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## Statement of Environmental Effects

### Bulk Earthworks

**Property:**

Lot 5200 DP1247841, Lot 3098 DP1246288  
& Lot 4 DP1145348  
2 & 108 Settlers Boulevard & 487 Raymond Terrace Road,  
Chisholm

**Applicant:**

The logo for AVID, consisting of the word "AVID" in a bold, teal, sans-serif font.

**Date:**

December 2021

# Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Reviewed By
A	Final to Council	23 <sup>rd</sup> December 2021	BJ	AC

## Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

## Executive Summary

This Statement of Environmental Effects ("SEE") has been prepared by ADW Johnson to accompany a development application ("DA") with Maitland City Council for bulk earthworks at Chisholm.

### Application Details

<b>Applicant:</b>	Avid Property Group Pty Ltd
<b>Development:</b>	Bulk Earthworks
<b>Site Description:</b>	Lot 5200 DP1247841, Lot 3098 DP1246288 & Lot 4 DP1145348 2 & 108 Settlers Boulevard & 487 Raymond Terrace Road, Chisholm
<b>Owner:</b>	Lot 5200 DP1247841 & Lot 3098 DP1246288: Avid Residential Estates Pty Ltd Lot 4 DP1145348: CSR Building Products Limited
<b>Development Cost:</b>	\$2,200,000

### Development Standards/Controls

<b>Zone:</b>	R1 General Residential & C2 Environmental Management
<b>Definition:</b>	Earthworks Ancillary to Residential Development
<b>Permissibility:</b>	Permissible with Consent (Maitland Local Environmental Plan (LEP) 2011)
<b>Urban Release Area:</b>	Thornton North Stage 2

### External Referrals

<b>Waterfront Land:</b>	Yes – Development within waterfront land (NSW Office of Water – Integrated). Please note however correspondence previously received from NRAR advising that the southern portion of this water course within the site does not require an Integrated referral ( <b>Appendix 10</b> ).
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### Summary

The proposed bulk earthworks achieves all key planning controls.

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**APPENDICES**

- Appendix 1** Bulk Earthworks Plans
- Appendix 2** Deposited Plan
- Appendix 3** Certificate of Title
- Appendix 4A** Aboriginal Heritage Impact Permit
- Appendix 4B** CSR Aboriginal Due Diligence Report
- Appendix 5** DCP Compliance Table
- Appendix 6** Preliminary Geotechnical Assessment
- Appendix 7** Biodiversity Development Assessment Report
- Appendix 8** Bushfire Assessment Report
- Appendix 9** Detailed Site Investigation
- Appendix 10** NRAR Correspondence

# 1.0 Introduction

## 1.1 SUMMARY

ADW Johnson has been engaged by Avid Property Group Pty Ltd ("the proponent") to prepare and lodge a DA with Maitland City Council ("Council") for bulk earthworks over Lot 5200 DP1247841, Lot 3098 DP1246288 and Lot 4 DP1145348 2 & 108 Settlers Boulevard and 487 Raymond Terrace Road, Chisholm.

This SEE has been prepared pursuant to the Environmental Planning and Assessment Act 1979 (EP&A Act) and accompanying regulations, and addresses the necessary issues that require assessment to assist Council in making a determination on the subject application.

This land is located within Stage 2 of the Thornton North Urban Release Area (TNURA) which was rezoned in July 2007, and which involved the development of an area specific Master Plan – the principles of which are now included within Part F7 of the Maitland City Council Development Control Plan 2011 (DCP). A requirement of Part F7 is the creation of Precinct Plans for each area. The subject site is not covered by a Precinct Plan; however, the Draft Central Precinct Plan has been placed on public exhibition which includes the subject site. This will need to be adopted by Council prior to determination of the subject development in order to meet the requirements of the DCP.

The subject application proposes to undertake bulk earthworks across the site in support of a recently lodged subdivision (PAN 180009). It is important to note that this subdivision includes the same bulk earthworks; however, the subject application is proposed to enable Council to approve the bulk earthworks separately to the subdivision. The reason for this is due to the fact that the earthworks strategy across the site requires the importation of approximately 110,000m<sup>3</sup> of fill and sourcing this amount from either existing developments to the west or from offsite will take time. It is the intention of the subject DA to allow Council to isolate this issue from other assessment matters surrounding the subdivision design, to affect an expeditious assessment.

Earthworks will include stockpiling fill from offsite and cut and fill within the site. It will then involve filling and compacting engineered fill. This will be supervised by a geotechnical engineer to ensure the area will be appropriate for future residential development. A set of bulk earthworks plans are located within **Appendix 1**. A Biodiversity Development Assessment Report; Preliminary Geotechnical Assessment, Detailed Site Investigation, Bushfire Assessment Report and Aboriginal Heritage Due Diligence assessments are also provided to support the development. These assessments were carried out for the current subdivision application, and can be applied to this bulk earthworks DA as well.

Overall, the proposed development complies with all relevant provisions of the Maitland Local Environmental Plan 2011 ("LEP"). Where variations to the Maitland Development Control Plan 2011 ("DCP") have been proposed, suitable justification has been provided in accordance with the aims and objectives of the control.

On this basis, Council are requested to support the application.

## 2.0 The Site

### 2.1 LOCATION

The subject site is located to the east of Stage 56 of the Waterford development and adjacent to Raymond Terrace Road at Chisholm. The site is approximately 4km to the east of East Maitland Town Centre, in a growing residential area where numerous DAs have been lodged and/or constructed (see Figure 1).

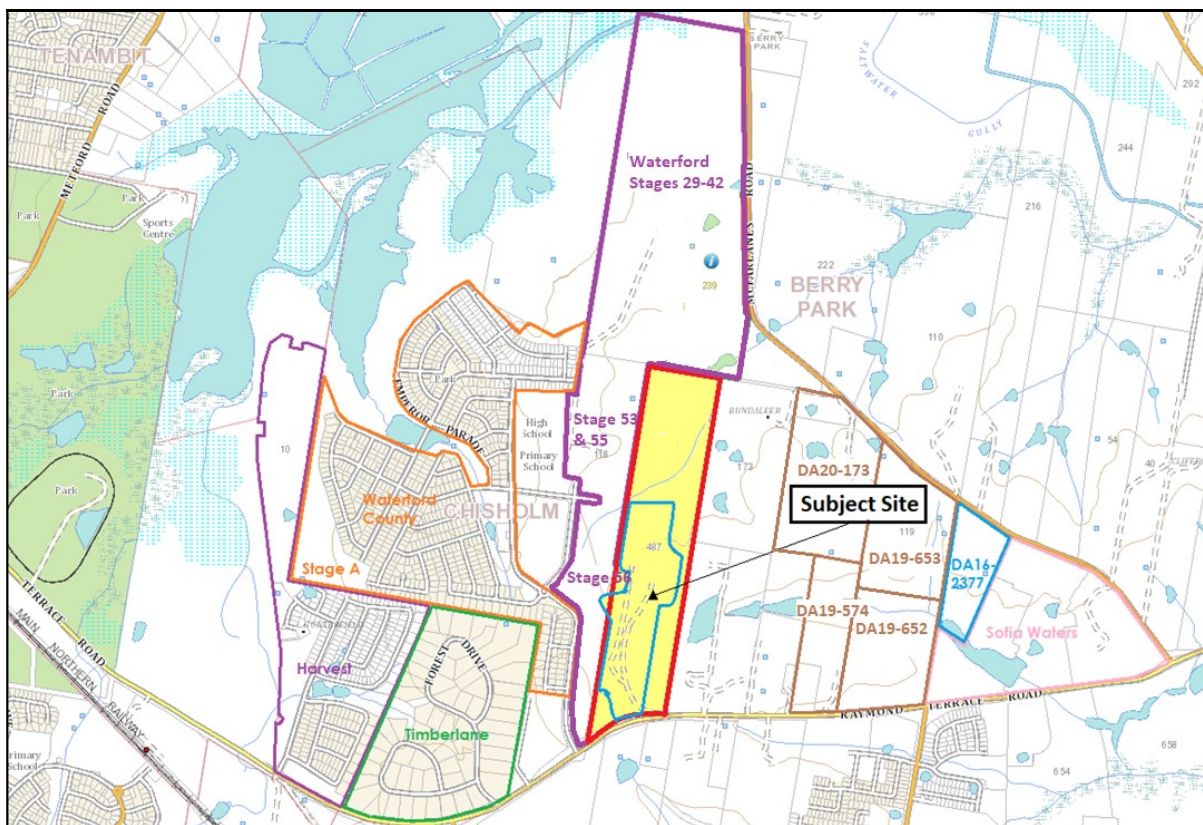


Figure 1: Locality Map

### 2.2 LAND TITLE

The subject site is identified as Lot 4 DP1145348 (“CSR land”); Lot 5200 DP1247841 and Lot 3098 DP1246288 (“Avid land”). The CSR land is not burdened by any easements or restrictions. The Avid land is burdened by numerous easements which will require removal/modification as part of approved stages to the west.

Copies of the Deposited Plans is provided in **Appendix 2**.

### 2.3 OWNERSHIP

Lot 4 DP1145348 is owned by CSR Building Products Limited – whose consent to the lodgement of this DA is provided as a letter of authority attached to the application form.

Lot 5200 DP1247841 and Lot 3098 DP1246288 are owned by Avid Residential Estates Pty Ltd – whose consent to the lodgement of this application is also provided as a letter of authority attached to the application form.

Copies of the Certificates of Title are provided in **Appendix 3**.

## 2.4 PHYSICAL DESCRIPTION

Site: The site for the proposed earthworks is located between Raymond Terrace Road to the south and existing, approved or proposed stages of the Waterford development to the west.

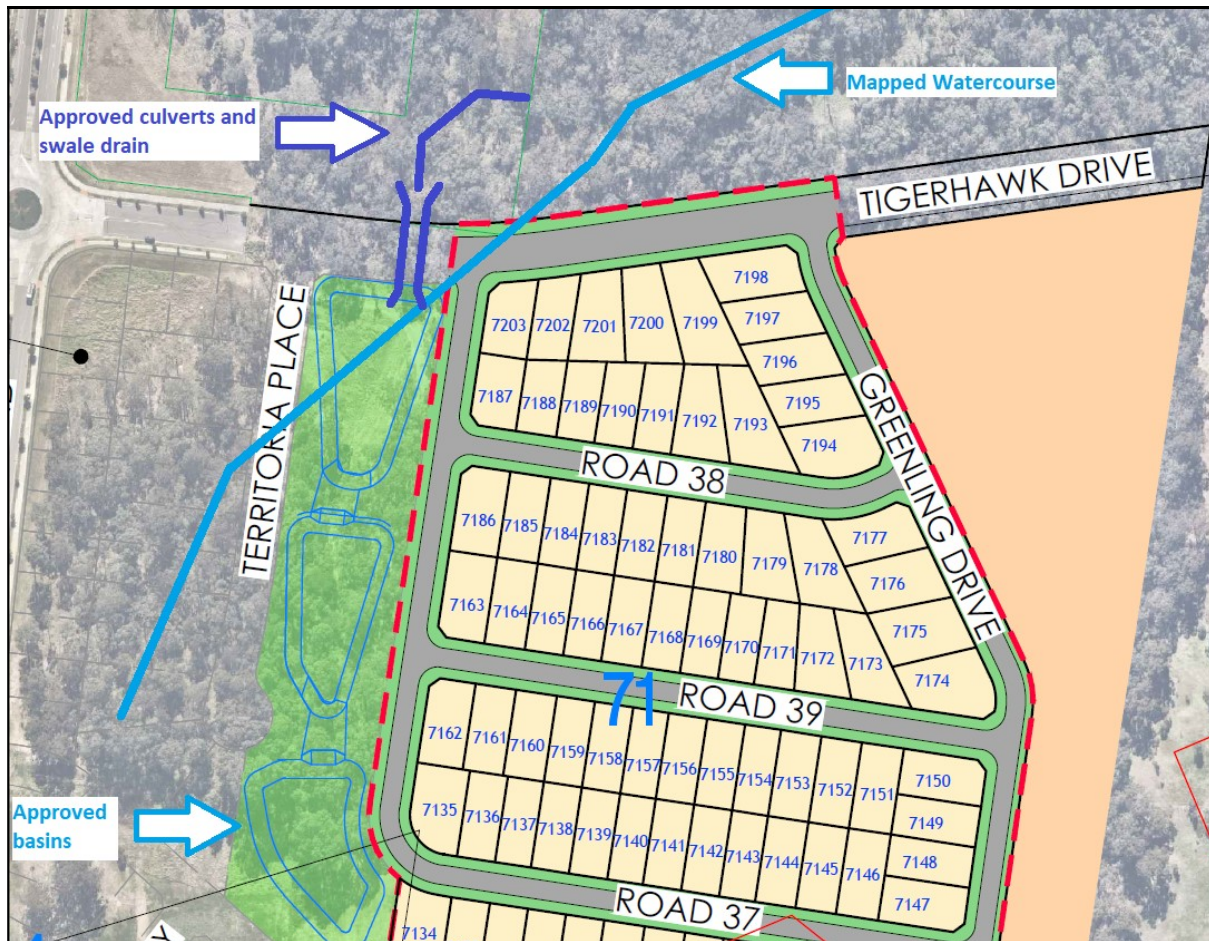


**Figure 2: Aerial Photo of Site  
(Location of Earthworks Boundary in Red)**

Access: Access to the site is currently available from Raymond Terrace Road via a gravel track which leads to the former quarry. There are currently no other access points to the site but additional points have been proposed within Stages 71 and 72 of the Waterford Development.



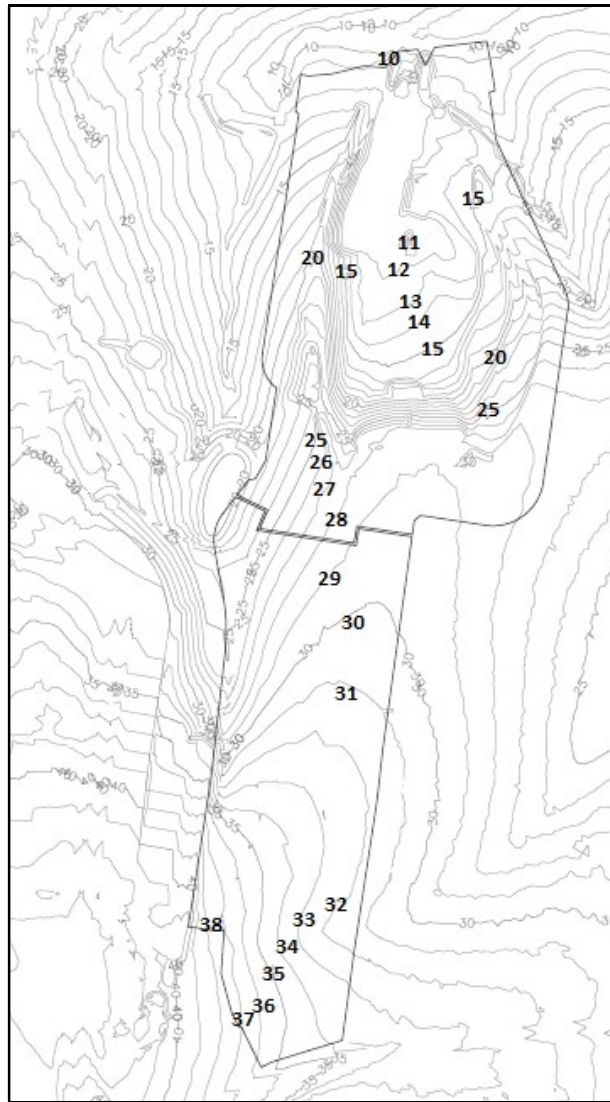
Watercourses: There is a first order watercourse located in the north-western extremity of the site. The southern portion of this has been approved to be modified as part of the Stages 53 and 55 developments to accommodate regional basins which service the surrounding catchment. The watercourse shown in Figure 3 crosses Tigerhawk Drive at the western boundary of the CSR land. In reality, the watercourse is located further west and is approved to cross Tigerhawk Drive via culverts and a formalized swale drain (see Figure 3).



**Figure 3: Watercourse and Drainage Characteristics**

As part of the development assessment for Stage 52 (DA18-1254), Natural Resources Access Regular (NRAR) confirmed that this was not considered a watercourse at a point further south, and as such, did not require a Controlled Activity Approval (CAA) (refer to **Appendix 10**). Noting the subject site is further north along the watercourse, the proposed development may nonetheless require a CAA. It is accepted that Council may elect to discuss with NRAR the question of an Integrated referral.

Topography: The area of the site rises from 10m AHD at the abovementioned watercourse to 38m AHD at the southern boundary. This topography allows the entire site to drain north towards the regional basins within Stages 53 and 55. The exception to this is the large former quarry which covers a majority of the northern section of the development. This creates a large excavation in the site from approximately 25m AHD to 11m AHD (i.e. 14m deep) (see Figure 4).



**Figure 4: Topographic Characteristics**

Vegetation: As demonstrated by the aerial photograph within Figure 2, the northern portion of the development site is cleared due to previous quarry uses. The southern portion; however, is vegetated, consisting of Plant Community Type (PCT) 1600 *Spotted Gum - Red Ironbark - Narrowleaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter*, in varying conditions. A small portion of PCT 1737 *Typha rushland* is also located within the north-western corner of the development site.

Context: The site is located within Stage 2 of the TNURA within the Draft Central Precinct. The land use of the site comprises of a former quarry area towards the centre of the site which is dominated by a deep excavation where clay was previously sourced for brickmaking. The remaining land is generally covered by vegetation. The southern portion of the development site, whilst vegetated, is in a disturbed state. To the north exists more intact vegetation, with this to be retained under its C3 zoning.

A site photo of the fill area is provided overleaf.



**Photo 1: Existing Gravel Access Track**



**Photo 2: Existing Quarry Area**



**Photo 3: Existing Waterford Development – Stage 51 Display Village**



**Photo 4: Raymond Terrace Road Frontage**



**Photo 5: Southern Vegetated Portion of the Site**

## 3.0 Description of the Proposed Development

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The proposed development comprises the following elements:

- The clearing of approximately 15.56 ha of native vegetation;
- Demolition of all structures on site;
- The proposed regrade area will have surface topsoil stripped, with soils being stockpiled for reuse onsite.
- Importing approximately 110,000 cubic metres of fill which will come from the adjacent Waterford development where available, with any shortfall being acquired from nearby construction sites over a two-month period.
- Construction access provided off Raymond Terrace Road.

A set of the bulk earthworks plans are located within **Appendix 1**.

## 4.0 Planning Controls

### 4.1 ENVIRONMENTAL PLANNING INSTRUMENT (S4.15(1)(A)(I))

#### 4.1.1 Maitland Local Environmental Plan 2011

##### Zoning

The subject site is located within the R1 General Residential Zone and C3 Environmental Management Zone as identified under the LEP zoning maps (see Figure 5). The proposed earthworks are within the R1 General Residential Zone and C3 Environmental Management Zone.

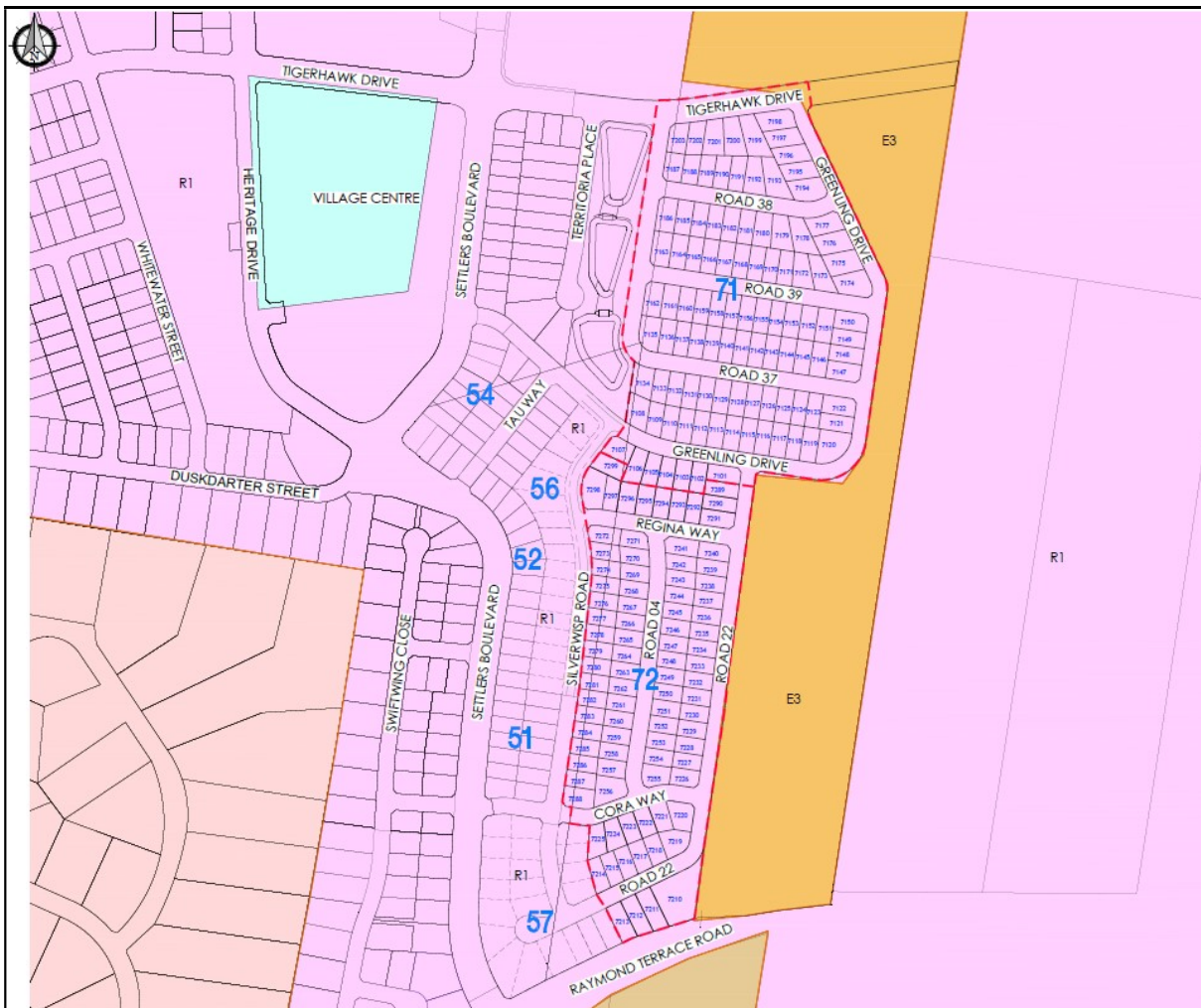


Figure 5: Zoning Map

The proposed development would be considered ancillary to the associated residential subdivision, being permissible with consent of Council pursuant to Clause 2.6.

##### Land Use Table

Clause 2.3 of the LEP stipulates that the consent authority must have regard to the objectives for a development in a zone when determining a development application in respect of land within the zone.

The bulk earthworks are located within the R1 zone, where the following relevant objectives have been addressed:

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

The proposed bulk earthworks will facilitate future residential allotments thereby assisting in providing housing for the community.

A small portion of the Distributor Road under the subdivision is located within the C3 Zone and as such a portion of the ancillary earthworks are also located within this zone. With this in mind, the following objectives of the zone have been addressed:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To maintain and improve the connectivity of habitat between remnant areas of native vegetation.*

The C3 zoned land has largely been retained through placement of the associated allotments and roads entirely within the residentially zoned portion of the site (with the abovementioned exception). Retention of the remaining C3 Zone will facilitate habitat connectivity through the site and beyond to the north and south. For these reasons, the development is considered to achieve the objectives of the C3 Zone.

#### Clause 4.1 – Minimum Subdivision Lot Size

N/A – No subdivision is proposed as part of this development.

#### Clause 4.3 – Height of Buildings

N/A – There are no building height controls for this site.

#### Clause 4.4 – Floor Space Ratio (FSR)

N/A – There are no FSR controls for this site.

#### Clause 5.10 – Heritage Conservation

The site is not identified as containing or being adjacent to a heritage item, nor as being located within a heritage conservation area.

There is an existing AHIP (C0001352) for the land owned by Avid Residential Estates. Works within these areas will be required to be undertaken in accordance with this, however it is noted that all artefacts in this regard have been recovered (refer to **Appendix 4A**).

An Aboriginal Due Diligence Assessment has been undertaken for the CSR portion of the site which concludes that the land does not contain any Aboriginal objects or places and would not require an Aboriginal Heritage Impact Permit (AHIP) (refer to **Appendix 4B**).



### Clause 5.21 – Flood Planning

N/A – The northern portion of the site is identified within the flood planning level but the proposed earthworks are not located within the flood planning level area.

### Clause 6.1 – Arrangements for Designated State Public Infrastructure

N/A – Applies only to subdivisions.

### Clause 6.2 – Public Utility Infrastructure

N/A – No public utility connections required for the proposed works.

### Clause 6.3 – Development Control Plan

Clause 6.3 states:

*(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

*(3) The development control plan must provide for all of the following:*

- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) a network of active and passive recreation areas,*
  
- (e) stormwater and water quality management controls,*
- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

The Thornton North Area Plan was adopted by Council on 26<sup>th</sup> February 2008 and is now included within Part F of the DCP. Whilst the site is not currently subject to a Precinct Plan which has recently completed exhibition, the current DCP still addresses Clause 6.3 as follows:

- a) A staging plan is provided where the subject site is located within Stage 2;
- b) A road network plan is included which provides the major circulation and connection routes for the site;
- c) Landscape buffers have been identified on the land use pattern plan. The subject site is affected by a 10m landscape buffer along Raymond Terrace Road;
- d) A pedestrian and cycle links and recreation and community facilitates plan is provided which identifies a network of passive and active spaces. The subject site is identified as requiring passive open space in the north;
- e) Section 1.5 identifies stormwater and water quality management controls to be adopted for the site;
- f) Section 1.6 highlights the main hazards for the area, where the subject site is identified as a potential noise source from the quarry and Raymond Terrace Road from traffic noise;
- g) Key development sites have been identified on the land use pattern plan, the site does not contain any of these features;
- h) Section 1.8 details where higher density living should occur;
- i) Section 1.9 and 1.10 detail requirements for neighborhood commercial and retail uses and public facilities and services.

Taking the above into consideration, DCP – Part F.7 adheres to Clause 6.3.

#### Clause 7.1 – Acid Sulfate Soils

Clause 7.1 states:

*(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

The subject site contains only Class 5 acid sulfate soils and as such, exposure of acid sulfate soils is highly unlikely given that a majority of the site is proposed for fill. Further discussion on the geotechnical characteristics of the site is included within Section 5.

#### Clause 7.2 – Earthworks

Under Clause 7.2 before granting development consent for earthworks, the consent authority must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

The earthworks have been designed in a wholistic manner in coordination with the stormwater design to ensure there is no disruption or impacts on existing drainage patterns and soil stability.

*(b) the effect of the development on the likely future use or redevelopment of the land,*

The proposed bulk earthworks will facilitate the future development (current separate subdivision DA) in providing level building areas of the land for residential purposes which therefore having a positive effect on the future use/ redevelopment.

*(c) the quality of the fill or the soil to be excavated, or both,*

All fill to be received by the site will be of a suitable quality to accommodate future residential development, with appropriate certification and compacted under Level 1 supervision.

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

The earthworks will ensure a smooth transition to adjoining allotments (i.e. site will not be artificially higher/lower than neighbouring sites). Minor construction based disruption would be expected but can be controlled through standard conditions of consent.

*(e) the source of any fill material and the destination of any excavated material,*

Given the extent of fill required, it will be sourced offsite where it cannot be sourced from the excavation within the site or from the adjoining Waterford development. To reduce costs, this will be sourced from local areas where possible. Standard certification processes are expected to be required via conditions of consent.

*(f) the likelihood of disturbing relics,*

As mentioned above, no known relics will be disturbed during the earthworks.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

There are no drinking catchments or environmentally sensitive areas within proximity to the proposed earthworks. Construction management measures outlined within the Biodiversity Development Assessment Report will be adopted to minimise impacts on the adjoining C3 Zone and associated vegetation. There is a small first order watercourse mapped in the NW corner of the site, which will be impacted by the proposal, however this has been discussed under Section 2.4. Council may elect to refer this to NRAR as Integrated Development.

#### Clause 7.5 – Significant Extractive Resources

The site is identified as land to which SEPP (Mining, Petroleum Production and Extractive Industries) 2007 applies (see Figure 6). This has been addressed below in Part 4.1.7.



**Figure 6: Mineral Resources Map**

### Mapping

The following is noted with respect to the remaining mapping layers under the LEP:

- The land is not required for acquisition purposes (Clause 5.1);
- The land is not identified as containing watercourse land (Clause 7.4); and

Taking the above into consideration, the proposed development is consistent with the LEP.

#### 4.1.2 SEPP Infrastructure 2007 (“ISEPP”)

The proposed development is for cut and fill only and does not have any infrastructure proposed.

#### 4.1.3 SEPP (State and Regional Development) 2011

The proposed development does not constitute State Significant Development under this SEPP and hence, the provisions relating to same are not relevant.

As the proposed development does not have a suitable value (over \$30 million) and is not located within the coastal zone, it is also not identified as Regionally Significant Development under Schedule 7 and as such, does not require the Joint Regional Planning Panel to become the consent authority.

#### 4.1.4 SEPP (Koala Habitat Protection) 2021

SEPP (Koala Habitat Protection) 2021 applies to all local government areas (LGAs) listed in Schedule 1, which includes Maitland LGA and therefore the subject site. The site also contains trees listed on Schedule 2 of the policy which identifies all koala use tree species.

The aim of the SEPP is “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”.

The SEPP requires that development be consistent with an approved koala management plan that applies to the site, or where there is no such plan, make an assessment as to whether it is likely to have any impact on koalas or koala habitat. A Biodiversity Development Assessment Report (BDAR) has been prepared by Kleinfelder which concludes that the proposed development does not constitute core koala habitat.

#### **4.1.5 SEPP 55 Remediation of Land**

Under this SEPP, Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if so, whether after remediation, the site would be suitable for its intended use.

A Detailed Site Investigation (DSI) has been prepared by EP Risk. The report identified that the site had previously been used for quarrying purposes, the material from which was used to make bricks and tiles and which has also been used as fill to create access tracks across the site. The site had also been used for other activities which may have involved the use of pesticides, stockpiling, dumping of brick and coal waste and isolated demolition material.

Despite the above, EP Risk concluded that through undertaking standard management practices, including preparing and complying with a Remediation Action Plan (RAP) and Acid Sulphate Soils Management Plan (ASSMP), the land will be suitable for residential purposes. This is discussed in greater detail within Section 5 and the DSI located within **Appendix 9**.

#### **4.1.6 SEPP (Coastal Management) 2018**

The SEPP applies to land within the coastal zone which includes coastal wetlands and littoral rainforest areas, coastal vulnerability areas, coastal environment areas and coastal use areas. The subject site does not fall within any of these areas.

#### **4.1.7 SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

Clause 13 of the SEPP requires the following:

- (2) *Before determining an application to which this clause applies, the consent authority must—*
  - (a) *consider—*
    - (i) *the existing uses and approved uses of land in the vicinity of the development, and*
    - (ii) *whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
    - (iii) *any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

The quarry located on the site has ceased operations for many years, with the site and surrounding area identified for residential development. With this in mind, the proposed development will be consistent with residential land uses in the vicinity.

*(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and*

The site has been strategically identified for residential growth for many years. Its use will be in accordance with its residential zoning and regional plan for the area. As such, it is considered to be in the public benefit.

*(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).*

N/A for reasons mentioned above.

Taking the above into consideration, the proposed development meets the requirements of the SEPP.

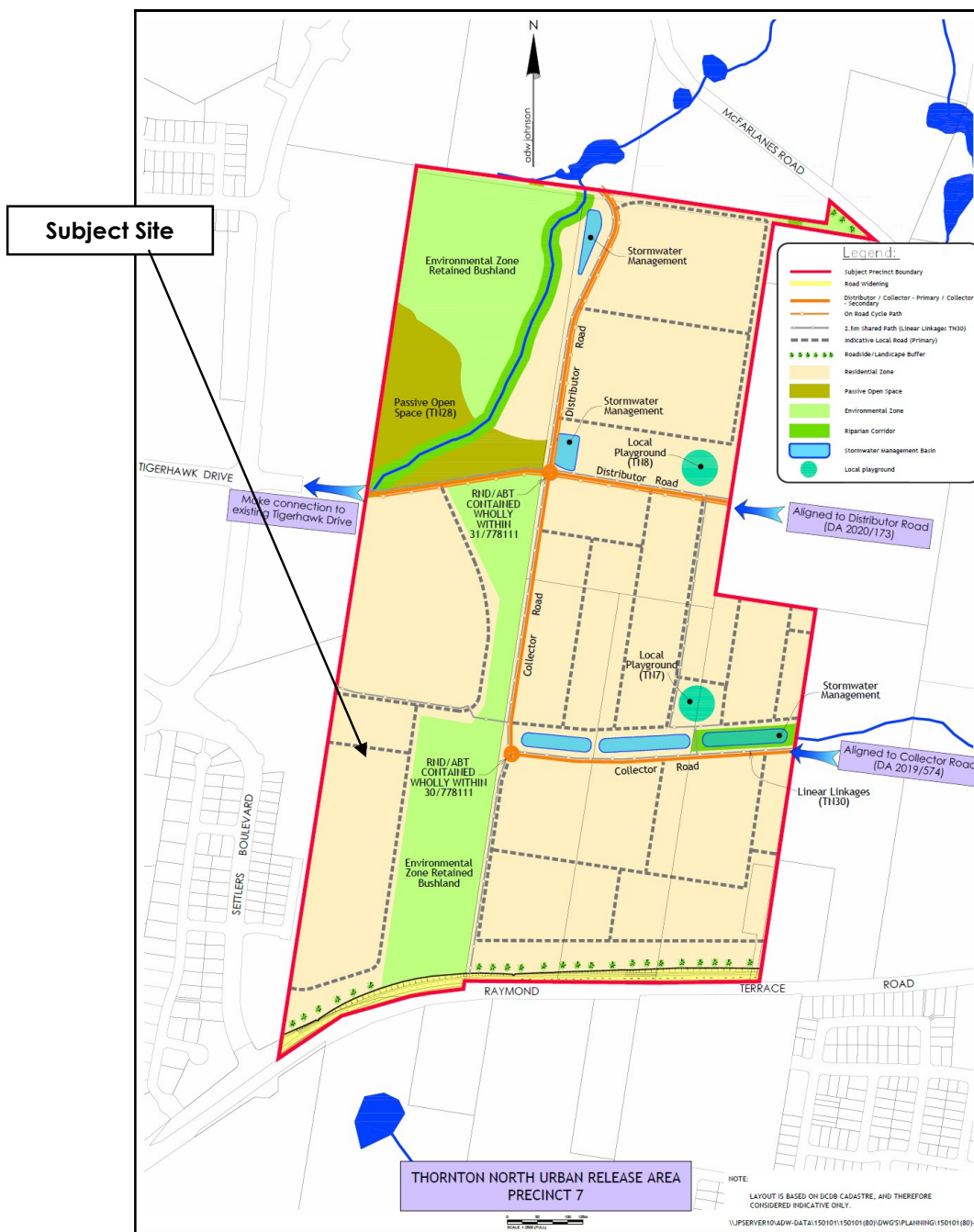
#### **4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15(1)(A)(II))**

There are no Draft SEPPs applicable to this type of development in this area.

#### **4.3 DEVELOPMENT CONTROL PLAN 2011 (S4.15(1)(A)(III))**

##### **4.3.1 Maitland Development Control Plan 2011**

The site is located within the Thornton North Urban Release Area; however, it is not currently addressed within a Precinct Plan. For this reason, a draft Precinct Plan ("Central Precinct Plan") has been prepared for the subject site and remaining undeveloped land to the east of the site and north of Raymond Terrace Road. The Precinct Plan was supported by Council on 28<sup>th</sup> September 2021 and completed public exhibition in November 2021. It is understood that consent to the development cannot be provided until the Precinct Plan is adopted (see Figure 7).



**Figure 7: Draft Central Precinct Plan**

The proposed earthworks are required to accommodate future residential development for which this portion of the site has been identified for. The earthworks comply with all relevant controls under the Draft Central Precinct Plan and Development Control Plan with the exception of the following:

**DC.8 Site Filling**

*General Requirements:*

*Earthworks require development consent of Council under the provisions of the Maitland LEP 2011, unless either exempt or complying development. Earthworks including site filling.*

Where site filling is necessary or proposed, the materials used and extent and depth of fill must be detailed in the development application for the approval of Council prior to issue of a Construction Certificate. Council will take into account the provisions of AS 3798-1990, which provides guidelines on the specifying, execution and control testing of earthworks and associated preparation works within commercial and residential developments.

An absolute maximum fill depth of 2 metres will be considered by Council.

As discussed above, the site is located partially over a former quarry. In order to provide a level grade for future allotments, fill of up to 6.5m will be required. Whilst the proposed depth exceeds Council's 2m control, it is nonetheless considered to achieve the objective of the control which states:

*Objectives:*

*To ensure the environmental impact of site fill is properly assessed.*

The placement and compaction of the fill will be supervised to ensure the area is able to be established for future residential purposes.

A complete compliance table against the DCP is provided as **Appendix 5**.

#### **4.4 PLANNING AGREEMENTS (S4.15(1)(A)(IIIA))**

N/A

#### **4.5 INTEGRATED DEVELOPMENT (S4.8)**

The proposed development is potentially classified as "Integrated Development" under Section 4.8 of the Environmental Planning and Assessment Act 1979, possibly requiring the separate approval of the Natural Resources Access regulator (NRAR) under the Water Management Act 2000 due to the development being within 40m of a watercourse. For the purpose of lodgment, it is anticipated that Council will require the relevant Integrated Referral.



## 5.0 Environmental Assessment

### 5.1 THE LIKELY IMPACTS OF DEVELOPMENT (S4.15(1)(B))

#### 5.1.1 Context and Setting

The proposed development involves tree clearing and bulk earthworks only, with no physical/ built structures required, and is aimed at supporting the current subdivision DA for the site. The proposal is sited within the Draft Central Precinct area which has been strategically located through detailed studies and future planning as part of its development. Being located within such close proximity to a range of supporting infrastructures/services, the site is considered ideal for residential growth.

#### 5.1.2 Access, Transport and Traffic

The main access to the bulk earthworks area will be from the existing road off Raymond Terrace Road. Fill to the site would be required to be brought in using Raymond Terrace Road as the main access and may use Tigerhawk Drive for minor access. Both of these are roads which are able to accommodate additional temporary construction vehicle movements.

#### 5.1.3 Public Domain

The proposed development will have a minor temporary impact on the public domain in terms of construction impacts; however, nothing which would be unexpected within the context of a growing residential area.

#### 5.1.4 Utilities

The proposed works will have no impact on existing utilities and requires no connections in this regard.

#### 5.1.5 Stormwater, Water Quality and Flooding

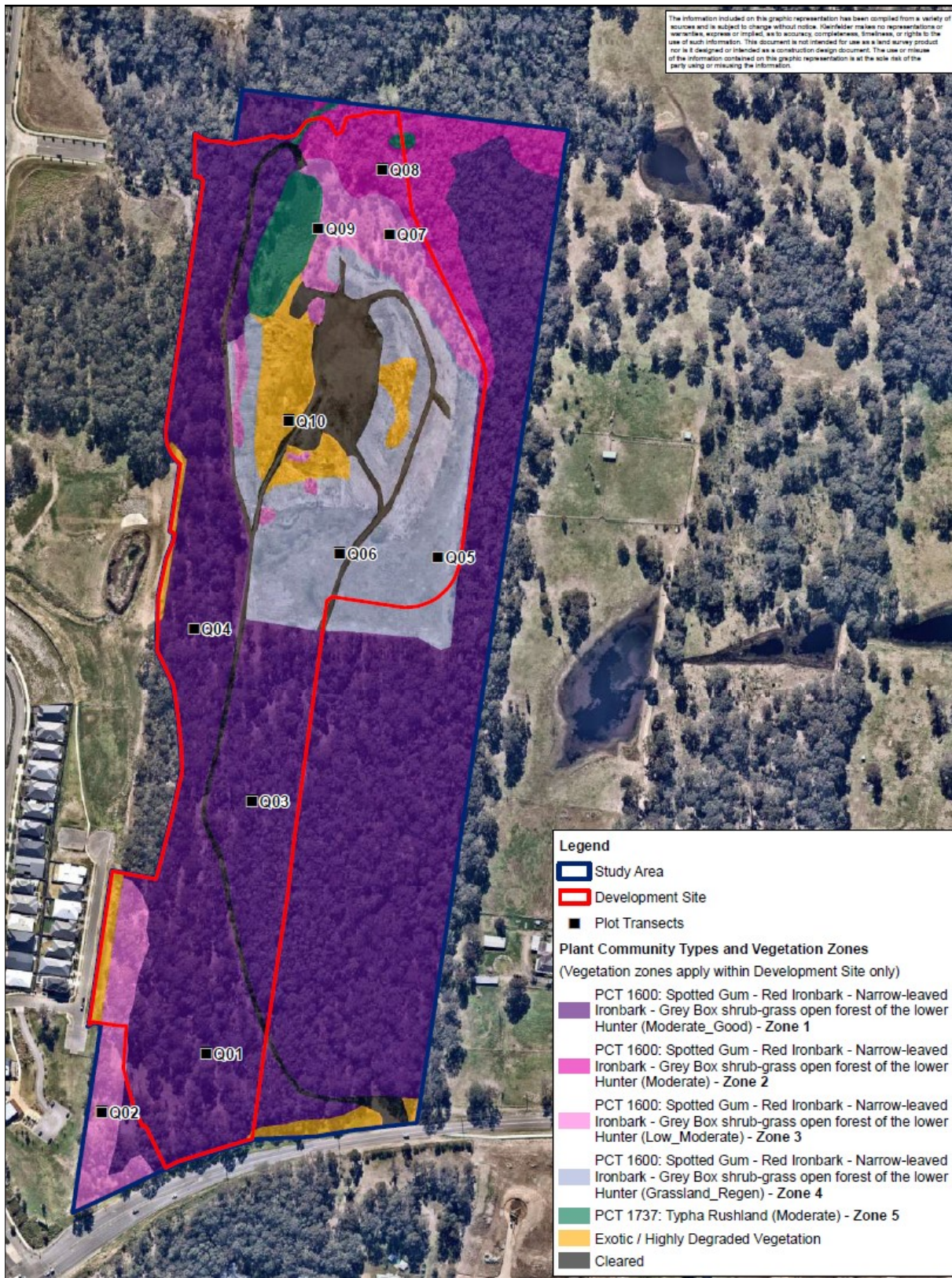
As the proposed works will not involve any impervious areas (being cut and fill only), there will be no additional stormwater generated. To ensure that natural run off from the site maintains a suitable quality for downstream waters, a clean water diversion drain will be installed which will direct runoff to the stormwater basins approved under Stages 53 and 55 (DA18-2022).

Details in this regard are illustrated within **Appendix 1**.

#### 5.1.6 Flora and Fauna

The proposed development will impact upon the following vegetation (see Figure 8):

PCT	Vegetation Formation	Vegetation Class	Area (ha)
PCT 1600: Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter (Moderate_Good)	Dry Sclerophyll Forests (Shrub/grass sub-formation)	Hunter-Macleay Dry Sclerophyll Forests	12.63
PCT 1737: Typha Rushland (Moderate)	Freshwater Wetlands	Coastal Freshwater Lagoons	0.50
Exotic / Highly Degraded Vegetation	-	-	1.07
Cleared	-	-	1.36
<b>Total.</b>			<b>15.56</b>



**Figure 8: PCT Map (Source: Kleinfelder, 2021)**

As the proposed development will impact upon this vegetation, Kleinfelder have prepared a BDAR to assess the development against the Biodiversity Conservation Act.

The BDAR addresses the requirements of avoid, minimise and mitigate and concludes that residual impacts associated with vegetation removal will require the retirement of the following:

**Table 9: Summary of ecosystem credit requirements**

Vegetation Zone	Vegetation Zone Name	Area (ha)	Current Vegetation Integrity Score	Future Vegetation Integrity Score	Credits Required
1	1600 Moderate-Good	7.52	55.7	0	209
2	1600 Moderate	0.55	55.3	0	15
3	1600 Low-Moderate	1.32	42.5	0	28
4	1600 Grassland-Regen	3.25	7.2	0	0
5	1737 Moderate	0.50	57.4	0	14
<b>Total Credit Requirement</b>					<b>266</b>

The Biodiversity Credit Reports detailing like-for-like and variation options for credit retirement is provided in **Appendix E**.

**Table 10: Summary of species credit requirements**

Vegetation Zone	Vegetation Zone Name	Area (ha)	Biodiversity Risk Weighting	Credits Required
<b>Southern Myotis (<i>Myotis macropus</i>)</b>				
1	1600 Moderate-Good	2.02	2	53
2	1600 Moderate	0.99	2	15
3	1600 Low-Moderate	0.99	2	21
4	1600 Grassland-Regen	1.91	2	7
5	1737 Moderate	0.50	2	14
<b>Total</b>				<b>110</b>

Various mitigation measures are also recommended during construction, and it is assumed compliance these and the BDAR in general will be a condition of any future consent.

A copy of the BDAR is provided within **Appendix 7**.

### 5.1.7 Heritage

#### Aboriginal Heritage

As discussed above the land owned by Avid Residential Estates is covered by an existing AHIP (C001352) and future works on this site will need to adhere to the conditions of this permit, but it is also noted that all artefacts have been salvaged in this regard (refer to **Appendix 4A**).

The CSR owned land has been assessed through an Aboriginal Due Diligence Assessment in which concludes the site does not contain any Aboriginal objects or places and in turn would not require an Aboriginal Heritage Impact Permit (AHIP) (refer to **Appendix 4B**).

#### European Heritage

As discussed above, the site does not contain any items of heritage significance and is not located within a heritage conservation area.

### 5.1.8 Natural Hazards

#### Bushfire

The subject site is classified as “bushfire prone” land. All development on bushfire prone land must consider and comply with the legislative requirements Planning for Bushfire Protection 2019 (PBP) under s.4.14 of the EP&A Act 1979. A Bushfire Assessment Report (BAR) of the subject site was prepared by Bushfire Planning Australia (BPA) for the subdivision DA. The proposed bulk earthworks are categorised as ‘other’ development under the provisions of the PBP, being works not covered under Chapters 5 – 7 of that document.

The BPA conducted a slope and vegetation assessment which concludes that temporary APZs will be required until such time as the vegetation to the west is cleared, and permanent APZs will be required to minimise the bushfire hazard to the retaining vegetation within the C3 Zone. These will be accommodated along roads and front building setbacks within the separate subdivision DA.

The proposed earthworks will not be impacted by or impact on any bushfire threat (refer to **Appendix 8**).

#### Flooding

The site is not flood affected.

### 5.1.9 Noise and Vibration

A truck and dog will be used to bring the fill to the site and various heavy machinery will be used to place and compact the fill. The use of these plant can emit significant construction noise and as such, it is proposed to carry out the works between the hours of 7:00am and 6:00pm Monday to Friday, and 8:00am and 4:00pm on Saturdays. No works are proposed on Sundays or public holidays.

The subject site is located along Raymond Terrace, which is a main road, and as such, is exposed to some level of noise levels from passing traffic. The nearest sensitive receivers are approximately 40m from the proposed earthworks.

In order to manage the potential impacts of noise and vibration, the following mitigation methods will be adopted:

- Machinery and vehicles will not be left running or idling when not in use;
- Use of noisy plant simultaneously and/or close together, would be avoided where possible;
- All machines would be in good working condition, with particular attention to exhaust silencers, engine covers and other noise reduction devices.

### 5.1.10 Social and Economic Impact

The proposed bulk earthworks will have a minor beneficial effect to the local economy via the employment of local workers during construction. Temporary adverse impacts are expected, as discussed above, however these are considered minor and manageable.

The greater portion of the public benefit will arise via the separately proposed subdivision, which the subject application supports.

### 5.1.11 Geotechnical Considerations

#### Contamination

A Detailed Site Investigation (DSI) has been prepared by EP Risk for the subdivision DA which included soil testing (142 test pits and 25 boreholes) to determine the level of contamination across the site. From this testing, it was concluded that only three (3) locations had some level of contaminants (TP 121; TP06\_0.1; and TP165\_01) (see Figure 9 and 10). The site was also found elevated acidity in areas.

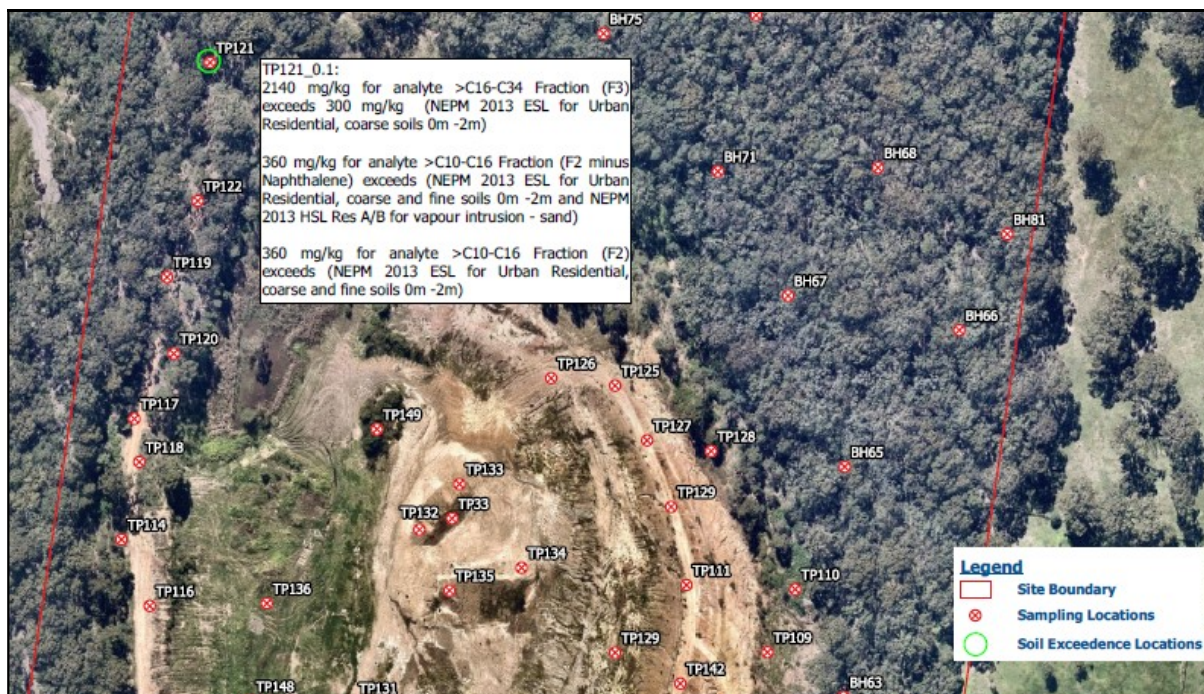


Figure 9: Soil Exceedance Map (Northern Portion of Site)



**Figure 10: Soil Exceedance Map (Southern Portion of Site)**

Based on the above results, EP Risk has recommended that following be undertaken to make the site suitable for residential purposes:

- Management / removal of anthropogenic materials from the site;
- Preparation and implementation of a Remediation Action Plan to address identified total recoverable hydrocarbon (TRH) in soil hotspots;
- Preparation and implementation of an Acid Sulfate Soil Management Plan to address the identified acid sulfate soils;
- Preparation and implementation of an unexpected finds protocol during construction of the proposed development to address any unidentified contamination that may be identified during the proposed redevelopment works.

Compliance with the recommendations of the DSI can be included as conditions of consent.

A copy of the DSI is provided within **Appendix 9**.

### **Geotechnical Considerations**

Preliminary Geotechnical Investigations undertaken by EP Risk for the site revealed the following with regards to the geotechnical characteristics:

- Weathered rock was encountered at depths from 0.4m below ground level and was estimated to be very low strength. Higher strength rock may be encountered which would require heavy rock breaking machinery;
- Groundwater was not encountered during investigation but may be situated at the low lying parts of the northern area of the subject site;

- There is a significant amount of fill across the site due to the previous operators/ owners of the quarry. It is estimated the bricks and tiles encountered at the site equates to 10,600m<sup>3</sup>.

A variety of construction requirements were recommended for the subdivision DA with regards to the above in terms of road pavement design, retaining and construction. EP Risk have concluded that provided the recommendations of the report are followed, there are no constraints considered prohibitive to the proposed earthworks.

A copy of the Preliminary Geotechnical Assessment within **Appendix 6**.

#### **5.1.12 Landscaping and Visual Amenity**

The proposed works do not involve any landscaping and would only have minor impacts on the visual amenity of the locality. A Landscape Plan was also prepared as part of the DA package for Stages 71 and 71 of the Waterford development which included street trees species generally selected from Council's Preferred Species List and which complement the existing street trees to the previous developments to the west. The works and impacts of the application proposed are deemed as temporary in nature, occurring during construction only.

#### **5.1.13 Waste**

The majority of waste produced during the earthworks will be from the removal of topsoil and trees. This will be re-used elsewhere by the contractors and where re-use is not possible or inappropriate, green waste will be disposed of at the local Waste Management Facility. There is also a significant amount of brick, masonry and tile waste material (estimated 10,600m<sup>3</sup>) from the former quarry activities present on site. Where possible, brick will be crushed onsite and used as general fill under the direction of a Level 3 Geotechnical Supervisor. Excess material will be separated and taken to local recyclers.

### **5.2 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (S4.15(1)(C))**

The bulk earthworks are being conducted to ensure that site is suitable for residential development in the future.

### **5.3 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (S4.15(1)(D))**

It is understood that Council may determine to notify the application in accordance with the relevant policy.

### **5.4 THE PUBLIC INTEREST (S4.15(1)(E))**

The proposed works will facilitate the future sale of allotments to the general public and is therefore considered to be in the public interest.



## 6.0 Conclusion

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The proposed bulk earthworks are required to facilitate the future development of the subject site. The works involves the removal of native vegetation and regrade of the entire site. It includes the importation, placement and spreading of fill within the site to ensure the area is suitable for future residential development. In order to fill in the existing quarry to make the area suitable for the residential subdivision, excavation will be undertaken from the site surrounding the quarry, with the remaining fill to be imported from nearby developments or from offsite.

The works proposed are consistent with the recently lodged subdivision. Even though the subdivision includes the same earthworks, the subject application is proposed to enable Council to approve the earthworks separately to the subdivision. This is due to the length of time required to source and import 110,00m<sup>3</sup> of fill. It is also the intention of the subject DA to allow Council to separate the earthworks from the other assessment matters of the subdivision design, to affect an expeditious assessment.

The development complies with the Maitland LEP 2011 as well as the applicable chapters of the Maitland DCP 2011. Where a variation to the fill depth of 2m is proposed, it has been justified by being able to adhere to the objective of the control.

Taking the above into consideration, the proposal addresses all matters under Section 4.15 of the EP&A Act and on this basis, Council is requested to grant development consent to the application.

# Appendix 1

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## BULK EARTHWORKS PLANS

## Appendix 2

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DEPOSITED PLAN



## Appendix 3

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CERTIFICATE OF TITLE

## Appendix 4

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### ABORIGINAL HERITAGE IMPACT PERMIT

## Appendix 5

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### DCP COMPLIANCE TABLE

## Appendix 6

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### PRELIMINARY GEOTECHNICAL ASSESSMENT

## Appendix 7

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### BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT



## Appendix 8

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### BUSHFIRE ASSESSMENT REPORT



## Appendix 9

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DETAILED SITE INVESTIGATION

## Appendix 10

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NRAR CORRESPONDENCE