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Environmental Assessment relating to Modification to MP07-0147 (Mod 4)

Concept Plan Approval North Cooranbong

Property:

Freemans Drive, Cooranbong
Specifically relating to Lot 212 DP1037011 and Lot 1 DP
348173, and additional land part Lot 12 DP 1158508

Applicant:

Johnson Property Group

Date:

October 2016



Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	18/10/16	S. Hutton	Z. Smurthwaite
B	Final	19/10/16	S. Hutton	Z. Smurthwaite

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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1.0 Executive Summary

Johnson Property Group (JPG) has been progressively developing the Watagan Park Residential Estate within the North Cooranbong Residential Estate, which was a State Significant Site and is being developed in accordance with approved Concept Plan (07_0147), as modified.

The estate is located within the Lake Macquarie Local Government Area. Cooranbong is approximately 40km southwest of Newcastle and 100km north of Sydney. Morisset, the closest emerging regional centre, is located 5km to the southwest of Cooranbong.

MP 07_0147 authorises a concept plan that involves the release of up to 2500 low and medium density residential lots, set into a context of environmental conservation and other business, community and open space lands and an interconnected road network, spread over 356 hectares. In addition to the concept plan, there are current state and local planning agreements associated with the development. To date, 1065 residential lots under JPG control are DA approved, of which 458 have construction approval, of which 294 are registered or will be registered by the end of 2016.

The objective of the modification to which this report relates is to identify an alternative local road connection, which is under JPG control and can be delivered by JPG in conjunction with ongoing lot delivery and VPA obligations across the concept plan area.

It is proposed to modify part of the concept plan as follows:

- Include a local road connection for the southern traffic catchment that extends north-easterly, including through part of adjoining 'Thomson' land (with that corridor of land added into the concept approval); and
- Delete dashed local road connection for the southern traffic catchment shown through Lot 2 DP 825266 (noting this land did not form part of the concept approval anyway).

The proposed alternative local road connection:

- allows JPG, who is responsible for delivering the majority of the wider release area and the VPA, to deliver road connectivity and VPA obligations in its own right without reliance on other landowners who do not form part of the concept plan;
- represents a similar road length to the approved connection; and
- will retain the same road type and function as approved (being local road, bus route).

The scope of changes and environmental consequences beyond those which were the subject to the original concept can be looked at in the context of the concept plan approval as a whole. The proposed changes under this modification will not alter the key principles which form the basis of the concept plan approval nor does it represent a radical transformation of the Concept Approval.

That part of the proposed road connection that sits on new land not assessed under the original application and/or approval (ie through the 'Thomson' lands), represents some

247m of road length, over a footprint of some 0.49ha, inclusive of any necessary associated construction works zone.

Consideration of the extent of environmental consequences which arise from the modification (to provide an alternative local road connection) beyond those which were the subject to the original assessment is the subject of this assessment. With the support of a specific ecological assessment relating to the road corridor, it is concluded that by comparison to the approved concept, the environmental consequences arising from the modification are not significant, and can be readily supported and appropriately managed.

It is considered that inclusive of the modification, the environmental, social and economic benefits to the region identified via Concept Plan approval are not diminished.

2.0 Background

This report has been prepared to accompany an application by Johnson Property Group (JPG) to modify the concept plan approval of Major Project 07_0147 (North Cooranbong Concept Plan), under Section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

This modification request relates to providing an alternative local road connection, on a corridor of land to be added into the concept plan, to provide local road network connectivity within the southern traffic catchment, which then also connects through to the northern traffic catchment (generally defined by a central east/west aligned environmental riparian corridor separating the urban development area). The alternative link replaces (deletes) a concept road link shown on land that remains excluded from the concept plan.

2.1 CONCEPT PLAN MP 07_0147

Johnson Property Group (JPG) has been progressively developing the Watagan Park Residential Estate within the North Cooranbong Residential Estate, which was a State Significant Site and is being developed in accordance with approved Concept Plan (07_0147), as modified.

The estate is located within the Lake Macquarie Local Government Area. Cooranbong is approximately 40km southwest of Newcastle and 100km north of Sydney. Morisset, the closest emerging regional centre, is located 5km to the southwest of Cooranbong.

On 12 October 2007 the Minister agreed to consider listing an area of land at North Cooranbong in Schedule 3 of the Major Projects SEPP. The resulting SEPP Amendment, rezoning the land to facilitate urban development, was gazetted on 5 December 2008. Those zones are now reflected in the Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014), and consists of residential, business, recreation and environmental zoned lands. A State Planning Agreement was also entered into in December 2008 (and has been subsequently modified).

Concept Plan approval (07_0147) for the North Cooranbong Residential Estate was granted under the former Part 3A of the *Environmental Planning and Assessment Act 1979* on the 15th December 2008. This has been subsequently modified, with the most recent modification (Mod 3) being approved on the 9th December 2009.

The approved Concept Plan estimated that Watagan Park Estate will provide up to 2,500 low and medium density residential lots, commercial land, public parks, an educational site, environmental conservation and associated infrastructure, spread over 356 hectares on the eastern border of the Olney State Forest. The site is ideally located within minutes from Avondale College and Avondale School, planned community facilities, playing fields and within close proximity to nearby centres including the emerging sub regional centre of Morisset and within easy access to the M1 Motorway and railway.

Figure 1 illustrates the Structure Plan from the Concept Approval.

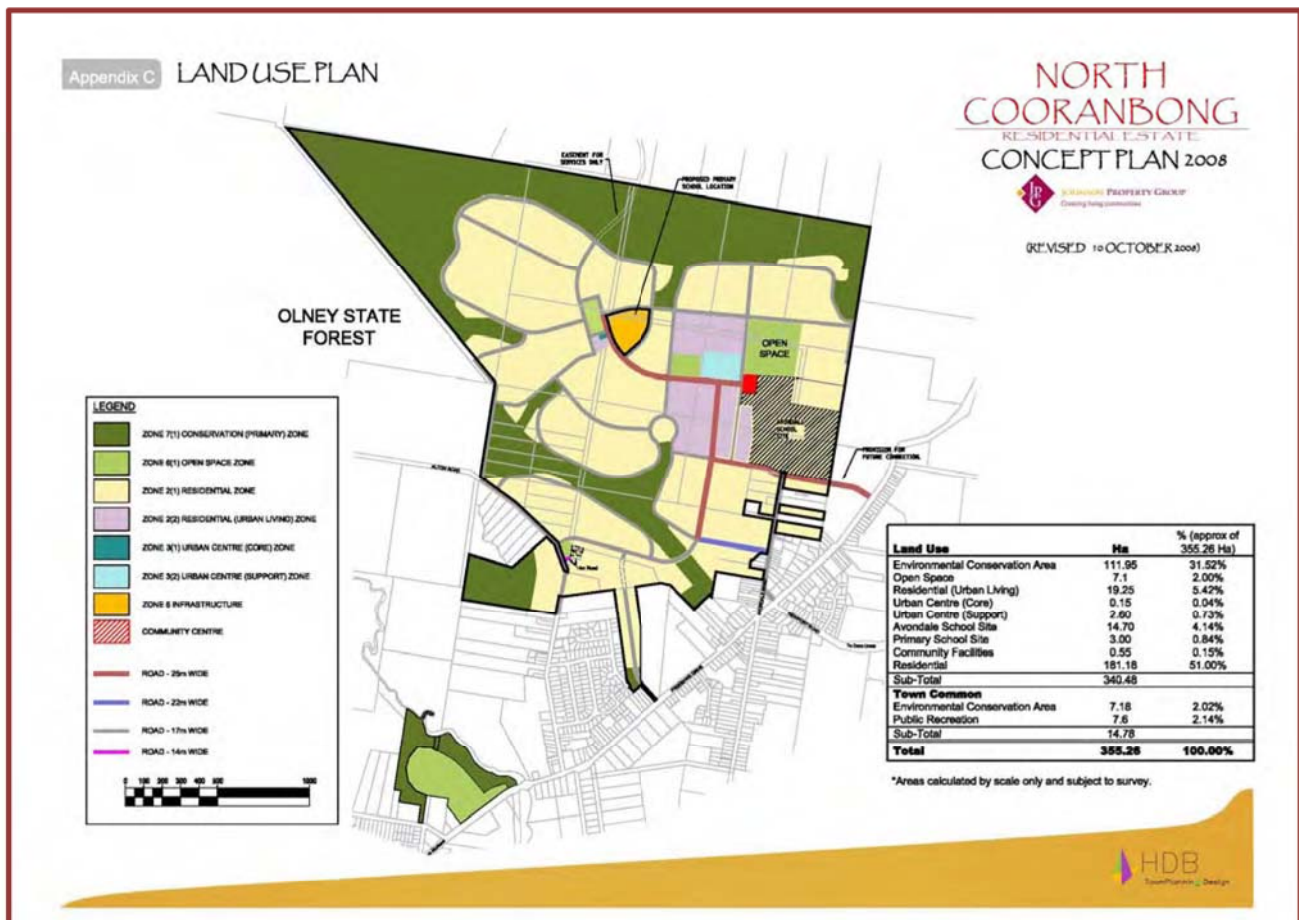


Figure 1: Approved Structure Plan under MP 07_0147.

Concept Approval MP07_0147 is a transitional Part 3A project under the provisions of Schedule 6A of the EP&A Act. As such Part 3A (as in force immediately prior to repeal of Part 3A) continues to apply to the Concept Approval, including the modification provisions of Section 75W.

2.2 DEVELOPMENT TO DATE

The Concept Approval determined that development associated with the Concept Plan is subject to development assessment under Part 4 or Part 5 of the EP&A Act.

Since Concept Approval, JPG and Lake Macquarie City Council (LMCC) has entered into a Local Planning Agreement, the current version dated 1 June 2015. That current agreement is in lieu of Section 94 contributions and includes cash and non-cash contributions, triggered by cumulative lot production.

To date, there is currently a cumulative total of 1065 residential lots that are DA approved that are under JPG control. The majority of the approved residential lots sit within the northern traffic catchment, with 50 approved residential lots only in the southern traffic catchment.

Of the cumulative 1065 residential lots with DA approval, 458 of them have received construction approval (and are under the control of JPG) and of those 294 have been registered or are to be registered by the end 2016 (also under the control of JPG). There is a further 5 lots registered to date that are outside lands under JPG control, but within the concept approval area. The registered lots are located primarily in the north-east portion of the main development area (including Precincts 1 and part Precinct 2).

Figure 2 provides a snapshot of development approvals to date for information purposes.

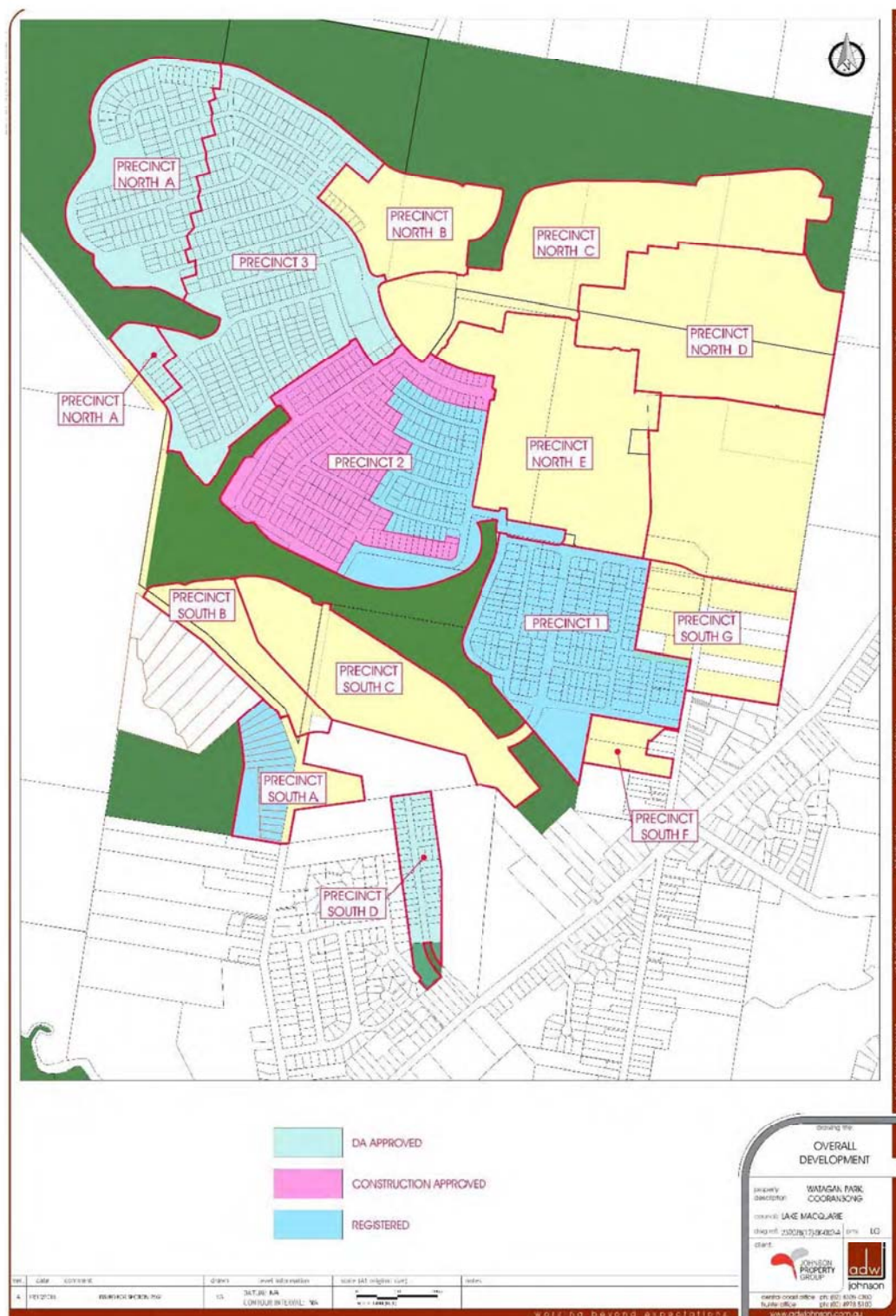


Figure 2: Development Approvals as at October 2016.

2.3 LOCAL ROAD CONNECTION WITHIN SOUTHERN DEVELOPMENT AREA

It is noted that Lot 2 DP 825266 (a 5.05ha area of land located centrally in the southern part of the main development area) was removed from the concept plan prior to approval, due to withdrawal of land owners consent (known as 'Dabson' lands). At that time, whilst an east-west road alignment was shifted northwards into land under control of JPG, a dashed line was included through the excluded 'Dabson' land indicating a concept north-south local road connection within the southern traffic catchment. That connection connected residential land (under JPG control) between the environmental riparian zone and the excluded land, and then southwards to a new central site access at Freemans Drive. The southern leg of the connection sits within land known as 'Twine' land, being Lot 212 DP 1037011 and Lot 1 DP 349173, which forms part of the concept plan and is under JPG control.

As established under the current Planning Agreement between JPG and Lake Macquarie City Council (LMCC) (dated 1 June 2015), the new central site access is to be a new traffic signalisation intersection (Item 15). Those works are currently to be provided prior to the release of a subdivision certificate for the 600th residential lot or prior to the release of subdivision certificate for the 100th residential lot in the southern traffic zone.

The road network and traffic and transport benefits of those intersection works will only be realised when the southern traffic catchment is connected beyond the 'Twine' lands. The 'Twine' lands were approved by LMCC in February 2012 for 32 residential lots in two stages under DA1574/2012. That consent provided consistency with the concept plan by including a road to its northern boundary within stage 2 (being the common boundary with Dabson lands). However, JPG have no control over the land that the connection is currently shown across to the north of 'Twine' land (excluded from the concept plan and known as 'Dabson' lands). It is understood that to date, no application for subdivision of that land has been made since it was rezoned 8 years ago.

As outlined below in Section 2.4, JPG have identified an alternative to the road connection through 'Dabson' lands, which is the subject of this modification application. Once that connection has been recognised, a consistency amendment will be sought to DA 1574/2012 ('Twine' approval) for LMCC assessment and determination.

2.4 ADJOINING LAND

As part of JPG's progressive development of Watagan Park, control has been secured more recently over a 5.855ha parcel of land immediately adjoining the concept plan area, east of the 'Twine' land, being Lot 12 DP 1158508, 617 Freemans Drive (known as 'Thomson' lands).

With the introduction of the Water Industry Competition Act (WIC Act) 2006 and the regulations supporting its implementation in 2008, investigations were undertaken for water and sewerage services to be provided by a licensed private sector entity, and contractual arrangements were then established for private sector supply of water and sewer services for Watagan Park. Most recently, on 30 August 2016, a judgement from the NSW Land and Environment Court approved, with conditions, a utility installation (water recycling facility for the treatment of sewage) (DA714/2014) on part of the 'Thomson' land. Whilst the development consent was able to be issued independent of the concept plan approval, that infrastructure will service the ongoing development of Watagan Park. **Appendix 3** includes a copy of the approved plans for background purposes.

Separately, LMCC are progressing a planning proposal over the 'Thomson' lands, which currently sits in a transition zone, being RU6 (Transition). That planning proposal (PP_2014-LakeM_002_00) received gateway determination in October 2014, was publicly exhibited during late 2015, and whilst put on hold by Council pending the utility installation judgement reference above, is now being finalised by LMCC (and scheduled to be reported to Council during November 2016). If adopted by LMCC, it will be provided to DPE for final assessment and plan making and will rezone the land for infrastructure, urban (residential) development and conservation purposes. Whilst this modification is not reliant upon the outcome of that planning proposal (as roads are a permitted use in the existing transition zone and can be independently considered subject to satisfying the relevant zone objectives), **Appendix 4** includes a copy of the most recently supplied draft zoning plan from JPG to LMCC, for background purposes.

JPG have identified that a local road connection across part of this land (rather than north through 'Dabson' lands), could be provided under their control and aligned to the ongoing lot delivery and VPA obligations of the wider concept plan. This will facilitate JPG delivering a local road network connection within the southern traffic catchment to the new central intersection (as well as through to the northern catchment), and can assist in providing the road network and traffic and transport benefits sought from its provision, beyond the currently approved 32 residential lots that only connect to it at present.

3.0 Proposed Modification

3.1 OBJECTIVES OF THE MODIFICATION

The objective of the modification is to identify an alternative local road connection (for the southern traffic catchment and its connection to the new intersection to be constructed on Freemans Drive), which is under JPG control and can be delivered by JPG in conjunction with ongoing lot delivery across the concept plan area.

3.2 DESCRIPTION OF THE MODIFICATION

It is proposed to modify part of the concept plan as follows:

- Include a local road connection for the southern traffic catchment that extends north-easterly, including through part of adjoining 'Thomson' land (with that part of the land added into the concept approval); and
- Delete dashed local road connection for the southern traffic catchment shown through Lot 2 DP 825266 (noting this land did not form part of the concept approval anyway).

Figure 3 shows a comparison between the approved road network and the proposed road network (refer also **Appendix 1**). **Figure 4** shows the proposed road connection incorporated into the wider Structure Plan (refer also **Appendix 2**).

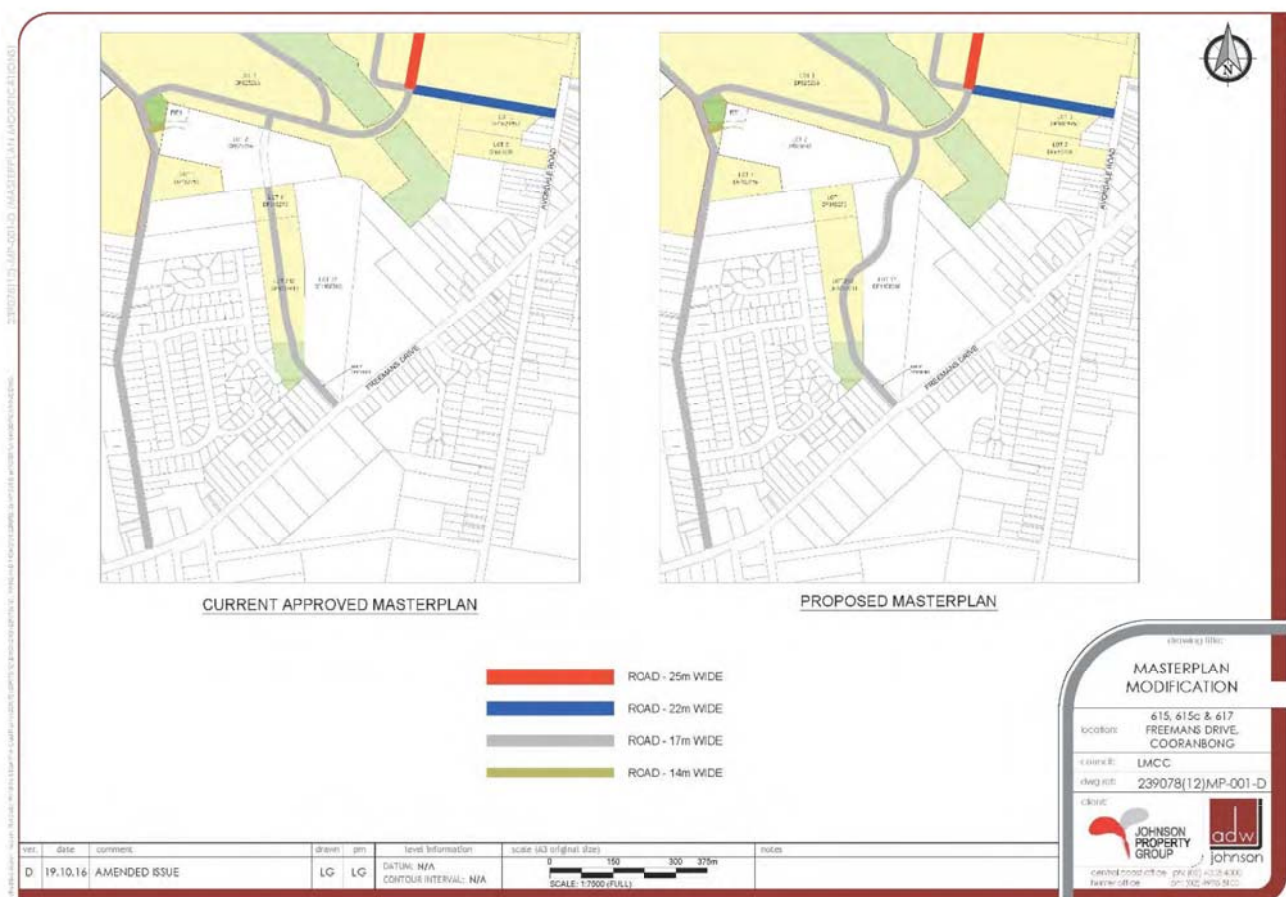


Figure 3: Comparison between approved and proposed extract of Concept Plan.

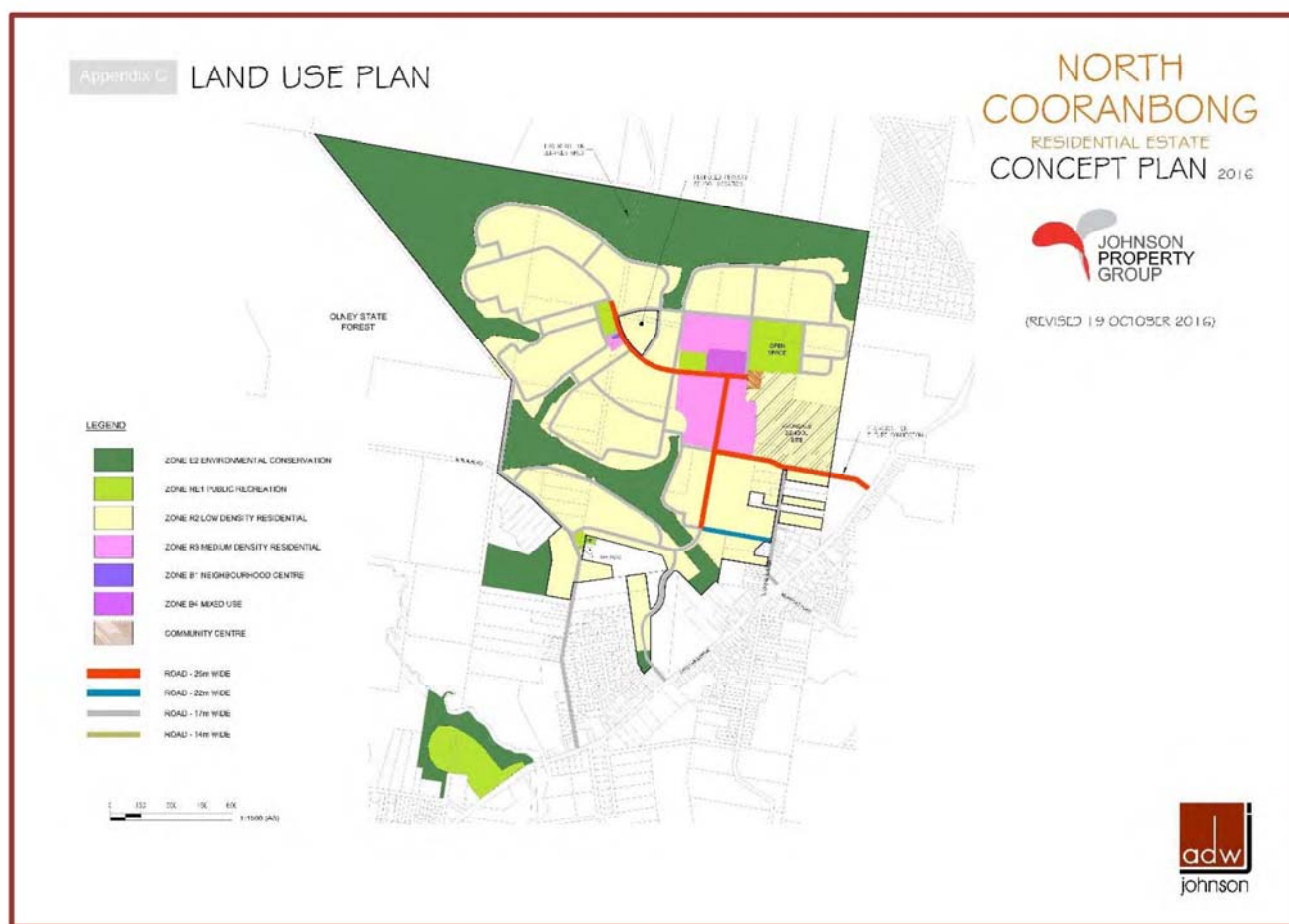


Figure 4: Proposed Structure Plan incorporating amendment.

The proposed alternative local road connection:

- allows JPG to deliver road connectivity and VPA obligations in its own right without reliance on other landowners who do not form part of the concept plan;
- represents a similar road length to the approved connection (additional 2m of road length), when measured from the intersection on Freemans Drive to the south, through to its connection to the east/west road within the southern traffic catchment (proposed total 737m length, approved total 735m length); and
- will retain the same road type and function as approved (being local road, bus route).

That part of the proposed road connection that sits on new land not assessed under the original application and/or approval (ie through the 'Thomson' lands), represents some 247m of road length, over a footprint of some 0.49ha, inclusive of any necessary associated construction works zone. The construction value of that section of road has been estimated at \$309,000.

Please note that the Concept Plan shown in Figure 4 and included in Appendix 2 has incorporated a number of consistency updates being:

- To reflect the standard instrument and current LEP zone descriptions under Lake Macquarie LEP 2014 (LMLEP 2014), which came into force in 2014;

- To reflect LMLEP 2014 Amendment 14, which came into force in 2016, to include the identified primary school site in the residential zone; and
- To reflect the current DA approved road network (other than as per road network amendment sought in this modification).

3.3 LAND TO BE ADDED

The land to be added is limited to the identified alternative road corridor, generally as shown and described in Section 3.2 above. It consists of part of Lot 12 DP 1158508, 617 Freemans Drive, North Cooranbong (part of the 'Thomson' lands). Whilst the title covers an area of some 5.855ha, the area to be added is the concept road corridor (with construction zone) of approximately 0.49ha.

The area to be added is currently zoned RU6 Transition under Lake Macquarie Local Environmental Plan (LMLEP) 2014 (refer to Section 2.4 earlier, road is a permitted use in the existing transition zone and can be independently considered and is not reliant on the rezoning of the wider 'Thomson' lands).

Land to the east of the 'Thomson' lands are also zoned RU6 with lands directly to the west and north were rezoned for urban development ahead of the 2008 concept plan approval, and primarily consists of residential zoned land, extending northwards through to an environmental zoned riparian corridor further north.

The proposed road corridor, within the 'Thomson' lands, sits to the north of the approved utility installation.

Whilst yet to be reported by LMCC for final adoption, the proposed road corridor has been purposely sited to sit wholly within land most recently identified to be rezoned for residential purposes and clear of an existing dwelling house (which sits to the east of the road corridor). It purposely also sits wholly outside land most recently identified to be rezoned for conservation purposes. **Appendix 4** includes a copy of the most recently supplied draft zoning plan from JPG to LMCC, for background purposes, with the road corridor overlaid.

Other than the ecological characteristics and assessment, it is understood that there are no known land characteristics of the land corridor to be added that warrant specific further investigation, nor that would render the inclusion of the additional land for the purpose of concept road connection as proposed, and subject to further part 4 development application and assessment, as unacceptable.

3.4 KEY INVESTIGATIONS

An initial briefing on the modification has been provided to Department of Planning and Environment (DPE) and Lake Macquarie City Council (LMCC). The alignment of the alternate road connection has been modified as a result of initial consultation with Council, in order to provide a more direct linkage with appropriate radii on curves and to exclude any 90 degree bends (where not at an intersection), to better suit the intended function of the road.

No additional consultation has been undertaken with any state agencies, the community or adjoining land owners (other than owner of 'Twine' and 'Thomson' lands). Opportunity for agency consultation and community submissions will occur during the modification assessment process.

This report has been prepared to provide a targeted and succinct environmental assessment of the modification and the environmental consequences that may arise as a result of the changes.

Key matters reported on and investigated include:

- Urban Design and Concept Plan Layout - Road connectivity and linkages;
- Ecological Impact; and
- Other.

4.0 Environmental Consequences

4.1 ROAD CONNECTIVITY AND LINKAGES

It is considered that the alternative local road connection provides the same road connectivity and linkage outcomes within the southern traffic catchment as that intended to be provided by the approved local road connection, and is of similar length and design purpose (being local road, bus route).

The alternative connection is sited within lands under JPG control, connecting lands from to the north and to the south also under JPG control, and will support the provision of linkages that support the functioning and purpose of the new central intersection to the south, being funded by JPG. It will also enable a connected community to be established under JPG control to enable connectivity between the northern and main parts of the southern traffic catchment area.

It is noted that the Concept Plan provides for alternative access to 'Dabson' lands via a road link to Alton Road adjoining the identified and zoned southern local park.

4.2 ECOLOGICAL IMPACT

Appendix 5 includes an ecological assessment of the proposed alternative road corridor, where it traverses the land to be added to the concept plan (ie through the 'Thomson' lands).

The assessment outlines previous field work and biodiversity assessment undertaken and identifies the following ecological characteristics of the road corridor (refer also **Figure 5**):



Figure 5: Vegetation and Significant Flora Map.

- One vegetation community within the road corridor, being Coastal Plains Scribbly Gum Woodland (0.39ha), with the remaining area within the road corridor comprised of managed/cleared land (0.1ha). The native vegetation community is not an Endangered Ecological Community;
- The presence of two threatened flora species within the road corridor, being 11 x *Angophora inopina* and 7 x *Tetratheca juncea* clumps; and
- No known hollows, nests or other significant arboreal faunal roosting/denning habitat features, but vegetation forms part of general terrestrial habitat.

The assessment provides information that a referral under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) has been

made and assessed by the Department of Environment (DoE), who deemed that the proposed action (including clearing for roads as intended partly by this modification, that sit within intended residential zoned lands) was not a controlled action.

The assessment reports on direct impacts (clearing of native vegetation and terrestrial habitat and removal of individual *A. inopina* species and *T. juncea* clumps) and indirect impacts (edge effects, exotic species, construction impacts, passing vehicle impacts) arising from the road corridor, as well as key threatening processes. It identifies species that warrant a specific assessment of significance (and provides those), being:

Flora:

- *Angophora inopina* (Charmhaven Apple);
- *Cryptostylis hunteriana* (Leafless Tongue Orchid);
- *Grevillea parviflora* subsp. *Parviflora* (Small Leaf Grevillea); and
- *Tetralochea juncea* (Black Eye Susan).

Birds:

- *Callocephalon fimbriatum* (Gang Gang Cockatoo);
- *Calyptorhynchus lathami* (Glossy Black Cockatoo);
- *Daphoenositta chrysoptera* (Varied Stitella);
- *Glossopsitta pusilla* (Little Lorikeet);
- *Hieraetus morphnoides* (Little Eagle);
- *Ninox strenua* (Powerful Owl);
- *Tyto novaehollandiae* (Masked Owl); and
- *Tyto tenebricosa* (Sooty Owl).

Mammals:

- *Petaurus australis* (Yellow-bellied Glider);
- *Petaurus norfoicensis* (Squirrel Glider);
- *Mormopterus norfolkensis* (Eastern Freetail Bat);
- *Miniopterus australis* (Little Bentwing Bat);
- *Miniopterus schreibersii oceanensis* (Eastern Bentwing Bat); and
- *Myotis macropus* (Southern Myotis).

As considered by the Commonwealth in their assessment of the proposals occurring over the 'Thomson' lands (one component of which includes constructions of roads, the subject of this modification to the concept plan), the site is an addition to other lands controlled by JPG and are generally part of the wider action and the rehabilitation and maintenance of identified neighbouring conservation property, and in that context, the Commonwealth considered the loss arising from developing the land (in full) for residential and infrastructure purposes (apart from the EEC on the lower lying lands) is deemed acceptable without any further offsetting requirements.

Ultimately (and not as part of this minor modification), the 'Thomson' lands can be treated, managed and delivered in a similar fashion to the neighbouring residential development from the concept plan approval, including rehabilitation and maintenance of any future conservation property, either via agreement with LMCC or otherwise, once the identification of conservation zoned lands is finalised by the planning proposal, rather than via an isolated offset package. At the scale of the 'Thomson' land, the threatened flora species and vegetation community will in part be retained outside the proposed road corridor (and future residential lands). At a local scale, significant areas (approx. 120hectares) have already been set aside in perpetuity conservation reserves that contain individuals of the threatened flora species and large patches of similar habitat,

which are subject to a JPG funded multi-million dollar rehabilitation program. In addition to improvements in biodiversity values, ecological resilience and habitat condition, the conservation reserves secure sub-regional and local corridors sought by Council.

Overall, the ecological assessment concludes that the future clearing of the proposed road corridor will not result in a significant impact on threatened species or their habitats and will not place any viable local population at risk of extinction nor the long term survival of those species in the locality.

A number of recommendations are provided to minimise the effect of clearing of 0.39ha of vegetation on site, including pre-clearance survey, staged clearing procedure and general mitigation during construction phase including erosion and sediment control. These can be readily incorporated into future Part 4 applications and development consents which authorise physical works on the land.

4.3 OTHER

It is not considered that the proposed modification, including the addition of land being the proposed road corridor through the 'Thomson' lands, generates any additional environmental consequences of note, that are not otherwise adequately dealt with under either the separate planning proposal or during the course of typical part 4 development assessment.

The additional land for the proposed road corridor:

- Is not mapped nor affected by flooding (which the 1:100 year flood line sitting further south on the 4.5m contour) and will not increase or impact on any downstream flooding, subject to appropriate water cycle management and is of appropriate topography to accommodate the concept road corridor without excessive earthworks outside the nominated corridor.

ADW Johnson civil and stormwater engineers have advised that:

"Stormwater management planning and modelling for the catchment that includes the road corridor has been previously undertaken, based on an assumption that both the road corridor and land to its west will be developed. Stormwater management basins approved with the utility installation within the 'Thomson' land (DA 714/2014) and currently proposed in an amendment to the 'Twine' consent (DA 1574/2012), have been adequately sized to cater for that part of the road corridor catchment that drains to the south, with stormwater management basins to occur to the north (not yet subject to DA), to be adequately sized to cater for that part of the road corridor catchment that drains to the north.

Stormwater management, inclusive of that required for the proposed road corridor, has the capacity to limit peak stormwater discharge from the developed Twine and Thomson lands post development to less than or equal to the peak stormwater discharge of the pre developed site, including up to the 100 year ARI storm event. Furthermore, the catchment based system has the capacity to control pollutants discharging from the developed site to meet pollutant reduction requirements.

Overall, catchment based detention and water quality system that also caters for the proposed road corridor can satisfy Council requirements in relation to stormwater runoff, with those features sited on lands already included within the concept plan area."

As such, it is considered that the proposed alternative road corridor does not generate any additional significant civil, flooding or stormwater consequences, by comparison to the approved concept plan.

- Is mapped as bushfire prone land, but does not, as part of this modification, propose additional residential land.

The proposed future road provides a desirable permanent local road connection to assist with bushfire planning and management, and can form part of future bushfire management and asset protection system for the urban area. It is understood that the RFS has supported the conversion of part of the land to residential purposes under the separate planning proposal, with bushfire management and asset protection zones to be provided under separate residential development.

It is considered that the proposed alternative road corridor does not generate any additional significant bushfire management consequences by comparison to the approved concept plan.

- Has been subject to consideration of land suitability considerations such as geotechnical, mine subsidence (the land is not located within a declared Mine Subsidence District), acid sulphate soil potential and management; and consideration of past uses and contamination potential, none of which has resulted in the land (including that of the proposed road corridor) being identified as unsuitable for urban development (including roads as proposed by this specific modification).
 - Cardno Geotech Solutions (CGS) has previously concluded that based on previous field investigations, observations and laboratory results that there is no indication of gross contamination on the site (including the area of the proposed road corridor);
 - CGS has previously advised that preliminary investigation and extensive local experience has not identified any geotechnical constraint that would prohibit the site from development for future residential development (including the area of the proposed road corridor), with further detailed geotechnical assessment to be undertaken for future Part 4 development applications/construction design phases);
 - Whitehead and Associates have previously undertaken a preliminary acid sulphate soils assessment, and have noted that whilst a very small portion of the lower portion of the 'Thomson' lands may contain areas of low probability for acid sulphate soils (ASS), the areas of the site for residential development (including the area of the proposed road corridor) locate north of the ASS risk areas and predominantly in area with no known occurrence of potential ASS. Notwithstanding, detailed ASS assessment was reported as warranted for future Part 4 development applications/construction design phase, and if warranted based on fieldwork and laboratory testing, the development of an ASS Management Plan.

- Has been subject to consideration of Aboriginal heritage. The land is broadly mapped as forming part of a wider sensitive aboriginal landscape area under LMLEP 2014, but does not contain any currently known Aboriginal Heritage items. Specific consideration of aboriginal heritage as part of the planning proposal, under an Aboriginal Heritage Impact Assessment undertaken by RPS Australia East Pty Ltd and in consultation with Registered Aboriginal Parties (RAPs) , has not identified that the land is unsuitable for urban development (which includes roads as proposed by this specific modification), subject to certain recommendations. Due to low ground surface visibility, in addition to legislative recommendations about ceasing works if an unrecorded Aboriginal object/s is identified during future works, cultural recommendations included additional field inspection by a qualified heritage consultant and representatives of the RAP after dense vegetation has been cleared, to allow for identification of any unknown Aboriginal objects.
- There are no additional issues arising from the proposed road corridor that generates environmental consequences that would warrant refusal of the proposed modification, including consideration of visual context, acoustic and odour, landscape, European heritage, nor traffic (refer above relating to local road connectivity within traffic catchments). The land does not sit with the prescribed Coastal Zone.
- The proposal for an alternative road corridor is not considered to be inconsistent with the recently adopted Hunter Region Plan 2036, the NSW 2021 Hunter Regional Action Plan, the now superseded Hunter Regional Plan nor Council's Lifestyle 2030 Strategy.
- Whilst the proposed road corridor is not reliant upon the separate planning proposal and the specific urban/conservation zoning outcome for the 'Thomson' lands, given that zoning is well progressed, it does provide:
 - some guidance to the suitability of the land generally;
 - a context on the expected impacts arising from the proposed road corridor, and;
 - a context on not prejudicing in the interim the objectives of the transitional land use zone, whilst provisioning for road connection that can at the same time, provides a base for orderly development of that land once rezoned and its connection into the wider urban area.
- The proposal for an alternative road corridor does not in itself have any implications specifically for the current state nor local planning agreements.

5.0 Conclusion

Section 75W applies to this application to modify the concept plan approval, under the transitional provisions provided by Clause 3C(1) to Schedule 6A of the EP&A Act.

The power to modify in s75W is significantly different, and broader, compared to the other modification powers that are contained elsewhere in the EP&A Act (such as section 96). Section 75W instead is concerned with consideration of any significant additional impact.

The scope of changes and environmental consequences beyond those which were the subject to the original concept can be looked at in the context of the concept plan approval as a whole.

MP 07_0147 authorises a concept plan that involves the release of up to 2500 low and medium density residential lots, set into a context of environmental conservation and other community and open space lands and an interconnected road network. The proposed changes under this modification will not alter the key principles which form the basis of the concept plan approval nor does it represent a radical transformation of the Concept Approval. The modification adds a minor corridor of additional land to provide an alternative local road connection in one part of the wider urban area (in place of a corridor through other lands excluded from the concept plan and outside JPG control). This outcome is important to enable JPG, who is responsible for delivering the majority of the wider release area and the VPA, to align cumulative lot delivery and infrastructure provision.

Consideration of the extent of environmental consequences which arise from the modification (to provide an alternative local road connection) beyond those which were the subject to the original assessment is the subject of this assessment. With the support of a specific ecological assessment relating to the road corridor, it is concluded that by comparison to the approved concept, the environmental consequences arising from the modification are not significant, and can be readily supported and appropriately managed.

The modification will facilitate in part the ongoing delivery of the concept plan, notwithstanding land ownership, inclusive of connectivity within the southern traffic catchment and the new central intersection to Freemans Drive, as well as for local based connection between the northern and southern areas of the release area.

It is considered that inclusive of the modification, the environmental, social and economic benefits to the region identified via Concept Plan approval are not diminished.