

Our Ref: RZ10009 (1327842)

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Mark Roser

10 August 2017

Department of Planning and Environment
Hunter Region
PO Box 1226
NEWCASTLE NSW 2300

Att: Jocelyn McGarity

Re: Planning Proposal - Lot 90 DP 785244 Anambah Road Rutherford - Urban Extension Site

I refer to your email dated 2 August 2017 requesting additional information for the Planning Proposal for lot 90 DP 785244 Anambah Rd Rutherford, rezoning land from RU2 Rural Landscape to R1 Residential and E4 Environmental Living.

The following information is offered in response to your request.

The subject land is currently zoned RU2 Rural Landscape and is not considered prime agricultural land suitable for cultivation. The total area of the site is 22.8ha with approximately 2.2ha considered suitable for residential development (being above the 1%AEP Flood Level).

The land supports a lagoon/wetland system in the north eastern corner of the site which comprises an approximate area of 3ha. The land is not suitable for cultivation and a viable future cattle grazing enterprise would be limited by the small size of the residue parcel, approximately 17.6ha, and encroaching residential development to the north, south east and west.

The lagoon/wetland system has been identified, through site specific flora/fauna studies, to support a range of aquatic flora/fauna including migratory bird species. This lagoon is part of a wider wetland network totalling approximately 13.6ha, including the 3ha identified on the subject land. The continuation of cattle grazing on this site, and the pressure to make this financially viable, would place significant stress on the aquatic environment further impacting and eroding the quality of aquatic habitat.

The subject locality has visual significance to the state listed heritage item "Anambah House". A Statement of Heritage Impact was prepared for the proposal and addressed views and vistas and heritage curtilage associated with Anambah House. The Statement of Heritage Impact concluded that the extent of the proposed zoning and subsequent development is unlikely to adversely affect the heritage item. The report states that the overall visual impacts can be

reduced/managed through roof and fencing materials and colours and landscaping and vegetation screening.

Similar to residential development approved to the north of the site, this vegetation screening would need to occur between the development and Anambah House, ie around the perimeter of the residential land. The creation and management of such landscaped areas would further reduce the ability to conduct viable cattle grazing activities.

It is considered the best way to achieve the ongoing management of the aquatic environment, and protect the visual amenity of Anambah House, is through the use of the E4 Environmental Living zone. The proponent has proposed to manage the flood liable residue parcel through the creation of a number of large lots with dwelling sites above the 1%AEP Flood Level.

Given the limited size of the proposed residue, and the above mentioned issues, a rural zone is not considered suitable in this instance. The topography of the land and the elongated nature of the residue parcel, provides for two distinct visual and drainage catchments. These two catchments are divided by the residential component of the proposal. It is acknowledged the use of the existing "AA" 7ha minimum lot size standard is appropriate rather than creating an additional lot size for the Maitland LEP. The proposed two large lots would be consistent with the minimum lot size of 7ha.

In addition to the above the following s.117 Directions are addressed:

Section 117 Direction

1.2 Rural Zones - The subject land is zoned RU2 Rural Landscape and adjoins future and existing residential zones to the south, north, east and west. The subject land is included in the Maitland Urban Settlement Strategy MUSS 2012 as an *urban extension site*. Rezoning and development of the land for urban purposes is consistent with the urban extension/infill principles and criteria addressed in the MUSS.

The future use of the residue part of the subject land for rural/agricultural activities is limited by its isolation and small size, further restricted by the presence of a lagoon/wetland system to the north east of the site..

The proposed change from RU2 to R1 and E4 acknowledge the unconstrained developable qualities of part of the site and the sensitivity of the remainder of the site. The management and enhancement of the environmentally sensitive areas of the site can best be achieved through an E4 zone supporting two large lots.

It is considered the proposal is generally consistent with this direction. Any inconsistency is considered minor.

1.5 Rural Lands - The planning proposal provides for the rezoning of the subject land from RU2 to R1 and E4. The proposal also includes an amendment to the minimum lot size standard to provide for residential development on the flood free portion of the site and the ability to create two lots to manage the remainder of the site.

The subject land is nominated in the Maitland Urban Settlement Strategy 2012 as an *urban extension site*. The subject land is not identified as "State Significant Agricultural Land".

The aim of the Rural Lands SEPP is to facilitate the orderly and economic use of rural land. The location and small size of the subject land restrict the ability to achieve this objective.

The proposed rezoning of the residue parcel of the subject land from RU2 to E4 is consistent with the planning principles of the SEPP in that it provides for protection of natural resources having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources.

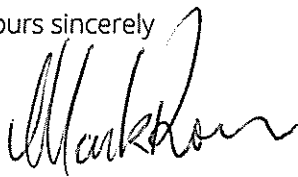
The subject land is already fragmented and has potential for land use conflicts given the encroaching residential development around the site. The proposed rezoning and resulting subdivision pattern will manage the natural and physical constraints of the site and reduce land use conflicts associated with the rural industry and urban development. The proposal is considered consistent with the Rural Subdivision Principles of the Rural Lands SEPP.

2.1 Environmental Protection Zone – The proposal is considered consistent with this direction. The proposal includes provisions that facilitate the conservation and protection of environmentally sensitive areas.

The draft LEP does not reduce the environmental protection standards that apply to the land.

Should you require any further information please contact the undersigned on 49349848 or email Mark.Roser@maitland.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Roser', written in a cursive style.

Mark Roser
Senior Strategic Planner