

Addendum E

- i. A plan that shows the areas avoided as part of the development, for the purpose of considering the avoid, minimise, and offset hierarchy of the *Biodiversity Conservation Act 2016*. The areas identified in the BDAR report regarding retention and removal of vegetation are to be checked. The boundaries and area of land avoided should be clearly delineated.

Plan prepared and lodged with the Letter of Advice – Avoidance of Biodiversity Values prepared by MJD Environmental Reference 22009 dated 31 March 2026.

- ii. Identify whether the avoided land is required to be managed in any way, and what, if any, management plans or restrictions are required to be placed over the land.

A condition of consent has been included to ensure the avoided R1 zoned land which will be managed by Council as Operational land is to be managed in accordance with the VMP (to be submitted and approved prior to SWC) and Part 11 of the Biodiversity Development Assessment Report prepared by MJD Environmental Dated 12/09/2024.

- iii. An Assessment of the BDAR needs to be documented in Council's addendum assessment report and include a consideration of the avoid, minimize and offset hierarchy provisions of the *Biodiversity Conservation Act 2016*.

Council has engaged Cessnock City Council's Ecologist, Lauren Perkins, to review the original Ecological referral advice provided to the Development Planner (dated 3/12/2024) and the Biodiversity Assessment performed by MJD Environmental. The Ecological referral advice (attached as addendum F) supports the approval of the application, with recommended conditions of consent. Additional conditions have been placed into the draft conditions of consent for consideration.

- iv. The Traffic Impact Assessment report prepared by Bitzios Consulting contains the following statement:
The traffic engineering requirements from the Pre-DA meeting included:
 - A TIA to assess the requirements of the subdivision internal road hierarchy
 - Further discussions with Council required with regards to the intersection of the New England Highway and Bridgman Road
 - Sightlines to be considered.

As with other nearby estates, this DA is subject to the following Transport for NSW (TfNSW) condition in accordance with State Environmental Planning Policy (SEPP) (transport and infrastructure) 2021:

“Prior to the Issue of a Subdivision Certificate

Prior to the issue of any subdivision certificate, the intersection of the New England Highway and Bridgman Road is to be upgraded to the satisfaction of TfNSW.”

It is understood that TfNSW will undertake intersection modelling which considered the completion of the Singleton Bypass. As this is both a TfNSW and ongoing matter, no traffic modelling has been undertaken by Bitzios Consulting,

The Panel requires clarification as to what, if any, impact the proposed development will have on the NEW England Highway and Bridgman Road intersection. The Panel also needs to understand what, if any, mitigation measures / works are required to the intersection, and when they would need to occur.

The Panel understands that s7.11 contributions are being collected for this intersection – but cannot determine what the impacts this proposal has, it's acceptability or otherwise, or what conditions are required in respect to the New England Highway / Bridgman Road intersection.

The Applicant has provided a Traffic Modelling Statement in response to this matter.

Council has prepared Addendum G to provide the panel with the information requested and to demonstrate how Council proposes to address the intersection concerns.

- v. Details of the changes to lot description and whether the application is being amended.

The change to the lot description was not an amendment to the application but a clarification of affected lots after a prior subdivision DA was registered with LRS, which impacted the addressing of a lot and DP of land affected by this application. Council has receipted the new Lot and DP and received owners consent. The amended conditions of consent have been updated to include the correct lot and DP references.

- vi. Council's position on the proposed changes to conditions put forward by the applicant.

Council has reviewed the applicants amendments to the conditions, and those that provided greater clarity have been amended. A copy of the amended proposed conditions have been uploaded to the portal with this information package.

- vii. A review of conditions including rewrite of proposed Condition 10 to reference the relevant plan.

Draft conditions uploaded to the portal, including amended condition 10, written as follows:

10.PROVISION OF FOOT PAVING, CYCLEWAY AND NATURE TRAIL

Foot paving and Cycleway

The provision, at no cost to Council, of concrete foot paving and cycleway as shown on approved plans. The footpath is to be 1.5m wide and is to include a minimum 100mm depth, 25MPA concrete with SL72 reinforcement and to be constructed on a 75mm compacted road base on compacted subgrade and the cycleway is to be 2.5m wide and is to include a minimum 125mm depth 25MPA concrete with SL72 reinforcement constructed on 75mm compacted road base on compacted subgrade.

All connections and crossings should be designed and constructed to encourage safe and correct use by cyclists. Pram ramps are to be constructed at intersections and crossings and at any point to provide disability continuity. Expansion joints and dummy joints for footpaths are to be at 1.5m and 4.5m spacing and for the cycleway are to be at 2.5m and 7.5m spacing respectively. Broom finish to be provided transverse to the pavement. All other details are to be in accordance with Singleton Council's construction specifications.

Nature Trail

A Maintenance Bond for the full cost of nature trail works will be issued by the Applicant to Council for a duration of 2 years upon completion of the works (Reason: 2 years is to allow adequate time for rainfall events to identify any integrity issues with the trail and to be addressed with the bond.)

The final selection of material to be used for the pavement finish of the nature trail as shown on the Site Plan drawing number DA-C01.21, Revision K dated 14/4/26, instead of concrete, will need to be approved to the satisfaction of Council's Engineer prior to the issue of the SWC. (Reason: there will be a wide range of products with different costs and availability for review by the applicant and for acceptance by Council. This is a separate exercise not affecting the environmental assessment of the project and appropriately

discussed between the engineers for the applicant and Council in due course prior to construction.)

All Foot Paving and Nature Trail works for the respective stages are to be completed prior to the issue of a Subdivision Certificate. Plans showing location and alignment of the Nature Trail for the respective stage are to be approved prior to the issue of a Subdivision Works Certificate.

The construction of the foot paving, cycleway and Nature Trail are to be staged in accordance with the road construction staging plans. The footpaths are to link to future stages.

Note: The service allocation trenches and tree planting location are to be in accordance with Council's current DCP.

- viii. Document social infrastructure including existing and planned, in the catchment, and nominate distances from bus stops.

The applicant has provided a social infrastructure map of the area and addressed this in their response.

Council also addressed the Social Infrastructure assessment, as follows: Council's new contributions plan, considers social infrastructure planning when collecting contributions. The proposed development would be levied approximately \$13,000 in contribution fees dedicated towards social infrastructure projects.

The proposed subdivision is within 800m walking distance (along Smith Way and Casey Ave) to the local bus stop located on the corner of Dominion Ave and Casey Avenue.

The school catchment area would be to Singleton Heights Public School located off Dorsman Drive, Singleton Heights. Which is located within 3.5kms of the proposed development.

The proposed subdivision is within a flood free, planned urban area of Singleton and whilst, in the short term, this is a car dependent area, it is considered appropriate to approve such development.

- ix. Detail how avoided lands and RE1 zoned recreation land, will be held and managed by Council. This includes details of all restrictions on title that are proposed and or required.

The proposed subdivision has the remanent RE1 land to be maintained as operational land. The land will be managed in accordance with Singleton Council's Asset Management Plan – Open Space and Reserves,

additional mechanisms to secure the land in perpetuity (such as a positive covenant) are not considered necessary in this instance.