

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney
Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast
5 Pioneer Avenue
Tuggerah NSW 2259
02 4305 4300

coast@adwjohnson.com.au

Hunter Region
7/335 Hillsborough Road
Warners Bay NSW 2282
02 4978 5100

hunter@adwjohnson.com.au

Statement of Environmental Effects

Seven (7) Lot Subdivision – Stage 6N and 7N (Harvest “Nibs”)

Property:

“Draft Lot 5” of Lot 2 in DP1090329 & Lot 600 in DP1240613
and “Draft Lot 6” of Lot 3 in DP1090329 & Lot 728
DP1240614, Chisholm

Applicant:



Date:

January 2021

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft to Client	18 January 2021	SVD	SVD
B	Final to Council	20 January 2021	SVD	MK

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 a seven (7) Lot Torrens Title Subdivision, representing two (2) of the three (3) missing links within the Harvest Estate, to be referred to as Stage 6N and 7N.

Application Details

Applicant:	Avid Property Group Pty Ltd
Development:	Seven (7) Lot Torrens Title Subdivision
Site Description:	Proposed Lots 4-7 (Stage 6N): "Draft Lot 5" of Lot 2 in DP1090329 and Lot 600 in DP1240613, 1 Metford Road, Tenambit and 109 Billabong Parade, Chisholm. Proposed Lots 1-3 (Stage 7N): "Draft Lot 6" of Lot 3 in DP1090329 and Lot 728 in DP1240614, 323 Raymond Terrace Road, Chisholm and 71 Billabong Parade, Chisholm
Owner:	Draft Lots 5 and 6: John Farragher Pty. Limited Lots 600 and 728: Avid Residential Estates Pty Ltd
Development Cost:	\$420,000

Development Standards/Controls

Zone:	R1 General Residential Zone & RU2 Rural Landscape
Definition:	Subdivision
Permissibility:	Permissible with Consent (Maitland Local Environmental Plan 2011)
Minimum Lot Size:	450m ² (LEP – Clause 4.1)
Urban Release Area:	Thornton North Stage 1

External Referrals

Bushfire:	Yes – Special Fire Protection Purpose (Rural Fire Service – Integrated).
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Summary

The proposed residential subdivision achieves all key planning controls.

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- Appendix 1** Plans of the Proposed Subdivision
- Appendix 2** Draft Deposited Plan for Draft Lots 5 and 6
- Appendix 3** Current Deposited Plans for Lots 600, 728, 2 and 3
- Appendix 4** Certificates of Title
- Appendix 5** DCP Compliance Table
- Appendix 6** AHIMS
- Appendix 7** Bushfire Threat Assessment
- Appendix 8** CC Approved Landscape Plans for Harvest Stage 6 and 7

1.0 Introduction

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 a seven (7) lot Torrens Title Subdivision as follows:

- Three (3) residential lots over “Draft Lot 6” of Lot 3 in DP1090329 and Lot 728 in DP1240614 (“Lot 728”), 1 Metford Road, Tenambit and 71 Billabong Parade, Chisholm; and
- Four (4) residential lots over “Draft Lot 5” of Lot 2 in DP1090329 and Lot 600 in DP1240613 (“Lot 600”), 323 Raymond Terrace Road, Chisholm and 109 Billabong Parade, Chisholm.

The following 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.

The proposed subdivision represents one (1) of two (2) DAs lodged with MCC which will complete the Harvest Estate. The Harvest Estate was started approximately 10 years ago and involved a rezoning over land referred to as the “Farragher” land holdings, as part of the larger Thornton North Urban Release Area. The land included within the Harvest Estate was purchased from the Farraghers by Clarendon/Investa (now known as Avid – the proponent). As part of this, two (2) “nibs” of land and land containing the Farragher homestead were retained in Farraghers ownership, excluded from the Harvest Estate. As a result, the Harvest subdivision had to be designed around this land which has left the perimeter road (Billabong Parade) and Chamomile Street, including multiple “dead ends” and temporary turning heads and interface residue lots. Recently however, the proponent has settled on the purchase of this land which will enable the completion of the Harvest subdivision, Billabong Parade and Chamomile Street. The subject DA is therefore proposed over two (2) of the residue lots (Lot 728 and 600) and the two (2) nibs which have been approved under DA15-2849 to be subdivided from Lots 2 and 3 in DP1090329 and are referred to as “Draft Lot 5 and 6”.

As part of this application, consent is also sought to remove the existing temporary turning heads and connect the missing sections of Billabong Parade as well as realigning and connecting existing servicing which currently goes around the nibs. Plans of the proposed subdivision are provided within Appendix 1 and further details are provided within Section 3.

The subject residential lots are located entirely within the *R1 General Residential Zone* where subdivision is permissible with consent. This land and the surrounding development are located within Stage 1 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). The subject site is located within the Chisholm West Precinct under Part F7.

Overall, the proposed development complies with all relevant provisions of the Maitland Local Environmental Plan 2011 (LEP) as well as the relevant aims and objectives within the Maitland DCP 2011. Most crucially, the proposal provides a vital link towards the completion of the perimeter road and pathway network. On this basis, Council are requested to support the application.

2.0 The Site

2.1 LOCATION

The subject site is located within the existing Harvest Estate approximately 4km to the east of East Maitland Town Centre, on the northern side of Raymond Terrace Road. As discussed above, the site includes two (2) nibs referred to as Draft Lots 5 and 6, as well as residue lots created under the Harvest subdivision, referred to as Lots 600 and 728 (see Figure 1).

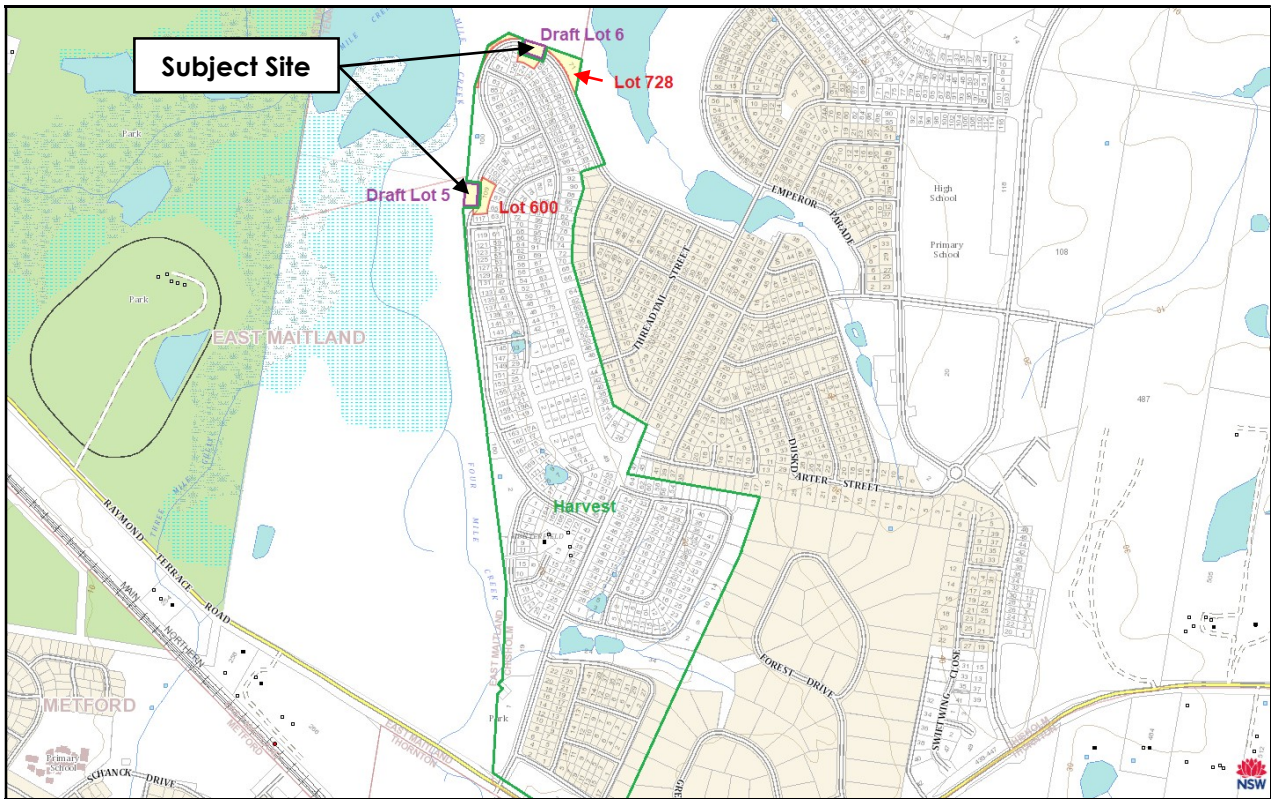


Figure 1: Locality Map

2.2 LAND TITLE

The subject site is identified as follows:

- "Draft Lot 5" of Lot 2 in DP1090329 approved under DA15-2849
- "Draft Lot 6" of Lot 3 in DP1090329 approved under DA15-2849
- Lot 600 in DP1240613
- Lot 728 in DP1240614.

The site contains numerous easements and title restrictions owing to the complicated configuration of the allotments and subsequent servicing and drainage arrangements. These will be amended and/or removed as necessary through the ability to complete Billabong Parade through the nibs (see Figure 2).

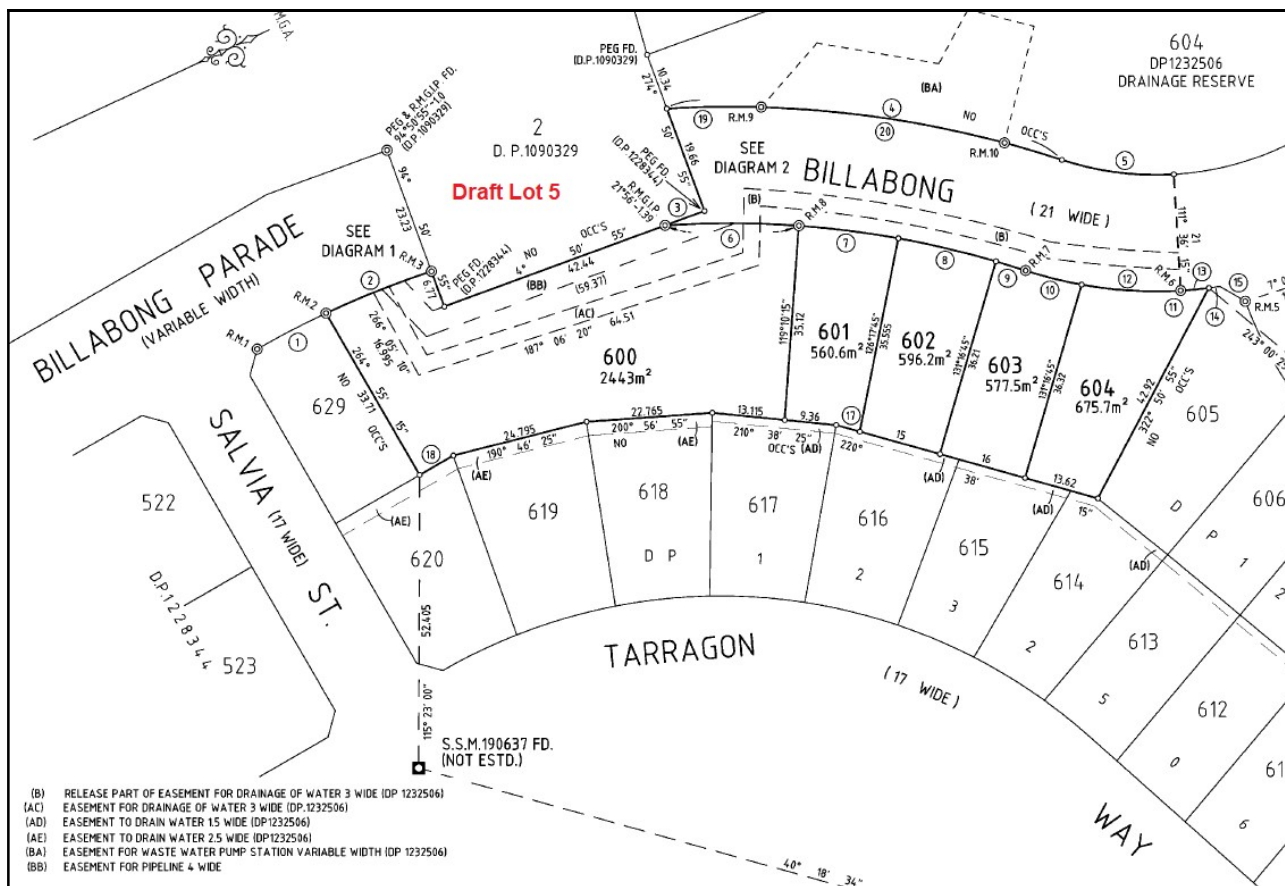


Figure 2: Extract of DP1240613 showing easements over Lot 600

A copy of the draft and current Deposited Plans are provided in Appendix 2 and 3 respectively.

2.3 OWNERSHIP

Draft Lots 5 and 6 in Lot 2 and 3 DP1090329 are currently owned by John Farragher Pty. Limited, however the proponent settled this land on 24 December 2020. Lot 600 in DP1240613 and Lot 728 in DP1240614 are both owned by Avid Residential Estates Pty Ltd. Consent to the lodgement of the subject DA has been provided for all allotments involved.

Copies of the Certificates of Title are provided in Appendix 4.

2.4 PHYSICAL DESCRIPTION

Site: Draft Lots 5 and 6 are referred to as “nibs” as they represent small parcels of land which extend into the Harvest Estate and as a consequence have been “developed around” in terms of road works, servicing and housing. These parcels of land are completely cleared and have servicing and roads up to the boundaries. Lots 600 and 728 represent residue lots opposite the nibs which have been unable to be developed as a result. These are also completely cleared and have been generally levelled in anticipation of future development (see Figure 3).



Figure 3: Aerial Photo of Draft Lots 5 and 6 and Lots 600 and 728

Access: Access to the site will be provided through the connection of Billabong Parade through the nibs. Access will also be made available to the future rural dwellings possible as a result of DA15-2849. Further, and as discussed above, the existence of the nibs currently prevents the logical continuation of the perimeter road and pathways. The subject DA will remedy this fact to the benefit of the surrounding residents.

Watercourses: Four Mile Creek and the surrounding floodplain exists to the west, however the development site is located over 40m from this watercourse.

Topography: The site in general, gently falls towards the floodplain to the north and west.

The residue lots have generally been filled to coordinate with the surrounding residential

lots, however as the nibs were in separate ownership, they are still at natural ground level and as such will require filling as part of the subject development.

Vegetation: As demonstrated by the aerial photograph within Figure 3, the site is completely clear of any native vegetation.

Context: The site is located within the Thornton North Urban Release Area (TNURA) within the existing Harvest subdivision.

Photos of the site are provided below and overleaf.



Photo 1: Northern side of Draff Lot 5 looking south



Photo 2: Southern side of Draff Lot 5 looking north



Photo 3: Western side of Drafft Lot 6 looking east



Photo 4: Eastern side of Drafft Lot 6 looking west



Photo 5: Centre of Draft Lot 6 looking west

3.0 Description of the Proposed Development

The proposed development comprises the following elements:

- Seven (7) Torrens Title residential lots;
- One (1) drainage reserve lot (Lot 9) adjoining the existing Council drainage reserve over Lot 604 DP1232506;
- One (1) public reserve lot (Lot 8) to be dedicated to Council as part of the future Neighbourhood Sportsground (TN17);
- Connection of Billabong Parade including shared pathways and footpaths and removal of temporary turning heads;
- Bulk earthworks including lot regrading and the importation of fill;
- Removal and reinstatement of servicing and stormwater to accommodate the inclusion of the nibs within the Harvest development;
- Amendment and creation of easements/title restrictions as necessary; and
- Continuation of street trees along Billabong Parade.

Allotments are regular in shape, ranging in size from 471m² to 692m².

Plans of the proposed subdivision, including site plan, detailed lot layouts, servicing plans, and cut and fill plan, have been provided in 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 proposed residential allotments are located within the *R1 General Residential Zone*, as identified under the LEP zoning maps. Portions of Billabong Parade and proposed lots 8 and 9 are located within the *RU2 Rural Landscape Zone* (see Figure 4). Billabong Parade (along with Chamomile Street) represents the perimeter road for the Harvest subdivision and as such has been filled where necessary to raise it above the 1% AEP flood level which generally defines the RU2 zone. The same is proposed under the subject development for the Billabong Parade connections.

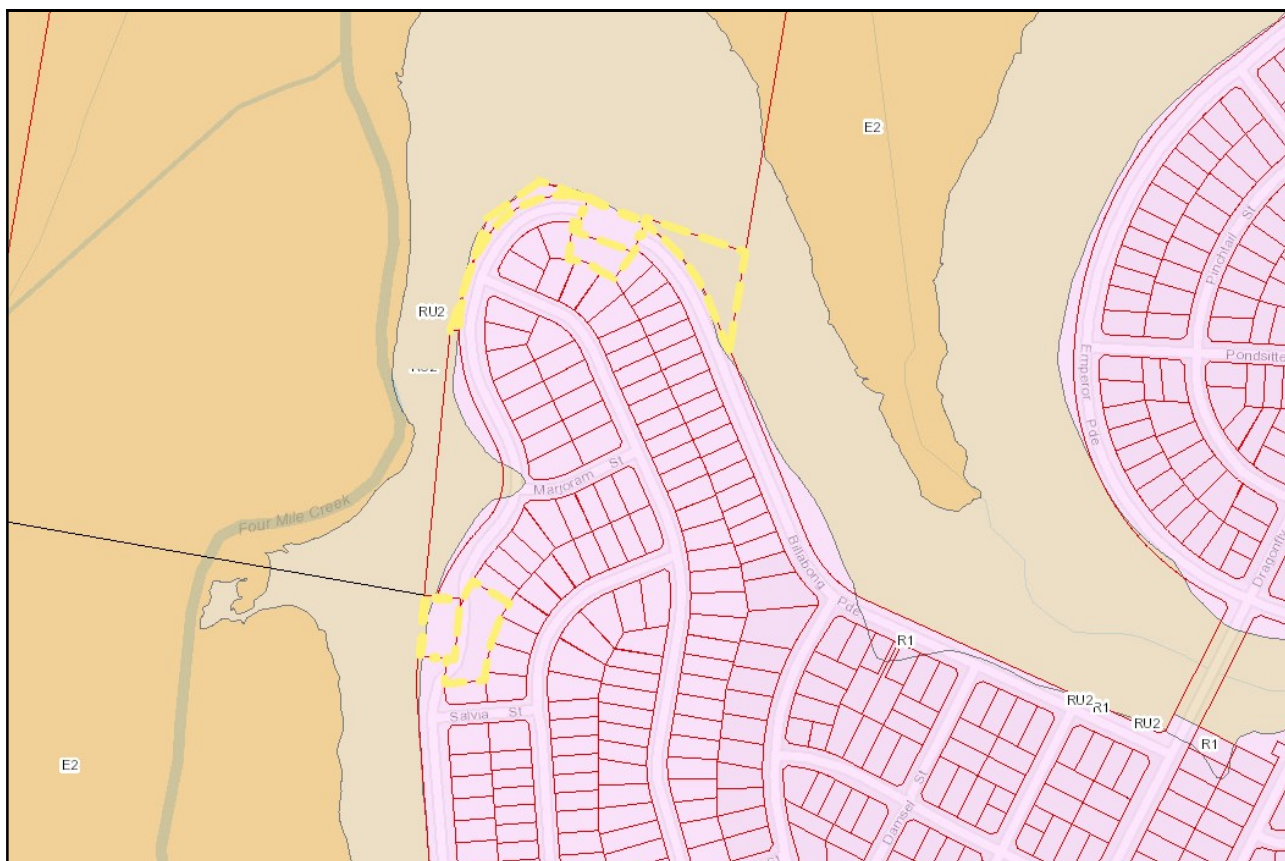


Figure 4: Zoning Map

The proposed development, which is defined as a "subdivision", is permissible with the consent of Council pursuant to Clause 2.6 of the LEP under all zones.

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 proposed residential lots are located with 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 subdivision and associated infrastructure will create seven (7) residential allotments in a logical pattern, thereby providing housing for the community within an area specifically planned for growth. The development will also provide two (2) crucial connections for the perimeter road within the Harvest Estate, thereby facilitating orderly and economic development. For these reasons, the development is considered to achieve the objectives of the R1 Zone.

As discussed above, some aspects of the development, including portions of Billabong Parade and Lots 8 and 9 for drainage and recreation, are partly located within the RU2 Zone, where the following relevant objectives have been addressed:

- *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.*

Given the fragmented nature of this land and its proximity to the existing Harvest Estate, it is not conducive for primary production and as such, the proposed development will not hinder the attainment of these objectives.

Clause 4.1 – Minimum Subdivision Lot Size

The subject site is shown on the Lot Size Map as having a 450m² minimum lot size for all land zoned R1 and a 40ha minimum lots size for land zoned RU2. All residential allotments have a lot size over 450m² and the lots containing RU2 zoned land are for either drainage or recreation purposes, the subdivision of which is considered "exempt development" (see Section 4.1.2). The proposed subdivision therefore adheres to the provisions of Clause 4.1.

Clause 4.3 Height of Buildings

N/A - No buildings are proposed as part of this application.

Clause 5.10 – Heritage Conservation

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

Aboriginal Heritage: Aboriginal assessments including Aboriginal Heritage Impact Permits (AHIPs) undertaken as part of the Harvest development and DA15-2849 have confirmed that neither the nibs nor residue lots contain any areas of heritage significance. Aboriginal Heritage Information Management System (AHIMS) searches have also been conducted over the subject land to reveal that no Aboriginal sites or places have been declared/recorded across the site (refer to Appendix 6).

Clause 6.1 – Arrangements for Designated State Public Infrastructure

The objective of Clause 6.1 is to require satisfactory arrangements to be made for the provision of designated State Public Infrastructure for the subdivision of land in an urban release areas. In this regard, Clause 6.1 states:

(2) 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, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

The subject site is located within the Thornton North Stage 1 Urban Release Area and as such, will require compliance in this regard (see Figure 5).

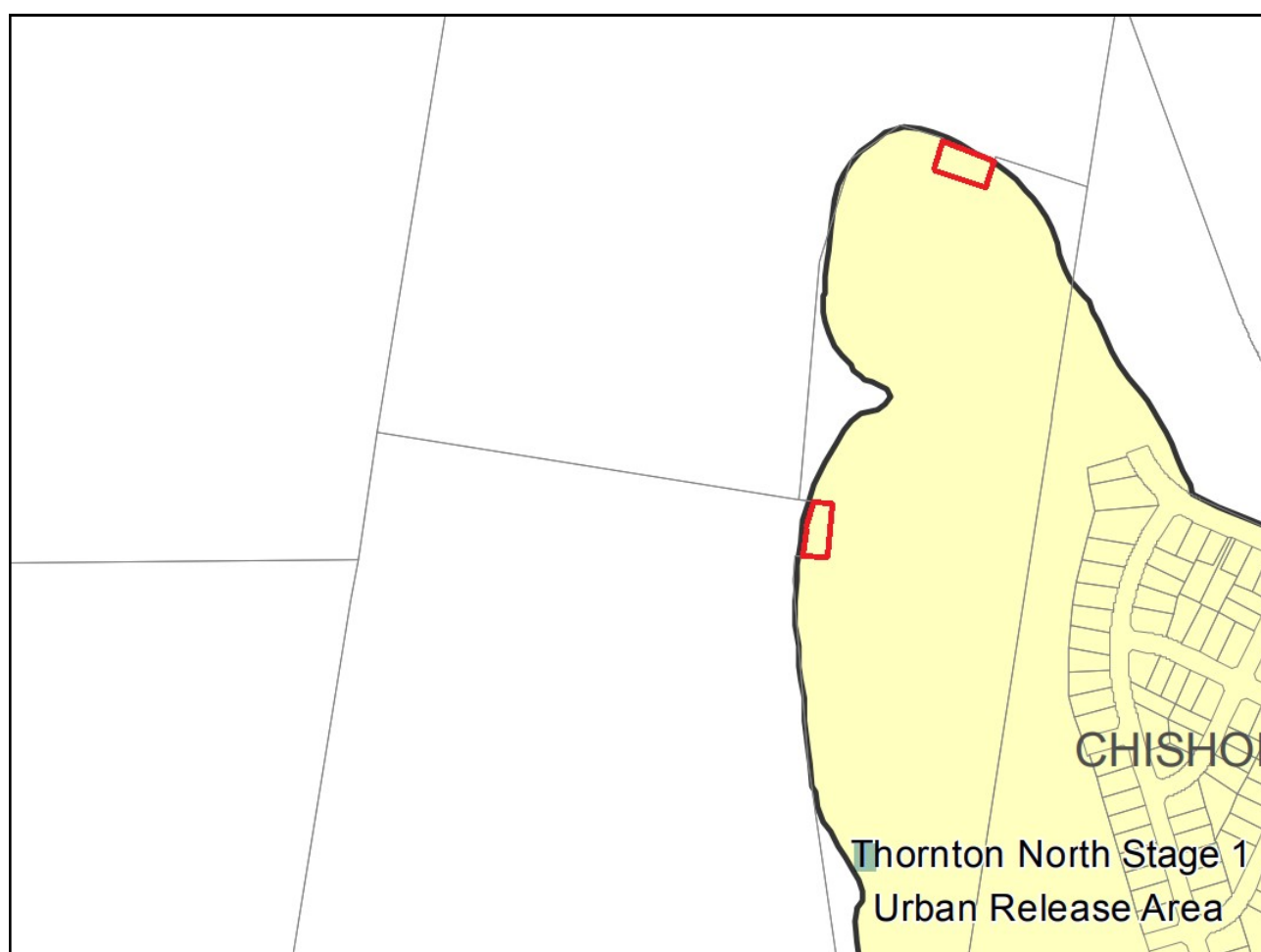


Figure 5: Urban Release Area Map

Lots 600 and 728 are contained within an existing Planning Agreement with regards to the payment of a State Infrastructure Contribution (SIC). In this regard, payment of \$2.27 "per square metre of each lot created for the purposes of "residential accommodation" will be required.

Draft Lots 5 and 6 contain Billabong Parade and are therefore exempt from the requirements of Clause 6.1 pursuant to Clause 6.3(c) which states:

(3) Subclause (2) does not apply to—

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

Confirmation of compliance with Clause 6.1 will be sought in the form of a Satisfactory Arrangement Certificate from the Department of Planning, Infrastructure and Environment (DPIE), following lodgment of the DA.

Clause 6.2 – Public Utility Infrastructure

Adequate arrangements have been made for the provision of all services to all residential allotments within the subdivision and as such, the proposal adheres to the provisions of Clause 6.2. Further information with regards to servicing is provided within Section 5 and the servicing plans provided in Appendix 1.

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 26th February 2008 and is now included within Part F of the DCP. Within this DCP, the site is subject to the Chisholm West Precinct Plan which addresses the above items and thereby 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.

Clause 7.2 – Earthworks

Clause 7.2 states:

(2) Development consent is required for earthworks unless:
(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
(b) the work is ancillary to other development for which development consent has been given.

As any earthworks proposed under this application are ancillary to the subdivision, Clause 7.2 is not applicable in this instance.

Clause 7.3 – Flood Planning

Portions of the site are identified as being located within the flood planning level.

Clause 7.3 states:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
a) Is compatible with the flood hazard of the land, and
b) Is not likely to significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affection of other development or properties, and
c) Incorporated appropriate measures to manage risk to life from flood, and
d) Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction or riparian vegetation or a reduction in the stability of river banks or watercourses, and
e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

As part of the proposed development, filling will be placed around the perimeter to ensure that all lots are located above the AEP flood level of 5.9m AHD and to ensure smooth connections for Billabong Parade. With this in mind, the development addresses Clause 7.3 as follows:

- a) As discussed above, the proposed residential lots will be filled such that they are above the AEP flood level, thereby removing them from being impacted by a flooding hazard.
- b) In the context of the overall catchment and size of the floodplain, the proposed filling in terms of volume and area is insignificant and will not result in “*detrimental increases in the potential flood affection of other development or properties*”;
- c) The proposed works will not result in any increase risk to life given that all residential lots will be above the AEP flood level and all lots will have flood free access;

- d) During construction, appropriate erosion and sedimentation controls will be installed and once completed, the area will be stabilised with ground covers; and
- e) For reasons mentioned above, the proposed works will not result in unsustainable social and economic costs to the community as a consequence of flooding.

Taking the above into consideration, despite the development being partially located within flood impacted land, suitable measures have been proposed to ensure the requirements of Clause 7.3 are met.

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
- The land is not identified as being within a mineral resource area (Clause 7.5).

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

4.1.2 SEPP (Exempt and Complying Development Codes) 2008

The creation of Lots 8 and 9 is not permissible under the Maitland LEP 2011 due to neither meeting the 40ha minimum lot size. This aside, these lots can be created under Clause 2.75(e-f) of the SEPP as follows:

2.75 Specified development

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code—

(e) creating a public reserve,

(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

As these lots will be used for public purposes (drainage and recreation), they can be considered “exempt development”.

4.1.3 SEPP Infrastructure 2007 (“ISEPP”)

Clause 10 of the ISEPP provides that any development listed within Schedule 3 is classified as “traffic generating development” and requires a referral to the Roads and Maritime Services (RMS).

Schedule 3 provides the following:

Column 1 – Purpose of Development	Column 2 – Size or Capacity (Site with Access to any Road)	Column 3 - Size or Capacity—Site with Access to Classified Road or to Road that Connects to Classified Road (if Access within 90m of Connection, measured along Alignment of Connecting Road)
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road.	50 or more allotments.

As the proposed subdivision provides only seven (7) lots, it is not traffic generating development and will not require the concurrence of RMS pursuant to Clause 104 of the ISEPP.

4.1.4 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.

4.1.5 SEPP (Coastal Management) 2018

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

4.1.6 SEPP (Koala Habitat Protection) 2019

The subject site does not contain core koala habitat given it is void of all native vegetation.

4.1.7 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. In this regard, Lots 600 and 728 will be used for residential purposes where matters pertaining to suitability were addressed and resolved as part of the Harvest development.

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 MAITLAND 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 where it is identified within Chisholm West Precinct Plan (see Figure 6).

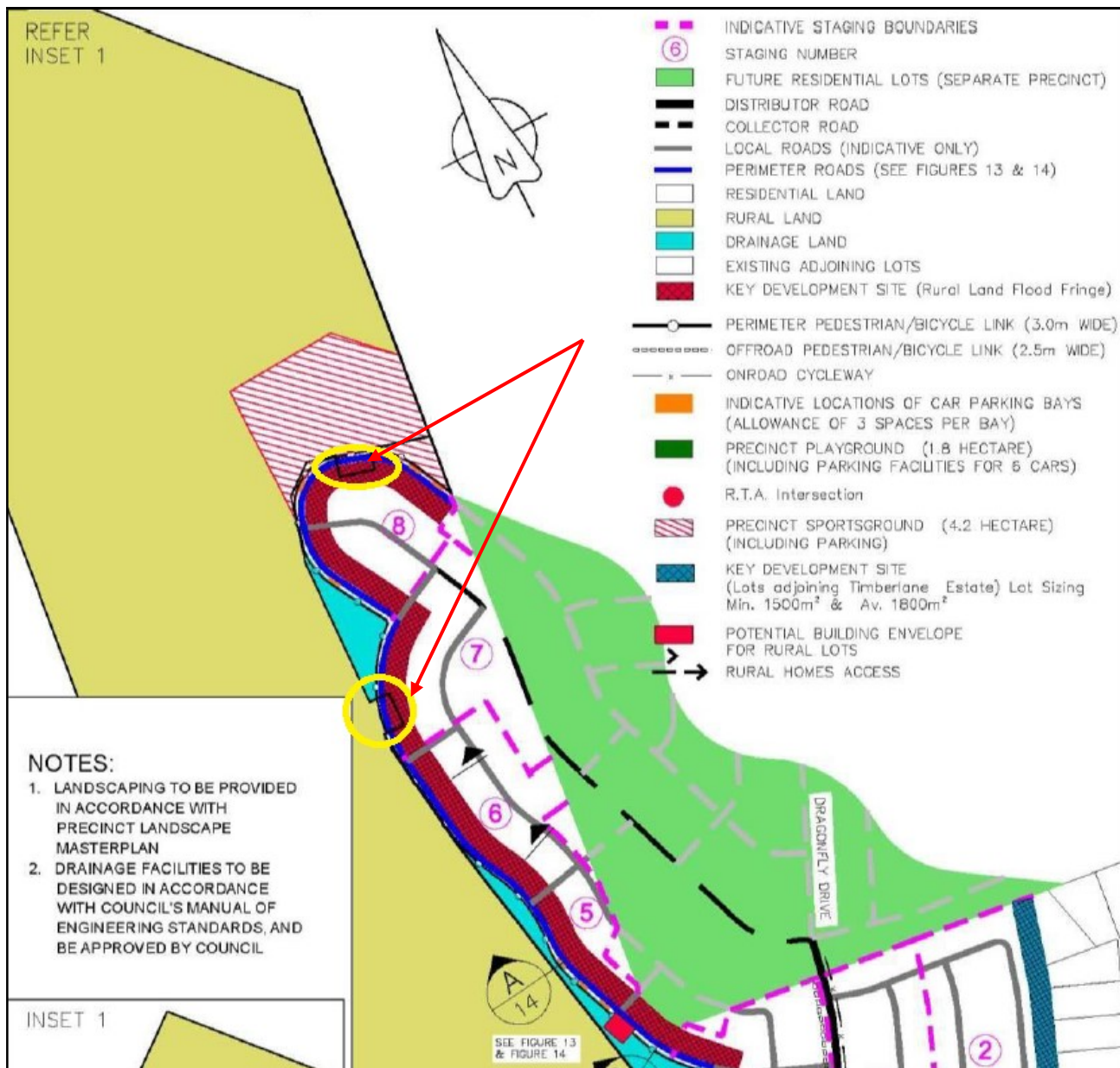


Figure 6: Chisholm West Precinct Plan (Development in Yellow)

The proposed subdivision provides the following main elements, as depicted under the Precinct Plan provided for within Part F of the DCP:

- Completion of the perimeter road including shared pathway and footpath;
- Residential development within R1 zoned land; and
- Dedication of 0.31 ha for the Precinct Sportsground.

Beyond the Precinct Plans, the proposed subdivision complies with all relevant controls under the DCP.

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

4.4 PLANNING AGREEMENTS/CONTRIBUTIONS (S4.15(1)(A)(IIIA))

The site is affected by the Thornton North Contributions Plan (CP) where the proposed residential lots require contributions at \$29,998 per lot. It is understood that a condition of consent will be applied to the development requiring the payment of contributions in accordance with this plan prior to the release of the Subdivision Certificate.

Works/land required under the CP on the subject site includes (see Figures 7 and 8):

- TN17: Neighbourhood Sportsground for northern catchment north western flood plan (4.2ha): Land Value = \$319,371; Capital Costs = \$2,019,190 plus \$114,713 for half width road. The subject DA provides 0.31ha towards this land in accordance with the DCP;
- TN57: New Roads: Fringe Road (additional 6.0m reserve, 1.5m for shared way and 2.5m parking lane); variable cost dependant on length.

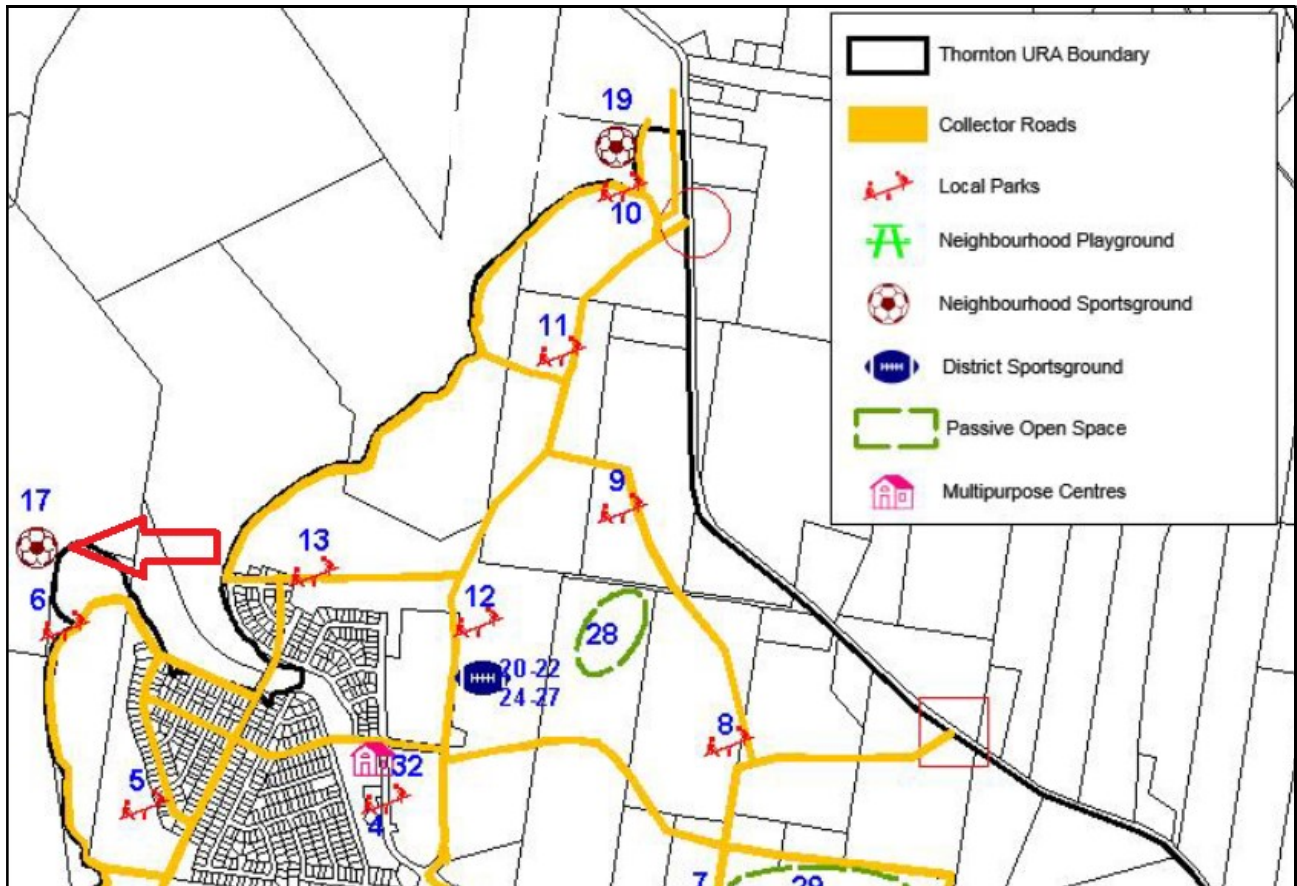


Figure 7: Recreation and Open Space and Community Facilities Plan

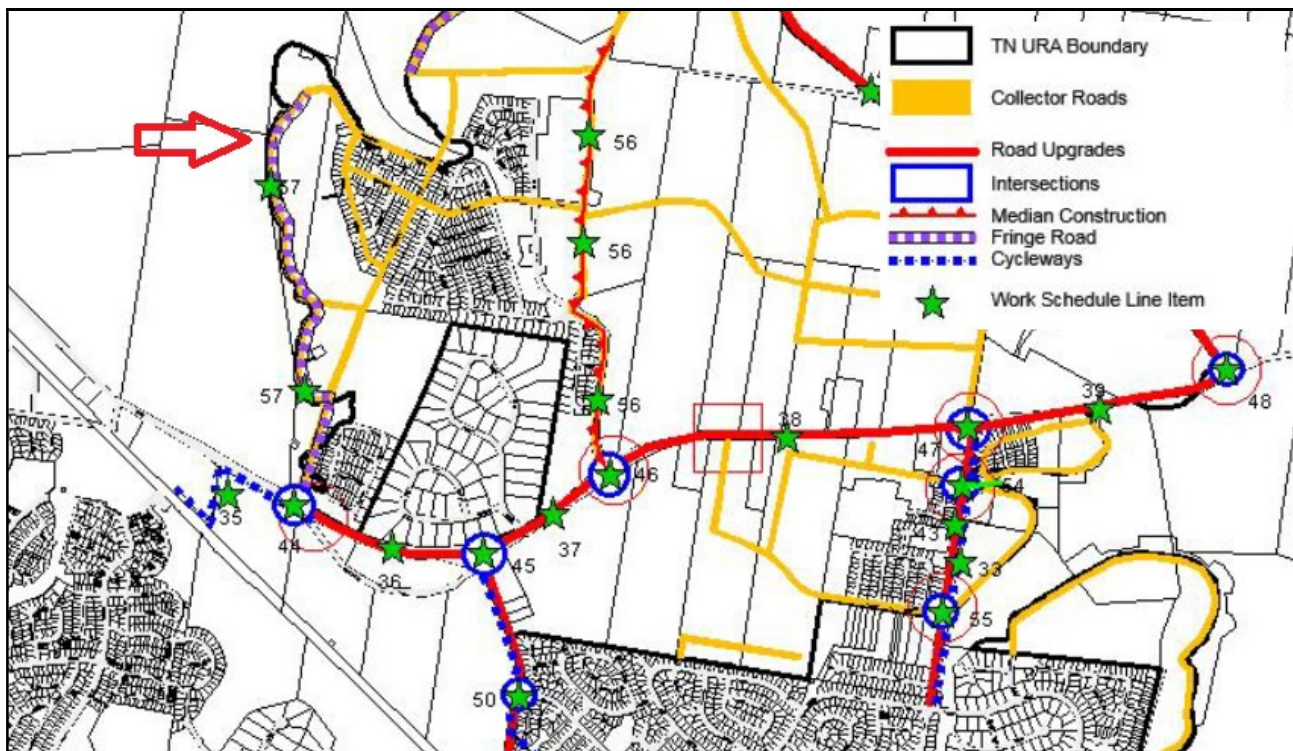


Figure 8: Road and Traffic Facilities Plan

Open space land dedicated as part of the above will have its cost deducted from the applicable contributions. Road works completed will be done in accordance with a Works in Kind Agreement.

4.5 THE HUNTER REGIONAL PLAN

The Hunter Regional Plan was released in October 2016. The plan outlines the visions, goals and actions that are geared to growing the regional economy, accelerating housing supply, and protecting and enhancing the natural environment.

Greater housing choice is prioritised to satisfy the community's desire for smaller households. The plan places emphasis on providing new housing in existing and committed growth areas. To meet the projected housing demands over the next 20 years, an average of 3,000 new homes will need to be constructed each year.

The proposed development will provide seven (7) residential lots within an identified growth area for the future development of dwellings and as such, is consistent with the visions, goals and actions for accelerating housing supply over the next 20 years in order to meet housing targets.

4.6 INTEGRATED DEVELOPMENT (S4.8)

The proposed development is classified as "Integrated Development" under Section 4.46 of the EP&A Act, as it requires authorisation from the NSW Rural Fire Service (RFS) pursuant to Section 100B of the Rural Fires Act 1997 as the development is located partially over bushfire prone land.

5.0 Environmental Assessment

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

5.1.1 Context and Setting

Area Context

The Chisholm West Precinct has been strategically located through detailed studies and future planning undertaken as part of the original rezoning process. For this reason, it is situated in close proximity to a range of supporting infrastructure/services, making it ideal for residential growth. Such services within 5km of the site include four (4) schools, two (2) train stations, sporting fields and a hospital. Within 10km of the site is the wider Maitland CBD offering a full suite of supporting community and retail facilities.

Subdivision

The subject development represents the finalisation of the Harvest subdivision and a crucial aspect in terms of perimeter road connections. How the site sits amongst the Harvest development is shown within Figure 9.

The existing DAs approved surrounding the site provide a range of lot sizes, generally averaging around 600m². The proposed lot sizes are similar and will continue to provide housing stock to the market. Given the growing nature of the area, it is considered that the subdivision fits cohesively within the existing context of the site.

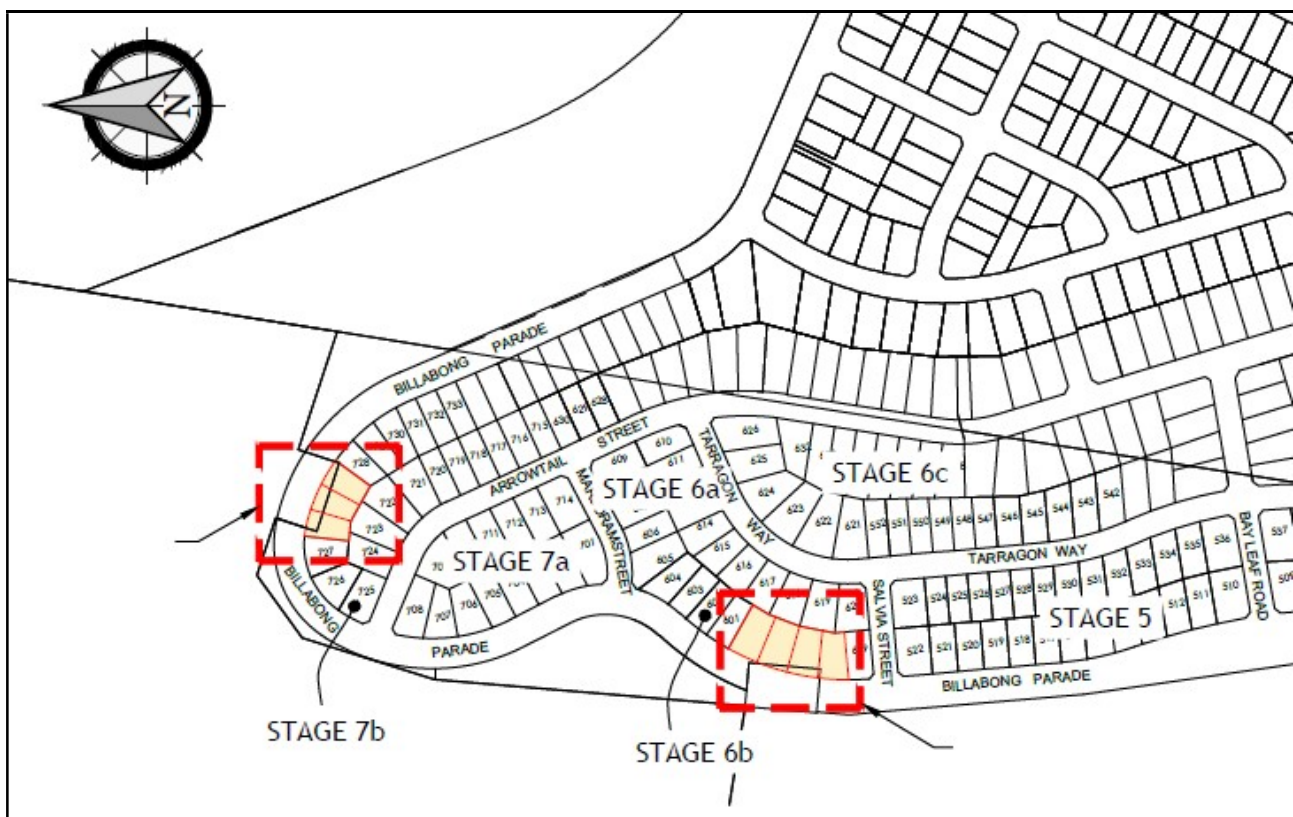


Figure 9: Surrounding Context Plan

5.1.2 Access, Transport and Traffic

Access/ Internal Road Design

Access to the site will be provided off the Billabong Parade connections which have been designed to match the existing treatment including a shared pathway on the outer edge and a footpath on the inside verge.

Traffic and Road Safety

Developments in the Thornton North Urban Release Area generate the following traffic rates:

- 9.0 trips per dwelling;
- 0.85 vtpd – AM weekday peak;
- 0.9 vtpd – PM weekday peak.

The seven (7) lot subdivision would therefore generate 63 vehicle trips per day and up to seven (7) weekday peak hour trips. As the development has access to Harvest Boulevard and a new intersection onto Raymond Terrace Road, this small amount of traffic will not require any upgrades to the existing road system.

Public Transport

The 189 bus services the Harvest Estate along Harvest Boulevard and Dragonfly Drive. The proposed lots are approximately 500m from the nearest bus stop (see Figure 10).

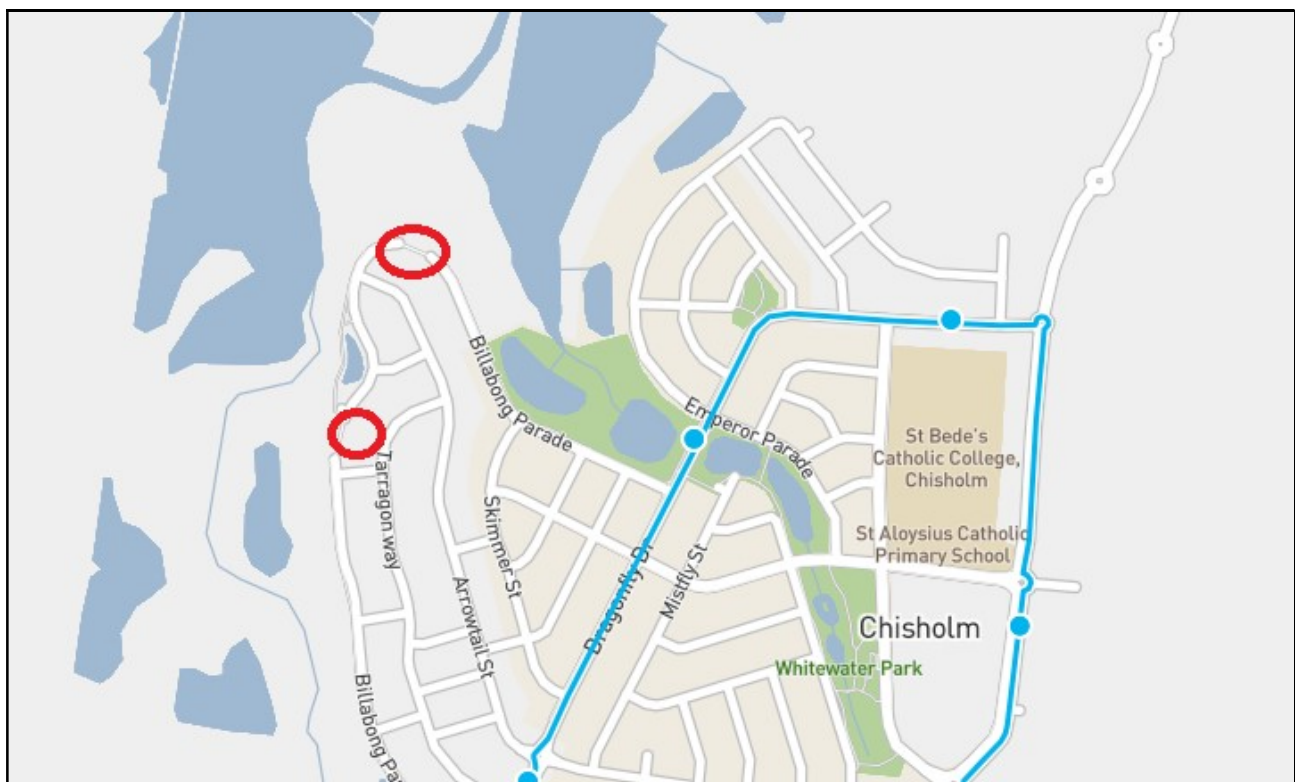


Figure 10: 189 Bus Route

Pedestrian and Cyclist Facilities

As discussed above, the proposed development will provide crucial connections along Billabong Drive allowing pedestrians and cyclists to use the existing pathways along the floodplain without disruption.

5.1.3 Public Domain

The proposed development will have a beneficial effect on the public domain through connecting three (3) sections of Billabong Parade. It will also develop currently vacant land which will remove a potential crime risk to the area.

5.1.4 Utilities

Water & Sewer

As shown within the plans located within Appendix 1, water and sewer will be made available to the lot through the realignment of the existing services which follow Billabong Parade.

A services plan, showing the proposed location of water and sewer supply services within the subdivision, is provided in Appendix 1.

A Section 50 application for the provision of these services and the requirements for same has been lodged with Hunter Water.

Electricity/Telecommunications/Gas

Electricity, telecommunication and gas facilities to service the proposed allotments will be provided underground within the footpath reservation.

5.1.5 Stormwater, Water Quality and Watercourses

Stormwater generated from the development will go to one of the two (2) basins already developed to cater for this site via a pit and pipe network. Details pertaining to water volume and quality have been previously assessed as part of the development of these basins.

5.1.6 Erosion and Sediment Control

Erosion and sedimentation control devices will be implemented during the construction phase and can be imposed through conditions of consent in accordance with Council requirements and the Blue Book. Details in this regard are illustrated within Appendix 1.

5.1.7 Flora and Fauna

The Biodiversity Conservation Act 2016 (BC Act) requires that all DAs be assessed for all possible clearing which is considered to be reasonable as part of the proposal. As discussed previously, the subject site is void of all native vegetation and as such requires no additional clearing. It is also noted that the site is not identified on the Biodiversity Values Map as being land with high biodiversity value.

5.1.8 Heritage

Discussed above.

5.1.9 Natural Hazards

Bushfire

As noted previously, the subject site is partially located within “bushfire prone” land under the bushfire maps adopted by Council. As such, given the proposed development is classified as a “Special Protection Purpose” under the Rural Fires Act 1997, Council is required to refer the application to the RFS to gain their General Terms of Approval as per the “Integrated Development” provisions of Section 4.46 of the EP&A Act.

To identify the extent of bushfire threat and to assist the RFS in their assessment of the proposal, a Bushfire Threat Assessment (BTA) has been prepared by Anderson Environment and Planning (AEP) (refer to Appendix 7).

To inform the BTA, AEP have conducted a slope and vegetation assessment which has concluded that all APZs required will be contained within the road reserve (see Figure 11).

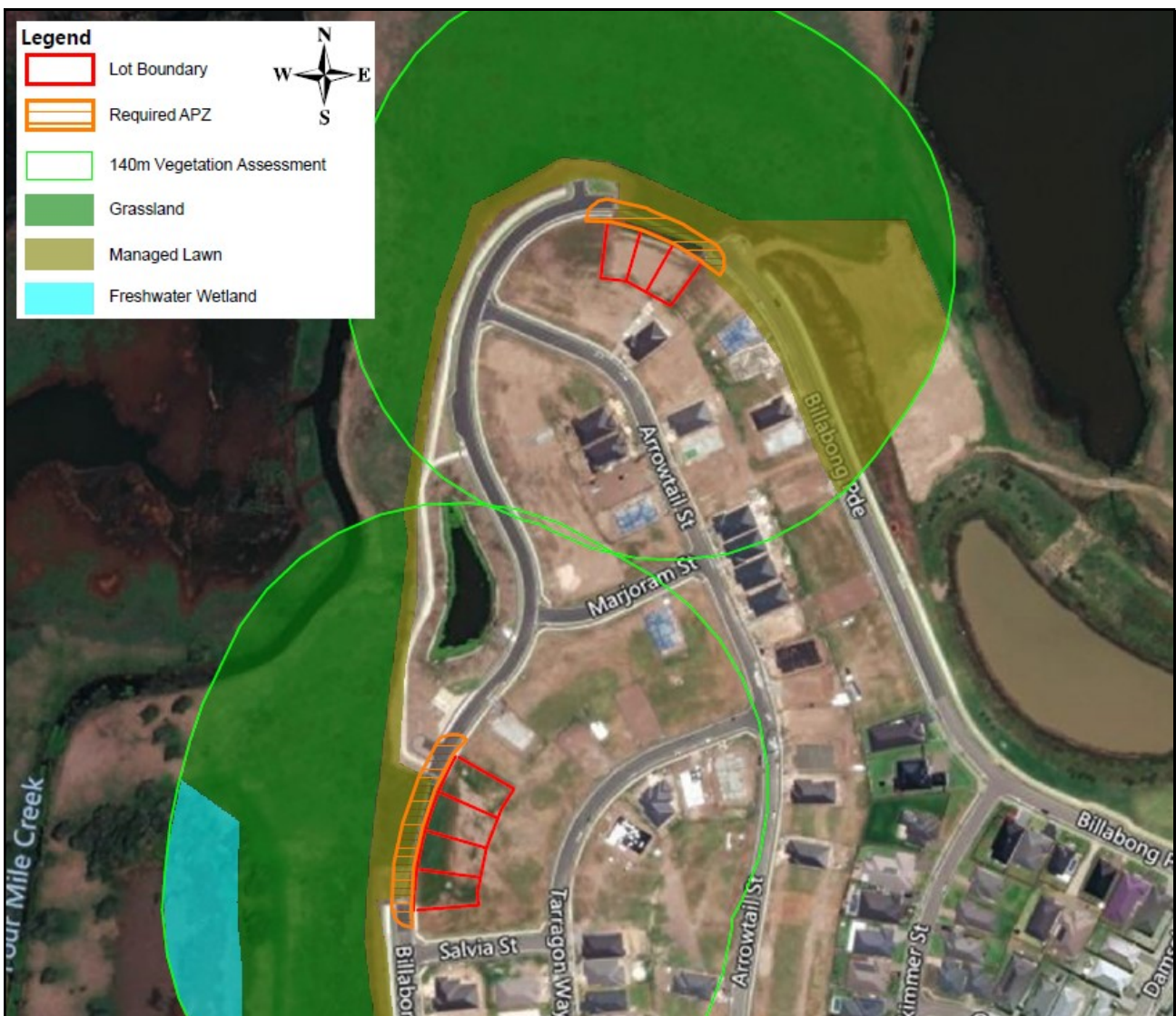


Figure 11: APZ Plan (Source: AEP 2021)

Flooding

Discussed above.

5.1.10 Noise and Vibration

The site is located over 400m from Raymond Terrace Road and as such, traffic noise is not considered to be an impact factor.

5.1.11 Social and Economic Impact

The proposed subdivision will have significant benefits to the social and economic fabric of the area through completing Billabong Parade and pathway connections and providing additional lots in a cleared and serviced site in a strategic growth area.

The subject development is likely to result in additional investment in the local economy from the subdivision and dwelling construction as well as the additional residents being able to contribute to the workforce.

5.1.12 Landscaping and Visual Amenity

Additional street trees will be provided for the Billabong Parade connection, using the same species already used within Stage 6 and 7 of the Harvest Estate. Copies of the Construction Certificate Landscape plans approved for these stages are provided within Appendix 8.

5.1.13 Site Design and Internal Design

The site design and internal design was generally dictated by the shape of the residue and nib allotments and the existing location of Billabong Parade.

Allotment size and configuration was chosen based on market demand. In this regard, regular rectangular lots provide the greatest ability to accommodate the greatest range of dwelling designs.

5.1.14 Waste

As with most best practice building projects, the amount of waste to be generated during the construction phase will generally be minimal by use of pre-ordered and pre-fabricated materials where possible.

In terms of waste management, during construction the majority of the waste produced will be from the removal of topsoil. This will be re-used elsewhere by the contractors or where re-use is not possible or inappropriate, green waste will be disposed of at the local Waste Management Facility.

In terms of ongoing waste management for future dwellings, all allotments have sufficient area to accommodate Council's garbage bins, and all lots front roads which will be able to accommodate Council's collection service.

5.1.15 Safety, Security and Crime Prevention

The proposed subdivision will provide additional casual surveillance to nearby public areas through developing currently vacant land and by removing four (4) existing dead end roads.

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

The proposed subdivision is located on a site which is appropriately zoned, within an existing establish estate. For these reasons, the subject site is considered to be entirely suitable for the proposed residential subdivision.

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

The subdivision will require public notification with any relevant submissions to be addressed by Council.

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

The proposed subdivision will develop existing vacant land for the purposes for which it has been zoned and as such, is considered to be in the public interest through the long term benefits of development and growth within a strategically appropriate location.

Beyond this, the development will also:

- Provide connections to Billabong Parade, allowing fluid vehicular and pedestrian movement along the perimeter of the Harvest Estate;
- Create jobs during construction;
- Enhance ongoing future business for locals; and
- Contribute significant funds towards the upgrade of a variety of community facilities, roads and infrastructure.

6.0 Conclusion

The proposed subdivision provides the missing link to an existing disjointed situation created by the existence of two nibs of land which have prevented key connections along Billabong Parade. The ability to now complete these connections will bring about significant benefits to the existing residents of the Harvest Estate. It will also allow for the addition of seven (7) allotments of an appropriate size, shape and orientation to allow for the construction of a wide range of housing types.

In summary, the development complies with the minimum lot size within the LEP and the applicable chapters of the Maitland DCP 2011.

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

PLANS OF PROPOSED SUBDIVISION

Appendix 2

DRAFT DEPOSITED PLAN FOR DRAFT LOTS 5 AND 6

Appendix 3

CURRENT DEPOSITED PLANS FOR LOT 600, 728, 2 AND 3

Appendix 4

CERTIFICATES OF TITLE

Appendix 5

DCP COMPLIANCE TABLE

Appendix 6

AHIMS

Appendix 7

BUSHFIRE THREAT ASSESSMENT

Appendix 8

CC APPROVED LANDSCAPE PLANS FOR HARVEST STAGE 6 AND 7