

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

LOUTH PARK URBAN INVESTIGATION AREA

**Version 2.0
15 June 2012**



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Version

Version 2.0 – June 2012 – Report to Council

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 with regard to land shown in Table 1 Louth Park Rd, Louth Park.

LOT	DP	AREA
65	825042	3.1
64	825042	2.1
63	825042	2
62	825042	2
61	825042	2
1	221762	11.3
412	854995	11.3
411	854995	1.4
5	702764	1.2
521	593618	7.8
523	701969	0.8
19	1070710	42.1
520	563545	2
2000	1129126	20
2001	1129126	39.3
522	601199	8
16 lots		Total Area 156.4ha

Table One: Property Description

At its meeting of 14 September 2010, Council considered a report for the rezoning of land within the Louth Park Investigation Area for urban purposes. The report addressed the investigations undertaken by the landowners, consultants and Council to determine the type and extent of constraints affecting the land, and potential development outcome for the site.

The previous report to Council included a Planning Proposal and draft LEP amendment proposing an amendment to the Maitland LEP 1993 to rezone the subject lands to 1(c) Rural Small Holdings and 1(d) Rural Residential. These zones provided for a mix of 4000m² and 2000m² lot sizes. Council resolved to support the proposed draft LEP amendment to the Maitland LEP 1993, and submit this to the Department of Planning and Infrastructure (DoPI) for a Gateway Determination.

On 15 December 2010, Council received notification from the DoPI that the planning proposal for the Louth Park IA should not proceed through Gateway. The reason being:

- The advanced preparation and exhibition of the draft Maitland LEP 2011, as it is unlikely that the plan can be finalised prior to the publication of the comprehensive LEP;

- Council undertake further strategic planning assessment to justify the proposed zoning and lot sizes to establish consistency with the Maitland Urban Settlement Strategy (MUSS) and Lower Hunter Regional Strategy (LHRS).

In addressing this, the DoPI advised Council to consider a higher lot yield from the site supported by relevant zones and lot size map under the Maitland LEP 2011.

During this time frame Council has reviewed and adopted the MUSS 2010, which includes the Louth Park IA, and the Maitland LEP 2011 has been gazetted and is now in force. The Maitland LEP 2011 includes a list of new zones and the inclusion of a lot size map to be considered in conjunction with these zones. At its meeting of 30 August 2011 Council resolved, amongst other things, to adopt the MUSS 2010 and that Louth Park IA can be identified as an R5 Large Lot Residential zone when reported back to Council. The R5 zone is consistent with the standard LEP template and zones used in the Maitland LEP 2011.

The new planning proposal has been prepared to address those issues raised by the DoPI in the Gateway Determination dated 12 December 2010, and provides for the rezoning of land within the Louth Park IA to allow for the future development of an urban environment. To achieve this, the planning proposal refines the boundaries of the Louth Park IA and identifies this land as an urban release area (URA). Furthermore, the planning proposal proposes an R5 – Large Lot Residential zone over the subject lands consistent with Council's resolution of 30 August 2011 and consistent with the zoning provisions within the recently gazetted Maitland LEP 2011.

The planning proposal supports a minimum lot size map identifying a range of lot sizes for the release area. This is consistent with advice from the DoPI and requirements of the Maitland LEP 2011 for urban land to be supported by a lot size map. The range of lot sizes have been proposed to manage constraints within the release area at the same time as providing for a lot yield from the land.

The rezoning of this land continues the timely progression of urban development in the central area of Maitland in close proximity to key centres. An urban zone for the Louth Park area is consistent with Council's policy direction in maintaining a 10–15 year supply of zoned urban land, limit urban sprawl through connection with existing areas with adequate support services and respond to population changes.

The investigation area is located on the south western side of Louth Park Road and is comprised of 16 lots having a total area of 156.4ha with frontages to the Louth Park Road and Dagworth Road. A locality plan is appended to this report as **Attachment 1**.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the planning proposal for the rezoning of lands within the Louth Park Investigation Area are to:

1. Enable large lot residential development on site;
2. Ensure any development would respond sensitively to the density and scale of existing adjoining urban settlements
3. Ensure that future residents have access to adequate local and regional public infrastructure;
4. Conserve the rural landscape of the surrounding locality;

5. Protect and manage areas with environmental constraints;
6. Require further detailed development plans to be prepared prior to approval of development applications.

This amendment will support the strategic approach of Council to accommodating population growth within the Maitland Local Government Area (LGA).

PART 2: EXPLANATION of PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan (MLEP) 2011. The amendment would involve a change to the land zoning for the subject lands from RU2 Rural Landscape to R5 Large Lot Residential. The amendment would also involve the lands proposed for rezoning to be identified as an Urban Release Area under the provisions of Part 6 of the Maitland Local Environmental Plan 2011.

The amendment to the Maitland LEP 2011 involving the rezoning of the subject site for the purposes of the R5 Large Lot Residential zone would involve a change to the Land Zoning Maps Sheet LZN_004B & 005 to reflect the zoning change on site. It would additionally include a change to the Lot Size Maps Sheet LSZ_004B & 005 as the minimum lot size for the subject site is to be amended to reflect a mixture of lot sizes being 1500m, 2000m², 3000m² & 4000m. The proposed lot size mix includes three (3) new lot sizes not previously addressed in the Maitland LEP 2011. The Standard LEP Template provides codes and colours for these lot sizes which have been incorporated into the proposed draft LEP amendment as detailed in the attached plans.

The subject land and release area configuration has been identified within the Maitland LEP 2011 as an urban release area on the urban release area map. Therefore there is no need to amend the urban release area map of the Maitland LEP 2011.

As the site is to be identified as an Urban Release Area, it will be captured under the provisions Part 6 of the Maitland LEP 2011. Subsequently, consistent with other green field urban release areas, this ensures that satisfactory arrangements for the provision of designated state public infrastructure are met prior to the development of the subject site.

In addition to being captured under the above provisions, the subject site has been identified as a proposed Release Area in the draft Lower Hunter Special Infrastructure Contributions Scheme (SIC) and therefore will be required to contribute to the Lower Hunter SIC.

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?

Yes. The Louth Park investigation area was initially identified in the Maitland Urban Settlement Strategy as rural residential investigation area for urban development in 2004. With each review of the MUSS the outcomes of the investigation area have been refined reflecting recommendations of site specific investigations at the time. The Department has endorsed the 'Maitland Urban Settlement Strategy 2001-2021 (2008 edition)' (letter dated 07 September 2009). The MUSS 2010 maintains the Louth Park IA as Category 1 – Residential resulting in the short term (0 – 5 yrs) delivery of urban land in the locality. This is consistent with Council's adopted *land release program* for Category 1 – Residential land and maintaining a 10 – 15 year supply of residential land.

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 Lower Hunter Regional Strategy 2006 and Maitland Urban Settlement Strategy 2010.

The current land zoning does not permit urban development. The rezoning will be supported by a development control plan to achieve the objectives outlined in this planning proposal. The provision of an R5 Large Lot Residential zone within the Louth Park investigation area supports the objectives of the LHRS and Council's policy to utilise existing infrastructure and services by extending from the adjoining urban area of Waterforde Estate, and ensure that adequate land supply is delivered to meet short, medium and long term demand for housing strategically placed in the Lower Hunter.

3. Is there a net community benefit?

A net community benefit test and assessment has not been prepared for the Louth Park rezoning. However, it is considered that a net community benefit does arise from the rezoning of land in accordance with the Maitland Urban Settlement Strategy and outcomes of site specific studies.

Specifically, the subject lands are considered as part of the adopted policy position for urban investigation sites identified within Council's Maitland Urban Settlement Strategy 2010. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2010 and Council's adopted framework for urban investigation sites.

The rezoning of the subject site would enable large lot residential development, contributing to the local economy given that a high proportion of residents within the subject area will be able to readily commute to the Maitland CBD and Greenhills business area.

The key community benefits that this proposal will bring include:

- Additional urban land in the central/south locality of the Maitland local government area, where supplies of greenfield land are scarcest and where demand is continuing.
- A diversity of lot sizes and affordable housing in the central area of Maitland LGA;
- Protection of biodiversity values and extension of locally significant vegetation across a range of landforms to provide a link between wetlands, hill tops and riparian areas.
- Existing environmentally sensitive areas on the site will be protected and enhanced;

The implications of not proceeding with the draft plan include:

- There will be a reduced opportunity for housing choices and localities for growth in the Maitland LGA;
- The objectives of the adopted strategy will not achieve the desired outcomes for this urban investigation area.
- The potential for improvements to the existing public infrastructure would be limited;
- The potential for a higher order land use within the subject lands would be lost, as the land is not large enough to support sustainable agricultural practices;

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 (NSW Dept of Planning) – October 2006

Yes. The applicable regional strategy is the Lower Hunter Regional Strategy, adopted in October 2006.

The Lower Hunter Regional Strategy aims to provide for up to 115,000 new dwellings across the region by 2031, with 60% of the new dwellings to be located within new greenfield release areas. Louth Park is not identified on the Lower Hunter Regional Strategy Map, however other sites may be developed if they are consistent with the principles of the Regional Strategy and if they are identified in an endorsed local strategy. It is considered that the Louth Park Investigation Area complies with the Regional Strategy sustainability criteria, including availability of infrastructure, accessibility, low hazards and land use conflicts, minimal effect on natural resources and the potential to protect and enhance biodiversity and heritage. The DoPI have endorsed the MUSS 2008 which identifies Louth Park as an urban investigation area. The 2010 MUSS maintains the category of Louth Park as an urban investigation area with the planning proposal recommending a residential zone, R5 Large Lot Residential, for the subject lands.

The planning proposal fulfils the intentions of the Lower Hunter Regional Strategy through being a new urban release area that is able to provide adequate land supply in order for Maitland to meet its expected demand. The LHRS discusses the strong growth in housing. This is consistent with the overall intent of the strategy in that Maitland is identified as one of the major generators of housing. The planning proposal forms part of the urban investigation area sites within the Maitland Urban Settlement Strategy.

The rezoning of this land is in the public interest as it will play a pivotal role in the provision of adequate land supply for urban development during the immediate future. Council has recently been identified as one of the fastest growing LGA in NSW, with a population growth rate of 2.0%. Thus it is vital for Council to provide an adequate supply of urban land to provide more affordable housing options within the LGA. This is highlighted within the Lower Hunter Regional Strategy as one of the key focus points of the region. At present there is a total of 5 – 10 years of estimated supply of zoned residential land within the central sector of Maitland. Gillieston Heights comprises a significant portion of this zoned land. Apart from Gillieston Heights there are minimal opportunities for medium scale urban release areas within the Central Sector of Maitland.

The planning proposal also provides outcomes to manage lands in and around the site to help protect biodiversity and potentially unstable land with principle guidelines contained within the supporting plans and strategies for Louth Park (s94 & DCP).

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

Council has prepared and adopted a community strategic plan (Maitland 2021) in line with the new Integrated Planning and Reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland 2021 Community Strategic Plan as it provides opportunities for urban growth within the city to meet the needs of a growing population.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2010 Edition

The Maitland Urban Settlement Strategy was endorsed by the Department of Planning in September 2009, and specifically endorsed the Louth Park urban investigation area as a Category 1 Residential site. It was noted in the endorsement that further studies would be required to demonstrate the suitability and capacity of particular sites to accommodate future development. The MUSS 2010 edition maintains the Category of the Louth Park IA and continues to identify the issues of shallow mine workings, flora and fauna, visual impact and amenity, bushfire, flooding and drainage as key constraints to be addressed in any rezoning proposal for the area.

Investigations have been undertaken and the objectives of this planning proposal are consistent with the intended outcomes of the Maitland Urban Settlement Strategy, namely being:

- provision of an adequate supply of land and sites for urban development
- zoning to be consistent with land use constraints identified from site investigations
- new development to be supported by necessary infrastructure
- limit urban sprawl by providing for urban development in new or existing areas with good servicing

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 44 – Koala Habitat Protection	Encourages the proper conservation of vegetation that provides habitat for koalas.	Whilst three preferred koala food tree species are known to occur in the study area, there is no evidence of koala activity on the site and no known records of koala activity for the locality. It is considered that there is nothing in

SEPP	Relevance	Consistency and Implications
		the planning proposal that affects the aims and provisions of this SEPP.
SEPP 55 – Remediation of Land	Promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health.	Some contamination has been identified on the subject site, but is considered to be capable of remediation to a standard suitable for the residential outcomes proposed. Remediation can be undertaken with the development of the site. It is considered that there is nothing in the planning proposal that is inconsistent with the aims and provisions of this SEPP.
SEPP – Rural Lands 2008	Facilitates the orderly and economic use and development of rural lands for rural and related purposes.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is rezoning lands zoned for rural purposes to urban purposes and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. However the subject site is identified as a Category 1 – Investigation Area appropriate for urban development as identified in the adopted policy position in the endorsed MUSS 2010. Therefore the inconsistency with the aims of the Rural Lands SEPP 2008 is justified.

Table Two: Relevant State Environmental Planning Policies

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

There are a number of relevant s.117 Ministerial Directions which need to be acknowledged in the planning proposal. However, there will not be any issues of significance arising from consideration of the directions which will impact on the proposed development area. When a minor inconsistency has been identified, a clear justification for the departure is provided. 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	NA	
1.2 Rural Zones	The objective of this direction is to protect the agricultural production	It is proposed to rezone the subject lands from rural to urban lands. The majority of the site is

Ministerial Direction	Aim of the Direction	Consistency and Implications
	value of rural land.	currently zoned for rural purposes. At present the site does not support prime agricultural uses and is identified in both local and regional strategies for future urban development. Rezoning the subject lands for urban purposes will not result in the loss of sustainable prime agricultural land and hence the inconsistency with the aims of this direction is justified.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes	The planning proposal identifies the rezoning of the subject land RU2 - Rural Landscape for urban development. The proposal is therefore inconsistent with this direction. This inconsistency is justified as the subject land is identified in the MUSS for future urban land uses and is endorsed by the DoPI and Council.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection	NA	
2.3 Heritage Protection	The aim of this direction is to conserve items, areas, objects, places of environmental heritage and indigenous heritage.	This planning proposal does not seek to alter the existing heritage provisions of the Maitland Local Environmental Plan 2011. Identified archaeological sites are to be managed through relevant legislation during the development application stage consistent with the recommendations of the archaeological report for the site. Nothing in the planning proposal is inconsistent with this Direction.
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	The aim of this direction is to 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 planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 2011 for rezoning of lands for urban purposes. The proposed rezoning will result in a change of land use to enable future residential development of the site. The land is identified as an urban investigation area for potential development within the MUSS 2010. Therefore the proposal is consistent with the objectives of this direction.

Ministerial Direction	Aim of the Direction	Consistency and Implications
3.2 Caravan Parks and Manufactured Home Estates	NA	
3.3 Home Occupations	NA	
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.	The planning proposal proposes to establish an urban environment with local and regional connectivity through design and location of road networks including provision for public transport services. The planning proposal is considered consistent with this direction.
3.5 Development Near Licenced Aerodromes	N/A	
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 ASS.	Current ASS risk maps and ASS Mapping under the Maitland LEP 2011 indicate the potential of ASS and identify the site as affected by Class 5 ASS with small areas of class 3 & 4 around the flood plain. It is not intended to rezone any land within the flood plain. Class 5 ASS should not preclude the rezoning process continuing but should be considered further prior to any future development of the lands. Therefore the planning proposal is consistent with the objectives of this direction.
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	The subject land is not within a Proclaimed Mine Subsidence District, however this Direction applies as the land has been identified as containing shallow underground mine workings by the Mine Subsidence Board. It is considered the planning proposal is consistent with this direction as it incorporates provisions in the draft LEP that provide for a scale, density and type of development which allow appropriate development over these sensitive areas.
4.3 Flood Prone Land	The direction aims to reduce the risk of flood and to ensure that the development of the flood prone land is consistent with the NSW Flood Prone Land policy.	The land proposed to be rezoned for urban purposes is not within the flood planning area, as the future residential land is located above Council's adopted flood standard being the 1% AEP flood. This planning proposal is not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	The aim of this direction is to protect life, property and the environment from bush fire hazards by	Parts of the subject land are identified as being bush fire prone land. Consultation has been undertaken with the NSW Rural Fire Service,

Ministerial Direction	Aim of the Direction	Consistency and Implications
	discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	who is supportive of the proposal. Further bushfire hazard and management measures will be enforced in the development of the Louth Park area plan, in accordance with <i>Planning for Bushfire Protection 2006</i> .
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA	The planning proposal is consistent with the aims and objectives of the LHRS 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site was formally identified within the endorsed MUSS 2008 and is identified within the adopted MUSS 2010 as a site for investigation for future urban development. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
LOCAL PLAN MAKING		
6.1 Approval and Referral	The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal does not affect the objectives of this direction and will be consistent with this requirement.
6.2 Reserving Land for Public Purpose	NA	
6.3 Site Specific Provisions	NA	
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	NA	

Table Three: 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?*

Yes. An ecological assessment report has been submitted by the proponent that identifies that an adverse impact on threatened species and ecological communities could occur if native vegetation is removed from areas proposed to be rezoned for urban purposes .

Two endangered ecological communities were identified on site as the Lower Hunter Spotted Gum – Ironbark Forest (LHSGIF) and the Hunter Lowland Redgum Forest (HLRF). Of the two, the LHSGIF is the most extensive and well developed while the HLRF is present only as a low quality remnant. The subject communities are connected with wider forested areas on the adjoining Bloomfield Colliery site. The removal of vegetation is likely to have an adverse effect on the endangered ecological communities.

Threatened fauna species likely to be adversely affected as a result of the proposal include:

- Grey Crowned Babbler
- Powerful Owl
- Brown Tree Creeper
- Painted Snipe
- Grey Headed Flying Fox
- East Coast Free Tail Bat
- Little Bent Wing Bat
- Eastern Bent Wing Bat

The degree of adverse effect ranges from a likelihood of displacement from the site to loss of foraging, seasonal foraging and breeding habitat. The greatest threats to these species has been assessed as being the clearing of native vegetation, removal of dead wood and dead trees, and the loss of hollow-bearing trees. A total of 48 trees having potential fauna habitat hollows were mapped across the area

Consultation with the then Department of Environment, Climate Change and Water (DECCW) has been undertaken with regard to the likely adverse effects on threatened/ vulnerable species and endangered ecological communities.

DECCW supports the rezoning in principle as it is consistent with the objectives of the endorsed MUSS 2008, however recommends that Council be satisfied that:

- *The proposed LEP is not likely to result in impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities, and where impacts are proposed on areas of biodiversity value, demonstration on how to meet the improve or maintain threshold.*

Whilst it is preferable to deal with these matters at a rezoning stage, DECCW considers that “outstanding biodiversity offsetting matters could be dealt with post gazettal of the LEP through subsequent development applications under Part 4 of the EP&A Act.” This would be through Section 79B of the EPA Act. It is considered the proposed lot size map provides opportunities, with a range of lot sizes, to accommodate

building envelopes with minimal impact on significant vegetation. Therefore it is considered that the objectives of this planning proposal to protect areas of ecological significance can be achieved.

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

A suit of site studies were undertaken by the proponent to inform the preparation, and provide justification for, the progression of preparing an amendment to the Maitland LEP 2011 for the Louth Park IA. The matters that were specifically addressed include:

- Air quality, especially particulates from adjoining mining activities
The Louth Park investigation area is located in close proximity to three (3) potential source of air quality impact.
 - Bloomfield Colliery to the south and south east;
 - Maitland Waste Facility to the north east; and
 - Donaldson Coal Mine to the south east.

The baseline air quality monitoring program consists of measurements for:

- Dust deposition;
- Total Suspended Particulates (TSP); and
- Particulate Matter (PM₁₀)

The ambient study was conducted over a continuous period over four consecutive months between 23 December 2008 and 5 May 2009. The results from the assessment period have been compared to the DECC's guidelines for "Modelling and Assessment of Air Pollutants in NSW" which indicates that the investigation area does not exceed the relevant criteria for dust deposition, TSP and PM₁₀. The assessment report concludes that there is no material constraint for the residential development of the Louth Park investigation area based on consideration of dust and particulate matter.

- Site contamination from agricultural and other rural activities
A "Phase One" contamination report has been prepared for the Louth Park investigation area. The report concludes that there is no significant potential for site contamination and that the subject lands are suitable for rezoning for urban purposes. Sites of potential contamination, eg past poultry sheds, can be specifically investigated during Development Application assessment.
- Acoustic assessment, especially from vehicles and mining activities
Two potential areas of impact on the Louth Park Investigation Area from noise include "road traffic noise" and "cumulative industrial noise emissions".

Traffic noise associated with Louth Park Road has been identified to generate noise levels below the relevant Environmental Criteria for Road Traffic Noise (ECRTN) for residences with an offset distance of 15 metres from Louth Park Road. Road noise associated with Mt Vincent Road has the potential to be above the night time ECRTN for dwellings at up to a distance of 50 metres from Mt Vincent Road. A buffer of 50 metres for development of dwellings adjacent to Mt Vincent Road will also need to be included in associated development controls for the Louth Park investigation area. Development applications to create allotments adjoining the buffer will need to be supported by an acoustic report detailing the required treatment to dwellings to meet the ECRTN for this locality.

Cumulative industrial noise emissions from surrounding mining associated activities have been quantified as insignificant. The report concludes that there are no acoustic issues identified which would preclude the proposed rezoning from proceeding where it has been identified that where road noise may exceed the relevant criteria this is able to be ameliorated through either greater setbacks or acoustic treatment.

- Visual impact

Land within the adopted investigation area consists of undulating grazing land with vegetation communities dominating the southern section. A ridgeline running in a general north/south orientation forms a logical boundary to the west. Land on the western slope of this ridgeline is within a separate visual catchment being exposed to views from Gillieston Heights, Cliftleigh and Cessnock Road. This visual catchment is dominated by rural farm land, a wetland drainage system, ridges to the west and vegetation corridors.

The visual catchment of the Louth Park urban investigation area is dominated by undulating slopes draining to the northeast, vegetation to the east and south and rural small holding urban development to the north and east. The subject land, viewed from the existing Louth Park (Waterford Estate) urban area, comprises a visual catchment supporting a number of landscape units.

The visual management objectives of the Louth Park investigation area include:

- Protection of prominent ridgelines from development protruding into the skyline;
- Maintaining a development density pattern consistent with adjoining urban development;
- Protection of major view corridors associated with the Wallis Creek flood plain catchment and associated rural landuses;
- Utilise existing vegetation to screen and break up visual impact of urban development; and
- Provide an unobtrusive urban development pattern when viewed from land to the west, north and south.

Landscape Unit 1 – (Waterford Estate Landscape Unit) consists of cleared undulating, northeast facing slopes dominated by the north/south orientated ridgeline located in the “mid-ground”. This landscape unit has a scattering of mature trees and isolated small vegetation pockets. Unit 1 is back dropped by a distant north/south ridge to the west (Gillieston Heights) and in the majority of view corridors from Waterford Estate and surrounds forms a distant landscape/skyline above the dominant ridgeline of the Louth Park investigation area.

The scenic quality of this landscape unit is moderate with the elevated areas more prominent and therefore more sensitive. The lower open paddock areas in the foreground of the unit have a lower sensitivity.

Landscape Unit 2 – (Wallis Creek) is a large open view corridor running north/south dominated by uniform farm land and wetland systems contained by vegetation and ridgelines to the west and east. Development patterns for this landscape unit consist of scattered farm dwellings with associated agricultural structures.

Viewed from the north and west the foreground of the Wallis Creek landscape unit consists of undulating slopes blending with the flood plain dominating the midground. The background consists of cleared sloping land rising to a dominant ridgeline protecting and enclosing the Louth

Park investigation area and distant Waterforde Estate urban environment. It is considered this landscape unit is highly sensitive to any increase in development density.

Landscape Unit 3 – Adjoining Cessnock LGA has a southerly aspect and is dominated by sloping natural bush land within the local government area of Cessnock. Landscape unit 3 includes the southern section of the encircling ridgeline forming the southern extent of the developable area of the Louth Park investigation area.

This ridgeline and southward facing slopes have a moderate visual sensitivity given the presence of extensive established bush land. Similar to the rest of the investigation area and consistent with the visual management objectives for Louth Park, the ridgeline is a prominent visual element to be protected. The south facing slopes in this landscape unit are, to a degree, protected by vegetation and are not within a highly sensitive view corridor. Adjoining land to the south is mostly contained within a mining lease. Views to the site are therefore restricted to isolated points for the travelling public. Larger lots with dwellings positioned below the ridgeline and screened by existing vegetation would have a minimal visual impact for this landscape unit.

Investigations into developable lot sizes surrounding the ridgeline have identified the need for deeper lots to accommodate building envelopes *down slope* from the ridge crest. A perimeter road set *down slope* from the crest would provide for development opportunities either side of the road with lots extending up to the crest. Development guidelines addressed in a DCP would provide specific distance details from the crest to protect the visual sensitivity of the location. It is therefore proposed to nominate a minimum lot size of 4000m² for land surrounding the ridgeline.

- Drainage and stormwater management

The riparian/drainage assessment for the subject land included:

- Soil considerations and identification of potential constraints to development relating to acid sulphate soils and soil salinity;
- Groundwater considerations including existing groundwater conditions and qualitative assessment of potential development impacts on groundwater and groundwater dependant ecosystems;
- Flooding impacts incorporating a preliminary assessment of likely implications of flooding and peak stormwater events;
- Riparian corridors including identification and classification of existing riparian corridors and formulation of guiding management principles for development that will facilitate protection and enhancement of riparian zones;
- Stormwater management incorporating a preliminary assessment of appropriate stormwater controls and WSUD techniques to be applied across the development including development of water management goals.

The report concludes there are no impediments to the development of the subject lands for urban purposes provided appropriate management strategies for “salinity”, “stormwater”, “riparian areas” and “soil” are developed and implemented.

- Bushfire hazard

The southern and eastern section of the Louth Park Investigation Area supports an established Lower Hunter Iron Bark/Spotted Gum Vegetation Community. This community is sparse in some areas however it is considered to have continuous connectivity within the investigation area and to the wider/larger vegetation assemblage of the locality. The vegetation is mapped as Category 2 & 3 on Council’s bushfire prone land maps. The Category 2 & 3 area takes in approximately 40% of

the investigation area. Onsite ground truthing and assessment of current aerial photos would identify cleared areas within the blanketed bushfire prone area.

The listing of the Lower Hunter Iron Bark/Spotted Gum vegetation community as an EEC has wider implications with regard to identifying a land use pattern and associated APZ's for this area. The significance, health, age and exact species makeup of this community will need to be identified to inform the rezoning process and identify potential future land use pattern and lot density.

A 40m APZ has been identified along the southern boundary given the steepness of the land. Any lot design for this area would need to accommodate this 40m APZ, front boundary setback of 20m and a suitable building envelope. Therefore it is considered this locality would have a minimum lot size of 4000m² to accommodate these requirements.

- Stability of land from past underground mine workings in the locality

The Louth Park Investigation Area is not within a Proclaimed Mine Subsidence District. However, discussions with the MSB has identified past underground mine workings located within the Louth Park investigation area.

Previous subdivisions on Louth Park Rd, within the Investigation Area and adjoining Waterforde Estate, have included covenants on land titles restricting development of dwellings and structures to specific areas and structures having construction design restrictions. The extent of restriction on these parcels of land and presence of EEC's would exclude consideration of further subdivisions creating additional dwelling entitlements.

The MSB have supplied mapping showing the extent and depth of underground mine workings of the Rathluba Seam underlying the Louth Park investigation area. This map corresponds with the title restrictions identified on the subdivisions plans creating Lots 61, 62, 63 & 64 DP 825042. Lot 65 DP 825042 had a "restriction as to user" over the title, however this has been lifted by Maitland Council on request by the land owner which included additional supporting information identifying an inconsistency in the title restriction and advice from the MSB. In this regard Lot 65 DP 825042 has been included in the proposed zoning amendment.

The underground mine workings extend further afield in the Louth Park investigation to include Lot 2001 DP 1129126, Lot 412 and Lot 411 DP 854995, and Lot 1 DP 221762. These parcels are to the south and west of the existing restricted land and form the southern boundary of the Louth Park investigation area being dominated by a significant east/west ridge. Given the visual prominence of this area, extensive vegetation and the extent of underground mine workings, it is envisaged that this locality would not support a dense land use pattern, however larger lots of 4000m² could be considered allowing strategic placement of building envelopes.

- Sewer/water Service Infrastructure

The subject lands can be serviced for sewer and water through an extension to existing infrastructure in the adjoining R5 Large Lot residential estate. Discussions with Hunter Water Corp (HWC) has confirmed that they have allowed for urban growth at Louth Park in their Hunter Water Morpeth Wastewater Transportation System Servicing Strategy. This growth includes land identified as Category 1 residential Investigation in the MUSS as well as further subdivision of some larger lots in the R5 Large Lot Residential estate (Waterforde). The total additional dwellings planned for is around 430. HWC has a staged upgrade program to cater for these additional dwellings, with Louth Park 1 WWPS and rising main scheduled for completion in 2016/2017

financial year. Based on the growth projection, it is expected that the timing of this upgrade will be sufficient to meet development demands in the area.

The majority of developable land within the investigation area is contained within a natural catchment draining toward Waterforde Estate and existing infrastructure. Hence all proposed infrastructure servicing the proposed lots within the catchment could gravitate to a common low point forming an ideal location for a sewer pump station to then connect with existing infrastructure. Hunter Water Corp will require any proposed sewer infrastructure to be sized to cater for the ultimate development.

- Archaeological Heritage

The Archaeological Assessment for the subject land identified (2) sites (LP1 & LP2).

LP1 site is an artefact scatter located on the eastern bank of the eastern drainage channel of Lot 2000 DP 1129126. The site includes (2) mudstone flakes, (2) mudstone broken flakes and a mudstone retouched flake. The site has been assessed as being in fair condition with low to moderate potential for subsurface cultural materials.

LP2 is an isolated find on Lot 412 DP 854995 located in an erosion patch along a minor drainage line adjoining the southern boundary of the investigation area. The artefact is a mudstone flake. The site is in a poor condition with low potential for subsurface cultural material.

Three (3) Potential Archaeological Deposit (PAD) were identified within the study area.

- PAD 1 includes the crest in the western portion of the study area.
- PAD 2 includes the slope in the northern portion of the study area.
- PAD 3 includes the major drainage channel through the centre of the study area.

The archaeological report recommends that:

1. *Staff, contractors and construction and maintenance people involved in the development of the site are made aware of statutory requirements pertaining to archaeological sites and artefacts;*
2. *If site LP1 will be impacted by development a S.90 CTD (salvage) is required prior to any works;*
3. *If site LP2 will be impacted by development a S.90 (collect) is required prior to any works;*
4. *If PAD's 1,2 or 3 will be impacted by development a S.87 (test excavation) is required prior to any works.*

It is considered LP1, being located within a significant drainage channel, will be able to be managed as part of the riparian corridor. Comments from Mindaribba LALC advise that Aboriginal Heritage Studies for the study area be undertaken by suitably qualified professionals in accordance with relevant legislation prior to any development consent being issued.

Each of these matters will be addressed through the future development controls including the Louth Park Area Plan or through assessment of individual development applications.

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

There is at present a continuing demand for the development of large residential lots within the Maitland area. This is reinforced by the current uptake of these lifestyle allotments as identified in the MUSS. The inclusion of a range of lots sizes from 1500m² to 4000m² is shaped by the land constraints which are used to guide the density of development most suited within the investigation area. The demand for lots within this range is expected to continue as an alternative to standard residential lots.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes. The Planning Proposal will generate demand for public infrastructure associated with the development of urban land uses. Existing services/utilities are available on adjoining land in the existing R5 Large Lot Residential estate. It is considered that existing sewer and water infrastructure can be augmented to satisfactorily service the proposed urban development, or reasonable increases in capacity can be provided when new development occurs.

Discussions with Hunter Water Corp (HWC) has confirmed that they have allowed for urban growth at Louth Park in their Hunter Water Morpeth Wastewater Transportation System Servicing Strategy. This growth includes land identified as Category 1 Residential Investigation in the MUSS as well as further subdivision of some larger lots in the R5 Large Lot Residential Estate (Waterforde). The total additional dwellings planned for is approximately 430. HWC has a staged upgrade program to cater for these additional dwellings, with Louth Park 1 WWPS and rising main scheduled for completion in 2016/2017 financial year. Based on the growth projection, it is expected that the timing of this upgrade will be sufficient to meet development demands in the area.

It is considered that there are mechanisms in place to ensure that adequate provision occurs in coordination with new development, particularly through Part 6 of the MLEP 2011, which specifies that satisfactory arrangements for utility and regional infrastructure need to be in place prior to the determination of development applications.

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

Relevant State and Commonwealth authorities and agencies have been previously consulted under Section 62 of the Act. Comments received at that time were considered through that process, which identified the potential rezoning of this site for a future urban land uses. The following public authorities have been consulted regarding the preparation of the Louth Park rezoning plan:

- (former) Department of Primary Industries – mineral resources and agricultural divisions
- (former) NSW Roads and Traffic Authority
- Mindaribba Local Aboriginal Land Council
- (former) Department of Water and Energy

- NSW Rural Fire Service
- (former)Department of Environment and Climate Change
- Bloomfield Colliery

No objections were raised by the authorities that provided submissions.

PART 4: 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 being undertaken by the local authority. Given that the site is a Category 1 investigation area under the MUSS 2010 adjoining existing R5 Large Lot Residential development, it is deemed that the planning proposal is not of a low impact. The planning proposal should therefore be exhibited for a minimum of 28 days.

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

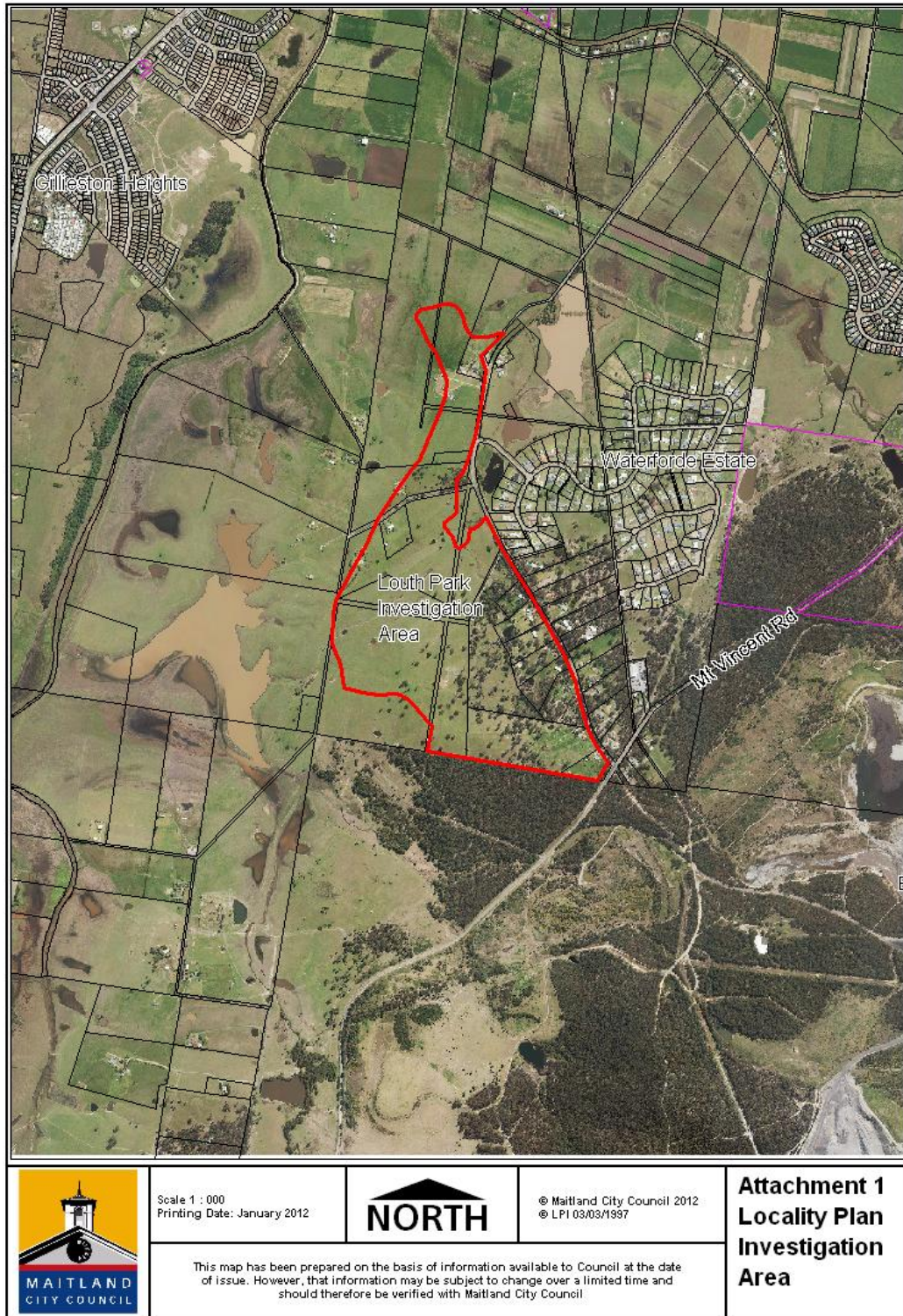
- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the branch libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to 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 proceeding 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.

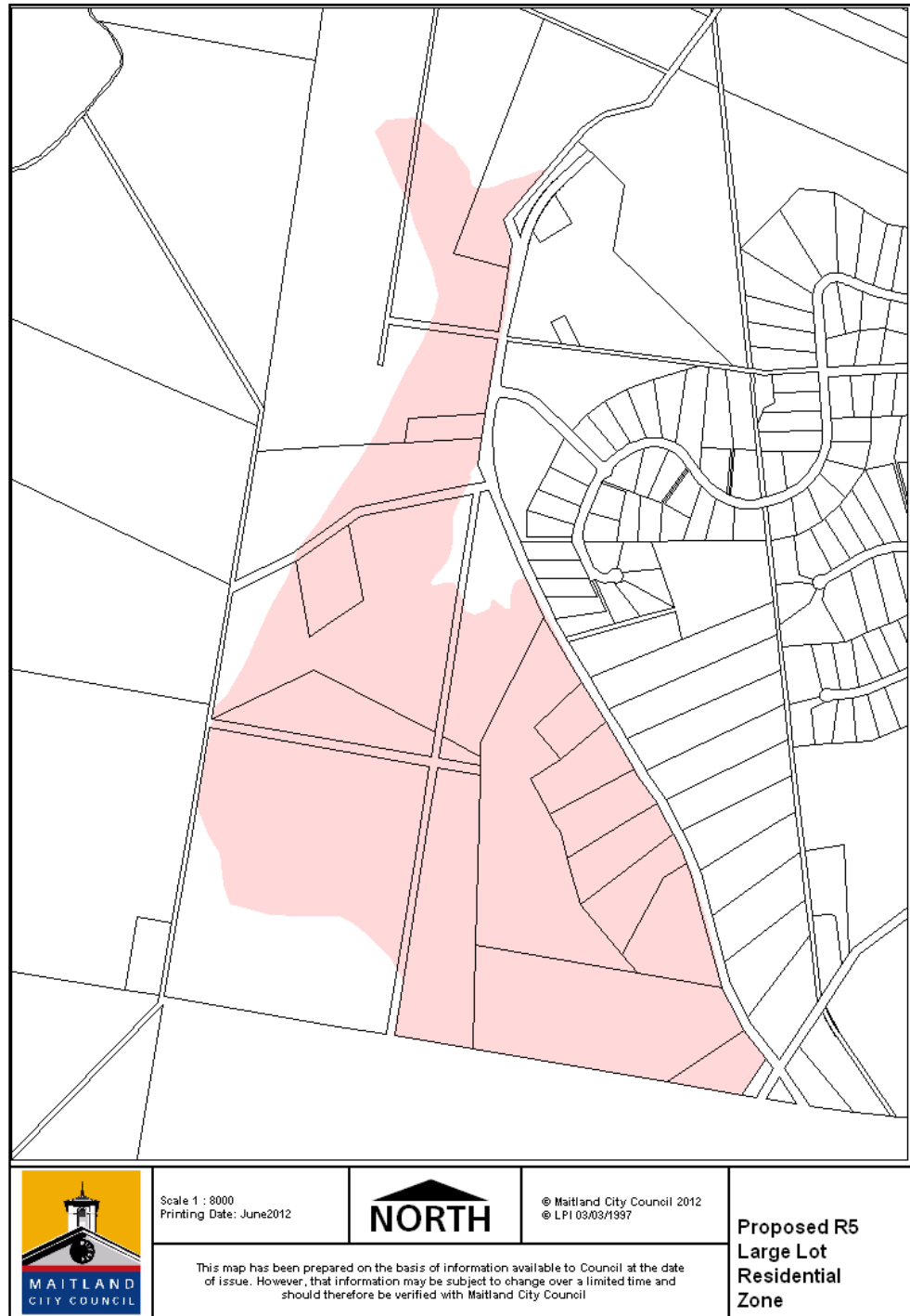
Appendix ONE

Louth Park Investigation Area Locality Plan



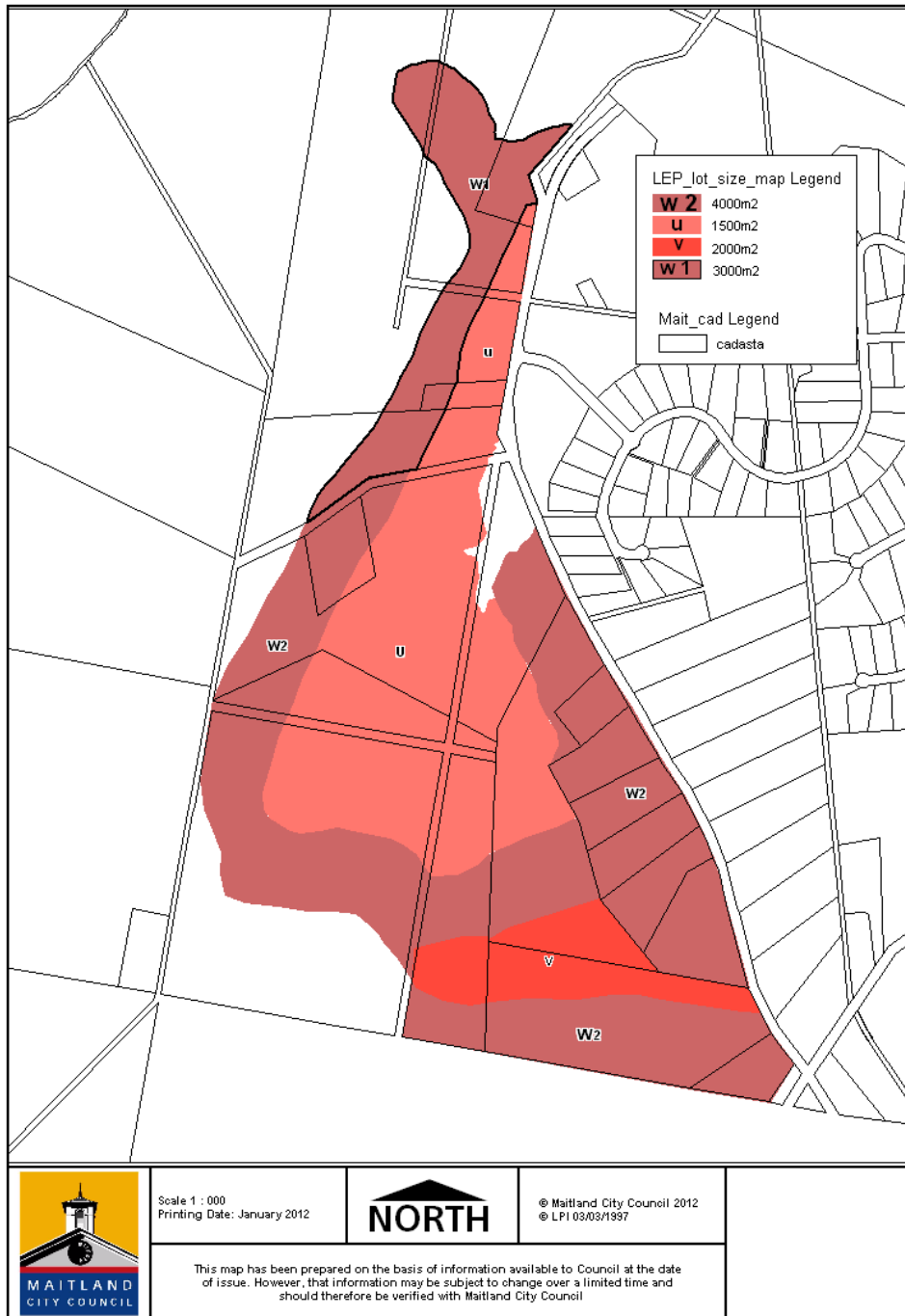
Appendix TWO

Proposed R5 Large Lot Residential Zone



Appendix THREE

Proposed Lot Size Map



Appendix FOUR

Council Report and Resolution