



city council

Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

Thornton North Urban Release Area, Mapping Anomalies - Various Sites

Version 5.0

23/08/2016



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Version 1 – 30.07.2015 (For Section 55 Council Report)

Version 2 – 25.11.2015 (Exhibition)

Version 3 – 10.02.2016 (For Section 57 Council Report)

Version 4 – 21.06.2016 (Re-Exhibition – For Amended Gateway Determination)

Version 5 – 23.08.2016 (For Section 57 Council Report)

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for, the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) to correct various mapping anomalies in the Thornton North Urban Release Area.

This planning proposal is the result of minor zoning anomalies occurring in relation to registered subdivisions in the Thornton North Urban Release Area. A need exists to undertake minor variations to the zone boundaries to (i) accommodate the intended land use, (ii) reflect site-specific changes to flood planning constraints as a result of regrading works on the subject lands, (iii) reflect changes to the Thornton North Urban Release Area, and (iv) reflect the approved subdivision cadastre where appropriate.

The zoning anomalies occur at the periphery of the Thornton North Urban Release Area, where the R1 General Residential zone boundary meets the boundary of the RU2 Rural Landscape zone. Specifically, the zone boundary anomalies have occurred where the registered subdivision design has made a minor encroachment into the existing RU2 zone, and where associated regrading works have reshaped the subject lands in such a way that site specific flood planning constraints have been altered.

The anomalies were identified when the registered subdivision plans were overlaid onto the zoning map, and it became apparent that some lots on the periphery of the subdivisions showed a split R1/RU2 zone description. An amendment to rectify these irregularities is not considered to be controversial, and will result in a planning outcome that accurately reflects the intended land use, whilst ensuring that all of the developable lots are consistent with Council's adopted flood standards for housing development.

The planning proposal applies to a number of items which have been individually identified, mapped and listed to clearly illustrate the extent and purpose of each item.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are;

1. Resolve several minor LEP mapping, property description and zoning anomalies
2. Rezone the subject lands to reflect the intended land use
3. Ensure that R1 zoned land is above the Maitland LEP 2011 Flood Planning Level
4. Amend the Maitland LEP 2011 Draft Flood Planning maps to reflect changes in flood prone land for the sites.
5. Eliminate the potential for administrative complications due to LEP mapping, property description and zoning anomalies

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to reflect the changes itemised below.

Items 1 to 5 seek to rectify zoning anomalies that exist within the footprint of approved subdivisions. These anomalies have occurred where the subdivision footprint extends beyond the existing R1 General Residential zone, requiring the subject land to be rezoned from RU2 to R1. An extension of the URA boundary is proposed to accommodate land being rezoned to R1.

ITEM 1	
Location	Lots 1, 2, 3 & 4 DP1203865 Lot 441 DP1198603 Lot 1416 DP1200374 (Part) Billabong Parade
LEP Map Amendments	LZN_004D LZN_006A LSZ_004D LSZ_006A URA_004D URA_006A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 1(a) – Existing Zone Boundary (LZN) Locality Plan 1(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 1(c) – Existing Lot Size (LSZ) Locality Plan 1(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 1(e) – Existing Urban Release Area (URA) Locality Plan 1(f) – Proposed Amendment to Urban Release Area (URA)



ITEM 2	
Location	Lots 419 & 420 DP1198603 Lot 411 DP 1192881 (Part) Dragonfly Drive DP 1168944
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 1(a) – Existing Zone Boundary (LZN) Locality Plan 1(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 1(c) – Existing Lot Size (LSZ) Locality Plan 1(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 1(e) – Existing Urban Release Area (URA) Locality Plan 1(f) – Proposed Amendment to Urban Release Area (URA)

ITEM 3	
Location	Lots 1, 4, 5, 42, 43 & 51 DP1207153
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 2(a) – Existing Zone Boundary (LZN) Locality Plan 2(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 2(c) – Existing Lot Size (LSZ) Locality Plan 2(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 2(e) – Existing Urban Release Area (URA) Locality Plan 2(f) – Proposed Amendment to Urban Release Area (URA)

ITEM 4	
Location	Lots 101, 102, 103, 123 & 124 DP1194158 (Part) Harvest Boulevard (Part) Seasons Circuit
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies



Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)
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ITEM 5	
Location	Lots 108, 109, 110, 111, 112 & 113 DP1194158 (Part) Harvest Boulevard (Part) Seasons Circuit
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)

Items 6 and 7 seek to rectify zoning anomalies that exist within the footprint of approved subdivisions. These anomalies have occurred where existing R1 General Residential zoned land has been identified in the subdivision plan as being below the flood planning level and not intended for residential lots. Specifically, Item 6 is associated with a flood affected private road (Brookland Promenade), while item 7 is associated with a drainage basin. Both instances require the subject land to be rezoned from R1 to RU2.

ITEM 6	
Location	Lot 1 DP1207153
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from R1 General Residential zone to RU2 Rural Landscape zone, (ii) amend the minimum lot size for the RU2 zoned land from 450m2 to 40Ha, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 2(a) – Existing Zone Boundary (LZN) Locality Plan 2(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 2(c) – Existing Lot Size (LSZ) Locality Plan 2(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 2(e) – Existing Urban Release Area (URA) Locality Plan 2(f) – Proposed Amendment to Urban Release Area (URA)



ITEM 7	
Location	Lot 3 DP1207153
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from R1 General Residential zone to RU2 Rural Landscape zone, (ii) amend the minimum lot size for the RU2 zoned land from 450m2 to 40Ha, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 2(a) – Existing Zone Boundary (LZN) Locality Plan 2(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 2(c) – Existing Lot Size (LSZ) Locality Plan 2(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 2(e) – Existing Urban Release Area (URA) Locality Plan 2(f) – Proposed Amendment to Urban Release Area (URA)

Items 8 to 10 seek to rectify zoning anomalies that exist outside the footprint of approved subdivisions. These anomalies have occurred where the existing R1 General Residential zone extends beyond the footprint of the subdivision. There is no intention for the subject lands to accommodate residential development. Therefore, it is considered appropriate to remove any expectation for future residential development by rezoning the subject lands from R1 to RU2.

ITEM 8	
Location	Lot 2028 DP1213486
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from R1 General Residential zone to RU2 Rural Landscape zone, (ii) amend the minimum lot size for the RU2 zoned land from 450m2 to 40Ha, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 1(a) – Existing Zone Boundary (LZN) Locality Plan 1(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 1(c) – Existing Lot Size (LSZ) Locality Plan 1(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 1(e) – Existing Urban Release Area (URA) Locality Plan 1(f) – Proposed Amendment to Urban Release Area (URA)

ITEM 9	
Location	Lot 256 DP1208924
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from R1 General Residential zone to RU2 Rural

	Landscape zone, (ii) amend the minimum lot size for the RU2 zoned land from 450m2 to 40Ha, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)

ITEM 10	
Location	Lot 256 DP1208924
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from R1 General Residential zone to RU2 Rural Landscape zone, (ii) amend the minimum lot size for the RU2 zoned land from 450m2 to 40Ha, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)

Items 11 and 12 seek to rectify minor mapping / zoning anomalies. These amendments are administrative in nature and are required to ensure a coherent and logical interaction between the cadastre and the zoning maps. The subject lands are proposed to be rezoned from RU2 to R1.

ITEM 11	
Location	(Part) Darlaston Ave DP1207153
LEP Map Amendments	LZN_006A LSZ_006A URA_006A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 2(a) – Existing Zone Boundary (LZN) Locality Plan 2(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 2(c) – Existing Lot Size (LSZ) Locality Plan 2(d) – Proposed Amendment to Lot Size (LSZ)



Locality Plan 2(e) – Existing Urban Release Area (URA) Locality Plan 2(f) – Proposed Amendment to Urban Release Area (URA)

ITEM 12	
Location	(Part) Harvest Blvd DP 1194158
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)

Items 13 to 15 seek to rectify minor flood planning anomalies. These anomalies have occurred where regrading works have reshaped the site and resulted in changes to flood prone land.

ITEM 13	
Location	Amendment to the Draft Flood Planning Level in the vicinity of Billabong Parade, Chisolm.
LEP Map Amendments	FLD_004D FLD_006A
Purpose	To amend the Maitland LEP 2011 Draft Flood Planning maps to reflect changes in flood prone areas resulting from site works.
Locality Plans	Item 13 – Existing Draft Flood Planning Map Item 13 – Proposed Amendment to Draft Flood Planning Map

ITEM 14	
Location	Amendment to the Draft Flood Planning Level in the vicinity of Harvest Boulevard, Chisolm.
LEP Map Amendments	FLD_004D
Purpose	To amend the Maitland LEP 2011 Draft Flood Planning maps to reflect changes in flood prone areas resulting from site works.
Locality Plans	Item 14 – Existing Draft Flood Planning Map Item 14 – Proposed Amendment to Draft Flood Planning Map

ITEM 15	
Location	Amendment to the Draft Flood Planning Level in the vicinity of Brookland Promenade, Chisolm.
LEP Map Amendments	FLD_006A
Purpose	To amend the Maitland LEP 2011 Draft Flood Planning maps to reflect changes in flood prone areas resulting from site works.
Locality Plans	Item 15 – Existing Draft Flood Planning Map Item 15 – Proposed Amendment to Draft Flood Planning Map

Item 16 seeks to rectify a zoning anomaly that exists within the footprint of an approved subdivision. The anomaly has occurred where the subdivision footprint extends beyond the existing R1 General Residential zone, requiring the subject land to be rezoned from RU2 to R1. An extension of the URA boundary is proposed to accommodate land being rezoned to R1.

ITEM 16	
Location	Lots 201, 237 & 238 DP1208924
LEP Map Amendments	LZN_004D LSZ_004D URA_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m ² , (iii) amend the URA boundary to reflect the proposed zone changes, to rectify minor zoning, property description and mapping anomalies
Locality Plans	Locality Plan 3(a) – Existing Zone Boundary (LZN) Locality Plan 3(b) – Proposed Zone Boundary Amendments (LZN) Locality Plan 3(c) – Existing Lot Size (LSZ) Locality Plan 3(d) – Proposed Amendment to Lot Size (LSZ) Locality Plan 3(e) – Existing Urban Release Area (URA) Locality Plan 3(f) – Proposed Amendment to Urban Release Area (URA)

PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report. In this instance, council became aware of zoning anomalies following the approval of subdivisions in the Thornton North Urban Release Area and overlaying of registered cadastre data.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no better way, or alternative way, to achieve the objectives of this planning proposal. The matter requires an amendment to the Maitland LEP 2011

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this proposal. However, the planning proposal will ensure that the Maitland LEP 2011 is current and correct by resolving minor anomalies. Therefore, the net community benefit is likely to be neutral or positive.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy (NSW Department of Planning and Infrastructure) 2006

The planning proposal is considered to be consistent with the aims and objectives of the Lower Hunter Regional Strategy 2006 as it complies with the principles of the strategy by aiding the continued development of the Thornton North URA, which is identified in the MUSS 2012 as a major growth area for residential development. The planning proposal will ensure that residential development in the Thornton North URA is not compromised by LEP zoning, mapping and property description anomalies.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Maitland +10 (Community Strategic Plan)

The proposal supports the following objectives of the Council's community strategic plan (Maitland +10); our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.

Rectifying anomalies in the Maitland LEP 2011 will ensure the coherent delivery of Council's planning objectives. This translates to a built environment that is well-planned and responsive to the needs of the community.

Maitland Urban Settlement Strategy (MUSS) 2012

The subject lands are located in the Thornton North Urban Release Area, which is identified in the MUSS 2012 as the major release area in the Eastern Sector. Of all sectors in the MUSS, the Eastern Sector comprises the largest residential population along with the greatest development activity, including lot registrations and dwelling constructions.

Thornton North is identified in the MUSS 2012 as a major growth area for residential development. Therefore, it is necessary to ensure that development is not compromised by LEP zoning, mapping and property description anomalies. Because this planning proposal seeks to rectify LEP anomalies affecting the development of approved residential subdivisions in the Thornton North Urban Release Area, it is therefore considered that the planning proposal is consistent with the aims and objectives of the MUSS 2012.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (RURAL LANDS) 2008	Inconsistent
The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.	The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance. In addition, it should be noted that the RU2 zoned land exists within an urban environment, and engineering works have subsequently reshaped the land in such a way that amendments to the periphery of the RU2



RELEVANCE**CONSISTENCY AND IMPLICATIONS**

zone are justified.

7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Table 2: s117 Directions.

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS****1. EMPLOYMENT AND RESOURCES****1.1 Business and Industrial zones**

The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.

Not Applicable

1.2 Rural Zones

Inconsistent

The objective of this direction is to protect the agricultural production value of rural land.

The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance. In addition, it should be noted that the RU2 zoned land exists within an urban environment, and engineering works have subsequently reshaped the land in such a way that amendments to the periphery of the RU2 zone are justified.

1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Not Applicable

1.4 Oyster Aquaculture

The objectives of this direction are to ensure that Priority Oyster Aquaculture Areas and other oyster aquaculture areas, and any adverse impacts on these areas, are

Not Applicable



s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

considered when preparing a planning proposal.

1.5 Rural Lands**Inconsistent**

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance. In addition, it should be noted that the RU2 zoned land exists within an urban environment, and engineering works have subsequently reshaped the land in such a way that amendments to the periphery of the RU2 zone are justified.

2. ENVIRONMENT AND HERITAGE**2.1 Environment Protection Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas.

Not Applicable

2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy.

Not Applicable

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Not Applicable

2.4 Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Not Applicable

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.1 Residential Zones****Consistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of

The Thornton North Area Plan, which comprises part of the Maitland City Wide Development Control Plan, gives consideration to the objectives of this direction, and



s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
infrastructure and services.	identifies the land which is the subject of this planning proposal. Additionally, the changes affected by the planning proposal are of minor significance.
3.2 Caravan Parks & Manufactured Home Estates	
To provide a variety of housing types and to provide for caravan parks and manufactured home estates.	Not Applicable
3.3 Home Occupations	
To encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent The proposal is consistent with this direction, given that rectifying LEP zoning, mapping and property description anomalies will result in the development of land for urban purposes.
3.4 Integrating Land Use and Transport	
The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.	Consistent The planning proposal will aid the development of approved residential subdivisions which are well located to provide high levels of accessibility to existing road and public transport networks.
3.5 Development Near Licensed Aerodromes	
The objectives relate to the safe operation of aerodromes, as well as mitigating against obstruction, flight hazard and aircraft noise.	Not Applicable
3.6 Shooting ranges	
The objectives relate to safety and planning associated with shooting ranges.	Not Applicable
4. HAZARD and RISK	
4.1 Acid Sulfate Soils	
The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent The Maitland LEP 2011 indicates a potential Class 2 and Class 5 Acid Sulphate Soils risk affecting the subject lands. The Thornton North Area Plan gives consideration to the objectives of this direction. In addition, the approved subdivisions associated with the subject lands have, in accordance with Clause 7.1 of the MLEP 2011, been required to include an Acid Sulfate Soil and Salinity Management Plan as a condition of development consent. Given the minor nature of the proposal, the matter is considered to be of minor significance.



4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Not Applicable

4.3 Flood Prone Land

Consistent

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Part of the subject land is shown to be flood affected on the relevant Flood Planning Map under the Maitland LEP 2011. It should be noted that, in accordance with Clause 7.3 of the MLEP 2011, the Flood Planning Level for development within the subject site would be the level of a 1:100 ARI flood event plus 0.5 metre freeboard. The extent of the proposed zone boundary amendments have been based on this definition of FPL in the MLEP 2011.

4.4 Planning for Bushfire Protection

Consistent

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

Part of the subject lands are identified as being bushfire prone. The Thornton North Area Plan gives consideration to the objectives of this direction. In addition, the approved subdivisions associated with the subject lands are required to comply with sections 4.1.3 and 4.1.3(1) *Planning for Bushfire Protection 2006* as a condition of development consent.

5. REGIONAL PLANNING

5.1 Implementation of Regional Strategies

Consistent

This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.

The planning proposal is considered to be consistent with the aims and objectives of the Lower Hunter Regional Strategy 2006 as it complies with the principles of the strategy by aiding the continued development of the Thornton North URA, which is identified in the MUSS 2012 as a major growth area for residential development. The planning proposal will ensure that residential development in the Thornton North URA is not compromised by LEP zoning, mapping and property description anomalies.

5.2 Sydney Drinking Water Catchment

The objective of this direction is to protect

Not Applicable

s117 DIRECTIONS

CONSISTENCY AND IMPLICATIONS

water quality in the Sydney drinking water catchment.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

This direction aims to protect the best agricultural land for current and future generations by providing certainty over long term use, and in doing so, minimising land use conflicts.

Not Applicable

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

This direction aims to manage commercial and retail development along the Pacific Highway between Port Stephens and Tweed Shire Councils.

Not Applicable

5.8 Second Sydney Airport: Badgery's Creek

This direction aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgery's Creek.

Not Applicable

5.9 North West Rail Link Corridor Strategy

This direction aims to promote transit-oriented development around the train stations of the NWRL and ensure development adheres to the NWRL Corridor Strategy and precinct Structure Plans.

Not Applicable

6. LOCAL PLAN MAKING

6.1 Approval and Referral

Consistent

The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

No additional LEP provisions will be required.

6.2 Reserving Land for Public Purposes

The direction aims to facilitate (i) the provision of public services and facilities by reserving land for public purposes; and (ii) removal of reservations of land for public purposes where land is no longer required for acquisition.

Not Applicable

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Not Applicable

7. METROPOLITAN PLANNING

7.1 Implementation of the Metropolitan

Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Not Applicable

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There will be no impact on any of these matters as a result of the planning proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of this proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is for the purpose of rectifying minor anomalies contained within the Maitland LEP 2011. The social and economic effects were addressed during the preparation of the Maitland LEP 2011.

There are no additional social or economic effects as a result of this planning proposal.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

There is no additional demand generated for public infrastructure as a result of this planning proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The following State and Commonwealth public authorities were consulted in accordance with the Gateway Determination:

NSW Rural Fire Service

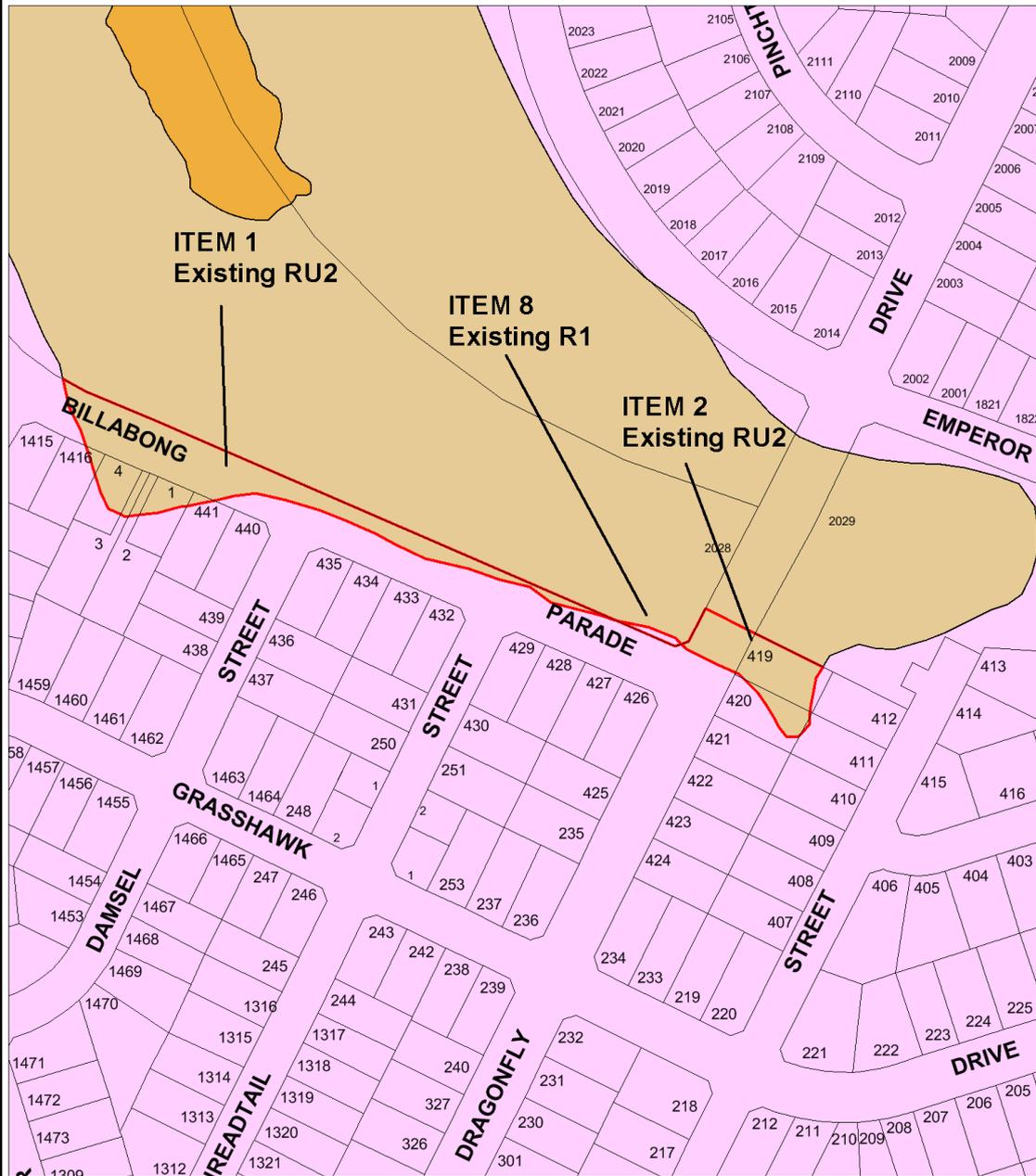
In accordance with the Gateway determination, Council requested comment from the NSW RFS in relation to the Planning Proposal. Correspondence specified that if a response has not been received by 27 July 2016, Council will assume that the NSW RFS has no objections or further requirements in respect of this proposal. No comment was received by Council.

PART 4: LOCALITY PLANS

The following Draft LEP maps support the proposal:

Locality Plan 1(a)

Existing zone boundary (LZN)



Scale 1 : 000
Printing Date: January 2016



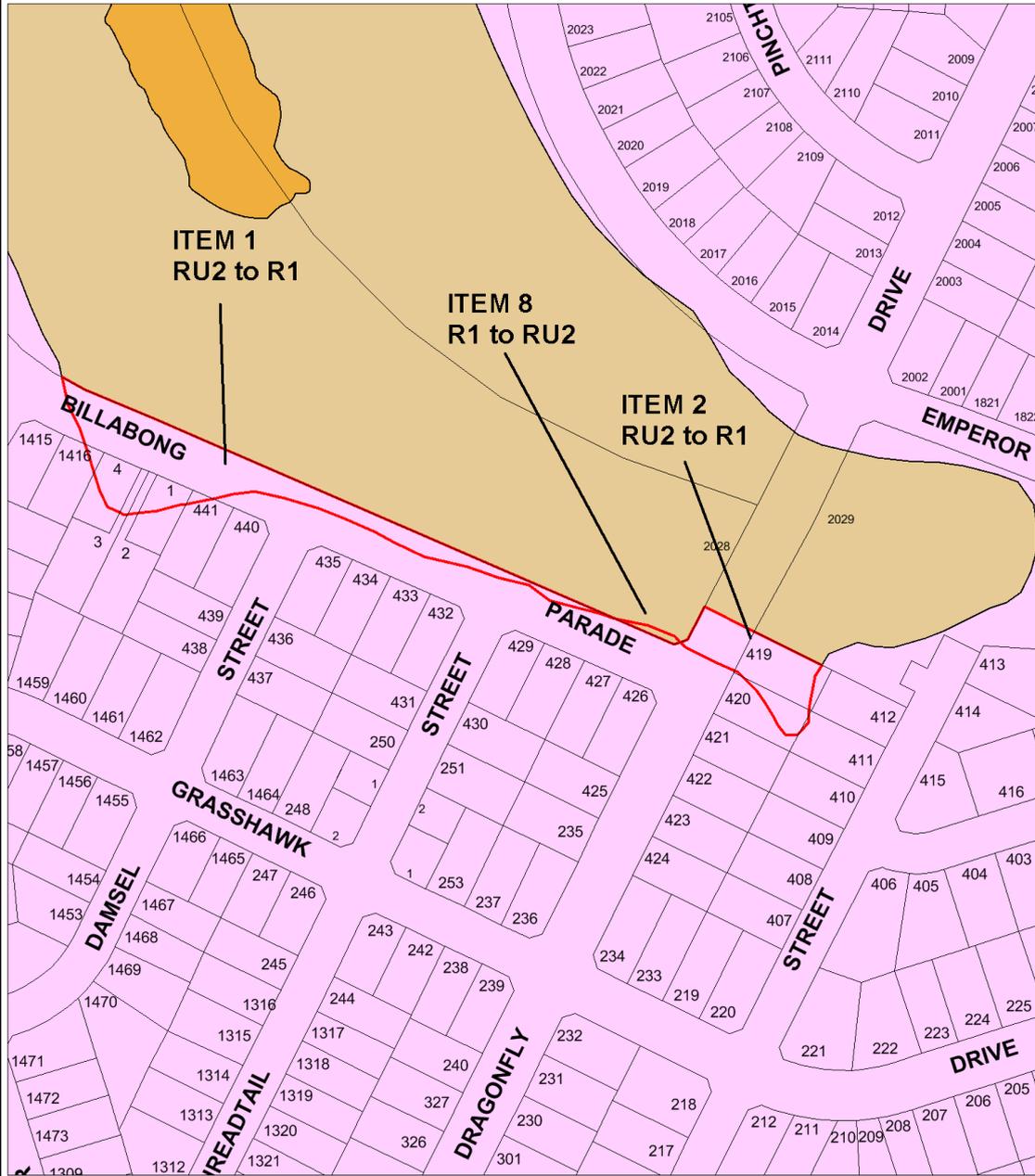
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Locality Plan 1(b)

Proposed zone boundary amendments (LZN)



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Printing Date: January 2016



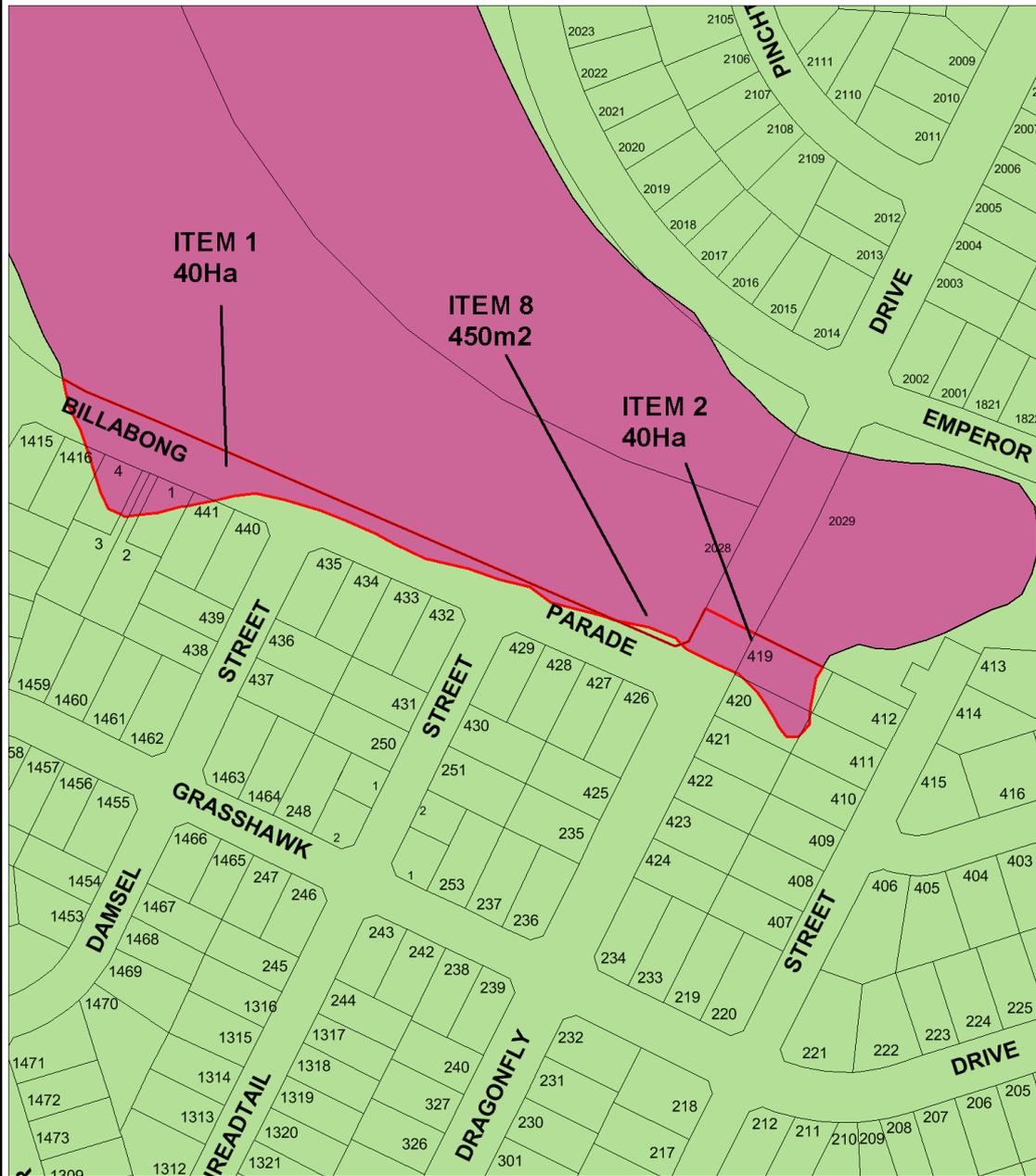
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Locality Plan 1(c)

Existing Lot Size (LSZ)



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Locality Plan 1(d)

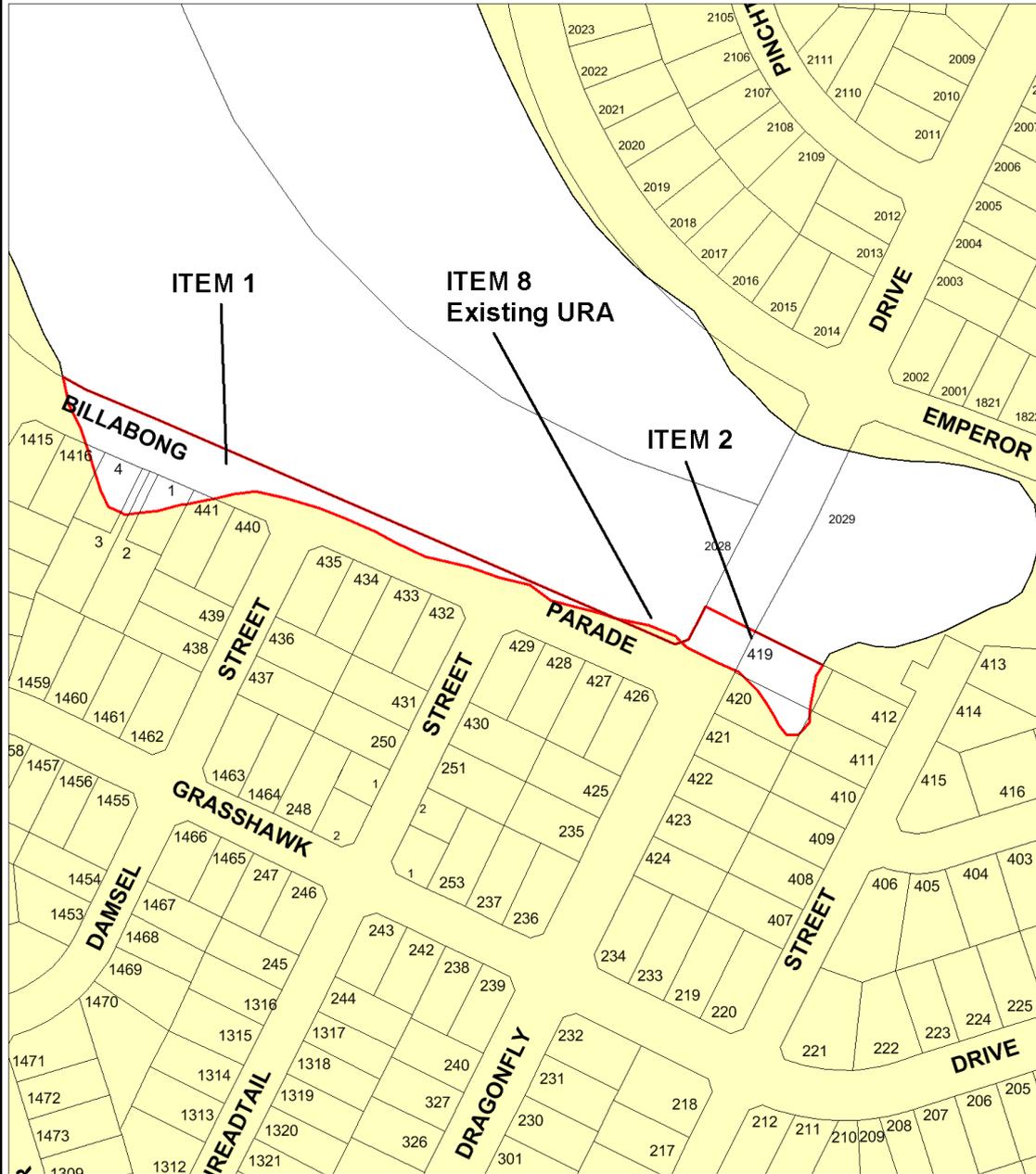
Proposed amendment to Lot Size (LSZ)



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Locality Plan 1(e)

Existing Urban Release Area (URA)



Scale 1 : 000
Printing Date: January 2016



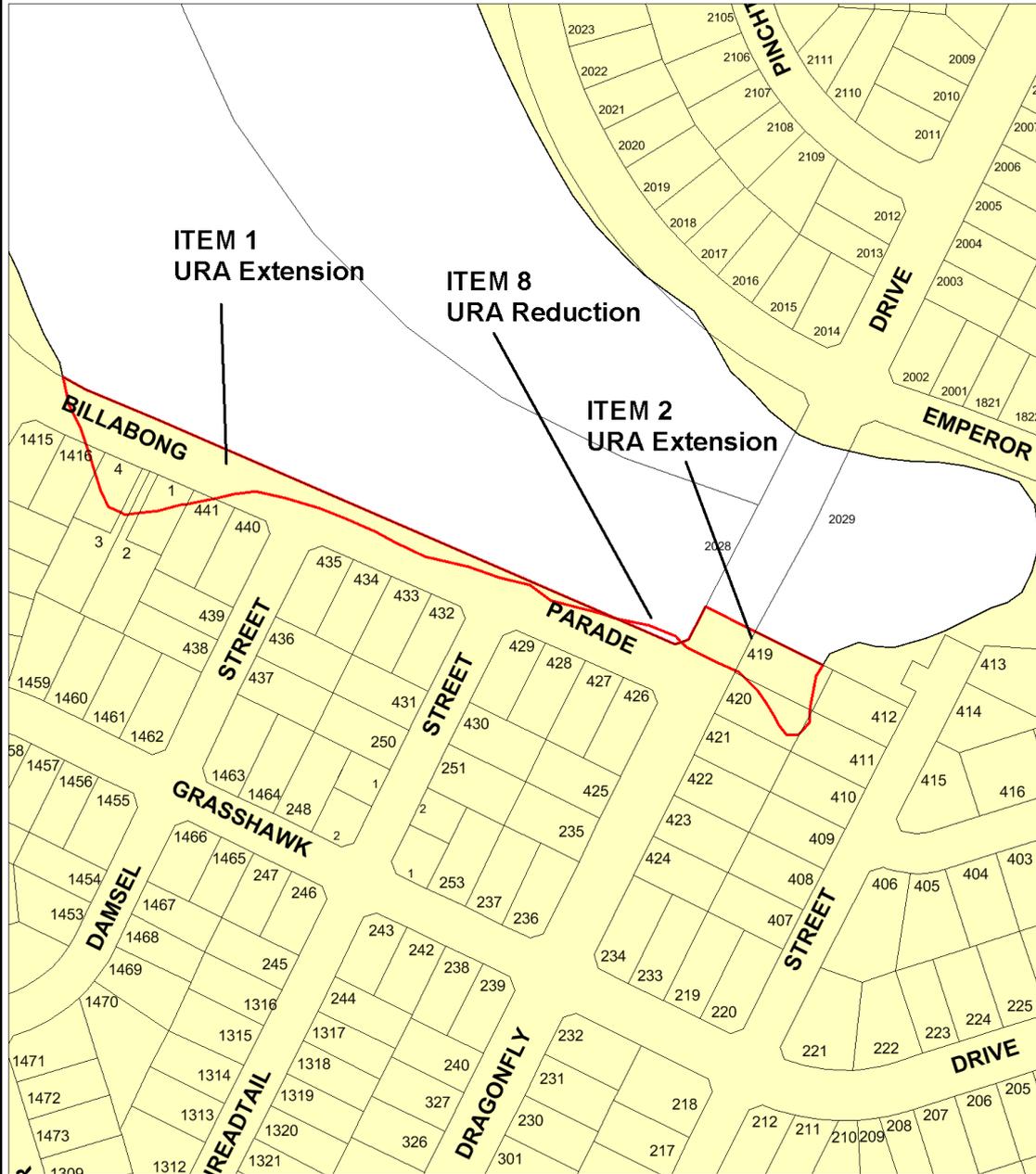
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Locality Plan 1(f)

Proposed amendment to Urban Release Area (URA)



Scale 1 : 000
Printing Date: January 2016



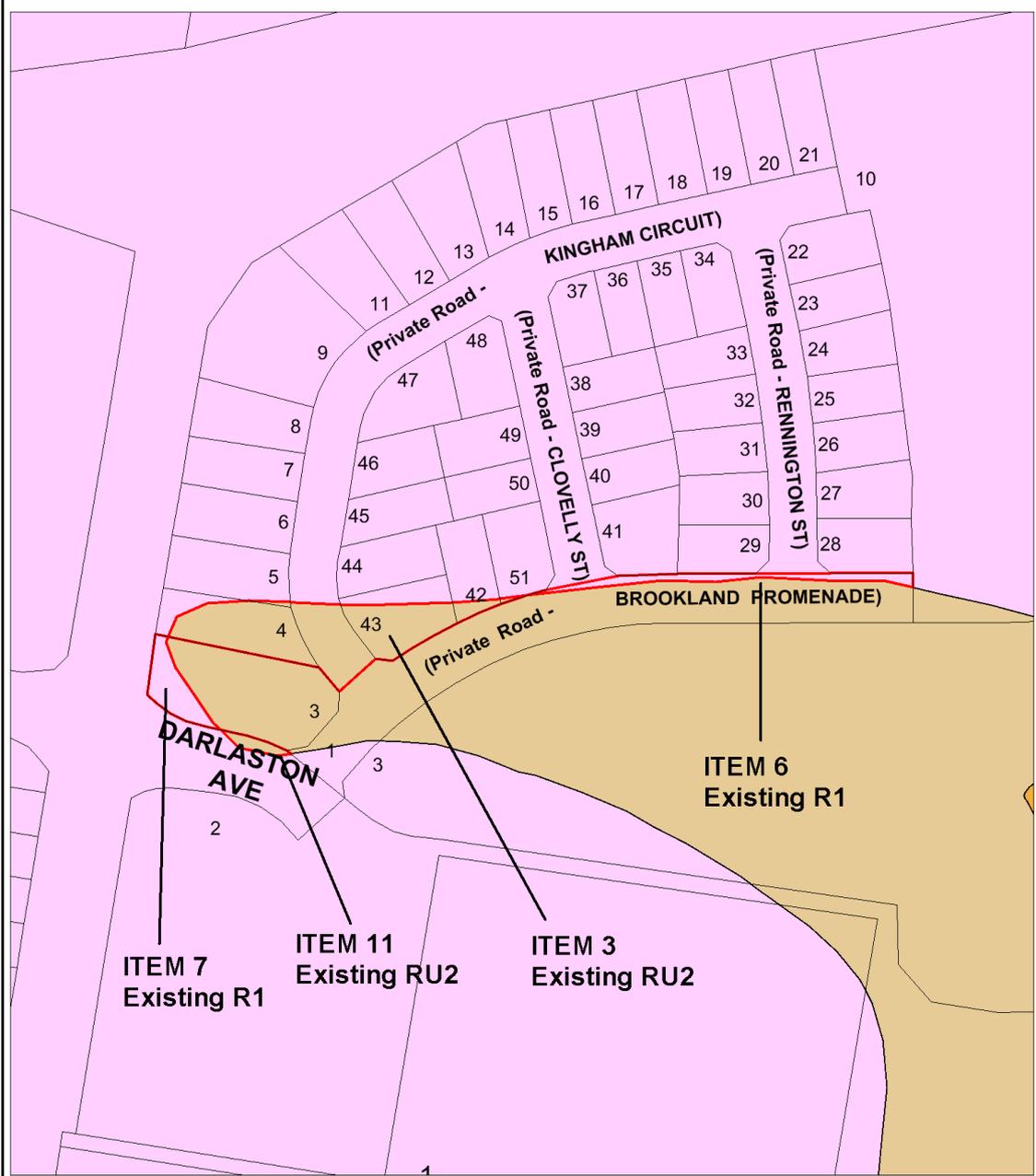
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Locality Plan 2(a)

Existing zone boundary (LZN)



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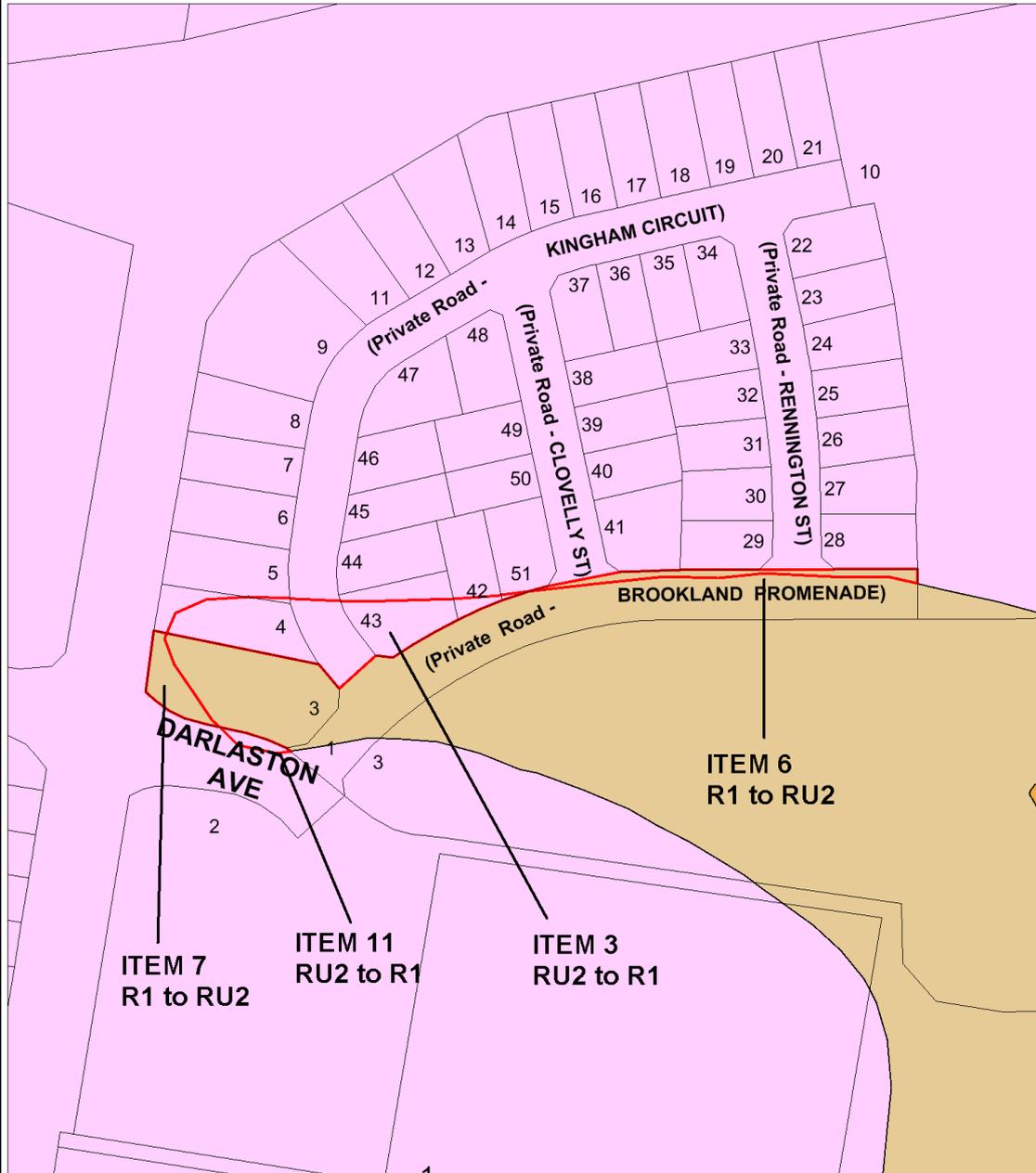


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Locality Plan 2(b)

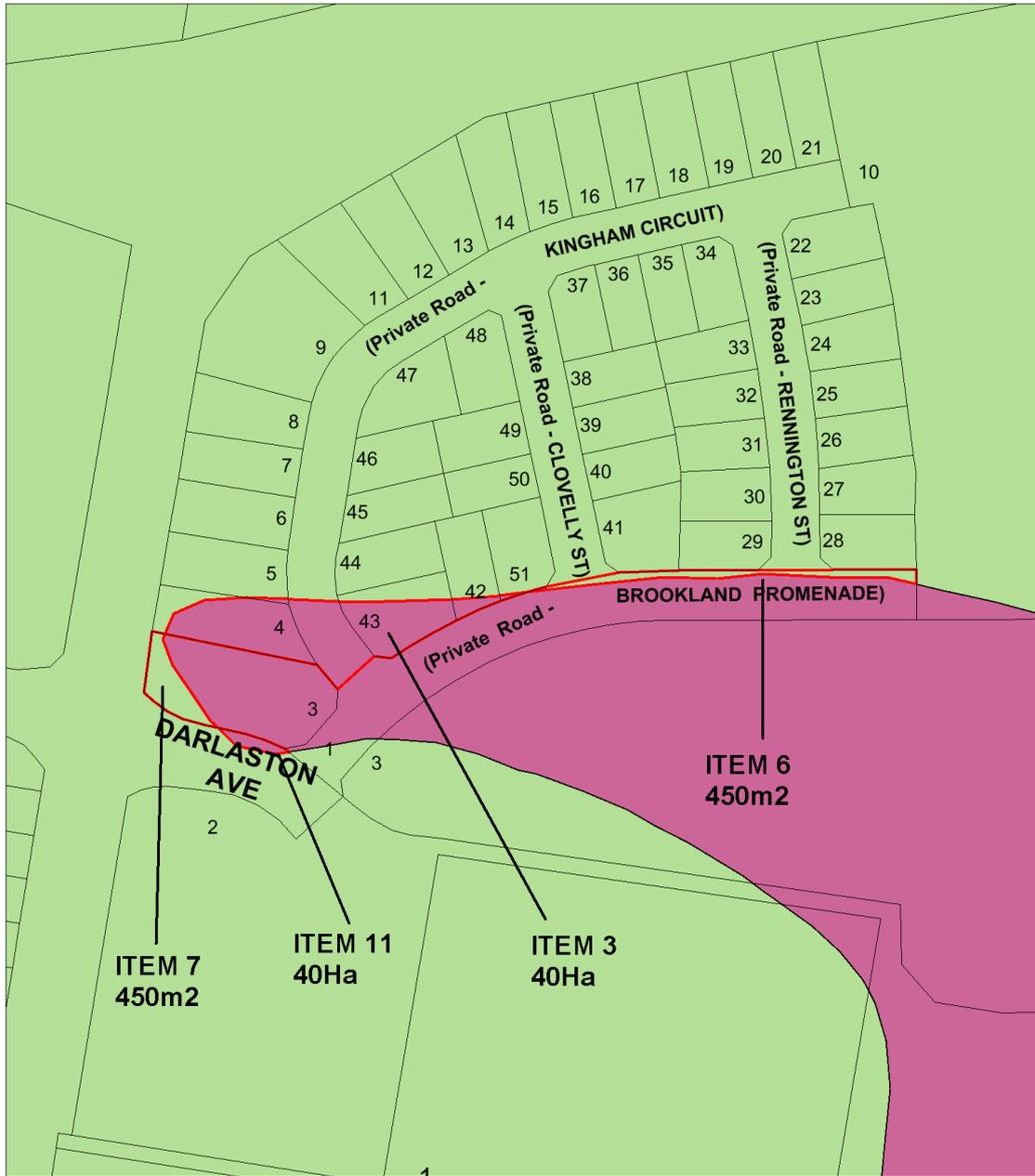
Proposed zone boundary amendment (LZN)



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Locality Plan 2(c)

Existing Lot Size (LSZ)



Scale 1 : 000
Printing Date: January 2016



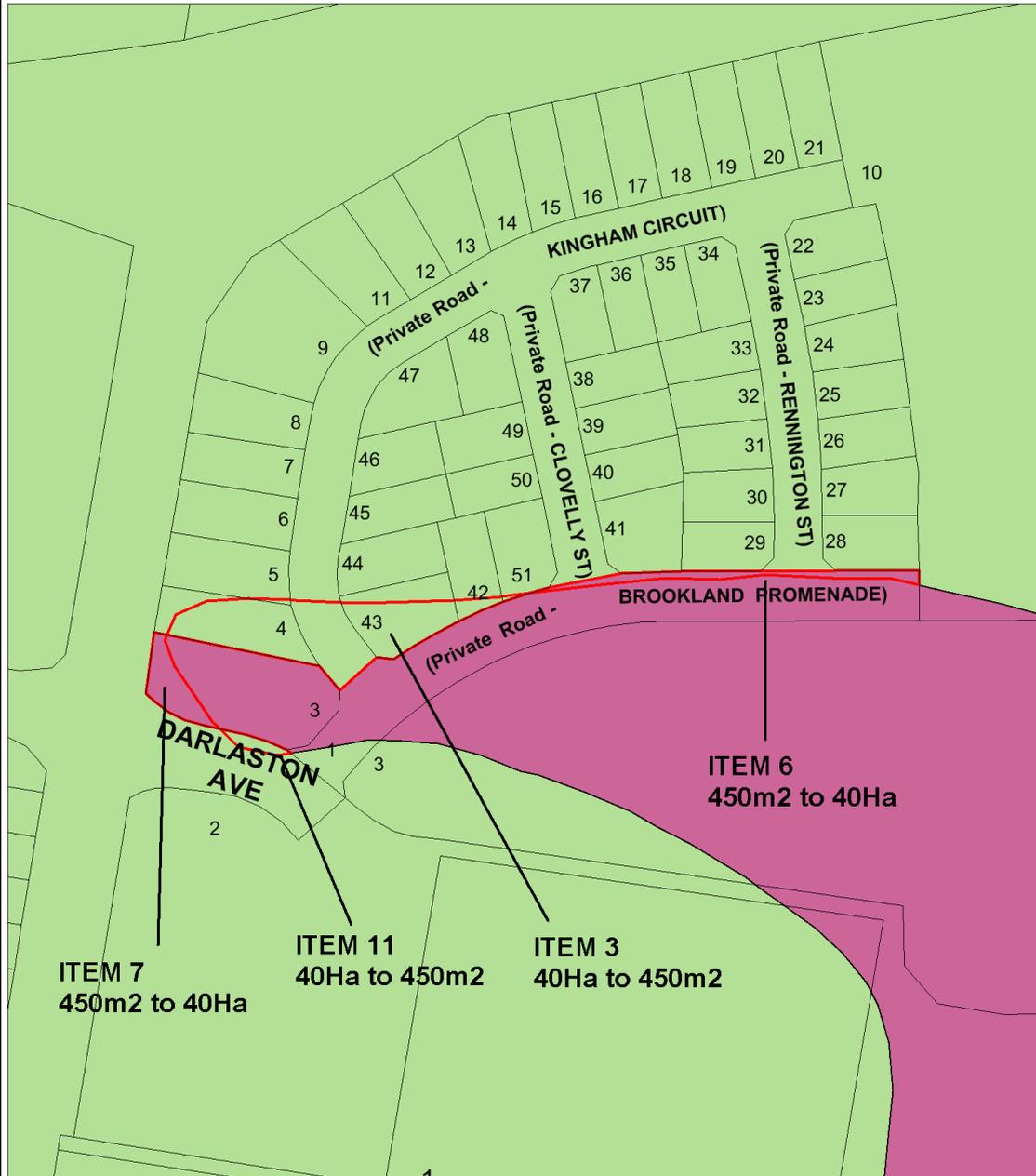
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Locality Plan 2(d)

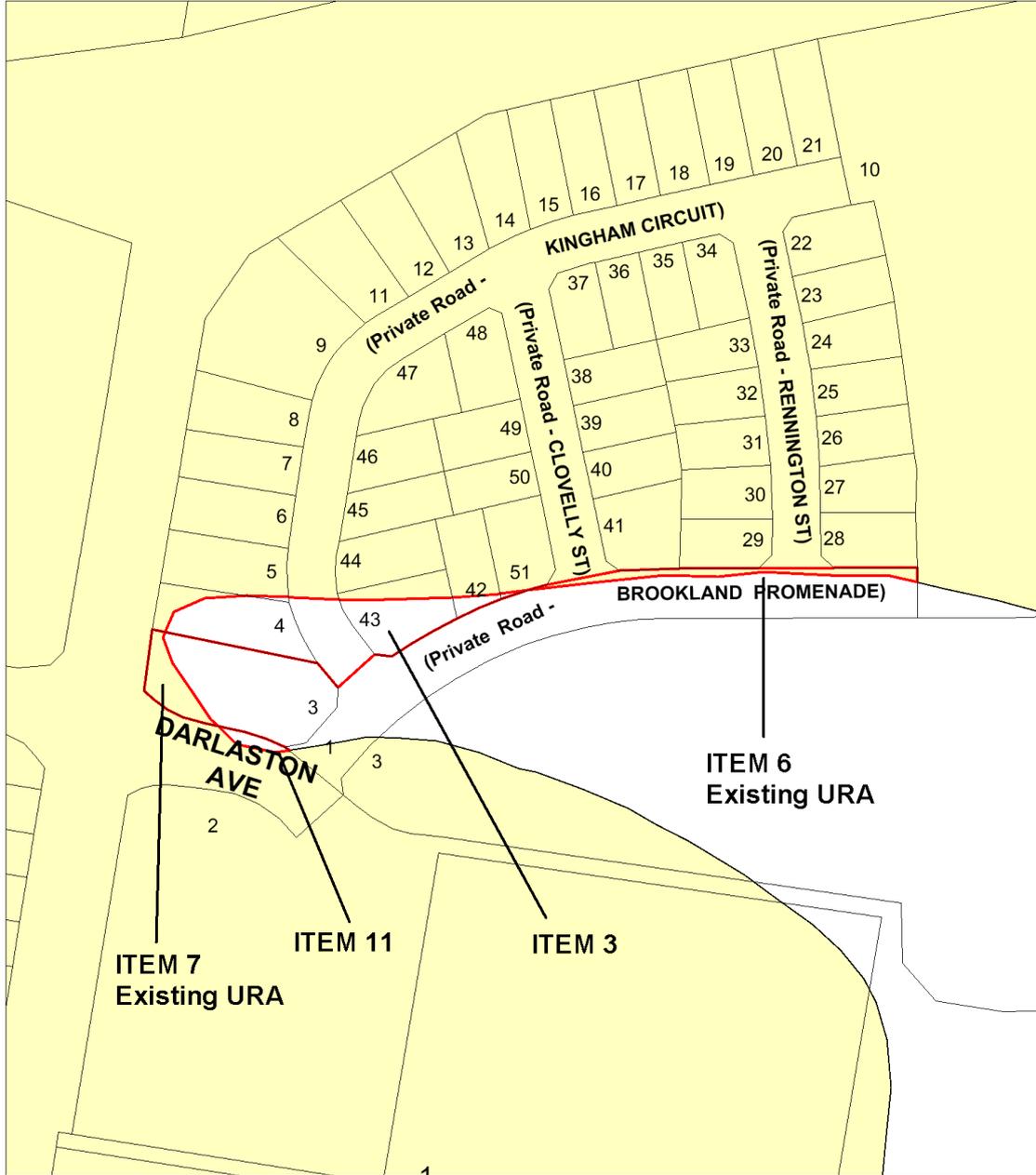
Proposed amendment to Lot Size (LSZ)



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Locality Plan 2(e)

Existing Urban Release Area (URA)



Scale 1 : 000
 Printing Date: January 2016



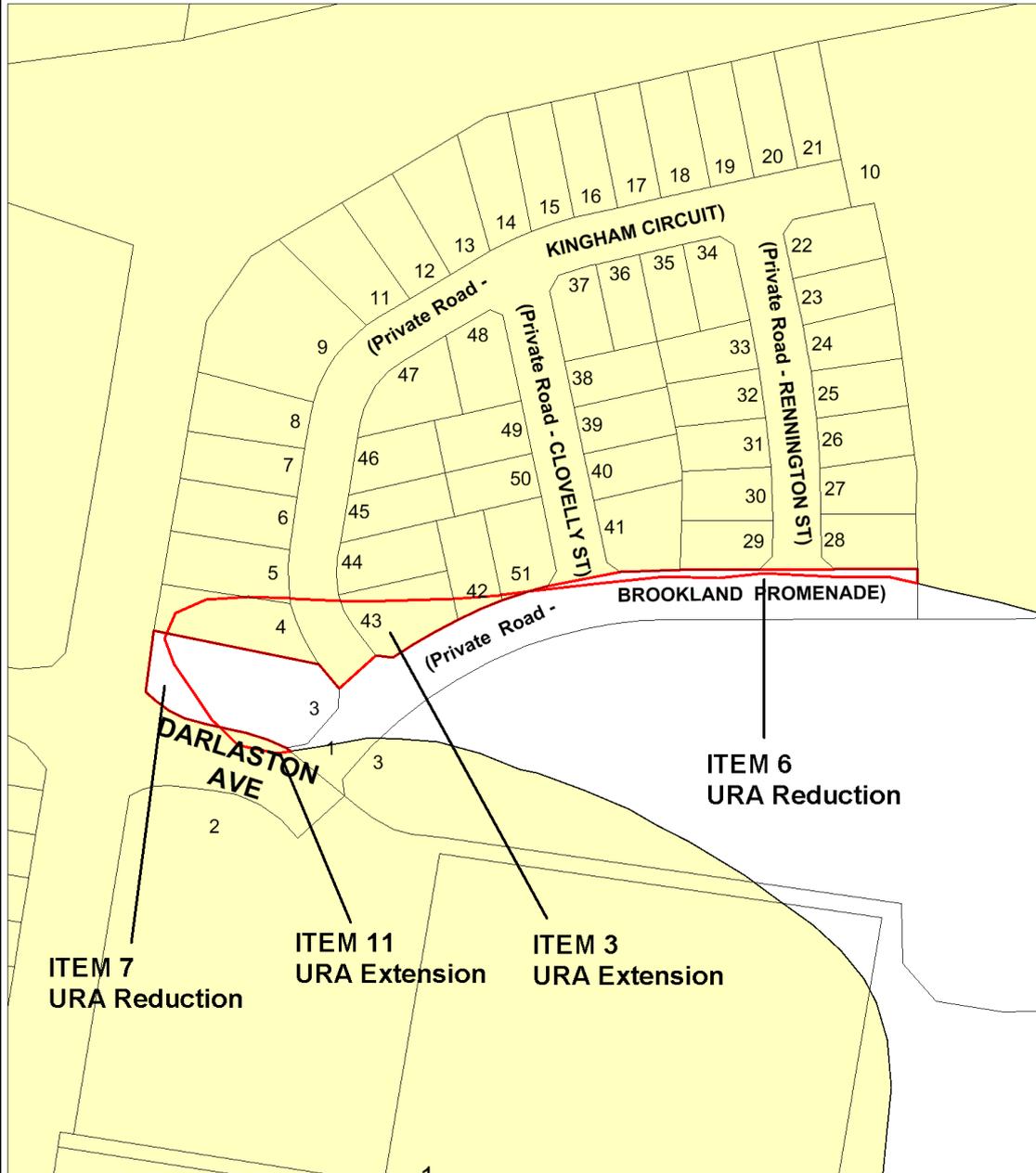
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Locality Plan 2(f)

Proposed amendment to Urban Release Area (URA)



Scale 1 : 000
Printing Date: January 2016



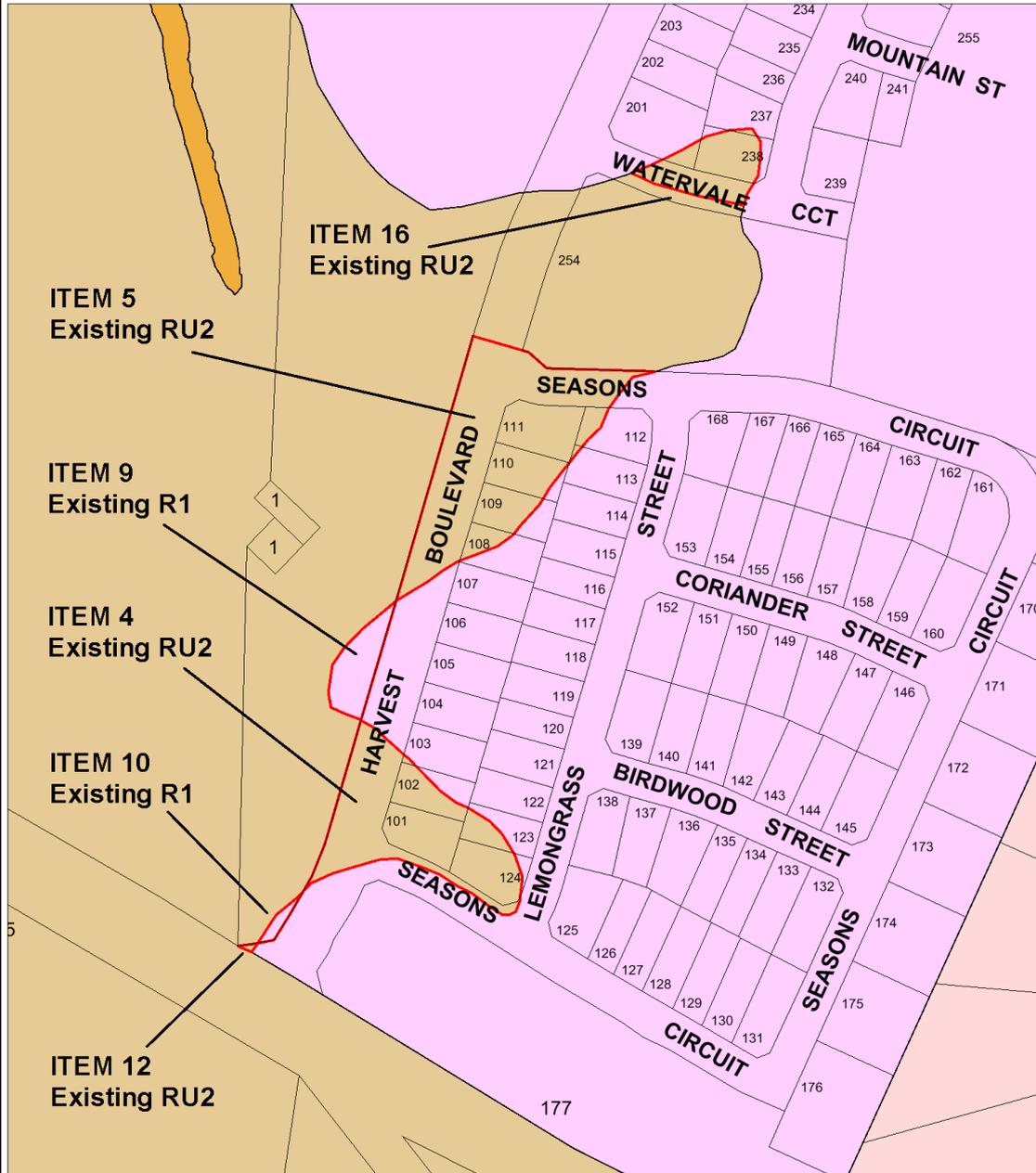
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Locality Plan 3(a)

Existing zone boundary (LZN)



Scale 1 : 000
 Printing Date: January 2016



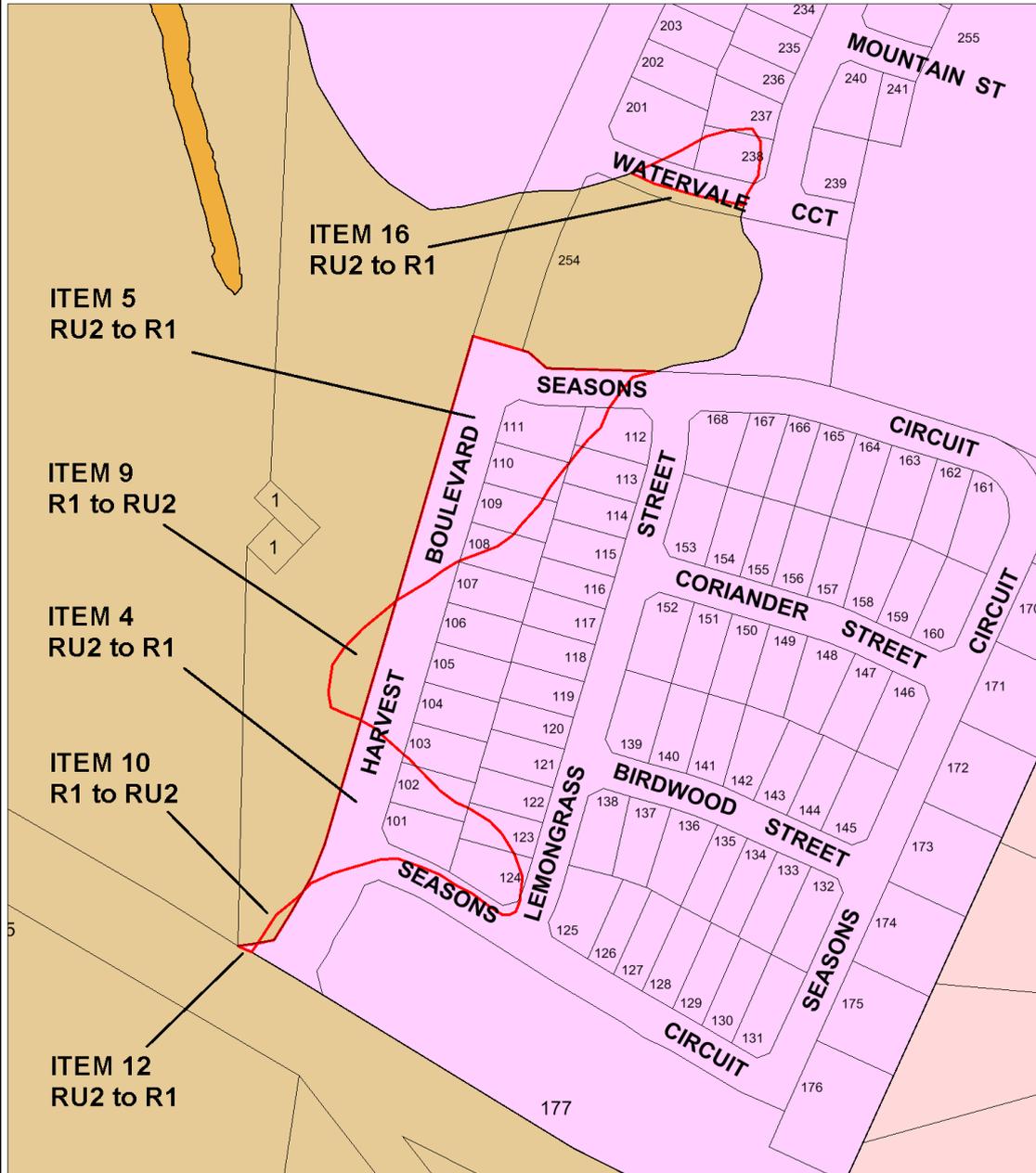
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Locality Plan 3(b)

Proposed zone boundary amendments (LZN)



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Printing Date: January 2016



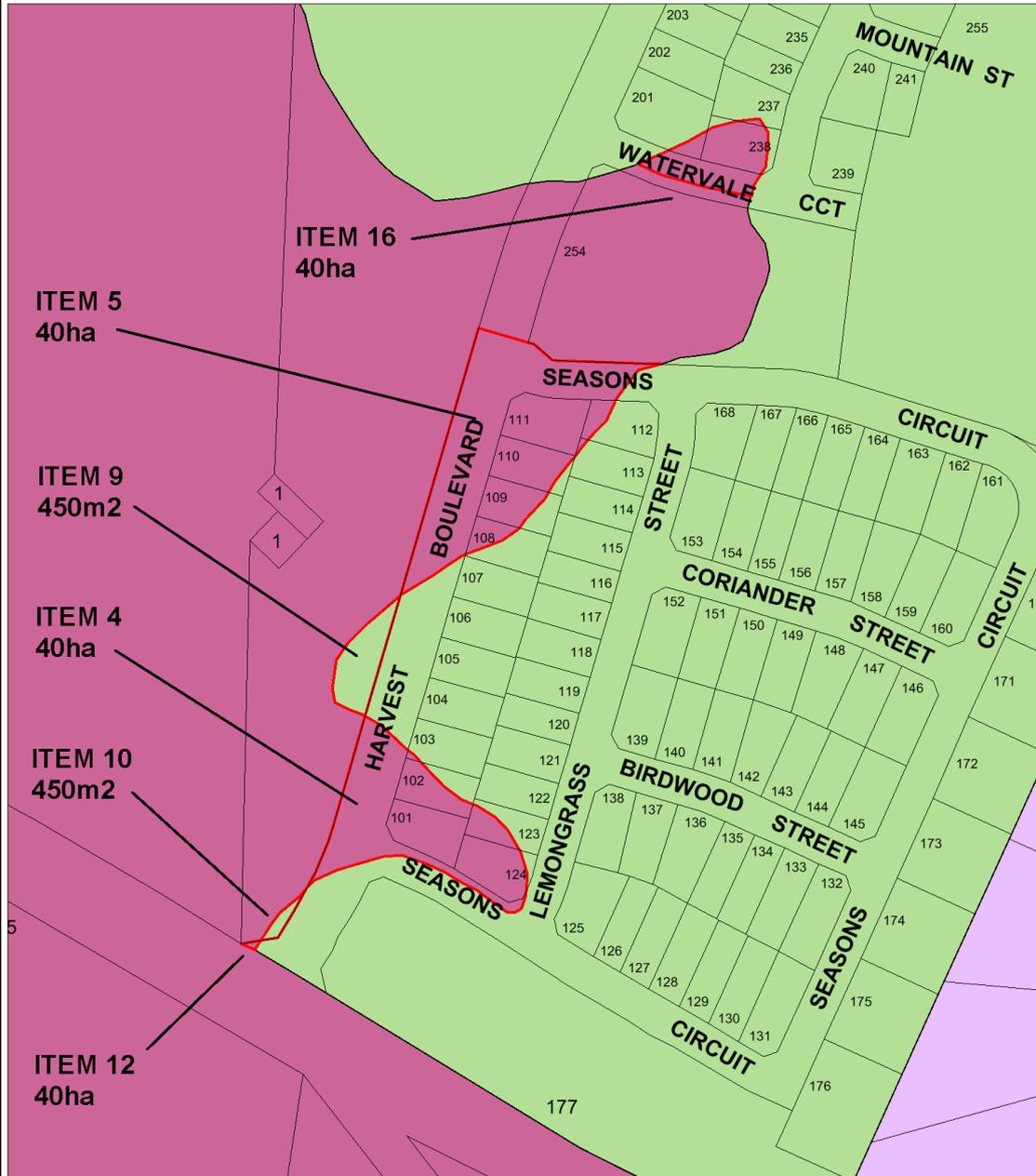
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Locality Plan 3(c)

Existing Lot Size (LSZ)



Scale 1 : 000
Printing Date: January 2016



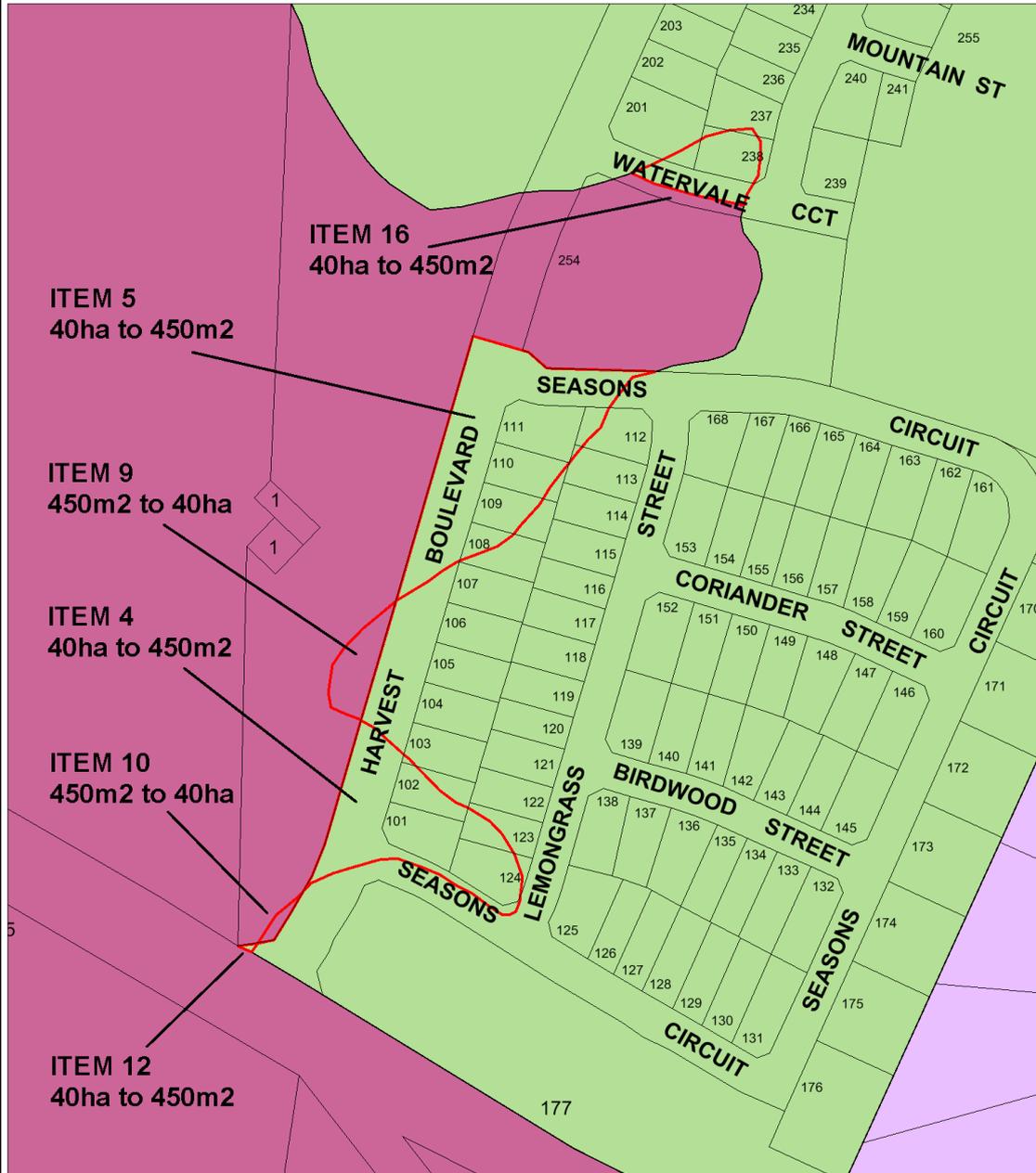
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Locality Plan 3(d)

Proposed amendments to Lot Size (LSZ)

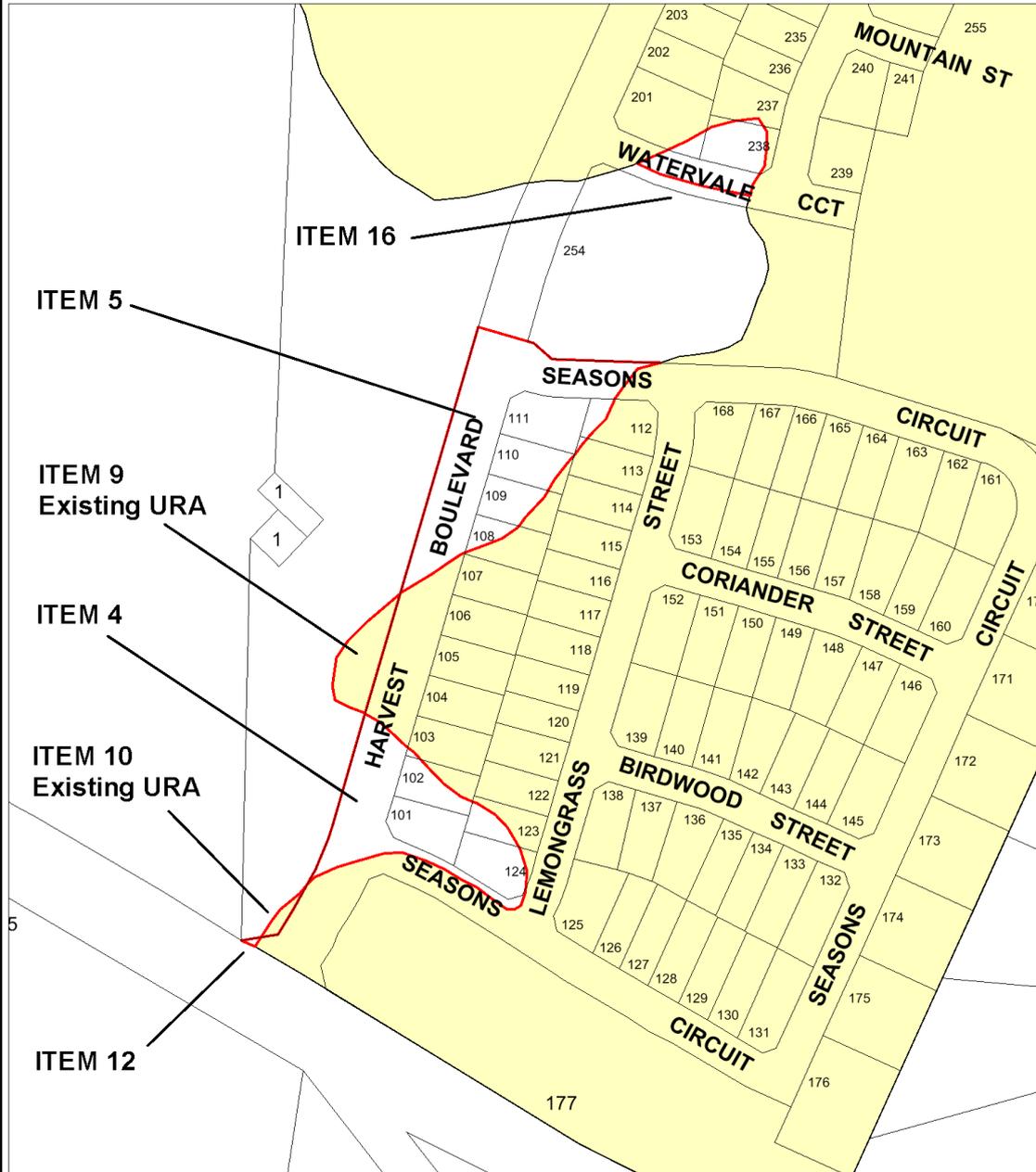


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Locality Plan 3(e)

Existing Urban Release Area (URA)



Scale 1 : 000
 Printing Date: January 2016

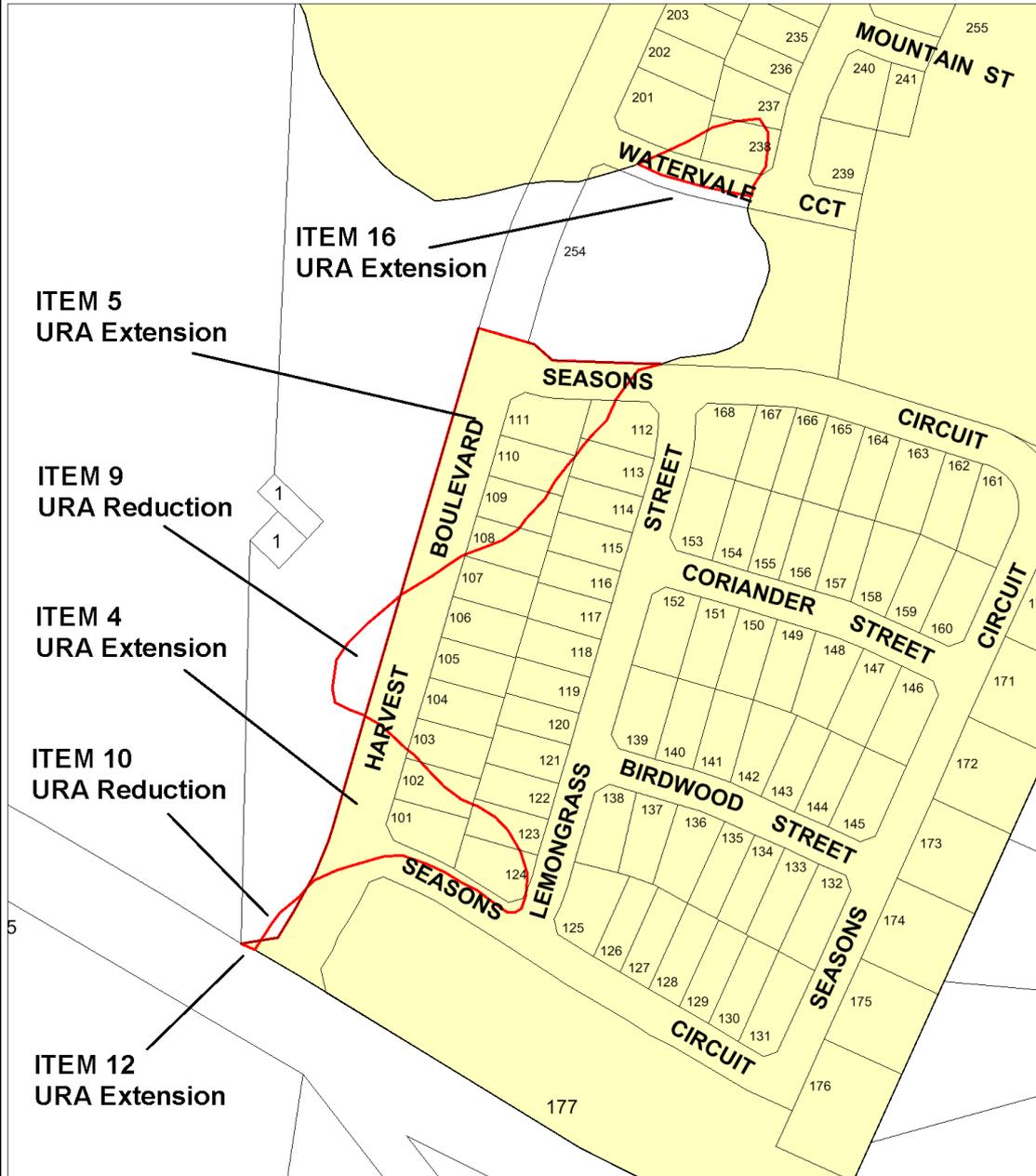


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Locality Plan 3(f)

Proposed Amendment to Urban Release Area (URA)



Scale 1 : 000
Printing Date: January 2016



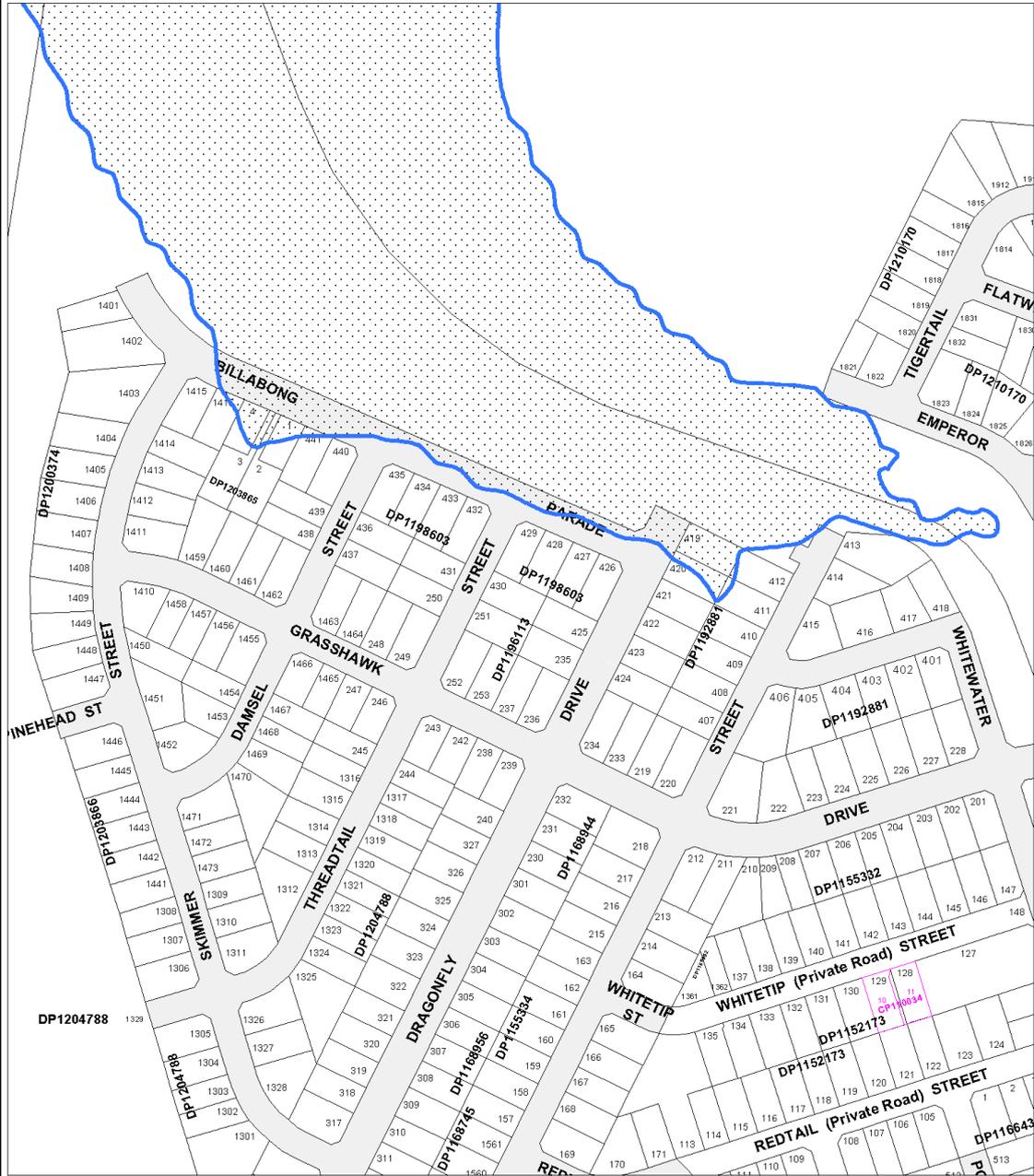
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ITEM 13

Existing Draft Flood Planning Map

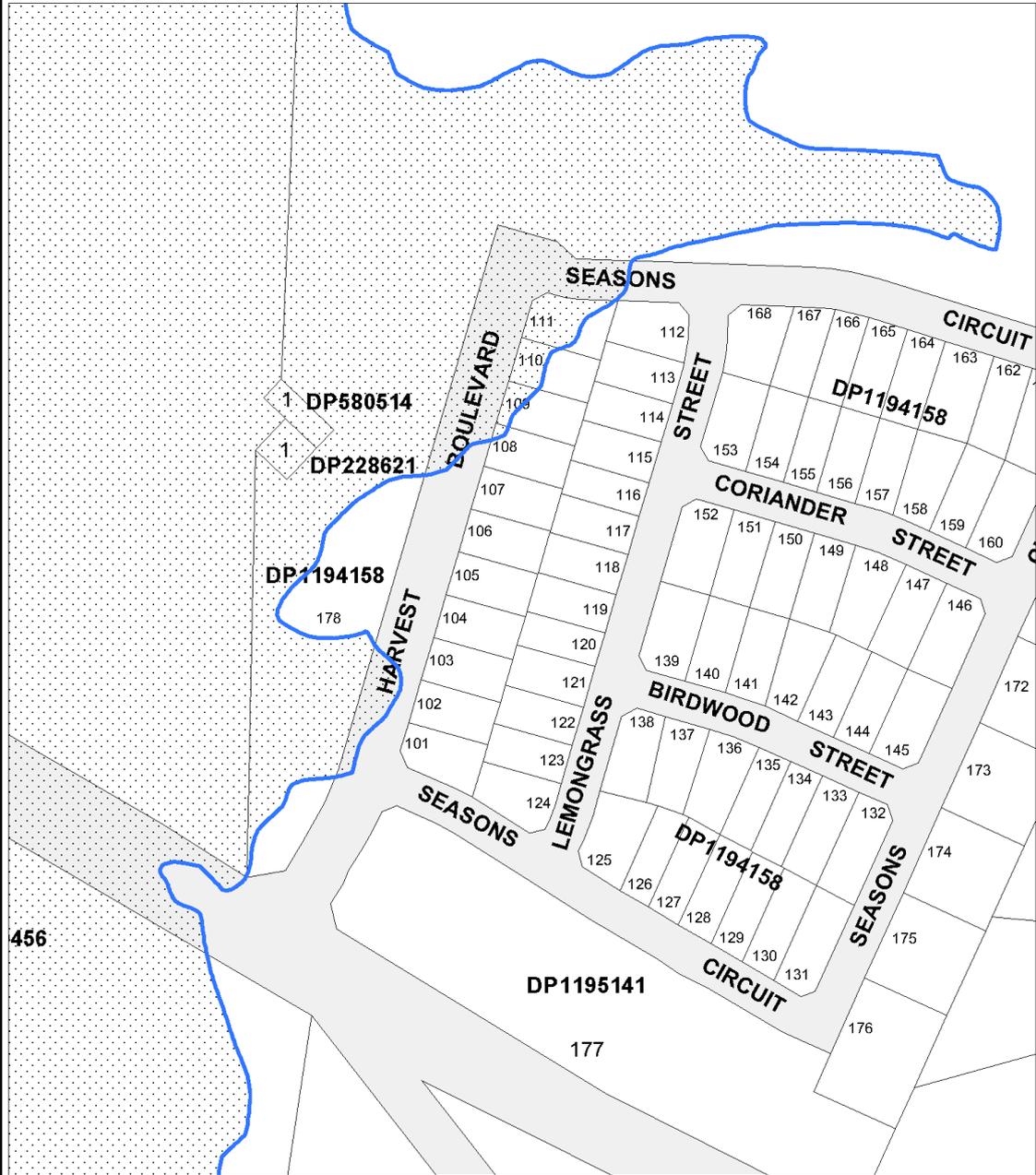


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ITEM 14

Existing Draft Flood Planning Map



Scale 1 : 000
 Printing Date: September 2015



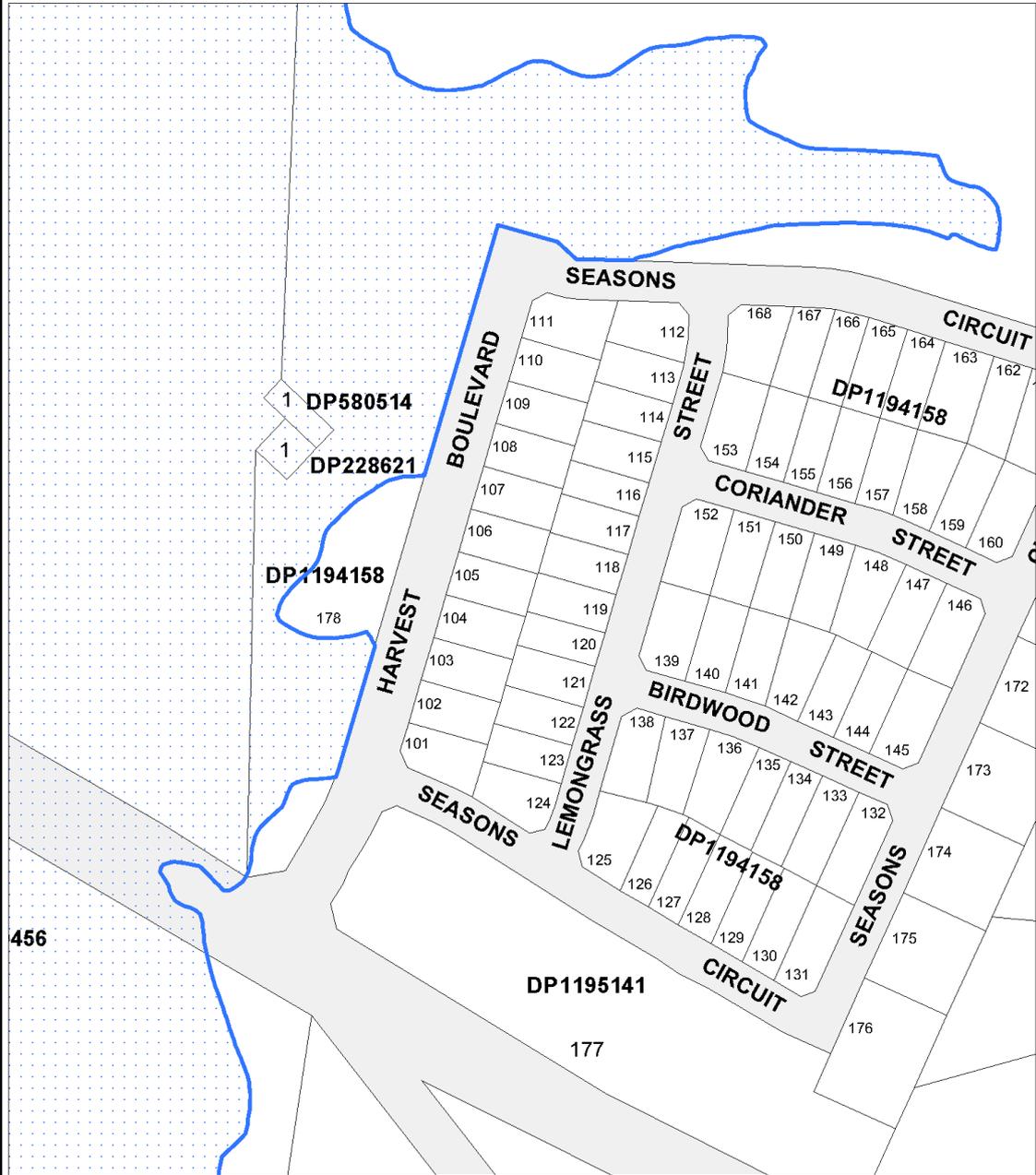
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ITEM 14

Proposed Amendment to Draft Flood Planning Map



Scale 1 : 000
 Printing Date: September 2015



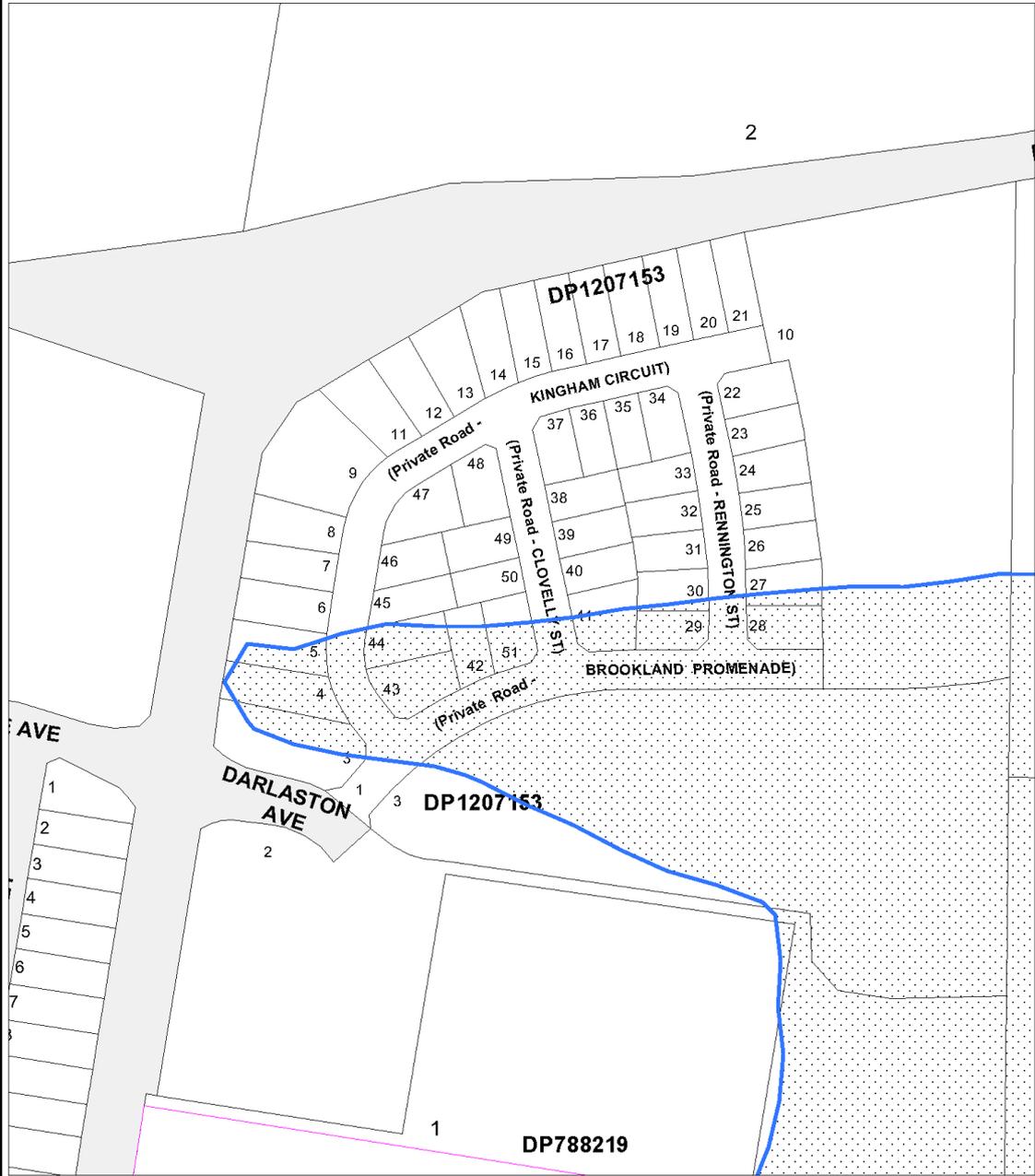
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ITEM 15

Existing Draft Flood Planning Map



Scale 1 : 000
Printing Date: September 2015



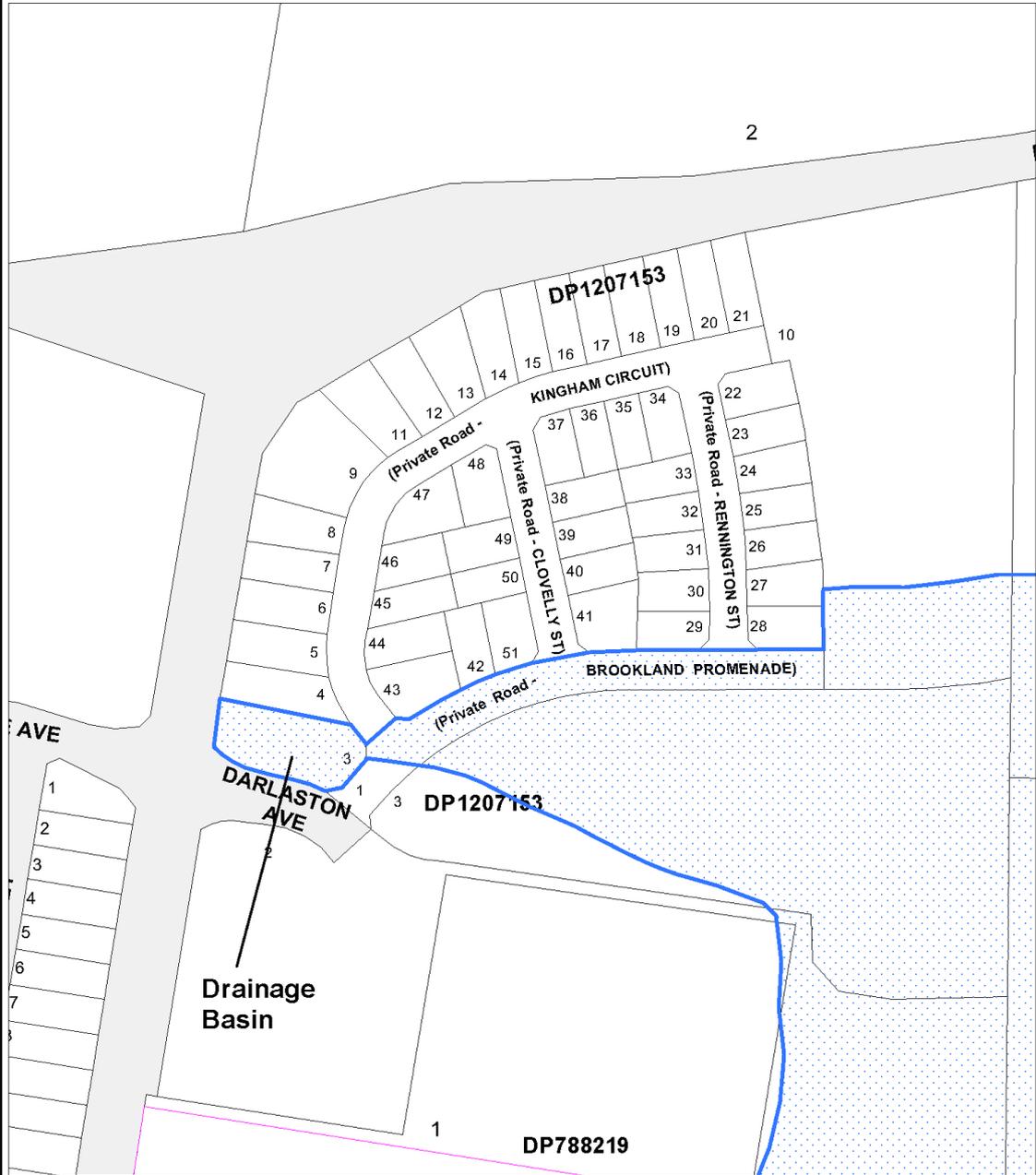
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ITEM 15

Proposed Amendment to Draft Flood Planning Map



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PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation was undertaken by the local authority prior to approval of the planning proposal.

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning was undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following was undertaken:

- Notice in The Lower Hunter Star
- Exhibition material and relevant consultation documents made available at all Council Libraries and Council's Administration Building;
- Consultation documents made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with relevant committee or reference groups

The planning proposal was publicly exhibited between 26 November 2015 and 11 December 2015. Following the exhibition period, an amended Gateway Determination was issued by the Department of Planning and Environment to accommodate Item 16, as this was deemed additional land not considered under the initial Gateway Determination. Additionally, the amended Gateway Determination required an amendment to the Urban Release Area boundary, to reflect the proposed zone boundary amendments.

Following the issue of the amended Gateway Determination, the amended planning proposal was exhibited between 7 July 2016 and 22 July 2016. The following submissions were received:

Stannic Securities Pty Ltd

On 22 July 2015, a submission was received from Stannic Securities Pty Ltd, requesting the inclusion of additional land to the planning proposal. The submission seeks to rectify a zone boundary inconsistency that would result in a number of approved residential lots containing a split zone, which would have implications for the permissibility of housing development. The submission is in relation to land currently identified as Lot 1 DP851737 and is located within the Thornton North Urban Release Area.

Hunter Land Pty Ltd

On 22 July 2015, a submission was received from Hunter Land Pty Ltd, requesting the inclusion of additional land to the planning proposal. The submission seeks an amendment to the Flood Planning Level in the vicinity of Brookland Promenade in the Thornton North Urban Release Area. Approved lots in this area will be impacted by a flood mapping inconsistency.

Additionally, the submission seeks to address zone boundary inconsistencies in relation to a proposed 41 lot subdivision in the vicinity of Government Road and Darlaston Ave, Thornton. The zone boundary inconsistency would result in a split zone description where the subdivision design extends beyond the existing R1General Residential zone and into the existing RU2 Rural

Landscape zone. The affected lots are subject to DA 15-1693, for which assessment is ongoing at the time of the submission. This site is also within the Thornton North Urban Release Area.

Although the mapping inconsistencies identified in the above submissions will need to be addressed, Council does not support the inclusion of additional land to the planning proposal for the following reasons:

- 1) The planning proposal generally cannot accommodate additional land without re-exhibiting the proposal. Given that the proposal has already undergone re-exhibition, council is not supportive of further delays to the exhibited amendment.
- 2) Items included in this planning proposal were separated from the Housekeeping LEP due to the advanced stage of development of the subject land and the resulting need for a timely resolution to mapping anomalies. Inclusion of additional land will further delay the amendment and is therefore not supported.
- 3) Both submissions seek to resolve mapping anomalies where the cadastral boundaries for the subdivisions are yet to be registered. In the interest of mapping accuracy, Council does not support amendments to rectify mapping anomalies unless the associated cadastral boundaries have been registered. This is particularly relevant where mapping layers interact closely with cadastral boundaries. Resolving mapping anomalies prior to cadastral boundary registration is only appropriate under circumstances where a wide margin for error is available, which is not considered the case in this instance.

It should be noted that there are a number of development fronts within the Thornton North Urban Release area where split zone descriptions and flood mapping anomalies may occur. These were also excluded from this amendment because the cadastral boundaries were yet to be registered.

The mapping anomalies identified in the submissions and the remaining mapping anomalies in Thornton North will be addressed under a future amendment, timing of which is dependent on cadastral registration timeframes.

At the close of the consultation process, Council have considered all submissions received and presented a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	MAY 2016
Anticipated timeframe for the completion of required studies	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	N/A
Commencement and completion dates for public exhibition period	JULY 2016
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	JULY 2016
Timeframe for the consideration of a proposal post exhibition	AUGUST 2016
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	N/A
Anticipated date RPA will make the plan (if delegated)	AUGUST 2016
Anticipated date RPA will forward to the department for notification (if delegated)	SEPTEMBER 2016