

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

Anambah Road Anambah

(Lot 90, DP 785244)

Version 01
16 June 2017



CONTENTS

INTRODUCTION	3
PART 1: OBJECTIVES OR INTENDED OUTCOMES	3
PART 2: EXPLANATION OF PROVISIONS	3
PART 3: JUSTIFICATION FOR PROPOSED REZONING OR LEP AMENDMENT	3
Section A – NEED for the PLANNING PROPOSAL	4
Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK	4
Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT	9
Section D – STATE and COMMONWEALTH INTERESTS	11
PART 4: MAPS	12
PART 5: COMMUNITY CONSULTATION	12
Appendix 1: Locality Map	i
Appendix 2: Proposed Zone Map/Proposed Minimum Lot Size Map	ii
Appendix 3: Existing Zone Map	iv
Appendix 4: Council Report and Resolution	v
Appendix 5: Extract from MUSS Table 12 – Urban Infill/Extension Sites	vi

Figures and Tables

Table One: Relevant State Environmental Planning Policies
Table Two: s117 Directions

Version

Version 1.0 – (Council Report Request for Gateway)

16/06/2017

INTRODUCTION

This planning proposal explains the intended effect, and justification for the proposed amendment to *Maitland Local Environmental Plan 2011* with regard to lands known as Lot 90 DP 785244 Anambah Road, Anambah. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The purpose of the planning proposal is to rezone lands referred to as Lot 90 DP 785244 fronting Anambah Road, Rutherford from RU2 Rural Landscape to R1 Residential and E4 Environmental Living. The minimum lot size will also be reduced from 40ha to 450m² for the R1 Residential portion and a 6ha minimum lot size for the E4 Environmental Living portion. The subject land is identified as an urban extension site in the MUSS 2012.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the proposal are:

1. To rezone the subject site to permit residential development.
2. To protect the public views to the rural land.
3. To respond to the heritage and flooding constraints affecting the site.

PART 2: EXPLANATION of PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to rezone the subject land from RU2 Rural Landscape to R1 General Residential and E4 Environmental Living and to amend the minimum lot size map so that a minimum lot size of 450m² applies to the R1 General Residential area of the site and a 6ha minimum lot size applies to the E4 Environmental Living area of the site.

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 Maitland Urban Settlement Strategy (MUSS) 2012 is Council's principle strategic land use plan. The MUSS allows the consideration of land within the existing urban footprint 'urban infill' and small sites (<15ha) adjoining existing serviced urban areas 'urban extension' to be rezone for urban purposes.

The site is identified as a potential urban extension development site in MUSS 2012. The planning proposal is supported by the following studies;

- Aboriginal/European Heritage Assessment
- Flora, Fauna and Threatened Species Assessment
- Preliminary Contaminated Site Assessment – including geotechnical and acid sulphate soils
- Traffic Assessment

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

It is considered that an amendment to the Maitland LEP 2011 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision and objectives of the MUSS and the proposal.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this application. The resulting residential outcome will provide a small amount of employment for a limited period of time and provide some additional housing in an existing residential area efficiently utilising service infrastructure in the locality.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy 2006 / Hunter Regional Plan 2036

The LHRS seeks to provide for up to 117,200 new dwellings across the region by 2031, with 16,000 of these new dwellings to be accommodated as urban infill/extension. Rutherford is an existing urban area identified in the LHRS. Therefore, this planning proposal is consistent with this objective of the LHRS.

The LHRS recognises the importance of the historic cultural landscapes of the region and their contribution to the Lower Hunter's unique sense of place. The LHRS requires that all development opportunities created by land use zonings and densities are compatible with the underlying heritage values of the place. The planning proposal is supported by a Statement of Heritage Impact with regard to views to and from Anambah House. The report concludes that, with appropriate design elements such as landscaping and colour of fencing and roofing material, there will be minimal impact on the existing views to and from Anambah House.

The Hunter Regional Plan 2036 supports the predicted growth outcomes of the Lower Hunter Regional Strategy and maintains the development principles of compact urban environments with efficient and sustainable use of service infrastructure. The proposed urban extension site is consistent with these principles.

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 Built Space

- Our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.
- Our unique built heritage is maintained and enhanced, coupled with sustainable new developments to meet the needs of our growing community.

Our natural environment

- The potential impacts of our growing community on the environment and our natural resources are actively managed.

Maitland Urban Settlement Strategy (MUSS)

The site is identified in Table 12: Urban Infill & Extension Sites of the MUSS. The site's inclusion occurred as a result of a comprehensive, city wide review of suitable sites for investigation for urban extension. The lands inclusion does not identify a specific development yield from the site.

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

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and Implications
SEPP (Infrastructure) 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP (RURAL LANDS) 2008	Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	This SEPP is relevant since the site is currently zoned RU2 Rural Landscape under the Maitland LEP 2011. The rezoning and development, for urban purposes, of the flood free portion of the site is a logical extension to the existing urban environment. Nothing in this plan is inconsistent with the objectives of this SEPP. The flood affected areas of the site will be managed in large allotments comprising 6ha or more.
SEPP NO. 55 REMEDIATION OF LAND	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	A preliminary contamination assessment of the land has been undertaken in accordance with SEPP 55. No sites of contamination were identified.

Table One: Relevant State Environmental Planning Policies

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

There is no s.117 Ministerial Directions that the proposed development is inconsistent with. An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones		N/A
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The subject land is zoned RU2 Rural Landscape land. The land is adjoining predominately residential land. The lot itself is unlikely to support a viable agricultural enterprise without

Ministerial Direction	Aim of the Direction	Consistency and Implications
		causing some significant impact on the adjoining residences. It is considered appropriate that this inconsistency is justified in these circumstances.
1.3 Mining, Petroleum Production and Extractive Industries		N/A
1.5 Rural Lands	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.	See 1.2 above.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones		N/A
2.2 Coastal Protection		
2.3 Heritage Protection	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is in close proximity to the State Heritage listed, Anambah House. The planning proposal is supported by a Statement of Heritage Impact. The report concludes that the extent of the proposed rezoning and the subsequent development is unlikely to adversely affect the visual curtilage of the heritage item. The report does identify a number of actions that should be required at development stage to ensure the on-going protection of views and vistas to and from Anambah House. These include: Fencing type and colour; Roofing colour; Landscaping. No items of Aboriginal heritage were identified on the subject land during site investigations.
2.4 Recreation Vehicle Areas		N/A
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services	The development of the site for residential purposes will make efficient use of existing infrastructure and services in this location. The provision of some larger lots will also provide a diverse choice in housing in the area whilst managing flood liable land.

Ministerial Direction	Aim of the Direction	Consistency and Implications
3.2 Caravan Parks and Manufactured Home Estates		N/A
3.3 Home Occupations		Consistent
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, jobs and services by methods other than private vehicles.	The land is well located to support the surrounding residential development and to provide high levels of accessibility to existing road and public transport networks. The proposal is consistent with this direction
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The Maitland LEP 2011 identifies Class 5 Acid Sulphate Soils over the site. A significant portion of this land is inundated during the 1:100 year flood event. The land below this level will not be rezoned for residential purposes.
4.2 Mine Subsidence and Unstable Land		N/A
4.3 Flood Prone Land	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.	A large portion of the site is affected by inundation during the 1:100 year flood event. The developable portion of the site is located above the 1:100 year flood level. As such, the proposal is considered to be consistent with this direction. Flood free vehicular access is also provided to the site.
4.4 Planning for Bushfire Protection		N/A
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	This direction requires a draft amendment to be consistent with relevant state strategies that apply	The planning proposal is considered to be consistent with the Lower Hunter Regional Strategy 2006 and Hunter Regional Plan 2036

Ministerial Direction	Aim of the Direction	Consistency and Implications
	to the LGA.	as it provides for new housing in accordance with the adopted MUSS 2012, provides an extension to an existing urban area and utilises existing service infrastructure.
LOCAL PLAN MAKING		
6.1 Approval and Referral	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 Purpose		N/A
6.3 Site Specific Provisions		N/A
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy		N/A

Table Two: Relevant s.117 Ministerial Directions

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?

The land to which this planning proposal applies is cleared of native vegetation. An ecological assessment of the site has identified three vegetation communities. Open grassland/pasture, freshwater wetland and constructed dam-aquatic vegetation. No EEC's have been identified on site.

Two threatened fauna species were recorded on site (little bentwing-bat and large bentwing-bat), however no habitat was recorded to provide roosting. The bats presence was a result of foraging. The report concludes it is not likely the proposal will have a significant impact on the bat species.

An amphibian survey was undertaken for the site, including targeting the Green and Golden Bell Frog. No threatened frog species were identified.

Two listed migratory species, the Cattle Egret and Latham's Snipe were recorded within the study area. Considering the relative commonality of these two migratory species within the local area and the relatively small direct impact on habitat in the locality, it is unlikely that these species or any of the listed migratory species would be significantly impacted by the proposal.

The Ecological Assessment provides three recommendations to mitigate potential future impact on the residue of the site containing the freshwater wetland environment. These relate to the future DA stage of the proposal and include: sediment control during construction; stormwater runoff after construction and noxious weeds control.

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

The planning proposal is supported by the following site studies addressing potential environmental effects as a result of future urban development of the site;

- Aboriginal/European Heritage Assessment
- Flora, Fauna and Threatened Species Assessment
- Preliminary Contaminated Site Assessment – including geotechnical and acid sulphate soils
- Traffic Assessment

A summary of the findings and recommendations for the Aboriginal and European Heritage Assessment are detailed below.

A summary of the findings and recommendations for the Ecological Assessment are detailed above.

Traffic Assessment – The resulting residential subdivision will have access to Anambah Road via Marlowe Avenue and Niven Parade and also the New England Highway at a large existing roundabout at Anambah Road and Shipley Drive, capable of catering for the relatively small volume of additional traffic that will be generated by the proposed residential subdivision, as demonstrated by the SIDRA simulations for existing traffic volumes and projected 2027 traffic volumes.

The additional turning volumes that are likely to occur at the roundabout on the New England Highway at Shipley Drive / Anambah Road will improve the efficiency at that roundabout by creating more balanced flows and preventing Highway traffic dominating the overall flows.

SIDRA analyses confirm that even for projected 2027 traffic volumes, the existing BAR intersection at Anambah Road and Niven Parade will not be adversely affected by the additional subdivision traffic, when fully occupied.

Geotechnical Investigations – The geotechnical and preliminary site investigations assessed the potential occurrence of contaminants, acid sulphate soils, salinity, soil instability and erosion.

The results of the acid sulfate soil and salinity testing showed that the soils were non-saline and did not indicate a risk of potential acid sulfate soils. Based on the site history review and the results from the analytical testing, the developable portion of the site, with the exception of the onsite effluent disposal area in proposed Lot 34, was considered to contain a low risk

of contamination associated with historical agricultural land use, subject to the following recommendations:

- All anthropogenic materials should be removed from the developable portion to the extent practicable;
- An unexpected finds protocol is developed for the construction phase of the proposed development;
- A hazardous materials assessment of any buildings proposed to be demolished during construction of the Proposed Development is undertaken prior to demolition.

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

The following social and economic effects are relevant to the proposal.

Aboriginal Archaeology

A preliminary aboriginal cultural assessment has been prepared for the site. The report concluded that:

“Based on the development plan, the proposed works will involve cutting and levelling across part of the southwestern portion of the site. This would likely involve considerable ground disturbance to the underlying deposits, which are considered to have moderate to high archaeological potential. It is therefore recommended that further archaeological investigation and Aboriginal community consultation is undertaken prior to proceeding with the proposed subdivision works. However, based on the information available, it is unlikely that substantial or highly significant cultural deposits would be present within the subject area, and there is no reason to suggest that the subdivision should not proceed following appropriate investigation, necessary heritage permits (if required), and mitigation measures.”

European Heritage & Visual Impact

The site is in close proximity to the State Heritage Listed “Anambah House”. The planning proposal is supported by a Heritage Assessment. The report concludes that the extent of the proposed rezoning and the subsequent urban development is unlikely to adversely affect the heritage item, including views to and from the item. The report recommends roof and fence treatments to future urban development, including perimeter landscaping, to soften the visual appearance of the future dwellings.

Section D – STATE and COMMONWEALTH INTERESTS

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

The precinct is adequately serviced by existing sewer and water infrastructure in the locality.

Traffic generation

The future yield is anticipated at approximately 18 - 20 lots. The planning proposal would result in only a marginal increase in traffic in the immediate locality. The local road network is capable of accommodating the small increase in traffic anticipated from the development of the site for residential purposes.

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

No state or Commonwealth public authorities have been consulted at this stage. It is expected that the gateway determination will specify those agencies to be consulted.

PART 4: MAPS

The proposal seeks to amend the land use map (LZN) and the minimum lot size map (LSZ). A copy of the existing maps and the proposed maps are at Appendix Two and Three. The following maps have been prepared to support this planning proposal:

- Location map
- Proposed zone map
- Proposed lot size map
- Existing zone map

PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken by the local authority. It is considered the proposal is of low impact and therefore an exhibition period of 14 days would apply.

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

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the Rutherford and Central Maitland Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and

- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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 proposed rezoning before proceed to finalisation of the amendment.

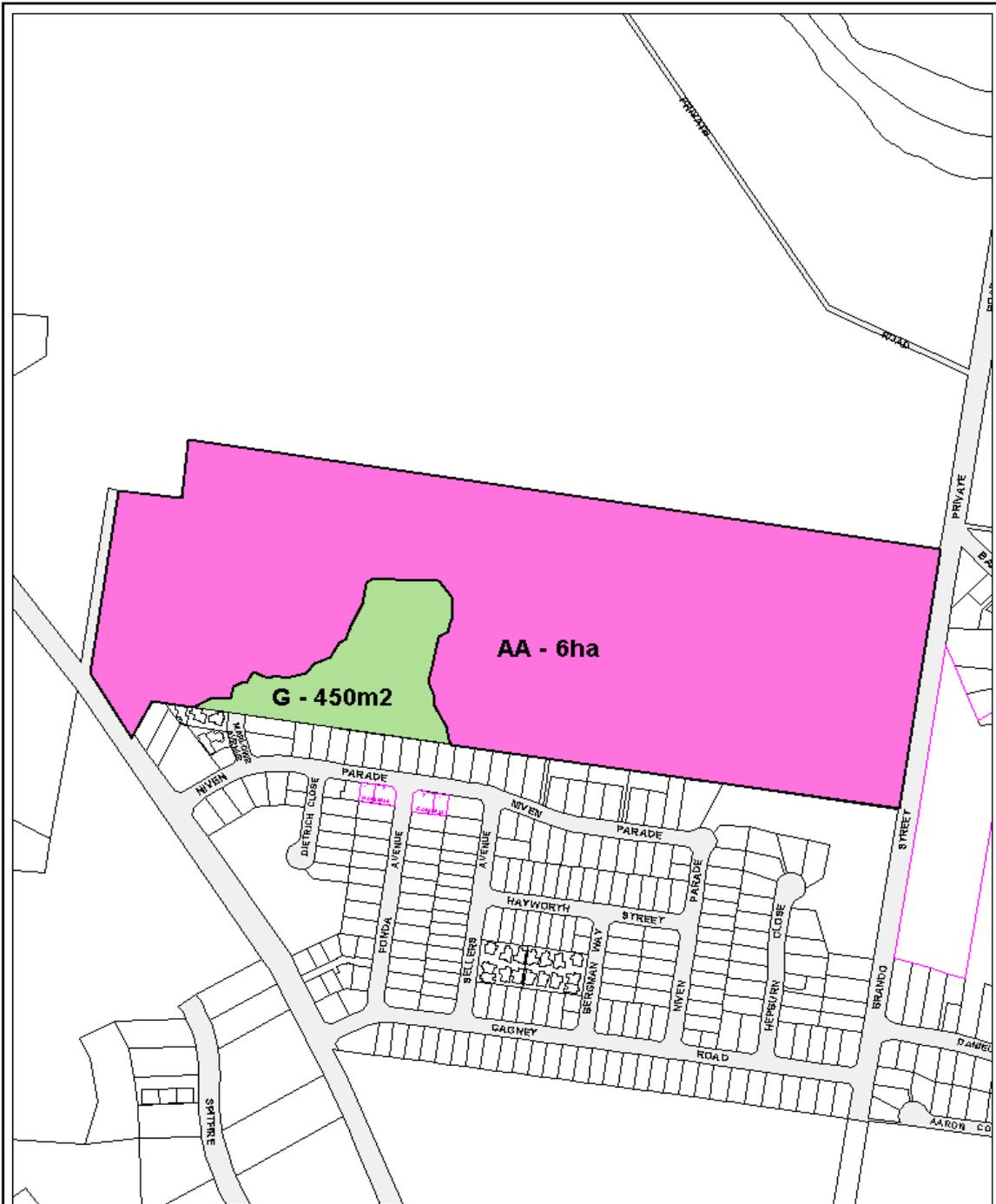
The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE

Location Map



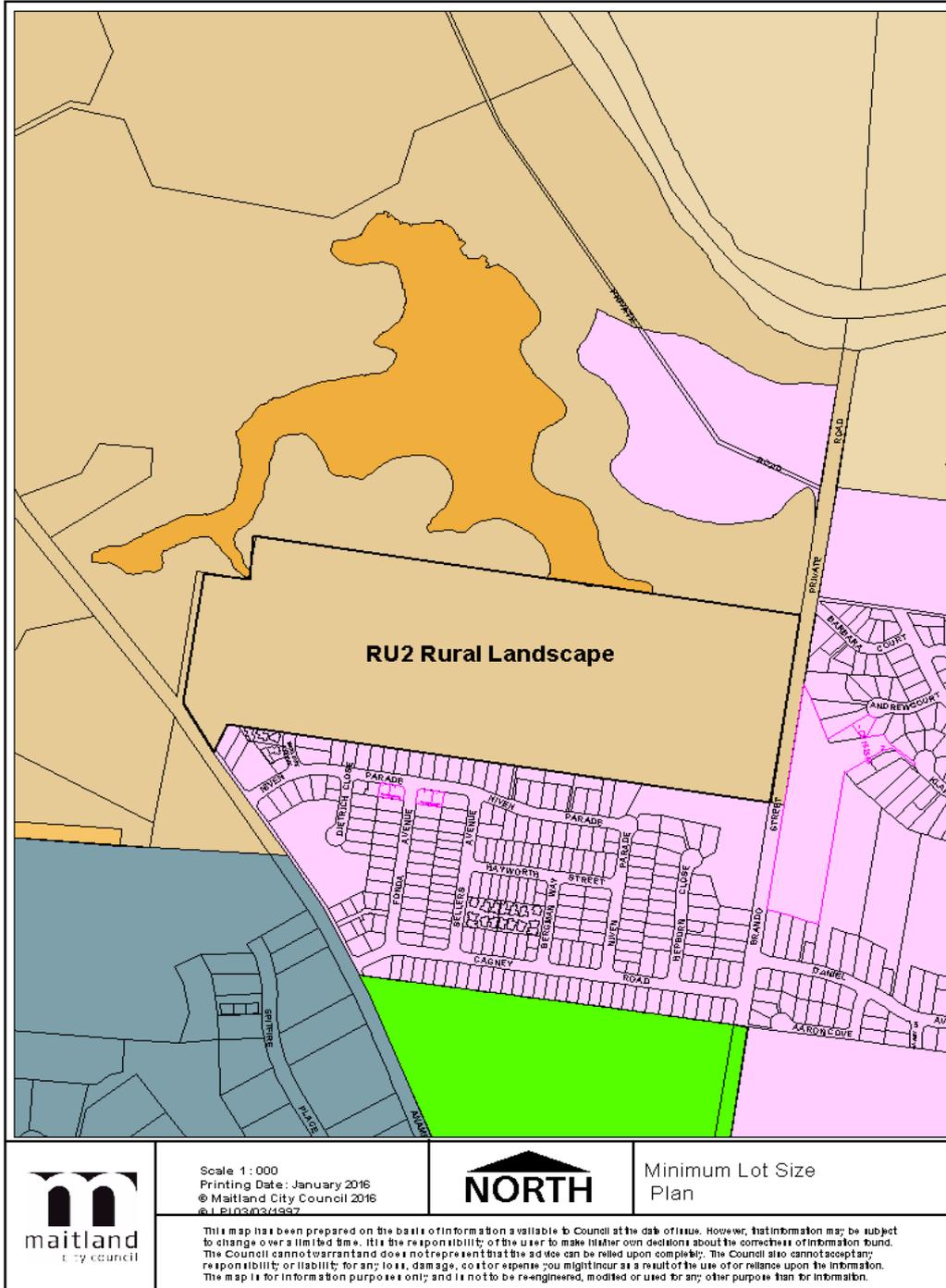
 <p>maitland city council</p>	<p>Scale 1 : 000 Printing Date: January 2016 © Maitland City Council 2016 © LPI 03/03/1997</p>	 <p>NORTH</p>	<p>Locality Plan</p> <p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
----------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



 <p>maitland city council</p>	<p>Scale 1 : 000 Printing Date: January 2016 © Maitland City Council 2016 © L.P.03.03/1997</p>		<p>Minimum Lot Size Plan</p>
<p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that this advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only, and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>			

Appendix THREE

Existing Zone



Scale 1: 000
 Printing Date: January 2016
 © Maitland City Council 2016
 @ L P10203/0997



Minimum Lot Size
 Plan

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use or reliance upon the information. The map is for information purposes only, and is not to be re-engineered, modified or used for any other purpose than for information.

Appendix FOUR
Council Report and Resolution
[Insert Date of Council Resolution]

Appendix FIVE

Extract from MUSS 2012 - Table 12 Urban Infill/Extension Sites (Lot 90 DP 785244)

Identification of Potential Urban Infill and Urban Extension Development Sites

A city wide review of all non-residential zoned land located within or adjoining residential zoned land has been undertaken. The purpose of this review was to identify any lands which satisfied the principles and definition of urban extension or urban infill development and their suitability for potential future residential, business or employment uses.

As part of the call for submissions to the MUSS review, Council received requests for land to be included as urban infill and extension sites, which was essentially a similar process to that undertaken in the MUSS 2010 review. Following the review of the call for submissions, those sites considered to meet the objectives and criteria for urban infill and extension development were added to the MUSS 2012.

The sites considered suitable for potential urban infill and urban extension development are shown in Figure 31 Urban Infill and Urban Extension Potential Development Sites and Table 12 below. These identified sites will be considered for potential future development pending the lodgement of a rezoning proposal that justifies the lands as urban infill or urban extension with consideration of the sites opportunities and constraints. Table 9 has also been amended to exclude those sites already rezoned since the adoption of the MUSS 2010 edition.

Table 12: Urban Infill & Extension Sites

URBAN INFILL AND EXTENSION SITES				
Prop Number	Lot Number	DP Number	Locality	Suburb
34164	71	714785	Anambah Road	Anambah
24038	100	545566	Rockleigh Street	Thornton
10504	90	785244	Anambah Road	Anambah
30204	1	812143	Golden Ash Drive	Aberglasslyn
15794	195	755237	George and Wallis Street	East Maitland
25423	3	237264	Swan Street	Morpeth
28752	36	718119	Golden Wattle Crescent	Thornton
33871	41	513346	Kingston Road	Woodberry
18771	295	238805	Kingston Road	Woodberry

URBAN INFILL AND EXTENSION SITES				
Prop Number	Lot Number	DP Number	Locality	Suburb
28853	2	608456	Woodberry Road	Woodberry
33856	1	516629	Woodberry Road	Woodberry
28854	1	349112	Woodberry Road	Woodberry
28759	31	563916	Kookaburra Avenue	Woodberry
12663	1	433693	Carrington Street	Maitland