



Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

Thornton North Urban Release Area, Zoning Anomalies - Various Sites

Version 1.0

30/07/2015

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Version 1.0 – 30.07.2015 (For Section 55 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 rectify minor zoning, property description and mapping anomalies.

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, and (iii) 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. 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.

ITEM 1	
Location	Lots 1, 2, 3, 4 & 5 DP1203865 Lot 441 DP1198603 Lot 1416 DP1200374 (Part) Billabong Parade
LEP Map Amendments	LZN_004D LZN_006A LSZ_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 1

ITEM 2	
Location	Lots 419 & 420 DP1198603 Lot 411 DP 1192881 (Part) Dragonfly Drive DP 1168944
LEP Map Amendments	LZN_006A LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 2

ITEM 3	
Location	Lots 1, 4, 5, 42, 43 & 51 DP1207153
LEP Map Amendments	LZN_006A LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 3

ITEM 4	
Location	Lots 101, 102, 103, 123 & 124 DP1194158 (Part) Harvest Boulevard (Part) Seasons Circuit
LEP Map Amendments	LZN_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 4

ITEM 5	
Location	Lots 108, 109, 110, 111, 112 & 113 DP1194158 (Part) Harvest Boulevard (Part) Seasons Circuit
LEP Map Amendments	LZN_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 5

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
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 450m ² to 40Ha, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 6

ITEM 7	
Location	Lot 3 DP1207153
LEP Map Amendments	LZN_006A LSZ_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 450m ² to 40Ha, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 7

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 1329 DP1204788
LEP Map Amendments	LZN_006A LSZ_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 450m ² to 40Ha, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 8

ITEM 9	
Location	Lot 178 DP1194158
LEP Map Amendments	LZN_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 9

ITEM 10	
Location	Lot 178 DP1194158
LEP Map Amendments	LZN_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 10

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
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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 11

ITEM 12	
Location	(Part) Harvest Blvd DP 1194158
LEP Map Amendments	LZN_004D LSZ_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, to rectify minor zoning, property description and mapping anomalies
Locality Plan	View Item 12

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



RELEVANCE**CONSISTENCY AND IMPLICATIONS**

subsequently reshaped the land in such a way that amendments to the periphery of the RU2 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

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

Inconsistent

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

Not Applicable



adverse impacts on these areas, are 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

The Thornton North Area Plan, which comprises part of the Maitland City Wide Development Control Plan, gives consideration

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

resource lands and make efficient use of infrastructure and services.

to the objectives of this direction, and 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

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not Applicable
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	
The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent 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?

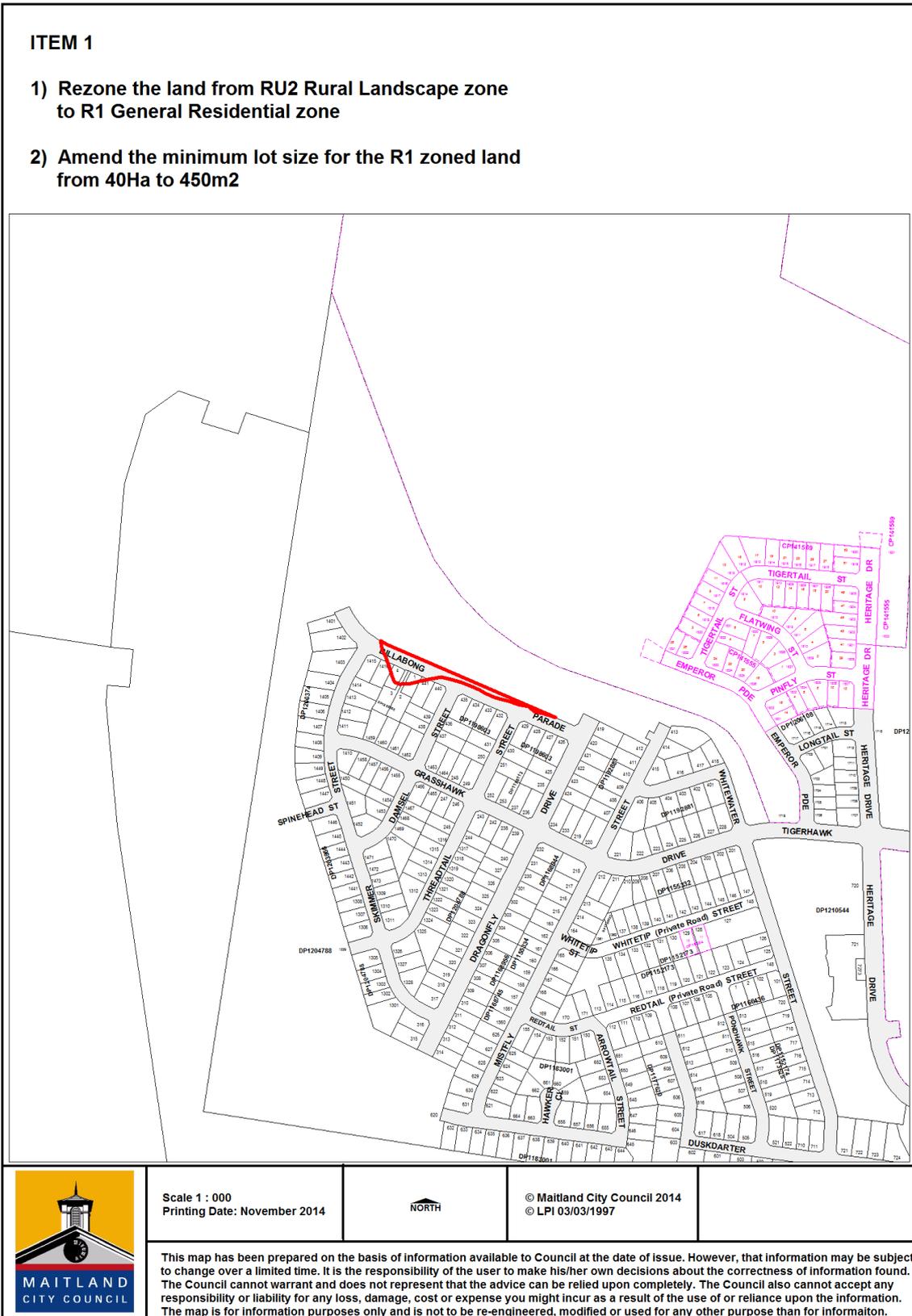
There is no additional demand generated for public infrastructure as a result of this planning proposal.

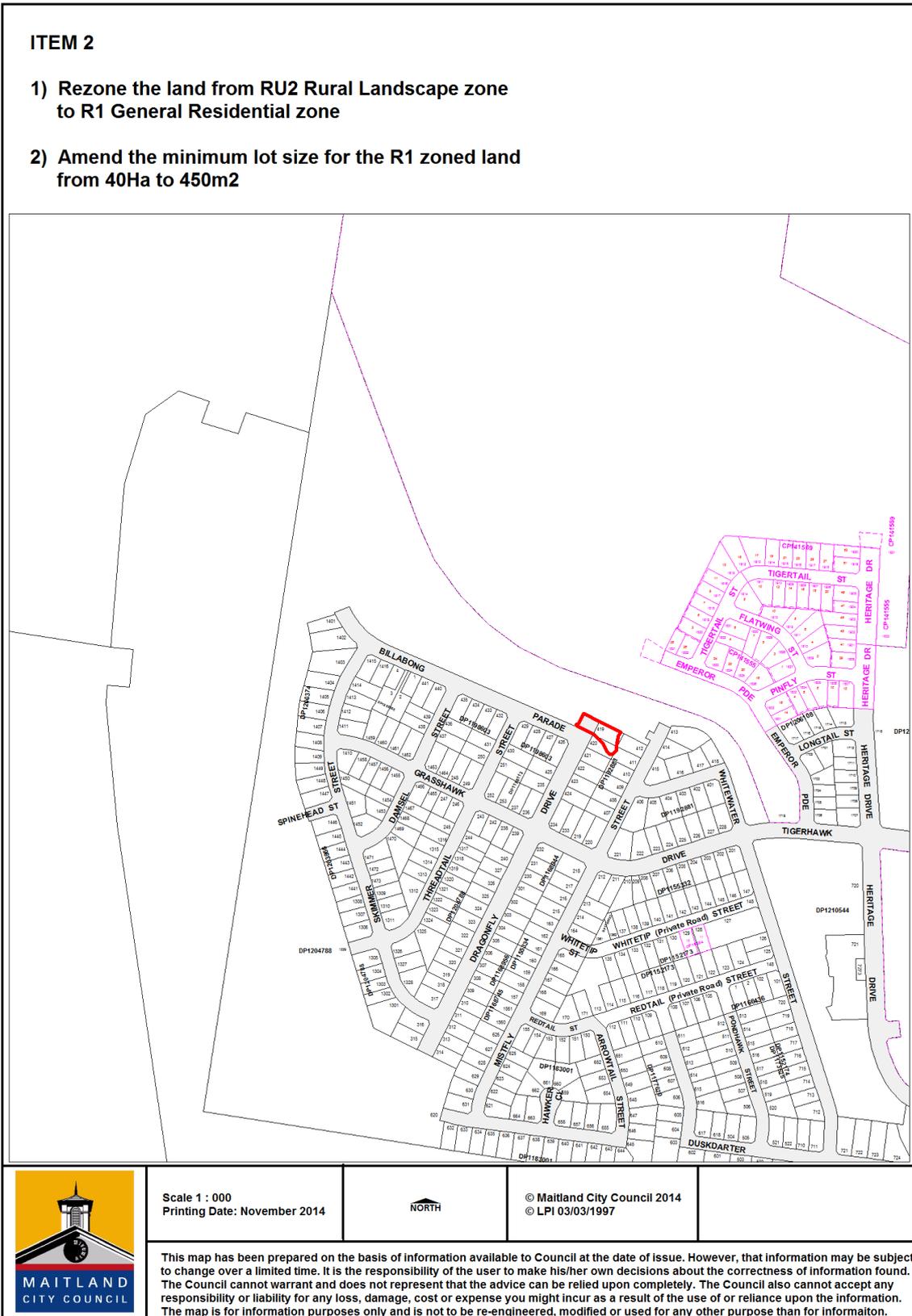
12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

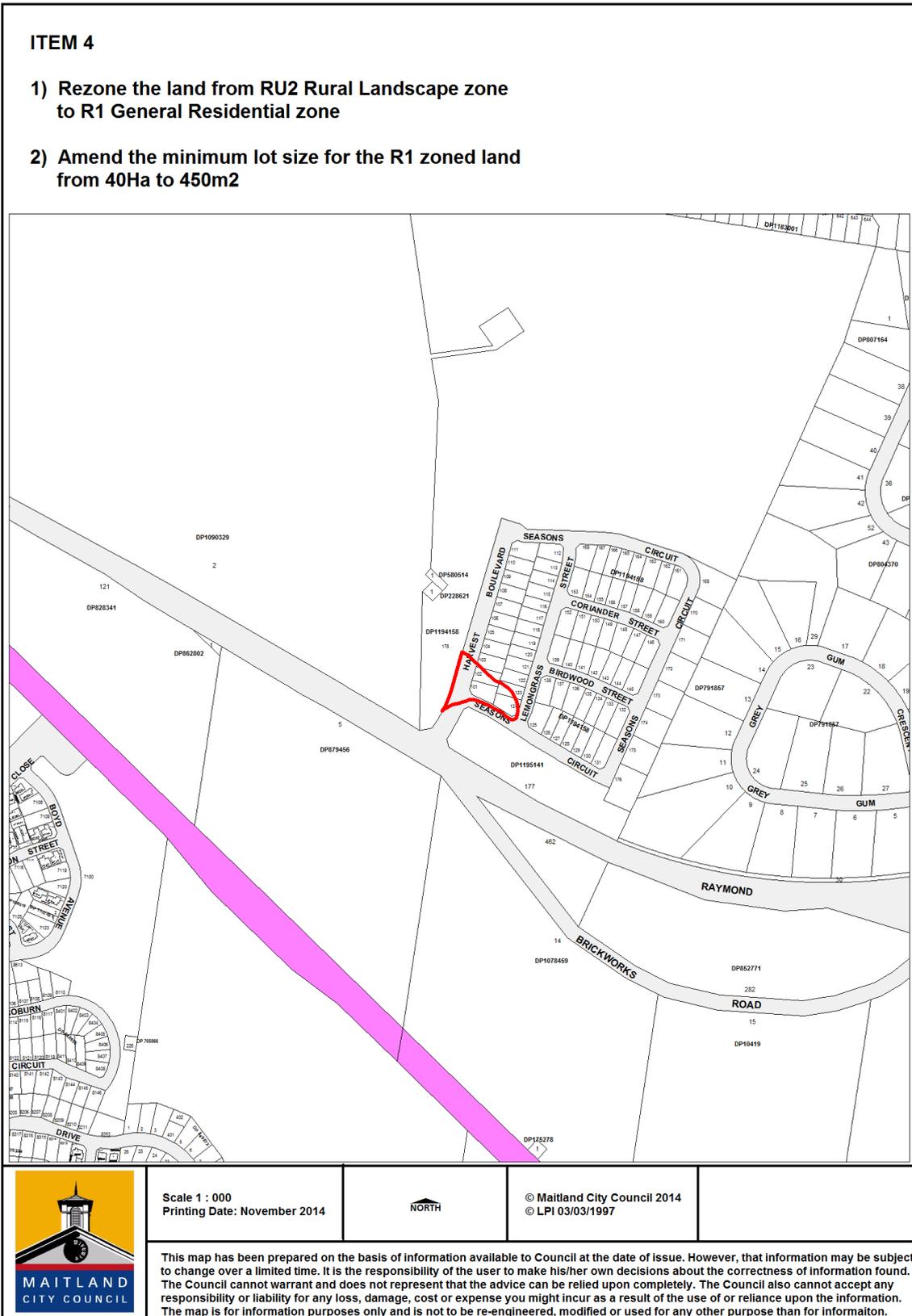
No formal consultation with State and Commonwealth public authorities has been undertaken at this stage for this planning proposal. Consultation will occur in accordance with the conditions outlined in the Gateway Determination to be issued for this planning proposal.

PART 4: LOCALITY PLANS

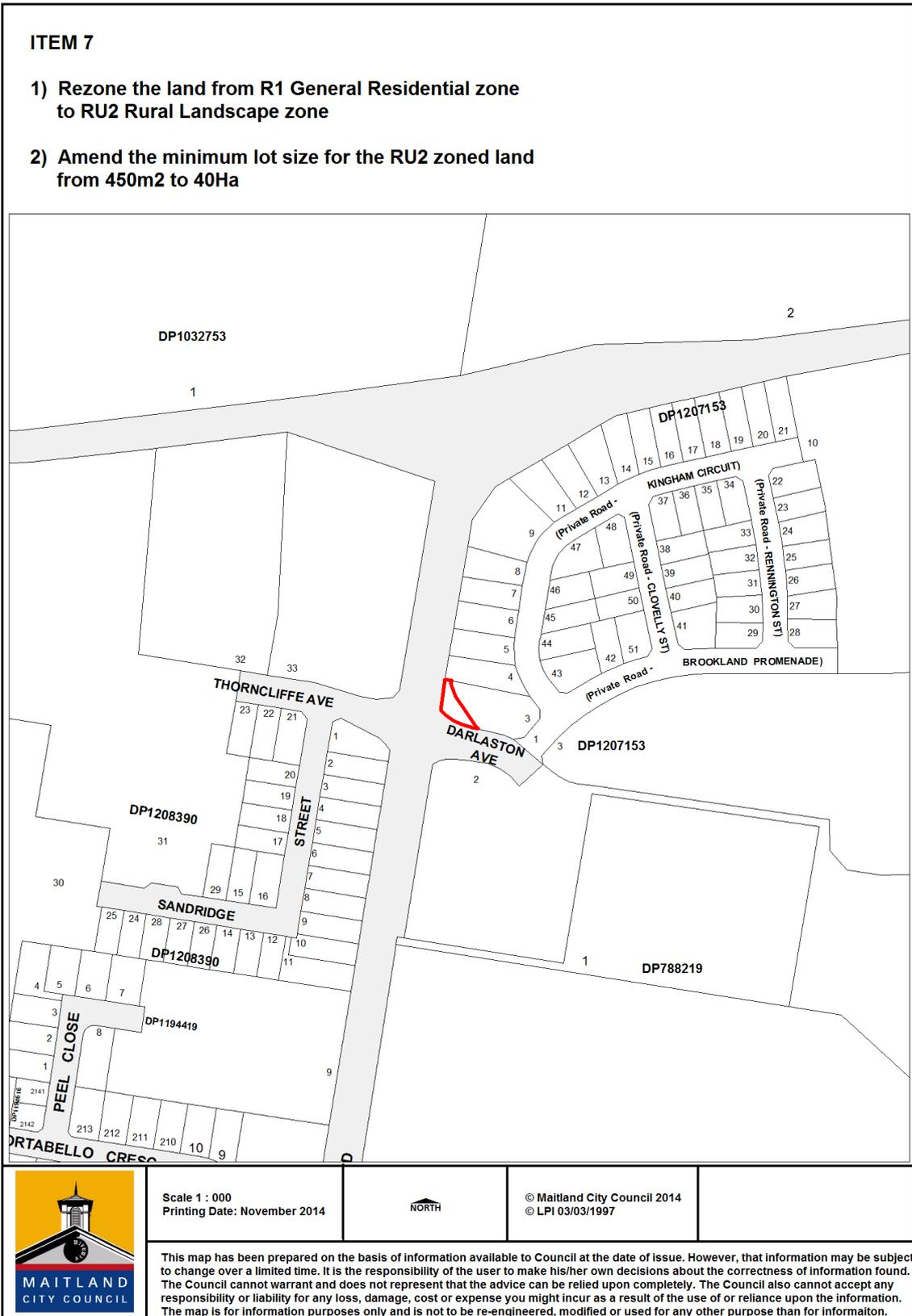
The following Draft LEP maps support the proposal:

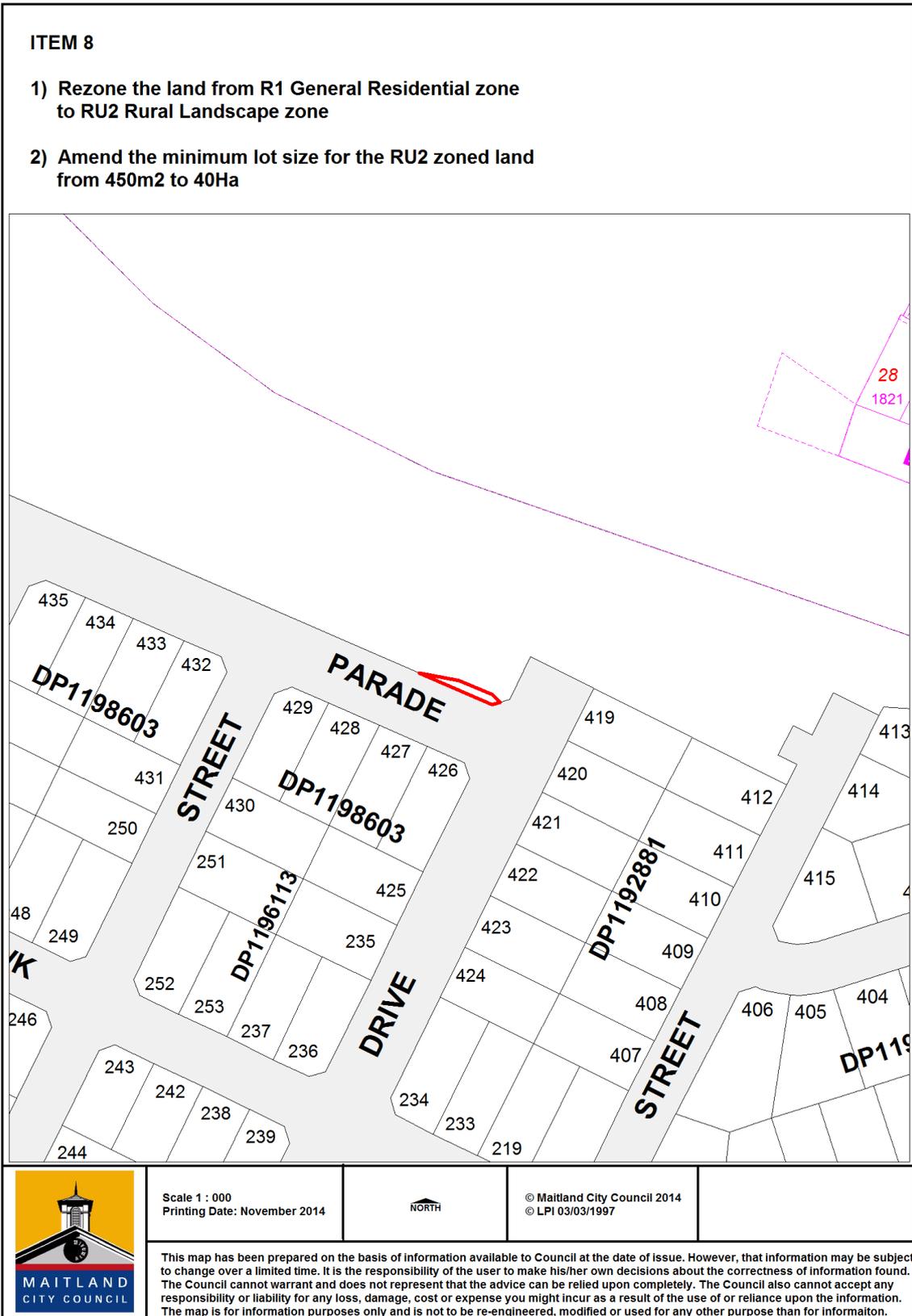






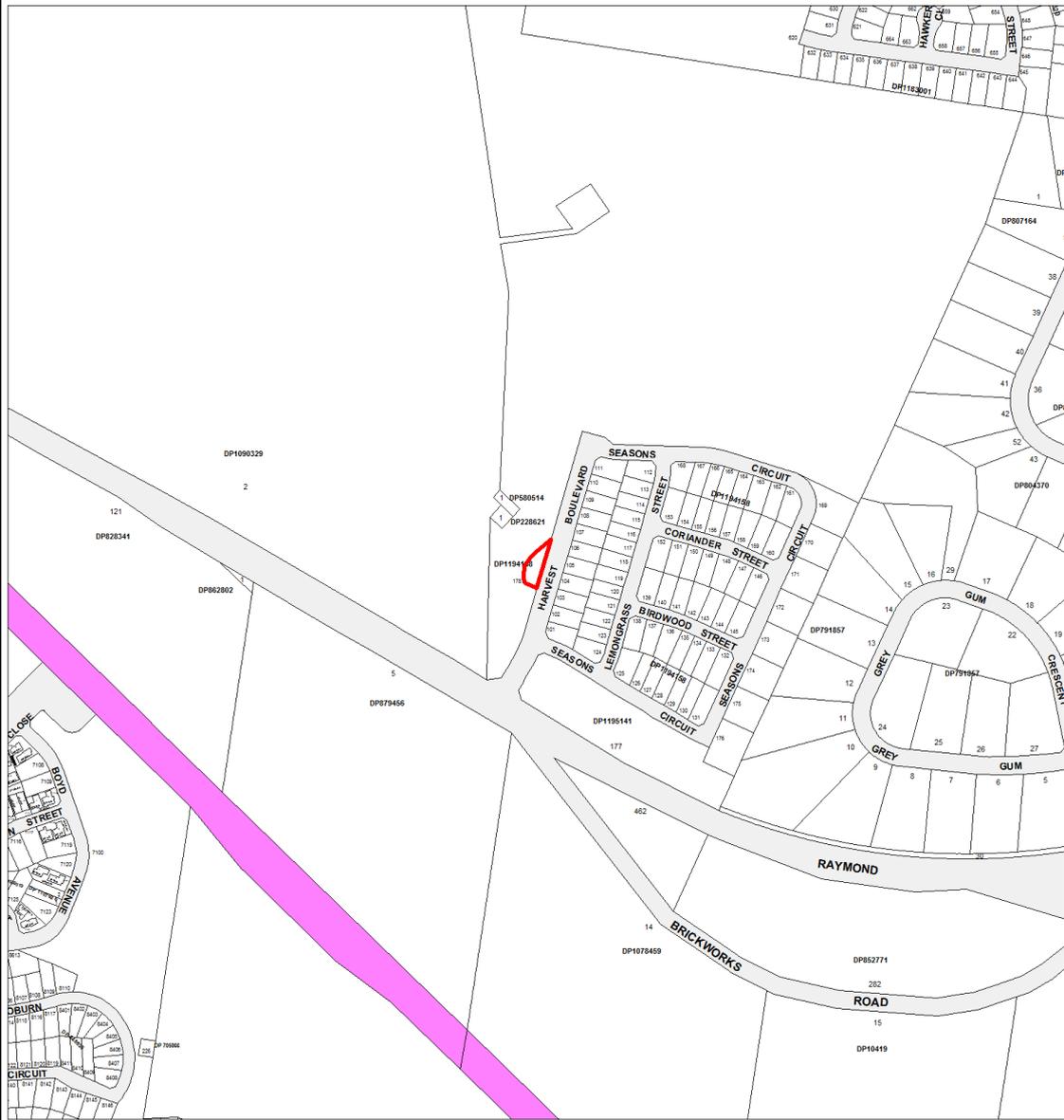






ITEM 9

- 1) Rezone the land from R1 General Residential zone to RU2 Rural Landscape zone
- 2) Amend the minimum lot size for the RU2 zoned land from 450m² to 40Ha



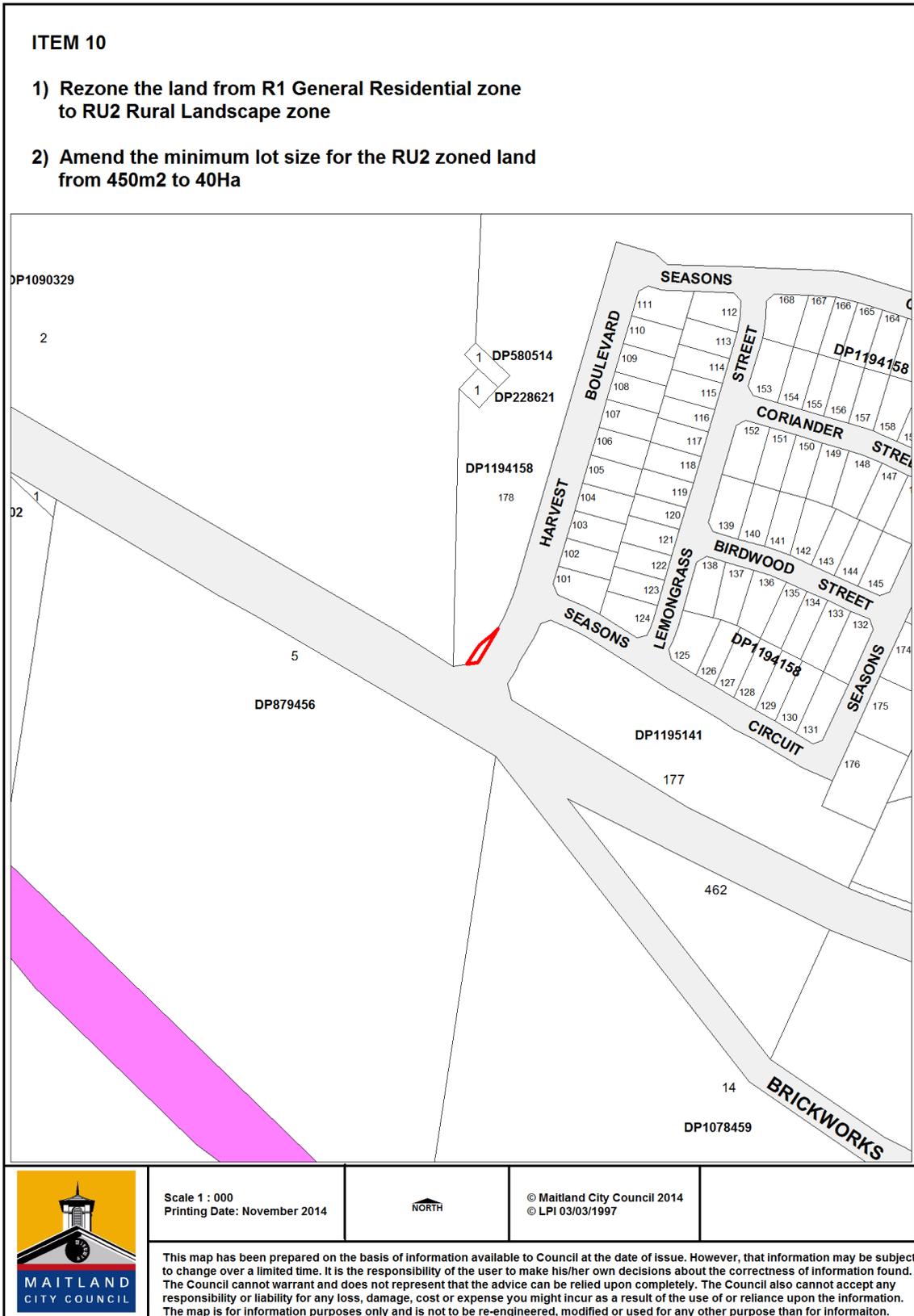
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ITEM 11

- 1) Rezone the land from RU2 Rural Landscape zone to R1 General Residential zone
- 2) Amend the minimum lot size for the R1 zoned land from 40Ha to 450m2

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ITEM 12

- 1) Rezone the land from RU2 Rural Landscape zone to R1 General Residential zone
- 2) Amend the minimum lot size for the R1 zoned land from 40Ha to 450m2

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PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation must be 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 will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

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

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not prevent any additional consultation measures that may be determined appropriate as part of the Gateway Determination process.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	SEPTEMBER
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	OCTOBER
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	NOVEMBER
Timeframe for the consideration of a proposal post exhibition	DECEMBER
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	DECEMBER
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification (if delegated)	N/A