HUNTER AND CENTRAL COAST
REGIONAL PLANNING PANEL

HCCRPP No	PPSHCC-34
DA Number	16-2020-81-1
Local Government Area	Port Stephens
Proposed Development	Water System and Sewerage System
Street Address	LOT: 1 DP: 1085482, LOT: 1 DP: 1226115, LOT: 35 DP: 259487, LOT: 36 DP: 259487, LOT: 38 DP: 259487, LOT: 175 DP: 251129, LOT: 291 DP: 262169, LOT: 292 DP: 262169, LOT: 4 DP: 241685, LOT: 13 DP: 882528, LOT: 1 DP: 1130764, LOT: 113 DP: 733181, LOT: 41 DP: 1037411, LOT: 5 DP: 234521 17D Irrawang Street RAYMOND TERRACE, 17E Irrawang Street RAYMOND TERRACE, 87B Adelaide Street RAYMOND TERRACE, 87C Adelaide Street RAYMOND TERRACE, 87A Adelaide Street RAYMOND TERRACE, 36 Adelaide Street RAYMOND TERRACE, 34 Adelaide Street RAYMOND TERRACE, 109A Alton Road RAYMOND TERRACE, 3 Rees James Road RAYMOND TERRACE, 35 Rees James Road RAYMOND TERRACE, 37 Rees James Road RAYMOND TERRACE, 70 Rees James Road RAYMOND TERRACE, 3221 Pacific Highway KINGS HILL, 3217 Pacific Highway RAYMOND TERRACE
Applicant/Owner	**Applicant** – PM No. 1 PTY LTD **Owner** – Hunter Water, Port Stephens Council & Kings Hill Developments PTY LTD
Number of Submissions	1 Submission Received
Regional Development Criteria (Schedule 4A of the Act)	The development is declared as regionally significant development in accordance with Schedule 7, clause 3 and 5 of *State Environmental Planning Policy (State and Regional Development) 2011 ('SEPP State and Regional Development')*, being private infrastructure development with a CIV over $5 million and Council related development over $5 million
List of All Relevant s4.15(1)(a) Matters	**Environmental planning instruments: s4.15(1)(a)(i)** • State Environmental Planning Policy No.55 – Remediation of Land; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No 44—Koala Habitat Protection; • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;

	• State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (Coastal Management) 2018; • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development; • Port Stephens Local Environmental Plan 2013 (LEP2013). **Development Control Plan: s4.15(1)(a)(iii)** • Port Stephens Development Control Plan 2014 (DCP2014)
List all documents submitted with this report for the panel's consideration	Attachment 1 – Development Plans Attachment 2 – Recommended Conditions of Consent Attachment 3 – Schedule of Appendices for application supporting documentation Attachment 4 – General Terms of Approval from Biodiversity Conservation Division (BCD) Attachment 5 - External agency advice from EPA Attachment 6 – General Terms of Approval from Transport for NSW Attachment 7 – General Terms of Approval from Natural Resource Regulator (NRAR) Attachment 8 – General Terms of Approval from Department of Primary Industries – Fisheries Attachment 9 - External agency advice from Hunter Water Corporation Attachment 10 - External agency advice from AusGrid Attachment 11 - External agency advice from Heritage NSW
Recommendation	Approval with conditions
Report by	Ryan Falkenmire (Principal Development Planner)
Report date	16 September 2020

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

This development application seeks approval for the construction of a water and wastewater supply pipeline and a wastewater pumping station (WWPS) (the Proposal) to support the development of the Kings Hill Urban Release Area (URA), north of Raymond Terrace, New South Wales (NSW). PM No. 1 Pty Ltd (the Applicant) is seeking approval for the Proposal under Part 4 (Designated Development) of the *Environmental Planning and Assessment 1979* (*EP&A Act*).

The Proposal is approximately 6.7 kilometres in length and is located between Raymond Terrace in the south, and Kings Hill URA in the north, within the Port Stephens Local Government Area. The Proposal site includes the footprints of the WWPS, water pipeline and wastewater pipeline, in addition to buffer areas and temporary construction compounds.

The objective of the Proposal is to provide water and wastewater infrastructure that enables the connection of residential, commercial and mixed-use development within Kings Hill URA to the existing Hunter Water Corporation (HWC) water and wastewater network.

The application is supported by an Environmental Impact Statement (EIS) prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs No. 1291) provided for the Proposal in accordance with Section 4.12(8) of the EP&A Act and Schedule 3 the Environmental Planning and Assessment Regulation 2000 (EP&A Regs).

The Proposal triggers the requirements for Designated Development under Part 4 of the EP&A Act, as the Proposal involves development within a mapped Coastal Wetland listed under *State Environmental Planning Policy – Coastal Management 2018* (Coastal Management SEPP). While the majority of the Proposal is located outside of a mapped wetland and can therefore be undertaken in accordance of Part 5 of the EP&A Act, for simplicity, the Applicant is seeking approval for the entire Proposal as Designated Development.

The key issues relating to the Proposal include ecology, heritage, water quality, hydrology and design. The potential environmental, social and economic impacts, both direct and cumulative, have been identified and assessed as part of this report and supporting studies submitted with the application. This assessment concluded that no significant environmental impacts have been identified as a result of the Proposal and it is therefore considered that any potential impacts can be satisfactorily mitigated through a range of measures that have been identified within the recommended conditions of consent contained at **Attachment 2**.

1.0 RECOMMENDATION

THAT DA 16-2020-81-1 for a Water System and Sewerage System at land identified in Raymond Terrace and Kings Hill be approved subject to the conditions in **Attachment 2**.

2.0 INTRODUCTION

This development application (DA) seeks approval for the construction of a water system and sewerage system to service the first stage of development of Kings Hill URA (approximately 400 lots).

Key components of the Proposal include a water pipeline (approximately 6.7 kilometres in length) that would commence at the existing HWC pump station at Boomerang Park in Raymond Terrace (south), a wastewater pipeline approximately (4.2 kilometres in length) that would connect to existing HWC sewer infrastructure in Raymond Terrace, and temporary compound areas to be utilised during construction.

The proposed pipelines terminate at the southern edge of the URA, with further extension works to the water and wastewater infrastructure required to service Kings Hill URA as additional stages are developed. Further development of water and wastewater infrastructure across the URA does not comprise part of the Proposal (i.e. is subject to future approval). The Proposal would require the excavation of approximately 78,000m^3 of material and topsoil during trenching and under boring.

It is proposed that the water and wastewater pipelines would be commissioned in sections as construction progresses.

A minimum of five (5) compounds would be established as presented in Figure 1 that will be set up during the site establishment stage and would be utilised throughout the construction of the Proposal.

3.0 BACKGROUND

Context

In 2010, the New South Wales Government rezoned land at Kings Hill, located north of Raymond Terrace within the Port Stephens Local Government Area (LGA).
The previously rural land was rezoned to support a mix of general residential, mixed use and local centre land and is expected to comprise in excess of 3,500 residential dwellings developed over a twenty-five-year period.

KHD is the majority landowner within the Kings Hill URA. Key development features of Kings Hill URA will also include the provision of utilities and supporting infrastructure, including a Pacific Highway grade separated interchange, stormwater channel and water and wastewater infrastructure.

Strategic Need for the Proposal

The Kings Hill URA has been identified by the *Hunter Regional Plan 2036* (the Plan) as one of three future housing opportunities for the Port Stephens Local Government Area (LGA). The land within the Kings Hill URA comprises ‘greenfield’ land and is currently not

connected to water and wastewater infrastructure with the capacity to service the future development.

There are currently three development applications under assessment for land in the Kings Hill URA, namely:

- DA-16-2013-599-1: Five (5) into 100 lot Torrens title subdivision including clearing, new roads and subdivision site works;
- DA-16-2018-769-1: Concept Development Application for Residential Subdivision and Stage 1 vegetation clearing works; and
- DA-16-2018-772-1: Concept Development Application for Torrens title subdivision – comprising 1900 lots and associated roadworks and infrastructure, and Stage 1 subdivision works for initial site preparation and vegetation clearing.

To support the development of the Kings Hill URA, the provision of water and wastewater infrastructure is required, specifically:

- Pipes and pumping station(s) to convey wastewater from Kings Hill URA to a wastewater treatment works, where wastewater is treated before being discharged to waterways or reused;
- Pipes to convey drinking water from an existing water main trunk to Kings Hill URA.

The corridor and siting considerations for the Proposal are based on extensive consultation with HWC, including consideration of environmental and technical constraints. Based on this consultation and review of location and capacity of existing HWC assets, two servicing strategies have been prepared:

- *Kings Hill Development Wastewater Servicing Strategy* (SMEC 2017, Revision G), which identifies the preferred option for wastewater infrastructure to be developed; and
- *Kings Hill Development Water Servicing Strategy* (SMEC 2017, Revision H), which identifies the preferred option for water infrastructure to be developed.

The Proposal is considered critically necessary to support the Kings Hill URA, including development of residential dwellings, as well as a town centre through the provision of water and wastewater infrastructure.

4.0 SITE DESCRIPTION

The Proposal is located within Port Stephens LGA, approximately four kilometres north of Raymond Terrace, 25 kilometres north of Newcastle and 135 kilometres north of Sydney.
As stated previously, the Proposal stretches approximately 6.7 kilometres (the Proposal site) between Raymond Terrace in the south, and Kings Hill URA in the north (Figure 1). The Proposal site includes the footprints of the wastewater pumping station, water pipeline and wastewater pipeline, in addition to buffer areas and temporary construction compounds.

Impacted Lots

Impacted lots are summarised in Table 1 below.

Table 1 – Lots impacted by infrastructure

Lot	DP	Description	Owner
1	1085482	Water Pumping Station	HWC
1	1226115	Area adjacent to Water Pumping Station	Council
N/A	N/A	Road Reserve Irrawang Street Mount Hall Road	Council
35	259487	Newbury Park	Council
36	259487	Newbury Park	Council
38	259487	Newbury Park	Council
N/A	N/A	Road Reserve Adelaide Street Rees James Road Pacific Highway	Council/TfNSW
175	251129	Road Reserve Adelaide Street	Council
291	262169	Road Reserve Adelaide Street	Council
292	262169	Road Reserve Rees James Road	Council
4	241685	Parkland	HWC
13	882528	Parkland	HWC
1	1130764	Parkland	HWC
113	733181	Irrawang Swamp	HWC
41	1037411	Kings Hill URA	KHD
5	234521	Riding for Disabled	HWC

Surrounding Land Use

The southern portion of the Proposal site is located within Raymond Terrace and traverses urban areas characterised by low density residential development. Existing residential dwellings are located along Irrawang Street, Adelaide Street and Rees James Road, with the closest residence located approximately 12 metres from the Proposal. Other sensitive receivers located in proximity to the Proposal include:

- Raymond Terrace Out of School Hours Care, located in the Children's Services Building, Boomerang Park, corner of William and Irrawang Street (about 20 metres from the Proposal);

- St Brigid's Primary School, located at 52 Irrawang Street (about 40 metres from the Proposal);
- St Brigid's Catholic Church, located on the corner of Irrawang Street and William Street (about 40 metres from the Proposal);
- Saint Andrews Presbyterian Church, located at 64 Irrawang Street (about 80 metres from the Proposal);
- RDA Riding for the Disabled, located at 3217 Pacific Highway (the same access road that will be used for the northern-most section of the Proposal).

The northern portion of the Proposal site is located beneath an overhead electrical easement in otherwise undeveloped "greenfield" land, owned and managed by the HWC. This land also contains a Coastal Wetland (ID 36586) listed under Coastal Management SEPP. The northern-most extent of the Proposal site is located within the Kings Hill URA, which is currently undeveloped and supports cattle grazing.

The Pacific Highway is located to the east of the northern portion of the Proposal site, with Grahamstown Dam located approximately 300 metres at its closest point to the Proposal site. Grahamstown Dam covers 2,800 hectares and is the largest drinking water supply dam in the region. Grahamstown Spillway, constructed in 2005, allows for the safe discharge of flows from the dam towards the Coastal Wetland in the west. The smaller Irrawang Spillway (located north of Grahamstown Spillway) is no longer operational. The Proposal would traverse both spillways, on the western side of the Pacific Highway.

Figure 1 – Proposal Overview and Site Context

A site inspection was undertaken on 30 June 2020. The following photos depict the site.

Photograph 1 - Existing Raymond Terrace Water Pump Station, near the intersection of Irrawang Street and William Street

Photograph 2 - Grassy verge of Rees James Road, Raymond Terrace

Photograph 3 - Grahamstown Spillway within HWC-owned land, and Pacific Highway Bridge across the Spillway

Photograph 4 - Irrawang Spillway within HWC owned land

5.0 PROPOSAL

Proposal Overview

Water and wastewater infrastructure would be developed to service the first stage of development of Kings Hill URA. Key components of the Proposal include:

- A water pipeline approximately 6.7 kilometres in length that would connect to existing HWC infrastructure in the south and Kings Hill URA in the north;
- A wastewater pipeline approximately 4.2 kilometres in length that would connect to existing HWC infrastructure in the south and the wastewater pumping station (WWPS) to be constructed within Kings Hill URA in the north;
- A WWPS within Kings Hill URA, including a hardstand area for vehicular access during operation;
- Temporary compound areas to be utilised during construction. An overview of the Proposal is shown in Figure 1.

The Proposal includes the connection of the URA to the existing water and wastewater services. The proposed pipelines terminate at the south of the URA. Further development of water and wastewater infrastructure would be required to service Kings Hill URA as additional stages are developed. This further development of water and wastewater infrastructure does not comprise part of the Proposal (i.e. is subject to future approval).

The Applicant intends to handover the water and wastewater infrastructure to HWC once the Commissioning Stage is complete.

Construction and Built Form

The water and wastewater pipelines would follow the same alignment, with the pipes laid on top of and surrounded by single sized aggregate embedment material in parallel trenches approximately 600mm and 900mm wide, respectively. The trenches would be a maximum of six metres deep and would be situated approximately 600mm apart. Trench depth and width would be refined through the detailed design process and invasive testing.

The pipes would be buried using excavated material and topsoil retained from the trench excavation. At sections of the alignment where open trenching is not possible, under-boring would be the preferred method. The final built-form approach (underboring or attaching to existing infrastructure) would be confirmed as part of detailed design.

Section 4.2.1 and 4.2.2 of the EIS prepared by Arcadis outlines a detailed description of the water and wastewater components for the proposal.

Earthworks

The Proposal would require the excavation of approximately 78,000m^3 of excavated material and topsoil during trenching and underboring. Where practicable and subject to its suitability, excavated soil would be reused on-site for foundation preparation, levelling works, access track maintenance and backfilling of trenches and boring pits at the completion of construction.

Excavated soil which is not considered suitable for re-use on site would be temporarily stockpiled within the compound area and then transferred off site. All soil to be transferred off site would be tested and deposited at a suitable collection facility based on its determined category. Fill would be imported to site as required.

A preliminary Cut and Fill Plan has been prepared by Northrop and is provided as part of **Attachment 3**.

Staging of Works

The construction period for the Proposal would be likely last approximately nine (9) months. Construction would be likely to occur concurrently in multiple decentralised work zones, and as such work would be at various stages at different points within the Proposal site. An indicative sequencing of construction works is outlined in Table 4-1 of the EIS (Arcadis).

Compound Areas

A minimum of five (5) compound would be established as presented in Figure 1. These compound areas would be set up during the site establishment stage and would be utilised throughout the construction of the Proposal. The primary compound area would be located within land owned by KHD at the northern extent of the Proposal.
Secondary compounds would be located on HWC-owned land south of Grahamstown Spillway, Rees James Road near Kuranga Avenue, land between Rees James Road and Adelaide Street and adjacent to the existing water pump station on Irrawang Street. It is anticipated that the compound areas would generally include, but not be limited to, the following:

- Site shed (office) and amenities;
- Staff parking areas;
- Equipment storage;
- Laydown areas for construction materials (e.g. pipes, fittings, pre-cast concrete components);
- Stockpiling of excavated materials and soil;
- Bunded chemical and/or fuel storage areas.

Compound areas would be temporary in nature and removed from site upon completion of the works. Remediation and rehabilitation of compound areas has been recommended as a condition in **Attachment 2**.

Commissioning

The water and wastewater pipelines would be commissioned in sections as construction progresses. Commissioning would involve flushing the pipelines with potable water to remove any debris present. The water pipeline would also likely need to be disinfected, which would involve super-chlorinating the pipe until two consecutive water quality samples show no faecal coliforms present. The pipe would be dechlorinated using sodium thiosulfate (or equivalent) before water is discharged.

Disinfection would not be necessary for the wastewater pipe. Between approximately 800 and approximately 1,500 kilolitres of water would be discharged to land or adjacent waterways during pipeline commissioning.

The commissioning process would be undertaken in accordance with HWC protocols. Following commission, the asset would be transferred as a Hunter Water asset.

Operation

The Proposal would be expected to deliver capacity for:

- 1,080 megalitres of water to Kings Hill URA per year; and
- 1,420 megalitres of wastewater from Kings Hill URA per year.

Routine maintenance and inspections would be required for the infrastructure sporadically throughout the year, or as required in the instance a fault is detected.

Rehabilitation

Upon construction completion, site rehabilitation works would be undertaken where practicable. This would include:

- Earthworks to reinstate previous topography;
- Decommissioning of compound areas;
- Stabilising disturbed soils in accordance with relevant guidelines;
- Removal of water diversion and reinstatement of flows;
- Removal of erosion and sediment controls.

Construction and Environmental Management

The Compilation of Mitigation Measures prepared by Arcadis (August 2020) outline the management and mitigation measures proposed for traffic, soil, groundwater, waste, heritage, general environment, noise and natural hazards.

6.0 PLANNING ASSESSMENT

6.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) came into force on 25 August 2017 and supersedes the Threatened Species Conservation Act 1995 (TSC Act). The BC Act requires all types of development (Part 4 and Part 5 developments) to be assessed to determine whether the biodiversity offset scheme is to be applied. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

For proposals assessed under Part 4 of the EP&A Act, the application for development consent must be accompanied by a Biodiversity Development Assessment Report (BDAR) as required by the Biodiversity Assessment Methodology (BAM) where it is likely to ‘significantly impact on threatened species’.

The Proposal occurs on land identified on the Biodiversity Values Map which triggers the threshold for entry into the Biodiversity Offset Scheme (BOS). Accordingly, a BDAR has been prepared as part of the EIS by Arcadis, an accredited assessor under the BAM.

The BDAR considered the construction and operational impacts of the Proposal. Where feasible, the design of the Proposal and proposed construction methodology has been refined to avoid or minimise impacts on biodiversity. Some biodiversity impacts are unavoidable. According to the BDAR, the direct, unavoidable, biodiversity impacts of the Proposal are as follows:

- Clearing of all vegetation within the development site. The total area of plant community type (PCT) vegetation to be cleared is 5.22 hectares none of which is equivalent to any listed Threatened Ecological Community (TEC) under the BC Act or Environmental Protection and Biodiversity Conservation Act (EPBC Act).
- The clearing of 5.22 hectares of PCT vegetation would result in the loss of habitat for ecosystem credit species predicted to occur in the development site.
- The loss of specific habitat for four species credit species that are likely to occur in the development site. Impacts to species credit habitat for these species is as follows:
  - Southern Myotis: 0.1 hectares
  - Squirrel Glider: 1.97 hectares
  - Brush-tailed Phascogale: 1.97 hectares
  - Koala: 1.88 hectares.

The indirect impacts of the project on biodiversity include:

- Inadvertent impacts on adjacent native vegetation and habitat;
- Reduced viability of adjacent habitat due to edge effects;
- Reduced viability of adjacent habitat due to noise, dust or light spill;
- Transport of weeds and pathogens from the site to adjacent vegetation.

Prescribed biodiversity impacts in the BAM that are relevant to the Proposal are:

- Impacts of development on the habitat of threatened species or ecological communities associated with non-native vegetation – trees and shrubs associated with non-native vegetation offer foraging, nesting and sheltering habitat to locally occurring threatened birds, arboreal mammals and Grey-headed Flying-fox.
- Impacts of development on the habitat of threatened species or ecological communities associated with human made structures – several nest boxes are present in the development site which may be inhabited by threatened fauna species such as microbats.

Impacts on the identified biodiversity values have been avoided and minimised in the Proposal as far as practicable. Where impacts cannot be avoided, the scale and extent of impacts has been determined, and a range of mitigation measures have been recommended to ameliorate impacts on the biodiversity values during construction and operation including:

- Minimising/avoiding vegetation removal when micrositing the pipeline footprint during detailed design and construction;

- Implementing noise mitigation measures near the Grey-headed Flying-fox camp in Raymond Terrace;
- Implementing erosion and sediment control measures for works near Irrawang Swamp and watercourses.

The offsets required for the project were calculated using the BAMC; 42 ecosystem credits and 110 species credits are required to offset the impacts of the Proposal, detailed below.

An additional 13.07 hectares of other vegetation dominated by exotic species that does not conform to the PCT definition was also recorded in the development site. These areas comprise cleared grassland, exotic trees and urban verges, and do not require further assessment or offset in accordance with section 10.4 of the BAM.

The available options for delivery of offsets under the BOS are as follows:

- An appropriate number and class of like-for-like biodiversity credits may be retired.
- If all the required like-for-like biodiversity credits cannot be sourced, an appropriate number and class of variation biodiversity credits may be retired. The use of variation offset rules must be approved by the consent authority. The use of variation offset rules cannot be approved unless an applicant can demonstrate that they have taken reasonable steps to secure like-for-like biodiversity credits.
- Alternatively, the Offsets Payment Calculator may be used to determine the cost of all or part of the credit obligations, and a payment may be made to the Biodiversity Conservation Fund.

The BDAR notes that the Applicant is currently considering the most suitable strategy for the delivery of these offsets. This strategy would be confirmed as part of detailed design of the Proposal.

Council's Natural Resource Team and ecologists from HWC were satisfied with the findings, offsetting and recommendations from the BDAR and EIS. The applicable offsets for the Proposal under the BOS have been included as part of the recommended conditions of consent at **Attachment 2**.

6.2 Hunter Water Act 1991

The Proposal is located within the Grahamstown Dam Drinking Water Catchment and mapped within the Hunter Special Areas. Clause 51(2) states:

(2) If a consent authority within the area of operations or a special area receives a development application or building application in relation to any matter that, in the opinion of the consent authority, may:

(a) significantly damage or interfere with the Corporation's works, or

(b) significantly adversely affect the Corporation's operations, or

(c) significantly adversely affect the quality of the water from which the Corporation draws its supply of water in a special area,

the consent authority must, within 7 days of the receipt of the application, give the Corporation notice of the application.

The application was referred to HWC for comment and the authority was satisfied with the level of design provided, the positioning of the alignment, heritage and environmental impacts subject to the implementation of strict management and mitigation measures. Council sought advice from HWC with regard to the recommended conditions of consent contained at **Attachment 2,** to ensure all risk and mitigation measures were addressed as part of the Proposal.

6.3 Environmental Planning and Assessment Act 1979 (EP&A Act)

6.3.1 Section 2.15 – Regional Planning Panels

Section 2.15 and Schedule 2 of the *EP&A Act* provides that the Hunter and Central Coast Regional Planning Panel (HCCRPP) is the determining authority for regionally significant development. The HCCRPP is the determining authority for the subject Application as the proposal is regionally significant development as identified under Schedule 7, clause 3 and 5 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development'), being private infrastructure development (sewage systems and water supply systems) with a CIV over $5 million and Council related development (development on Council owned land) over $5 million.

The Proposal is considered private infrastructure development as the works are being undertaken by a private developer to service a future residential subdivision, not on behalf of a public authority, and the water and wastewater infrastructure will not be transferred to Hunter Water until the Commissioning Stage has been complete.

6.3.2 Section 4.46 – Integrated development

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is classified as integrated as it requires approval under the following Acts:

Roads Act 1993

The alignment of the Proposal is partly located within the road verge of the Pacific Highway and Adelaide Street and these roads are classified (State controlled) roads.

Transport for NSW (TfNSW) is the roads authority for all State classified roads in the local government area and is responsible for setting standards, determining priorities and carrying out works on State roads. TfNSW approval is required prior to Council's approval of works on classified (Regional) roads under Section 138 of the Roads Act 1993 (Roads Act).

Under Section 138 of the Roads Act, approval of TfNSW is required if the following is proposed

(a) erect a structure or carry out a work in, on or over a public road, or
(b) dig up or disturb the surface of a public road, or
(c) remove or interfere with a structure, work or tree on a public road, or
(d) pump water into a public road from any land adjoining the road, or
(e) connect a road (whether public or private) to a classified road

Approval from TfNSW is therefore required under Section 138 of the Roads Act for all works within the reserve of classified roads, with Council approval required under Section 138 for the proposed works located on other public road reserves.

Advice from TfNSW (dated 28 April 2020) recommended a number of conditions relating to design and construction requirements for water and sewer mains. On receipt of the Applicant's Response to Submissions report, TfNSW provided amended advice (dated 12 August 2020) confirming the Applicant is not required to enter into a Works Authorisation Deed (WAD) for road works in accordance under Sections 64, 71, 72 and 73 of the Roads Act.

The advice received from TfNSW have been included in the recommended conditions at **Attachment 2**.

Water Management Act 2000

The subject site contains a number of mapped waterways and waterfront land, including two significant waterbodies, being Grahamstown Dam and Irrawang Swamp. Section 91 of the *Water Management Act 2000* provides that a *controlled activity approval* is required for any works consisting of a controlled activity that is carried out on waterfront land.

A controlled activity means:

(a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
(b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
(c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
(d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

The Proposal involves watercourse crossings for the installation of the pipelines, which include second order streams such as the Kings Hill URA watercourse, and watercourses associated with Irrawang Spillway and Grahamstown Spillway. Therefore, the Proposal is considered a 'controlled activity' and requires a 'controlled activity approval' under Section 91 of the WM Act. On this basis, the development is classified as Nominated Integrated development pursuant to Section 4.46 *EP&A Act*.

The Application was referred to the Natural Resources Regulator (NRAR) and WaterNSW to review the application with regard to ss 89, 90 and 91 of the Water Management Act 2000. NRAR issued General Terms of Approval (GTA) dated 24 April 2020. Conditions relating to the design of structures, erosion and sediment control were included in the GTA.

The GTA issued by NRAR does not constitute an approval under the *Water Management Act 2000*. The proponent must still apply to NRAR for the relevant approval after development consent has been issued by Council before the commencement of any works commencing in the controlled activity areas. The NRAR GTA have been included in the recommended conditions at **Attachment 2**.

As noted in Section 4.3.5 of the EIS (Arcadis), interaction with groundwater is considered likely due to the depth of the excavation required for the installation of the pipes. The EIS notes any temporary or permanent interaction would be confirmed following geotechnical studies during detailed design. Where dewatering would be required as a result of trenching or underboring activities, it would be undertaken to limit discharge of groundwater to the environment and maintain safe construction work environment.

Due to the interaction with groundwater as part of the Proposal, the application was referred to WaterNSW for advice. WaterNSW provided a condition that an aquifer interference licence is required to be obtained in accordance with Section 90 of the WM Act prior to dewatering or interference works commencing. No specific licensing requirements were provided, only that the proponent is to consult with WaterNSW at the post-approval stage to clarify any licence requirements under the WM Act for any proposed dewatering activity associated with the development. The condition provided by Water NSW has been included in the recommended conditions at **Attachment 2**.

Fisheries Management Act 1994

Development and activities (other than aquaculture) within or adjacent to waterways mapped or defined as Key Fish Habitat require permits and are classified as Integrated development under Section 4.46 *EP&A Act*. Department of Primary Industry (DPI) - Fisheries is the 'approval body' for development that requires one or more of the following permits under the *Fisheries Management Act 1994 (FM Act)*:

- *Section 201 - permit to carry out works of dredging or reclamation.*
- *Section 205 - permit to harm (cut, remove, damage, destroy etc) marine vegetation on public water land or the foreshore of such land or on an aquaculture lease.*
- *Section 219 - permit to obstruct the free passage of fish*

Irrawang Spillway and its tributaries are mapped as Key Fish Habitat by NSW DPI (2007) as shown in the BDAR (Arcadis). Under Clause 201 of the FM Act, a permit is required for dredging and reclamation. The Proposal would require dredging and reclamation at the Kings Hill URA watercourse, where trenching is required for pipeline installation triggering the requirement for a permit. As prescribed under Clause 219 of the FM Act, fish passage must not be blocked. Other second order streams would also occur within the Proposal site, such as watercourses associated with Irrawang Spillway and Grahamstown Spillway. In addition to these second order streams, there is a first order stream immediately downslope of the central compound that drains to Grahamstown Dam.

The application was referred to DPI - Fisheries as the approval body for permits prescribed under the *Fisheries Management Act 1994*. DPI – Fisheries raised no objection to the proposal and issued GTA subject to the following:

- A permit being obtained under s198-202 of the *Fisheries Management Act 1994* for dredge and reclamation works or a Controlled Activity Approval under the *Water Management Act 2000*.
- Works are carried out in accordance with all applicable requirements of The Blue Book (Landcom 2004, *Managing Urban Stormwater: Soils and Construction* [4th Edition]).

- Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the water unless surrounded by sediment control measures.
- Sections 219-220 of the *Fisheries Management Act 1994* require appropriate fish passage be provided when designing, modifying or constructing watercourse crossings (pipelines, floodgates, causeways or weirs) that are constructed or modified.

The above DPI - Fisheries GTA have been included in the recommended conditions at **Attachment 2**.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) establishes a regulatory framework for the protection and restoration of the environment. It provides a mechanism for licensing for certain activities, listed in Schedule 1 of the POEO Act.

The current Raymond Terrace Waste Water Treatment Works (WWTW) Environment Protection Licence (EPL) (No. 217) includes both the WWTW and the associated reticulation system that is owned and operated by HWC. The current Raymond Terrace WWTW EPL (No. 217) includes an annual maximum discharge of 1,000 to 5,000 megalitres and a daily maximum discharge of 90,000 kilolitres. The daily quantity of wastewater transferred through the proposed WWPS would be approximately 1,420 megalitres of wastewater per year and 3,890 kilolitres per day, which is covered under the current EPL. Therefore, a separate EPL under Schedule 1 of the POEO Act would not be required for the Proposal. The design and operation of the Proposal would be in accordance with the conditions in the current Raymond Terrace WWTW EPL (No. 217).

External advice from the Environmental Protection Authority (EPA) stated the proposal does not appear to require an EPL under the POEO Act. The advice also confirmed the proposal does not include other activities for which the EPA is the Appropriate Regulatory Authority.

Heritage Act 1977

The object of the *Heritage Act 1977* (Heritage Act) is to identify and conserve items of local and state historical significance. This can be in relation to a building, work, relic, moveable object or precinct and significant in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the place or item. The Heritage Act informs the State Heritage Register (SHR) which lists places and items of particular importance to the state.

A Statement of Heritage Impact (SOHI) was prepared by Artefact to assess the heritage impact of the Proposal. This assessment states that there are two items listed on the Hunter Water Corporation s170 register: Irrawang Pottery Site (SHI#3630109) and Grahamstown Dam (which includes the spillways) (SHI# 3630054). The curtilage of the Irrawang Pottery Site on the HWC s170 register is the same as the *Port Stephens Local Environmental Plan 2013* (PSLEP) listing for the same item (Register ID 127).

The application was referred to Heritage NSW for comment and the response advised the proposed works do not appear to be impacting on any State Heritage Register listed items, and therefore would not be classified as an Integrated development under s58 of the Heritage Act. Items on the s170 register are not classified as State Heritage items,

but rather heritage items managed by State Government agencies, being HWC in this instance.

The application was referred to HWC to provide comment with regard to the identified s170 heritage items. HWC were satisfied with the findings of the SOHI and the level of impact associated with the Proposal. HWC supported the Proposal subject to conditions during excavation and invasive testing and the implementation of the Compilation of Mitigation Measures prepared by Arcadis.

The application was also referred to the Archaeology team of Heritage NSW to provide comment on the 'Irrawang Pottery Site' archaeology item under clause 5.10 of the PSLEP. Further discussion on this matter is provided under the relevant clause 5.10 discussion under subsequent sections of this report.

Overall, several mitigation measures to reduce potential impacts to heritage items are outlined under the Compilation of Mitigation Measures prepared by Arcadis and SOHI prepared by Artefact. The measures have been incorporated into the recommended conditions of consent at **Attachment 2**.

National Park and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NP&W Act) guides the management of conservation areas as well as the protection of native vegetation, native fauna and Aboriginal objects across the State. Under the NP&W Act it is illegal to move, damage, deface or destroy a relic without written permission from the Biodiversity & Conservation Division (BCD) of the Department of Planning, Industry and Environment (DPIE). All Aboriginal objects within the State of New South Wales are protected under Section 90 of the NP&W Act.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by Artefact (Attachment 3), which indicates that, two newly recorded Aboriginal sites were located during a surface survey and have been registered with the Aboriginal Heritage Information Management System: AHIMS ID 38-4-2023 - KHW01 Artefact Scatter and Potential Archaeological Deposit (PAD) and AHIMS ID 38-4-2025 - KHW02 PAD.

The application was referred to the BCD and the division issued GTA, which included a consent condition that requires the proponent to apply for an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the *National Parks and Wildlife Act 1974* for any likely impact to Aboriginal cultural heritage objects or values. The GTA from BCD have been included in the recommended conditions contained in **Attachment 2**.

A number of mitigation measures to reduce potential impacts to sensitive Aboriginal sites have been outlined under the Compilation of Mitigation Measures (Arcadis) and ACHAR (Artefact). These include, but are not limited to induction for contractors; fencing of sensitive areas; a program of test excavation; avoiding Aboriginal sites during the detailed design phase where possible, and if avoidance is not possible, obtaining an AHIP for surface salvage of artefacts and/or subsurface archaeological excavation. These measures were endorsed by Council's Heritage Officer and the Biodiversity Conservation Division. The measures have been incorporated into the recommended conditions of consent at **Attachment 2**.

6.3.3 Section 4.14 Bushfire

The project traverses areas mapped as bushfire prone land. The Proposal is not classified as development for a special fire protection purpose, or residential subdivision, therefore Section 4.14 of the EP&A Act is applicable to the Proposal.

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

*(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or*

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The majority of the Proposal includes infrastructure (water and wastewater pipelines) located underground. These would not be exposed or pose a bushfire risk. However, there are above ground components included in the Proposal that may be exposed to bushfire risk. To address bushfire, a Bushfire Assessment Report by ABCS was submitted as part of the EIS, with Council supporting the findings.

Given the Proposal does not contain habitable buildings, the risk to life is low. The Bushfire Assessment Report concludes compliance with the objectives of *Planning for Bushfire Protection 2006,* in addition to maintaining access for fire vehicles during operation, development of interim APZs would ensure defendable space is maintained until Kings Hill URA is fully developed and above ground components to be constructed to withstand radiant heat. These measures have been incorporated into the recommended conditions of consent in **Attachment 2.**

Based on the assessment and findings in the Bushfire Assessment Report, Council considers the provisions of Section 4.14 have been satisfied for the Proposal.

6.3.4 Section 4.15 Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in s.4.15 (1) EP&A Act as follows:

6.3.4.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policy (State and Regional Development) 2011
State Environmental Planning Policy (State and Regional Development) 2011, identifies the types of development that are; State significant development, State significant

infrastructure and critical State significant infrastructure, and regionally significant development.

The development is declared as regionally significant development in accordance with Schedule 7, clause 3 and clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development'), being private infrastructure development (water supply system and sewage system) with a CIV over $5 million and Council related development (Council owned land) over $5 million. The cost summary report nominates the project cost as $11,517,449.

State Environmental Planning Policy (Koala Habitat Protection) 2019

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This Policy commenced on 1 March 2020.

Clause 15 of *State Environmental Planning Policy (Koala Habitat Protection) 2019* includes savings provisions stating that a development application made, but not finally determined, before the commencement of this policy in relation to land to which this Policy applies must be determined as if this policy had not commenced. Therefore, as the application was lodged prior to the commencement of this policy, *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP No.44) will apply.

State Environmental Planning Policy No.44 – Koala Habitat Protection

SEPP No.44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. This is achieved through the requiring the preparation of plans of management (i.e. the Port Stephens Comprehensive Koala Plan of Management), encouraging the identification of areas of core koala habitat, and encouraging the inclusion of core koala habitat in environmental protection zones.

Port Stephens Comprehensive Koala Plan of Management 2002 (CKPoM) applies to the Proposal site and an assessment of Koala habitat in accordance with SEPP 44 and the CKPoM has been undertaken as part of the BDAR (Arcadis).

No 'core Koala habitat' was identified within the Proposal site. Compound areas are located within 'cleared' or 'link over cleared habitat' according to Council mapping. The Proposal however involves the removal of vegetation identified as Eucalyptus trees and other feed trees listed in Schedule 2 of SEPP No.44. The BDAR states the koala feed trees to be removed are generally in a poor or modified condition, and located primarily on the edge of previously cleared vegetation. The removal of koala feed trees across the site will be offset with replacement plantings on selected sites, to result in no net loss of habitat, in accordance with the Port Stephens Council Technical Tree Specifications. The Proposal would also offset the loss of koala feed trees through sourcing biodiversity credits through the BOS.

Therefore, in accordance with Clause 8 of SEPP No. 44, development consent may be granted for impacts to potential Koala habitat that is not considered 'core Koala habitat'. For further detail refer to the BDAR and Section 7.3 of the EIS (Arcadis).

A detailed response against the performance criteria of Port Stephens Comprehensive Koala Plan of Management 2002 (CKPoM) was provided from the applicant as part of the Response to Submissions document. Council's Natural Resources Section are satisfied with the level of assessment and studies provided in the EIS and BDAR with regard to impact to the local koala population.

The EIS and BDAR have also included a number of mitigation measures to protect koalas during works, including pre-clearance surveys by a qualified ecologist, managing noise and vibration, fencing and marking areas of retained native vegetation, procedures for koala finds during works and implementation of a flora and fauna management plan during works. These measures have been included in the recommended conditions of consent.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This instrument applies to land in the Port Stephens LGA within the following zones that are within the development impact area:

- R1 General Residential;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- E2 Environmental Conservation;
- RE1 Public Recreation;
- SP1 Special Activities (Hunter Water); and
- SP2 Classified Road.

Clause 7(2) specifies that a person must not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval of the Native Vegetation Panel under Part 4. An authority is not required where Development Consent has been granted for clearing of native vegetation. Section B1 of the PSDCP 2014 stipulates what clearing requires approval to give effect to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* by listing those trees or other vegetation that require approval. This has been addressed in other sections of this report.

State Environmental Planning Policy No.55 - Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if the land is contaminated, is satisfied that the land is suitable in its contaminated state (or will be

suitable after remediation) for the purpose for which the development is proposed to be carried out.

SEPP 55 also imposes obligations to carry out any remediation work in accordance with relevant guidelines, developed under the *Contaminated Land Management Act* (CLM Act) and to notify the relevant council of certain matters in relation to any remediation work.

A Preliminary Site Investigation (PSI) prepared by Arcadis has been undertaken in support of the application. A search of the NSW EPA Contaminated Land Database for the Proposal site was conducted as part of the PSI. The Proposal site is not listed on the EPA list of contaminated sites in NSW, under Section 60 of the CLM Act.

Based on the observations made during the walkover at the Proposal site and the analysis of the historical land uses at the Proposal site, Arcadis is of the opinion that there is a low risk of contamination present on the Proposal site. This is based on the following findings as outlined in the assessment undertaken in the PSI:

- The Proposal site and immediate surrounding area have primarily been vacant or used for residential/rural purposes and has no history of major industrial or manufacturing uses;
- Historically, some farming and agricultural land use has occurred in the surroundings to the Proposal site;
- No olfactory evidence of contamination or staining was noted during the Proposal site walkover;
- No staining or other visual indicators of contamination were observed at the Proposal site.

Council supported the findings of the PSI and considers the development is satisfactory with regard to the requirements of SEPP No.55. Unexpected finds protocols have been recommended as part of the conditions in **Attachment 2**.

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*. The policy includes the management objectives for each coastal management area by managing development in the coastal zone and protecting the environmental assets of the coast and establishing a framework for land use planning.

The mapping associated with the Coastal Management SEPP shows that approximately 700 metres of the water and wastewater infrastructure alignment transects the eastern margin of the Irrawang Swamp (Coastal Wetland ID 36586) and associated Proximity Area. The site and the Concept Proposal is mapped relative to the Coastal Wetlands and the associated proximity area in **Figure 2**. The Coastal Wetland covers an approximate area of 450 hectares, of which 2.01 hectares (0.45%) is located within the Proposal site.

HWC owns all the land within Irrawang Swamp and is currently actively managing the land in accordance with the Irrawang Swamp Plan of Management (Hunter Water, 2012a).

Each wetland contains a number of species that are susceptible to impacts from altered hydrological regimes, and the dominant risks to the vegetation in the wetlands from hydrological changes include:

- vegetation removal;
- extended periods of increased inundation depth; and
- reductions in seasonal drying patterns.

According to the BDAR, the vegetation in the area within the development site mapped as the Coastal Wetland is almost entirely cleared grassland dominated by exotic grass species such as *Axonopus fissifolius, Paspalum dilatatum* and the cosmopolitan native grass *Cynodon dactylon.* There are two small (0.08 ha) patches of the Plant Community Type (PCT) Spotted Gum – Broadleaved Mahogany – Red Ironbark shrubby open forest (PCT 1590) – one in poor condition (0.02 ha) and one planted road batter (0.06 ha) identified in this area. Considering the current natural conditions of the Proposal footprint in the wetland area, the likely impacts to the Irrawang Swamp Coastal Wetland is considered low.

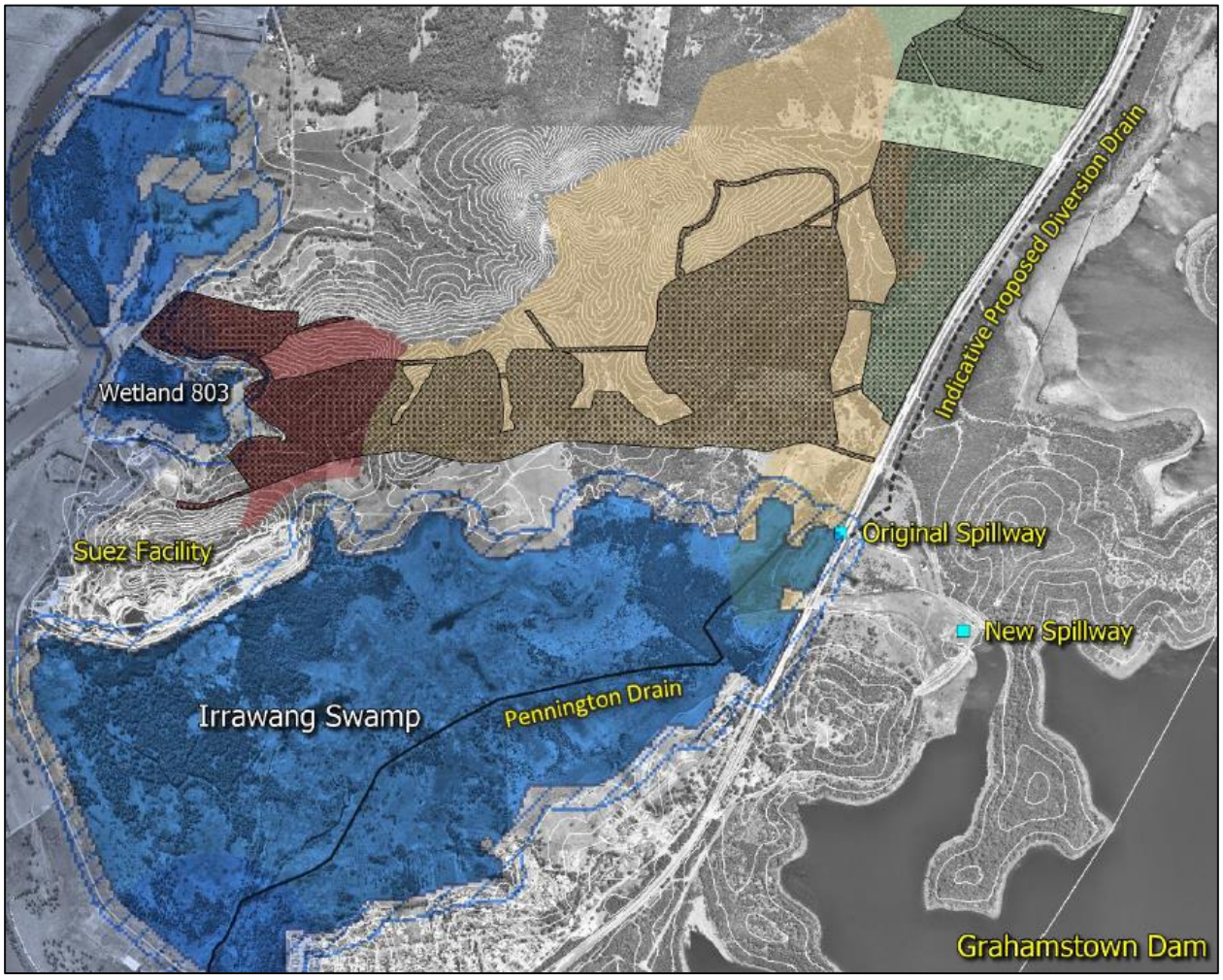

Figure 2 - Irrawang Swamp

Clauses 10 and 11 of the Coastal Management SEPP outlines the criteria that needs to be considered to determine if an impact will occur.

Clause 12, 13, 14, 16 and 17 have not been addressed as they are not applicable to this application under the Coastal Management SEPP.

Clause - 10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—

(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,

No clearing proposed under Part 5A of the *Local Land Services Act 2013*.

(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,

Regarding 1(b), impacts to marine vegetation has been addressed under the *Fisheries Management Act 1994* in the previous section of this report. The Fish Habitat Assessment as part of the BDAR (Arcadis) determined the proposal is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction. DPI – Fisheries provided GTA as outlined in **Attachment 8**.

(c) the carrying out of any of the following—

(i) earthworks (including the depositing of material on land),
(ii) constructing a levee,
(iii) draining the land,
(iv) environmental protection works,

(d) any other development.

(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.

Under Part 2, Division 10(2), development (including vegetation clearing and earthworks) within a mapped Coastal Wetland (other than development for the purpose of environmental protection works), is declared to be Designated Development for the purposes of the EP&A Act and as a result, the Proposal is classified as Designated Development.

(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

<u>Hydrological</u>

The Proposal would directly impact a small area of mapped Coastal Wetland and the associated proximity area; however the impact area is not within vegetation that conforms to the definition of a Coastal Wetland. The eco-hydrology assessment completed by

Alluvium (2019) prepared to support the Kings Hill Concept Application for Subdivision, determined that the critical impacts to vegetation associated with changes to hydrology were waterlogged soils, seasonal inundation and seasonal drying.

The Proposal could contribute to increased flow events during construction and operation through the clearing of vegetation and construction of hardstand at the WWPS, though these impacts would be minor according to the BDAR and EIS. There is also a risk of minor increase in inundation of the swamp during pipeline commissioning when flushed water is discharged. However, volumes of water to be discharged are small: between 800kL and 1500kL over the length of the pipeline. Hydrological impacts are therefore likely to be minor.

There is also a risk of spills from oil and fuel leaks in the development site during construction and leaks in the pipeline during operation which could reach the fringes of the swamp. Impacts to water quality in the swamp and changes to biophysical properties are likely to be minor or negligible and localised during construction. During operation, a pipeline leak of wastewater could impact the water quality and soil in the swamp, though the extent of impact would be dependent on the nature of the leak.

Conditions to mitigate the above risks, such as procedures for managing leaks and spills and erosion and sediment control have been included as conditions of consent. Through the implementation of these conditions, Council considers the Hydrological impacts acceptable under the Proposal.

Biophysical

According to the BDAR, no threatened flora species have been recorded in Irrawang Swamp, however suitable habitat for two threatened flora species, *Maundia triglochinoides* and *Persicaria elatior*, has been identified (BIOCM, 2017). The EIS states the predicted increases in dry season flows associated with the larger Kings Hill URA development are considered to be within the range of tolerance for most vegetation communities, with some management measures required to allow regeneration of Swamp Oak in some areas. Increased peak flows are not considered likely to be a significant threat to vegetation, given these are predicted to coincide with existing seasonal inundation and saturation of soils. Consequently, impacts to threatened species as a result of flow changes are considered unlikely as a consequence of the Proposal.

Mitigation measures to protect the hydrological, biophysical and ecological functions of Irrawang Swamp are included in Section 9 of the BDAR and Compilation of Mitigation Measures by Arcadis, including but not limited to avoiding discharges of water into watercourses and Irrawang Swamp, staging of earthworks during dry season and stabilisation of disturbed areas.

Council consulted with Hunter Water as the managing body of the Irrawang Swamp to assess the potential impacts on the Irrawang Swamp. HWC provided advice to Council with regard to recommended conditions of consent and mitigation measures to be imposed to limit any potential impacts on Irrawang Swamp. The Mitigation Measures prepared by Arcadis and the recommended conditions of consent provided by Hunter Water are contained at **Attachment 2**.

Clause 11 - Development on land in proximity to coastal wetlands or littoral rainforest

(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Detailed investigations in the BDAR and EIS to assess the impact of the proposal on nearby coastal wetlands has been completed to inform the biodiversity, key fish habitat, and water quality aspects of the Proposal. Each assessment confirms that subject to the recommendations within the respective reports, the Proposal will not significantly impact on the wetland environments. It is also noted the vegetation in the area within the Proposal site mapped as the Coastal Wetland is almost entirely cleared grassland dominated by exotic grass species with the more sensitive areas and vegetation types located further to the west, not within the footprint of the Proposal.

A detailed assessment of the biophysical, hydrological and ecological integrity of the adjacent coastal wetland has been provided under Clause 10 above.

The recommendations from the EIS and BDAR prepared by Arcadis and the advice from HWC have been incorporated in the recommended conditions of consent at **Attachment 2**.

Therefore as addressed above, the Proposal is considered to satisfy the provisions of Clause 10 and 11 of the Coastal SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. The *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) plays a key role in facilitating infrastructure delivery in NSW, particularly where infrastructure works are to be carried out by or on behalf of a public authority.

The Proposal triggers a number of clauses under (Infrastructure SEPP).

Division 5 Electricity transmission or distribution
Clause 45 - Determination of development applications—other development

The proposal also involves works adjacent an easement for electricity purposes, therefore Clause 45 is applicable. In part, this clause states:

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:
- *(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- *(b) take into consideration any response to the notice that is received within 21 days after the notice is given*.

The Application was referred to Ausgrid, with the following comments (**Attachment 10**) provided:

- Records indicate there are no easements in favour of Ausgrid at the proposed development.
- Should any existing Ausgrid assets require relocating to facilitate the development, this relocation work is generally at the applicants cost.

The applicant will be required to submit the relevant connection application for electricity prior to the commencement of use for the proposed infrastructure. The Augrid advice also outlines a number of restrictions regarding asset clearance and construction requirements. These measures have been included in the recommended conditions of consent.

Division 17 Roads and traffic
Clause - 101 Development with frontage to a classified road

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
   (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
   (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
      (i) the design of the vehicular access to the land, or
      (ii) the emission of smoke or dust from the development, or
      (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
   (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The Pacific Highway and Adelaide Street are classified State roads. Council is the roads authority for all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

Traffic management would likely be required where open trenching occurs in close proximity to local roads (therefore requiring a minimum safe distance for workers from live traffic) and where underboring is proposed to occur, such as (but not limited to) under Adelaide Street in Raymond Terrace.

Section 7.9 of the EIS by Arcadis provides an assessment of traffic, transport, construction and operational impacts of the Proposal with reference to the surrounding road and related facilities. A Traffic Impact Assessment (TIA) has also been prepared to support this EIS. The TIA has determined the impacts of the construction and operation of the Proposal on the existing transport network to be minor and has also identified appropriate mitigation and management measures to limit these impacts. These measures include:

- Review of existing traffic and transport conditions surrounding the Proposal site;
- Detailed description of proposed works;

- Traffic generation (i.e. estimation of peak construction traffic);
- Impact of construction traffic on surrounding transport network;
- Identification of mitigation and management measures include:
    - Providing safe and accessible facilities for pedestrians and cyclists during construction for all proposed worksites
    - Maintaining public transport services past the worksites (where required), minimising delays on existing bus services through the implementation of appropriate detours and general traffic measures
    - Managing general traffic through and around the worksites, with consideration of local traffic
    - Implementing appropriate haulage routes for construction traffic
    - Minimising the impact of construction on residents and businesses.

A preliminary Construction Traffic Management Plan (CTMP) has been provided as part of the TIA. This preliminary CTMP provides a guide to be used for the final CTMP, which has been included as part of the recommended conditions of consent.

Transport for NSW (TfNSW) reviewed the proposal and raised no objection, subject to Council ensuring that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity. Construction traffic management requirements are included in the recommended conditions.

Clause 103** - **Excavation in or immediately adjacent to corridors

This clause applies to the Proposal as it involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of the Pacific Highway.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

(a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration—

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette, and

(iii) any implications of the ground penetration for the structural integrity of the road or project, and

(iv) any cost implications for the road or project of the ground penetration.

TfNSW reviewed the Proposal and provided advice and conditions for works in the road corridors, including water main and sewer main installation along the Pacific Highway is to be in accordance with TfNSW M209 – Road Openings and Restoration Specifications, which references Street Opening Conference Guideline for cover depth in footpaths and roads.

Division 18 Sewerage systems

Under clause 106 of Division 18 of the Infrastructure SEPP, development of ‘sewerage systems’:

(1) Development is carried out in the prescribed circumstances if the development—

(a) is carried out by or on behalf of a public authority, or

(b) consists of the construction or operation of water industry infrastructure and, under the Water Industry Competition Act 2006, a network operator's licence is required before the development may be carried out.

(3B) Development for the purpose of sewage reticulation systems may be carried out without consent on any land in the prescribed circumstances.

(3C) In any other circumstances, development for the purpose of sewage reticulation systems may be carried out with consent on any land.

Sewerage systems include, amongst other infrastructure, sewage reticulation systems. Division 18 of the Infrastructure SEPP facilitates the development of sewerage systems as development without consent under the 'prescribed circumstances' outlined under clause 106(1). However, as the Proposal is being undertaken as private development for the purpose of servicing the Kings Hill URA, the Proposal does not satisfy the 'prescribed circumstances' under clause 1 as outlined above. The water and wastewater assets will not be transferred until the Commissioning Stage, subsequent to HWC certifying the works and infrastructure.

Further, a portion of the Proposal will traverse a coastal wetland and therefore, approval is sought under Part 4 of the EP&A Act as the Proposal is categorised as Designated Development under clause 10(2) of the Coastal Management SEPP, as addressed in the preceding sections of this report.

Additionally, Section 5.1 of the EP&A Act precludes any activity or matter for which development consent under Part 4 is required for the purpose of Part 5 - Infrastructure and environmental impact assessment as outlined below:

5.1 Definitions

(1) In this Division—

activity means—

(a) the use of land, and

(b) the subdivision of land, and

(c) the erection of a building, and

(d) the carrying out of a work, and

(e) the demolition of a building or work, and

(f) any other act, matter or thing referred to in section 3.14 that is prescribed by the regulations for the purposes of this definition,

but does not include—

(g) ***any act, matter or thing for which development consent under Part 4 is required or has been obtained, or***

(h) any act matter or thing that is prohibited under an environmental planning instrument, or

(i) exempt development, or

(j) development carried out in compliance with a development control order, or

(k) any development of a class or description that is prescribed by the regulations for the purposes of this definition.

On this basis, the EP&A Act does not allow the Proposal to be carried out as development without consent under Part 5 of the EP&A Act as the Proposal requires development consent under Part 4, being categorised as Designated Development under clause 10(2) of the Coastal Management SEPP.

Clause 3C permits the development sewage reticulation systems on any land with consent. Therefore, permissibility of the Proposal under the PSLEP2013 is superseded by Division 18 of the Infrastructure SEPP.

Division 24 Water supply systems

Under Division 24 of the Infrastructure SEPP, development of 'water supply systems' may be carried out on any land without development consent on behalf of a public authority, namely:

125 Development permitted without consent

(1) Development for the purpose of water reticulation systems may be carried out by or on behalf of a public authority without consent on any land.

As discussed previously, the Proposal is being undertaken as private development for the purpose of the servicing the Kings Hill URA, therefore this clause is not applicable.
Division 24 also allows for water reticulation systems to be undertaken by 'any person on any land' with development consent, namely:

126A Development permitted with consent

(1) Development for the purpose of water reticulation systems may be carried out by any person with consent on any land.
(2) Development for the purpose of water treatment facilities may be carried out by any person with consent on land in a prescribed zone.
(3) Nothing in this clause requires a public authority to obtain consent for development that is permitted without consent by clause 125.

A 'water reticulation system' and associated development in connection with the system is included within the definition of a water supply system under the Infrastructure SEPP.

Clause 126A(1) permits the development of 'water reticulation systems' on any land with consent. Therefore, permissibility of the Proposal under the PSLEP2013 is superseded by Division 24 of the Infrastructure SEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP No. 33) provides definitions of hazardous and offensive industries and activities, Certain activities may involve handling, storing or processing a range of materials, which, in the absence of controls, may create risk outside of operational borders to people, property or the environment. Such activities would be defined by SEPP No. 33 as a 'potentially hazardous industry' or 'potentially offensive industry'.

SEPP No. 33 applies to any industrial development proposals which fall within these definitions. This includes the requirement for undertaking a Preliminary Hazard Analysis if the development is identified to be a 'potentially hazardous industry'.

A chorine injection point would be required during operations for the water pipeline. Chlorine is classified as hazardous chemical by SafeWork Australia as noted in Section 7.1 of the EIS. The Applicant states the chlorine injection point would be designed and managed in accordance with *HWC Standard Technical Specification – Chemical Storage and Delivery Systems* (STS 670) and the relevant Australian Standards and legislative

requirements. Therefore, the use of chlorine is not anticipated to have adverse impacts on the environment as a consequence of the operation of the Proposal. For further details on hazard and risk refer to Section 8.1 of the EIS.

As such, the Proposal would not involve any potentially hazardous activities that would pose a significant risk to human health, life or property, or to the biophysical environment. In addition, the environmental assessment undertaken as part of the EIS indicates that with the implementation of proposed mitigation measures, the Proposal would not pose a potentially offensive development to existing or likely future land use. Therefore, the Proposal does not represent a potentially 'hazardous' or 'offensive' industry as prescribed by SEPP No. 33.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The *State Environmental Planning Policy (Primary Production and Rural Development) 2019* was introduced on 28 February 2019 (repealing and replacing SEPP Rural Lands 2008) with the aim to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.

The Proposal does not affect land identified for agricultural purposes or aquaculture development as established under this Policy.

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

PSLEP2013 applies to land identified upon the 'Land Application Map'. The subject development occurs upon land located within the land application. PSLEP applies to the development.

Clause 2.3 - Zone Objectives and Land Use Table

Under the provisions of PSLEP the proposal can be described as:
Water Supply System means any of the following—

(a) a water reticulation system,
(b) a water storage facility,
(c) a water treatment facility,
(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Water Reticulation System means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

Water Treatment Facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

The following land use zones are present on the development site:

- Zone R1 General Residential;

- Zone R2 Low Density Residential;
- Zone R3 Medium Density Residential;
- Zone E2 Environmental Conservation;
- Zone RE1 Public Recreation;
- Zone SP1 Special Activities (Hunter Water);and
- Zone SP2 Classified Road.

Under the R1, R2, R3 zones water reticulation systems are permissible with development consent, however water treatment facilities are prohibited.

Under RE1 and E2 zones, 'water supply systems' are permissible with development consent.

Under the SP1 and SP2 zones, development with consent is required to be for the purposes shown related to the land (i.e. Hunter Water infrastructure) and includes development that is ordinarily incidental or ancillary to development.

Despite the above, clause 106 of Division 18 of the Infrastructure SEPP permits development for the purpose of 'sewage reticulation systems' to be carried out with consent on any land; and clause 126A of Division 24 of the Infrastructure SEPP permits the development of 'water reticulation systems' on any land with consent.

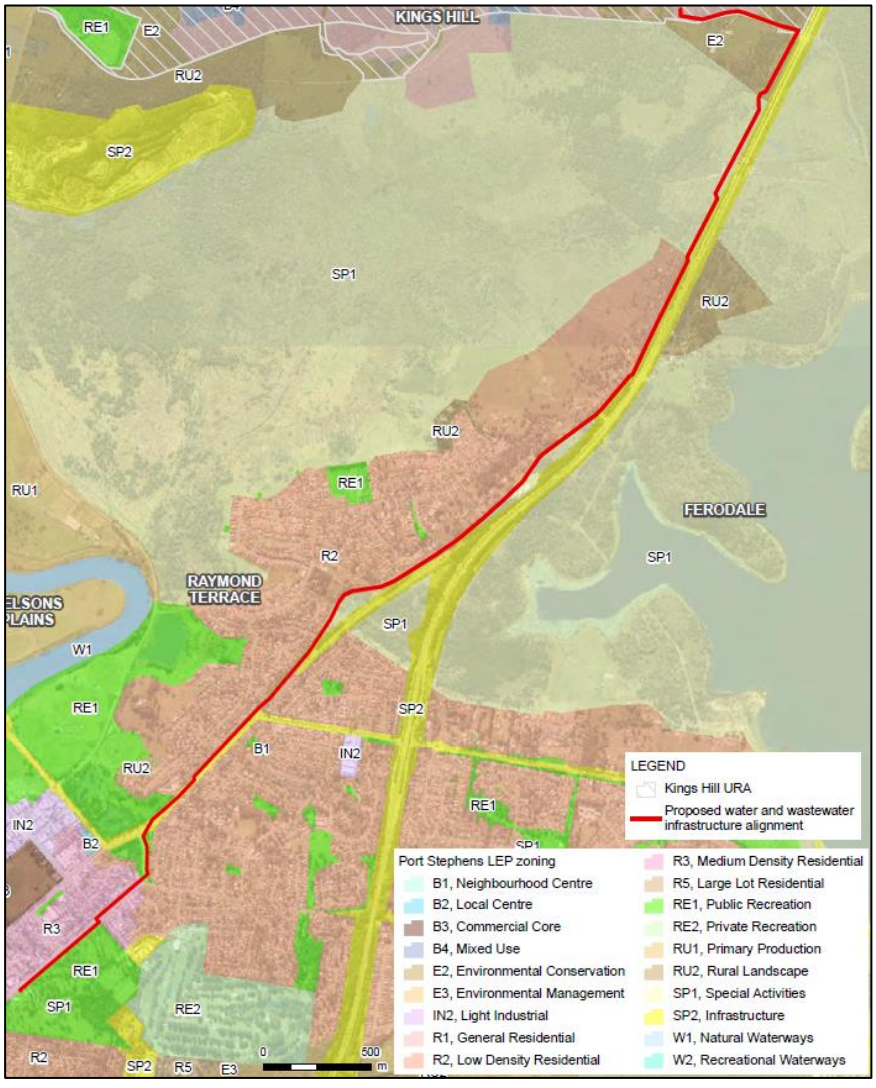

Figure 3 – Development Area zoning map

Clause 2.7 – Demolition requires development consent

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The applicant has not proposed the demolition of any existing structures located as part of this application.

Clause 5.10 – Heritage conservation

Clause 5.10 aims to conserve the heritage significance of heritage items and heritage conservation areas. Aboriginal archaeology and European heritage has been discussed below.

Aboriginal Archaeology

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared to support the EIS. The ACHAR prepared for the Proposal states that two newly recorded Aboriginal sites were found during a surface survey:

- AHIMS ID 38-4- 2023 - KHW01 Artefact Scatter; and
- PAD, and AHIMS ID 38-4-2025 - KHW02 PAD.

The ACHAR recommends that further testing is undertaken during detailed design to determine the extent of subsurface artefacts that may be within the Proposal site. An AHIP may be required if impacts on surface artefacts cannot be avoided as part of the Proposal.

A number of mitigation measures were outlined in the EIS under section 7.4.3, including but not limited to induction training for contractors, further testing at the prior to earthworks to avoid sensitive sites and exclusionary fencing. The BCD assessed the Proposal with regard to Aboriginal Heritage and provided conditional support, subject to an AHIP application being submitted within three years of development consent being granted. The conditions and GTA from BCD are included in the recommended conditions of consent at **Attachment 2**.

European Heritage

A SoHI has provided an assessment of the non-Aboriginal (European) heritage issues related to the Proposal. As noted previously in this report, three European heritage-listed items have been identified within the Proposal footprint: Irrawang Pottery Site (SHI#3630109/LEP listing ID A4), Grahamstown Dam (which includes the spillways) (SHI# 3630054) and Boomerang Park (LEP listing ID I45). The curtilage of the Irrawang Pottery Site is the same as the LEP listing for the same item (ID 127).

The Irrawang Pottery Site and Boomerang Park are heritage listed items under Schedule 5 of the LEP2013. Consideration of these items with regard to the Proposal have been discussed below.

Irrawang Pottery Site

The Irrawang Pottery Site is the location of the earliest known pottery works in the Hunter Valley, established by colonial entrepreneur James King in 1835. Significant collections of Irrawang pottery materials exist in public collections including the Newcastle Regional Museum and the University of Sydney. The physical heritage features of the site include the Kings Irrawang House, Winery and Barn, stone barn and house remains, outbuildings, cisterns and wells, dumps and evidence of convict occupation.

Earthworks as part of the Proposal may impact the remains of King's homestead, field enclosures, outbuildings, cisterns and wells, as well as dumps associated with the Irrawang House, Winery and Barn as seen in Figure 4. Vegetation clearance has the potential to disturb ground surfaces and thus may also impact these archaeological features, as along with the barn remains.

The SoHI recommends a program of archaeological test excavation should be undertaken to identify if relics are within the Proposed Pipeline Alignment and to identify it there is a possibility of avoiding them by moving the pipeline. The final alignment will seek to avoid as much impact as possible to significant archaeological remains. The applicant noted an updated heritage report will be prepared that provides a final assessment of impacts to significant archaeological remains that may result from installation of the pipeline during the detailed design phase. The updated heritage report will provide recommendations for further approvals and archaeological investigation that may be required.

Where there will be impacts to relics as a result of construction of the Proposal, a s140 permit issued by NSW Heritage under the Heritage Act 1977 must be in place prior to commencement of works. Archaeological salvage excavation may also be required under the permit prior to commencement of pipeline installation works.

In summary, the SoHI concludes the following with regard to this heritage item:

- The pumping station is located outside of the LEP listed site boundary;
- Further test excavation should be undertaken prior to earthworks within the pipeline boundary to identify the presence of any significant archaeology and shift the water and sewer pipeline away from these items;
- Vibration monitoring is required during works around heritage items;
- The implementation of mitigation measures during construction to preserve heritage and archaeology items is necessary.

The application was referred to Heritage NSW Archaeology Unit under Clause 5.10(7) of the PSLEP. After consultation, Heritage NSW Archaeology were generally satisfied with the findings of the SoHI and approach being taken by the applicant. Heritage NSW provided recommended conditions of consent relating to further archelogy studies being undertaken prior to works commencing and implementing mitigation measures to avoid harm to any deposits associated with the Irrawang Pottery Site. The Heritage NSW Archaeology conditions are included in **Attachment 2**.

Boomerang Park

Boomerang Park is a Public Reserve provided for when the town of Raymond Terrace was surveyed in 1836. It was dedicated a Recreation Reserve in September 1892 and has been in continuous use since this date.

The mature trees in Boomerang Park along the Irrawang Street boundary are within approximately 12 metres of the proposed works. Earthworks in the vicinity of these trees may impact on their root zones, resulting in harm to the trees. The EIS notes impacts to tree root zones would be avoided where practicable.

A condition has been recommended that a qualified arborist report is to be engaged as part of the detailed design and post approval stage to determine whether there will be impacts to the root zones of the heritage listed trees in Boomerang Park. The relevant mitigation measures from this arborist report will be required to be implemented as necessary during works.

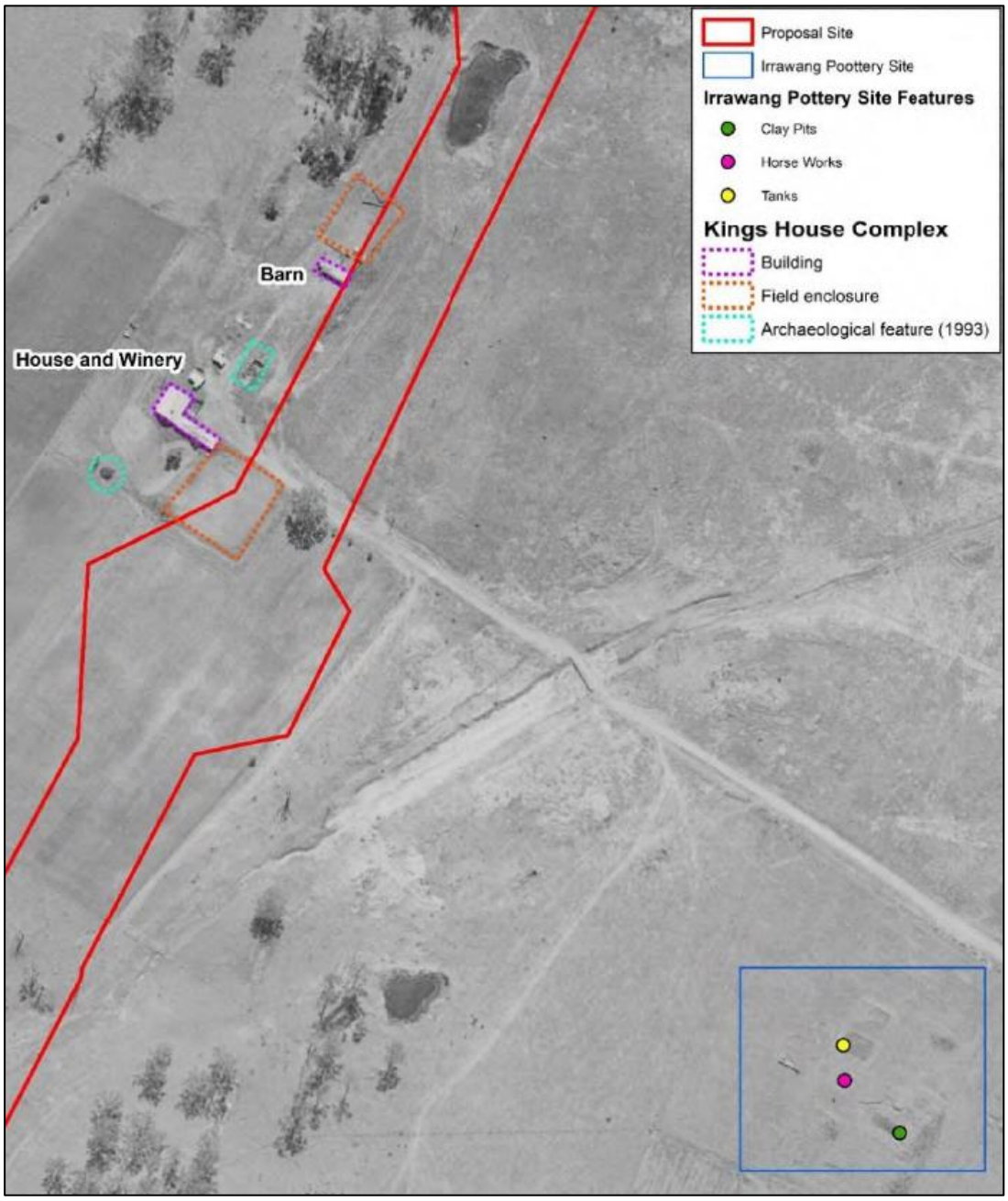

Figure 4 – Irrawang Pottery Site

Other heritage items adjacent to the construction footprint have been outlined below, however these are not considered to be impacted by the Proposal.

- I44 Timber cottage (former mounted police barracks) located at 11 Irrawang Street Lot 6, DP 38088;
- I46 St Brigid's Catholic Church Group—St Brigid's Convent located at 52 and 54 Irrawang Street Lots 13 and 14, Section 15, DP 758871;
- I47 St Brigid's Catholic Church Group—St Brigid's Church Hall located at 58 Irrawang Street Lot 16, DP 547042; and
- I81 St Brigid's Catholic Church Group—St Brigid's Church located at 69 William Street Lot 12, Section 15, DP 758871.

Overall, subject to the recommended conditions of consent and measures contained in the heritage investigations submitted as part of the EIS, the Proposal is deemed to satisfy the requirements and objectives of clause 5.10.

Clause 6.5 Infrastructure – Pacific Highway access

This clause requires satisfactory arrangements to be made for the provision of vehicular access from the Kings Hill URA to the Pacific Highway prior to the granting of development consent for the subdivision of land.

This clause is not specifically applicable to the application given the scope of the Proposal. However, it is considered the Proposal would not impede the safe and efficient operation of the Pacific Highway as part of the national highway network, as supported by comments from TfNSW. The Proposal does not include road works on the Pacific Highway, with the exception of some minor works on the road reserve (outside of the carriageway). Therefore, no impacts on the Pacific Highway are anticipated as part of the Proposal.

Furthermore, construction management and operation of the Proposal would ensure adequate levels of access to Pacific Highway from the surrounding road network as demonstrated in the EIS and Traffic Impact Assessment (TIA), both prepared by Arcadis.

Clause 6.6 - Access from precinct areas to Pacific Highway, Kings Hill

This clause provides that consent must not be granted to development on land within the Kings Hill URA unless the consent authority is satisfied that arrangements have been made to ensure flood free vehicular access from the Kings Hill Precinct areas to the Pacific Highway.

The Proposal would not alter any access from the Pacific Highway to the Kings Hill URA as demonstrated by the TIA and Section 7.9 of the EIS.

Clause 7.1 Acid Sulfate Soils

This clause provides that development consent is required for certain works within certain land identified on the Acid Sulfate Soils (ASS) Map. The Proposal alignment is mapped as being within Class 5 acid sulfate soils, with two sections mapped as being in close proximity to Class 3 acid sulfate soils.

Clause 7.1 states that development consent is required for the carrying out of works' in these classes of land as follows:

- *Class 3 - Works more than 1 metre below the natural ground surface, Works be which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*
- *Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

Due to the presence of a Class 3 category within the Proposal site, there is potential for acid sulfate soils to be encountered, disturbed, exposed and/or drained during excavation works.

Under clause 7.1(3), development consent must not be granted for the carrying out of works unless an Acid Sulfate Soils Management Plan (ASSMP) has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

An ASSMP prepared by Arcadis was provided as part of the application. The ASSMP includes measures and procedures for managing ASS during construction and excavation, satisfying the provisions of this clause.

Clause 7.2 Earthworks

This clause provides that development requiring earthworks must be assessed against select criteria to ensure minimal environmental impacts will be produced during and as a result of development. Clause 7.2(3) outlines the matters the consent authority must consider the prior to issuing development consent for earthworks, namely:

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

Section 4.5.5 and Section 7.2 of the EIS describes and assesses the impact of the Proposal on drainage patterns and soil stability. A number of mitigation measures have been proposed, including undertaking detailed topographic surveys during detail design to ensure any constructability issues and impacts on the existing drainage, catchment areas and topography are identified and minimised as far as practicable. The mitigation measures are included in the recommended conditions of consent.

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

The Proposal is located within the road verge, on public and KHD land. The alignment and construction approach will not impact the future use or development of the subject lots. The majority of HWC owned land is mapped under the Coastal Management SEPP, limiting any future development potential.

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

A PSI and Preliminary Geotechnical Investigation (Appendix H and J of EIS) were prepared to identify the likely subsurface conditions along the alignment and the potential issues or environmental risks associated with the Proposal.

A low risk of contamination was identified for the soil along the alignment. Based on the findings of the studies, it is considered that excavated soils can be adequately managed through the submitted ASSMP and Construction Environmental Management Plan (CEMP) to be prepared for the Proposal.

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

Noise and Air Impact Assessments were undertaken in support of the Proposal to determine the effect of works in sensitive receivers. The assessments concluded that air quality, odour, noise and vibration impacts as a result of earthworks will be temporary in nature and mitigation measures can be implemented to reduce impacts.

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

The application states where practicable and subject to soil suitability, excavated soil will be re-used on site for foundation preparation, levelling works, access and track maintenance and backfilling of trenches at the completion of construction. Conditions have been recommended that material not re-used on site is required to be disposed of at an appropriate waste facility.

(f) the likelihood of disturbing relics,

A SoHI and ACHAR were prepared as part of the application with mitigation measures included as part of the recommended conditions.

Some parts of the Proposal footprint were not able to be intrusively tested due to the sensitivity of sites. If impacts on surface artefacts cannot be avoided, and further investigations confirm the significance of artefacts, an AHIP (under s90 of the NP&W Act) would be required for impact to, or salvage of, subsurface artefacts prior to commencement of construction works. Any AHIP works will be undertaken in accordance with the relevant requirements. Further detail is provided in Section 7.4 of this EIS.
Council, BCD and Heritage NSW were satisfied with the level of assessment and potential impact to relics, subject to conditions.

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

As demonstrated elsewhere in this report and the EIS, the development is not likely to have an adverse impact on the quality or quantity of water entering the drinking water catchment or nearby wetlands.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Appropriate mitigation measures have been outlined in the EIS and Response to Submissions prepared by Arcadis. These measures have been recommended as part of the conditions of consent.

As demonstrated above, the Proposal satisfies the provisions of clause 7.2.

Clause 7.3 Flood planning

The objective of this clause is to minimise the flood risk to life and property associated with the use of land and to avoid significant adverse impacts on flood behaviour.

According to the Stormwater Impact Assessment (SIA) by Arcadis, the majority of the Proposal site is outside of the flood prone land as outlined in Council's flood hazard mapping. Near the northern and southern extents of the Proposal site some areas are within the low hazard flood fringe and flood planning area.

The *Williams River Flood Study* was prepared by BMT WBM (2009) for Port Stephens Council and Dungog Shire Council to describe and define the existing flood behaviour for the Williams River area. The flood study provides the following estimated design flood levels for the Irrawang Swamp:

Irrawang Swamp (Location 18):

- 10% AEP = 2.3mAHD
- 5% AEP = 4.1mAHD
- 1% AEP = 4.6mAHD
- PMF = 9.6mAHD.

The Proposal is located above the flood planning level and the majority of the Proposal site is located above the Irrawang Swamp probable maximum flood (PMF) level including the WWPS. Given the relatively small footprint of the WWPS in relation to the upstream catchment area and being located above the FPL, the WWPS it is not expected to produce a significant impact to flood behaviour.

Council's Development Engineers reviewed the Proposal and flood studies and were satisfied the development is suitable given the flood characteristics relevant to the site and that the Proposal will have an acceptable impact on local flood characteristics.

Clause 7.6 Essential services

Relevant essential services for the Proposal have been addressed below.

Stormwater drainage or on-site conservation:

The submitted SIA provides an assessment of the key water and hydrology-related issues for the Proposal. The detailed design of the Proposal would address the applicable requirements to the satisfaction of Council. Impacts to water quality in Irrawang Swamp and changes to biophysical properties are likely to be minor or negligible and localised during construction, as discussed in both the SIA and BDAR.

The NSW Natural Resource Regulator (NRAR), Hunter Water and Council's Development Engineers were satisfied with the drainage strategy for the Proposal, subject to the recommended conditions included in **Attachment 2**.

Suitable vehicular access:

This EIS provides an assessment of traffic, transport, construction and operational impacts of the Proposal with reference to the surrounding road and related facilities. The submitted TIA has determined the impacts of the construction and operation of the Proposal on the existing transport network and has also identified appropriate mitigation and management measures to minimise these impacts. These include:

- Maintaining public transport services past the worksites (where required);
- Managing general traffic through and around the worksites, with consideration of local traffic; and
- Providing safe access for workers to the construction areas of the Proposal.

Electricity:

Relying on the advice of Ausgrid, Council is satisfied Clause 6.2 has been satisfied for the supply of electricity for the Proposal. The applicant advised formal details of the connection requirements will be determined after a formal application is lodged with Ausgrid post determination.

Clause 7.8 Drinking water catchments

This clause provides that development proposed within the mapped Drinking Water Catchments areas is required to consider the potential impacts of the development on the quality and quantity of the water entering the drinking water storage areas. As the Proposal is located in areas mapped as part of the Grahamstown Drinking Water Catchment, this clause is applicable.

Clause 7.8(3) states before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—

(i) the distance between the development and any waterway that feeds into the drinking water storage,

The compound area on Rees James Road is located adjacent an ephemeral watercourse, fed via the local pit and pipe drainage network and roadways, that may drain to Grahamstown Dam. No other waterways within the Proposal footprint drain into the drinking water catchment. A condition has been imposed that a Soil and Water Management Plan and Construction Management Plan (CEMP) be prepared to manage works in the vicinity of waterways. Further, a controlled activity approval from NRAR is required prior to works commencing on 'water front' land.

(ii) the on-site use, storage and disposal of any chemicals on the land,

It is not anticipated that chemicals would be used for works in the drinking water catchment. A condition has been imposed that a Soil and Water Management Plan and CEMP be prepared and throughout works. This would address management of fuels, oils, lubricants or any dangerous goods.

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

The Proposal will convey wastewater from the Kings Hill URA to the existing wastewater network in Raymond Terrace. This network will flow to the Raymond Terrace Wastewater Treatment Works facility, which provides secondary treatment of wastewater. Section 7.6.3 of the EIS includes mitigation measures for waste management for the Proposal. These have been included as part of the conditions of consent.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Based on the studies and investigations submitted with the application, the Proposal is not considered likely to have an adverse impact on the drinking water catchment. The implementation of mitigation measures outlined in the EIS and supporting documents will minimise impacts from the development. These have been included as part of the conditions of consent.

The application was referred to HWC for comment with regard to impacts to drinking water catchments. HWC advised the Proposal is satisfactory with regard to impacts on the drinking water collection areas subject to the adoption of water quality measures, ongoing management and monitoring of water quality, including treating run-off from disturbed areas and the implementation of strict erosion and sediment control measures.

The above requirements and measures from HWC have been incorporated as conditions of consent provided at **Attachment 2**.

Clause 7.9 Wetlands

This clause requires that development on land mapped as Wetland by PSLEP must consider the potential impacts of the development on the wetland habitat and water quality, and assess the mitigation measures proposed to minimise these impacts.

The LEP wetlands mapping does comprise same extent of the Coastal Wetland mapping. Only a minor portion of the Proposal extends into LEP mapped wetlands, situated to the south of the Grahamstown Dam Spillway.

Subclause 7.9(3) provides the following:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
(a) whether or not the development is likely to have any significant adverse impact on the following—
(i) the condition and significance of the existing native fauna and flora on the land,

The Proposal footprint intersects with approximately 0.3ha of area mapped as 'wetland' under the PSLEP mapping. The isolated patch that intersects with the Proposal is located to the south of the Grahamstown Dam Spillway. The area consists primarily of cleared grassland between an access track and powerline.

Section 4.5 of the BDAR characterises this area as primarily exotic grasses and do not conform to any type of native plant species. This area is not considered to form part of

any threatened ecological community or listed under the BC Act. On this basis, the Proposal is unlikely to have a significant impact on flora or fauna in the mapped wetland area.

(ii) the provision and quality of habitats on the land for indigenous and migratory species,

The mapped wetland area provides limited local habitat for native and migratory species as advised by Council's Natural Resource Team and Section 4.8.1 and Section 6 of the BDAR.

(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and

Construction activities associated with the Proposal have the potential to impact surface and groundwater quality and natural flows. To address these risks, a number of mitigation measures have been outlined under Section 7.2.4 of the EIS, including erosion and sediment control, installation of WWPS flow relief structures, staging of works to limit the area of disturbance and wet weather periods and on-site detention for WWPS.

The wetland area is not mapped as a groundwater dependent ecosystem (GDE) as demonstrated in the BDAR. Potential impacts to GDEs adjacent the mapped wetland area is considered low, and can be reduced through the mitigation measures outlined in the EIS.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Section 7 of the BDAR lists minimisation measures for the avoidance and minimisation of potential impacts of the Proposal on wetlands and biodiversity value.

Overall, the above matters required to be considered under this clause have been investigated in the EIS, BDAR and Stormwater Impact Assessment. As per the assessment of the proposal in detail against the provisions of SEPP (Coastal Management) 2018, subject to the recommended conditions the Proposal is unlikely to have a significant adverse impact of nearby wetlands in terms of flora and fauna, water quality and natural flows. Measures to minimise and mitigate any impacts have been included as part of the application and appropriate conditions of consent, as endorsed by Hunter Water incorporated into the recommended consent at **Attachment 2**.

(4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
- *(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The Proposal and supporting investigations have demonstrated the design and siting of Proposal can be mitigated to avoid serious adverse impact to the wetland, satisfying the intent of the above clause.

The Proposal is considered to satisfy the objectives and requirements of clause 7.9.

6.4.3.2 Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

None relevant to this Proposal.

6.4.3.3 Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)

Chapter B – General Provisions

Part B1 – Tree Management

The Proposal requires the clearing of native trees in non-rural areas. A Tree Removal map has been provided showing the indicative removal of trees for the Proposal. The 'trees' identified do not necessarily correspond with the definition of trees and include different types of vegetation (shrubs, trees etc). These trees include a mix of both native and non-native vegetation.

The Applicant has noted the development footprint and the extent of tree removal would be refined as part of detailed design undertaken post determination of the application. Overall, there would be a general reduction in the extent of trees removed as a result of this further design development (i.e. not all of the trees identified on the map would be removed).

To offset the impact of tree clearing, the Proposal includes the implementation of vegetation management works prior to vegetation removal and environmental measures that will protect and mitigate potential damage or degradation to retained trees, prior to any works on site. Where removal of native trees is unavoidable, offsetting in accordance with the Biodiversity Offset Scheme has been proposed.

Council's Natural Resources section were satisfied with the proposed level of tree clearing and environmental protection and regeneration measures proposed in Section 9 of the BDAR. The preparation of a Vegetation Management Plan has been included in the recommended conditions of consent.

Further, mitigation measures have been provided for the Proposal, to manage potential biodiversity impacts associated with the removal of trees (within and outside of urban areas as relevant).

Part B2 – Natural Resources

Environmental Significance

The Proposal occurs on land identified on the Biodiversity Values Map and on land is classified as Environmentally Significant under the DCP. Accordingly, a BDAR has been prepared for the Proposal.

Impacts on the identified biodiversity value areas have been avoided and minimised in the Proposal where possible as demonstrated in the BDAR. Where impacts cannot be avoided, the scale and extent of impacts has been determined, and a range of mitigation

measures have been recommended to ameliorate impacts on the biodiversity values during construction and operation.

Koalas

An assessment of Koala habitat in accordance with SEPP 44 and the CKPoM has been undertaken as part of the BDAR and Section 5.4.7 of the EIS. The Proposal has been assessed for Koala habitat impact in further detail under the previous sections of this report.

Biodiversity Offsets

The BDAR identifies the offsets required for the project calculated using the BAMC; of which 42 ecosystem credits and 110 species credits are required to offset the impacts of the Proposal. A condition has been included that the offsetting of credits is to be undertaken in accordance with the BDAR and Biodiversity Offset Scheme.

Noxious Weeds

Protocols to manage weeds and pathogens would be implemented in a Vegetation Management Plan (VMP) to be prepared as part of the pre-construction stage.

Part B3 – Environmental Management

B3.A – Acid Sulfate Soils

There is potential for Class 3 category acid sulfate soils to be encountered during excavation works. Accordingly, an ASSMP has been submitted outlining the procedures to manage ASS during construction. The ASSMP has been included in the recommended conditions of consent.

B3.BD – Air Quality

An Air Quality Assessment (AQA) has been prepared by Northstar Air Quality for the Proposal. Potential construction impacts have were assessed using a published risk-based assessment methodology that has been adapted to reflect the specific operations of the Proposal.

The assessment indicates that a range of mitigation measures can be applied during the construction phase to ensure that the risks (both health and amenity) to the surrounding community would not be significant. The potential for air quality impacts during the operational phase have been identified to be minor, and easily controlled through the implementation of a range of measures and best practice techniques. The measures include ongoing monitoring, enclosing and covering stockpiles, implement a Dust Management Plan and dust suppression measures.

Based on the assessment provided and implementation of mitigation measures, the Proposal is considered satisfactory with regard to of air quality.

B3.C - Noise

A Noise and Vibration Assessment (NVA) prepared by Resonate has been submitted with the Proposal. Unattended noise surveys and operator-attended noise measurements were undertaken to properly characterise the prevailing ambient noise environment within the investigation area at various locations around the construction footprint. Noise and vibration mitigation measures have been included in **Attachment 2**.

Construction

A construction noise and vibration assessment was conducted and predictions were made at nearby receivers. Some receivers within the noise catchment areas did not exceed the criteria and are expected to comply with the daytime Noise Management Levels (NML). Sensitive receivers located close to the Proposal site (including residential, active recreation, educational and places of worship) are predicted to exceed the NML. Those located directly adjacent to compound areas are likely to be in the highly noise affected category when work is occurring at their location. Notwithstanding, this would only be temporary as the linear infrastructure works would move progressively along the alignment and hence maximum noise impacts would generally be transitory.

To offset construction and vibration impacts during construction, noise and vibration mitigation measures were discussed in Section 5 of the NVA report and include community consultation, restricted working hours, worksite training, site and equipment management, and vibration specific measures. These measures have been included as recommended conditions of consent.

Operation

The purpose of the operational noise assessment is to determine the operational noise emissions associated with the proposed WWPS infrastructure in accordance with the requirements of the EPA Noise Policy for Industry (NPI). If acoustic control in accordance with the below measures are appropriately implemented, the Proposal is anticipated to comply with the noise criteria.

- The pump room or pit cover must be designed such that noise emissions from the room or pit complies with the operational noise requirements of the NPI at the boundary of the nearest potentially affected receiver.
- Noise levels inside the pump room or pit must not exceed 85 dB(A).
- Maximising the distance between the WWPS and the nearest sensitive receiver locations would also allow for noise emissions at the nearest potentially affected receivers to be minimised. Noise emissions should be a consideration in the final position of the WWPS.
- Restrictions on the maximum allowable sound power levels noting that the final position of the WWPS is not confirmed.

The above measures have been included as recommended conditions of consent.
Based on the assessment provided in the NVA and recommended mitigation measures, the Proposal is considered satisfactory with regard to noise and acoustic impact.

B3.D – Earthworks

A detailed assessment of earthworks is provided under Clause 7.2 of this report.

Part B4 – Drainage and Water Quality

The submitted SIA prepared by Arcadis provides an assessment of the key water and hydrology-related issues for the Proposal. The detailed design of the Proposal would address the applicable requirements to the satisfaction of Council. Impacts to water quality in Irrawang swamp and changes to biophysical properties are likely to be minor or negligible and localised during construction, as discussed in both the SIA and BDAR.

Drainage and water quality matters have been discussed in further detail in the preceding sections of this report.

Council's Development Engineers and HWC were satisfied with the stormwater and drainage strategy for the Proposal.

Part B5 – Flooding

Flooding has been discussed under clause 7.3 of the PSLEP assessment.

Part B8 – Heritage

European and Aboriginal heritage has been addressed under clause 5.10 of the PLSEP in this report.

Part B9 – Road Network

The TIA prepared by Arcadis provides an assessment of the construction and operation impacts, vehicle movements, and safety and function of the road network. The assessment identifies mitigation and management measures that can be implemented to minimise potential impacts, including traffic and transport management controls during construction. Additionally, a preliminary Construction Traffic Management Plan (CTMP) has been provided as part of the TIA.

Subject to the conditions as provided in the recommended conditions, Council's traffic engineers and TfNSW were satisfied with the Proposal with regard to road network impacts.

Chapter D – Specific Areas

Part D14 – Kings Hill – Raymond Terrace

The subject site is situated within the applicable land application map for the Kings Hill – Raymond Terrace DCP. The specific area controls applicable to the development are considered within **Table 1** below.

Table 1: DCP assessment Part D14.

Control	Requirement	Assessment comment
C14.A –	- The objectives of C14.A include:	

Structure planning and precinct planning	- To ensure development occurs in a logical and coordinated manner; including the relationship between different land use zones and surrounding major infrastructure (such as the Pacific Highway and Grahamstown Dam). - To ensure development is efficient and results in cost effective infrastructure and adequate access to services by residents	
D14.1 – Residential Precinct Plans	14.4 - Staging for the urban release area as a whole will be determined by the provision of essential services and may involve development occurring simultaneously in different parts of the locality.	This application will provide essential water and sewer services to enable the development of the URA to progress. The Proposal and alignment has been prepared in accordance with the Hunter Water endorsed Servicing Strategies and Staging Plan for the URA.
D14.11 - 12 – Servicing	- Consent for the subdivision of land (other than a super lot) requires submission of servicing strategy. - All commercial and residential allotments are to be serviced by reticulated water, sewerage, electricity and telecommunication.	A servicing strategy for the provision of sewer and water has been prepared and approved by HWC for the overall URA in conjunction with the key landowners. The water and sewer pipeline will be developed as the URA progresses. Servicing strategies and detail design for the water and sewer infrastructure across the URA will be undertaken in collaboration with the relevant authority will progress in line with the detailed design of each precinct.
D14.D - Drainage and Water Quality	- To ensure environmentally sustainable and affordable water management is provided with a catchment based approach that recognises the flows between Precincts, landholdings and the sensitive nature of the receiving waters.	
D14.31- 32 – Water Management Strategy	- Consent for development within the eastern and western catchments first requires lodgement of a stormwater drainage plan addressing drainage and water quality management for the entire	A Stormwater Impact Assessment provides an assessment of the key water and hydrology-related issues for the Proposal. Impacts to water quality in Irrawang swamp and changes to biophysical properties are likely to be minor or negligible and localised

	catchment, to the satisfaction of the consent authority. - Each Precinct Plan is to identify stormwater drainage and water quality management controls for relevant sub-catchments consistent with the relevant catchment-wide stormwater drainage plan.	during construction, as discussed in both the Stormwater Impact Assessment and BDAR.
D14.E – Natural Resources	- To ensure that development responds to the biodiversity values of the site.	
D14.33 – Vegetation Management Plan	- Applications for development on land zoned E2 Environmental Conservation or subject to terrestrial biodiversity controls (LEP) within each environmental precinct provide must a VMP with the precinct plan.	No works are proposed within the E2 conservation lands under this proposal. The BDAR and EIS address vegetation management for sensitive areas within the URA development footprint. A VMP will be prepared to manage short-term construction impacts from the Proposal.
D14.35 – Riparian corridors	- Development involving a controlled activity within waterfront land is to comply with the requirements of the *Water Management Act 2000*.	GTA from NRAR has been provided for controlled activities under *Water Management Act 2000* required for this application. The advice is contained at **Attachment 7**.

6.4.3.4 Section 4.15(1)(a)(iia) Any planning agreement or draft planning agreement entered into under section 7.4

Nil.

6.4.3.5 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters prescribed within the regulations apply to the proposed development that have not been addressed in the preceding sections of this report.

6.4.4.6 Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

<u>Social and Economic Impacts</u>

Socio-economic impacts related to the construction of the Proposal would be temporary (approximately nine months) and largely localised to the construction area. The construction of the Proposal would result in short-term impacts, such as potential impacts on land use and property, amenity and environmental impacts, traffic/access and public safety. Notwithstanding, these impacts have been addressed and mitigated through detailed environmental assessments of traffic, noise and vibration, biodiversity, heritage,

water and hydrology, soils and contamination, air quality, hazard and risk, and other environmental issues.

The operation of the proposal will generate beneficial and adverse socio-economic impacts that would be experienced at a local and regional level. The potential impacts related to the operation of the Proposal include the provision of water and wastewater services to the Kings Hill URA, as well as positive employment impacts as a result of the construction and ongoing operation of the Proposal.

Impacts on the Built Environment

The majority of the Proposal includes water and wastewater pipelines located underground, which would not result in any permanent visual impacts. Potential visual impacts could be evident from aboveground infrastructure, which comprises the proposed WWPS and ventilation stacks along the wastewater pipeline. However, given the proposed ventilation stacks comprise minor aboveground structures the potential impact is considered low. The structures are considered low scale and will not dominate the surrounding environment. Therefore, potential impacts are expected to be negligible given the undulating nature of the landscape, remote setting and vegetation which has a moderate ability to absorb visual impacts arising from aboveground elements of the Proposal.

In the context of the surrounding natural environment, the minor aboveground structures would not significantly impact on the scenic values of the local area.

To address any visual impact, a condition has been recommended that suitable material and finishes, including those which are non-reflective and blend with the surrounding landscape, would be selected for the aboveground components of the Proposal (i.e. WWPS and ventilation stacks). Materials and finishes of these components would be selected at detailed design to ensure low visual intrusion on surrounding areas.

Impacts on the Natural Environment

The Proposal would result in the removal of approximately 5.22 hectares of native vegetation from within the Proposal site. However, none of the vegetation in the Proposal site is equivalent to any TEC listed under the EPBC Act and/or BC Act. Biodiversity offsets would be established to mitigate the impact of the Proposal on threatened species, as outlined in the BDAR.

Based on the information provided and internal assessment, the proposed development, subject to compliance with the recommended conditions, will not likely result in significant adverse impacts upon the natural environments. The impacts to the natural environment from vegetation removal and construction in the vicinity of the Irrawang Swamp required to facilitate the proposed development have been mitigated and offset as required under the *BC Act 2016*. Conditions have been imposed requiring the preparation of a VMP and implementation of the mitigation measures outlined in the EIS and BDAR.

6.4.3.7 Section 4.15(1)(c) the suitability of the site for the development

Site specific investigations provided by the Applicant have been undertaken in relation to the potential development of the Proposal to determine the most suitable footprint in line with social, ecological and sustainable design principles.

The Proposal has been proven to be consistent with the relevant local and State government planning instruments. The social and environmental impacts identified are not considered significant and are able to be alleviated through the implementation of the identified mitigation measures for construction and operation of the Proposal.

Accordingly, the site is suitable for the development as proposed.

6.4.3.8 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

In accordance with Council's Community Participation Plan and the *EP&A Regs*, the application was notified and advertised for 28 days from 19 March 2020 to 16 April 2020. 1 submission was received during this period.

The issues raised in the submissions and response has been outlined in the table below.

Submission No.	Concerns Raised	Comment
1	Concern raised regarding the increase in Pacific Highway Traffic noise due to the removal of vegetation at the construction compound adjacent to the residential properties on Rees James Road. Site rehabilitation requested.	Minimal clearing of 0.77ha in the area of concern is proposed. The approximately 40m wide strip of vegetation on the embankment adjacent the Pacific Highway would be retained. A condition has been recommended that the depot areas are to be rehabilitated at the completion of works, including the preparation of a rehabilitation plan prepared by a suitably qualified ecologist for bush generation.

6.4.3.9 Section 4.15 (1)(e) the public interest

The Proposal would provide significant benefit in terms of providing water and wastewater infrastructure for the Kings Hill URA, a development which is expected to yield in excess of 3,500 residential dwellings over a twenty-five year period. The Proposal represents investment in regional infrastructure that would secure potable water supplies to the future planned community at Kings Hill.

The Proposal is considered to be in the public interest through supporting the growth of the community in planned areas, being consistent with the long term strategies for the local area and the Hunter Region; and proven to be consistent with the relevant local and State government planning instruments.

6.4.4 Contribution towards provision or improvement of amenities or services (developer contributions)

Council's Fixed Local Infrastructure Contribution Plan outlines that s7.12 contributions would be applicable to all development not subject to s7.11 contributions or exclusions

under a Ministerial Direction. It is noted that no Ministerial Direction is applicable to the proposed development and s7.11 contributions are otherwise inapplicable. Therefore, a condition requiring payment of contributions in accordance with s7.12 and the contribution plan is included in the conditions in **Attachment 2**.

7.0 CONCLUSION

It is recommended that the HCCRPP, as the consent authority, approve development consent to 16-2020-81-1 (PPSHCC-34) for a Water System and Sewerage System at land identified in Raymond Terrace and Kings Hill subject to the conditions in **Attachment 2.**

Signed (Assessing Officer) _____ **Date:** 11/09/20

Ryan Falkenmire

Principal Development Planner

Reviewed (Supervising Officer) _____ **Date:** 11/9/20

Rean Lourens

Planning and Developer Relations Coordinator

Authorised for submission to HCCRPP _____ **Date:** 11/9/20.

Kate Drinan

Manager Development Assessment & Compliance