



Urban Land and Housing Group Pty Ltd

Statement of Environmental Effects

Local Park, Superlot Subdivision and 2 into 307 Lot Subdivision
including 304 Residential Lots and 3 Residue Lots

799 New England Highway and 70 Christopher Road, Lochinvar

November 2021

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1 Introduction

This report has been prepared on behalf of Urban Land and Housing Group Pty Ltd.

This application seeks development consent for the development of Lots 2 and 3 DP1256730 including a local park, superlot subdivision and 307 lot subdivision including 304 residential lots and 3 residue lots.

A detailed description of the proposal is provided at Section 3.0.

Development plans are included in the appendices to this report.

This report has determined that the proposal is generally compliant with relevant State and the various Maitland City Council Planning Instruments.

2 Background

2.1 Stages 1 to 7

DA/2017/1401 being the approved 146 Lot Torrens Title Residential Subdivision (Stages 1 to 7) was approved on 9 April 2019 with the most recent amendment being DA/2017/1401:4 approved on 12 October 2021. The approved Staging Plan is reproduced in Figure 1 below.

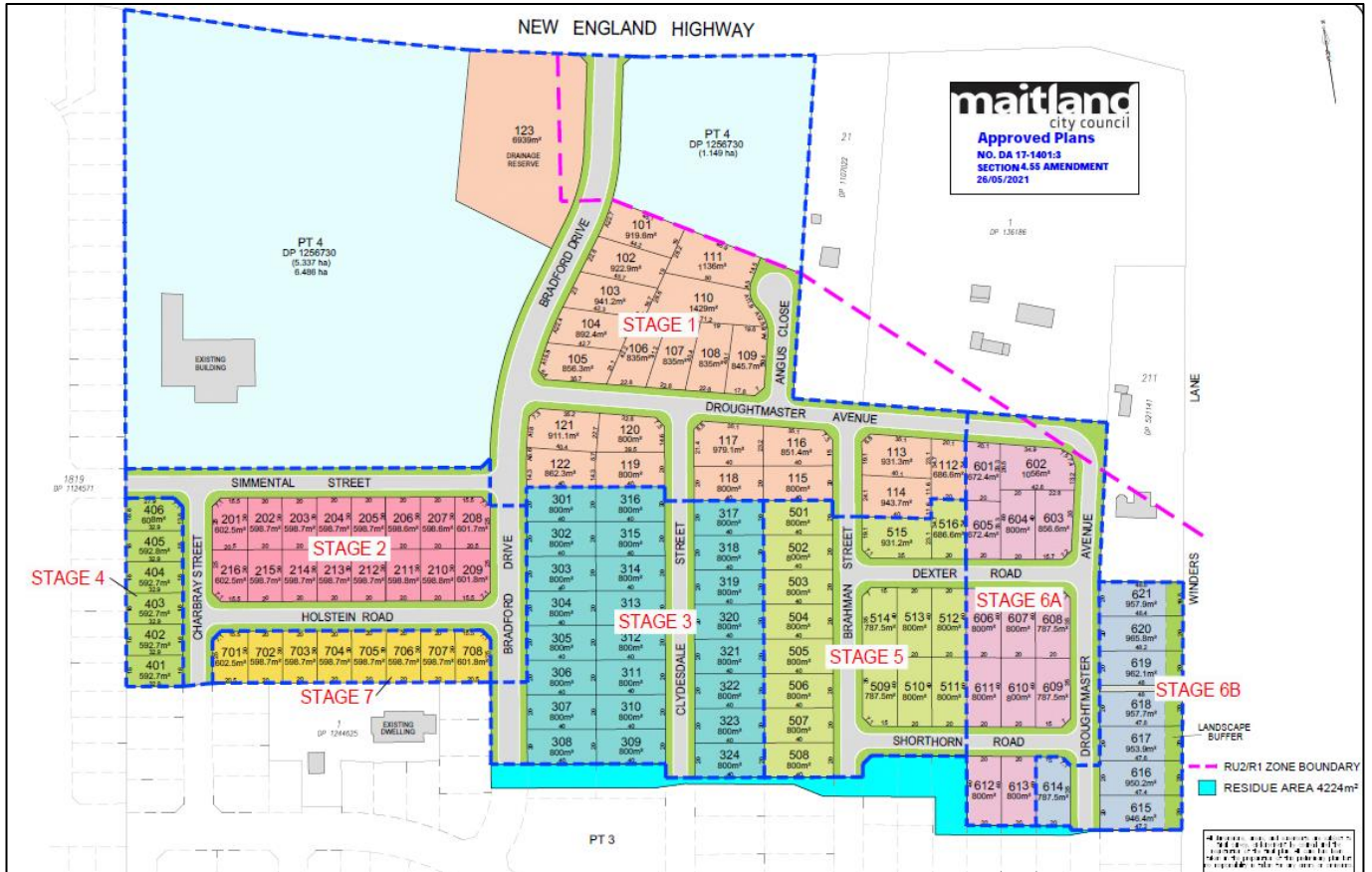


Figure 1: Approved Staging Plan – DA/2017/1401 (Pulver Cooper & Blackley; 17.12.2020)

The residue land within the approved application forms part of the subject development. Please note approved Lots 701 to 708 within Stage 7 of DA/2017/1401:4 are located within Lot 3 DP1256730. The approved lots are to remain unchanged and do not form part of the subject application.

2.2 Recreation Area – Local Park

The proposed local park was assessed under DA/2020/1434 with this application subsequently withdrawn. Council provided comments on the design of the local park on 14 October 2021. The Landscape Plans included with this application have been amended to address these comments. A summary of Council's comments and a response is provided in Table 1 below. The proposed local park design is considered to satisfactorily meet Council's requirements and address each of the items previously raised. Refer to the Landscape Plans in Appendix A.

Table 1 – Council's Comments and Response

Council's Comment	Response
<p>1. <i>The park should include additional picnic and seating facilities including an additional shelter</i></p>	<p>A double shade shelter has been provided within the park design with two tables and chairs. Figure 2 provides an example of the size of the shelter being provided. The proposed recreation area is relatively small (5,189m²) and it is expected to be used by future local residents of Lochinvar Ridge Estate. The proposed double shelter and tables are considered appropriate for the size of the park and its future intended local use. Additional shaded areas suitable for seating are also provided throughout the park on turf mounds, under trees and level grassed areas.</p>  <p><i>Figure 2: Proposed Shade Pavilion in Park with Seating Area</i></p>
<p>2. <i>The position of the shelter shown is in conflict with the direct route across the site- relocate forward or to another position</i></p>	<p>The shelter has been relocated adjacent to the through pathway to improve accessibility across the park.</p>
<p>3. <i>Central play area is to be accessible - as noted below</i></p>	<p>Design amended with numerous pathways leading to central play area to ensure it is accessible.</p>
<p>4. <i>Reduce the number of low planting and consider how they will be maintained in the long term – these areas often become dirt patches as Council resources for ongoing maintenance and replacement planting is limited. E.g children rolling down a mound will run straight through the planting bed...Increase the number and density of larger tree species and group in large mulched beds</i></p>	<p>Low planting has been reduced throughout the site with an increase in density of larger tree species. The low planting proposed contains resilient species and is consistent with other parks approved by Maitland City Council. Refer to aerial views below in Figures 3 - 6 of parks approved by Maitland City Council with resilient low planting, as proposed for the subject park.</p>



Figure 3: Wirraway Thornton (Source: Nearmap; 22.10.2021)



Figure 4: Gillieston Heights (Source: Nearmap; 22.10.2021)

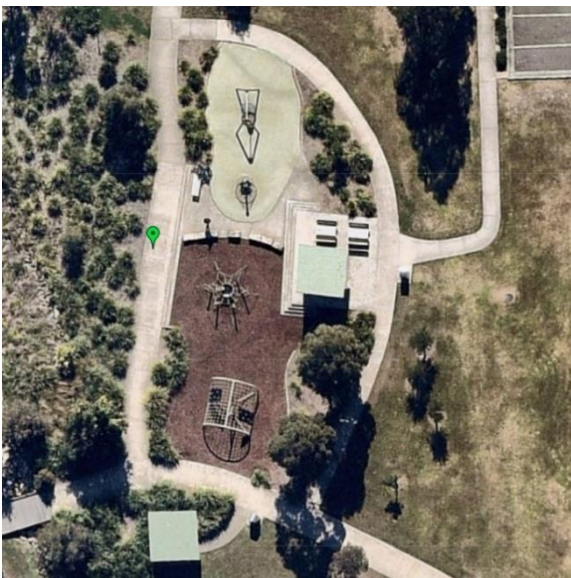


Figure 5: White Water (Source: Nearmap; 22.10.2021)



Figure 6: Victor Warby Reserve (Source: Nearmap; 22.10.2021)

Council's Comment	Response
<p>5. Remove areas of rubber soft-fall that have no use – this is unnecessary cost</p>	<p>Rubber softfall has been reduced. A small area of softfall has been provided for toddlers play.</p>
<p>6. Remove 'art' objects within the park – better use of funding would be on seating, play equipment or trees. If these are to be incorporated they are to be at your cost and shall be removed at the end of the maintenance period.</p>	<p>The art objects are simple hardwood posts and coreten (oxidised steel) that will not require any maintenance, such as no painting etc. The art objects have been approved at the Sanctuary Drive entrance of the development under DA/2017/1401. The proposed art objects will match those approved and are considered appropriate in the context of the overall residential development and future vision for Lochinvar Ridge Estate.</p>
<p>7. Limit fitness equipment</p>	<p>The design has been amended to incorporate an appropriate balance between nature play, play equipment, fitness equipment, informal recreation</p>

Council's Comment	Response
	areas and seating. The fitness equipment provided is considered appropriate for the future use of the park, which will provide opportunities for physical activity for both adults and youth.
8. <i>Elements of nature-play could be incorporated into the site in place of some of the other structures – e.g fitness</i>	Additional nature play elements have been incorporated into the design.
9. <i>Increase shade tree species within the plant schedule. Note Angophora are not suitable for a local park, Lomandra longifolia and Rosmarinus are not suitable for play areas.</i>	Additional shade tree species have been incorporated into the design. Angophora, Lomandra longifolia and Rosmarinus have also been removed from the plant schedule in accordance with Council's comment.
10. <i>There are no typical dimensions, spot heights or other information that can provide further context- please include on further landscape concept plans for assessment</i>	Dimensions, spot heights and context information have been provided on the plans. The proposed overall subdivision layout illustrates the context of the park, its location and positioning within the site as requested in the assessment of DA/2020/1434.

The amended local park design and additional information provided with this application satisfactorily address the matters raised by Council in the assessment of DA/2020/1434. It is considered that the local park will be a positive outcome for future residents of Lochinvar Ridge Estate and can be supported in its proposed form. Refer to Appendix A for detailed landscape plans of the proposed Park.

2.3 Superlot Subdivision

DA/2020/1435 was lodged with Maitland City Council for a superlot subdivision of Lot 3 DP 1256730 at 70 Christopher Road, Lochinvar to facilitate the sale of land. Council indicated that a development application was required to be approved for the overall subdivision of the land to prevent fragmentation of the site. The proposed development is for both the overall subdivision of the land and the superlot subdivision of the site in accordance with Council's preferred approach indicated during the assessment of DA/2020/1435. The proposed superlot subdivision will facilitate the sale of land from the landowner to the developer prior to construction of Stages 8 to 14 commencing. The proposal is consistent with the superlot subdivision approach undertaken as part of DA/2017/1401. The proposal will facilitate the orderly development of the land and can therefore be supported.

2.4 Christopher Road

Christopher Road is Old System land. A Primary Application is currently being prepared to be lodged with New South Wales Land Registry Services over this portion of land.

3 Site Analysis

3.1 Site Description

The real property description of the site is Lots 2 and 3 DP1256730, located at 799 New England Highway and 70 Christopher Road, Lochinvar.

The subject land is positioned off the southern side of New England Highway between Winders Lane to the east and Station Lane to the west. Christopher Road (a partially formed road) cuts through the northern portion of the site in an east-west direction. Christopher Road is Old System land with a Primary Application being prepared for lodgement with New South Wales Land Registry Services.

Currently the site is used for grazing purposes and is largely cleared of vegetation. Trees and vegetation within the site are mostly comprised of exotic grassland with some planted native and exotic vegetation along windrows. No vegetation within the site is commensurate with a native Plant Community Type.

The subject land gently inclines from the northern portion terminating at a low ridge along Christopher Road, which visually separates the southern portion of the site from New England Highway to the north. The site generally has a crossfall to the west, sloping between 2° and 6°.

The site contains two dams and first order watercourses that flow in a north-west direction through the site. A small southern portion of the site is mapped as bushfire prone land. The site is not affected by flooding and does not contain acid sulfate soils.

Figure 7 illustrates the existing conditions of the subject site through an aerial photograph. Note the development works area is confined to a portion of Lot 2 and 3 DP1256730, as illustrated in Figure 8 and Appendix B.



Figure 7: Aerial Photo of Site (Source: Nearmap; 06.08.2021)

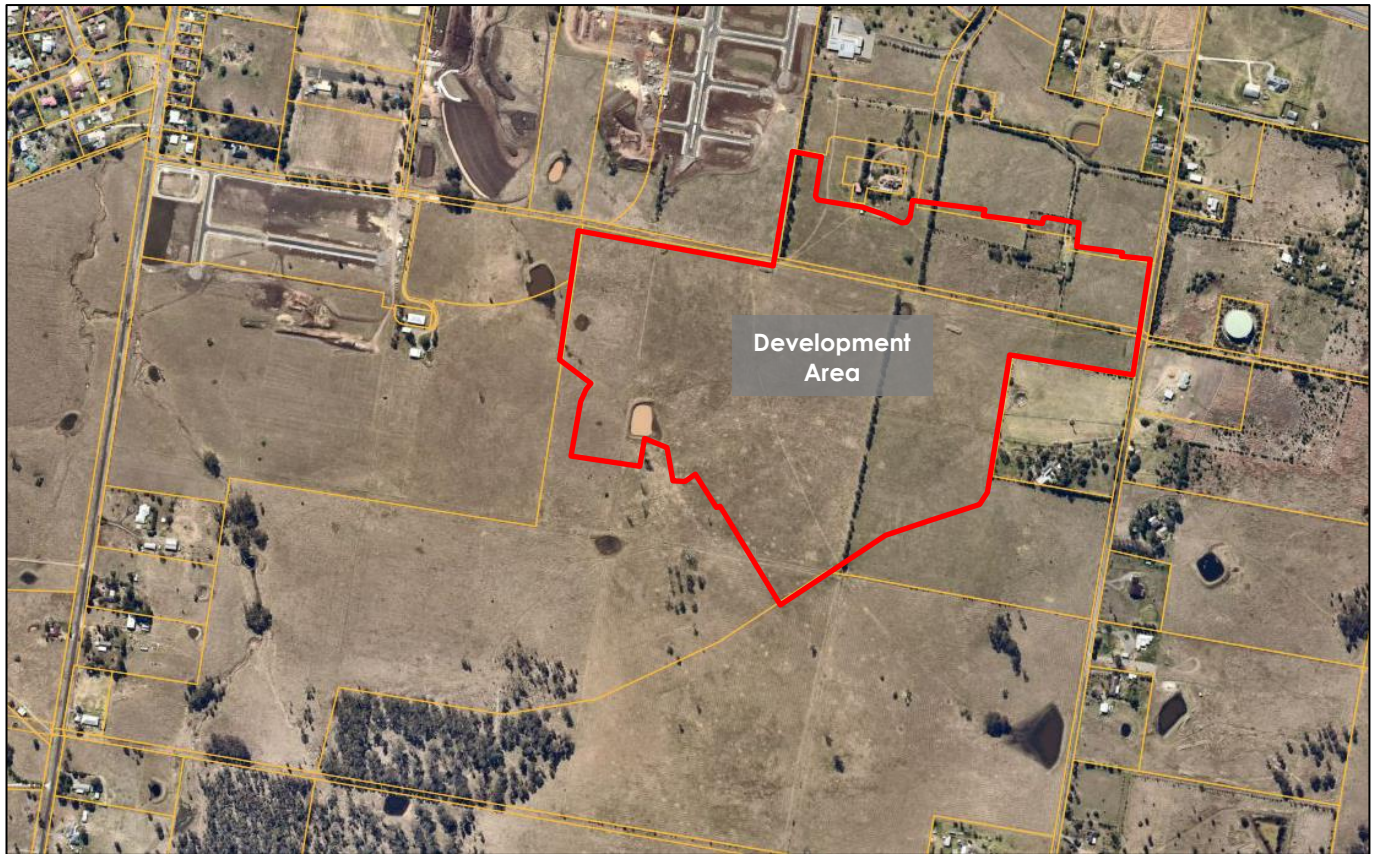


Figure 8: Aerial Photo of Development Area (Source: Nearmap; 06.08.2021)

3.2 Locality

The site is located within the Lochinvar Urban Release Area (URA) in the Maitland Local Government Area (LGA). Lochinvar is positioned approximately 13 kilometres north west of Maitland. New England Highway is positioned to the north of the site while Main Northern Railway is positioned to the south. Figure 9 indicates the position of the proposed subject site with respect to the greater Lochinvar Area.

The existing surrounding area is mostly agricultural land with residential dwellings on larger lots. Although, the area is undergoing change with both the approval and construction of smaller residential lots occurring as part of the strategic vision of the Lochinvar URA. The locality exhibits the following characteristics.

- To the north: Aird's of Lochinvar, a commercial building, as well as residential dwellings and grazing land. The land to the north is subject to approved Stages 1 to 7 in Lochinvar Ridge Estate, an area of future general residential development. Construction of Stages 1 to 7 is expected to commence in 2022.
- To the south: grazing land zoned for general residential purposes with future development for residential purposes expected.
- To the east: rural land containing residential dwellings and grazing land zoned for rural purposes.
- To the west: mix of rural land containing residential dwellings and land under construction for the purpose of new residential lots (DA/2017/1781; DA/2017/2585 and DA/2018/456). Future development for residential purposes is expected to the west with development applications for residential subdivisions currently being assessed on these sites (e.g. DA/2020/1388).



Figure 9: Aerial Photo of Site and Locality (Source: Nearmap; 06.08.2021)

3.3 Infrastructure

The site is capable of being serviced by power, telecommunications, sewer and water infrastructure. The development will be required to provide appropriate infrastructure and services will be made available to the residential allotments.

There are no existing bus stops within 400 metres of the proposed development site on the New England Highway. An existing bus service operated by Hunter Valley Buses uses the New England Highway to provide a connecting service from Maitland to Branxton, North Rothbury & Singleton (Routes 179 and 180). This service provides a frequent public transport service to all major retail, commercial and medical facilities in both the Maitland and Singleton CBD's as well as connecting to the CityRail train service at Maitland Station. This service provides connection to Newcastle, the Central Coast and Sydney via the regular CityRail services. The nearest bus stop located on the New England Highway is near Robert Road.

Lochinvar Station is located approximately 800 metres from the most southern portion of the site and approximately 4 kilometres from the northern entrance of the site along the New England Highway. Lochinvar Station is serviced by the Hunter Line, which connects Newcastle Interchange to Scone via Maitland, Lochinvar, Singleton and Muswellbrook.

There are no existing bicycle and/or pedestrian pathways near the site except for a small on-road bicycle lane provided at the New England Highway / Winders Lane intersection to facilitate safe passage for cyclists through this intersection. Pedestrians and cyclists in the area are generally required to use the existing grass verges or share the travel lanes / shoulders on the local road network.

4 Proposal in Detail

4.1 Proposed Stage 0 – Local Park

This application seeks consent for the construction of a park and access road. The proposed park comprises the following:

- art and entry elements such as hardwood posts and wall signage;
- play and fitness areas consisting of rubber softfall for toddlers play, nature play and outdoor fitness equipment area;
- bitumen bike path;
- shade pavilion;
- concrete and stabilised gravel paths throughout;
- turfed areas and grass mounds;
- drainage and minor earthworks/retention; and
- landscape planting consisting of a range of trees, shrubs and groundcovers.

Figures 10 to 13 illustrate the proposed park. Refer to Appendix A for detailed Landscape Plans.



Figure 10: Concept Layout (Source: Terras Landscape Architects; 25.10.2021)



Figure 11: Park Concept (Source: Terras Landscape Architects; 25.10.2021)



Figure 12: Proposed Pathways and Open Space Areas (Source: Terras Landscape Architects; 25.10.2021)



Figure 13: Art Objects and Colourful Tree Canopy (Source: Terras Landscape Architects; 25.10.2021)

Temporary access to the park will be provided via the proposed road that runs along the northern boundary of the site. Refer to Figure 14 below. The proposed road connects to Sanctuary Drive and Charolais Street, which will be constructed under approved DA/2017/1401. Future roads around the perimeter of the park will be provided at Stage 8 of the subject subdivision development.



Figure 14: Proposed Park Site Context and Road (Source: BRS; 18.10.2021)

Earthworks will be required for the park to create a suitable building area for the development. Details of the proposed civil works associated with the park are provided in Appendix D. Appropriate drainage and erosion and sediment control measures will be implemented during the works. Further detail of the proposed earthworks and erosion and sediment controls will be provided at construction certificate stage.

It is proposed that Stage 0 – Local Park and Stage 0A – Superlot Subdivision are not required to be undertaken in sequential order.

4.2 Proposed Stage 0A – Superlot Subdivision

The proposed development will involve the subdivision of the site into 7 super allotments to facilitate the sale of land from the landowner to the developer. There are no physical works proposed as part of Stage 0A. Figure 15 is an extract of the Superlot Subdivision Plan. For further detail refer to the Subdivision Plan included in Appendix C.

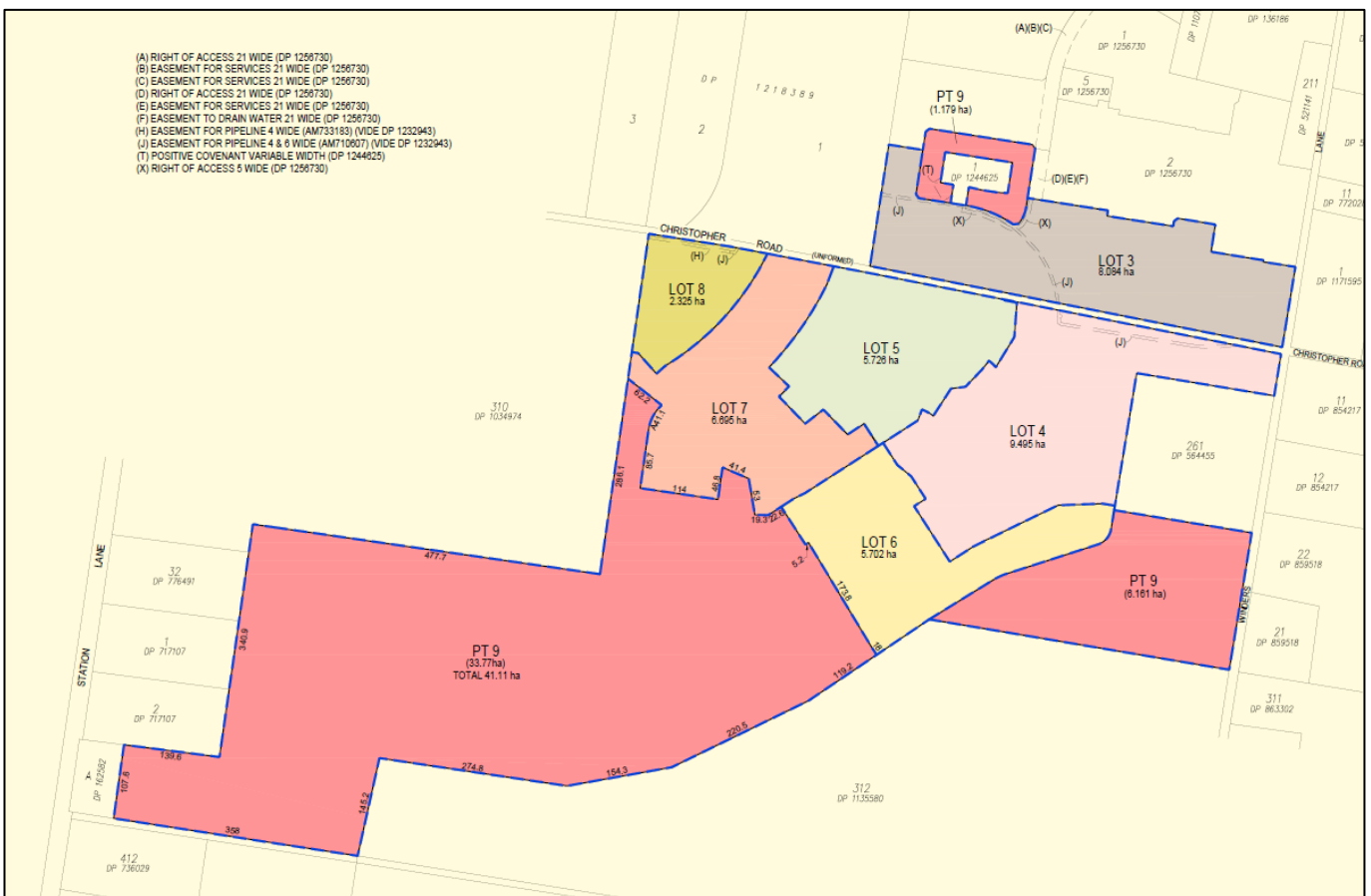


Figure 15: Proposed Park Site Context and Road (Source: BRS; 18.10.2021)

The superlot subdivision will create lots suitable for future development as well as residue portions of land. Table 2 below includes the range of allotment types and sizes proposed as part of the superlot subdivision.

Table 2 - Proposed Stage 0A – Superlot Subdivision Details

Lot	Size	Purpose
3	8.084ha	Lot to be sold to developer for future residential subdivision proposed below as part of Stages 0 and 8 to 14

Lot	Size	Purpose
4	9.495ha	Lot to be sold to developer for future residential subdivision proposed below as part of Stages 8 to 14
5	5.726ha	Lot to be sold to developer for future residential subdivision proposed below as part of Stages 8 to 14
6	5.702ha	Lot to be sold to developer for future residential subdivision proposed below as part of Stages 8 to 14
7	6.695ha	Lot to be sold to developer for future residential subdivision proposed below as part of Stages 8 to 14
8	2.325ha	Lot to be kept by landowner for future residential subdivision
9	41.11ha	Residue lot to be kept by landowner for future residential subdivision

The purpose for the proposed superlot subdivision is to facilitate the sale of land to the developer prior to commencing the subdivision works as per contractual arrangements. Appropriate easements for services and rights of access will be created as part of the proposed superlot subdivision as required.

Proposed Stages 8 to 14 will further subdivide these parcels of land into residential allotments, with associated road and subdivision infrastructure works.

It is proposed that Stage 0 and Stage 0A are not required to be developed in sequential order.

4.3 Proposed Stages 8 to 14 – 307 Lot Subdivision

The proposed development will involve the subdivision of the site into 307 lots, creating 304 vacant residential lots and 3 residue lots for stormwater drainage.

An extract of the subdivision layout is included in Figures 16 and 17 below. The overall subdivision masterplan detailing the proposed subdivision is included as Appendix B.

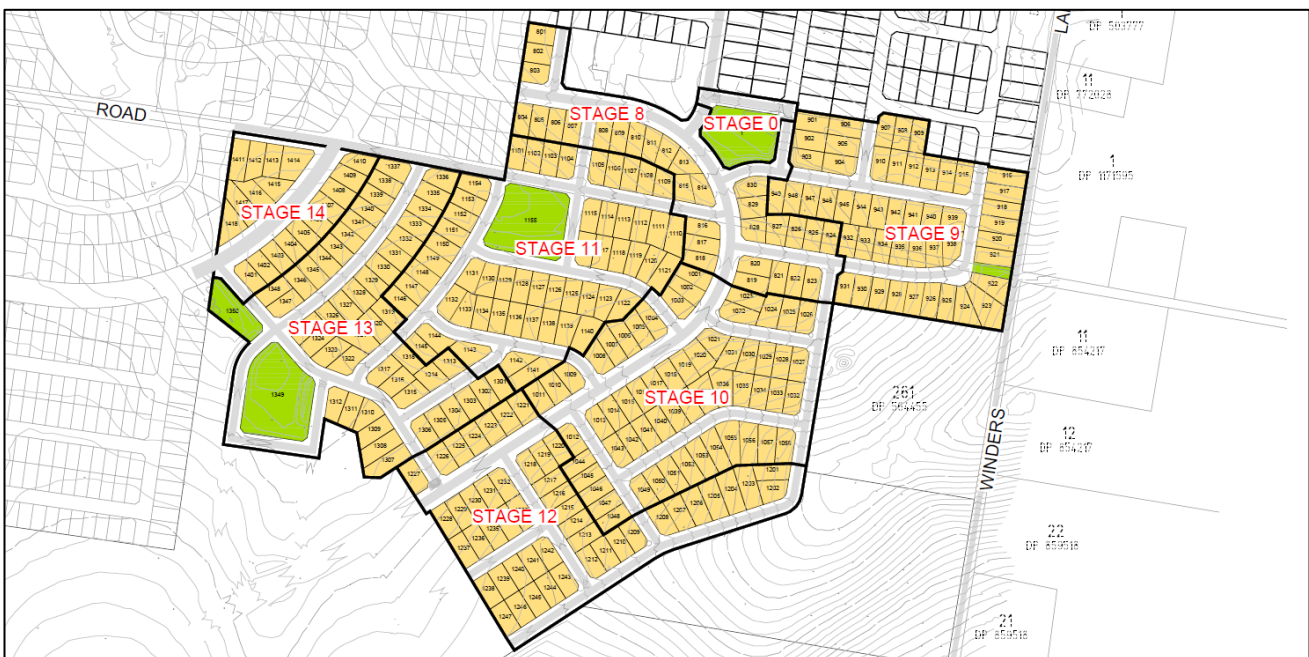


Figure 16: Extract from Overall Masterplan - Stages 8 to 14 (Source: BRS; 18.10.2021)

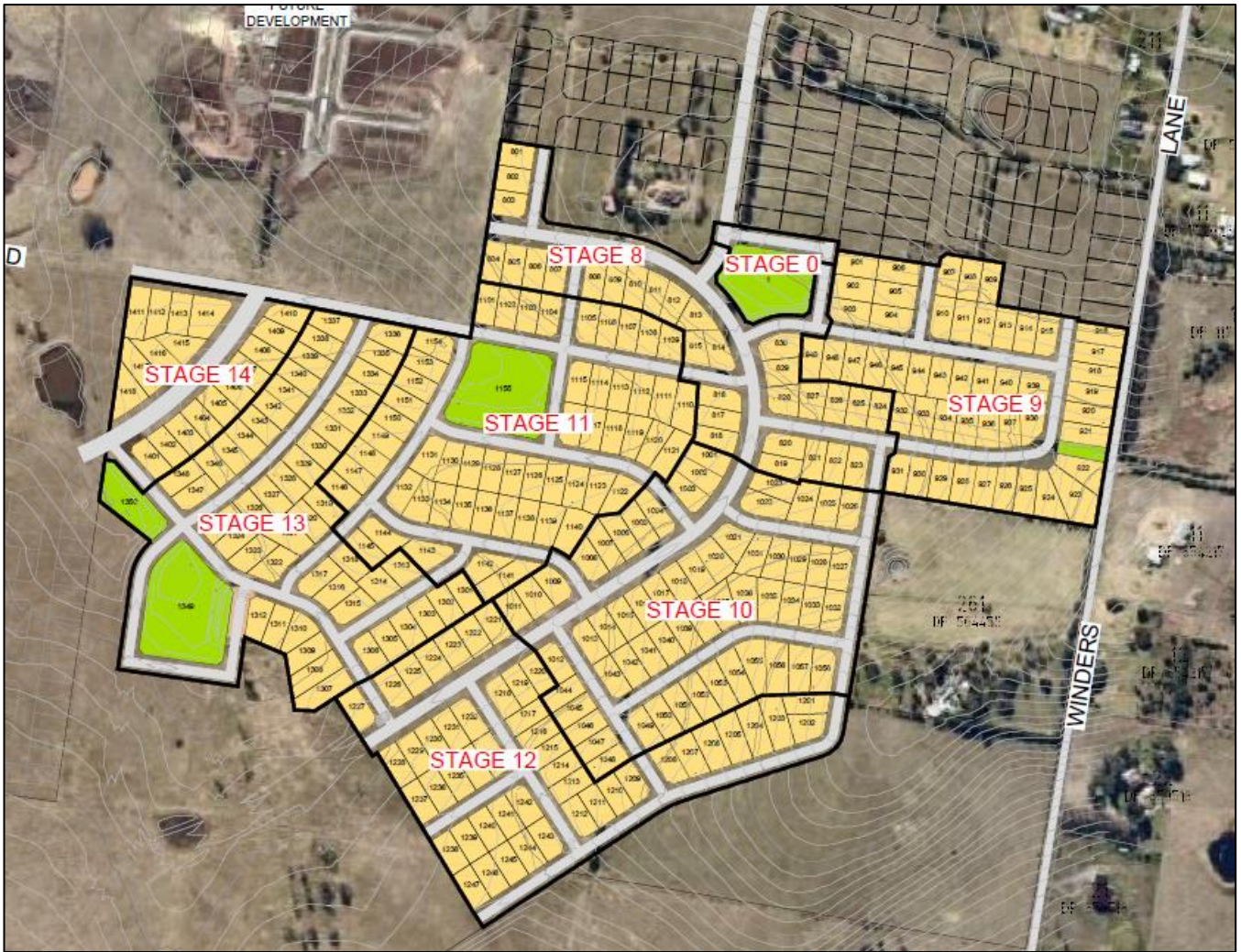


Figure 17: Extract from Overall Masterplan - Stages 8 to 14 (Source: BRS; 18.10.2021)

The proposed residential lots range in land area from minimum 725m² to maximum 1,500m². The proposed residue lots range in land area from 2,332m² to 7,475m². The subdivision is proposed to be constructed over 6 separate stages as detailed in Table 3.

Table 3 – Proposed Staging, Lots and Numbering

Stage	Number of Lots	Lot Numbering
8	30 Residential Lots	Lots 801 to 831
9	49 Residential Lots	Lots 901 to 949
10	58 Residential Lots	Lots 1001 to 1058
11	54 Residential Lots 1 Residue Lot (Drainage Reserve)	Lots 1101 to 1155
12	47 Residential Lots	Lots 1201 to 1247
13	48 Residential Lots 2 Residue Lots (Drainage Reserves)	Lots 1301 to 1350

Stage	Number of Lots	Lot Numbering
14	18 Residential Lots	Lots 1401 to 1418

4.3.1 Access

The development also includes the construction of new local roads 25m and 17m wide, to facilitate road pavement and footpaths in accordance with Council's engineering standards. Access to the site is proposed from Sanctuary Drive, which connects to New England Highway and is to be constructed as part of Stages 1 to 7 under DA/2017/1401. Additional access points will be provided to the site as future development on adjoining land is completed. Primary access points will be provided through Stage 8 and Stage 14 of the proposed development to adjoining development in the west. This will provide linkage to the Windella Road and New England Highway intersection. Various new internal subdivision roads will also be provided throughout the development as per the Overall Master Plan to allow linkage to the primary access points of the development.

4.3.2 Services

Each allotment will be serviced by reticulated water, sewer, electricity and telecommunications. The proposal includes the installation and augmentation of underground utility services and the provision of water services and sewer services.

4.3.3 Stormwater Management

The proposal also seeks approval for required stormwater drainage works, including earthworks for the installation of pits and pipes and construction of the drainage detention basins. Water quality controls will be implemented for the development across the northern and southern treatment catchment trains. These controls include bio-retention basins and gross pollutant traps to collect gross pollutants and coarse suspended sediments. Details of the proposed stormwater works for the development are presented within the concept engineering plans attached as Appendix D. A Stormwater Management Report is also included in Appendix E detailing stormwater quantity and quality controls.

4.3.4 Earthworks and Retaining

The proposal requires earthworks for the roads, installation of services and grading of the proposed lots. Retaining walls are proposed to allow suitable future building areas for lots as detailed within Table 4.

Table 4 – Proposed Retaining Walls

Stage	Lots
8	804 – 813
9	910 – 912 916 – 920 925 – 927
10	1013 – 1020 1027 – 1031 1049 - 1057

The proposed retaining will be wholly contained within the proposed lots. Appropriate easements will be provided on the final plan of subdivision for retaining as required.

Erosion and sediment control measures will be implemented during construction of the subdivision. Details of the proposed subdivision works and erosion and sediment control measures for the development will be provided prior to issue of the Subdivision Works Certificate.

4.3.5 Vegetation Removal

The development proposes removal of trees and vegetation within the site to cater for the proposed subdivision. The trees and vegetation to be removed are comprised of exotic grasses and planted native and exotic trees along windrows. Trees will be retained where possible during subdivision works.

4.3.6 Landscaping

The subdivision development proposes a landscaping strategy for the site. The landscaping has been designed as an extension of the approved landscaping for Stages 1 to 7. Proposed landscaping includes the following:

- Variety of street trees dependent on street hierarchy within subdivision;
- Screen planting along portions of existing boundary for visual privacy and relief to existing neighbouring dwellings;
- 10m wide landscape buffer long Winders Lane containing a range of native canopy trees, understorey mass planting and timber post and rail fencing; and
- Understorey plantings and native canopy cover within stormwater detention basins.

Refer to Figure 18 and Appendix F for further detail.

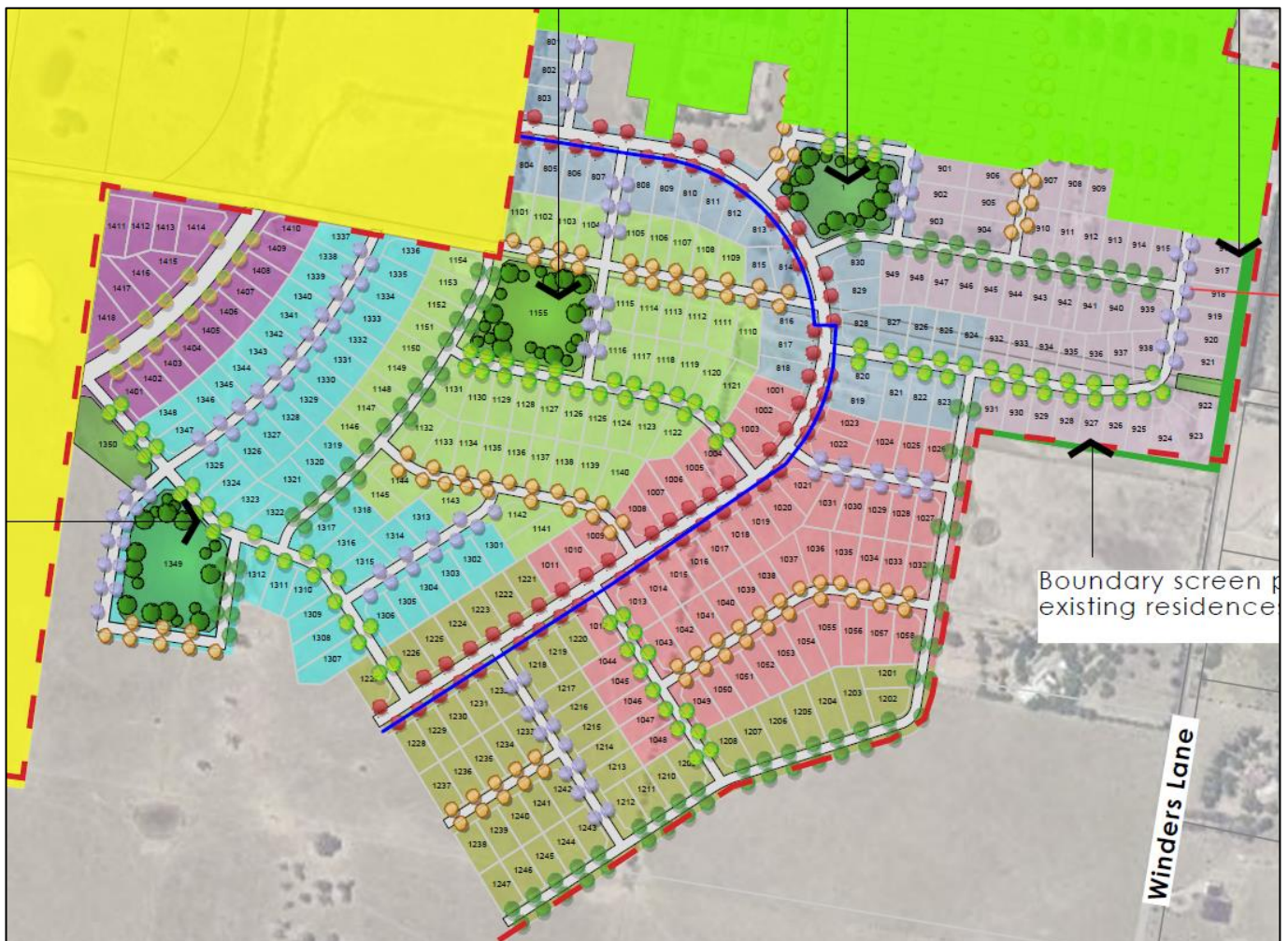


Figure 18: Extract from Landscape Masterplan - Stages 8 to 14 (Source: BRS; 2021)

5 Statutory Matters

5.1 Environmental Planning & Assessment Act 1979

The proposed development comprises works that can be classified as integrated development under Part 4 of the EP&A Act. This SEE considers the relevant provisions of the Act as part of the assessment and concurrence is required from the following State agencies:

- New South Wales Rural Fire Service (NSW RFS); and
- Natural Resources Access Regulator (NRAR).

This development application is to be referred to the abovementioned State agencies for issuing for their General Terms of Approval.

5.2 State Environmental Planning Policies

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

Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated during the development application process. Coffey Services Pty Ltd prepared Phase 1 and 2 Contamination Assessments in June 2017 to identify any potential contamination on the site. Qualtest Laboratory (NSW) Pty Ltd prepared an Addendum Contamination Assessment for the subject land in October 2021. Refer to Appendix G.

The Addendum Contamination Assessment for the subject development indicates that the site has remained relatively unchanged since 2017 and that the recommendations presented in the 2017 Coffey report remain relevant. The recommendations for the site are:

- The farm waste inside the shed in former Lot 32 is removed and the surface soils inside the shed observed. If evidence of potential contamination is identified (such as stained or odorous soils), an environmental consultant should be contacted to collect additional surface soil samples.
- A Construction Environmental Management Plan (CEMP) is implemented, prior to earthworks commencing, in order to appropriately manage the on-site and off-site disposal of soil, sediment and water." The CEMP will also be required to manage anthropogenic materials observed across the site.

The site is considered suitable for the proposed residential development provided the recommendations contained within the Addendum Contamination Assessment prepared by Qualtest Laboratory (NSW) Pty Ltd are implemented for the development.

5.2.2 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located within the Coastal Use Area or Coastal Environment Area according to SEPP (Coastal Management) 2018 mapping.

5.2.3 State Environmental Planning Policy (Infrastructure) 2007

The primary aim of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) is to provide a consistent planning regime for the provision of infrastructure and services throughout New South Wales. The ISEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The ISEPP is applicable to the development of the subject land as a range of services and facilities will need to be provided and augmented to facilitate planning outcomes. New access roads are to be constructed

to service the proposed allotments, with the provision of water, sewer, electricity and communications services to each of the lots.

Pursuant to Clause 104 and Schedule 3 of the ISEPP, any land subdivision greater than 200 allotments or 50 or more lots for a site with access to a classified road is to be referred to Transport for NSW (TfNSW) as a traffic generating development. As the subdivision proposes 304 residential lots, referral to the TfNSW is required.

Pursuant to clause 111A of the ISEPP, development for the purpose of a stormwater management system may be carried out by any person with consent on any land. The proposed subdivision requires stormwater management works, which are permissible with consent.

5.2.4 State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala Habitat Protection SEPP) aims to encourage the conservation and management of areas of natural vegetation that provide habitat for Koalas to support a permanent free-living population over their present range and reverse the current trend of Koala population decline.

In accordance with clause 6 of the Koala Habitat Protection SEPP, this Policy is applicable to the development as Maitland LGA is listed within Schedule 1. The Flora and Fauna Assessment Report prepared by Kleinfelder indicates that 2 (koala use) tree species listed under Schedule 2 of the SEPP were identified within the subject site including *Casuarina glauca* (Swamp Oak) and *Eucalyptus tereticornis* (Forest Red Gum). These two species did not constitute over 15% of the total number of trees within the development area. As such, the vegetation within the development areas does not constitute "highly suitable habitat" under the SEPP.

Furthermore, no koalas or evidence thereof, have been detected within the site during diurnal field surveys. No historical records of koalas occur within 2.5 kilometres of the external boundary of the site. As such, the vegetation within the development area does not constitute 'Core Koala Habitat' under the SEPP and therefore a Koala Assessment Report is not required for the proposal. The Koala Habitat Protection SEPP is not required to be considered further.

5.2.5 State Environmental Planning Policy (State and Regional Development) 2011

The primary aim of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) is to identify development that is regionally significant development.

Clause 20 of the SRD SEPP declares certain development to be regionally significant development for the purposes of the EP&A Act, as follows:

- (1) *Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.*

Schedule 7 of the SRD SEPP indicates the following:

2 General development over \$30 million

Development that has a capital investment value of more than \$30 million.

The proposed development has a capital investment value less than \$30 million. Refer to the Development Cost Estimates submitted with this application. The development is not regionally significant development and can therefore be assessed and determined by Maitland City Council.

5.3 Regional Strategies

The subject land is included in the Hunter Regional Strategy as an existing residential growth area, which will facilitate future housing and urban renewal opportunities, as shown in Figure 19. The proposal is therefore consistent with the Hunter Regional Plan 2036 as the subdivision will facilitate the creation of additional allotments for residential purposes.

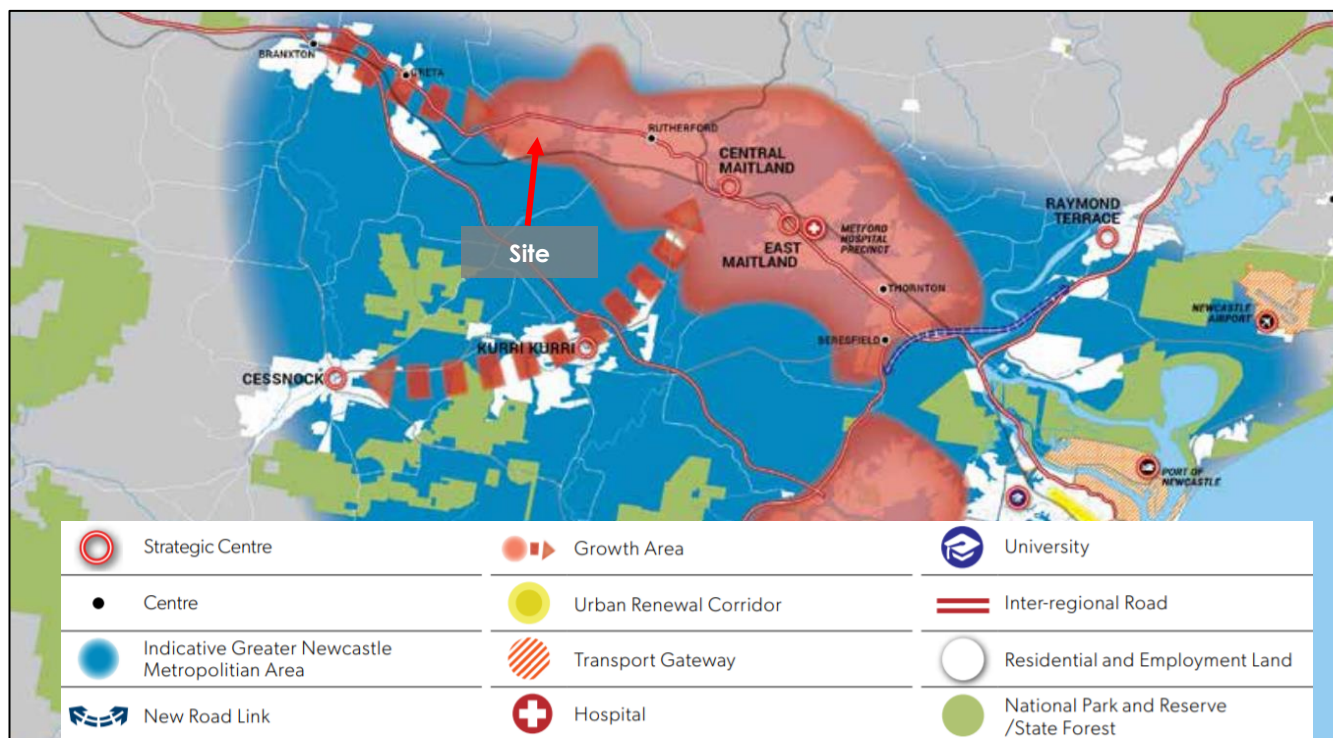


Figure 19: Regional Strategy (Source: Hunter Regional Plan 2036)

5.4 Local Environmental Plans

5.4.1 Maitland Council Local Environmental Plan 2011

Under the provisions of the Maitland Local Environmental Plan 2011 (MLEP 2011) the site is zoned R1 General Residential and RU2 Rural Landscape. The zone objectives are as follows:

R1 General Residential

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

RU2 Rural Landscape

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

The proposal is considered to be consistent with the zone objectives for the following reasons:

- The proposed residential lots will ultimately provide for the housing needs of the community within the Maitland LGA;
- The proposed Superlot subdivision allows for the orderly redevelopment of the subject land and ultimately the staged subdivision proposed in Stages 8 – 14.
- The range of lot sizes, orientation and layout of the proposed subdivision in Stages 8 -14 will facilitate a mix of housing types and densities;
- The residential portion of the development has been designed to complement the rural landscaped zoned portions of the site and adjoining land;
- Opportunities for other appropriate land uses including the proposed local park to cater for the recreational needs of future residents have been implemented in the development; and
- The design of the proposed park will complement the emerging residential character of the locality as well as allow connection to the previous land uses through the style and artworks incorporated into the park design.

Proposed Stage 0A and Stages 8 to 14 can be defined as subdivisions and are permissible subject to development consent within the R1 General Residential and RU2 Rural Landscape zones.

Proposed Stage 0 being the local park can be defined as a *recreation area*, with the Maitland LEP 2011 definition reproduced below:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

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

The proposed local park satisfies this definition and is therefore permissible subject to development consent within the R1 General Residential zone.

Other Relevant Clauses:

2.6 Subdivision – Consent requirements

The subject land may be subdivided with consent in accordance with clause 2.6 of the Maitland LEP 2011.

4.1 Minimum Subdivision Lot Size

The objectives of this clause are as follows:

- (a) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
- (b) to prevent the fragmentation of rural land.

This clause provides that the size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The subject land has a minimum lot size area of 450m² and 40ha as illustrated in Figure 20. The minimum lot area proposed for the superlot subdivision is 2.325ha. The minimum proposed lot area within Stages 8 to 14 is 725m², with each residential lot being in excess of the minimum 450m² requirement. The RU2 Rural Landscape zoned portion of the land does not meet the minimum 40 hectare lot size requirement. However, subdivision of the land is permissible under clause 4.2C of the Maitland LEP 2011 as detailed below.

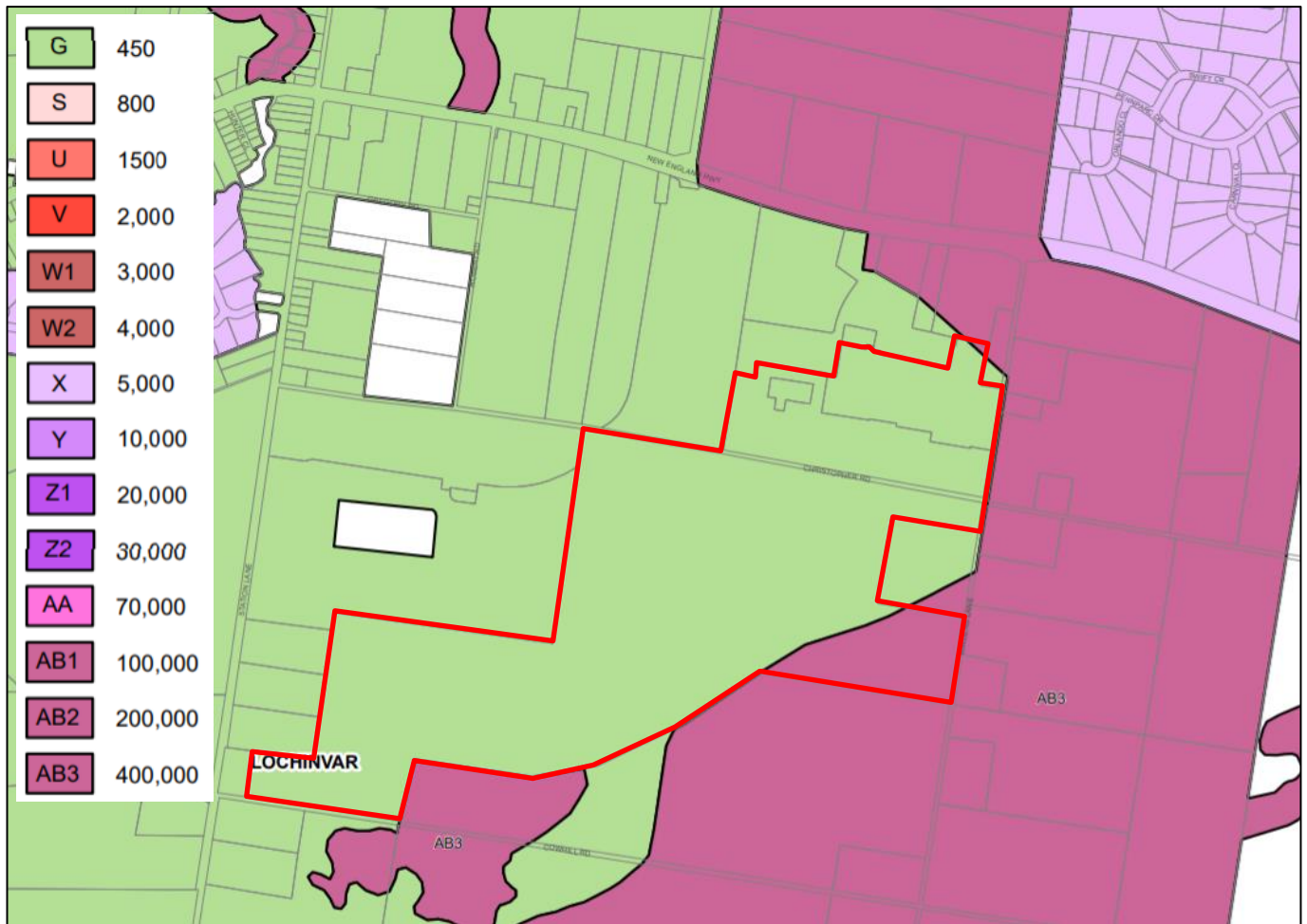


Figure 20: Lot Size Map (Source: Maitland LEP 2011 Sheet LSZ_002A)

4.2C Minimum subdivision lot sizes for certain split zones

The objectives of this clause are as follows:

- (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
- (b) to ensure that the subdivision occurs in a manner that promotes sustainable land use and development.

The clause applies to the subject land as the existing lot contains land within the R1 General Residential and RU2 Rural Landscape zones. Clause 4.2C outlines that:

- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—
 - (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
 - (ii) all the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to the land.

Development consent is sought for the superlot subdivision of the site. The superlot subdivision will create proposed Lot 9, which will contain all of the RU2 zoned portion of land within the subject site and portions

R1 zoned land exceeding the 450m² minimum lot size. The remaining lots will contain R1 zoned land with each lot being more than the minimum lot size requirement of 450m². The proposed lot sizes are therefore compliant with this clause.

6.1 Arrangements for Designated State public Infrastructure

Clause 6.1 of the Maitland LEP 2011 outlines that development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date. The exception is allowed where the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

The subject site is located within the Lochinvar URA and the proposed subdivision will result in lots smaller than the minimum lot size permitted on the land before the relevant date. Satisfactory arrangements are therefore required to be made for the provision of designated State public infrastructure to satisfy the needs that will arise from the proposed urban development of the land. Consultation with the NSW Department of Planning, Industry and Environment is to occur to obtain confirmation of satisfactory arrangements for the development prior to issue of the development consent.

6.2 Public Utility Infrastructure

Clause 6.2 requires public utility infrastructure to be available, or that adequate arrangements have been made to make that infrastructure available prior to development consent being granted for development on land within an urban release area. All necessary public infrastructure is to be made available to the proposed lots, utilising the existing and approved infrastructure available in the area.

6.3 Development Control Plan

Clause 6.3 outlines that development consent must not be granted for development on land in an urban release area unless a development control plan has been prepared for the land. The Maitland Development Control Plan Part F – Urban Release Areas includes a Lochinvar Urban Release Area Plan, which covers the subject land and meets the criteria specified within clause 6.3 of the Maitland LEP 2011.

The proposed subdivision is consistent with the provisions of the DCP as demonstrated in section 5.5 below.

7.1 Acid Sulfate Soils

The objective of this clause is:

is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is mapped as Class 5 land on the Acid Sulfate Soils Map as illustrated in Figure 21 below. The proposed works are not below 5m Australian Height Datum and will not likely lower the watertable below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The Preliminary Geotechnical Assessment prepared by Qualtest also confirms that it is unlikely acid sulfate soils are present at the site. Refer to Appendix H. No further assessment is required at this time.

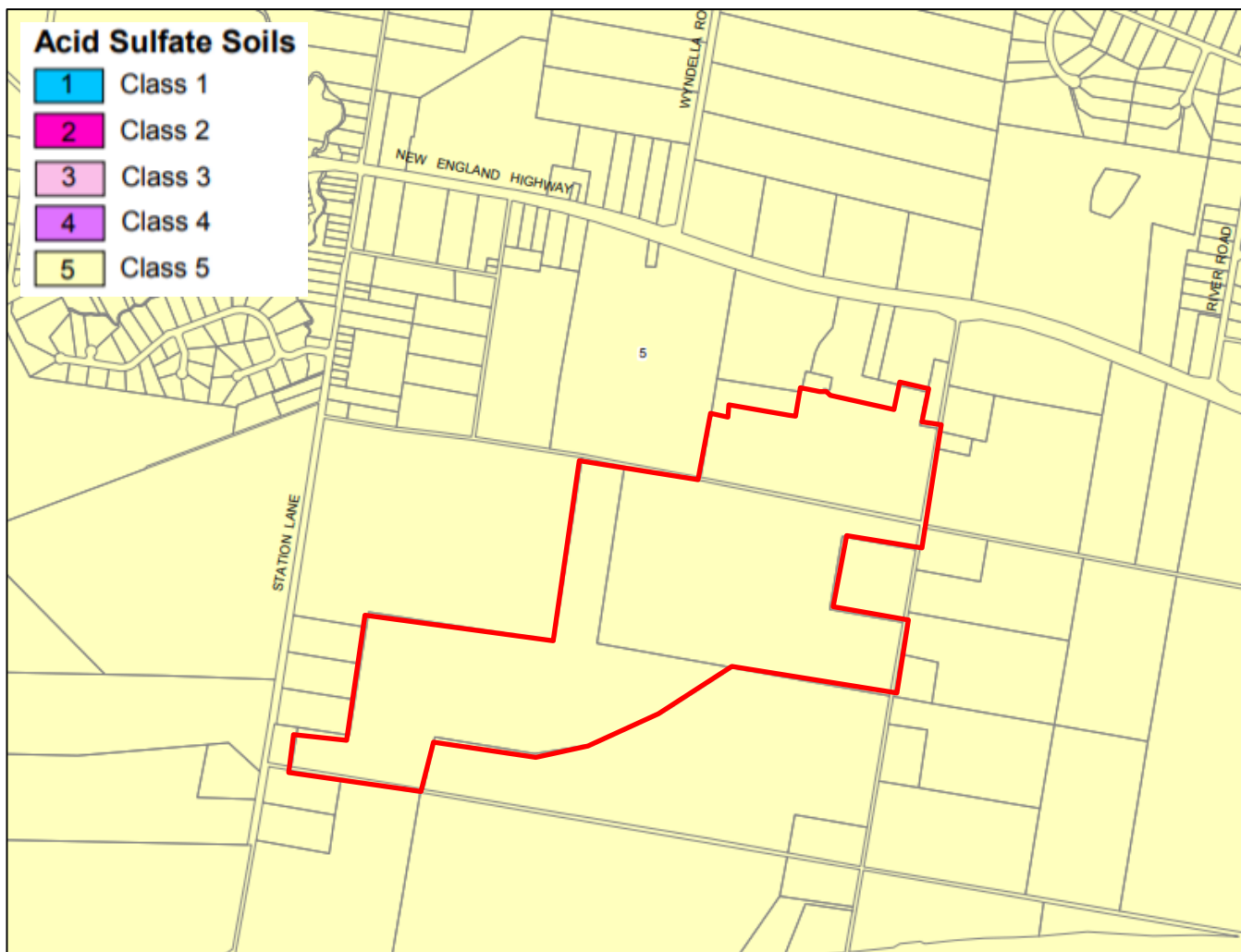


Figure 21: Acid Sulfate Soils Map (Source: Maitland LEP 2011 Sheet ASS_002A)

7.2 Earthworks

Consent is sought for earthworks and retaining to be carried out as part of the proposed park, subdivision works for infrastructure and to create suitable building areas roads and future residential development. In accordance with clause 7.2, the proposed earthworks and retaining will not result in a detrimental impact to the site or surrounding lands. Appropriate erosion and sediment control measures will also be implemented during construction. Refer to Appendix D for detailed civil design for these works.

7.3 Flood Planning

The site is mapped as not being affected by flooding according to the Maitland LEP 2011 Flood Planning Map. This is supported by flood studies undertaken for the Lochinvar area. No further assessment is required at this time.

7.4 Riparian land and watercourses

The site is mapped as containing watercourse land according to the Maitland LEP 2011 Watercourse Map. Refer below to Figure 22 below. The proposed development does not propose any works within proximity of the Maitland LEP 2011 mapped watercourse land. Impacts to the watercourse will be avoided by the proposed development considering the subdivision works are proposed approximately 700m from the mapped watercourse. Appropriate erosion and sediment controls will be implemented during construction of the development with appropriate stormwater management proposed for future use of the site, refer Appendix D. The development is therefore consistent with the objectives and meets the

requirements of this clause. Note the site contains additional watercourses as mapped by NRAR. The development proposes works within 40m of these watercourses and therefore integrated referral to NRAR is required for issuing of their General Terms of Approval.

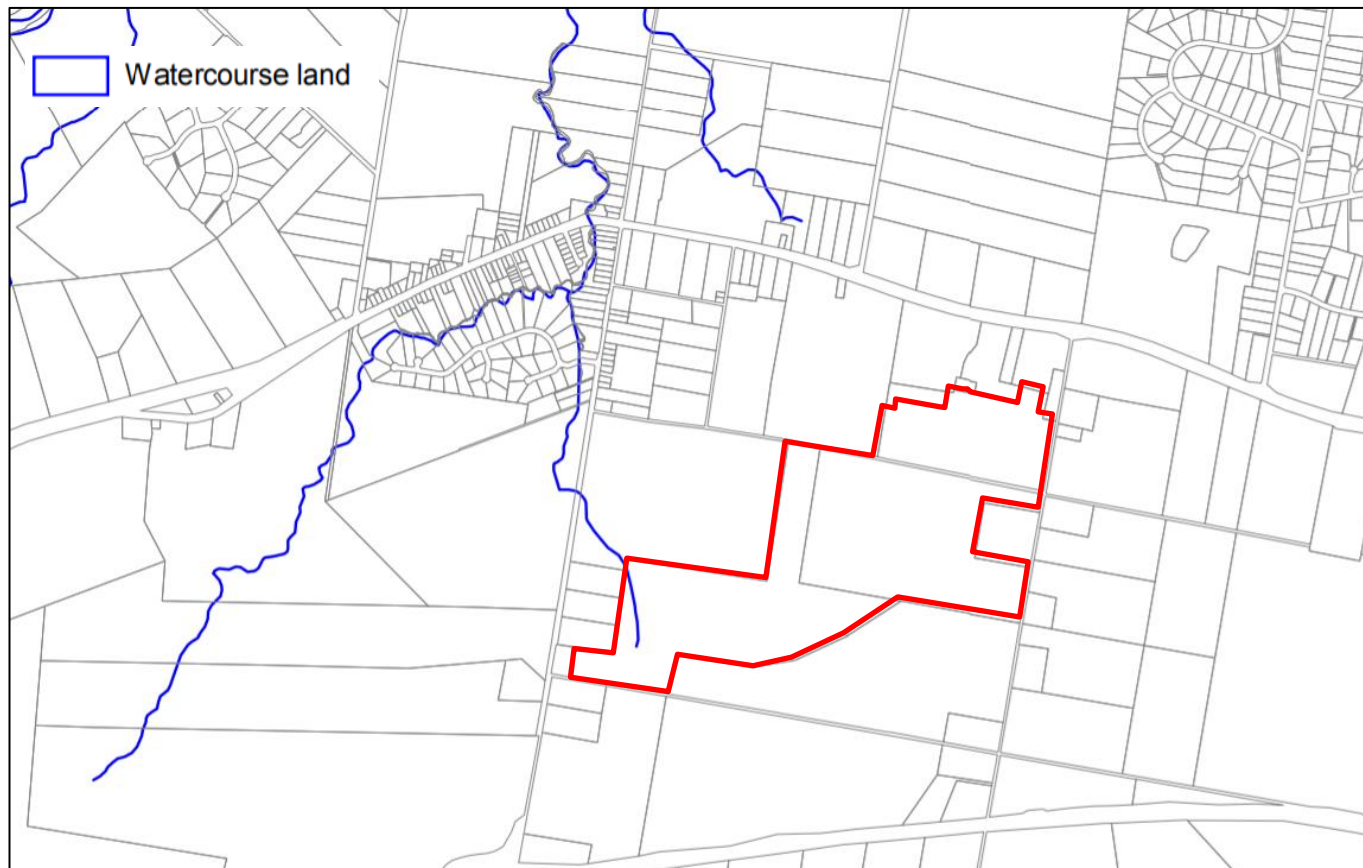


Figure 22: Watercourse Map (Source: Maitland LEP 2011 Sheet WCL_002)

5.5 Development Control Plan

5.5.1 Maitland Development Control Plan

Our assessment of the proposal confirms that the proposal generally satisfies Council's requirements for subdivision development as detailed in Table 5.

Table 5 – Development Control Matrix

DCP Requirement	Comment
Part B: Environmental Guidelines	
B.2 Domestic Stormwater	A Stormwater Management Report has been prepared for the proposed development. This report is included as Appendix E. Future domestic housing construction on the subject land, once the subdivision works are complete, would be subject to the general requirements of Council's DCP Part B: Environmental Guidelines. Domestic stormwater must be controlled through the use of on-site stormwater harvesting and retention systems to the

DCP Requirement	Comment
	<p>requirements of the State Environmental Planning Policy (Building Sustainability Index) 2008 (BASIX). The implementation of stormwater harvesting on-site ensures a controlled release of stormwater from each allotment through to roads or inter-allotment drainage systems. The proposed development adequately reduces the peak discharge to less than or equal to the pre-developed discharge for each storm event. Improvements in water quality are achieved through a treatment train including a gross pollutant trap and bio-retention basin before discharge. Refer to the Stormwater Management Report in Appendix E.</p>
<p>B.5 Vegetation Management</p>	<p>The subject site is largely clear of significant vegetation, consisting mainly of grassland with some minor patches of remnant native vegetation and regrowth occurring. The development works area contains only exotic grasses and planted native and exotic vegetation within windrows.</p> <p>The proposal will require the clearing of vegetation to allow for the construction of the proposed infrastructure for the development, along with earthworks. The retention of trees is to occur wherever feasible.</p> <p>A Flora and Fauna Assessment Report which assesses the impact of the proposed development is included as Appendix I. No significant adverse impacts are expected to result from the removal of vegetation.</p>
<p>B.6 Waste Not – Site Waste Minimisation and Management</p>	<p>A Site Waste Management Plan has been prepared and provided with this development application for the construction and ongoing use of the park.</p> <p>Site Waste Management Plans are not required for subdivision applications. Any future residential development will be required to address these controls.</p>
<p>B.7 Riparian Land and Waterways</p>	<p>There are a number of watercourses located across the subject land, with farm dams positioned along the watercourses. These watercourses are wide and relatively shallow; being better described as natural gullies temporarily subject to flows immediately after runoff producing rainfall only and are identified as first order streams as classified under the Strahler System of ordering watercourses.</p> <p>A Stormwater Management Report has been prepared for the proposed development, attached as Appendix E. This study shows that the environmental impacts associated with urbanisation are either reduced, minimised or</p>

DCP Requirement	Comment
	<p>managed in accordance with MCC's Engineering Guidelines and planning controls.</p> <p>The development application is to be referred to NRAR under clause 4.46 of the EP&A Act.</p>
<p>Part C: Design Guidelines</p>	
<p>C.10 Subdivision – Environmental Considerations</p>	
<p>C.1 Accessible Living</p>	<p>The proposed park will be constructed to accommodate the needs of all people who may use the facility. Appropriate pathways, seating areas and signage will be provided in accordance with the relevant Australian Standards.</p>
<p>EC.1 Flora and Fauna</p>	<p>The Flora and Fauna Assessment report which assesses the likelihood of the proposed development having ecological impacts is included as Appendix I.</p> <p>The report concludes that the proposed development will not have any significant impact on locally occurring Plant Community Types, threatened flora or fauna species or migratory species.</p>
<p>EC.2 Heritage and Archaeology</p>	<p>An Aboriginal Heritage Impact Permit (Number: C0005103) was issued for the subject site on 24 September 2019. Archaeological community collection occurred during 2020 where 6 objects were salvaged. The community collection has satisfied the conditions of the AHIP and no further mitigation measures are required. Refer to AHIMS sites 37-6-1825, 37-6-1826, 37-6-1827, 37-6-1828, 37-6-1831, 37-6-1832, 37-6-1834 and 37-6-2222. These sites have been updated as destroyed on the AHIMS register.</p> <p>No European heritage items or conservation areas are located within the site, or within close proximity of the development.</p>
<p>EC.3 Hazards</p>	<p><u>Flooding</u> Not applicable.</p> <p><u>Bushfire</u> A Bushfire Threat Assessment has been prepared by Anderson Environment and Planning for the proposed development. This assessment indicates that the site is suitable for the proposed development with the implementation of the recommendations including APZs, reticulated water supply and access roads for Stages 8 to 18. Refer to Appendix J.</p> <p><u>Landslip</u> The subject land is assessed as having a low risk of slope instability. Refer to the Geotechnical Assessment in Appendix H.</p>

DCP Requirement	Comment
	<p><u>Land Contamination</u></p> <p>A Phase 1 & 2 Contamination assessment has been prepared by Coffey Services Australia Pty Ltd to identify any potential contamination on the site. Qualitest Laboratory (NSW) Pty Ltd prepared an Addendum Assessment to the Phase 1 & 2 Assessments. A copy of the reports are attached as Appendix G. The reports concludes that the site, in its current configuration, is suitable for the proposed residential development.</p> <p><u>Other Hazards</u></p> <p>The site is mapped as Class 5 acid sulfate soils land. As discussed in section 4.4 above, the works will have no impact on acid sulfate soils. The land is not affected by any additional natural and environmental hazards as described within the DCP. These development controls do not need to be considered further.</p>
C.10 Subdivision – Environmental Considerations	
DC.1 Lot Size and Dimensions	<p>All proposed residential lots have a size and shape appropriate to their proposed residential use, and to allow for the provision of necessary services and other requirements.</p> <p>The subject allotments are compliant with the minimum lot size requirements of the LEP and are able to accommodate a suitable building envelope with minimum dimensions of approximately 15m x 10m positioned behind the building line.</p>
DC.2 Solar Access and Energy Efficiency	<p>The subdivision layout has been designed to maximise energy efficiency, providing allotments which have good solar access and therefore optimising the design performance of energy smart homes. Future residential development on the site will be required to meet the requirements of SEPP (BASIX) 2004.</p>
DC.3 Drainage, Water and Soil Erosion	<p>A Stormwater Management Report has been prepared for the proposed development. The report is included as Appendix E.</p> <p>Council's objectives for planning a stormwater system are achieved and detailed in the Flooding and Storm Water Strategy.</p>
DC.4 Landscape, Streetscape and Visual Impact	<p>A Landscape Plan has been prepared for the proposed development, indicating the location of proposed street trees along with details of plant species. Landscape buffers and trees are proposed to provide visual relief to the site. A copy of the Landscape Plan is provided as Appendix F.</p>

DCP Requirement	Comment
	<p>A Visual Impact Assessment was prepared as part of approved DA/2014/1401, which included an assessment of Stages 1 to 7 and the future masterplan of the subject site. This assessment indicated that the landscape character of the area is evolving, with future development inevitable with the strategic land zoning of the area for residential development. The Visual Impact Assessment concluded that the development is suitable for the area with street trees and landscape buffers providing visual relief to the site. The proposed development is an extension of the subdivision design approved under DA/2014/1401 and incorporates a similar landscaping strategy. The findings of the Visual Impact Assessment prepared for the masterplan of the site are considered to be applicable here with the recommendations included within the subdivision design and landscape strategy. It is considered that in the context of the changing character of the area and design elements included within the subdivision, that the proposed development is suitable in the context of the Lochinvar URA.</p>
DC.5 Effluent Disposal	<p>It is proposed that each of the allotments will be connected to reticulated sewer via a the recently constructed sewer trunk main, which will extend to the lots in accordance with Hunter Water Corporation requirements.</p>
DC.6 Roads and Access, Pedestrian and Cycleways	<p>Roads and footpaths will be constructed to residential standards as defined within MCC's Manual of Engineering Standards and will provide access to all lots within the subdivision.</p>
DC.7 Crime Prevention – Safer by Design	<p>The subject land and surrounding area has been considered with the proposed subdivision layout designed to promote the safety of the community and minimise crime prevention through design. The proposed park also employs the four key CPTED strategies as discussed below.</p> <p><u>Surveillance</u></p> <p>Positive surveillance features of the development include:</p> <ul style="list-style-type: none"> • clear sightlines between public and private places; • effective landscape design that makes the park attractive and does not provide offenders with places to hide; and • effective lighting to be provided throughout the park. <p><u>Access control</u></p>

DCP Requirement	Comment
	<p>Access control features of the development include:</p> <ul style="list-style-type: none"> • provision of a high quality public space which will attract, rather than discourage people from gathering; and • landscaped areas and pathways that channel and group pedestrians into target areas throughout the park. <p><u>Territorial Reinforcement</u> Positive territorial reinforcement features of the development include:</p> <ul style="list-style-type: none"> • the park design encourages people to gather in the public space and to feel some responsibility for its use and condition; • future fencing of the rear yards of surrounding residential sites will ensure there is clear transition between the public and private open space areas; and • clear cues included within the design on what the park is to be used for. <p><u>Space Management</u> The park will be appropriately managed by Council employees and/or contractors to ensure site cleanliness, rapid repair of vandalism and the replacement of decayed physical elements. The area is to be maintained and remain clean and undamaged during its use to minimise the fear of crime and avoidance behaviour. Our assessment of the proposal confirms that the design appropriately employs the CPTED principles and the development can be managed to minimise the potential risk of crime.</p>
DC.8 Site Filling	This application seeks consent for the earthworks and retaining associated with the construction of the subdivision. Full details are to be provided to Council with the application for Subdivision Works Certificate and/or Construction Certificate.
DC.9 Reticulated Services	The lots created by the proposed subdivision are to be serviced with reticulated water, sewer, electricity and telecommunication services. Applications are to be made with service providers to establish servicing design requirements for the proposed development.
C.10 Subdivision – Identity Components	
IC.1 Entry Features	No entry features have been designed for the proposed development at this stage.
IC.2 Street Names	Proposed street names are to be submitted to Council for approval in accordance with Council's policy at the time of lodgement of the Subdivision

DCP Requirement	Comment
	Works Certificate and/or Construction Certificate application.
IC.3 House/Lot Numbering	New house/lot numbering will be provided to each of the proposed lots upon registration of the final plan of subdivision.
Part F: Urban Release Areas	
F.9 – Lochinvar Urban Release Area – Christopher Road Precinct	
1.2 Development Requirements	
Staging Plan	The subject lands are identified as Stage 1 within the Lochinvar URA Staging Plan. Appropriate infrastructure and services will be provided to each of the lots in accordance with service utility providers and DCP requirements.
Transport and Movement Hierarchy	<p>The proposed road layout has been designed to suit the topography of the site and is consistent with the hierarchy of roads as set out in the Lochinvar URA Proposed Road Hierarchy plan.</p> <p>Road widths are consistent with the Proposed Road Network & Road Widening plan, with on road and off road commuter paths to be provided in accordance with the Lochinvar URA Proposed Road Hierarchy plan and Council engineering standards.</p> <p>Access to the development is provided via Sanctuary Drive and New England Highway intersection. Additional access points will be provided to the site as future development on adjoining land is completed. Primary access points will be provided through Stage 8 and Stage 14 of the proposed development to adjoining development in the west. Proposed Stage 8 will also link to approved Stage 7 providing access to the west. These access points will provide linkage to the Windella Road and New England Highway intersection. Various new internal subdivision roads will also be provided throughout the development as per the Overall Master Plan to allow linkage to the development. The Traffic Impact Analysis Report concludes that there is sufficient capacity available within the local road network to service the number of lots proposed. Refer to Appendix K. No new lots have access to New England Highway or Winders Lane.</p>
Overall Landscaping Strategy	A concept Landscape Plan has been prepared for the proposed development, detailing the location of street tree planting, along with plant species and quantities. All landscaping is to be carried out in accordance with Council's standards. The

DCP Requirement	Comment
	<p>concept Landscape Plan has been included as Appendix F.</p> <p>Buffer planting is proposed along Winders Lane.</p> <p>Native vegetation species have been incorporated into the landscape design.</p>
<p>Passive & Active Recreational Areas</p>	<p>Figure 59 of the DCP indicates preferred locations for passive and active recreational areas within the Lochinvar URA. The proposed park is not located within an area identified within Figure 59. However, the location of the park is consistent with the Lochinvar Section 94 Contributions Plan 2014 which identifies the need for a local playground within the general area of the proposed park. The development will offer a range of recreational opportunities for future residents within the URA including provision of a local park within walking distance from residences as well as pedestrian and cycle access ways that link to surrounding development. The proposal is therefore compliant with this clause.</p>
<p>Stormwater & Water Quality Management Controls</p>	<p>The proposal utilises conventional pit and pipe conveyance to the site outlets, where water quality is improved through a treatment train including a gross pollutant trap and bio-retention basin before discharge. The Stormwater Management Report, provided as Appendix E, shows that the environmental impacts associated with urbanisation are either reduced, minimised or managed in accordance with MCC's Engineering Guidelines and planning controls.</p>
<p>Amelioration of Natural & Environmental Hazards</p>	<p><u>Bushfire</u></p> <p>A Bushfire Threat Assessment has been prepared by Anderson Environment and Planning for the proposal. This assessment indicates that the site is suitable for the proposed development with the implementation of the recommendations including APZs, reticulated water supply and access roads for Stages 8 to 18. Refer to Appendix J.</p> <p><u>Soils and Contamination</u></p> <p>Phase 1 & 2 Contamination Assessments and an Addendum have been included as part of this application. There is no evidence of soil instability or acid sulfate soils on the subject lands. Refer to Appendix G.</p> <p><u>Flooding</u></p> <p>Not applicable.</p> <p><u>Rail Noise</u></p> <p>The development is located outside of the rail noise contour as indicated on Figure 56 of the DCP. No special acoustic modifications will be</p>

DCP Requirement	Comment
	<p>necessary for future dwellings on the proposed lots to comply with rail noise criteria.</p> <p><u>Rail Vibration</u> The Development Near Rail Corridors and Busy Road - Interim Guideline requires assessment of rail traffic vibration when a development is within 60 metres of the rail line. The proposed development is located more than 60m from the Main Northern Rail line and therefore impacts from rail traffic vibration have not been considered further.</p> <p><u>Air Quality</u> Not applicable.</p> <p><u>Noise (New England Highway)</u> The proposed development is located more than 400m from the New England Highway and therefore unacceptable impacts from the road noise are unlikely and not required to be considered further.</p> <p><u>Visually Prominent Sites (Airds of Lochinvar)</u> Airds of Lochinvar will remain unchanged by the proposed development due to the separation provided to the proposal, the proposed landscape treatment of the site and the location of earlier residential subdivisions located between Airds of Lochinvar and the subject land.</p> <p><u>Visual Impact</u> The development is not located within a visually sensitive area as per the Lochinvar URA Environmental Constraints & Buffers Map. A visual impact assessment was carried out under DA/2014/1401 for Stages 1 to 7 and the masterplan of the subject site. The report identified that the character of the area is evolving to a higher density residential area. It found that subdivision development will have a low-moderate impact on the scenic quality of the surrounding area. Landscaping is proposed to reduce any visual impacts. A landscape buffer is also proposed along the high point of Winders Lane. It is considered that in the context of the changing character of the area and design elements included within the subdivision, that the proposed development meets the visual impact assessment requirements of the DCP.</p> <p><u>Erosion & Sediment Controls</u> The development is to incorporate measures to prevent and control the impacts of erosion and sedimentation as part of the construction. These details are to be included with the Subdivision Works Certificate and/or Construction Certificate and will be provided in accordance with Council's requirements.</p>

DCP Requirement	Comment
	<p><u>Aboriginal Heritage</u> An Aboriginal Heritage Impact Permit (Number: C0005103) was issued for the subject site on 24 September 2019. Archaeological community collection occurred during 2020 where 6 objects were salvaged. The community collection has satisfied the conditions of the AHIP and no further mitigation measures are required. Refer to AHIMS sites 37-6-1825, 37-6-1826, 37-6-1827, 37-6-1828, 37-6-1831, 37-6-1832, 37-6-1834 and 37-6-2222. These sites have been updated as destroyed on the AHIM register.</p> <p><u>European Heritage</u> Not applicable.</p>
Key Development Sites	<p>Aird's of Lochinvar commercial site is to remain unchanged by the proposal. The business is to continue operating and no modifications are proposed to the existing building or car parking area.</p> <p><u>Adjoining land zoned for environmental protection</u> Not applicable.</p> <p><u>Interface area South of Freemans Drive</u> Not applicable.</p> <p><u>Land adjoining the New England Highway & Winders Lane</u> A landscape buffer is provided along Winders Lane. No new lots have access to New England Highway or Winders Lane.</p>
Residential Densities	<p>Any future residential development within the subject site shall be designed in accordance with Council's requirements and consider areas of high amenity, being sites adjacent to open space, water bodies and bus routes.</p>
Neighbourhood Commercial & Retail Uses	<p>Aird's of Lochinvar is to continue operating as a commercial premise. No neighbourhood commercial or retail uses proposed as part of the subject development.</p>
Provision of Public Facilities & Services	<p>Lochinvar Section 94 Contributions Plan applies to new development within this precinct.</p> <p>The proposed park and drainage basins will be provided in accordance with the associated Lochinvar Section 94 Contributions Plan, which is discussed further below.</p>

5.6 Contribution Plans

The Lochinvar Section 94 Contributions Plan 2014 identifies that the future population stemming from new development in the Lochinvar URA will result in the need for new infrastructure and services. Council has specifically identified the need for recreation and open space facilities within the urban release area.

Council has indicated that a number of Local Neighbourhood Playgrounds are required to be provided for the area generally in accordance with Figure 23 below. The proposed development is consistent with this plan as it provides a local park within the approximate area of L4.

The proposed park is also to be dedicated to Council in the future once surrounding development is complete. The development is consistent with the overall purpose of this plan.

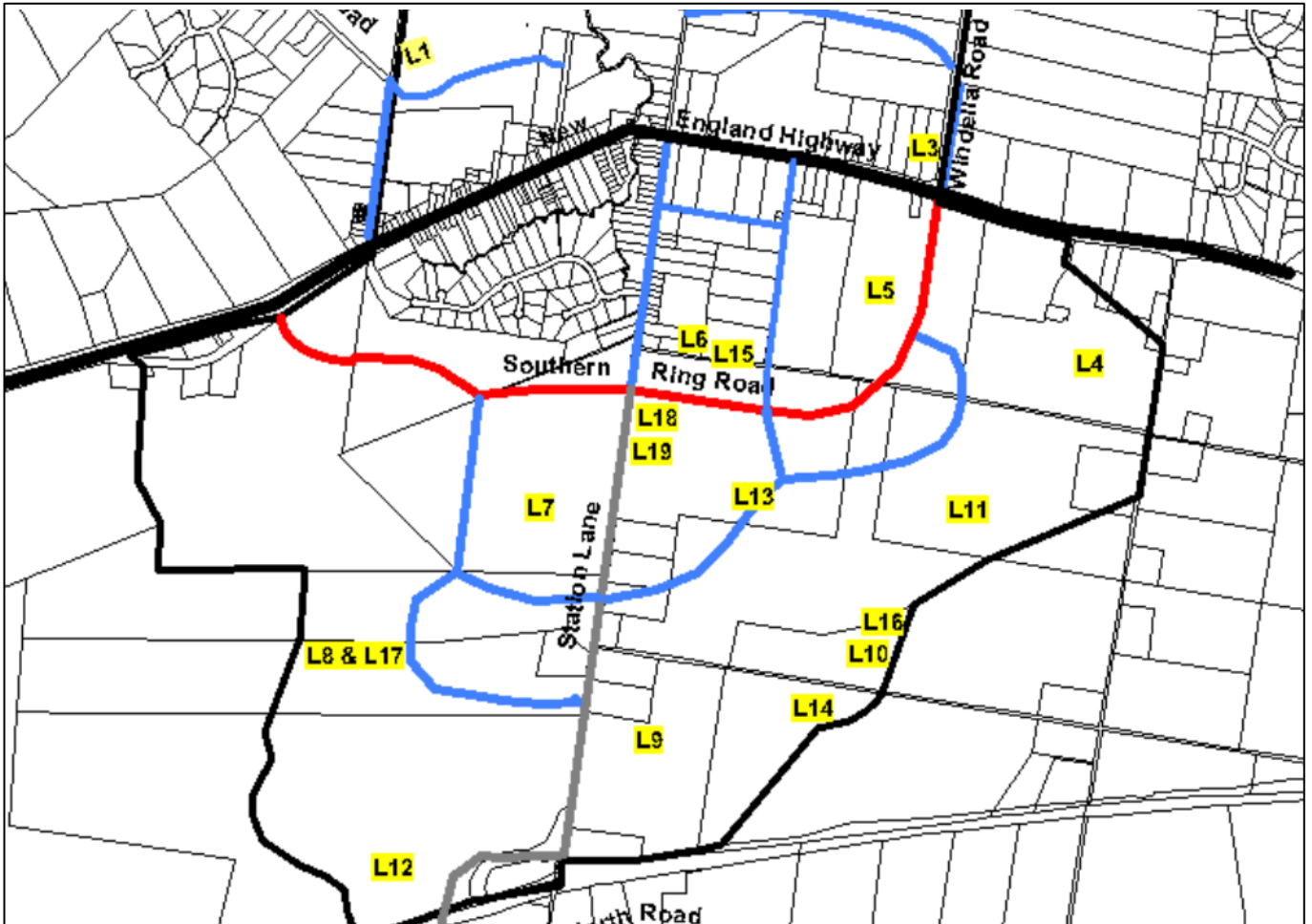


Figure 23: Lochinvar URA Recreation & Open Space Facilities Map (Source: Lochinvar Section 94 Contributions Plan 2014)

5.7 Water Management Act

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval. The proposal is within close proximity to watercourses and the integrated approval of NRAR is required. Figure 24 illustrates the development area and watercourses as mapped by the Hydroline Spatial Data Map prepared by NSW Department of Planning, Industry and Environment.



Figure 24: Hydroline Spatial Data Map (Source: NSW DPIE; 11/11/2021)

5.8 Rural Fires Act 1997 & Planning for Bushfire Protection

The subject site is located within a designated bushfire prone area and the proposed development is identified as subdivision of bush fire prone land that could lawfully be used for residential purposes under Clause 100B of the Rural Fires Act 1997. The application will therefore require referral to the NSW Rural Fire Service for concurrence. Refer to Figure 24 for bushfire prone land mapping.

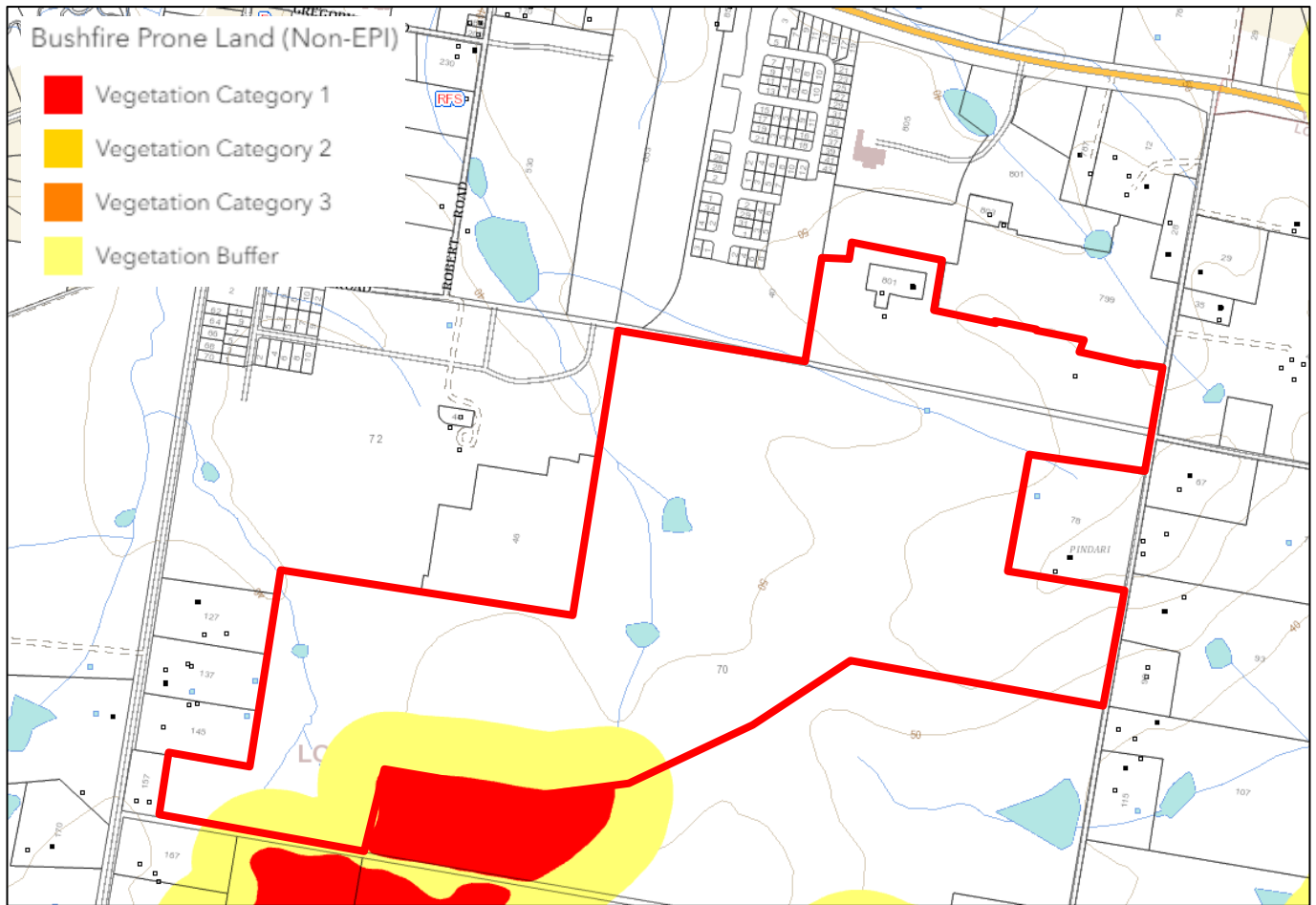


Figure 25: Bushfire Prone Land Map (Source: ePlanning Spatial View; 04.11.2021)

The application includes a detailed Bushfire Threat Assessment Report. Vegetation within the development area consists of a paddock and open managed grassland and exotic weeds. The entirety of the subject site is proposed to be cleared and as a result, all hazard vegetation is located on adjoining properties. Vegetation surrounding the site that constitutes hazard vegetation is classified as Grassland. The residential subdivision will only be affected by a small amount of Grassland vegetation to the east.

The Bushfire Threat Assessment classified a portion of the site as having BAL-12.5 to BAL-FZ, with most of the site having no BAL requirements. The assessment indicates that all road designs comply with bushfire requirements and that internal roads through the development should provide adequate access to the site until the land to the north and west is developed, and a perimeter road completed. Refer to Appendix J for further detail.

The report recommends the following for minimum bushfire compliance:

- Required asset protection zones and associated BAL construction standards to be implemented for a small portion of the site with future building envelopes to take this into consideration; and
- A reticulated water supply system from established residential areas is expected to service the site, and street hydrant access will need to be delivered in accordance with AS2419.1-2017.

With the implementation of the above recommendations, the proposed subdivision can be safeguarded from the danger of bushfires.

5.9 Biodiversity Conservation Act 2016

A Flora and Fauna Assessment Report was prepared by Kleinfelder on 4 November 2021. This assessment indicated that trees and vegetation within the site are mostly comprised of exotic grassland with some planted native and exotic vegetation along windrows. No vegetation within the site is commensurate with a native Plant Community Type. Refer to Appendix I for further detail.

The Flora and Fauna Assessment Report outlined that in accordance with Part 7 of the Biodiversity Conservation Act (BC Act), the proposal does not require entry into the Biodiversity Offsets Scheme due to the following:

- The proposed development is not deemed to be 'State Significant' under the NSW EP&A Act.
- The proposed development will not impact an Area of Outstanding Biodiversity Value (AOBV) as listed under Part 3 of the NSW BC Act.
- The proposed development is unlikely to cause a significant impact on a threatened species, population or ecological community, as listed under Schedules 1 and 2 of the NSW BC Act, as determined by the application of a five-part-test of significance under Section 7.3 of the NSW BC Act.
- The proposed development will not impact areas mapped as having 'high biodiversity value' as indicated by the NSW Biodiversity Values Map (BV Map).
- The proposed development does not involve clearing of native vegetation that exceeds the BOS threshold for the site, as determined by the NSW Biodiversity Conservation Regulation 2017.

In consideration of the above, a Biodiversity Assessment Report is not required for the proposed development.

The Flora and Fauna Assessment Report outlines that no threatened species were identified during the assessment. Vegetation within the study area is in a low to moderate condition state and is generally unsuitable for sustaining populations of threatened species that are known to occur within the locality. In accordance with section 7.3 of the BC Act impacts of the project are unlikely to cause a significant impact on any threatened species, populations or endangered ecological communities.

5.10 Coal Mine Subsidence Compensation Act 2017

The subject site is not located within a Mine Subsidence District. No approval is required to be obtained from Subsidence Advisory NSW under section 22 of the Coal Mine Subsidence Compensation Act 2017.

5.11 National Parks & Wildlife Act 1974

An Aboriginal Heritage Impact Permit (Number: C0005103) was issued for the subject site on 24 September 2019. The previously identified sites have been updated as destroyed on the AHIM register.

6 Section 4.15 Assessment

6.1 (a)(i) The Provisions of any Environmental Planning Instrument

As outlined in Section 5.0 the proposal has been prepared in light of the relevant environmental planning instruments.

6.2 (a)(iii) The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements, refer Section 5.5.

6.3 (b) The Likely Impacts of That Development

Environmental Responsibility and Land Capability

Ecological Values

Trees and vegetation within the site are mostly comprised of exotic grassland with some planted native and exotic vegetation along windrows. No vegetation within the site is commensurate with a native Plant Community Type. One threatened species was identified within the flora and fauna assessment (*Eucalyptus galucina*) although it was identified outside the development footprint and would not be impacted by the proposal. The proposed development does not require clearing of any areas of good or moderate condition native vegetation. Due to the lack of key habitat features within the development areas, the project is unlikely to cause a significant impact to any threatened species, populations or ecological communities. Avoidance and mitigation measures have been implemented within the subdivision layout and design to reduce potential impacts to biodiversity values and the environment. Refer to the Flora and Fauna Assessment Report within Appendix I for further detail.

Waterways

The site contains two watercourses, each being tributaries of Lochinvar Creek. The watercourses are wide and relatively shallow being better described as natural gullies temporarily subject to flows immediately after rain events. The watercourses lack a defined channel and associated riparian vegetation. The development is unlikely to have an adverse impact on surrounding waterways with appropriate stormwater quality treatment devices to be implemented in accordance with the Stormwater Management Report in Appendix E. Erosion and sediment controls will also be implemented during the works to reduce indirect impacts to downstream environments.

Acoustic Impact

The proposed development is located more than 400m from the New England Highway and approximately 1 kilometre from the Main Northern Railway. It is unlikely these existing transport networks will have an adverse acoustic impact on future residential use of the site. The site is therefore suitable to the intended future residential use.

The proposed local park and subdivision will not create an adverse acoustic impact on surrounding residential receivers as they are proposed in combination with low density residential development. This is consistent with surrounding and emerging development in this location. Acoustic impacts are not required to be considered further for this application.

Visual Impact

The proposed subdivision would result in an overall increase in built elements in this currently semi-rural landscape, leading to a more developed character. This is consistent with Council's planning vision for this

area evidenced in the planning regime for this location, and the Hunter Regional Strategy. The proposed visual impact is expected to be mainly localised and decreasing as viewers move away from the subject site.

The greatest visual impact is likely to be experienced by the residents of the dwellings located within the subject site and directly adjacent to the eastern boundaries. Their rural outlook shall eventually be transformed to that of an urban context. The inclusion of boundary screen planting and post and rail style fencing shall provide some visual relief to their foreground outlook.

The proposed development is inconsistent with the current surrounding landscape character, however that character is in transition due to recent development consents granted in the immediate vicinity, the designation as an URA, and as such the future landscape character will be less sensitive as a result. Proposed landscaping, site design and future building material selection shall significantly reduce the likely short term visual impact until this evolution occurs. A visual impact assessment was carried out under DA/2014/1401 for Stages 1 to 7 and the masterplan of the subject site and addressed the potential visual impacts for the overall development of the site. The proposed development is considered to be consistent with the recommendations of this report.

The development is considered suitable for the area with street trees, landscape buffers and post and rail style fencing providing visual relief to the site. The proposed development is an extension of the subdivision design approved under DA/2014/1401 and incorporates a similar landscaping strategy. It is considered that in the context of the changing character of the area and design elements included within the subdivision, that the proposed development is suitable in the context of the Lochinvar URA.

Erosion Prevention and Sediment Control

The development is to incorporate measures to prevent and control the impacts of erosion and sedimentation as part of the construction. These details are to be included with the Subdivision Works Certificate and/or Construction Certificate and will be provided in accordance with Council's requirements.

Energy Efficiency / Sustainability

The subdivision layout has been designed to maximise energy efficiency, providing allotments which have good solar access and therefore optimising the design performance of energy smart homes. Future residential development on the site will be required to meet the requirements of SEPP (BASIX) 2004.

Geotechnical

A Preliminary Geotechnical Assessment has been carried out by Qualtest to assess the risk of slope instability and associated geotechnical constraints and provide advice on the suitability of the site for development from a geotechnical perspective. Refer to Appendix H for further detail.

No obvious evidence of overall slope instability or significant damage attributable to ground movement was observed on or in the vicinity of the site during the field work. The proposed development is assessed as having a "Low" risk of slope instability.

The report also finds that it is considered unlikely that acid sulfate soils would be present at the site, and it is assessed that the proposed development presents a low risk of disturbance of acid sulfate soils.

Further Geotechnical investigations are to be carried out at Subdivision Works Certificate and/or Construction Certificate stage to inform the engineering design and to also provide site classification for the residential lots.

The site is considered suitable for the proposed development from a geotechnical viewpoint provided that development is carried out in accordance with sound engineering principles and good hillside practice, and with respect to the constraints and recommendations of the Preliminary Geotechnical Assessment.

Contamination

Coffey Services Pty Ltd prepared Phase 1 and 2 Contamination Assessments in June 2017 to identify any potential contamination on the site. Qualtest Laboratory (NSW) Pty Ltd prepared an Addendum Contamination Assessment for the subject land in October 2021. Refer to Appendix G.

The Addendum Contamination Assessment for the subject development indicates that the site has remained relatively unchanged since 2017 and that the recommendations presented in the 2017 Coffey report remain relevant. The recommendations for the site are:

- The farm waste inside the shed in former Lot 32 is removed and the surface soils inside the shed observed. If evidence of potential contamination is identified (such as stained or odorous soils), an environmental consultant should be contacted to collect additional surface soil samples.
- A Construction Environmental Management Plan (CEMP) is implemented, prior to earthworks commencing, in order to appropriately manage the on-site and off-site disposal of soil, sediment and water." The CEMP will also be required to manage anthropogenic materials observed across the site.

The site is considered suitable for the proposed residential development provided the recommendations contained within the Addendum Contamination Assessment prepared by Qualtest Laboratory (NSW) Pty Ltd are implemented for the development.

Social Impact & Economic Impact

It is considered that the proposed development of the site will have a positive social and economic impact for the locality through the provision of additional housing and allotment choice to meet the demands of the local community and growing population. This proposal supports the overall Council planning regime for this location and the Hunter Regional Plan for increased supply of housing. The proposal will also provide infrastructure and a local park that will support the recreational needs of the community. It is therefore acceptable in terms of the broad public interest.

Heritage

There are no known European heritage items on or near the site.

An Aboriginal Heritage Impact Permit (Number: C0005103) was issued for the subject site on 24 September 2019. The previously identified sites have been updated as destroyed on the AHIM register.

Infrastructure and On-site Services

Each of the proposed residential allotments is to be serviced by reticulated electricity, water, sewer and telecommunication services. Existing public infrastructure will be upgraded or new infrastructure provided to adequately service the proposed lots.

The Stormwater Management Report provides details on proposed stormwater drainage, detention and water quality controls. Refer to Appendix E.

Transport, Access, Parking and Servicing

The development includes the construction of new local roads 25m and 17m wide, to facilitate road pavement and footpaths in accordance with Council's engineering standards. Access to the site is proposed from Sanctuary Drive, which connects to New England Highway and is to be constructed as part

of Stages 1 to 7 under DA/2017/1401. Additional access points will be provided to the site as future development on adjoining land is completed. Primary access points will be provided through Stage 8 and Stage 14 of the proposed development to adjoining development in the west. This will provide linkage to the Windella Road and New England Highway intersection. Various new internal subdivision roads will also be provided throughout the development as per the Overall Master Plan to allow linkage to the primary access points of the development.

A Traffic Impact Assessment Report has been prepared by Barker Ryan Stewart to determine the likely additional traffic generated by the subdivision and to undertake an assessment of any traffic impacts on the local road network and demand for alternate transport modes (refer Appendix K). The Traffic Impact Assessment report provides as follows;

SIDRA intersection analysis indicates that both the intersections, New England Highway / Wyndella Road and New England Highway / Sanctuary Drive are currently operating with satisfactory Level of Service (LoS) AM and PM peak.

With the proposed subdivision of 304 lots (Stages 8 to 14) at the subject site and 103 lot at the neighbouring site (stage 1 to 4) in year 2022 the intersection of New England Highway / Wyndella Road will operate at satisfactory Level of Service (LoS) of "C" in both AM and PM peak.

The intersection and New England Highway / Sanctuary Drive with proposed left in and left out arrangement will operate at satisfactory Level of Service (LoS) of "A" in both AM and PM peak.

In future year 2032 with the subdivision of additional 170 lots (Stages 11 to 19) at the neighbouring site the intersection of New England Highway / Wyndella Road will continue to operate at satisfactory Level of Service (LoS) of "C" in both AM and PM peak and the intersection and New England Highway / Sanctuary Drive will also continue to operate at satisfactory Level of Service (LoS) of "A" in both AM and PM peak.

The 2017, 2022 & 2032 mid-block traffic volumes are less than the determined road capacity of 2,200 vehicles per hour for New England Highway, it is therefore evident that the road network in the vicinity of the subject site has spare capacity available to cater for additional traffic generated by the proposed development in the area.

This is consistent with the findings of the Lochinvar Traffic Study (URaP-TTW 2012) which assessed the traffic impacts of the full Lochinvar Urban Release Area. Similarly, with all internal roads being constructed to the requirements of the Structure Plan and URaP Traffic Study (2012), the internal road network will also have sufficient capacity to cater for this development.

The Traffic Impact Assessment concludes that the subject site is suitable for the proposed development in relation to the impact of traffic and vehicle access. The development is considered to have negligible impact on the safety and operating efficiency of the surrounding Road network.

The development is considered to have negligible impact on the safety and operating efficiency of the surrounding Road network. Refer to Appendix K for further detail.

Amenity

The proposal will not cause any inappropriate impacts for neighbours and is consistent the future residential character of the area.

6.4 (c) The Suitability of the Site for the Development

The Statement of Environmental Effects has determined that there are no constraints that would restrict the development proposed. The proposed development is consistent with the zoning and strategic vision for

the area. The existing site conditions and characteristics are not prohibitive and provide a suitable site for the proposed development.

6.5 (e) Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposal will generate positive social, environmental and economic benefits.

Accordingly, the proposal is considered to be in the public interest.

7 Conclusion

The Statement of Environmental Effects has been prepared addressing relevant matters outlined in section 4.15 of the Environmental Planning and Assessment Act, 1979 and satisfies all relevant planning legislative requirements.

Our assessment of the proposal confirms:

- The development will provide additional residential lots to cater for future housing consistent with the strategic direction for the Lochinvar URA;
- The range of lot sizes will facilitate a mix of housing types and densities;
- The development is appropriate within its context as it has been designed to complement the rural landscaped zoned portions of the site and adjoining land; and
- The development provides opportunities for other appropriate land uses including the proposed local park to cater for the recreational needs of future residents.

The proposal represents rational, orderly, economic and sustainable use of the land and should therefore be supported.

Appendix A – Landscape Plans – Local Park

Appendix B – Overall Master Plan

Appendix C – Superlot Subdivision Plan

Appendix D – Concept Engineering Plans

Appendix E – Stormwater Management Report

Appendix F – Landscape Plan – Stages 8 to 14

Appendix G – Contamination Assessments

Appendix H – Preliminary Geotechnical Assessment

Appendix I – Flora and Fauna Assessment Report

Appendix J – Bushfire Threat Assessment Report

Appendix K – Traffic Impact Analysis Report