of the DCP provided development consent could not be granted until a Precinct Plan had been prepared for the land. The Chisholm Shopping Village site was identified in section 1.2(i) of Part F.7 as requiring a separate precinct plan to include detailed urban design controls.

In terms of the precinct plan for the Chisholm Shopping Village site:

- A Draft Precinct Plan for the site was presented to Council in a meeting on 14 September 2016. Following the meeting Council indicated that they were generally satisfied with the Precinct Plan subject to some minor amendments to enable the plan to proceed to public exhibition.
- The Draft Precinct Plan included a number provisions including the provision of a 'full line supermarket' and development of a 'town square' in the first stage of the development of the centre.
- Minor amendments included a requirement for an Economic Impact Assessment (EIA) to be submitted with the Development Application to consider the mix of retail and commercial on the site to ensure the continued viability of both the Thornton and Chisholm centres.
- The final Draft Precinct Plan was submitted to Council on 25 October 2016 and subsequently endorsed to be placed on exhibition at a Council meeting on 8 November 2016.
- The Precinct Plan was exhibited for 28 days from 18 November to 16 December. Eight submissions were received generally in support of the plan. The results of the community consultation were reported back to Council on 28 February 2017 where it was unanimously resolved to adopt the precinct plan by Council.
- Maitland Development Control Plan 2011 was subsequently updated to incorporate the adopted amendments in March 2017.

3.3. PRE-LODGE MENT DISCUSSIONS

The proponent has held two (2) pre-DA meetings in 2021 to continue discussions for the Chisolm Shopping Village. These meetings were following earlier ongoing discussions in 2017 and 2018 regarding the site.

The discussions included the DA for the shopping centre complex (this application), a subdivision DA (separate to this application) and a residential DA (separate to this application). The two recent discussions included:

- A formal pre-lodgement meeting on 17 June 2021 to discuss the overall masterplan for the site.
- A second formal pre-lodgement meeting on 12 August to present the schematic design for the residential subdivision and amended driveway to the retail centre. We note that the majority matters raised by Council in the minutes to this meeting relates to the residential component.

The key matters raised in both meetings are summarised in **Table 2** below noting that any duplicated comments have only been addressed once.

Table 2 Council Pre-DA meeting

Council Comment	Response
17 June 2021	
<p>Centre Proposal</p> <p>It is noted the proposal more closely reflects the design principles as outlined in the Thornton Urban Release Area (URA) Precinct Plan and is commended.</p>	<p>Noted. The proposed development is consistent with the Thornton Urban Release Area (URA) Precinct Plan.</p>
<p>The proposed loading dock being located on the unnamed "service" road at the rear is consistent with the Thornton Urban Release Area (URA) Precinct Plan. This interface is critical with the residential land and must consider visual, odour and acoustic impacts/ treatments. The building elevation adjoining the residential area shall be well articulated, have a variety of materials and treatments.</p>	<p>The loading dock location has been considered for its impacts on the potential future use of residential land at the adjoining interface. The proposed interface will be well articulated and have a variety of colours and materials.</p> <p>In addition, the loading dock is to be screened from the residences to the south with a minimum 4-metre-high barrier, and the barrier is to be constructed of solid, imperforate material with no gaps, as per the recommendations of the Noise Emission Report at Appendix O.</p>
<p>Further consideration needs to be given to the location of the proposed medical centre and parking associated with this.</p>	<p>The Architectural Drawings (Appendix C) illustrate the ramp access with a gradual incline to the pick-up area, a pedestrian crossing connection to the outdoor parking and a travelator to access the basement parking.</p> <p>No entry is provided to the Supermarket from the Medical Centre, all access to the Supermarket by customers is from within the internal mall. The medical centre entrance will stand alone on the eastern side of the centre..</p>

Council Comment	Response
	Further, an Access Strategy has been prepared and included at Appendix F demonstrating the proposed development is capable of compliance.
Key corner sites - activated street frontage – fast food is not considered an appropriate use in such a key location. From experience of other similar sites, it was noted that internal connection points close to external access points can be problematic and this should be considered as part of the design (i.e. the short fast food drive through will block incoming traffic and effect traffic on Tigerhawk Drive and Settlers Boulevard, similarly the first internal right turn off the Settlers Boulevard driveway needs further consideration also) the potential to impact on the surrounding public road network needs to be strongly considered in the design layout.	The fast-food store location is not being considered for approval in this development application and will not be assessed at this stage.
External storage and service are sensitive interfaces and consideration should be given to amenity impacts from roads, parking areas and pedestrian areas.	Storage and service areas are proposed to be placed away from high foot traffic areas.
The underground car park shall be consistent with the external materials when visible from the public realm. Any ventilation ducts/grills shall integrate with the streetscape and be unobtrusive and/or screened.	The materials used for the basement parking are proposed to be consistent with the materials of the above ground development. The mechanical ventilation will ensure it is not visible to the public eye as illustrated in the Architectural plans (Appendix C) where material such as black battens and metal louvres are used to distort view impacts of service areas and equipment.
Car parking forward of the buildings/ within front setback to a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site. Additional landscaping is required along Tigerhawk Drive to ensure that the development of the site is well resolved at its edges/interface with the street. Landscaping should be of high quality and differences in finished levels between the site and footways shall be retained with high quality materials which integrate well with the architecture of the buildings.	The Heritage Drive frontage does not provide car parking at ground level. Tigerhawk Drive has a 3m landscaped strip between the pedestrian path / road and where the car park begins to resolve the interface and provide high quality visual impact between the site and the road.
Ensure variations in roof form are provided in the development or between developments. Lift over-runs and service plant shall be concealed	The roof form has ensured variation across the proposed built form, with detailed imagery of the

Council Comment	Response
<p>within roof structures. All roof plant is to be represented on plans and elevations and clearly integrated into the building. Any outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.</p>	<p>various roof sections with their degree and direction of fall illustrated in the Architectural Plans (Appendix C).</p>
<p>Ensure proposed levels and gradients within the site are submitted given the slope of the site and ensure the proposal achieving practical access for all modes of transport.</p>	<p>The Geotechnical Report (Appendix T) identified a 6% slope to the west of the site with steeper slopes located within gullies at the central portion of the site (up to 7%). This report recommended that limited earthworks be completed to prepare for construction although it is concluded that there is low risk of instability. For cuts greater than 2m a higher risk category would be considered.</p>
<p>The proposal must include a shared path connectivity plan linking existing and proposed external paths to entry point for the development on all frontages of the development.</p>	<p>The Architectural Plans (Appendix C) show the proposed linkage of the footpath across all frontages, connecting the entry points.</p>
<p>Plans and documentation required:</p> <ul style="list-style-type: none"> i. Staging Plan if proposed. ii. Economic Impact Assessment is required to consider the mix of retail and commercial offerings and the scale of any development to ensure continued viability of both Thornton and Chisholm centres. iii. Traffic Impact Assessment prepared by a suitably qualified consultant which considers the full development scenario of the centre, details relating to the overall traffic and pedestrian management, access to parking areas, pedestrian access provisions, assessment of the proposed car parking designs and traffic generation including an assessment on the surrounding road network and key intersections. Vehicle turning templates for articulated vehicles entering and exiting the loading dock areas will be required. <p>Car parking would be required to meet the minimum standards contained under the Maitland DCP 2011 – Car Parking (the specific land uses proposed must be calculated in accordance with the DCP). The proposal must</p>	<p>Staging is not proposed as part of this DA.</p> <p>An Economic Impact Assessment has been provided at Appendix J and is summarised in Section 8.7.2 outlining economic impacts of Chisolm Shopping Village from an economic perspective.</p> <p>A Traffic Impact Assessment has been provided at Appendix E and is summarised in Section 7.4.</p>

Council Comment	Response
<p>be accompanied by a detailed parking analysis as part of the broader traffic assessment.</p> <p>Consideration should be given to internal areas for taxi's, minibuses drop-off areas and bicycle racks/facilities.</p> <p>iv. Access Strategy prepared by a suitably qualified consultant which includes how safety and functionality of the pedestrian focal points and the public and school bus services that will congregate on Tigerhawk Drive. It should include a shared path connectivity plan linking all external paths to the entry point of the development.</p> <p>v. Landscape plan which shows existing vegetation; vegetation proposed to be removed; proposed general planting landscape treatment; design details of hard landscaping elements; major earth cuts, fills and any mounding; street trees; and existing and proposed street furniture including proposed signage.</p> <p>vi. Waste management plan for the construction and occupation of the development.</p> <p>vii. Acoustic Assessment – which considers sound power level outputs of air condition plant and the location of the plant, loading bay etc. The application should specify the delivery route to the loading bay area that minimises the noise impact on residential areas (this should also include the loading bay/ service delivery for the fast-food premises).</p> <p>viii. An indicative materials schedule should be included which provides specifics on finishes, colours and external materials including ground level finishes such as paving.</p> <p>ix. Any signage should show the location and dimension of all signage panels and demonstrate consistency with the Outdoor Advertising chapter of the DCP. Plans should indicate the intended method of night-time lighting – that is, either internal or external illumination. Please review SEPP64 Advertising</p>	<p>The Access Report at Appendix F provides an assessment of the accessibility requirements and demonstrates that the proposed development is capable of complying with the necessary requirements.</p> <p>Landscape Plan have been provided at Appendix D, identifying the existing and proposed vegetation plan for the proposed works.</p> <p>A Waste Management Plan has been prepared and is included at Appendix H, outlining the construction and operational plan for waste for the proposed works.</p> <p>An Acoustic Assessment has been detailed at Appendix O and considers the noise impacts for the surrounding residential area.</p> <p>The proposed material board is illustrated in the Architectural Plans at Appendix C.</p> <p>Signage does not form part of this DA and will be considered in future DA.</p>

Council Comment	Response
<p>and Signage for further information on advertising on private land.</p> <p>x. Bushfire Threat Assessment demonstrating compliance with Planning for Bush Fire Protection 2019.</p> <p>xi. Crime Prevention Through Environmental Design Assessment must also be submitted with the application.</p>	<p>A Bush Fire Assessment has been prepared at Appendix K and summarised in Section 7.3 to demonstrate compliance with Planning for Bushfire Protection 2019.</p> <p>A Crime Prevention Through Environmental Design Report was prepared and included at Appendix L.</p>
<p>A detailed statement of environmental effects (SoEE) is required that fully addresses the likely environmental impacts of the development (including impacts on both the natural and built environments), the social and economic impacts in the locality, and how the environmental impacts of the development have been identified. The SoEE should demonstrate how identified impacts will be mitigated. The requirements of the Thornton North URA and related DCP should be addressed in detail. The SoEE must also address site suitability and demonstrate that in designing the proposal you have fully considered and responded to the applicable site constraints legislative provisions. Any departures from Council's policies and DCP should be justified with appropriate reasons for justification.</p>	<p>This report is the SEE that is prepared in accordance with <i>Environmental Planning and Assessment Act 1979</i>. It addresses all the relevant statutory and strategic requirements including the state and local planning instruments and provides an assessment of the proposed works in reference to these instruments.</p>
<p>A detailed bulk earthworks plan is required that responds sensitively to the topography of the land to restrict and control excessive earthworks. Cut and fill should minimise land shaping outside of the building footprints and ensure that the amount of cut and fill does not concentrate surface flows onto adjoining properties or impact the riparian area. The plan should indicate the total amount of cut and fill across the entire site with inclusion of existing levels of the land for such works, including the construction of building and those areas of the site external to building platforms. Any cut/fill batters or retaining along boundary lines shall be clearly indicated in regard to heights and offsets to boundaries. Earthworks and the treatment of edges will require detailed consideration.</p>	<p>A detailed bulk earthworks plan and cut and fill plan have been prepared by Triaxial and is included at Appendix Q.</p>

Council Comment	Response
<p>Any cut retaining walls shall be offset away from neighbouring boundaries and road reserves. In addition, provision of longitudinal section plans for retaining in relation to their relationship with boundaries and/or fencing is also required. Any departures from Council's DCP in this regard should be fully justified, in particular, where retaining is not offset from boundaries and should provide good justification given potential issues with construction of walls and sub soil drainage etc</p>	<p>A detailed bulk earthworks plan and cut and fill plan have been prepared by Triaxial and is included at Appendix Q.</p>
<p>Engineering Advice</p> <p>Stormwater - A stormwater management plan shall be submitted as part of any application that addresses water quantity and quality targets in accordance with Councils Manual of Engineering Standards (MOES).</p>	<p>A Stormwater Management Plan has been provided at Appendix Q, addressing the water quantity and quality targets in accordance with Councils Manual of Engineering Standards.</p>
<p>The commercial component of the proposal must consider the following:</p> <ul style="list-style-type: none"> a) Vehicle access points from Heritage Drive, Settlers Boulevard, Tigerhawk Drive. b) Consider a right-hand turn lane from Settlers Boulevard within median. Changes in road levels need to be considered. c) Provide right hand turn lane from Heritage Drive. d) Consider the removal of the Tigerhawk Drive access. This will help extend the vehicle queue length for the fast-food outlets. Consideration should also be given for the carpark aisle near fast food 1 to exit only. e) Consider public transport, including bus zones and taxi ranks f) Provide pedestrian refuges at both access point on Heritage Drive and Settlers Boulevard. g) Consider the access point to undercover carpark. h) There appears to be a secondary access or pedestrian access to the underground carpark, confirm the type. 	<p>Multiple vehicle access points have been considered for entry and exit into the commercial premise with two, two-way access points from Heritage Drive and Settlers Boulevard as well as a one-way entry point from Tigerhawk Drive.</p> <p>Two pedestrian crossings are located at both access points from Heritage Drive and Settlers Boulevard.</p> <p>The basement entry is now only accessible heading west to avoid any congestion when crossing from the other side.</p> <p>Pedestrian access to the underground carpark has now been labelled on the updated architectural drawings. This access allows entry to the supermarket via the travelator from Heritage Drive.</p> <p>The car parking and service layout has been designed to comply with AS2890, as outlined in the Appendix E.</p> <p>The pedestrian walkways, stairs and ramps have been updated to provide for the ease of movement for all abilities.</p>

Council Comment	Response
<p>i) Ensure carparking layout and service areas comply with AS2890.</p> <p>j) Provide upgraded infrastructure to facilitate safe pedestrian movements to and from the development</p>	
<p>Urban Design Advice</p> <p>Overall supportive of the shopping centre design, proposed tenancies, size and location of open spaces and of links to surrounding features such as the school, future communities and open spaces.</p>	<p>The proposed design carefully considers of the proposed future use of tenancies and spaces within the centre, as well as the surrounding network.</p>
<p><u>Topography</u></p> <p>Elevations show areas where retaining walls are ~2m. Please minimise blank walls and retaining walls. Where this is inevitable, we will request a well-thought-out landscape design solution.</p>	<p>Retaining walls have been minimised where possible with stepped landscaping breaking up any tall, repetitive walls.</p>
<p><u>Road Design</u></p> <p>The proposed road that separates the residential from the town centre should be designed as a local road, to encourage regular pedestrian activity and provide visual and environmental amenity to future residents. It should feature footpaths, landscaping, street trees and street parking. The provision of wider footpaths on the southern/ residential side of the street, to encourage pedestrian activity away from the loading dock is supported. Perpendicular or angled parking near to the Town Centre is also acceptable, as long as CPTED issues have been addressed and conflicts between pedestrians and the loading dock have been minimised.</p>	<p>Noted, the proposed road design will be subject to a future application as part of the residential proposal to the south and will be consistent with council standards for local road design.</p>
<p><u>Building Advice</u></p> <p>Ensure the building meets accessibility and fire safety standards under both the BCA, Australian Standards and Guidelines and the requirements of Maitland DCP 2011 (where applicable). This will include disabled access, disabled car parking, disabled toilet facilities and accessible paths of travel.</p>	<p>A Regulatory Compliance Report has been prepared by McKenzie Group and included in Appendix G and an Access Report has been prepared by Vista Access Architects and included in Appendix F.</p> <p>The proposed development can comply with the Building Code of Australia subject to further assessment and design development as part of the Construction Certificate stage.</p>

Council Comment	Response
<p><u>External Referrals</u></p> <p>The application may be referred to the following external agencies for comment:</p> <ul style="list-style-type: none"> ▪ Rural Fire Services and Transport NSW 	<p>Noted.</p>
<p>Plans</p> <p>Should include but not limited to development Plans including:</p> <ul style="list-style-type: none"> ▪ Notification Plan; <ul style="list-style-type: none"> - Waste Management Plan (construction and operational waste management plan) - Survey Plan to investigate the existing site boundaries and any infrastructure restrictions, - Detailed site analysis that identifies constraints, prevailing characteristics of the locality and an understanding of the site and context, - Proposed site plan, floor plans, elevations, sections, Solar access diagrams, - Landscaping Plan with detail regarding plantings height at maturity, pot size and include details of retaining walls and fencing, - Vehicle manoeuvring and access plan, - Erosion and Sedimentation Control Plan, - Bulk Earthworks Plan, - Stormwater Management Plan, - Photomontages - Schedule of colours, materials and finishes, - Arborist report, - Contamination assessment, - Acoustic report, 	<p>All relevant plans have been provided to accompany the Development Application, refer to appendices.</p>

Council Comment	Response
<ul style="list-style-type: none"> - Notification plan with site plan, elevations and floor plan. 	
<p>12 August 2021</p>	
<p>Careful consideration to the layout to Settlers Boulevard and Heritage Drive. The interface and presentation to Settlers Boulevard and Heritage Drive should consider:</p> <ul style="list-style-type: none"> i. Further information on landscape buffer along road frontage – who owns/maintains. ii. Clearly show the proposed fencing locations and materiality. iii. Consider building variation to the road frontages it is undesirable to have large expanses of unpunctuated facades walls 	<p>The interface and presentation to Settlers Boulevard and Heritage Drive has been carefully considered in terms of landscaping, architectural articulation, building variation and fencing and materiality.</p>
<p>Engineering Advice</p> <p>The new link road is to be consistent with the existing stub near Heritage Drive, being 4.5m verge, 12m carriageway and 5.5m verge with full width footpath.</p>	<p>Noted, the proposed road design will be subject to a future application as part of the residential proposal to the south and will be consistent with council standards for local road design.</p>
<p>Provide right hand turn lane from Settlers Boulevard within median. Changes in road levels need to be considered.</p>	<p>A right hand turn land has not been provided, entry is limited to left hand turn in/out from Settlers Boulevard.</p>
<p>Provide right hand turn lane from Heritage Drive.</p>	<p>A right hand turn lane will be provided from Heritage Drive.</p>
<p>Remove Tigerhawk Drive exit. The traffic on to Tigerhawk is to be minimised. All traffic must exit via Settlers Boulevard or Heritage Drive.</p>	<p>Tigerhawk Drive has a proposed entrance. This arrangement is supportable from a traffic and access perspective as outlined within the Traffic and Parking Assessment at Appendix E.</p>
<p>The Tigerhawk Drive entry shall be shifted as far away from the roundabout without impacting existing Bus zones/infrastructure. This will require the extension of the central median in Tigerhawk to restrict right in movements.</p>	<p>Tigerhawk Drive has a proposed entrance which is located away from the existing roundabout and setback from the existing bus zone.</p> <p>This arrangement is supportable from a traffic and access perspective as outlined within the Traffic and Parking Assessment at Appendix E.</p>
<p>Consider public transport, including bus zones and taxi ranks.</p>	<p>The surrounding vicinity is serviced by public buses nearby the area. There are no train lines, and a taxi rank has not been proposed for this DA.</p>

Council Comment	Response
Provide pedestrian refuges at both access point on Heritage Drive and Settlers Boulevard.	Pedestrian crossings have been provided at both the Settlers Boulevard entrance/exit and the Heritage Drive entrance/exit for safe access points.
Ensure carparking layout and service areas comply with AS2890.	The carparking layout and service areas will be in accordance with the Australian standards AS2890.
Provide upgraded infrastructure to facilitate safe pedestrian movements to and from the development	The proposal will integrate with the existing pedestrian infrastructure and provide upgrades where necessary.
Stormwater quality and quantity to be addressed for both the Subdivision DA and Shopping Complex DA in accordance with Council's Manual of Engineering Standards	The stormwater plans address the Council's Manual Engineering Standards at Appendix Q .
<p>Urban Design Advice</p> <p>Consideration can be given to reduced setbacks along the new loop road on merit and additional assessment, given the proposed medium density character of the street. Suggest setbacks be a minimum of 1m and the new loop road should achieve a minimum of 25m separation from building face to building face. Suggest a smaller setback to the south side of the road (for detached dwellings and dual occupancy) and a larger setback to the superlot on the north side, to allow for ground floor terraces and better privacy for the potential residential flat building. Such concessions would be subject to further review following lodgement of the application..</p>	<p>The Shopping Centre Complex DA will be setback sufficiently from the future road. In addition, adequate perimeter landscaping is proposed along this boundary to provide a visual buffer between the proposal and the future residential which is still in the design development phase. Shorter setbacks will need to be considered for a future DA for the residential component.</p>
<p>General</p> <p>The Tigerhawk Drive entry shall be shifted as far away from the roundabout without impacting existing Bus zones/infrastructure. This will require the extension of the central median in Tigerhawk to restrict right in movements.</p>	<p>The Tigerhawk Drive entrance has been shifted west further from the roundabout to reduce traffic impact.</p>

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

The SEE relates to the development of a neighbourhood scale shopping centre at 20 Heritage Drive, Chisholm.

The proposed development is a one-to-two storey mixed use retail/commercial development with basement level parking. The development comprises a full-scale supermarket, retail premises, indoor recreation facilities, food and drink premises, childcare centre, car wash and a medical centre. The project consists of bulk excavation, new structure, fit-out and commissioning of the proposed centre based child care facility only.

Specifically, this DA seeks consent for the following:

- Site preparation and early works including removal of all vegetation, retaining walls and bulk earth works;
- All land uses proposed within Chisholm Shopping Village including Retail Premises, Food and Drink Premises, Health Services Facility (Medical Centre), Recreation Facility (Indoor) and Centre based child care facility;
- Fit out of the Centre based child care facility;
- Development of the shopping centre and ancillary uses including all external walls and structures. All detailed internal tenancy fit outs will be subject to separate approval (with the exception of the Centre based child care facility);
- A total commercial / retail Gross Floor Area of 8,060m² and 3,320m² GFA for a Medical Centre, centre based child care facility and recreation facility (Indoor);
- All internal driveways and hard stand areas to accommodate loading and 557 car parking spaces and a basement car park with ancillary car wash facility;
- An on site detention system which will be provided as a combination of below ground tanks and surface storage within the proposed carpark; and
- Landscaping and public domain works including tree planting, paving, construction of driveways and perimeter footpaths.

The proposed development is illustrated in the Architectural Plans (**Appendix C**) prepared by BN Architects, and other supporting technical documents Appendices **A** to **V**. The overall built form and design is illustrated **Figure 5** to **Figure 9** below.

Key numeric aspects and areas of the and proposed land uses are provided at **Table 3** and **Table 4** and the various components of the proposed development are described in the following sections.

It is the intention of the main shopping centre to provide a flexible tenancy layout. Accordingly, the below tenancy dimensions should be read as indicative only with the final tenancy layouts and fit outs to be subject to separate approval. Signage will also be subject to a separate approval.

The following section provides a details description of key design aspects of the proposed development.

Figure 5 Chisolm Village Centre Main Entrance



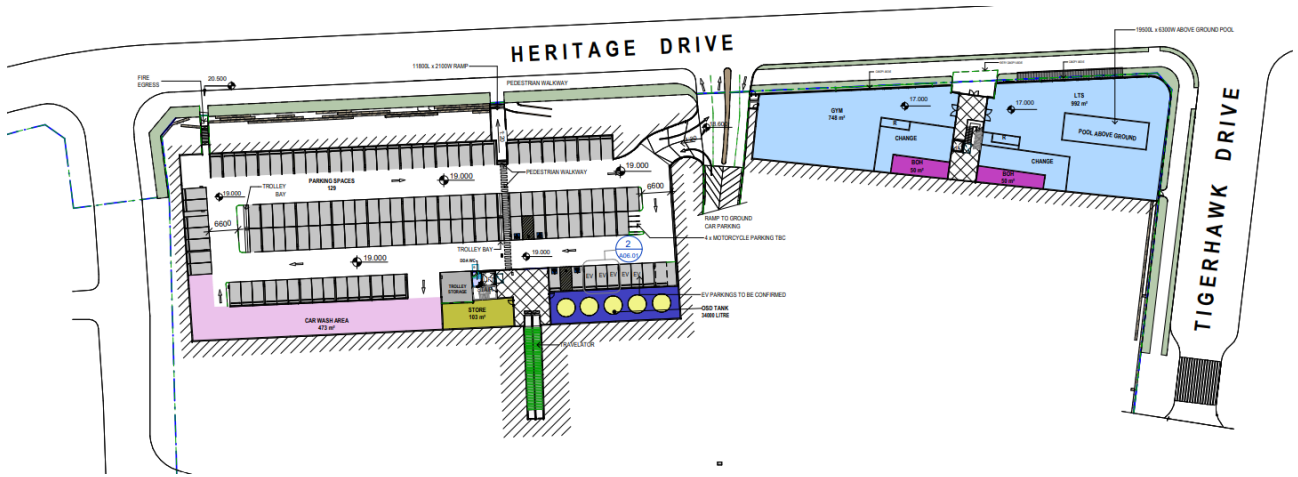
Source: BN Architects

Figure 6 Childcare and fitness centre (Gym)



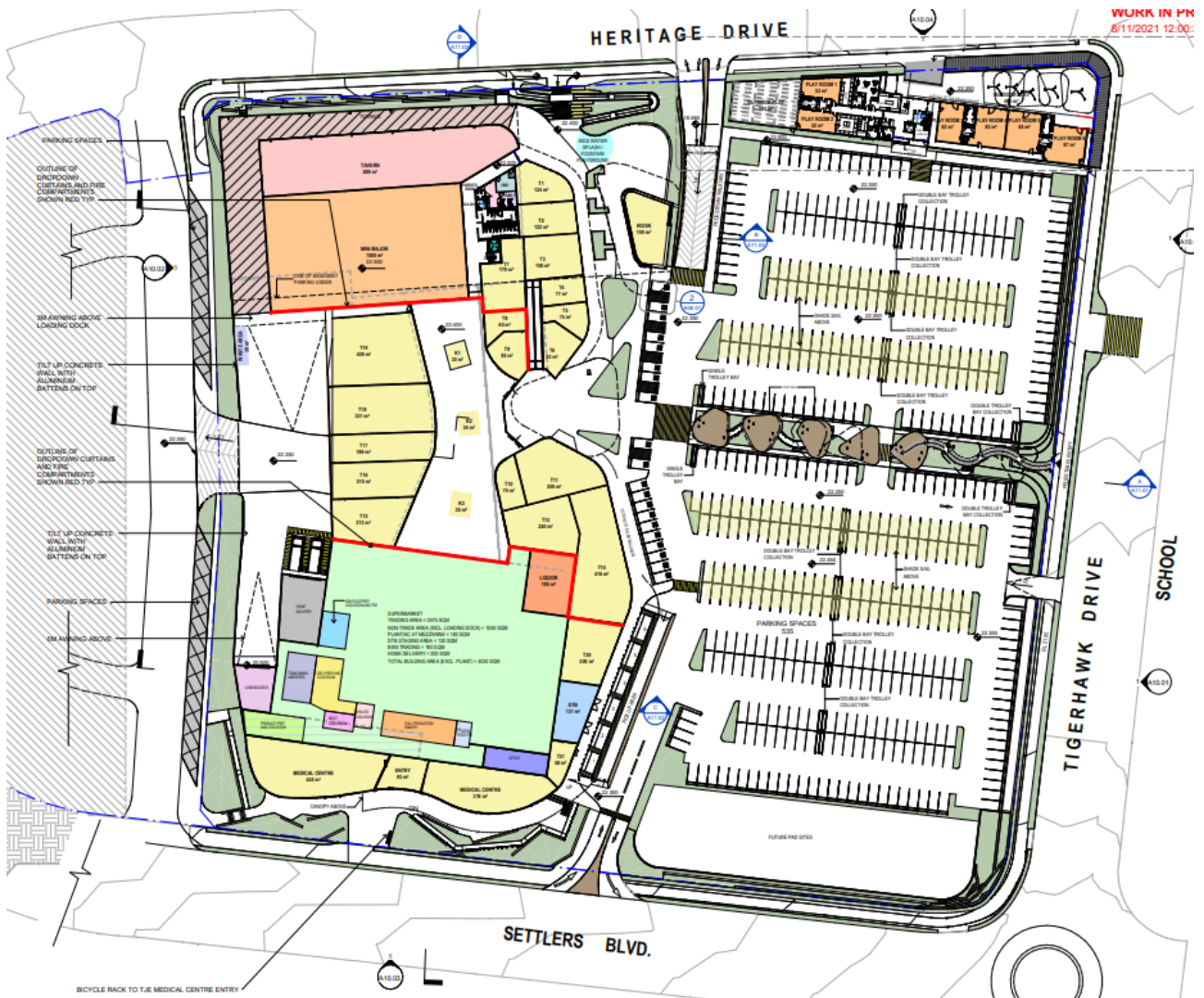
Source: BN Architects

Figure 7 Proposed Basement Floor Plan and Mezzanine Level



Source: BN Architects

Figure 8 Proposed Ground Floor Plan



Source: BN Architects

Figure 9 Proposed Roof Plan



Source: BN Architects

Table 3 Proposed Land Uses and Areas

Parameter	Proposed GFA
Site Area	43,940m ²
Tavern	705m ²
Supermarket	2,555m ²
Mini Major	1,140m ²
Retail	3,490m ²
Liquor	165m ²
Child Care	875m ²
Recreational Facility (Indoor)	1,745m ²

Parameter	Proposed GFA
Medical Care	700m ²
Amenities and Internal Plaza	1,525m ²
Total GFA	12,910m ²
Total FSR (12,910 m²) / site area (43,940 m²)	0.29:1 (refer to Drawing No A00.20 Rev. A, for GFA calculations)

Table 4 Car parking schedule

Parameter	Parking
Car parking	Basement: 116 spaces Ground level: 537 spaces
Disabled	14
Parent spaces	10
Electric Vehicle (EV) Parking	5
Total	682
Trolley Bay	18 (ground level), 4 (basement level)
Bicycle Parking	4

4.2. DESIGN

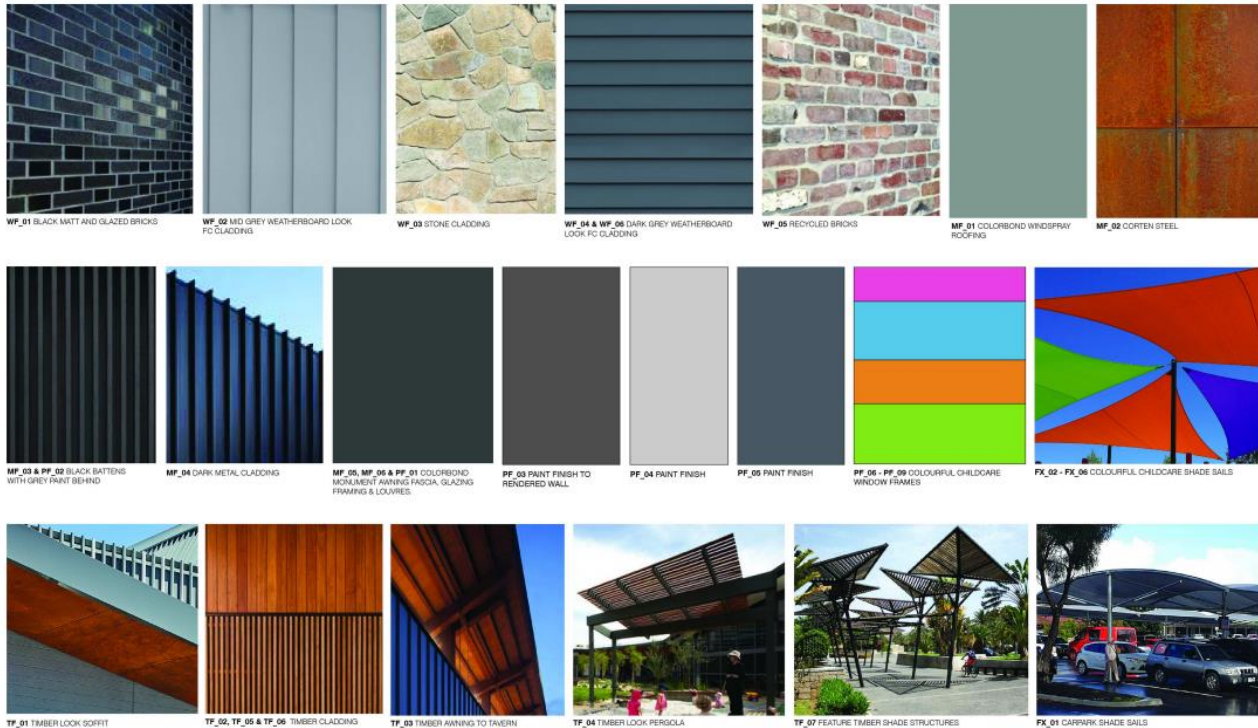
The proposed design reflects the site topography, proposed land uses and guiding principles of the Precinct Plan and incorporates the following key features:

- Provides an appropriate mix of land uses including space for a full line supermarket, other core retail uses, childcare centre, recreational facilities and medical centre.
- Siting and design which presents a unified coherent appearance reflective of the local and regional character.
- An accessible and convenient centre that provides safe and legible pedestrian and cycle connections to the surrounding schools, residential area and 'Whitewater Park'.
- A high quality and contemporary architectural style that reflects the existing topography.
- Provision of a well-designed and accessible pedestrian plaza opposite the school for passive recreation providing a focal point and meeting place for the local community.
- Ensures that the service areas are well planned and provided separate to the main pedestrian and vehicle entry points.

4.3. MATERIALS AND FINISHES

A materials board is included in drawing DA-100.01 included within **Appendix C**. The colour and material selections have been made to create transitions and allowing the development to add value to its surrounding neighbourhood. below provides the proposed materials and finishes palette.

Figure 10 Proposed material board



Source: BN

4.4. LANDSCAPING

Site landscaping is to be in accordance with the accompanying Landscape Plans prepared by Moir landscape architects at **Appendix D**.

As shown in the submitted plans, the proposed landscaping will incorporate the following key features:

- Perimeter planting to visually soften facades and provide visual separation between the main car park area and the roadway.
- Terraced planting with gabion retaining is proposed to the Tigerhawk Drive to manage the level transition.
- Hedge planting with shade tolerant species along the interface with adjacent future residential precinct to the west.
- Planting of large and native evergreen carpark trees to provide shade and greenery against hard surfaces.
- The future pad site will be landscaped with turf.
- Sandstone boulders providing garden edging and informal seating opportunities in front of the proposed medical centre.
- The bio-retention basis will include water-sensitive planting and sandstone elements.
- Internal landscaping to highlight pedestrian entry points, feature paving to direct movement, bench seating, landscaping.
- In-ground water feature with sandstone boulder clusters and rubber soft fall tiled area with climbing play structure providing flexible play opportunities.
- Mounded garden beds with corten edging and floating timber seating to provide additional screening to adjacent carparking.

Reference should be made to these plans for all details in relation to landscaping. The site is largely clear of any significant trees and/or vegetation.

4.5. SITE PREPARATION AND CIVIL WORKS

Excavation and civil works will include some earthworks (cut and fill) and use of retaining walls to create a level building platform for the centre and proposed car park. A total of 42,710m³ of cut and 22,480m³ of fill is proposed to facilitate the development.

Site stormwater and drainage is to be in accordance with the Civil Plans and Stormwater Management Report provided by Triaxial at **Appendix Q**. Specifically, an on site detention system is also proposed which will be provided as a combination of below ground tanks and surface storage within the proposed carpark.

Reference should be made to these plans and accompanying report for all details in relation to stormwater and drainage.

4.6. CHILD CARE CENTRE

The proposed development includes the construction and fit out of a single-storey child care centre, located above the proposed learn to swim and gymnasium.

The characteristics of the proposal are:

- Five (5) play rooms to cater for different age ranges
- Two (2) outdoor play spaces with associated shading
- Staff and administration space
- Kitchen
- Bathroom and sperate accessible toilet
- Nappy change room
- Cot room

In terms of children numbers, the following breakdown is proposed:

- 0-2 years old = 28 children
- 2-3 years old = 40 children
- 3-6 years old = 44 children
- Total = 112 children
- 19 educators

This child care centre has been design in accordance to modern standards and practices. The proposed new internal layout of the building will allow for the appropriate room sizes for the different activities and facilities required for a child care.

4.7. CAR PARKING AND ACCESS

The proposed development includes an associated at-grade car parking area accommodating 535 car parking spaces with vehicular access provided via a two-way driveway from Heritage Drive, entry only driveway from Tigerhawk Drive (left in only) and a two-way driveway restricted to left in / left out on Settlers Boulevard:

- 10 x parent /plan car parking spaces;
- 10 x disabled car parking spaces; and
- 515 standard car parking spaces.

In addition, the proposal includes six (6) pick-up parking spaces to facilitate the supermarket direct to boot services.

An associated basement parking area is also proposed accommodating 126 car parking spaces with vehicular access via Heritage Drive:

- 4 x disabled car parking spaces;
- 5 x electric vehicle car parking spaces; and
- 117 x standard car parking spaces.

Additional car parking (21 spaces) is also proposed along the future access road, which is proposed between Heritage Drive and Settlers Boulevard. Loading and servicing area is also proposed for the development from the futures access area.

4.8. OPERATIONAL HOURS

The proposed operational hours are outlined below in Table 5.

Table 5 Proposed operational hours

Land Use	Proposed Hours
Supermarket and Mini Major	7:00am to 10:00pm, 7 days per week
Liquor	9:00am to 10:00pm, 7 days per week
Gym	24 hours, 7 days per week
Learn to Swim	7:00am to 10:00pm, 7 days per week
Medical	7:00am to 10:00pm, 7 days per week
Child care centre	7:00am to 7:00pm, Monday to Friday
Car wash	7:00am to 7:00pm, 7 days per week
Tavern	9:00am to 12:00am, 7 days per week

4.9. INFRASTRUCTURE DELIVERY

All urban services are either available, or easily connected into the site, enough such that the proposed development can be suitably services. Where necessary services will be augmented or upgraded to enable the functionality of the proposed development.

4.10. CONSTRUCTION MANAGEMENT

A Construction Management Plan (CMP) has been prepared by Richard Crookes Construction (**Appendix I**). Some of the details provided in the CMP include hours of work, civil and infrastructure works and services, site establishment, hoardings, fences and barriers, environmental and traffic management.

A construction works and management approach will also be updated by the appointed contractor engaged for works prior to commencement. This will include site inductions, safety work method statements, Traffic Management during construction, risk management (including viewing impact on neighbours), and change management.

5. STRATEGIC PLANNING ASSESSMENT

5.1. HUNTER REGIONAL PLAN 2036 AND DRAFT HUNTER REGIONAL PLAN 2041

The *Hunter Regional Plan, 2036* (HRP) ‘*outlines a vision to grow and diversify the Hunter economy over the next 20 years so that it remains the biggest and most productive regional economy in Australia.*’

Direction 20 of the HRP ‘*Revitalise Existing Communities*’, aims to concentrate development in existing communities to revitalise and enhance the area. Action 20.2 aligns with the vision of place-making for the Chisholm community. The facility will provide the neighbourhood with a local shopping centre to provide retail, health, childcare, fitness and recreation facilities. It will provide an attractive design that is accessible and safe for the local community.

Direction 23 of the HRP aims to ‘*Grow Centres and Renewal Corridors*’. This direction identifies strategic centres and that these and other smaller centres such as Chisholm operate as part of a network. Action 23.5 of the HRP seeks to ensure that locations for new centres are integrated with existing or planned residential development and do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.

Chisholm Shopping Village is entirely consistent with the HRP for the following reasons:

- Chisholm Shopping Village is integrated with the planned new community at Chisholm (part of the former Thornton North Release Area) which is aimed at delivering a future residential population of 12,500.
- The development of the centre has been specifically staged and accompanied by an EIA to ensure that it compliments existing centres (including Thornton), subsequent stages of Chisholm Shopping Village will also include an EIA as per the requirement of the Precinct Plan.
- The centre provides a high quality urban design outcome consistent with the objectives of the precinct plan framework which includes active street frontages and publicly accessible spaces for the community to gather and socialise. It positively addresses transport and access requirements including provision of bus set down areas as well as substantial areas for customer parking.

The NSW Government are currently undertaking their first five year review to extend the plan to 2041, to realign priorities. The updated Draft Hunter Regional Plan 2041 is now on exhibition until 4 March 2022. The priorities have been updated in the draft plan to ensure the objectives align with the region’s future.

Some of the new ideas that the draft plan is aiming to include are greater diversification, promote economic self determination and greater recognition of the custodians of the land and net zero emissions. Whilst the ideas that best align with the proposed development for the Chisholm Shopping Village include 15-minute mixed-use neighbourhoods, planning for new land uses and infrastructure and development within already established neighbourhoods, improving the communities value. Two of the relevant objectives are further explained as follows.

Objective 3 of the Draft HRP aims to “*Create a 15 minute region made of mixed, multi-modal, inclusive and vibrant local communities*”. This objective identifies the value that is can be created from commercial developments that are in close proximity to everyday essentials. The strategies that the proposed development will provide include greater local access to everyday needs, an equipped neighbourhood within a rural community and a connection to other surrounding communities.

Objective 7 of the Draft HRP aims to “*Plan for businesses and services at the heart of healthy, prosperous and innovative communities*”. This objective identifies the evolving need for public places and activities for the community to enjoy. The strategies align with proposed Chisholm Shopping Village as it will enhance the vitality and viability of the Chisholm Centre generating employment and activity, increase the night time economy and provide health and education services for the local community.

5.2. MAITLAND CITY COUNCIL ACTIVITY CENTRES AND EMPLOYMENT CLUSTERS STRATEGY 2010

The *Activity Centres and Employment Clusters Strategy, 2010 (ACECS)* identifies Chisholm Shopping Village as a 'local centre' within an overall hierarchy of activity centres. The purpose of this strategy is to:

- *Provide a logical hierarchy and network of activity centres and employment clusters which supports the growth of the local economy and employment in Maitland for the next 20 years;*
- *Provide clear direction as to the vision, role, function and potential growth for each activity centre and employment clusters to support the predicted population growth within the Maitland LGA over the next 20 years;*
- *Ensure all activity centres and employment clusters in Maitland are well designed and provide appropriate facilities and services in a pleasant environment for residents, employees and visitors;*
- *Guide future land use and development decisions which reflect the principles of this strategy, the vision of the activity centre or employment cluster, to support the residential growth within the Maitland LGA; and*
- *Ensure that future reviews of this strategy and future policies relating to activity centres and employment clusters are flexible and able to respond to the changing economic and social circumstances. This includes the recognition that the network and hierarchy of activity centres and employment clusters may change over time to facilitate new uses and working practices.*

The ACECS states the following objectives in relation to the future development of the Thornton North (Chisholm) local centre followed by a comment on how the proposed design meets these objectives.

Key policy objectives for Chisholm Neighbourhood Centre include:

- *Reinforce the role and function of Chisholm as a local centre within the network and hierarchy of activity centres, to support the higher order function of the town centre at Thornton and provide a focal point for community activity enabling a strong identity and sense of community to be built by the new residents of Chisholm; (our emphasis)*

Comment: Chisholm Shopping Village will complement the higher order function of the nearby town centre at Thornton whilst also providing the necessary services and facilities required by the anticipated future population of Chisholm including a full line supermarket. Chisholm Shopping Village will ensure that the future population will have close and convenient access to the necessary retail and commercial services as well as community facilities.

- *Creation of a new local centre to support the growing residential population by providing a range of convenience shopping combined with some community activities within this area of the Maitland LGA;*

Comment: The proposed development will serve the growing food and grocery needs of trade area residents. The resident population of the primary sector is estimated to reach 7,300 at 2026 and increase to a substantial 10,000 at 2031. There are currently no supermarkets or notable retail facilities in the primary sector, and there is the clear demand and need for a major supermarket in the local area.

- *To create a walkable neighbourhood with convenient access to employment, retail premises, community facilities and other services, with less dependence on cars for travel. This can be achieved with the integration of live/work units in and around the centre to encourage the location of small home-based businesses;*

Comment: The centre will allow for residents within Chisholm to access the facilities and services close to their homes, reducing car dependency and encouraging healthy lifestyles via the extensive footpath and cycle network throughout the release area which connects directly to the centre.

- *Provide safe, pleasant pedestrian and cycleway routes connecting the activity centre to the surrounding residential neighbour and to provide good connectivity with public transport; and*

Comment: The proposed centre is domestic in scale and will be provided with a safe and legible public domain that will allow connectivity into Waterford County's extensive and well-established pedestrian and cycle network as well as the potential to provide opportunities for additional public transport services as demand increases.

- *Create a village atmosphere with the mix of uses and integration a range of housing options like shop-top housing close to or within the centre to provide out of hours activity and contribute to the creation of Chisholm as a vibrant activity centre.*

Comment: Chisholm Shopping Village will provide an appropriate mix of uses for this level of centre. Once completed, the proposed uses will create a vibrant and active community hub throughout the day and into the evening.

5.3. MAITLAND CENTRES STUDY (HILL PDA 2009, REVIEWED APRIL 2016)

The Maitland Centres Study was reviewed by Hill PDA in April 2016. The study provides projections for retail expenditure and floorspace demand for the Maitland LGA over the 20 years to 2031. The Study updates the earlier 2009 Maitland Centres Study. The study notes the following in relation to Thornton North (Chisholm)

- *“The 2009 study recommended that the supportable floor space for Chisholm would be 2,000 - 4000sqm*
- *BTS population suggest that Thornton North will continue to grow strongly reaching a population of 3,211 persons by 2031 which equates to an annual average growth rate of 11%.*
- *Population growth has been solid around Thornton however the study notes that there is limited opportunity for Thornton town centre to expand to cater for the additional growth in its trade area.*
- *Given that the CNC would double the current offering at Thornton town centre the mix and scale of any proposal would need to be carefully evaluated to ensure continued viability of both centres and that an EIA be required for any proposal and that alternative uses be sought if the level of retail/commercial provision would be to the detriment of Thornton Town Centre and surrounding centres.”*

Comment: This proposal has carefully considered the potential impacts of the Chisholm Shopping Village on neighbouring centres. The adopted Precinct Plan and DCP includes a requirement for a DA to be accompanied by an Economic Impact Assessment (EIA). An EIA has been prepared by Ethos Urban for development and is included at **Appendix J Appendix N**. The Economic Impacts of the proposal are discussed in detail at **Section 6.4**.

5.4. MAITLAND LOCAL STRATEGIC PLANNING STATEMENT 2040+

The Maitland Local Strategic Planning Statement (**LSPS**) sets out a 20 year land use vision, outlining how growth and change will be sustainably managed in the future. It identified the local planning priorities for the region to provide certainty around future land use and areas for planning and investigation.

The Thornton (Chisolm) region is identified as a Local centre and plays an important role in identifying and delivering local development to support the community. It is located in the Eastern Precinct and has a key initiative for opportunities to create new jobs and support the growing economy.

The local Chisolm Shopping Village will provide strengthen the local economy, provide jobs and improve connection to essential and recreational facilities. The following planning priorities within the LSPS are aligned to the overall aim of the Chisolm Village Centre as follows:

- Local Planning Priority 03 - Support a place based planning approach to guide better planning and urban design outcomes for our centres and neighbourhoods.
- Local Planning Priority 07 - Strengthen our local economy through attracting investments, creating jobs and fostering innovation.
- Local Planning Priority 18 - Work collaboratively to deliver infrastructure and services to support the planned growth.

5.5. SECTION 7.11 – MAITLAND COUNCIL S94A LEVY CONTRIBUTIONS PLAN 2008

The proposed Chisolm Shopping Village development is subject to the Maitland Council S94A Contributions Plan 2016. This plan’s purpose is to authorise a payment levy of contributions that will assist Council to provide quality public services and amenities to meet the needs of the community and its visitors.

Council requires payment of the levies for a development cost of \$36,955,000 as follows:

- 1% of the proposed cost of carrying out the development where the cost is greater than \$200,000

Upon development approval for the proposed Chisolm Shopping Village, the determined cost by the consent authority will be paid by time notified in the conditions, if no time is specified the levy will be paid prior to issuing of CC.

6. STATUTORY PLANNING ASSESSMENT

6.1. RELEVANT ACTS

6.1.1. Environmental Planning and Assessment Act 1979 (EP&A Act)

The proposal is considered to be consistent with the objects of the EP&A Act. The proposal is consistent with the site-specific provisions outlined within the environmental planning instruments and has been designed having regard to the environmental sensitivities of the site. The proposal will also provide for the orderly and economic use of the land for high density residential purposes close to existing public transport connections.

An assessment against Section 4.15 of the EP&A Act is provided in **Section 8** of this SEE.

In accordance with Section 4.46 of the EP&A Act, the proposal is an integrated development. The application will require consideration and concurrence approval by the relevant authority in relation to section 100B of the *Rural Fires Act 1997*.

6.1.2. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) aims to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

A comprehensive Flora and Fauna Impact Assessment was previously prepared for the greater site in 2007 by Ecotone Ecological Consultants. A supplementary Flora and Fauna Assessment (FFA) was prepared by EPS dated 07 June 2018 which focuses on the development site (refer to **Appendix R**).

The FFA outlines the following:

"It is considered under the BC Act that offsets are not required as part of the project. To trigger offsets, the minimum threshold for native vegetation clearing is > 0.25ha. As the impact footprint on native vegetation is below this threshold, the site is not mapped as being of high biodiversity value on the Biodiversity Value Map, and the 5 part test has concluded a non-significant impact, the proposal does not trigger the need for offsetting via the NSW Biodiversity Offset Scheme."

Thereby, no further assessment is required under the BC Act in respect to biodiversity offsets.

6.1.3. Rural Fires Act 1997

The site is mapped as bushfire prone land specifically as Vegetation Category 1 and Buffer.

Under Section 100B of the *Rural Fire Act 1997* 'a child care centre' is nominated as a special fire protection purpose, thereby the proposed development is classified as integrated development and requires approval from NSW Rural Fire Service.

A Bush Fire Assessment has been prepared by Newcastle Bushfire Consulting and included in **Appendix K**.

6.2. STATE ENVIRONMENTAL PLANNING POLICIES

6.2.1. State Environmental Planning Policy (State and Regional Development) 2011

The proposed works have an estimated cost of \$36,955,000 (including GST) and development consent is sought in accordance with Part 4 of the EP&A Act. A Quantity Surveyors (QS) Cost Estimate Report has been prepared by Newton Fisher and is provided at **Appendix B**.

The cost of works is above \$30 million; accordingly, the DA is declared as regionally significant development, and will be determined by the Hunter and Central Coast Planning Panel (**HCCPP**).

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the state. Clause 7(1) requires the consent authority to consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

A Preliminary Site Contamination Assessment was undertaken as part of the original planning proposal (refer **Appendix S**). This report concluded that the majority of the site was suitable for residential development. Additionally, its assessment of the planning proposal to rezone the Chisholm Shopping Village site in 2010 Council stated the following in relation to application of SEPP 55.

“This site was rezoned to Residential 2(a) as a part of Amendment 86 to the Maitland LEP 1993, therefore the land use proposed is suitable on this site.”

The site is therefore considered suitable for the development and the requirements of SEPP 55 have been satisfied.

6.2.3. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure such as classified roads and prescribing consultation requirements for certain development.

Under clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the proposed development is ‘traffic generating development’ as it is for the purposes of shops and commercial premises above the relevant size or capacity with access to any road (2000sqm). Referral to Roads and Maritime Services (RMS) will therefore be required under the ISEPP.

A Traffic Impact Assessment has been prepared by McLaren Traffic Engineering and included at **Appendix E**. The traffic generation associated with the proposal is limited and is not considered to adversely impact the efficiency of movement of people to and from the site. Further discussion of traffic and parking impacts is provided in **Section 7.4** below.

6.2.4. State Environmental Planning Policy (Education Establishment and Child Care Facilities) 2017

The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (SEPP Education and Child Care) aims to ensure that early education and care facilities are established effectively and consistently. It incorporates standardised planning provisions relating to child care centres, schools, universities and TAFEs.

Under SEPP Education and Child Care, a consent authority must take into consideration the Child Care Planning Guideline when assessing a DA for a child care facility. Part 3 of the Guideline includes matters which must be considered by the consent authority when assessing a DA for a child care facility. Part 4 of the Guidelines provides the requirements for internal and external areas of Childcare facilities as per the National Quality Framework (NQF). The table below illustrates the proposed development’s compliance with the relevant provisions of the Child Care Planning Guidelines.

Part 3 of the Guideline includes matters which must be considered by the consent authority when assessing a DA for a child care facility. An assessment of the proposal under Part 3 is provided in **Table 6** below.

If a DA satisfies the design criteria, a consent authority cannot refuse the DA on the basis of design. The SEPP prevents a council from imposing more onerous standards or refusing a DA on the basis that they have not been complied with, and the standards include proximity to other centres, indoor and outdoor space requirements, colour schemes if not heritage affected, site area/coverage/dimensions and other stated design criteria in Part 3 of the guideline.

Part 4 of the Guidelines provides the requirements for internal and external areas of Childcare facilities as per the National Quality Framework (NQF). The National Quality Framework Assessment Checklist has been completed for the proposal to address the National Regulations, this is included in **Appendix P**.

Table 6 Part 3 – Child Care Planning Guidelines

Matters for Consideration	Proposed	Complies
3.1 Site selection and location		
<p>Objective: To ensure that zone considerations are assessed when selecting a site.</p> <p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</p> <p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p>	<p>The site located is considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> - The child care will provide facilities and services to meet the day to day needs of residents - The site will be in close proximity to a cluster of local stores and services including a medical centre, school, and learn of swim centre - The child care will front Heritage Drive primarily which is appropriate for a child care centre - The development will not result in adverse environmental impacts to adjoining properties. - The DA is accompanied by technical reports which conclude the site is environmental safe and the scale of the proposal is suitable 	<p>✓</p>
3.2 Local character, streetscape and the public domain interface		
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>Objective: To ensure clear delineation between the child care facility and public spaces.</p> <p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<p>The proposed design and landscaping are compatible with the B1 Neighbourhood Centre zone and provides an appropriate character response to the surrounding and future streetscape.</p> <p>In addition, the proposal provides a clear entrance (via a concrete path) and clearly delineates the private and public realm.</p>	<p>✓</p>
3.3 Building orientation, envelope and design		
<p>Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</p> <p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p>	<p>The site will achieve adequate solar access, with numerous windows and glazed door to maximum indoor solar access. Both the large open play space are substantial and will receive direct sunlight.</p> <p>As noted above, the proposed built form is compatible with the objectives of the B1 Neighbourhood Centre zone and is appropriate in relation to its context and the</p>	<p>✓</p>

Matters for Consideration	Proposed	Complies
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p>	<p>built form contributes to the area's character.</p> <p>The accompanying Access Report (Appendix F) confirms the proposal will (or is capable of) meet the applicable standards and requirements for access to buildings for people with disability. Detailed design in accordance with the relevant standards will be included with any future Construction Certificate.</p>	
3.4 Landscaping		
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p>	<p>The landscaping solution prepared will contribute to the streetscape and amenity.</p>	✓
3.5 Visual and acoustic privacy		
<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p>	<p>The child care centre is located appropriately on the corner of Tigerhawk and Heritage Drive within the site and is protected as the centre is located above street level. There will be no overlooking of indoor rooms or outdoor play spaces from adjoining residential/ mixed-use properties. In addition, there will be no privacy impacts to the residential dwellings nearby the site.</p> <p>The Acoustic Assessment (Appendix O) found that the proposal will not have unreasonable impacts upon nearby receivers.</p>	✓
3.6 Noise and air pollution		
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p>	<p>The existing background noise level is suitable for the proposed childcare centre (Appendix O as outlined in the Acoustic Report.</p> <p>The proposal is not located proximate to a busy road or land uses that would give rise to air pollution</p>	✓
3.7 Hours of operation		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p>	<p>The proposed hours of operation area 7:00am to 7:00pm, Monday to Friday which</p>	✓

Matters for Consideration	Proposed	Complies
	is considered appropriate for a B1 Neighbourhood Centre zone.	
3.8 Traffic, parking and pedestrian circulation		
<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p>	The Traffic Impact Assessment (refer to Appendix E) confirms the proposal will not adversely impact existing traffic flows and the provided car parking is appropriate.	✓

6.3. MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

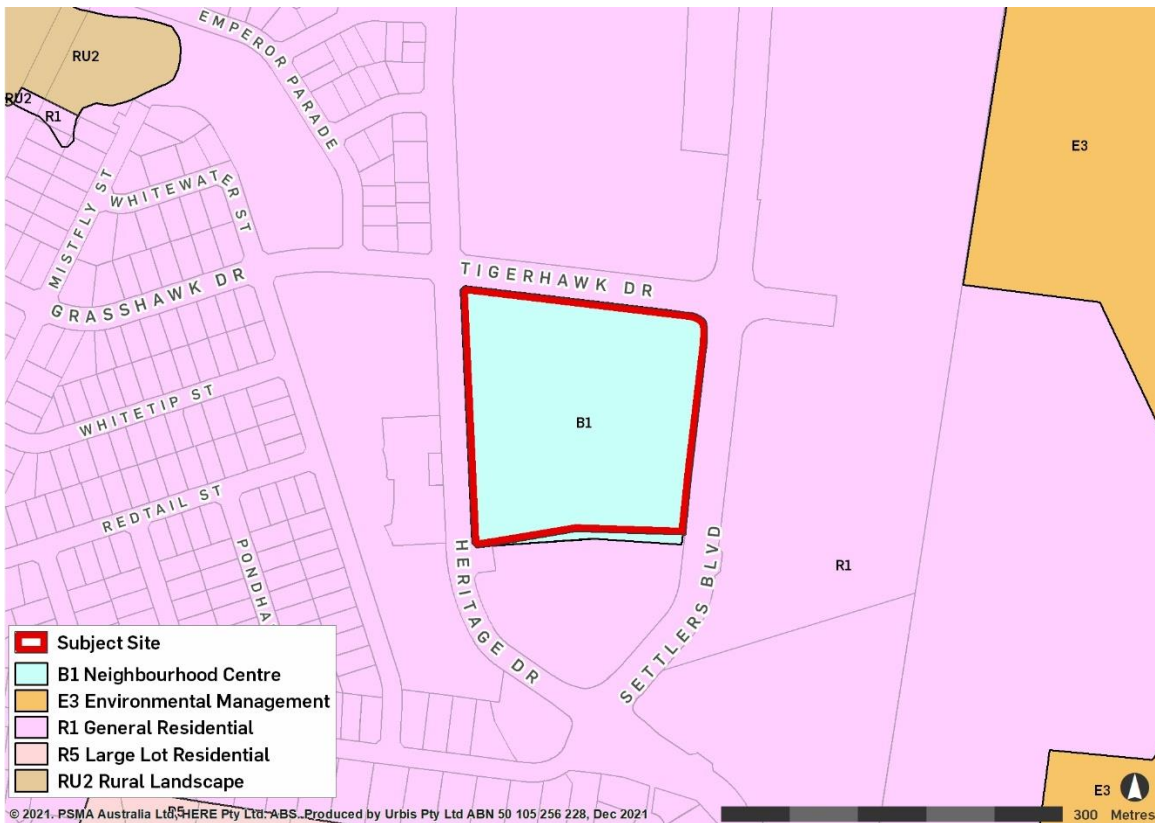
Maitland Local Environmental Plan 2011 (MLEP) is the primary environmental planning instrument applying to the site and the proposed development.

The proposed development has been assessed against the relevant development standards contained in the MLEP as discussed in detail below.

6.3.1. Zoning, Permissibility and Objectives

The site is within the B1 Neighbourhood Centre zone (see Figure 11 below).

Figure 11 Land Zoning map illustrating the site



Source: MLEP 2011

The relevant objectives of the B1 Neighbourhood Centre zone are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide retail, business and community facilities to meet the needs of a growing population.*

Chisholm Shopping Village is consistent with the B1 Neighbourhood Centre zone objectives for the following reasons:

- Chisholm Shopping Village is a planned neighbourhood scale shopping centre that was first identified in the Thornton North Structure Plan (TNSP). The proposed centre and uses are of a scale that will enable the centre that serves the needs of the population of this urban release area whilst ensuring that the role and function of neighbouring centres is not impacted.
- In addition to the retail uses, the proposed seeks to provide additional complementary community land uses such as child care centre, medical centre, gymnasium and food and drink premises which cater to the day to day needs of the community.
- The small-scale nature of the centre is consistent with the local hierarchy of centres noting that Thornton Shopping centre is clearly a higher order centre as it supports greater community facilities, a public school, sporting fields and is within walking distance of Thornton Rail Station. The B1 zone prevents the centre from becoming a higher order centre.
- Notwithstanding the first zone objective, it has always been the intention that the scale of Chisholm Shopping Village will support a level of retail that can grow according to the needs of a growing population. This was reflected the second zone objective and in the Maitland Centres in 2009 which stated,

“In light of constraints in Thornton Town Centre, it is recommended that a new village centre is planned for development commensurate with residential development in the Thornton North Release Area.”

- The level of floor space proposed is consistent with the resolution of Council when it progressed the original planning proposal for the site in May 2010 to apply what is effectively a GFA cap on the commercially zoned land and is compliant with the floor space ratio (FSR) control prescribed by the MLEP 2011.
- An Economic Impact Assessment has been prepared by Ethos Urban (see **Appendix J**) which clearly demonstrates that both the Thornton Local Centre and Chisholm Shopping Village can serve the needs of the growing population and without significant long-term economic impacts.

The proposed development is defined as a mixed-use development comprising of numerous land uses. The proposed uses are permitted with development consent in the B1 zone. The uses are defined in the MLEP 2011 as:

centre-based child care facility means

- (a) *a building or place used for the education and care of children that provides any one or more of the following—*
- (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *out-of-school-hours care (including vacation care),*
 - (iv) *preschool care, or*
- (b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))*

Medical centres *means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Note: The proposal seeks consent for shops and food and drink premises, which fall under the parent definition of Commercial Premises (Retail Premises) above.

6.3.2. LEP Provisions

The following table assesses the compliance of the proposed development with other relevant clauses in the MLEP 2011.

Table 7 MLEP 2011 Compliance Table

Relevant Clause	Provision	Proposal	Complies
Clause 4.3 – Height of Buildings	No provision	The proposed built form ranges between one-to-two storeys in height and is considered appropriate for surrounding context considering there is no building height restriction applying to the site.	N/A
Clause 4.4 – Floor Space Ratio	0.3:1	The proposed development has an FSR of 0.29:1 based upon a gross floor area of 12,910m ² and a site area of 43,940m ² (refer to Drawing No A00.20 Rev. A, for GFA calculations).	Yes
Clause 6.2 – Public Utility Infrastructure	(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	Council was previously satisfied that 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. No change in this regard.	Yes
Clause 6.3 – Development Control Plan	DCP required prior to development in an Urban Release Area	Part F.7 Thornton Urban Release Area of the Maitland DCP has been adopted addressing the provisions of	Yes

Relevant Clause	Provision	Proposal	Complies
		clause 6.3(3) of the LEP, as such Council can grant consent to the DA. An assessment of the proposal against the DCP is provided below in Appendix V .	
7.1 Acid Sulphate Soils	Class 5. Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The proposed development will not distribute, expose or drain acid sulfate soils and cause environmental damage given the site is not located in close proximity to Class 1, 2, 3 or 4 land.	Yes
7.2 Earthworks	(1) The objectives of this clause are as follows— (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring separate development consent.	The proposed development will require excavation and civil works, including the use of retaining walls to create a level building pad for the proposal, refer to Appendix Q .	Yes

6.4. MAITLAND DEVELOPMENT CONTROL PLAN 2011 (MDCP 2011) AND PRECINCT PLAN

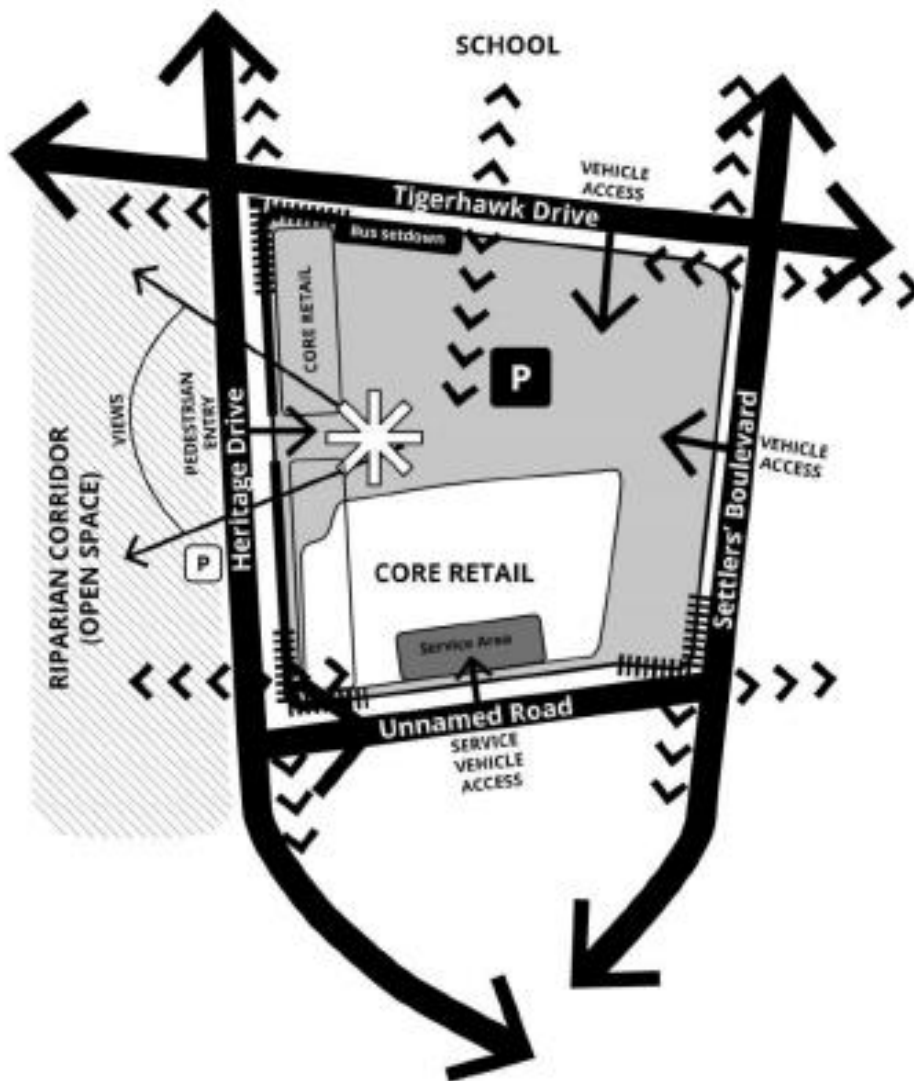
Maitland Development Control Plan 2011 (the DCP) provides detailed planning controls relevant to the site and the proposal. The relevant controls of the DCP are identified and assessed in the table prepared by Urbis at **Appendix V**.

A Precinct Plan was adopted in February 2017 in accordance with clause 1.2 (i) of Part F.7 of the Maitland Development Control Plan as a key development site. The Precinct Plan is shown at **Figure 12** below. It is evident that the proposed layout is consistent with the adopted Precinct Plan, which has been looked upon favourably in the Pre-DA discussions.

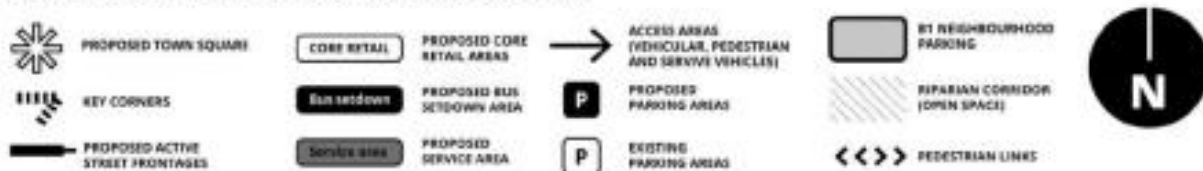
The provision of space within the core retail area for one ‘major supermarket’ will ensure that the needs of the future residential population of the Chisholm release area is adequately serviced. Future food and beverage uses with abundant opportunities for outdoor dining along the main Heritage Drive frontage will encourage activity of the site into the evening providing a vibrant local village atmosphere consistent with the overall vision of the Precinct Plan to foster a strong sense of place.

Overall, the proposal achieves an appropriate balance of policy compliance and contextual building envelope response to the local and emerging character.

Figure 12 Adopted Precinct Plan



CHISHOLM LOCAL CENTRE - PRINCIPLES PLAN



Source: MDCP 2011

6.5. OTHER REGULATORY DOCUMENTS

The following regulatory documents were considered in the design, future operation and the assessment of the proposed child care centre to which it was found to be compliant with the provisions found in:

- Education and Care Services National Regulations; and
- ACECQA National Quality Standards

The end operator is required to meet the physical space and operational requirements in order to gain a child care licence/service approval. Further, they will liaise with and seek advice from the Department of Education and Communities with regard to meeting these Regulations and obtaining all relevant approvals to operate.

7. ASSESSMENT OF KEY ISSUES

7.1. BUILT FORM AND URBAN DESIGN

7.1.1. Building Design and the Public Domain

The proposed development caters to the changing context of the locality, while being sympathetic to surrounding developments in close vicinity. The contemporary mix of materials and finishes provide visual interest and contribute to the overall design of the development.

Both the Architectural Plans (**Appendix C**) and Landscape Plans (**Appendix D**) will ensure that the loading dock and back of house areas fronting the proposed road will be suitably screened by architectural elements and landscaping.

The proposed layout ensures a high quality and cohesive built environment which will provide for an attractive centre for the Chisholm community. The proposed layout allows for a placed based approach with a well-defined ground plane that concentrates pedestrian activity around the main entrance and public plaza central to the site.

The proposal will provide additional activation and opportunities for high amenity outdoor seating areas associated with Food and Drink premises along the designated active frontage to Heritage Drive fronting Whitewater Park.

7.1.2. Building Scale and Height

As demonstrated in the Architectural Plans at **Appendix C** the development will have a positive visual impact on the character of the surrounding release area. The contemporary built form will activate a large development site and will positively address and enhance the surrounding streetscape. The proposed building heights relate to key frontages and corners adding modulation of the structure and visual interest across the site.

7.1.3. Overshadowing and Solar Access

Shadow diagrams between 9:00am and 3:00pm on June 21 have been prepared by BN Architects and included in **Appendix C**. The diagrams illustrate the proposal will not have any overshadowing impacts on surrounding development or the public domain.

The centre will provide public areas of high amenity with good solar access and opportunities for passive recreation. The hard and natural landscaping of the site and publicly accessible areas will respond to character of the area and contribute to a sense of place and community.

7.2. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

A Section J Report has been prepared by JHA and is included at **Appendix M** to demonstrate design compliance for the proposal.

In terms of ESD, the following commitments are proposed:

- Five (5) electric vehicle parking spaces;
- Solar panels on the roof with a target of 500KW;
- 5 x 34,000L rainwater tanks to enable rainwater reuse; and
- 6-star green star and NABERS.

The proponent is committed to developing a high quality ESD response for the proposed development.

7.3. BUSHFIRE

The site is mapped as bushfire prone land and therefore a Bushfire Assessment Report has been prepared by Newcastle Bushfire Consulting and is included at **Appendix K**. The report has assessed the proposed development against the requirements of section 4.14 of the EP&A Act 1979, AS3959 (2018) Building in

Bushfire Prone Areas and Planning for Bushfire Protection, 2019. The Bushfire Assessment Report confirms that referral to NSW Rural Fire Service is required.

The Bushfire Assessment Report breaks down the assessment into two subparts, firstly for the commercial development and secondly for the child care centre given this use is classified as Special Fire Protection Purpose under section 100B of the Rural Fires Act 1997. The following sections summarise the findings of the bushfire assessment.

Commercial Development:

A bushfire threat assessment for the commercial development concludes that the Bushfire Attack Level (BAL) is BAL-LOW to the north, south and west, and BAL-19 to the east. The recommended Asset Protection Zone (APZ) is 140 metres to the north, south and west, and 41 metres to the east. The APZ will be required to be maintained for the life of the development and defensible space provided on-site.

Child Care Development:

The bushfire threat assessment for the child care development concludes that the BAL is BAL-LOW. The vegetation that surrounds the child care centre is primarily maintained lands and therefore the recommended APZ is 140 metres. The APZ will be required to be maintained for the life of the development and defensible space provided on-site.

Recommendations:

The Bushfire Assessment Report recommends that development consent be granted subject to the following recommendations (extracted directly below):

1. *"The proposed building works shall comply with National Construction Code 2019 Structural Fire Safety requirements.*
2. *At the commencement of building works and in perpetuity, the site shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.*
3. *Water, electricity and gas are to comply with Planning for Bush Fire Protection (2019) Section 7. The hydrant network shall be expanded to comply with AS 2419.1.*
4. *Landscaping is to be undertaken in accordance with Planning for Bush Fire Protection (2019) Appendix 4 and managed and maintained in perpetuity.*
5. *An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document Guidelines for the Preparation of Emergency/Evacuation Plan, with the new buildings incorporated in the plan."*

In conclusion the proposed development offers compliance with the Planning for Bush Fire Protection (2019), and the above recommendations will reduce the bushfire risk on site.

7.4. ACCESS, PARKING AND TRAFFIC

A Traffic Impact Assessment and Turning Templates have been prepared by McLaren and included at **Appendix E**. The report provides an assessment of the proposed vehicular site access arrangements, on-site car and bicycle parking provision, car park layout and design, vehicle servicing requirements and the traffic impacts anticipated as a result of the proposed development.

The following sections provide an overview of access, parking and traffic.

7.4.1. Access

The proposed car parking and vehicular access is provided as follows:

- Separated entry and exit driveways, with minimum widths of 3.6m, facilitating access to Settlers Boulevard:
 - Restricted to left in / left out.
- 6.4m width exit driveway and 4.4m width entry driveway facilitating access to / from Heritage Drive:

- No turn restrictions.
- 5.7m entry only driveway from Tigerhawk Drive;
- 18.6m width two-way driveway facilitating access to the New Link Road (to be delivered under the residential DA);
- Pedestrian sight triangle of 2m by 2.5m at the property boundary at all relevant driveways ;
- Minimum 6.6m width parking aisles with 2.6m wide visitor spaces (User Class 3A);
- Compliant ramp grades not exceeding 20% and no grade change greater than 12.5%;
- Minimum 5.4m length, 2.6m width spaces for parents / visitors;
- Minimum 5.4m length, 2.4m width disabled spaces with adjacent associated 5.4m length, 2.4m width shared space;
- Minimum 0.3m clearance to high objects from trafficable areas; and
- Minimum headroom of 2.2m for general circulation and 2.5m headroom clearance provided over disabled and adaptable parking areas.

In summary the car parking and access has been designed in accordance with the relevant clauses and objectives of *AS2890.1:2004*, *AS2890.2:2002* and *AS2890.6:2009*. Swept path testing has been undertaken and are reproduced within **Appendix E**.

7.4.2. Parking

Table 8 outlines the required parking as per the Maitland DCP 2011 and the *RTA Guide to Traffic Generating Development 2002* adopted by Transport for NSW (TfNSW). The TfNSW rates were used for the medical centre given the Maitland DCP 2011 does not prescribe a rate.

Table 8 Council DCP and TfNSW Parking Rates

Land Use	Scale	Document	Rates	Spaces Required
Supermarket	3,912m ²	DCP	1 per 16m ² GFA	349.8
Liquor	185m ²	DCP	1 per 16m ² GFA	
Major Retail	1,500m ²	DCP	1 per 16m ² GFA	
Shops	3,695m ²	DCP	1 per 25m ² GFA	147.8
Tavern	890m ²	DCP	1 per 10m ² GFA	89
Medical Centre	745m ²	TfNSW	4 per 100m ² GFA	29.8
Food and Drink Premises	160m ²	DCP	1 per 25m ² GFA	6.4
Child Care Centres	112 children	DCP	1 per 4 children	28
Gymnasium	800m ²	DCP	7.5 per 100m ² GFA	60
Swim School	1,040m ² 20 children	First Principles	2 per child	40

Land Use	Scale	Document	Rates	Spaces Required
Car Wash	475m ²	DCP	1 per 40m ² GFA	11.9
Total	-	-	-	762.7.7 (763)

As illustrated above, strict application of the DCP requires the provision of approximately 763 car parking spaces. The proposed development provides for 682 car parking spaces including 21 spaces along the proposed new road (to be delivered as part of the future residential DA). Therefore, the proposed development has a shortfall of 81 parking spaces from the prescribed rate.

McLaren outlined that the DCP car parking rates are generally applicable to standalone developments and do not consider cross utilisation of car parking of different uses or consideration to different peak parking periods. Therefore, McLaren recommends that the proposed development be assessed against the *RTA Guide to Traffic Generating Development 2002* as these guidelines consider cross utilisation of retail uses.

Further, the DCP does not consider that some land uses will not overlap with one another, specifically:

- The child care centre will not operate on weekends;
- Gymnasiums and win schools do not operate at their peaks on weekends;
- Taverns peaks parking periods occur in the afternoon.

With this in mind, by adopting the TfNSW (RMS) parking rates for shopping centres and gymnasiums, the proposed development requires the provision of 682 car parking spaces. The proposed development will provide 661 on-site car parking spaces and as such result in a surplus of 65 car parking spaces based on the RMS parking rates.

With consideration to parking profiles for gymnasiums, shopping centres and taverns / pubs, the proposed development would operationally demand 644 car parking spaces based upon TfNSW (RMS) parking rates.

The anticipated parking profiles is outlined below, based upon TfNSW data (extracted from Traffic Impact Assessment):

- **Weekday Parking Profile:** *the shopping centre, tavern and gymnasium portion of the development is expected to demand 590 car parking spaces during weekdays, although this does not consider the parking demand generated by the swim school or child care centre. Including the parking demand of the swim school and child care centre results in a total anticipated parking demand of 658 (590 + 28 + 40). A further reduction could be applied as the peak parking demand occurs at 12pm, when parents are not at the child care centre. Hence, a further reduction of 14 spaces (half of 28, being staff vehicles) can be applied, resulting in the parking demand of 644 car parking spaces. The proposed development provides 682 car parking spaces, including the parking along the New Link Road, resulting in a surplus of 38 car parking spaces over the expected peak parking demand.*
- **Weekend Parking Profile:** *the shopping centre, tavern and gymnasium portion of the development is expected to demand 589 car parking space on weekends, although this does not consider the parking generated by the swim school if it operates on weekends. Including the parking demand associated with the swim school, the proposed development will result in an anticipated parking demand of 629 (589 + 40) car parking spaces. The proposed development provides 682 car parking spaces, including the parking along the New Link Road, resulting in a surplus of 53 car parking spaces over the expected peak parking demand.*

Additionally, the proximity to residential land provides ease for active transport methods as a mode of transport with well-established pedestrian and cycle. The site is also accessible through public transport services, with the potential to provide additional services as transport demand increases.

In view of the above, the provision of 661 on-site car parking spaces accommodates the anticipated parking demand of the site. The TfNSW parking rates are the more applicable rates for the subject site, as they consider parking demands associated with multiple land uses (i.e. shopping centres) rather than assessing each component of the site in isolation, which reflects the parking rates within the DCP.

Further modelling and justification have been included in the Traffic Impact Assessment at **Appendix E**.

7.4.3. Traffic Generation

The traffic generation rates for the relevant land uses are provided *RTA Guide to Traffic Generating Development 2002*. It is noted that the TfNSW (RMS) Guide does not provide traffic generation rates for swim school developments and as such, a first principles assessment has been conducted. This is based on a traffic generation rate of two (2) trips per child on-site at any one time.

The traffic generation of the proposed development has been estimated to be some 580 (weekday AM peak hour), 1,106 (weekday PM peak hour) and 1,189 (Weekend peak hour) two-way vehicle trips during the AM (292 in, 288 out), PM (551 in, 555 out) and midday weekday (597 in, 592 out) respectively. The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no detrimental impact to the performance of the assessed intersections as a result of the generated traffic

A signalised intersection warrant assessment has been undertaken for the intersection of Heritage Drive / Tigerhawk Drive and indicates that a signalised intersection does not meet the TfNSW warrants.

7.5. CONSTRUCTION AND TRAFFIC MANAGEMENT

A Construction Management Plan (CMP) has been prepared by Richard Crooks Construction and submitted at **Appendix I**. The CMP outlines the approach to construction management of the proposed development and will be updated by the appointed contractor, engaged for the works and prior to works commencing.

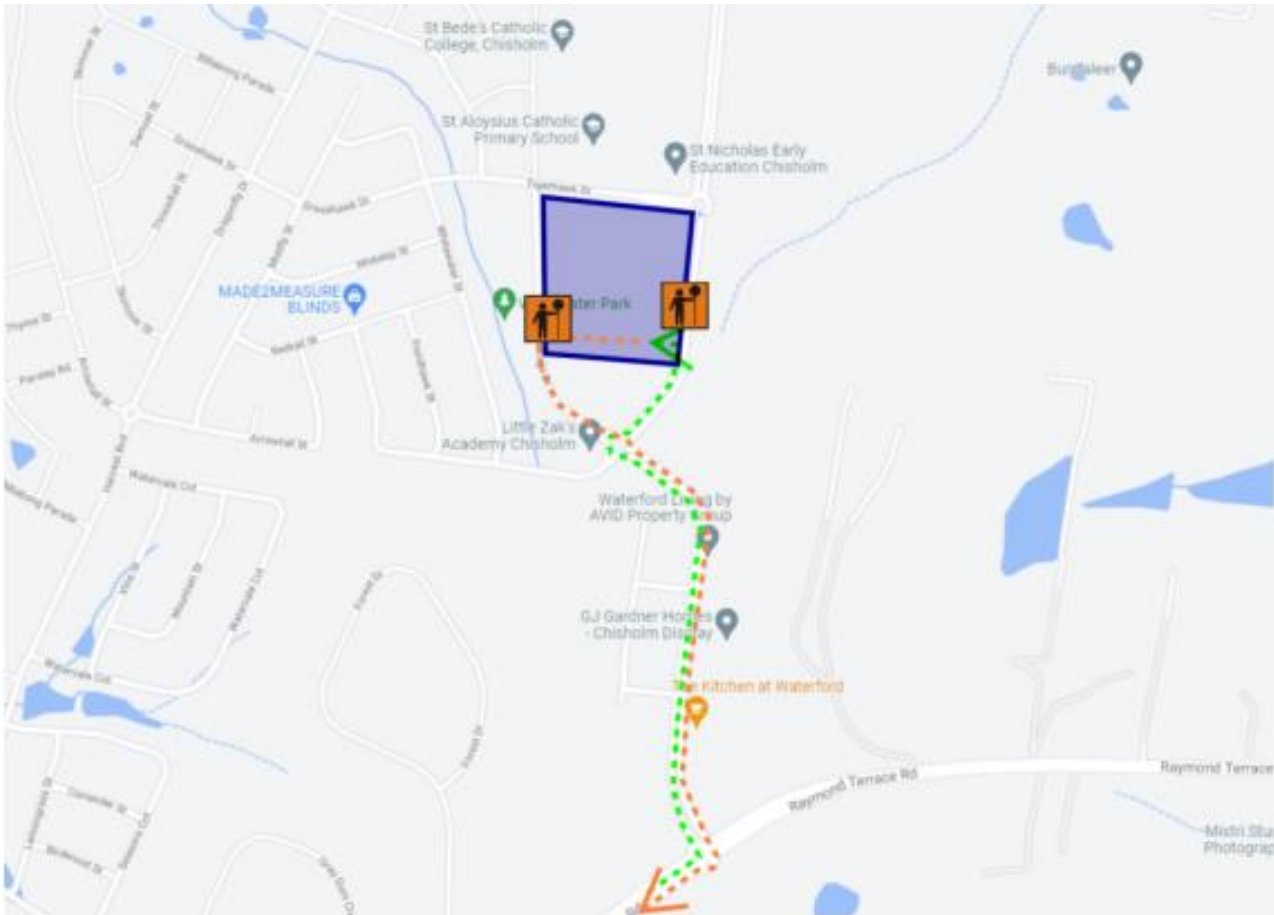
The following site management measures will be undertaken prior to commencement:

- Installation of hoardings, site accommodation and amenities.
- Completion of pre-construction dilapidation reports of all public and private roadways, adjoining and adjacent paving, structures, buildings and residences.
- Implementation of stormwater management and erosion control procedures.
- Erection of roadway and footpath signage and provide accredited traffic management personnel as described in the Traffic Management Plans to ensure protection of the public, safe access to and from the site by heavy vehicles and the safe unloading and loading of machines and materials.
- Erection of statutory signage including name, address and contact details for the PCA and for the Builder including an out of hours name and telephone number for the Builder.
- Initiation all appropriate "dial before you dig" searches to determine the existence of all in ground services that may be affected by the works.

In respect to traffic management, a nominated traffic consultant will complete a formal Traffic Management Plan before the commencement of works on the site. Richard Crooks Construction has recommended the site that utilises Raymond Terrace Road, operated by a Roundabout. Vehicles will then turn Right at Settlers Boulevard roundabout that provides a left turn entry to the site, then left turn exit from site departure via alternative exit gate on to Heritage Drive.

It is anticipated that construction access and interfaces to Tigerhawk Drive will be required, and the principal contractor will coordinate with the council and school along this boundary. **Figure 13** outlines the recommended construction vehicle route.

Figure 13 Recommended construction traffic routes



Source: Richard Crooks Construction

7.6. WASTE MANAGEMENT

7.6.1. Construction Waste Management

Waste materials generated through excavation and construction works will be minimised by reuse on site, recycling or disposal at an appropriate waste facility.

The following construction and demolition waste management strategies are proposed:

- On site stockpiling for reuse as fill and/or landscaping where possible.
- Materials such as concrete, timber, metal (ferrous and nonferrous), plasterboard and glass to be separated wherever possible to enhance resource recovery.
- Bricks/pavers cleaned and separated wherever possible for reuse or to enhance resource recovery.
- Considerable vegetation can be chipped onsite for volume reduction.
- Containers (cans, plastic, glass) to be recycled.
- Reuse fixtures and fittings where possible.
- Hazardous or special waste (for example spills and contaminated wastes) to be dealt with appropriate management methods specified by a licensed asbestos and site hygienist, should such waste materials be found at the site.

7.6.2. Operational Waste Management

An Operational Waste Management Plan has been prepared by Elephants Foot and submitted at **Appendix H** providing details regarding operational details of the proposed development in respect to waste.

The areas allocated for waste storage and collection area detailed in the table below, and the waste rooms are illustrated in

Figure 14.

Table 9 Waste room areas

Location	Waste Room Type	Equipment	Area
Ground Level Loading Dock	Retail, Gym, Tavern & Medical Centre Communal Compactors & Bins	General Waste: 1 x 23m3 compactor Paper/Cardboard Recycling: 1 x 23m3 compactor Comingled Recycling: 12 x 660 bulk bins	80m ²
Child Care Centre	Child Care Waste Room	General Waste: 2 x 660L bins Recycling: 2 x 660L bins	8m ²

Source: Elephants Foot

Ground Level Loading Dock:

A private waste collection contractor will be engaged to collect the general waste, paper/cardboard, and commingled recyclables per an agreed schedule.

On the day of compactor servicing, a private waste collection vehicle (hook lift) will enter the site from the laneway (accessible via Heritage Drive and Settlers Boulevard) and reverse in front of the compactor for loading onto the vehicle. Once the compactor is loaded, the vehicle exits the site in a forward direction and unloads the material at a licenced resource recovery facility. The compactor is then returned to resume operational use.

On the day of servicing for commingled recyclables, a rear-load vehicle enters the site from the laneway and parks in the designated loading bay to service the bins. Once the bins are decanted are returned to the storage area, the driver will exit the site in a forward direction onto the laneway

Child Care Centre:

A private waste collection contractor will be engaged to service the childcare waste and recycling bins per an agreed schedule. This report assumed that waste and recycling will be collected 3 x weekly.

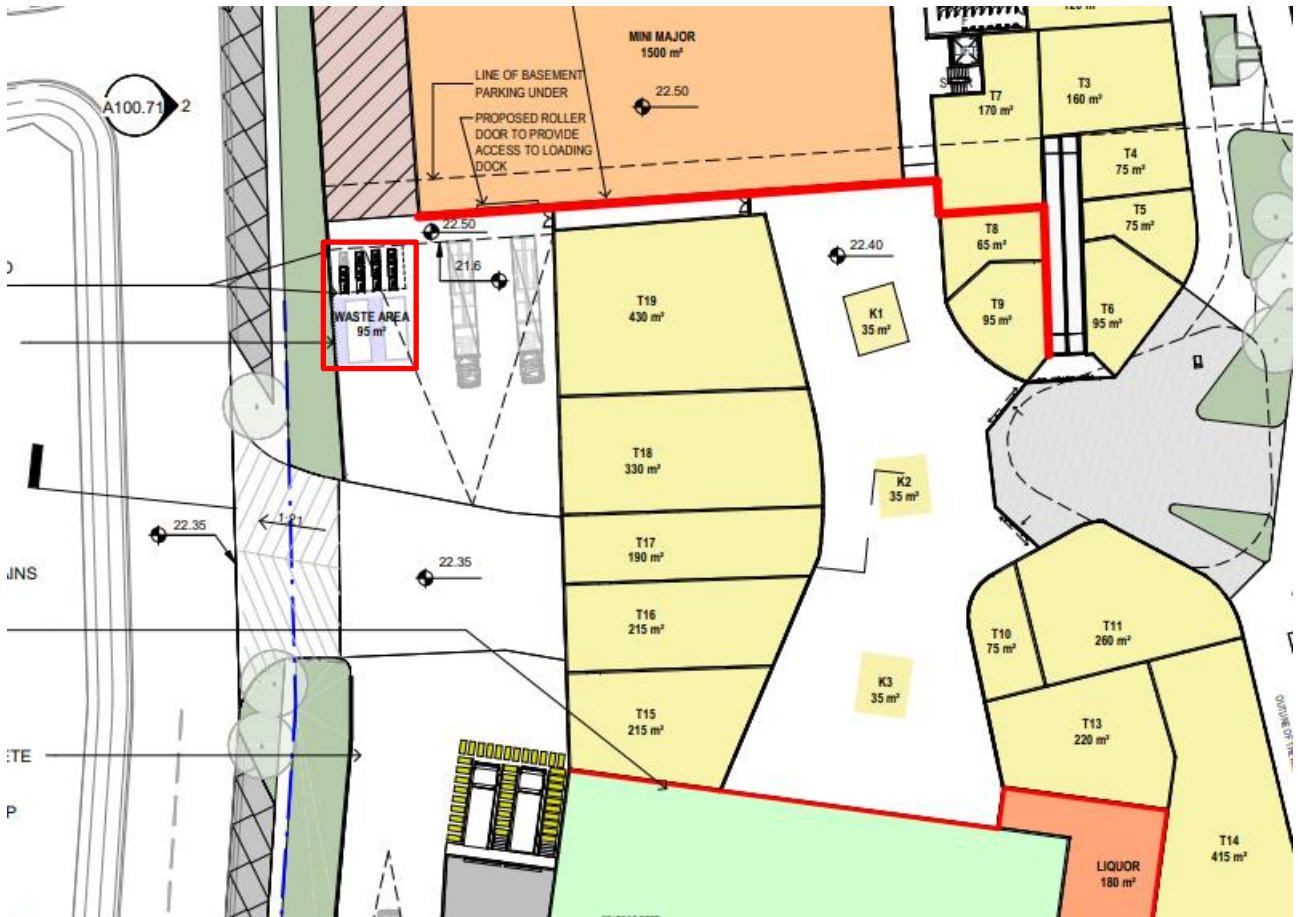
On the day of service, a private waste collection vehicle will pull up on Tigerhawk Drive adjacent to the childcare waste room. The bins will be collected directly from the childcare waste room via a collect and return arrangement.

Medical Waste:

It will be the responsibility of the medical centre operator to determine the types of medical waste that will be generated by the development, and to arrange for the appropriate bins and collection services for the relevant medical waste types.

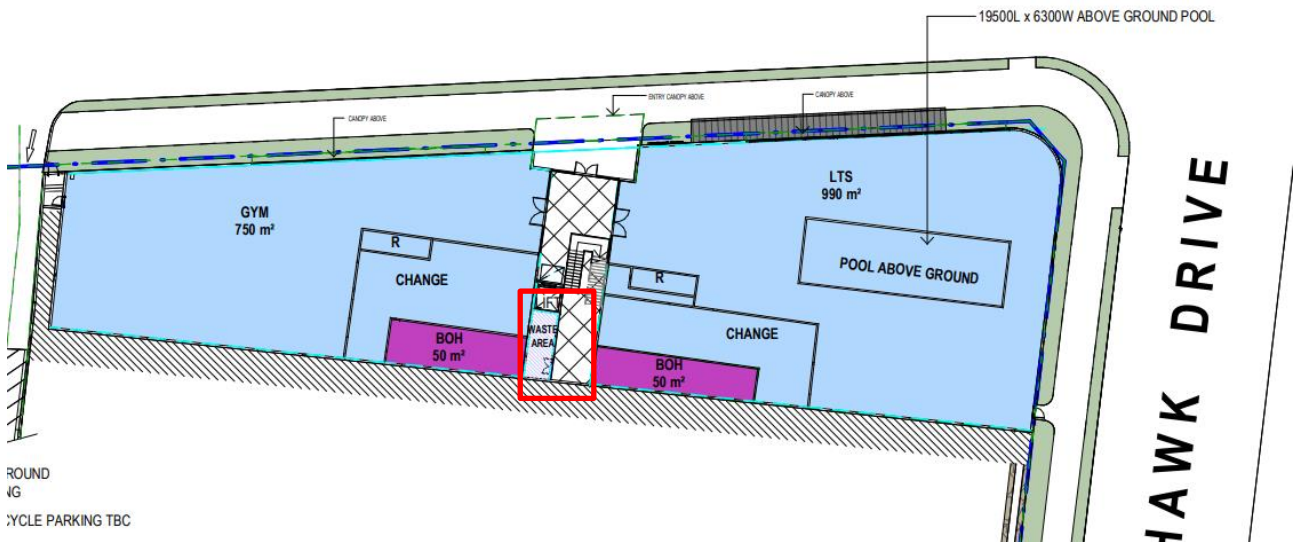
The medical centre operator will be responsible for appointing a medical waste collection contractor prior to the operation of the site to provide and service the appropriate medical waste bins.

Figure 14 Waste storage rooms



Picture 7 Ground Level Loading Dock Waste Area

Source: BN (annotated by Urbis in red)



Picture 8 Child Care Waste Storage Room

Source: BN (annotated by Urbis in red)

7.7. FLORA AND FAUNA

A comprehensive Flora and Fauna Impact Assessment was previously prepared for the greater site in 2007 by Ecotone Ecological Consultants. A supplementary Flora and Fauna Assessment (FFA) was prepared by EPS dated 08 December 2021 which focuses on the development site (refer to **Appendix R**).

The FFA concludes that the site is highly disturbed, and comprises of mowed grasslands and three isolated trees, including two remnant Lower Hunter Spotted Gum trees and one broad-leaved white Mahogany tree.

The site is considered likely primarily to provide habitat for common species of fauna that also have extensive and better habitat in the local remnant forests. No threatened species, populations or ecological communities were considered likely to rely on the habitats provided by the site. The single hollow-bearing tree observed on the site was isolated from nearby treed areas and is unlikely to provide significant habitat to fauna species. Intact treed areas to the east of the site are likely to provide preferred habitat for fauna species.

The following recommendations should be considered for implementation (extracted below):

- *“Appropriate erosion and sediment erosion control mechanisms should be implemented during construction, particularly to avoid impacts to the receiving waters of the Four Mile Creek floodplain and nearby drainage areas;*
- *Where possible, landscaping should preferably occur using species native to the local area, which could actually lead to a net gain in native vegetation on the development area when compared to the current habitat condition;*
- *Retention of existing paddock trees should be considered, where safe and appropriate; and*
- *Where removal of the hollow-bearing tree is required, an ecologist should be present during tree removal to monitor and manage any potential resident fauna.”*

In summary, the site has been historically disturbed and the proposed development is unlikely to significantly impact any threatened species or ecological communities.

7.8. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

A CPTED Report has been prepared by The Design Partnership and included in **Appendix L**. The CPTED Report provides an assessment and recommendations for the design produced for the development which can be implemented primarily during operation.

In terms of crime risk, an analysis of BOSCAR data for the suburb of Chisholm identifies low crime levels in the suburb. A hotspot for Steal from Vehicle has been identified close to the proposed shopping centre. The hotspot is within the new residential area south west of the proposed development. Although rates are low, it will be important to consider the risk of similar crime activities for the shopping centre.

The Design Partnership has undertaken an assessment of the CPTED principles, being surveillance; lighting/technical supervision; territorial reinforcement; environmental maintenance; activity and space management; access control; design/definition/designation.

The Design Partnership outlines the following recommendations, which could form part of conditions of consent:

- *“providing clarity between semi public and private spaces using landscaping, fencing, signage and materials.*
- *providing clear delineation between people and vehicles between the carpark and the movement areas, this includes good lighting to illuminate pedestrians.*
- *Clearly naming each building so it can be easily identified by emergency services or users of the facility.*
- *securing the basement carpark with a security door and secure the travelator to prevent unauthorised access after hours.*
- *low maintenance landscaping which does not inhibit sight lines e.g. landscaping is recommended to be limited to groundcovers, shrubs (no taller than 700mm) and taller trees with no significant branches below 2 metres.*

- *using appropriate and high-quality lighting designed by a lighting engineer.*
- *reconsider the design of the pedestrian through site link and the corten blades that could inhibit views of small children.*
- *establishing a Maintenance Plan and implementing it on a regular basis. This includes inspecting the grounds to identify if new CPTED issues have arisen and liaising with local police on a regular basis*
- *using anti-graffiti coatings, fast removal of graffiti and rubbish.*
- *maintaining good surveillance from retail and business premises to the carpark, entry points and footpaths by not obscuring windows with signage and shelving and designing landscape to maximise clear sightlines.*
- *registering CCTV with NSW Police.”*

Subject to the implementation of the above recommendations, the proposed development will ensure that a high level of safety and security will be maintained, both through the physical built form and through its day-to-day operations management.

7.9. ACOUSTIC

A Noise Emission Assessment has been prepared by Acoustic Logic and included in **Appendix O** to assess noise emissions associated with the proposed development. A detailed assessment of the noise emission is outlined for the individual elements of the proposal within the Noise Emission Assessment.

The following recommendations have been outlined by Acoustic Logic in relation to the proposed development (extracted below):

Tavern:

- *“Façade glazing to be heavy glazing with acoustic seals to all opening windows and doors.*
- *Limit the area of façade opening (windows and doors) opening to the tavern façade during school hours.*
- *Install additional barriers to the boundary of terrace.*
- *Limit outdoor seating.*
- *Indoor capacity to be limited.*
- *Music inside the venue to be electronically limited.*
- *No music to be played in the outdoor seating areas.*
- *Signage to be displayed at venue instructing patrons to depart in a quiet and orderly manner.*
- *A separate, detailed assessment to be carried out prior to development approval of the tavern assessing noise emissions from patrons, music and plant proposed. It should consider noise emissions to residential receivers and the school (during school hours) so as not to exceed the noise levels recommended in the Noise Emission Assessment and make appropriate physical and management recommendations.”*

Child care Centre Operation:

- *“A 1.5m high barrier is to be constructed along the northern, southern and western boundaries of the childcare centre as indicated on architectural drawings.*
- *Barriers are to be constructed of solid, imperforate materials with no gaps having a surface density exceeding 8 kg/m².*
- *Signs reminding staff and visitors to minimise noise at all times shall be installed at entry / exit points from the childcare centre.*
- *Management is to ensure children are supervised at all times to minimise noise generated by the children whenever practical and possible.*

- *Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.*
- *The facility must not hold more than 112 children at any one time.*
- *Regular landscape maintenance which requires powered tools should be undertaken during daytime hours only (7am – 6pm).*
- *Internal cleaning activities should be undertaken with all façades (windows and doors) closed and may be undertaken at any times.”*

Loading Dock:

- *“Loading dock is to be screened from the residences to the south with a minimum 4-metre-high barrier, and the barrier is to be constructed of solid, imperforate material with no gaps.”*
- *Barriers are to be constructed of solid, imperforate material with no gaps having a surface density exceeding 8 kg/m².*

General:

- *“Further detailed assessment of noise emissions should be carried out the of major tenancies, gym, entertainment uses as well as plant and equipment. It is recommended that these further assessments are undertaken prior to Construction Certificate determination to inform detailed design and plant selection.”*

Overall, it is considered that the proposed development is capable of achieving the noise emission criteria outlined above. Specifically, a further detailed noise assessment is to be undertaken for each separate use once operators, layouts and operational details are finalised.

7.10. STORMWATER MANAGEMENT

A Stormwater Management Plan Report and Civil Engineering Drawings have been prepared by Triaxial Consulting and included in **Appendix Q**.

Management of stormwater is to occur both during and after construction. During construction, implementation of water quality control as defined in the *NSW Department of Housing Publication “Soils and Construction”* (The Blue Book) is to be adopted to maximise the capture of sediments and minimise erosion of disturbed soils during the construction phase.

After construction, the inclusion of water quality improvement devices is needed to treat stormwater runoff to acceptable levels before discharging to the receiving drainage infrastructure.

The water quantity control will be managed by providing On-Site Detention (OSD) systems to reduce the rate of stormwater runoff in the post-development condition from the site to be equal or less than the rates for the pre-development existing condition. The OSD systems will be provided as a combination of below ground tanks and surface storage within the proposed carpark.

7.11. BUILDING CODE OF AUSTRALIA, ACCESS AND FIRE ENGINEERING

A Regulatory Compliance Report has been prepared by McKenzie Group and included in **Appendix G**. The proposed development can comply with the Building Code of Australia subject to further assessment and design development as part of the Construction Certificate stage.

An Access Report has been prepared by Vista Access Architects and included in **Appendix F**. The proposal achieves the spatial requirements to provide access for people with a disability and it is assumed that assessment of the detailed requirements such as assessment of internal fit-out, details of stairs, ramps and other features will occur at Construction Certificate stage.

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 6**.

This SEE and the supporting documentation demonstrates that the proposed development is generally consistent with the relevant environmental planning instruments and achieves the objectives of the relevant provisions. Where the proposal is not compliant with the relevant provisions, it has been demonstrated to be a superior outcome than a compliant scheme.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

8.3. DEVELOPMENT CONTROL PLAN

Maitland Development Control Plan 2011 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Appendix V**.

The assessment concludes the proposal complies with the relevant provisions within the DCP.

8.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

8.6. NATURAL AND BUILT ENVIRONMENT

A detailed assessment of the key planning considerations and potential issues associated with the proposed development have been discussed previously as outlined in **Section 7** of the SEE.

In summary as outlined below, the proposed development will result in negligible impacts on the natural and built environment:

- A Supplementary Flora and Fauna Assessment undertaken by EPS (**Appendix R**) provides assessment against the likely impacts of development and construction on flora and fauna and concludes that the proposed development is unlikely to significantly impact any threatened species or ecological communities.
- As demonstrated by the accompanying shadow diagrams within the Architectural drawings at **Appendix C** the proposed development will have no overshadowing impact on surrounding development or public domain.
- The centre will provide public areas of high amenity with good solar access and opportunities for passive recreation. In addition, the proposed development will provide activation and opportunities for high amenity seating areas with the food and drink premises along Heritage Drive.
- The civil plans and report undertaken by Triaxial Consulting (**Appendix Q**) addresses and demonstrates that Council's criteria for on-site stormwater detention, short term construction stormwater quality and long-term stormwater quality have been met through the conceptual stormwater management design.
- A Preliminary Construction Management Plan (CMP) by Richard Crookes Constructions (**Appendix I**) will ensure that all appropriate measures will be implemented during the construction phase to ensure that there are no adverse amenity impacts to surrounding land in terms of dust, soil erosion, air and noise.

- Recommendations within the Bushfire Assessment Report by Newcastle Bushfire Consulting (**Appendix K**) will ensure that risk of bushfire attack is reduced and that the performance requirements of the National Construction Code 2016 and objectives of Planning for Bushfire Protection can be met.
- The proposal does not have an impact on significant environmental features, protecting and preserving the amenity and biodiversity values contained within the area.
- Excavation works will be undertaken as per the Geotechnical Report included in **Appendix T**, ensuring there is minimal impact on soil stability.
- The proposed stormwater management solution has been designed to ensure the development does not increase the flood affectation of surrounding properties.
- The BCA and Access assessments confirm the proposal is capable of compliance with the relevant Australian Standards through Deemed-to-Satisfy provisions and performance solutions.
- The proposal does not lead to adverse impacts on road networks surrounding the site, as stated in the Traffic Impact Assessment. The surrounding street network has sufficient alignments to ensure that there are sufficient sight distances into and out of the site.
- The proposal is designed in accordance with the objectives and site-specific DCP controls. Given the orientation of the site, amenity, solar access and privacy has been carefully managed, with their being limited amenity impact to neighbouring properties.
- As demonstrated in the Architectural Plans at **Appendix C**, the proposed development will have a positive visual impact on the character of the surrounding release area. The contemporary built form will activate a large development site and will positively address and enhance the surrounding streetscape.

8.7. SOCIAL AND ECONOMIC IMPACTS

8.7.1. Social Impacts

Chisholm Shopping Village will have a positive social impact on the locality. The Thornton North Master Plan envisages the centre to be a cultural focal point for neighbourhood. Whilst this has begun to emerge through the development of public spaces (Whitewater Park) and local Primary and Secondary Schools the site still lacks the key focal point that will be delivered by this planned local shopping centre.

Chisholm Shopping Village delivers a sense of place and identity and is a crucial component to developing a vibrant and active local community focused around the existing school. Chisholm Shopping Village will provide a focal point for the community providing spaces for positive social interactions in the form of a safe and useable public domain within the site with a strong and legible ground plane that will encourage permeability into the site from the more heavily trafficked public domain areas along Tigerhawk Drive and Heritage Drive.

The public plaza will include areas for activity including a children's water splash and fountain playground and both formal and informal seating areas. The addition of a planned range of non-retail uses such as a medical centre, learn to swim centre, and child care centre will increase the community's opportunity for linked trips within the centre. These uses will add to the overall vitality of the centre and help support the retail shops and bring new services and greater choice to the market.

The location of this centre in proximity to dwellings within Chisholm and its connectivity to the surrounding pedestrian and cycle network enables easy access by foot or a short journey on local roads by private vehicle, this will benefit all future residents of Chisholm by reducing the need for private vehicle use.

8.7.2. Economic Impacts

Ethos Urban have prepared an Economic Impact Assessment (**EIA**) (**Appendix J**) that outlines the positive economic impacts of the proposal on the immediate and broader community and assess the potential retail impact.

In summary, the proposal will have the following economic benefits:

- The proposed development will serve the growing food and grocery needs of trade area. The resident population of the primary sector is estimated to reach 7,300 at 2026 and increase to a substantial 10,000

at 2031. There are currently no supermarkets or notable retail facilities in the primary sector, and there is the clear demand and need for a major supermarket in the local area.

- There is only one existing major supermarket in the secondary south sector – the Coles supermarket at Thornton Shopping Centre – as well as two smaller supermarkets in the secondary west sector. The proposed development will be anchored by a full-scale supermarket which would be able to offer local residents a full range of supermarket products and serve the daily/weekly food and grocery needs of the local population.
- The proposed development will improve shopping choice and convenience for local residents.
- The proposal will create a focal point for the community as the centre will provide a wide range of shops, services and community facilities including a medical centre, child care centre and learn to swim centre.
- The development would create a number of jobs, for the construction and related industries during the construction phase, as well as ongoing jobs when the centre is operational.

Floorspace Demand Assessment

The estimated level of retail floorspace demand generated by main trade area population over the forecast period to 2036 is detailed in Table 4.1 of the EIA. The retail floorspace demand generated by the main trade area population is forecast to increase by from 53,500 sq.m at 2021 to 67,400 sq.m by 2036.

Ethos Urban's analysis indicates:

“...that currently a neighbourhood centre type offer anchored by at least one supermarket is clearly supportable at the Subject Site, with the demand for retail floorspace to increase over time. By 2026, the amount of retail floorspace considered supportable is estimated at approximately 9,000 sq.m, including 5,700 sq.m of FLG floorspace. The level of supportable FLG floorspace would easily accommodate a full-line supermarket (including liquor), as well as potentially a smaller supermarket or large fresh produce store and a provision of supporting fresh food specialties.”

Note: FLG = Food, Liquor and Groceries

Estimated Impact

The EIA summaries the estimated impacts of the proposed developments as extracted below:

- *“Within the trade area the largest impact is expected to fall on Thornton Shopping Centre. In 2024, the centre is estimated to be impacted by \$7.5 million of 13.2%. However, given the rapid growth occurring in the secondary south sector the centre is expected to achieve sales in 2024 only 5% below the current level, and by 2027 the turnover for the centre is projected to be 2% above its current sales level. Furthermore, the centre is currently trading strongly given the relatively limited competition in the immediate surrounding area, and therefore the estimated impact would not threaten the ongoing viability of the centre.*
- *Stockland Green Hills is expected to experience a significant initial impact though still achieve more sales in 2024 compared with 2021 due to the growth in the market. This level of impact takes into account that the centre includes both Coles and Woolworths supermarkets, and is likely capturing a significant proportion of the food and grocery spending of trade area residents, who would have an alternative choice for supermarket shopping once Chisholm Shopping Village opens.*
- *• Minor to moderate impacts are projected on other centres in the area which include a sizable food offer. However, the analysis demonstrates that all centres will achieve more sales in 2027 compared with current sales following the development of Chisholm Shopping Village, and most centres will achieve greater sales by 2024.*
- *Chisholm Shopping Village will not impact, or have a negligible impact, on centres in the region without a notable food offer.”*

The EIA concludes that the estimated impacts from the proposed development are considered to be reasonable and would not threaten the viability or ongoing concern of any surrounding centres or supermarkets. The estimated impacts outlined below are considered acceptable particularly given the growing population and current undersupply of supermarket floorspace in the local area.

8.8. SUITABILITY OF THE SITE

The site is suitable for the proposed development of Chisholm Shopping Village for these reasons.

- The site is centrally located within the suburb of Chisholm within the former Thornton North URA and has been specifically identified for the development of a shopping centre within the approved master plan and subsequent re-zoning of the site to B1 with an overall FSR of 0.3:1
- The site is large (4.3ha) and capable of accommodating the Chisholm Shopping Village and the required ancillary development such as car parking, public open space areas and other land uses that are complimentary to its function and operation.
- The site is conveniently located adjacent to key community focal points such as schools, and public open space. The proposed layout allows the centre to become a vibrant focal point for the local community, fostering a sense of place and encouraging a high level of activity throughout the day and into the evening.
- The site is located within walking distance of the surrounding residential areas and connects to the existing pedestrian and cycle path network and as such accessible by various modes of transport.

8.9. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

It should be noted that the previous DA had minimal negative submissions, as generally there is positive community sentiment around this proposal given the surrounding community have waited a long time for this local centre to be delivered.

8.10. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposed development of Chisholm Shopping Village is consistent with the Thornton North Structure Plan and the Maitland Activity Centres and Employment Clusters Strategy 2010 which both identified the need for a neighbourhood shopping centre to serve the Chisholm release area,
- The submitted EIA undertaken by Ethos Urban identifies a range of economic benefits are likely to arise as a result of the subject development, which includes serving the growing food and grocery needs of trade area residents; improving shopping choice and convenience for local residents; creating a focal point for the community; and creating local employment opportunities.
- The proposed development generally respects the intent of Council's 2010 resolution to limit the overall floor space for retail/commercial uses to 12,500m².
- Chisholm Shopping Village will significantly benefit the community providing an important activated and pedestrian focused centre for retail, commercial and community uses with opportunities for future recreation and leisure activities which will improve overall lifestyle and contribute to health and well-being.
- Chisholm Shopping Village seeks to provide community facilities including a child care centre, learn to swim centre and medical centre to improve access to these community based facilities.

9. CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- **The proposal is consistent with State and subregional strategic planning objectives** – The proposed development will provide retail and other services within an easily accessible local centre, which is entirely consistent with State and subregional strategic planning objectives.
- **The proposal is largely consistent with the applicable state and local planning controls** – The assessment provided in this report has indicated that the proposed development is in accordance with the key State and Local Planning Policy Framework. The proposed layout is consistent with the Precinct Plan and remains consistent with Council's 2010 resolution to limit the amount of retail/commercial floor space at the centre.
- **The proposal will offer a high standard of amenity and net community benefit** – The proposal represents a significant investment in the Maitland LGA and will ensure that the local community is provided new retail shops, services and public spaces that will contribute to the vitality of the community and provide greater choice to the market.

Chisholm Shopping Village will deliver a sense of place and identity and is a crucial component to contributing to a vibrant and active local community focused precinct around the existing school. Chisholm Shopping Village will provide a focal point for the community providing spaces for positive social interactions in the form of a safe and useable public domain within the site with a strong and legible ground plane that will encourage permeability into the site from the more heavily trafficked public domain areas along Tigerhawk Drive and Heritage Drive.

- **The proposal will provide a low scale and sympathetic built form in the streetscape** – The proposed development will have a positive visual impact on the character of the surrounding release area. The contemporary built form will activate a large development site and will positively address and enhance the surrounding streetscape. The built form is appropriate and will not result in any overshadowing impacts to surrounding sites or public domain.
- **The proposal will have a positive economic impact** – The proposed development will serve the growing food and grocery needs of trade area and will improve shopping choice and convenience for residents.
- **The proposal is in the public interest** – Chisholm Shopping Village will significantly benefit the community providing an important activated and pedestrian focused centre for retail, commercial and community uses with opportunities for future recreation and leisure activities which will improve overall lifestyle and contribute to health and well-being. In addition, the proposal will provide community facilities including a child care centre, learn to swim centre and medical centre to improve access to these community based facilities. In addition, the community has been previously supportive of commercial uses in this location, and the delivery of a local centre in this location is long awaited.

The proposed development will not cause any unreasonable social, environmental or economic impacts, and is in the public interest. Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

10. DISCLAIMER

This report is dated December 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Chisholm SC Pty Ltd AF Chisholm Sc Investment Trust (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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