



maitland
city council

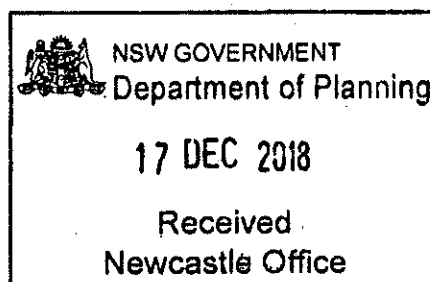
Your Ref: SCC_2018_MAITLE_003_00

Our Ref: RZ 15/001

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Mark Roser

6 December 2018

Ms Katrine O'Flaherty
Team Leader
Hunter and Central Coast Region
Planning & Environment
PO Box 1226
NEWCASTLE NSW 2300



Dear Ms O'Flaherty

Re: Site Compatibility Certificate for Seniors Housing at Mt Vincent Road, East Maitland being Lot 141 DP 1225076 and Lot 8 DP 855275

I refer to information received by Council dated 27 November 2018 requesting comments from Council on the consistency of the above proposal with the criteria in clause 25(5)(b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* (the SEPP). Council having reviewed the proposal and supporting information provides the following comments to assist the Department in determination of the Site Compatibility Certificate (SCC) application. Firstly, Council's previous comments to the Department of Planning and Environment dated 7 September 2016 identified a number of issues that required addressing to support any subsequent development application.

1. The subject land is located within a Mine Subsidence District and is subject to past shallow mine workings. There have been issues in the past with Council approving the intensification of land uses on sites supporting shallow mine workings without extensive investigations to determine the stability of the land and its ability to support such land uses.

The supporting information provided with the current proposal included a statement from a mine engineering consultant indicating that, "*there are no constraints to surface development of Lot 8 and Lot 141 where appropriate geotechnical analysis, and if necessary remediation of old mine workings, is undertaken.*" An additional Geotechnical Summary Report dated July 2018 was also provided with the application which identifies geotechnical constraints for the area supporting mine workings <20m. This report references the previous Douglas Partners report dated July 2016 and recommends remediation be undertaken in accordance with the Douglas Partners report.

The Douglas Partners report indicates there is a potential risk for potholes to develop in areas with less than 25m depth of cover and that remedial measures will be required to manage this risk prior to development. The report concludes that additional geotechnical investigations should be undertaken during the design stage of the project in order to quantify the required extent of any remediation of the workings, and should include further investigations into pillar stability and water quality. Council supports the need for additional geotechnical investigations over the subject land and suggests that these studies form part of any future development assessment process.

2. It is noted that the application for the Site Compatibility Certificate addresses *Location and Access to Facilities* through nominating site proximity to public transport routes and bus stops, providing access to the Green Hills shopping precinct. It should be noted that there are no bus stops on Mt Vincent road fronting the subject land, however there is a bus route along Wilton Drive. There are no formed or designated pedestrian paths along Wilton Drive to meet the required access standards identified in cl 26 of the SEPP. Compliance with the design and construction standards for the pedestrian path network would need to be demonstrated in detail as part of any future development assessment process. The submitted Traffic Impact Assessment confirms the above and recommends a bus stop be provided on Wilton Drive at the access to the site. Or alternatively the proponent operate a private suitably size bus (shuttle service) to major service areas in Maitland.
3. The subject land is impacted by the 1:100 year flood with the level being RL 9.73m AHD based on Council's 2010 adopted Flood Study. The Flood planning level (FPL) is therefore RL 10.23m AHD. The concept plan provided in conjunction with the SCCA shows building footprints above RL 10.0m AHD with the perimeter road being between RL9.0m -10.0m AHD. It is considered that a minimum floor level of 10.23m AHD can be achieved for all dwellings however it is recommended that the perimeter road fronting dwelling no's 16, 17, 31-32, 45-46, 53-58 and 80 be constructed to not less than the 1:100 year flood level of RL 9.73m AHD.
4. The Maitland City Council Waste Management Facility is located on Lot 2220, DP 1095387, some 300 metres from the eastern edge of the proposed seniors village development envelope on the eastern side of Mt Vincent Road. The setback of the proposal from the active tipping face is however around 600 metres.

The Maitland City Council Waste Management Facility commenced operations in around 1993 and has been the City's sole receipt and disposal facility (by landfill) for residential and certain commercial waste streams since this time. In more recent years, the site has also been managing recycling and green waste. The landfill operation is nearing the end of its operational life however the Council is in the planning stages of the following:

- Aligning the 1991 development consent conditions to the current Environmental Protection Licence (EPL) conditions via a Section 4.55 modification to the original development consent – this has been achieved via Council's approval of a Section 4.55(2) Application to the original DA 91-117 on 9 August, 2016.
- Increasing the height of the landfill between 4 to 5 metres to provide an additional 320,000m³ capacity and hence extend the operational life of the landfill – this Section 4.55(2) Application is currently under assessment and nearing determination.
- Upgrading of its recycling facilities by way of a new building for undercover storage and separation of recyclables – this upgrade now authorised by DA 15-2127 approved by Council on 23 August, 2016.
- Developing the site for a large scale waste transfer station – DA 16-1805 was formally lodged with Council on 29 July 2016 and is to be determined by the Hunter and Central Coast Joint Regional Planning Panel. The application is supported by an Environmental Impact Statement entitled "Maitland City Council. Mt Vincent Waste Management Centre Waste Transfer and Recycling Facility" prepared by GHD and dated May 2016.

The decision to maintain the City's waste management services on this site is largely due to the good location and accessibility of the site and the fact that there has been significant investment in supporting infrastructure which can be used into the future in conjunction with the new transfer station and recycling facilities.

The EIS provides a detailed assessment of a range of environmental considerations which take into account the cumulative impacts of the operation of the transfer station/recycling facility combined with the waste emplacement activity given that both activities are likely to be occurring on site concurrently until the cessation of the landfill in 2029 (at the latest).

- Odour - Figure 7.2 of the draft EIS "Predicted 99th Percentile Ground Level Odour (Cumulative)" shows the eastern portion of the subject land as being located within the 2 odour unit (OU) zone. The acceptable criteria for odour exposure for an urban population is 2 OU. The proposed development site should therefore not be exposed to excessive odour during the combined operation of the landfill and transfer/recycling activities. It should be noted that the 2 OU contour contracts significantly towards Mt Vincent Road (away from the development footprint) when the landfill operation is removed from the odour modelling. This suggests that odour impacts will be significantly less once landfill operations cease in 2029.
- Air Quality - Figures 7.3 "Air Quality Predictions (Project Only)" and Figure 7.4 "Air Quality Predictions (cumulative)" indicate that the development site is well clear of (hence below) the ground level concentration thresholds for total suspended particulates (TSP's), PM10 and PM2.5.
- Noise and Vibration - Figure 7.6 "Predicted Noise Levels (cumulative)" show the proposed development footprint being outside the 30dB(A) LAeq Noise Contour. At this level, a high standard of external amenity can be predicted. Standard residential building construction will ensure further reductions in received levels of noise internal to the dwellings ensuring that internal amenity targets under the Industrial Noise Policy (INP) 2000 are achieved. The predicted increase in traffic levels of 7.5% on Mt Vincent Road as a consequence of the future waste transfer station/recycling facility operations will add 0.3dB(A) to existing traffic noise. This minor increase would not be audible at the proposed SEPP Seniors development site. Adverse vibration impacts are not expected beyond the site boundary.
- Water Quantity and Quality – An additional dam is proposed to be constructed to the west of the proposed material segregation facility/waste transfer working area to detain flows to predeveloped flow rate prior to discharge to the existing stormwater drainage system. The proposed dam will also serve as a water quality control by allowing settlement time for suspended solids and particulates and some removal of nutrients and select trace metals through bioremediation processes. The existing drainage infrastructure servicing the balance of the site will remain unchanged and will continue to be monitored and managed through the existing development consent conditions and 'plan of management'. The expanded activities at the MCC waste management facility site will have no significant impact on downstream water quality and quantity in the vicinity of the proposed SEPP seniors development.

5. The SOE on Threatened Flora and Fauna addresses the protection and management of the identified LHSIGF EEC on site. The report further identifies habitat (hollow bearing trees) of which (7) are proposed to be removed. The report recommends the installation of supplementary nesting boxes at a ratio of 2:1. Both the previous 2016 Flora/Fauna report by Wildthing Consultants and the Vegetation Management Plan (2018) identify an active nesting tree of the Whistling Kite on site. The current Flora/Fauna report and Vegetation Management Plan 2018 fail to address the management of this nesting tree. It is recommended the design of the seniors living development accommodate the retention of this nesting tree on site.

The SOE on Threatened Flora and Fauna fails to adequately address the impact on or mitigating measures for the recorded grassland on site (12.96ha). Section 25(b)(vi) of the SEPP requires consideration of impact on native vegetation from the proposed development. Further details on the level of impact upon the native grassland and compliance with the Native Vegetation Act is required.

Additional site studies submitted with the current application have provided a level of detail, including relevant constraints and mitigating measures, for Council to form an opinion that the proposal could progress to the development application stage.

Council wishes to advise that there is no objection to issuing a Site Compatibility Certificate for Seniors Housing over that part of the land identified in the application. Additional information and reports pertaining to the above matters of mine subsidence, flora/fauna, and location and access to facilities as per cl. 26 of the SEPP will need to be addressed as part of any future development application for the site.

Other requirements or additional information may be requested as part of the development assessment process.

Should you require any additional information or wish to discuss the matter further please contact Council's Strategic Planning Officer, Mr Mark Roser on 4934 9848.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Evans', written in a cursive style.

David Evans
General Manager