

Your Ref: 16/01600  
Our Ref: RZ15001 (1229530)

Phone Enquiries: 4934 9700  
Mark Roser



PNC002707

  
**maitland**  
city council

7 September 2016

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



Dear Ms O'Flaherty

**Re: Site Compatibility Certificate for Seniors Housing at Mt Vincent Road, East Maitland being Lot 42 DP 846326 and Lot 8**

I refer to your letter to Council dated 17 August 2016 requesting comments from Council on the consistency of the proposal with the criteria in clause 25(5)(b) of the SEPP (Housing for Seniors or People with a Disability). Council having reviewed the proposal and supporting information provides the following comments to assist the Department in determination of the Site Compatibility Certificate (SCC) application:

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

The proposal put forward for comment includes a supporting Geotechnical Report for the site addressing the extent of shallow mine workings. The report concludes that there is a potential risk for potholes to develop in areas with less than 25m depth of cover and that remedial measures will be required to manage this risk prior to development. The report concludes that additional geotechnical investigations should be undertaken during the design stage of the project in order to quantify the required extent of any remediation of the workings, and should include further investigations into pillar stability and water quality as outlined in section 8.6 of the Douglas Partners Geotechnical Report. Council supports the need for additional geotechnical investigations over the subject land suggests that these studies form part of any future development assessment process.

2. It is noted that the application for the Site Compatibility Certificate addresses *Location and Access to Facilities* through nominating site proximity to public transport routes and bus stops, providing access to the Green Hills shopping precinct. It should be noted that there are no bus stops on Mt Vincent road fronting the subject land, however there is a bus stop on Wilton Drive within the prescribed 400m distance to the site. There are no formed or designated pedestrian paths along Wilton Drive to meet the required access standards identified in cl 26 of the SEPP. Compliance with the design and construction standards for the pedestrian path network would need to be demonstrated in detail as part of any future development assessment process.

3. The subject land is impacted by the 1:100 year flood with the level being RL 9.73m AHD based on Council's 2010 adopted Flood Study. The Flood planning level (FPL) is therefore RL 10.23m AHD. The concept plan provided in conjunction with the SCCA shows building footprints above RL 10.0m AHD with the perimeter road being between RL9.0m -10.0m AHD. It is considered that a minimum floor level of 10.23m AHD can be achieved for all dwellings however it is recommended that the perimeter road fronting dwelling no's 16, 17, 31-32, 45-46, 53-58 and 80 be constructed to not less than the 1:100 year flood level of RL 9.73m AHD.
4. The Maitland City Council Waste Management Facility is located on Lot 2220, DP 1095387, some 300 metres from the eastern edge of the proposed seniors village development envelope on the eastern side of Mt Vincent Road. The setback of the proposal from the active tipping face is however around 600 metres.

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

- Aligning the 1991 development consent conditions to the current Environmental Protection Licence (EPL) conditions via a Section 96 modification to the original development consent – this has been achieved via Council's approval of a Section 96(2) Application to the original DA 91-117 on 9 August, 2016.
- Increasing the height of the landfill between 4 to 5 metres to provide an additional 320,000m<sup>3</sup> capacity and hence extend the operational life of the landfill – this Section 96(2) Application is currently under assessment and nearing determination.
- Upgrading of its recycling facilities by way of a new building for undercover storage and separation of recyclables – this upgrade now authorised by DA 15-2127 approved by Council on 23 August, 2016.
- Developing the site for a large scale waste transfer station – DA 16-1805 was formally lodged with Council on 29 July 2016 and is to be determined by the Hunter and Central Coast Joint Regional Planning Panel. The application is supported by an Environmental Impact Statement entitled "Maitland City Council. Mt Vincent Waste Management Centre Waste Transfer and Recycling Facility" prepared by GHD and dated May 2016.

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

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

- Odour - Figure 7.2 of the draft EIS "Predicted 99th Percentile Ground Level Odour (Cumulative)" shows the eastern portion of the subject land as being located within the 2 odour unit (OU) zone. The acceptable criteria for odour exposure for an urban population is 2 OU. The proposed development site should therefore not be exposed to excessive odour during the combined operation of the landfill and transfer/recycling activities. It should be noted that the 2 OU contour contracts significantly towards Mt Vincent Road (away from the development

footprint) when the landfill operation is removed from the odour modelling. This suggests that odour impacts will be significantly less once landfill operations cease in 2029.

- Air Quality - Figures 7.3 "Air Quality Predictions (Project Only)" and Figure 7.4 "Air Quality Predictions (cumulative)" indicate that the development site is well clear of (hence below) the ground level concentration thresholds for total suspended particulates (TSP's), PM10 and PM2.5.
- Noise and Vibration - Figure 7.6 "Predicted Noise Levels (cumulative)" show the proposed development footprint being outside the 30dB(A) LAeq Noise Contour. At this level, a high standard of external amenity can be predicted. Standard residential building construction will ensure further reductions in received levels of noise internal to the dwellings ensuring that internal amenity targets under the Industrial Noise Policy (INP) 2000 are achieved. The predicted increase in traffic levels of 7.5% on Mt Vincent Road as a consequence of the future waste transfer station/recycling facility operations will add 0.3dB(A) to existing traffic noise. This minor increase would not be audible at the proposed SEPP Seniors development site. Adverse vibration impacts are not expected beyond the site boundary.
- Water Quantity and Quality – An additional dam is proposed to be constructed to the west of the proposed material segregation facility/waste transfer working area to detain flows to predeveloped flow rate prior to discharge to the existing stormwater drainage system. The proposed dam will also serve as a water quality control by allowing settlement time for suspended solids and particulates and some removal of nutrients and select trace metals through bioremediation processes. The existing drainage infrastructure servicing the balance of the site will remain unchanged and will continue to be monitored and managed through the existing development consent conditions and 'plan of management'. The expanded activities at the MCC waste management facility site will have no significant impact on downstream water quality and quantity in the vicinity of the proposed SEPP seniors development.

5. The SOE on Threatened Flora and Fauna addresses the protection and management of the identified LHS GIFF EEC on site. The report further identifies habitat (hollow bearing) trees totalling (98) of which (9) are proposed to be removed. It is recommended the design of the seniors living development accommodate the retention of all habitat trees on site including the nesting tree of the Whistling Kite recorded on site.

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

On 5 September 2016, Council received complaints from surrounding residents of the subject land that tree removal was occurring on site. Inspection by Council Officers and discussions with the proponent confirmed this action. Justification for tree removal along the northern boundary was that it formed part of a previous DA consent for a dwelling on site. Council's concerns are that the current tree removal practices included identified habitat trees (70 & 71) in the SOE on Threatened Flora & Fauna Report. The SOE specifically nominated the retention of these trees and that habitat trees (72, 73 & 98) be "soft felled" in the presence of an ecological specialist to manage any fauna living in the hollows.

Council advises that due to the above vegetation removal the current SOE on Threatened Flora and Fauna is no longer applicable and that an up to date SOE be submitted prepared addressing the loss of EEC and habitat trees.



6. The Bushfire Hazard Report has provided a level of detail, including relevant constraints and mitigating measures, for Council to form an opinion that the proposal could progress to the development application stage. Detailed site studies pertaining to the following will need to be submitted with any development application for the site:
- Traffic Impact Assessment;
  - Stormwater Drainage Management;
  - Archaeological Heritage Impact Assessment;
  - Contamination Report;
  - Visual Impact Assessment;
  - Flood analysis providing for flood free access for all dwellings;
  - Further Flora/Fauna and Bushfire Hazard reports addressing the recommendations of the previous reports;
  - Site and building design details addressing compliance with the design criteria of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
  - Comprehensive Geotechnical investigations detailing how shallow mine workings on site will be treated and mitigated to support residential development in accordance with Mine Subsidence Board requirements. The recommendations of the previous Geotechnical report by Douglas Partners for the site are to be addressed in the required additional report.

Council wishes to advise that there is no objection to issuing a Site Compatibility Certificate for Seniors Housing over that part of the land identified in the application. Additional information and reports pertaining to the above matters will need to be addressed as part of any future development application for the site.

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

Yours sincerely



**David Evans**  
**General Manager**