

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

**Anambah Road, Anambah
(Hardie Holdings)**

(Part of Lot 74 DP 622205)

**Version 0.1
16.2.2012**



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Version

Version 0.1 – 16.2.2012 (Report to Council for endorsement to Gateway Determination)

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 known as part of Lot 74 DP 622205 Anambah Road, Anambah.

The purpose of the planning proposal is to rezone part of Lot 74 DP 622205 Anambah Road, Anambah for large lot residential purposes. This would be the land situated on the south western portion of the site adjoining the existing urban area of Windella and including the land above Council's adopted flood standard being the 1% AEP flood. This is depicted in **APPENDIX 1- Locality Plan**, appended to this report.

The site is identified as a suitable site for potential Urban Extension development in the Maitland Urban Settlement Strategy (MUSS) 2010, adopted by Council on 30 August 2011, as it satisfies the principles and assessment criteria for urban extension development as defined in *Part Five – Urban Infill and Urban Extension Potential Development*.

The MUSS was initially adopted by Council in 2001 and is subject to biannual reviews to update lot yields, development requirements and policy change through all tiers of government. The subject site was included in the 2010 MUSS as part of the review process.

Council received a rezoning submission for the subject site on the 22 September 2011. The submission requested Council amend the Maitland LEP 2011 by rezoning the land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivisions from 40 hectares to 5000sqm to allow development of part of the subject land for urban purposes.

A preliminary assessment of the rezoning submission has been completed and considered in this Planning Proposal. The assessment of the subject land has indicated that a large lot residential zone would be appropriate for the subject land identified in the MUSS 2010 for urban extension development (Figure 30- Nominated Sites for Potential Development). This land being that above Council's flood standard (1% AEP flood) adjoining the existing urban area of Windella.

The balance of the land is identified within the MUSS 2010 as the Anambah Preliminary Investigation Area and is largely flood liable. Therefore this will remain as RU2 Rural Landscape with potential for investigation in the long term future. A small portion of land to the west of and outside of the urban extension site is not included in the Anambah Preliminary Investigation Area and consists of riparian vegetation. This land adjoins the E3 Environmental Management lands at Windella and is flood liable. Therefore this land will be considered for environmental purposes with further determination for final zone boundaries as Council receives further site specific studies, specifically an Ecological Assessment, for the site.

In order to proceed with the rezoning of the subject site, it is necessary to amend the *Maitland Local Environmental Plan 2011*. Council wishes to progress the LEP amendment through the gateway determination process.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal for the rezoning of land at Anambah, adjoining the existing urban area of Windella, are to:

1. Enable low density residential development on site consistent with the land use zone;
2. Enable the land to be subdivided for large lot residential development;
3. Ensure any development would respond sensitively to the density and scale of existing adjoining residential settlements;
4. Conserve the rural landscape of the surrounding locality;
5. Protect the riparian vegetation corridor adjoining the Lagoon on site;
6. Ensure any development is sensitive to the visual amenity of the surrounding locality, particularly the view corridors associated with Anambah House.

This amendment will support the strategic approach of Council to accommodate significant population growth within the Maitland Local Government Area (LGA) through urban extension development which encourages a more efficient use of land on the fringe of existing residential areas.

PART 2: EXPLANATION of PROVISIONS

The objective of the planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan (LEP) 2011. The amendment would involve a change to the land zoning for the proposed lands for rezoning. This involves a change to the Maitland LEP 2011 as follows:

1. Amend the Land Zoning Map by rezoning the urban extension site from RU2 Rural Landscape to R5 Large Lot Residential (Map Series LZN 002A and 004A) in accordance with the proposed zoning map shown in **APPENDIX 2: Proposed Zoning Plan**; and
2. Amend the Land Zoning Map by rezoning part of the balance of the subject land from RU2 Rural Landscape to E3 Environmental Management (Map Series LZN 002A) in accordance with the proposed zoning map shown in **APPENDIX 2: Proposed Zoning Plan**; and
3. Amend the Lot Size Map by reducing the minimum lot size for subdivision of the urban extension site from 40 hectares to 5000sqm (Map Series LSZ 002A and 004A) in accordance with the proposed lot size map shown in **APPENDIX 2: Proposed Zoning Plan**.

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 MUSS 2010 identifies opportunities for urban consolidation through either centres based development; urban infill development; or urban extension development. The MUSS (page 116) provides an explanation for how these sites were identified and reviewed as part of the plan-making process associated with the Maitland LEP 2011 and the 2010 review of the Maitland Urban Settlement Strategy. Specifically, Council adopted a report on Urban Extension and Urban Infill Development at its meeting on 25 August 2009 and the outcomes from this report were included in the 2010 edition of the MUSS.

The subject site was identified as a site with potential for urban extension development within the Maitland Urban Settlement Strategy (MUSS) 2010. This is depicted in **APPENDIX 5- MUSS Extract**.

The MUSS 2010 defines an urban extension site as 'sites adjoining urban areas of less than 15 hectares or have potential for less than 50 residential lots'.

An assessment of the rezoning submission against the objectives of the MUSS 2010 was undertaken. It is considered that the rezoning of the subject site re-affirms the principles of urban extension with services and access to be extended from the existing residential area of Windella to the south west of the site. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

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 Local Environmental Plan 2011* through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the objectives of the Maitland Urban Settlement Strategy 2010, Council's adopted policy position on urban infill and extension sites and the desired future outcomes for the subject lands at Anambah Road, Anambah.

This planning proposal for the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residential area of Windella to the south west of the site. An assessment of character, environment, infrastructure and design against the objectives outlined in the MUSS 2010 has been undertaken and can be achieved through this planning proposal. It is therefore considered that the planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

3. Is there a net community benefit?

No net community benefit test has been provided by the proponent. However Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject lands are considered as part of the adopted Maitland Urban Settlement Strategy 2010 as having potential for urban extension development. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2010 and Council's adopted framework for urban extension sites.

The rezoning of the subject site would enable 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. Additionally, this will assist in providing a local supply of labour for local businesses.

The public interest reasons for preparing this draft amendment include:

- The development of the subject lands will support the growing residential population within the western sector of the Maitland LGA, with potentially 100 new residents;
- The land has largely exhausted its historical agricultural use and the proposal to develop the land for urban purposes will result in an improved outcome and a higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected due to the retention of the RU1 Rural Landscape Zone for the balance of the site that is not flood free and the use of the E3 Environmental Management Zone for the part of the land with existing riparian vegetation on site.

The implications of not proceeding with the planning proposal include:

- The potential of the proposed urban extension site, as endorsed in the MUSS 2010, to not be achieved in the instance the proposal is not supported;
- The desired future outcomes of Council's long term strategic plans (MUSS 2010) for this area will not be achieved;
- 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;
- The potential for improvements to the existing public infrastructure would be limited;
- Opportunities to improve and enhance the linkages between established residential areas and rural areas of Anambah will be denied if the proposal is not supported.

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

The Lower Hunter Regional Strategy identifies individual release areas generally with an area greater than 50 hectares. However sites less than 50 hectares, such as the urban extension site identified as part of Lot 74 DP 622205 Anambah Road, Anambah, are capable of being developed if they are consistent with the principles of the strategy and if they are identified within an endorsed local strategy.

The subject lands and the objectives of this planning proposal are consistent with the principles of the Lower Hunter Regional Strategy. In addition, the flood free portion of the site proposed for rezoning is not large

enough to support sustainable agricultural practices and is not known to contain any viable mineral or extractive resources. The subject site at Anambah Road, Anambah is a site with potential for Urban Extension Development identified in the adopted local strategy, being the MUSS 2010. Therefore there are capabilities for the site to be rezoned for urban purposes.

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

Council is currently preparing a draft community strategic plan in line with the new Integrated Planning and Reporting legislation and guidelines. In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

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

The site is identified within the MUSS 2010 as a potential site for urban extension development. It was formally part of the Anambah Preliminary Investigation Area under the endorsed MUSS 2008. The preliminary investigation area boundaries adjoin the Rutherford Aerodrome to the south and the Hunter River to the North, North West. These boundaries were consistent with cadastral boundaries with further site specific investigations to be undertaken in the future to determine the extent of the site's capabilities. Subsequently the current preliminary investigation area boundaries do not reflect the land's opportunities and constraints but rather the cadastral boundaries.

These site specific investigations were undertaken through the review of the MUSS 2010. The boundaries of the Anambah Preliminary Investigation Area have been amended to reflect site constraints and opportunities in the adopted MUSS 2010. The subject site is no longer identified within the Anambah Preliminary Investigation Area.

Council received a rezoning submission for the subject land on the 22 September 2011 and an assessment of the rezoning submission considered that the land was appropriate for large lot residential purposes as an urban extension site.

The assessment of the rezoning submission against the objectives of the MUSS has been undertaken. The developable portion in the south west of the site was identified as land suitable for urban extension development due to the flood free nature of the land and capacity to extend services from the adjoining urban lands of Windella and the limited environmental constraints. Site specific assessment of the site has identified the suitability of the site to be a logical extension of the adjoining urban lands.

It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residentially zoned land immediately to the south west. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

The remainder of the Preliminary Investigation Area (PIA) requires further investigation for its future opportunities and capabilities. The remainder of flood free land on Lot 74 DP622205 is impacted by the flooding and environmental constraints of the existing lagoon on site and riparian vegetation, does not have clear access to services, does not adjoin existing residential development and is in the close visual proximity of Anambah House. As a result the future of the remainder of the PIA requires further investigation.

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

There are a number of existing SEPPS that are relevant to the proposed development as outlined in this planning proposal. An assessment of relevant SEPPS against the planning proposal is provided in the table below. A list of all applicable SEPPS is appended to this report as **APPENDIX 4: Applicable State Environmental Planning Policies**.

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.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is rezoning lands zoned for rural purposes to urban/residential 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 site appropriate for urban infill and extension development as identified in the adopted policy position in the MUSS 2010. In addition the site is not practical for sustainable agricultural practices consistent with prime agricultural classes 1 and 2. Therefore the inconsistency with the aims of the Rural Lands SEPP 2008 is justified.
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.	Given the historical use of the land for agricultural purposes, the land has previously been subject to agricultural activities over time and may accommodate chemical residues from such activities. A preliminary contamination assessment is necessary to be undertaken on site post a gateway determination, prior to the development assessment stage for Council to be satisfied that the subject lands are not adversely affected by contamination. Council is satisfied that the potential of contamination on site can be ameliorated throughout the remainder of the rezoning process.

Table One: Relevant State Environmental Planning Policies

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

The proposed development is not inconsistent with any S. 117 Ministerial Direction. 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 value of rural land.	It is proposed to rezone the subject lands from rural to urban lands. The majority of the site is currently zoned for rural purposes. This is justified by the MUSS 2010 which identifies the site for potential urban extension development. In addition the site at present does not support prime agricultural uses. Therefore the proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture		
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 subject land comprises rural land that is identified in the Maitland Rural Strategy 2005 as suitable to support prime agricultural land classes 1 and 2. However this portion of the site has not been utilised for rural activities for some time and is a small isolated parcel of rural land and therefore not suitable to support extensive prime agriculture. Hence, the land has been identified by Council as suitable for urban infill and extension development. Rezoning the subject lands will not result in the loss of sustainable and viable rural lands and hence the inconsistency with the aims of this direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	This planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas. Therefore the proposal is consistent with this direction.
2.2 Coastal Protection		
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of	The planning proposal is applicable to this direction as it is proposing an amendment to the

Ministerial Direction	Aim of the Direction	Consistency and Implications
	residential development on the environmental and resource lands and make efficient use of infrastructure and services	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 infill and extension site for potential development within the MUSS 2010. Therefore the proposal is consistent with the objectives of this direction.
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 area proposed for rezoning is identified within the adopted MUSS 2010 as a site for potential urban extension development. The site's proximity to the road network and cycle linkages provides justification for the proposal. In addition public transport and additional linkages are envisaged to be provided as the area grows and is developed. Therefore the proposal is considered consistent with this direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction are to ensure the effective and safe operations of aerodromes, the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and lastly to ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates mitigation measures so that the development is not adversely affected by aircraft noise.	This planning proposal applies but does not result in the increase of residential land within the 20-25 ANEF contours and therefore does not impede the operation of the aerodrome. Therefore the proposal is considered to be 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 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. This low class ASS should not preclude the rezoning process continuing but should be

Ministerial Direction	Aim of the Direction	Consistency and Implications
		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	NA	
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 portion identified in this planning proposal for rezoning is not affected by the inundation of flood during a 1:100 year flood event. The areas of the site affected by 1:100 year flood inundation is incapable of supporting further residential development due to environmental constraints and therefore is not included in this planning proposal for rezoning. As the planning proposal site is located above the 1:100 year flood level, flooding is considered of minor significance and therefore the planning proposal is consistent with the aims of this direction.
4.4 Planning for Bushfire Protection	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 to encourage sound management of bush fire prone areas.	This direction applies as part of the subject site is identified as bushfire prone. Consultation with the NSW Rural Fire Service will be undertaken to ensure that any potential bushfire risk poses no issues to the development of the subject lands for residential purposes. A Bushfire Threat Assessment will be required as part of the rezoning process post Council receiving a Gateway Determination. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
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 is identified within the adopted MUSS 2010 as a site for urban extension 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	The planning proposal does not affect the objectives of this direction and will be consistent

Ministerial Direction	Aim of the Direction	Consistency and Implications
	efficient and appropriate assessment of development	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 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?

No ecological assessment has been provided to inform the rezoning proposal.

The site is predominantly open grasslands and generally devoid of vegetation. The area of significant riparian vegetation to the south west of the site is not considered as part of the urban extension site for potential urban development and will therefore be considered for environmental purposes to protect the environmentally sensitive nature of this part of the site.

The site adjoins a vegetated lagoon with limited buffer between potential development areas and the environmentally sensitive parts of the site.

Consequently, it is considered necessary that an ecological assessment of the site be completed post receipt of a gateway determination so that Council can be satisfied there will be no significant environmental impact of the development on the environmentally sensitive parts of the site.

Council is satisfied that any potential impacts to the environmentally sensitive parts of the subject lands can be ameliorated through detailed consideration of the zoning boundaries to manage the interface of the different land uses. Preliminary site assessment determines that ecological sensitivity can be managed and should not preclude the rezoning for urban purposes.

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

It is anticipated that through appropriate mechanisms the protection and management of the biophysical environment will be in accordance with state and local policies. These include the provision of riparian vegetation, bushfire management and native vegetation management.

Loss of Rural Lands:

The site has a history of agricultural use; however at present the site does not support this form of agriculture and is not utilised.

The Maitland Rural Strategy 2005 provides a land use planning management framework for Maitland's rural lands. The MRS 2005, in accordance with Department of Industry and Investment (Primary Industry Division) requirements identifies the subject lands as supporting prime agricultural land classes 1 and 2. The site has not been utilised for rural activities for some time and is a small isolated parcel of rural land and therefore is not suitable to support sustainable agricultural practices.

Consultation will be undertaken with the Department of Industry and Investment- Primary Industries regarding the loss of rural lands. Council is satisfied that there is no loss of viable agricultural lands through the progression of this planning proposal.

Bushfire:

Council's Bushfire Prone Mapping identifies that the site is partially affected by bushfire threat. Consultation with the NSW Rural Fire Service will be undertaken to ensure that any potential bushfire risk poses no issues to the development of the subject lands for residential purposes. A Bushfire Threat Assessment will be required as part of the rezoning process post Council receiving a Gateway Determination.

Traffic, Access and Transport:

A traffic and transport assessment will need to be completed as part of the rezoning process post Council receiving a Gateway Determination. It is considered that any potential development of the land will likely result in an increase in traffic movements in the locality. The subject site has access to the existing road network.

A traffic, access and transport assessment is required to be submitted to Council post a gateway determination to establish the suitability of the existing road network to support additional traffic. Council is satisfied that the traffic issues can be adequately addressed through the remainder of the rezoning process and therefore should not preclude the progression of the rezoning.

Flooding and Drainage:

The subject site is predominantly located between a drainage catchment which flows towards the lagoon on site. The remaining portion of Lot 74 DP 622205 that is not considered in this proposal for rezoning is liable to flooding in the event of a 1 in 100 year flood. The subject site, proposed for rezoning for residential development however lies above the flood line and therefore is not flood prone.

Council is satisfied that the rezoning of the subject lands will not increase the risk posed by flooding constraints and therefore considers rezoning of the subject lands appropriate if development lies above the 1 in 100 year flood event.

Noise and Vibration:

Due to the proximity of the site to the Rutherford Aerodrome and Polocrosse site, there are significant issues surrounding the noise and vibration experienced by the site. As a result an Acoustic Assessment is required for the site to establish the suitability of residential development. No noise and vibration report has been prepared and submitted as part of the rezoning application. Therefore, it is recommended that the applicant prepare an acoustic report identifying the noise impacts of the aerodrome and polocrosse site and any noise attenuation that may be required for any potential development on site.

Council is satisfied that the noise and vibration issues can be adequately addressed through the remainder of the rezoning process and development phase of the process and therefore this issue should not preclude the progression of the rezoning at this time.

Acid Sulphate Soils (ASS):

Acid Sulphate Soil risk maps indicate the potential for ASS across the site with the identification of the subject lands being affected by Class 5 ASS. The low risk of ASS should not preclude the progression of this planning proposal. However, any development proposed in those areas identified as potential for ASS will require a detailed Acid Sulphate Soils Assessment to be undertaken to detail the potential risk and appropriate management.

Contamination Assessment:

In accordance with State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, a contamination assessment of the subject lands needs to be completed and submitted to Council prior to the completion of the rezoning process. Council is satisfied that contamination issues can be addressed through the remainder of the rezoning process and therefore they do not preclude the rezoning of lands for urban purposes.

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

The planning proposal provides increased housing opportunities within the western sector of the Maitland LGA including the possibility for a diverse range of housing choice. Any increase in supply of housing will increase the need for the provision of open space and recreational services including community facilities, passive and active open space areas either within or utilising existing facilities in the immediate areas. This will be considered through further detail of infrastructure and servicing of the site as the rezoning progresses.

Servicing of the subject lands would involve the extension of utility infrastructure from the adjoining residential developments south west of the site. The services which are not currently provided such as electricity require further investigation and consultation with relevant authorities so as to establish the

capabilities and viability for the augmentation of the adjoining network for provision of the services to the site.

Visual Assessment

No visual assessment of the site has been provided to Council from the proponent. The lands are within close proximity to Anambah House and the existing urban area of Windella. Anambah House is located adjacent to the subject lands to the north on Lot 70 DP 714785. Anambah House is set on a slight hill and above Anambah Lagoon and is listed as a heritage item of significance. At present Anambah House is surrounded by large dense plantings of mature pines and silky oak trees which obscure views from the house. The trees and the cleared country side which surround the site make Anambah House a prominent landscape element.

Council is satisfied that the rezoning of the subject land will not adversely impact on the visual setting of the locality, specifically Anambah House. It is considered that a visual assessment report will need to be provided to Council prior to the completion of the rezoning process so that the visual amenity issues can be managed appropriately through the development assessment process.

Heritage and Archaeological Assessment

No Heritage and Archaeological Assessment has been prepared and submitted as part of the rezoning application. Therefore it is recommended that this be prepared and provided to Council post receipt of a Gateway Determination to identify the impacts of any potential development on site.

Council is satisfied that any heritage or archaeological issues can be managed through the remainder of the rezoning process. Appropriate consultation will be undertaken with the relevant government authorities and Aboriginal stakeholder groups to ensure these issues are satisfactorily addressed.

Section D – STATE and COMMONWEALTH INTERESTS

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

Servicing of the site involves the augmentation of existing public infrastructure to service the proposed expanded population.

Consultation with relevant government agencies and public authorities will be undertaken as the rezoning progresses. At a development assessment stage, servicing strategies may be necessary to be completed by the proponent so as to ascertain the timely and cost effective provisions of those services to the site prior to construction.

The site adjoins existing urban development. There is capacity for provision of public infrastructure to the site at present and there is provision for increased public infrastructure in the future. Therefore Council is satisfied there is justification for the progression for this planning proposal for the rezoning of the subject lands.

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

No advice has formally been sought from government agencies or public authorities in relation to the rezoning of the subject site. However, it is anticipated that following receipt of a gateway determination Council will consult with public authorities on the proposed rezoning.

PART 4: 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. The planning proposal is considered a low impact proposal as it is consistent with the MUSS 2010 and therefore it is intended for this proposal to be exhibited for a fourteen (14) day period.

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 Central Maitland and Rutherford 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.

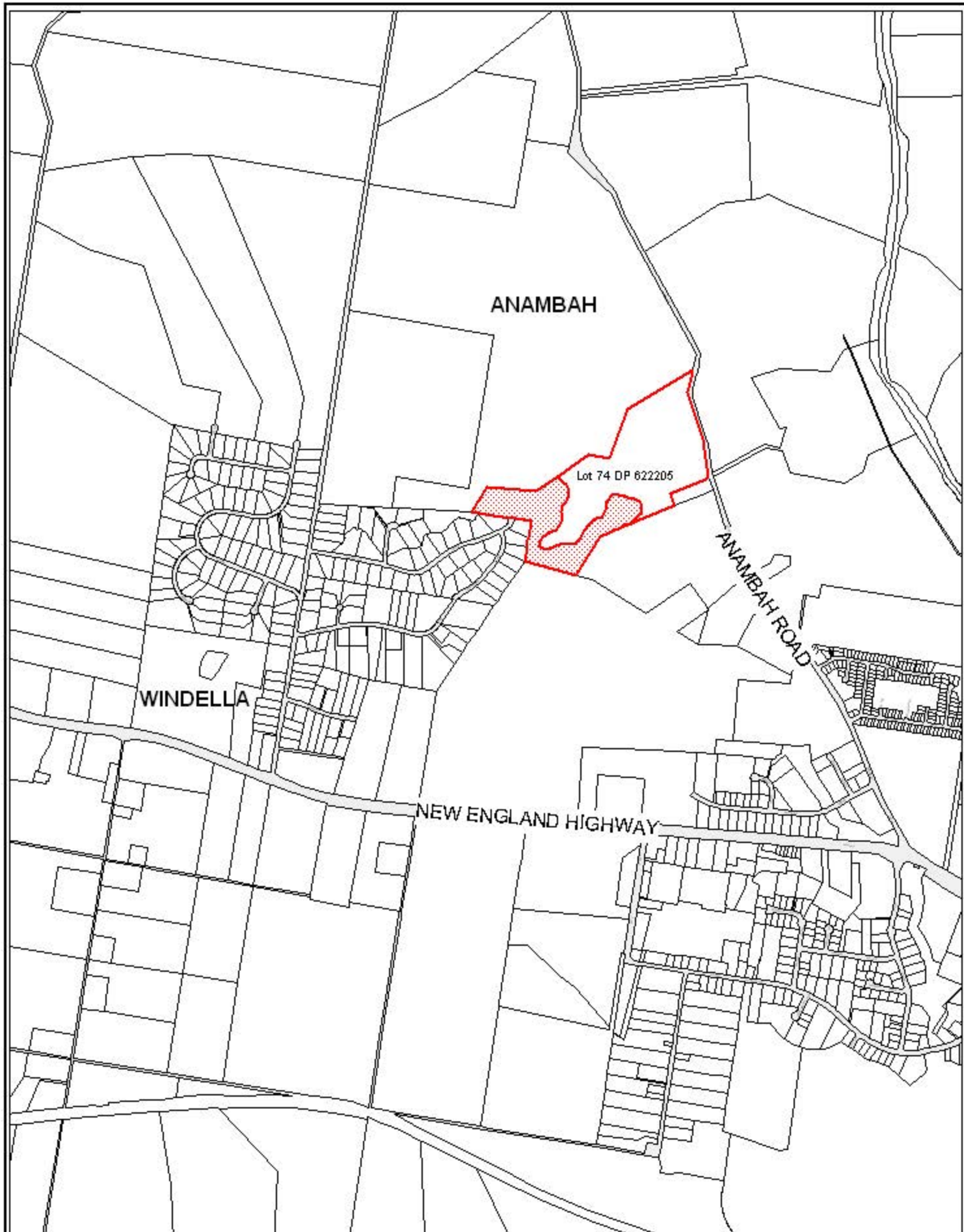
At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed rezoning before proceeding to finalisation of the amendment.

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

LOCALITY PLAN

1. Locality Plan
2. Aerial Plan
3. Current Zoning Plan



Scale 1 : 20,000
Printing Date: February 2012

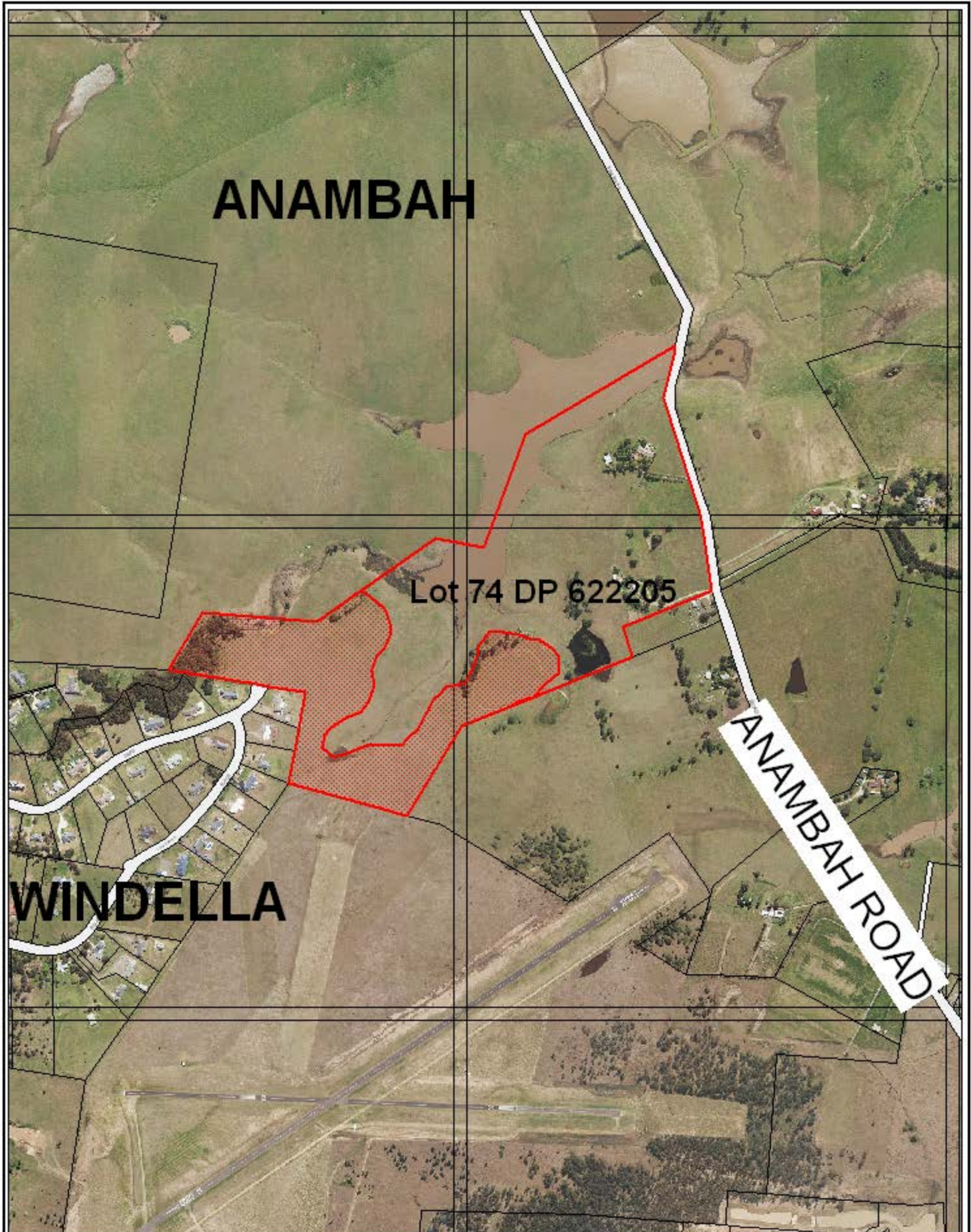
NORTH

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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 and should therefore be verified with Maitland City Council

 Subject Land
Lot 74 DP 622205

 Area to be rezoned.



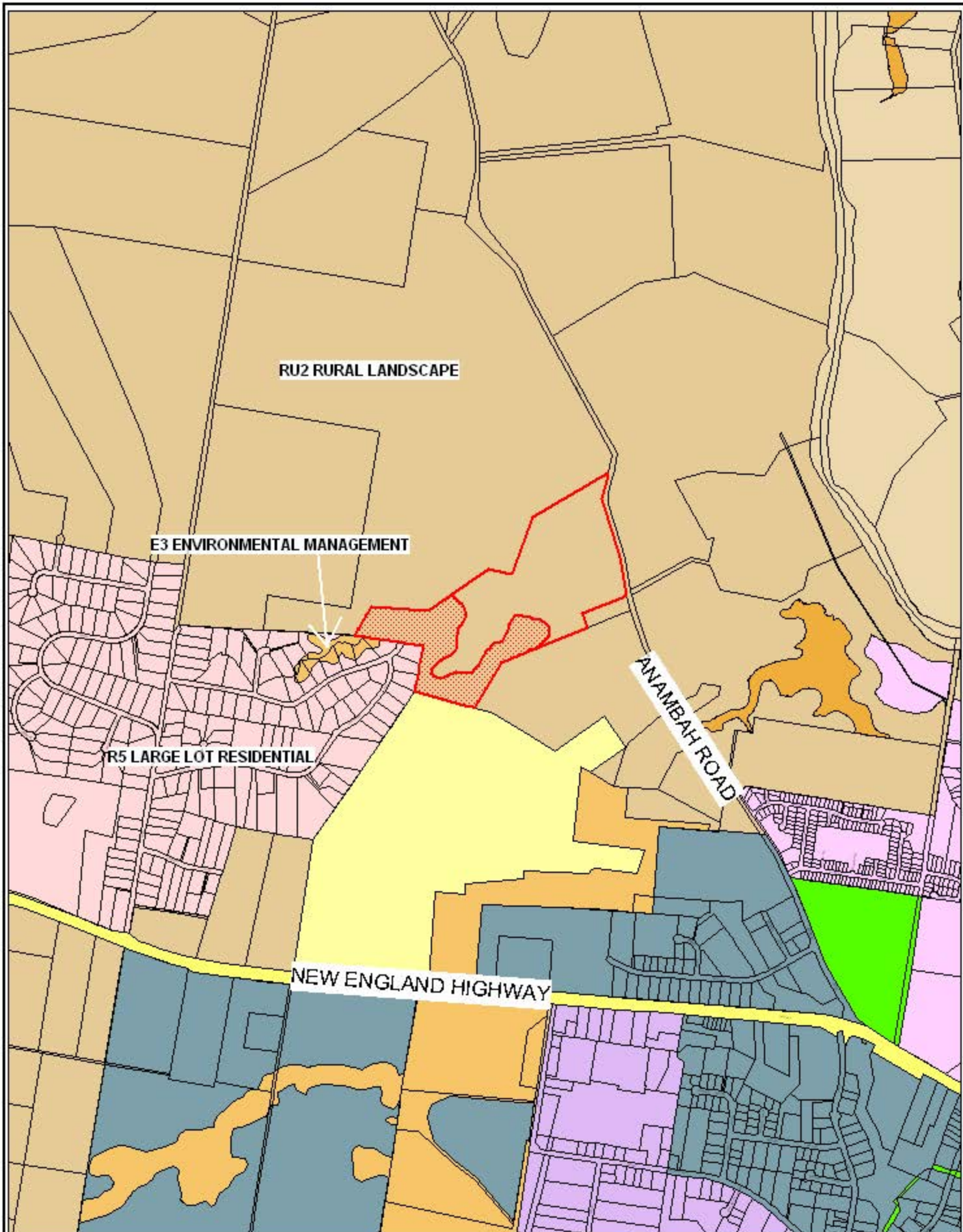
Scale 1 : 20,000
Printing Date: February 2012



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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 and should therefore be verified with Maitland City Council

- Subject Land
Lot 74 DP 622205
- Area to be rezoned.



Scale 1 : 20,000
Printing Date: February 2012



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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 and should therefore be verified with Maitland City Council

- Subject Land
Lot 74 DP 622205
- Area to be rezoned.

Appendix TWO

PROPOSED ZONING MAP



Maitland Local Environmental Plan 2011

Draft Amendment No: 00#

Site Identification Map

Part of map titles:

5050_COM_LSZ_002A_020_20120220

5050_COM_LSZ_004A_020_20120220

5050_COM_LZN_002A_020_20120220

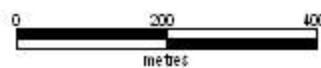
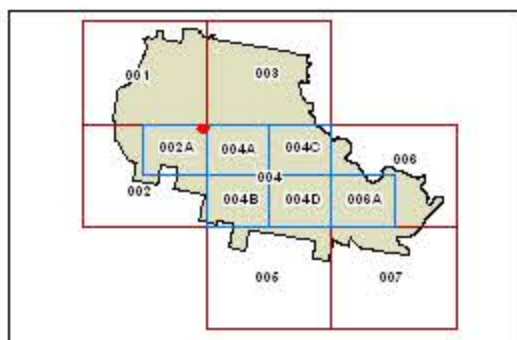
5050_COM_LZN_004A_020_20120220

Legend

-  Subject Land
(Urban Extension Site)
Proposed LSZ - 5000m²
Proposed LZN - R5
-  Subject Land
(Residue Portion)
Proposed LZN - E3

Cadastre

-  Base data 03/03/1997 © NSW LPMA
-  Addendum data 20/02/2012 © Maitland City Council

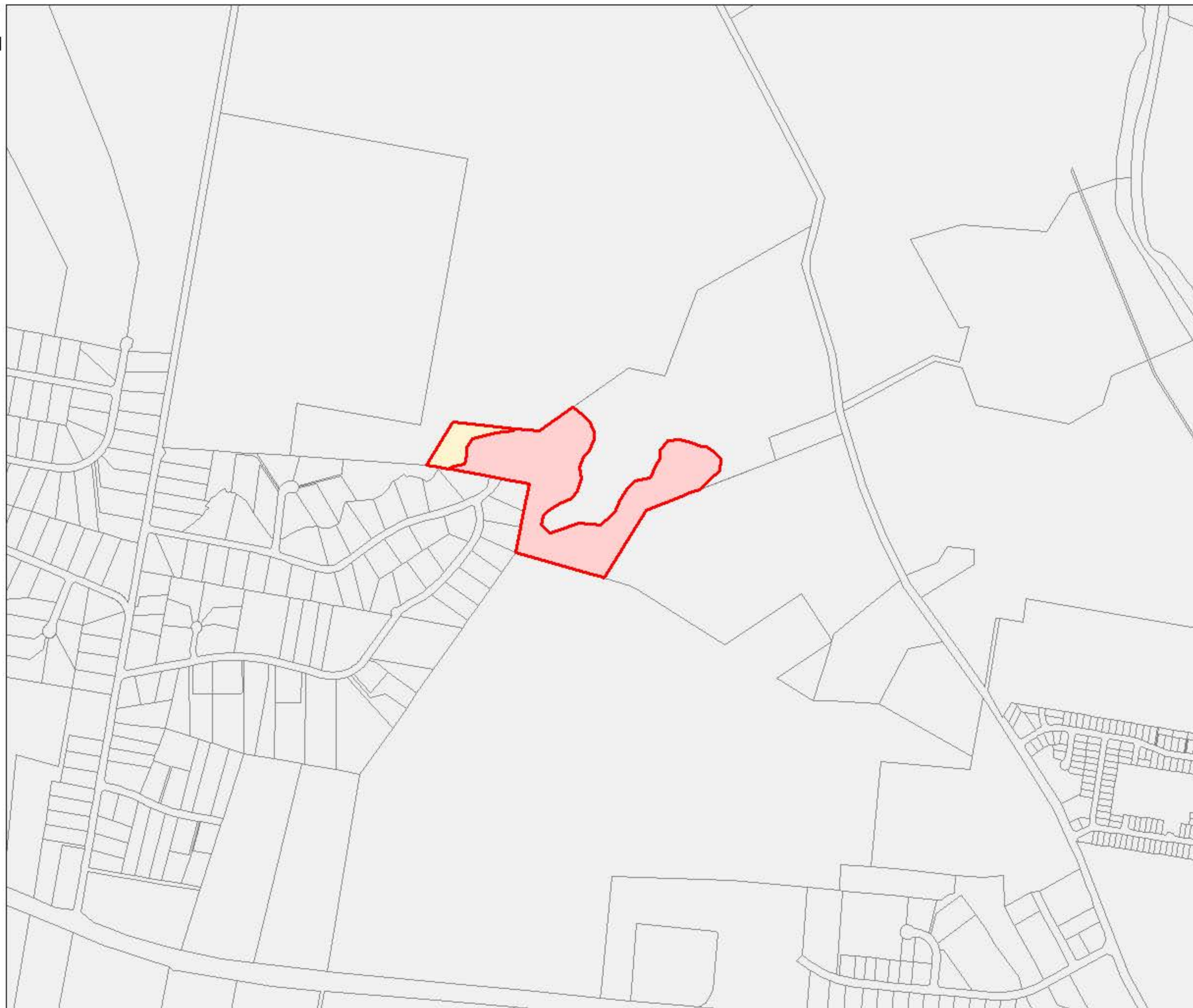


Scale: 1:10,000 @ A3

Projection: GDA 1994
Zone 56

Map identification number:

5050_COM_AMENDMENT_001



Appendix THREE

COUNCIL REPORT AND MINUTES

**10.3 PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205
ANAMBAH ROAD, ANAMBAH**

File No:	RZ11003
Attachments:	1. Locality Plan 2. Planning Proposal
Responsible Officer:	Bernie Mortomore - Group Manager Service Planning & Regulation Ian Shillington - Manager Urban Growth
Author:	Claire Tew - Strategic Town Planner
Maitland 2021	Outcome 7: Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

A planning proposal has been prepared for the subject site known as part of Lot 74 DP 622205 Anambah Road, Anambah.

Council received a rezoning request for the subject lands on the 22 September 2011. The submission requests Council amend the Maitland LEP 2011 by rezoning the land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivisions from 40 hectares to 5000m² to allow development of the subject site for urban purposes.

The subject land is identified in the Maitland Urban Settlement Strategy (MUSS) 2010 as an Urban Extension site. The rezoning request is therefore consistent with the policy framework contained in the MUSS for the development of urban infill and urban extension areas.

A preliminary assessment of the rezoning submission has been completed and considered in the Planning Proposal attached to this report. The assessment of the subject land has indicated that a large lot residential zone would be appropriate for land above Council's flood standard (1% AEP flood) to ensure consistency with the density and scale of adjoining development at Windella. The balance of the land is identified within the MUSS 2010 as Anambah Preliminary Investigation Area and is largely flood liable. This will remain as RU2 Rural Landscape with potential for future investigation under Council's land release program.

A small portion of land to the west of the urban extension site is not included in Anambah Preliminary Investigation Area and consists of riparian vegetation. This land adjoins the E3 Environmental Management Lands at Windella and is flood liable. Therefore this land will be considered for environmental purposes further determination for final zone boundaries as Council receives further site specific studies, specifically an Ecological Assessment, for the site.

In order to proceed with the rezoning of the subject site, it is necessary to amend the Maitland LEP 2011. This process requires Council's endorsement of the planning proposal in the first instance so as to commence the LEP amendment process through to Gateway Determination.

OFFICER'S RECOMMENDATION**THAT**

1. Council endorse an amendment to the Maitland Local Environmental Plan 2011 to rezone part of Lot 74 DP 622205, Anambah Road Anambah from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivision from 40 hectares to 5000m2.
2. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, the Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a gateway determination.
3. If the Planning Proposal is given a gateway determination to proceed, undertake consultation with the community and relevant government agencies in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the directions of the gateway determination.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details on any submissions received during the plan-making process.

COUNCIL RESOLUTION**THAT**

1. Council endorse an amendment to the Maitland Local Environmental Plan 2011 to rezone part of Lot 74 DP 622205, Anambah Road Anambah from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivision from 40 hectares to 5000m2.
2. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, the Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a gateway determination.
3. If the Planning Proposal is given a gateway determination to proceed, undertake consultation with the community and relevant government agencies in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the directions of the gateway determination.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details on any submissions received during the plan-making process.

Moved Clr Meskauskas, Seconded Clr Mudd

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 12 for and 0 against, as follows:

For:	Clr Baker	Against:
	Clr Blackmore	
	Clr Casey	
	Clr Garnham	
	Clr Geoghegan	
	Clr Humphery	
	Clr Meskauskas	
	Clr Mudd	
	Clr Penfold	
	Clr Procter	
	Clr Tierney	
	Clr Wethered	

**10.3 PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205
ANAMBAH ROAD, ANAMBAH**

File No:	RZ11003
Attachments:	1. Locality Plan 2. Planning Proposal
Responsible Officer:	Bernie Mortomore - Group Manager Service Planning & Regulation Ian Shillington - Manager Urban Growth
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Maitland 2021	Outcome 7: Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

A planning proposal has been prepared for the subject site known as part of Lot 74 DP 622205 Anambah Road, Anambah.

Council received a rezoning request for the subject lands on the 22 September 2011. The submission requests Council amend the Maitland LEP 2011 by rezoning the land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivisions from 40 hectares to 5000m² to allow development of the subject site for urban purposes.

The subject land is identified in the Maitland Urban Settlement Strategy (MUSS) 2010 as an Urban Extension site. The rezoning request is therefore consistent with the policy framework contained in the MUSS for the development of urban infill and urban extension areas.

A preliminary assessment of the rezoning submission has been completed and considered in the Planning Proposal attached to this report. The assessment of the subject land has indicated that a large lot residential zone would be appropriate for land above Council's flood standard (1% AEP flood) to ensure consistency with the density and scale of adjoining development at Windella. The balance of the land is identified within the MUSS 2010 as Anambah Preliminary Investigation Area and is largely flood liable. This will remain as RU2 Rural Landscape with potential for future investigation under Council's land release program.

A small portion of land to the west of the urban extension site is not included in Anambah Preliminary Investigation Area and consists of riparian vegetation. This land adjoins the E3 Environmental Management Lands at Windella and is flood liable. Therefore this land will be considered for environmental purposes further determination for final zone boundaries as Council receives further site specific studies, specifically an Ecological Assessment, for the site.

In order to proceed with the rezoning of the subject site, it is necessary to amend the Maitland LEP 2011. This process requires Council's endorsement of the planning proposal in the first instance so as to commence the LEP amendment process through to Gateway Determination.

OFFICER'S RECOMMENDATION**THAT**

1. Council endorse an amendment to the Maitland Local Environmental Plan 2011 to rezone part of Lot 74 DP 622205, Anambah Road Anambah from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivision from 40 hectares to 5000m2.
2. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, the Planning Proposal be submitted to the NSW Department of Planning and Infrastructure for a gateway determination.
3. If the Planning Proposal is given a gateway determination to proceed, undertake consultation with the community and relevant government agencies in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the directions of the gateway determination.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details on any submissions received during the plan-making process.

REPORT

The purpose of this report is to:

1. Inform Council that it has received a rezoning request for land identified in the MUSS 2010 as an Urban Extension site;
2. Provide the relevant information to enable Council to determine whether the rezoning request should be supported; and
3. Summarise the contents of the Planning Proposal prepared under Section 55 of the *Environmental Planning and Assessment Act 1979*.

Background

The Maitland Urban Settlement Strategy (MUSS) 2010 was adopted by Council at its meeting on 30 August 2011. The adopted MUSS (page 116) provides an explanation of the 2010 review process. Specifically, Council adopted a report on Urban Extension and Urban Infill Development at its meeting on 25 August 2009 and the outcomes from this report were included in the 2010 edition of the MUSS.

The subject site was identified as part of the MUSS 2010 as a site with potential for urban extension development. This is defined as a site that adjoins an urban area of less than 15 hectares or has the potential for less than 50 residential lots. The rezoning request is consistent with the policy framework established in the MUSS for progression of individual urban infill or extension sites by amendment to the Maitland LEP 2011 upon receipt of a rezoning proposal.

Rezoning Proposal

A rezoning proposal request has been received by Council from Hardie Holdings on behalf of the owners of the land known as part of Lot 74 DP 622205 Anambah Road, Anambah. A Locality Plan is included as **Attachment 1- Locality Plan**.

The submission requests Council to amend the Maitland Local Environmental Plan 2011 through the rezoning of the subject land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivision from 40 hectares to 5000m². The Proposed Zoning Map and Proposed Lot Size Map are included within the Planning Proposal as **Attachment 2- Planning Proposal** to this report.

The balance of the site is included in the Anambah Preliminary Investigation Area and will remain as RU2 Rural Landscape with potential for future investigation. A small portion of land outside the Anambah Preliminary Investigation Area consists of riparian vegetation and adjoins the E3 Environmental Management Lands at Windella and is flood liable. This land will be considered for environmental purposes with further determination for final zone boundaries as Council receives further site specific studies, specifically an Ecological Assessment, for the site.

Environmental Studies

A detailed planning assessment of the subject site and its specific constraints has been completed by Council. This assessment was informed by the site specific environmental information submitted to Council by the applicant.

The following matters were identified as the constraints of the subject site:

- Flooding and Drainage
- Visual and rural amenity impacts, particularly in relation to Anambah House and the existing urban area of Windella
- Ecological Impacts, specifically concerning the existing riparian vegetation on site and the existing lagoon on site
- Noise and Vibration Impacts of the Rutherford Aerodrome
- Heritage and Archaeological Significance, both Aboriginal and European Heritage (specifically Anambah House)
- Servicing and Infrastructure Provisions
- Traffic and Access Issues
- Contamination

It is considered that these matters can be adequately addressed, particularly as the LEP amendment proposes to only rezone land for residential purposes above Council's flood standard. This will result in significant setbacks and buffers to the existing riparian vegetation and lagoon on site, Rutherford Aerodrome and Anambah House. These matters will continue to be reviewed during the rezoning process, with

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

detailed site specific studies to be provided to Council post a Gateway Determination and detailed assessment to occur with the development application process.

No significant impacts are identified in the assessment of the subject site would preclude the progression of the planning proposal.

Planning Proposal

The purpose of the planning proposal is to initially consider the rezoning request in light of relevant state and local policy to establish whether the proposal is consistent with the established policy framework and, therefore, can be supported by Council. The planning proposal also identifies whether there is likely to be significant environmental, social or economic impacts that require further detailed investigation or consultation with government authorities.

Preparation of the planning proposal has determined that the rezoning request is consistent with both state and local policy and is justified in terms of the likely impact on the natural and built environment.

The LEP amendment would achieve the objectives of the planning proposal as it would enable residential development of the site and facilitate conservation of the rural landscape and visual amenity of the locality. In addition the LEP amendment would ensure development would be consistent with the density and scale of existing adjoining residential settlements and the urban footprint of the Windella area.

The rezoning of the subject site is consistent with the urban extension principles of the MUSS 2010 and would enable residential development supporting the growing population within the western sector of the Maitland LGA. The land has largely exhausted its historical agricultural use and the proposal to develop part of the land for residential purposes will result in a higher order use of the land.

Environmentally sensitive areas including the riparian vegetation and lagoon on site will be unaffected by the zoning and further conserved with the retention of a rural zoning for the areas retained in the Anambah Preliminary Investigation Area and the introduction of an environmental zone in the areas of environmental sensitivity adjoining the E3 Environmental Management Zone at Windella.

Consultation with Public Authorities

No advice has been sought from government agencies and public authorities in relation to the rezoning of the subject site. However, it is anticipated that post a gateway determination, Council will consult with public authorities on the proposed rezoning.

Next Steps

If endorsed by Council, the planning proposal will be submitted to the NSW Department of Planning and Infrastructure for gateway approval to proceed with the LEP amendment. The gateway determination will either be (i) exhibit the planning proposal, with or without change, or (ii) to refuse the planning proposal. A positive gateway determination will also make direction about the consultation required for the LEP and a timeframe by which the LEP is to be completed.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

The planning proposal will then be exhibited in accordance with the directions of the gateway determination and the requirements of Section 57 of the Environmental Planning and Assessment Act 1979. Formal submissions to the planning proposal will be invited and accepted during the exhibition period.

A further report that considers the submissions and any proposed changes to the planning proposal will then be presented to Council.

CONCLUSION

The rezoning request is consistent with the policy framework contained in the MUSS 2010 for the development of urban extension sites. In order to progress the rezoning proposal, it is necessary to amend the Maitland LEP 2011. This process requires the planning proposal to be endorsed by Council and submitted to the Department of Planning and Infrastructure for consideration.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Service Planning and Regulation Reports

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH

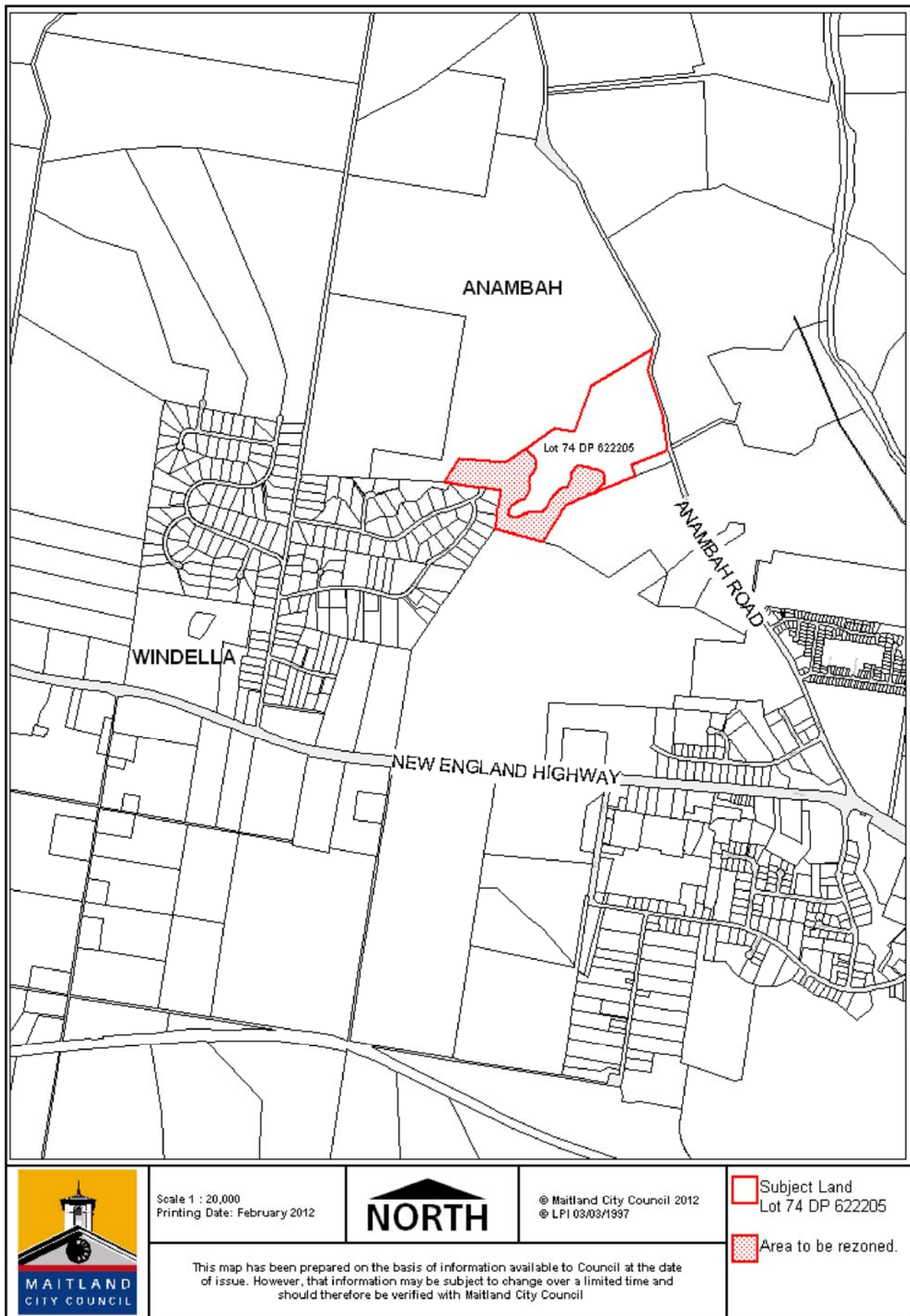
Locality Plan

Meeting Date: 28 February 2012

Attachment No: 1

Number of Pages: 1

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)



Service Planning and Regulation Reports

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH

Planning Proposal

Meeting Date: 28 February 2012

Attachment No: 2

Number of Pages: 31

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

**Anambah Road, Anambah
(Hardie Holdings)**
(Part of Lot 74 DP 622205)

Version 0.1
16.2.2012



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Appendix 1- Locality Plan

Appendix 2- Proposed Zoning Plan

Appendix 3- Council Report and Minutes

Appendix 4- Applicable State Environmental Planning Policies (SEPPs)

Appendix 5- MUSS 2010 Extract

Version

Version 0.1 – 16.2.2012 (Report to Council for endorsement to Gateway Determination)

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 known as part of Lot 74 DP 622205 Anambah Road, Anambah.

The purpose of the planning proposal is to rezone part of Lot 74 DP 622205 Anambah Road, Anambah for large lot residential purposes. This would be the land situated on the south western portion of the site adjoining the existing urban area of Windella and including the land above Council's adopted flood standard being the 1% AEP flood. This is depicted in **APPENDIX 1- Locality Plan**, appended to this report.

The site is identified as a suitable site for potential Urban Extension development in the Maitland Urban Settlement Strategy (MUSS) 2010, adopted by Council on 30 August 2011, as it satisfies the principles and assessment criteria for urban extension development as defined in *Part Five – Urban Infill and Urban Extension Potential Development*.

The MUSS was initially adopted by Council in 2001 and is subject to biannual reviews to update lot yields, development requirements and policy change through all tiers of government. The subject site was included in the 2010 MUSS as part of the review process.

Council received a rezoning submission for the subject site on the 22 September 2011. The submission requested Council amend the Maitland LEP 2011 by rezoning the land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivisions from 40 hectares to 5000sqm to allow development of part of the subject land for urban purposes.

A preliminary assessment of the rezoning submission has been completed and considered in this Planning Proposal. The assessment of the subject land has indicated that a large lot residential zone would be appropriate for the subject land identified in the MUSS 2010 for urban extension development (Figure 30- Nominated Sites for Potential Development). This land being that above Council's flood standard (1% AEP flood) adjoining the existing urban area of Windella.

The balance of the land is identified within the MUSS 2010 as the Anambah Preliminary Investigation Area and is largely flood liable. Therefore this will remain as RU2 Rural Landscape with potential for investigation in the long term future. A small portion of land to the west of and outside of the urban extension site is not included in the Anambah Preliminary Investigation Area and consists of riparian vegetation. This land adjoins the E3 Environmental Management lands at Windella and is flood liable. Therefore this land will be considered for environmental purposes with further determination for final zone boundaries as Council receives further site specific studies, specifically an Ecological Assessment, for the site.

In order to proceed with the rezoning of the subject site, it is necessary to amend the *Maitland Local Environmental Plan 2011*. Council wishes to progress the LEP amendment through the gateway determination process.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal for the rezoning of land at Anambah, adjoining the existing urban area of Windella, are to:

1. Enable low density residential development on site consistent with the land use zone;
2. Enable the land to be subdivided for large lot residential development;
3. Ensure any development would respond sensitively to the density and scale of existing adjoining residential settlements;
4. Conserve the rural landscape of the surrounding locality;
5. Protect the riparian vegetation corridor adjoining the Lagoon on site;
6. Ensure any development is sensitive to the visual amenity of the surrounding locality, particularly the view corridors associated with Anambah House.

This amendment will support the strategic approach of Council to accommodate significant population growth within the Maitland Local Government Area (LGA) through urban extension development which encourages a more efficient use of land on the fringe of existing residential areas.

PART 2: EXPLANATION of PROVISIONS

The objective of the planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan (LEP) 2011. The amendment would involve a change to the land zoning for the proposed lands for rezoning. This involves a change to the Maitland LEP 2011 as follows:

1. Amend the Land Zoning Map by rezoning the urban extension site from RU2 Rural Landscape to R5 Large Lot Residential (Map Series LZN 002A and 004A) in accordance with the proposed zoning map shown in **APPENDIX 2: Proposed Zoning Plan**; and
2. Amend the Land Zoning Map by rezoning part of the balance of the subject land from RU2 Rural Landscape to E3 Environmental Management (Map Series LZN 002A) in accordance with the proposed zoning map shown in **APPENDIX 2: Proposed Zoning Plan**; and
3. Amend the Lot Size Map by reducing the minimum lot size for subdivision of the urban extension site from 40 hectares to 5000sqm (Map Series LSZ 002A and 004A) in accordance with the proposed lot size map shown in **APPENDIX 2: Proposed Zoning Plan**.

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;

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

- 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 MUSS 2010 identifies opportunities for urban consolidation through either centres based development; urban infill development; or urban extension development. The MUSS (page 116) provides an explanation for how these sites were identified and reviewed as part of the plan-making process associated with the Maitland LEP 2011 and the 2010 review of the Maitland Urban Settlement Strategy. Specifically, Council adopted a report on Urban Extension and Urban Infill Development at its meeting on 25 August 2009 and the outcomes from this report were included in the 2010 edition of the MUSS.

The subject site was identified as a site with potential for urban extension development within the Maitland Urban Settlement Strategy (MUSS) 2010. This is depicted in **APPENDIX 5- MUSS Extract**.

The MUSS 2010 defines an urban extension site as '*sites adjoining urban areas of less than 15 hectares or have potential for less than 50 residential lots*'.

An assessment of the rezoning submission against the objectives of the MUSS 2010 was undertaken. It is considered that the rezoning of the subject site re-affirms the principles of urban extension with services and access to be extended from the existing residential area of Windella to the south west of the site. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

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 Local Environmental Plan 2011* through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the objectives of the Maitland Urban Settlement Strategy 2010, Council's adopted policy position on urban infill and extension sites and the desired future outcomes for the subject lands at Anambah Road, Anambah.

This planning proposal for the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residential area of Windella to the south west of the site. An assessment of character, environment, infrastructure and design against the objectives outlined in the MUSS 2010 has been undertaken and can be achieved through this planning proposal. It is therefore considered that the planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

3. Is there a net community benefit?

No net community benefit test has been provided by the proponent. However Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject lands are considered as part of the adopted Maitland Urban Settlement Strategy 2010 as having potential for urban extension development. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2010 and Council's adopted framework for urban extension sites.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

The rezoning of the subject site would enable 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. Additionally, this will assist in providing a local supply of labour for local businesses.

The public interest reasons for preparing this draft amendment include:

- The development of the subject lands will support the growing residential population within the western sector of the Maitland LGA, with potentially 100 new residents;
- The land has largely exhausted its historical agricultural use and the proposal to develop the land for urban purposes will result in an improved outcome and a higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected due to the retention of the RU1 Rural Landscape Zone for the balance of the site that is not flood free and the use of the E3 Environmental Management Zone for the part of the land with existing riparian vegetation on site.

The implications of not proceeding with the planning proposal include:

- The potential of the proposed urban extension site, as endorsed in the MUSS 2010, to not be achieved in the instance the proposal is not supported;
- The desired future outcomes of Council's long term strategic plans (MUSS 2010) for this area will not be achieved;
- 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;
- The potential for improvements to the existing public infrastructure would be limited;
- Opportunities to improve and enhance the linkages between established residential areas and rural areas of Anambah will be denied if the proposal is not supported.

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

The Lower Hunter Regional Strategy identifies individual release areas generally with an area greater than 50 hectares. However sites less than 50 hectares, such as the urban extension site identified as part of Lot 74 DP 622205 Anambah Road, Anambah, are capable of being developed if they are consistent with the principles of the strategy and if they are identified within an endorsed local strategy.

The subject lands and the objectives of this planning proposal are consistent with the principles of the Lower Hunter Regional Strategy. In addition, the flood free portion of the site proposed for rezoning is not large

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

enough to support sustainable agricultural practices and is not known to contain any viable mineral or extractive resources. The subject site at Anambah Road, Anambah is a site with potential for Urban Extension Development identified in the adopted local strategy, being the MUSS 2010. Therefore there are capabilities for the site to be rezoned for urban purposes.

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

Council is currently preparing a draft community strategic plan in line with the new Integrated Planning and Reporting legislation and guidelines. In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

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

The site is identified within the MUSS 2010 as a potential site for urban extension development. It was formally part of the Anambah Preliminary Investigation Area under the endorsed MUSS 2008. The preliminary investigation area boundaries adjoin the Rutherford Aerodrome to the south and the Hunter River to the North, North West. These boundaries were consistent with cadastral boundaries with further site specific investigations to be undertaken in the future to determine the extent of the sites capabilities. Subsequently the current preliminary investigation area boundaries do not reflect the lands opportunities and constraints but rather the cadastral boundaries.

These site specific investigations were undertaken through the review of the MUSS 2010. The boundaries of the Anambah Preliminary Investigation Area have been amended to reflect site constraints and opportunities in the adopted MUSS 2010. The subject site is no longer identified within the Anambah Preliminary Investigation Area.

Council received a rezoning submission for the subject land on the 22 September 2011 and an assessment of the rezoning submission considered that the land were appropriate for large lot residential purposes as an urban extension site.

The assessment of the rezoning submission against the objectives of the MUSS has been undertaken. The developable portion in the south west of the site was identified as lands suitable for urban extension development due to the flood free nature of the land and capacity to extend services from the adjoining urban lands of Windella and the limited environmental constraints. Site specific assessment of the site has identified the suitability of the site to be a logical extension of the adjoining urban lands.

It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residentially zoned land immediately to the south west. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

The remainder of the Preliminary Investigation Area (PIA) requires further investigation for its future opportunities and capabilities. The remainder of flood free land on Lot 74 DP622205 is impacted by the flooding and environmental constraints of the existing lagoon on site and riparian vegetation, does not have clear access to services, does not adjoin existing residential development and is in the close visual proximity of Anambah House. As a result the future of the remainder of the PIA requires further investigation.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

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

There are a number of existing SEPPs that are relevant to the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below. A list of all applicable SEPPs is appended to this report as **APPENDIX 4: Applicable State Environmental Planning Policies**.

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.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is rezoning lands zoned for rural purposes to urban/residential 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 site appropriate for urban infill and extension development as identified in the adopted policy position in the MUSS 2010. In addition the site is not practical for sustainable agricultural practices consistent with prime agricultural classes 1 and 2. Therefore the inconsistency with the aims of the Rural Lands SEPP 2008 is justified.
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.	Given the historical use of the land for agricultural purposes, the land has previously been subject to agricultural activities over time and may accommodate chemical residues from such activities. A preliminary contamination assessment is necessary to be undertaken on site post a gateway determination, prior to the development assessment stage for Council to be satisfied that the subject lands are not adversely affected by contamination. Council is satisfied that the potential of contamination on site can be ameliorated throughout the remainder of the rezoning process.

Table One: *Relevant State Environmental Planning Policies*

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

The proposed development is not inconsistent with any S. 117 Ministerial Direction. An Assessment of relevant s. 117 Directions against the planning proposal is provided in the table below.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

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 value of rural land.	It is proposed to rezone the subject lands from rural to urban lands. The majority of the site is currently zoned for rural purposes. This is justified by the MUSS 2010 which identifies the site for potential urban extension development. In addition the site at present does not support prime agricultural uses. Therefore the proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture		
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 subject land comprises rural land that is identified in the Maitland Rural Strategy 2005 as suitable to support prime agricultural land classes 1 and 2. However this portion of the site has not been utilised for rural activities for some time and is a small isolated parcel of rural land and therefore not suitable to support extensive prime agriculture. Hence, the land has been identified by Council as suitable for urban infill and extension development. Rezoning the subject lands will not result in the loss of sustainable and viable rural lands and hence the inconsistency with the aims of this direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	This planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas. Therefore the proposal is consistent with this direction.
2.2 Coastal Protection		
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of	The planning proposal is applicable to this direction as it is proposing an amendment to the

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
	residential development on the environmental and resource lands and make efficient use of infrastructure and services	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 infill and extension site for potential development within the MUSS 2010. Therefore the proposal is consistent with the objectives of this direction.
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 area proposed for rezoning is identified within the adopted MUSS 2010 as a site for potential urban extension development. The site's proximity to the road network and cycle linkages provides justification for the proposal. In addition public transport and additional linkages are envisaged to be provided as the area grows and is developed. Therefore the proposal is considered consistent with this direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction are to ensure the effective and safe operations of aerodromes, the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and lastly to ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates mitigation measures so that the development is not adversely affected by aircraft noise.	This planning proposal applies but does not result in the increase of residential land within the 20-25 ANEF contours and therefore does not impede the operation of the aerodrome. Therefore the proposal is considered to be 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 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. This low class ASS should not preclude the rezoning process continuing but should be

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
		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	NA	
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 portion identified in this planning proposal for rezoning is not affected by the inundation of flood during a 1:100 year flood event. The areas of the site affected by 1:100 year flood inundation is incapable of supporting further residential development due to environmental constraints and therefore is not included in this planning proposal for rezoning. As the planning proposal site is located above the 1:100 year flood level, flooding is considered of minor significance and therefore the planning proposal is consistent with the aims of this direction.
4.4 Planning for Bushfire Protection	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 to encourage sound management of bush fire prone areas.	This direction applies as part of the subject site is identified as bushfire prone. Consultation with the NSW Rural Fire Service will be undertaken to ensure that any potential bushfire risk poses no issues to the development of the subject lands for residential purposes. A Bushfire Threat Assessment will be required as part of the rezoning process post Council receiving a Gateway Determination. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
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 is identified within the adopted MUSS 2010 as a site for urban extension 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	The planning proposal does not affect the objectives of this direction and will be consistent

Ministerial Direction	Aim of the Direction	Consistency and Implications
	efficient and appropriate assessment of development	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 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?

No ecological assessment has been provided to inform the rezoning proposal.

The site is predominantly open grasslands and generally devoid of vegetation. The area of significant riparian vegetation to the south west of the site is not considered as part of the urban extension site for potential urban development and will therefore be considered for environmental purposes to protect the environmentally sensitive nature of this part of the site.

The site adjoins a vegetated lagoon with limited buffer between potential development areas and the environmentally sensitive parts of the site.

Consequently, it is considered necessary that an ecological assessment of the site be completed post receipt of a gateway determination so that Council can be satisfied there will be no significant environmental impact of the development on the environmentally sensitive parts of the site.

Council is satisfied that any potential impacts to the environmentally sensitive parts of the subject lands can be ameliorated through detailed consideration of the zoning boundaries to manage the interface of the different land uses. Preliminary site assessment determines that ecological sensitivity can be managed and should not preclude the rezoning for urban purposes.

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

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

It is anticipated that through appropriate mechanisms the protection and management of the biophysical environment will be in accordance with state and local policies. These include the provision of riparian vegetation, bushfire management and native vegetation management.

Loss of Rural Lands:

The site has a history of agricultural use; however at present the site does not support this form of agriculture and is not utilised.

The Maitland Rural Strategy 2005 provides a land use planning management framework for Maitland's rural lands. The MRS 2005, in accordance with Department of Industry and Investment (Primary Industry Division) requirements identifies the subject lands as supporting prime agricultural land classes 1 and 2. The site has not been utilised for rural activities for some time and is a small isolated parcel of rural land and therefore is not suitable to support sustainable agricultural practices.

Consultation will be undertaken with the Department of Industry and Investment- Primary Industries regarding the loss of rural lands. Council is satisfied that there is no loss of viable agricultural lands through the progression of this planning proposal.

Bushfire:

Council's Bushfire Prone Mapping identifies that the site is partially affected by bushfire threat. Consultation with the NSW Rural Fire Service will be undertaken to ensure that any potential bushfire risk poses no issues to the development of the subject lands for residential purposes. A Bushfire Threat Assessment will be required as part of the rezoning process post Council receiving a Gateway Determination.

Traffic, Access and Transport:

A traffic and transport assessment will need to be completed as part of the rezoning process post Council receiving a Gateway Determination. It is considered that any potential development of the land will likely result in an increase in traffic movements in the locality. The subject site has access to the existing road network.

A traffic, access and transport assessment is required to be submitted to Council post a gateway determination to establish the suitability of the existing road network to support additional traffic. Council is satisfied that the traffic issues can be adequately addressed through the remainder of the rezoning process and therefore should not preclude the progression of the rezoning.

Flooding and Drainage:

The subject site is predominantly located between a drainage catchment which flows towards the lagoon on site. The remaining portion of Lot 74 DP 622205 that is not considered in this proposal for rezoning is liable to flooding in the event of a 1 in 100 year flood. The subject site, proposed for rezoning for residential development however lies above the flood line and therefore is not flood prone.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Council is satisfied that the rezoning of the subject lands will not increase the risk posed by flooding constraints and therefore considers rezoning of the subject lands appropriate if development lies above the 1 in 100 year flood event.

Noise and Vibration:

Due to the proximity of the site to the Rutherford Aerodrome and Polocrosse site, there are significant issues surrounding the noise and vibration experienced by the site. As a result an Acoustic Assessment is required for the site to establish the suitability of residential development. No noise and vibration report has been prepared and submitted as part of the rezoning application. Therefore, it is recommended that the applicant prepare an acoustic report identifying the noise impacts of the aerodrome and polocrosse sight and any noise attenuation that may be required for any potential development on site.

Council is satisfied that the noise and vibration issues can be adequately addressed through the remainder of the rezoning process and development phase of the process and therefore this issue should not preclude the progression of the rezoning at this time.

Acid Sulphate Soils (ASS):

Acid Sulphate Soil risk maps indicate the potential for ASS across the site with the identification of the subject lands being affected by Class 5 ASS. The low risk of ASS should not preclude the progression of this planning proposal. However, any development proposed in those areas identified as potential for ASS will require a detailed Acid Sulphate Soils Assessment to be undertaken to detail the potential risk and appropriate management.

Contamination Assessment:

In accordance with State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, a contamination assessment of the subject lands needs to be completed and submitted to Council prior to the completion of the rezoning process. Council is satisfied that contamination issues can be addressed through the remainder of the rezoning process and therefore they do not preclude the rezoning of lands for urban purposes.

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

The planning proposal provides increased housing opportunities within the western sector of the Maitland LGA including the possibility for a diverse range of housing choice. Any increase in supply of housing will increase the need for the provision of open space and recreational services including community facilities, passive and active open space areas either within or utilising existing facilities in the immediate areas. This will be considered through further detail of infrastructure and servicing of the site as the rezoning progresses.

Servicing of the subject lands would involve the extension of utility infrastructure from the adjoining residential developments south west of the site. The services which are not currently provided such as electricity require further investigation and consultation with relevant authorities so as to establish the

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

capabilities and viability for the augmentation of the adjoining network for provision of the services to the site.

Visual Assessment

No visual assessment of the site has been provided to Council from the proponent. The lands are within close proximity to Anambah House and the existing urban area of Windella. Anambah House is located adjacent to the subject lands to the north on Lot 70 DP 714785. Anambah House is set on a slight hill and above Anambah Lagoon and is listed as a heritage item of significance. At present Anambah House is surrounded by large dense plantings of mature pines and silky oak trees which obscure views from the house. The trees and the cleared country side which surround the site make Anambah House a prominent landscape element.

Council is satisfied that the rezoning of the subject land will not adversely impact on the visual setting of the locality, specifically Anambah House. It is considered that a visual assessment report will need to be provided to Council prior to the completion of the rezoning process so that the visual amenity issues can be managed appropriately through the development assessment process.

Heritage and Archaeological Assessment

No Heritage and Archaeological Assessment has been prepared and submitted as part of the rezoning application. Therefore it is recommended that this be prepared and provided to Council post receipt of a Gateway Determination to identify the impacts of any potential development on site.

Council is satisfied that any heritage or archaeological issues can be managed through the remainder of the rezoning process. Appropriate consultation will be undertaken with the relevant government authorities and Aboriginal stakeholder groups to ensure these issues are satisfactorily addressed.

Section D – STATE and COMMONWEALTH INTERESTS**11. Is there adequate public infrastructure for the planning proposal?**

Servicing of the site involves the augmentation of existing public infrastructure to service the proposed expanded population.

Consultation with relevant government agencies and public authorities will be undertaken as the rezoning progresses. At a development assessment stage, servicing strategies may be necessary to be completed by the proponent so as to ascertain the timely and cost effective provisions of those services to the site prior to construction.

The site adjoins existing urban development. There is capacity for provision of public infrastructure to the site at present and there is provision for increased public infrastructure in the future. Therefore Council is satisfied there is justification for the progression for this planning proposal for the rezoning of the subject lands.

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

No advice has formally been sought from government agencies or public authorities in relation to the rezoning of the subject site. However, it is anticipated that following receipt of a gateway determination Council will consult with public authorities on the proposed rezoning.

PART 4: 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. The planning proposal is considered a low impact proposal as it is consistent with the MUSS 2010 and therefore it is intended for this proposal to be exhibited for a fourteen (14) day period.

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 Central Maitland and Rutherford 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.

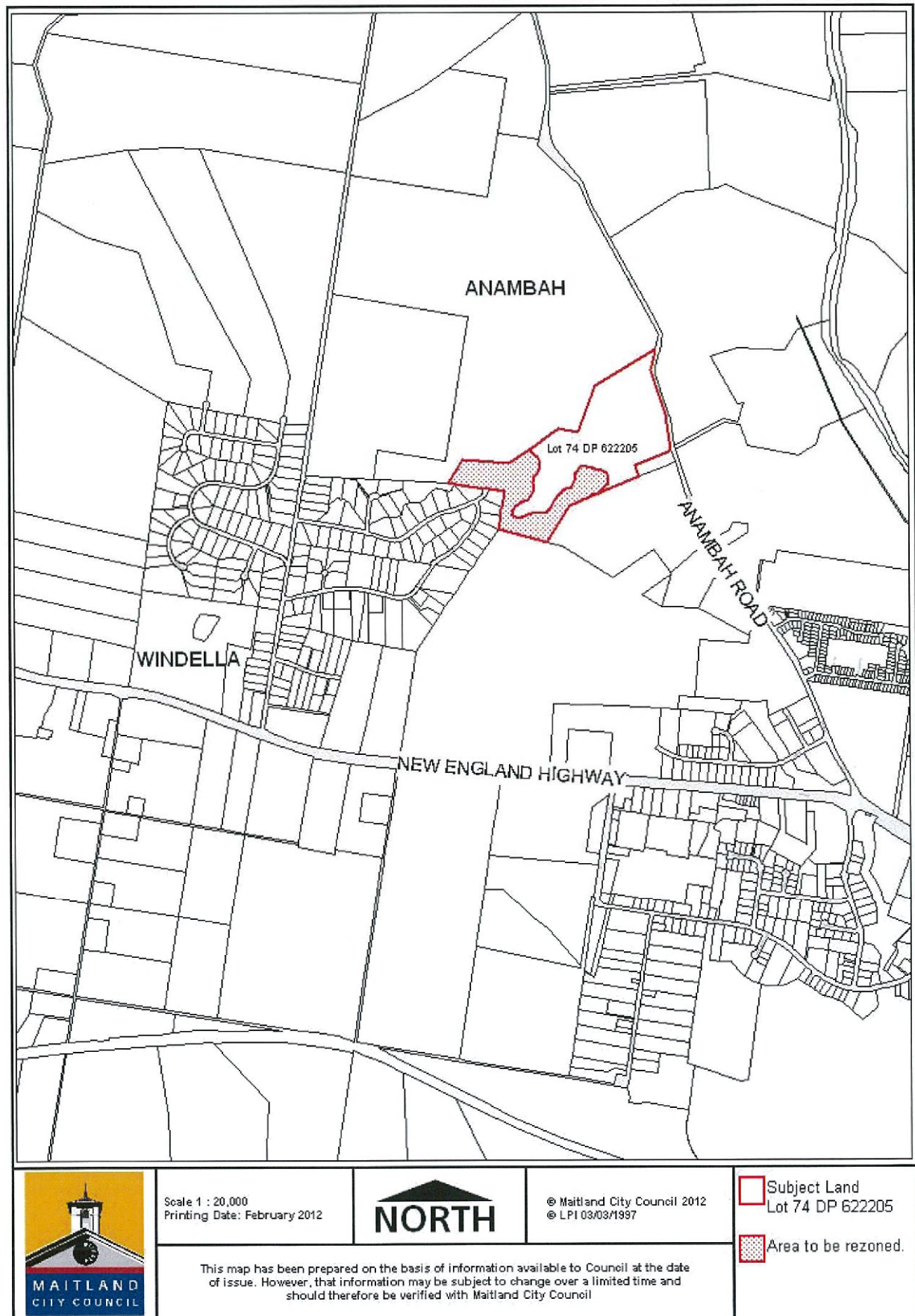
The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

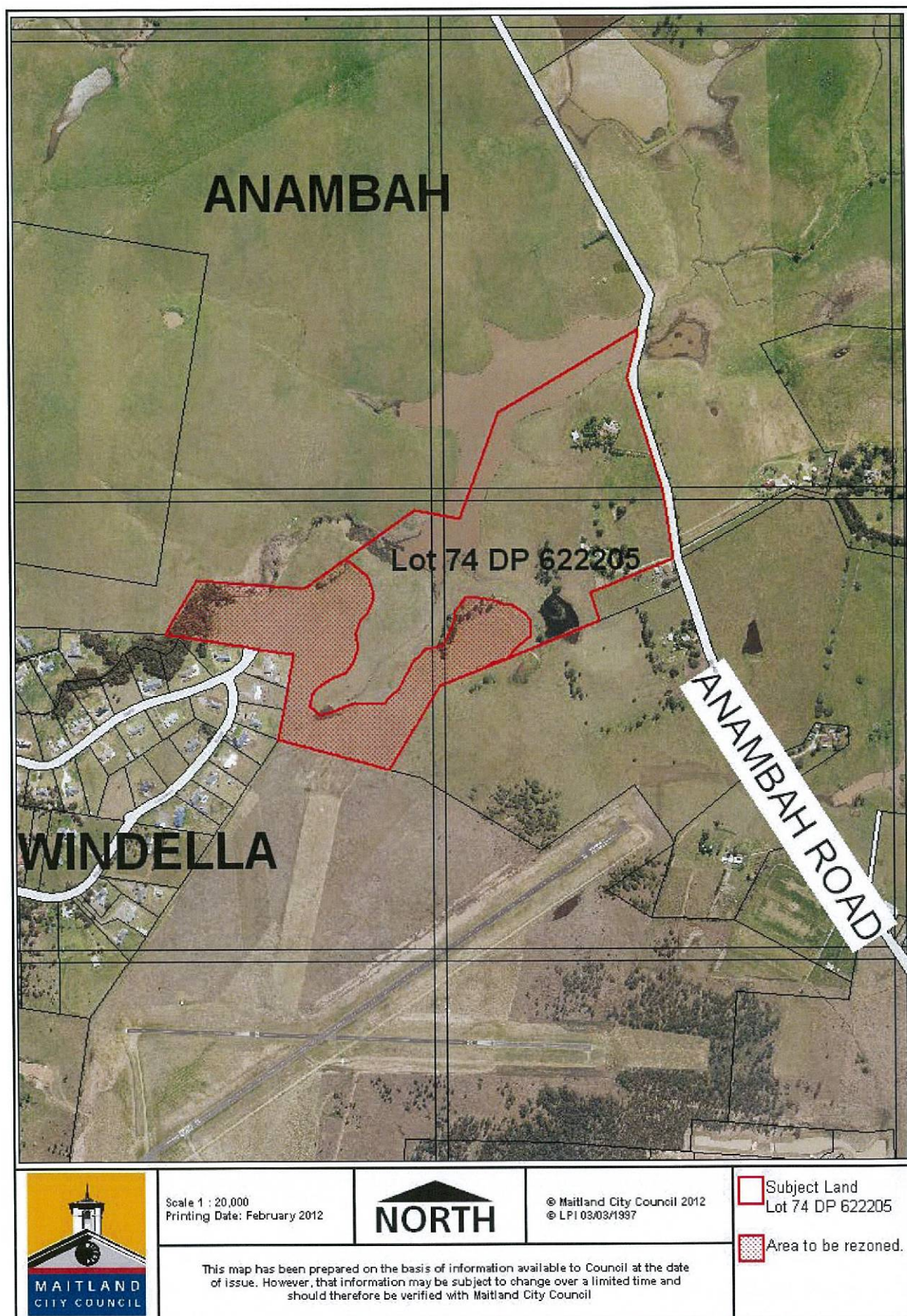
Appendix ONE
LOCALITY PLAN

1. Locality Plan
2. Aerial Plan
3. Current Zoning Plan

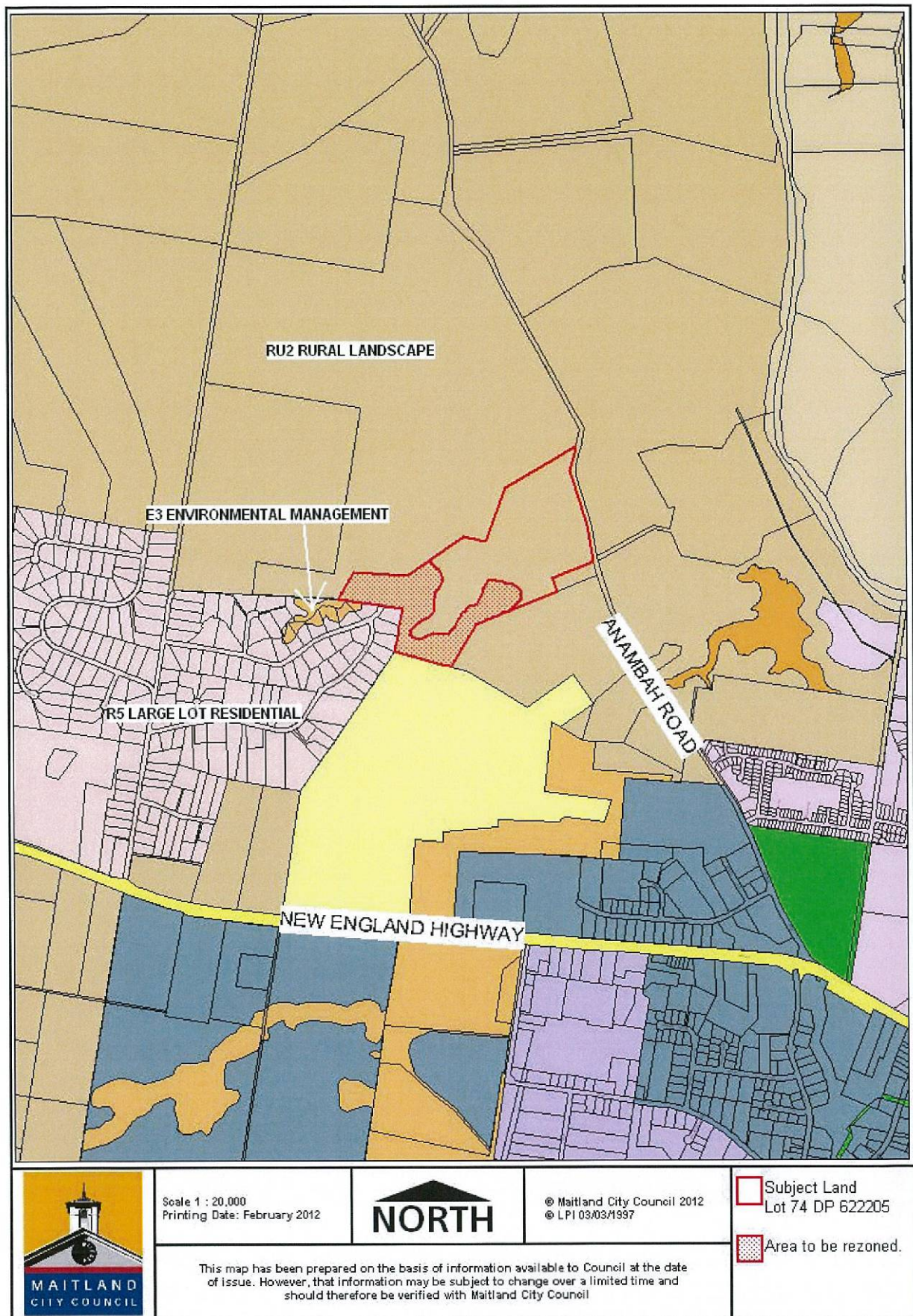
PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)



PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)



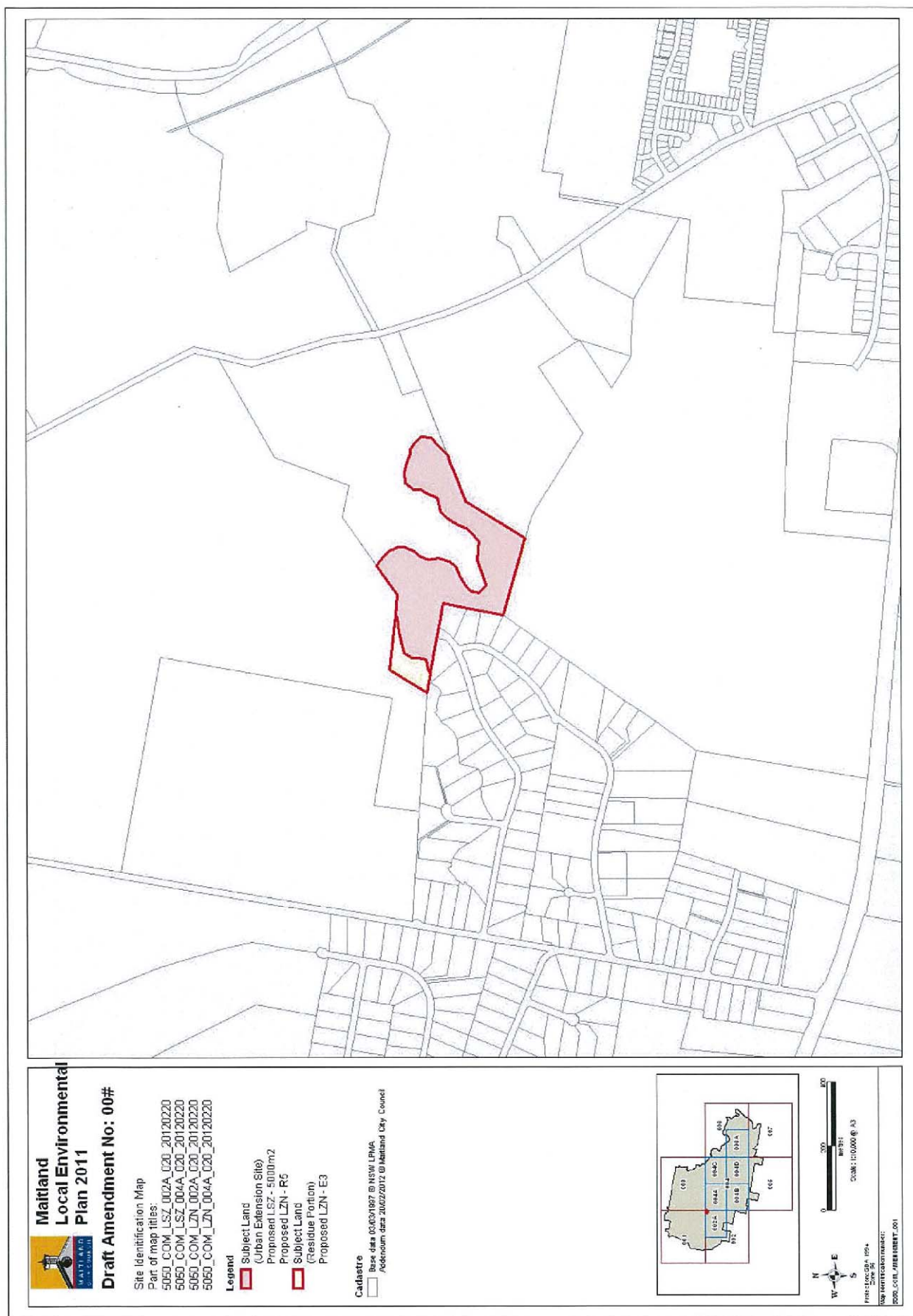
PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)



PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Appendix TWO
PROPOSED ZONING MAP

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)



PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Appendix THREE
COUNCIL REPORT AND MINUTES

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Appendix FOUR
APPLICABLE STATE ENVIRONMENTAL PLANNING
POLICIES (SEPPs)

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

State Environmental Planning Policy (SEPP) Applicable to the Maitland LGA
State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
State Environmental Planning Policy No 6—Number of Storeys in a Building
State Environmental Planning Policy No 14—Coastal Wetlands
State Environmental Planning Policy No 15—Rural Landsharing Communities
State Environmental Planning Policy No 19—Bushland in Urban Areas
State Environmental Planning Policy No 21—Caravan Parks
State Environmental Planning Policy No 22—Shops and Commercial Premises
State Environmental Planning Policy No 30—Intensive Agriculture
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No 33—Hazardous and Offensive Development
State Environmental Planning Policy No 36—Manufactured Home Estates
State Environmental Planning Policy No 44—Koala Habitat Protection
State Environmental Planning Policy No 50—Canal Estate Development
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 60—Exempt and Complying Development
State Environmental Planning Policy No 62—Sustainable Aquaculture
State Environmental Planning Policy No 64—Advertising and Signage
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (Temporary Structures) 2007

PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

Appendix FIVE
MUSS 2010 EXTRACT

PART FIVE – PLANNING ACTIONS

Urban Infill and Urban Extension Potential Development

Urban Infill and Urban Extension development encourages a more efficient use of land in existing residential areas. This form of redevelopment, like centres based infill development, provides residents with a greater accessibility to public transport, an increased mix of uses in a single location and a more efficient use of existing community facilities, services and infrastructure.

To ensure a consistent and transparent approach to the identification of future urban extension and infill proposals, this Strategy incorporates Council's adopted policy position for the assessment of potential urban infill and urban extension developments. To provide a clear understanding by what the Council classifies as being urban infill or urban extension development, the following definitions have been adopted by Council (25 August 2009):

Urban Infill Development

This is defined as:

The development of vacant or under-used sites within existing zoned urban areas. These may be sites which 'fill in the gaps' within existing residential neighbourhoods or sites that provide opportunities for additional urban development.

Any urban infill development proposal must demonstrate a suitable planning and design response reflecting the opportunities and constraints identified in a detailed site analysis. This is essential to ensure that the new urban infill development complements the existing character and context and reflects the future vision of the urban area or residential neighbourhood in which it is located.

Urban Extension Development

This is defined as:

Sites adjoining urban areas of less than 15 hectares or have potential for less than 50 residential lots. Only development proposals matching these size criteria will be considered by Council on their merits for rezoning, where the broad planning objectives of this strategy in relation to character, environment, infrastructure and design are clearly demonstrated and justified in the development proposal.

Assessment Criteria for Potential Urban Infill and Urban Extension Proposals

Assessment of potential urban infill or urban extension developments require consideration of the site specific characteristics of the location in which the urban infill or extension development is being proposed. In addition each potential urban infill or urban extension development is required to be adequately assessed against the following criteria as outlined in Table 1 below.

Assessment Criteria	Further Explanation
Need	The rezoning proposal must clearly demonstrate a specific local and/or LGA wide need for the particular development or landuse. This must be in relation to matters such as: • predicated future population growth; • a clear net-community benefit;

PART FIVE – PLANNING ACTIONS

	• economic benefit; and • Identified shortfall in supply of the landuse being proposed at a local and/or regional level.
Opportunities	Through the preparation of an acceptable site analysis, the rezoning proposal must demonstrate the opportunities and respond appropriately to factors, including, but not limited to: • the physical ability of the site to accommodate additional residential and/or commercial development; • greater densities to be accommodated on site, while maintaining a high-quality design outcome; • site consolidation for multiple uses, where appropriate; and • a justified correlation with the established need for the proposed development.
Constraints	Through the preparation of an acceptable site analysis, the rezoning proposal must identify the constraints, and respond appropriately to factors, including, but not limited to: • lot configuration, • urban design, • heritage; • flooding; and • environmental factors.
Location Context	Through the preparation of an acceptable site analysis, the rezoning proposal must identify the constraints and opportunities of the location, and response appropriately to factors, including, but not limited to: • proximity to public transport; • proximity to existing centres; • relationship to surrounding land uses; and • proximity to existing areas of ecological significance;
Potential Impacts	The rezoning proposal must clearly demonstrate the potential impacts of the proposed development/ landuse and how these impacts will be mitigated. Issues for consideration include, but are not limited to: • the potential impact on the existing streetscape and character, including heritage of the location; • the potential impact on the environment and biodiversity value of the location; • the potential impact on the surrounding properties (particularly the adjoining properties), including the existing residents and tenants; and • in relation to commercial development, the potential economic impact to existing centres and commercial development.
Consistency with Council	Any rezoning proposal must demonstrate a consistency with the Council's adopted strategies and policies, their vision, objectives and desired future outcomes for the specific urban area, residential neighbourhood or centre.

PART FIVE – PLANNING ACTIONS

Strategies & Policies	Consideration also must be given to any emerging draft strategy or policy. The proposal must identify the strategy/policy objectives, and response appropriately to factors, including, but not limited to: • how does the rezoning proposal help to achieve the vision, policy objectives and/or desired future outcomes for the specific centre, local area or residential neighbourhood; • how does the rezoning proposal provide social, economic and environmental benefits for the specific centre, local area or residential neighbourhood; and • specific to commercial development, how does the rezoning proposal fit within the adopted framework and centres hierarchy.
Urban extension or urban infill development in and around centres.	In addition to the assessment criteria above, the following criteria must also be considered and responded to when urban extension or urban infill development is proposed in and around the identified centres of Maitland. New development must be of a type, scale and design quality which is consistent with the stated vision, character, role and function of the centre. Consolidation and redevelopment of centres is to be consistent with the identified investigation areas (within MUSS); the hierarchy of centres and the stated vision, role and function as outlined in any adopted Centres Strategy.

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 exhibition process for the Draft Maitland Local Environmental Plan 2011, a number of sites have been investigated to be considered as urban infill or urban extension development. These sites satisfy the principles and assessment criteria for urban infill and urban extension developments and have hence been included within this 2010 edition of the MUSS.

The sites considered suitable for potential Urban Infill and Urban Extension development are shown in *Figure 30 Urban Infill and Urban Extension Potential Development Sites* and *Table 10* 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.

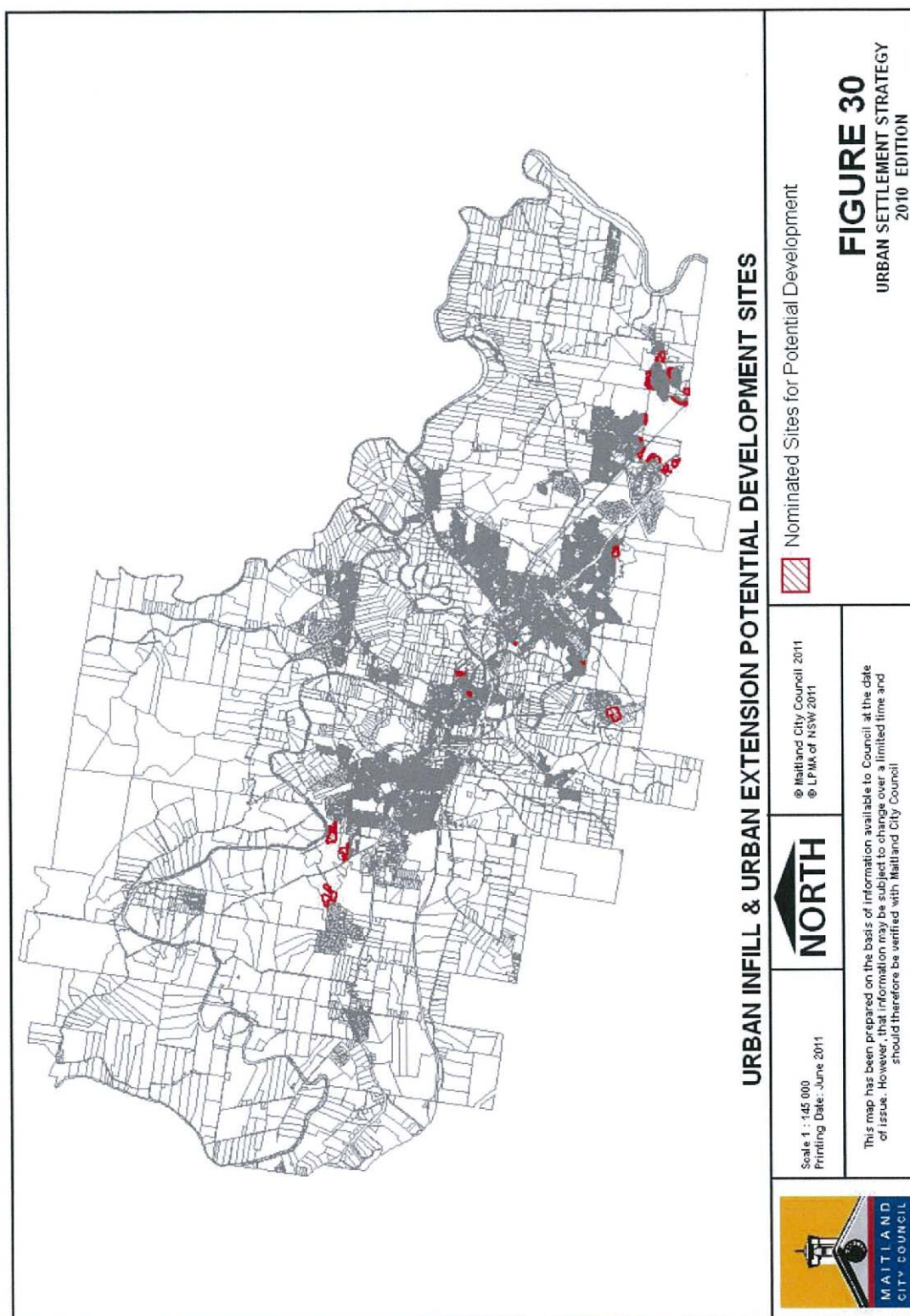
PLANNING PROPOSAL- REZONING OF PART LOT 74 DP 622205 ANAMBAH ROAD, ANAMBAH (Cont.)

PART FIVE – PLANNING ACTIONS

URBAN INFILL and EXTENSION SITES						
Prop Number	Lot Number	DP Number	Locality	Suburb	Category	
28581	24	569086	Hideaway Place	Ashtonfield	2	
46931	811	1152320	Thornton Road	Thornton	2	
28751	1	833057	Anderson Drive	Thornton	2	
29239	2	833057	Thornton Road	Thornton	2	
36942	37	755205	New England Highway	Thornton	2	
34164	71	714785	Anambah Road	Anambah	2	
24038	100	545566	Rockleigh Street	Thornton	2	
10504	90	785244	Anambah Road	Anambah	2	
30204	1	812143	Golden Ash Drive	Aberglasslyn	2	
15794	195	755237	George and Wallis Street	East Maitland	2	
31818	7	855275	Wilton Drive	East Maitland	2	
28580	23	563550	Hideaway Place	Ashtonfield	2	
28752	36	718119	Golden Wattle Crescent	Thornton	2	
33871	41	513346	Kingston Road	Woodberry	2	
18771	295	238805	Kingston Road	Woodberry	2	
28853	2	608456	Woodberry Road	Woodberry	2	
33856	1	516629	Woodberry Road	Woodberry	2	
28854	1	349112	Woodberry Road	Woodberry	2	
28759	31	563916	Kookaburra Avenue	Woodberry	2	
12663	1	433693	Carrington Street	Maitland	2	
35602	1	669283	Hunter Street	Maitland	2	
				Horseshoe		
32792	2	797411	Matthew Lane	Bend	2	
				Horseshoe		
32798	3	797411	Matthew Lane	Bend	2	
				Horseshoe		
32799	4	797411	Carrington Street	Bend	2	
10517	74	622205	Anambah Road	Anambah	2	
35710	157	1127393	Mill Street	East Maitland	2	
10049	1	577474	Aberglasslyn Road	Aberglasslyn	2	
28387	113	804336	Louth Park Road	Louth Park	2	
28385	111	804336	Louth Park Road	Louth Park	2	
28376	257	813454	Louth Park Road	Louth Park	2	
28375	256	813454	Louth Park Road	Louth Park	2	

Table 9 Urban Infill and Urban Extension Potential Development Sites

PART FIVE – PLANNING ACTIONS



Appendix FOUR

APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

State Environmental Planning Policy (SEPP) Applicable to the Maitland LGA
State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
State Environmental Planning Policy No 6—Number of Storeys in a Building
State Environmental Planning Policy No 14—Coastal Wetlands
State Environmental Planning Policy No 15—Rural Landsharing Communities
State Environmental Planning Policy No 19—Bushland in Urban Areas
State Environmental Planning Policy No 21—Caravan Parks
State Environmental Planning Policy No 22—Shops and Commercial Premises
State Environmental Planning Policy No 30—Intensive Agriculture
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No 33—Hazardous and Offensive Development
State Environmental Planning Policy No 36—Manufactured Home Estates
State Environmental Planning Policy No 44—Koala Habitat Protection
State Environmental Planning Policy No 50—Canal Estate Development
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 60—Exempt and Complying Development
State Environmental Planning Policy No 62—Sustainable Aquaculture
State Environmental Planning Policy No 64—Advertising and Signage
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (Temporary Structures) 2007

Appendix FIVE

MUSS 2010 EXTRACT

Urban Infill and Urban Extension Potential Development

Urban Infill and Urban Extension development encourages a more efficient use of land in existing residential areas. This form of redevelopment, like centres based infill development, provides residents with a greater accessibility to public transport, an increased mix of uses in a single location and a more efficient use of existing community facilities, services and infrastructure.

To ensure a consistent and transparent approach to the identification of future urban extension and infill proposals, this Strategy incorporates Council's adopted policy position for the assessment of potential urban infill and urban extension developments. To provide a clear understanding by what the Council classifies as being urban infill or urban extension development, the following definitions have been adopted by Council (25 August 2009):

Urban Infill Development

This is defined as:

The development of vacant or under-used sites within existing zoned urban areas. These may be sites which 'fill in the gaps' within existing residential neighbourhoods or sites that provide opportunities for additional urban development.

Any urban infill development proposal must demonstrate a suitable planning and design response reflecting the opportunities and constraints identified in a detailed site analysis. This is essential to ensure that the new urban infill development complements the existing character and context and reflects the future vision of the urban area or residential neighbourhood in which it is located.

Urban Extension Development

This is defined as:

Sites adjoining urban areas of less than 15 hectares or have potential for less than 50 residential lots. Only development proposals matching these size criteria will be considered by Council on their merits for rezoning, where the broad planning objectives of this strategy in relation to character, environment, infrastructure and design are clearly demonstrated and justified in the development proposal.

Assessment Criteria for Potential Urban Infill and Urban Extension Proposals

Assessment of potential urban infill or urban extension developments require consideration of the site specific characteristics of the location in which the urban infill or extension development is being proposed. In addition each potential urban infill or urban extension development is required to be adequately assessed against the following criteria as outlined in Table 1 below.

Assessment Criteria	Further Explanation
Need	The rezoning proposal must clearly demonstrate a specific local and/or LGA wide need for the particular development or landuse. This must be in relation to matters such as: • predicated future population growth; • a clear net-community benefit;

	• economic benefit; and • Identified shortfall in supply of the landuse being proposed at a local and/or regional level.
Opportunities	Through the preparation of an acceptable site analysis, the rezoning proposal must demonstrate the opportunities and respond appropriately to factors, including, but not limited to: • the physical ability of the site to accommodate additional residential and/or commercial development; • greater densities to be accommodated on site, while maintaining a high-quality design outcome; • site consolidation for multiple uses, where appropriate; and • a justified correlation with the established need for the proposed development.
Constraints	Through the preparation of an acceptable site analysis, the rezoning proposal must identify the constraints, and respond appropriately to factors, including, but not limited to: • lot configuration, • urban design, • heritage; • flooding; and • environmental factors.
Location Context	Through the preparation of an acceptable site analysis, the rezoning proposal must identify the constraints and opportunities of the location, and response appropriately to factors, including, but not limited to: • proximity to public transport; • proximity to existing centres; • relationship to surrounding land uses; and • proximity to existing areas of ecological significance;
Potential Impacts	The rezoning proposal must clearly demonstrate the potential impacts of the proposed development/ landuse and how these impacts will be mitigated. Issues for consideration include, but are not limited to: • the potential impact on the existing streetscape and character, including heritage of the location; • the potential impact on the environment and biodiversity value of the location; • the potential impact on the surrounding properties (particularly the adjoining properties), including the existing residents and tenants; and • in relation to commercial development, the potential economic impact to existing centres and commercial development.
Consistency with Council	Any rezoning proposal must demonstrate a consistency with the Council's adopted strategies and policies, their vision, objectives and desired future outcomes for the specific urban area, residential neighbourhood or centre.

Strategies & Policies	Consideration also must be given to any emerging draft strategy or policy. The proposal must identify the strategy/policy objectives, and response appropriately to factors, including, but not limited to: • how does the rezoning proposal help to achieve the vision, policy objectives and/or desired future outcomes for the specific centre, local area or residential neighbourhood; • how does the rezoning proposal provide social, economic and environmental benefits for the specific centre, local area or residential neighbourhood; and • specific to commercial development, how does the rezoning proposal fit within the adopted framework and centres hierarchy.
Urban extension or urban infill development in and around centres.	In addition to the assessment criteria above, the following criteria must also be considered and responded to when urban extension or urban infill development is proposed in and around the identified centres of Maitland. New development must be of a type, scale and design quality which is consistent with the stated vision, character, role and function of the centre. Consolidation and redevelopment of centres is to be consistent with the identified investigation areas (within MUSS); the hierarchy of centres and the stated vision, role and function as outlined in any adopted Centres Strategy.

Identification of Potential Urban Infill and Urban Extension Development Sites

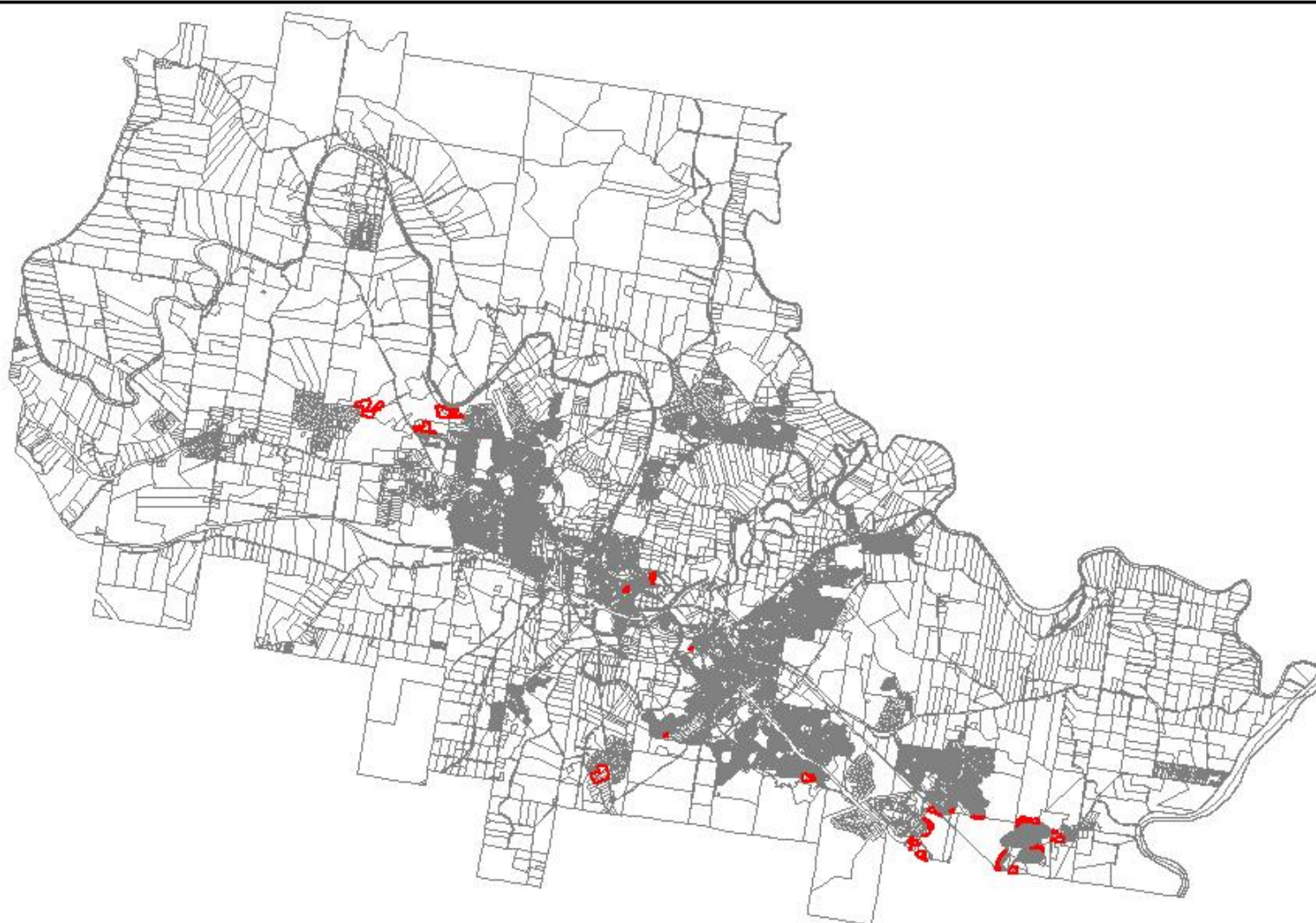
A city wide review of all non-residential zoned land located within or adjoining residential zoned land has been undertaken. The purpose of this review was to identify any lands which satisfied the principles and definition of urban extension or urban infill development and their suitability for potential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

As part of the exhibition process for the Draft Maitland Local Environmental Plan 2011, a number of sites have been investigated to be considered as urban infill or urban extension development. These sites satisfy the principles and assessment criteria for urban infill and urban extension developments and have hence been included within this 2010 edition of the MUSS.

The sites considered suitable for potential Urban Infill and Urban Extension development are shown in *Figure 30 Urban Infill and Urban Extension Potential Development Sites* and *Table 10* 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.

URBAN INFILL and EXTENSION SITES					
Prop Number	Lot Number	DP Number	Locality	Suburb	Category
28581	24	569086	Hideaway Place	Ashtonfield	2
46931	811	1152320	Thornton Road	Thornton	2
28751	1	833057	Anderson Drive	Thornton	2
29239	2	833057	Thornton Road	Thornton	2
36942	37	755205	New England Highway	Thornton	2
34164	71	714785	Anambah Road	Anambah	2
24038	100	545566	Rockleigh Street	Thornton	2
10504	90	785244	Anambah Road	Anambah	2
30204	1	812143	Golden Ash Drive	Aberglasslyn	2
15794	195	755237	George and Wallis Street	East Maitland	2
31818	7	855275	Wilton Drive	East Maitland	2
28580	23	563550	Hideaway Place	Ashtonfield	2
28752	36	718119	Golden Wattle Crescent	Thornton	2
33871	41	513346	Kingston Road	Woodberry	2
18771	295	238805	Kingston Road	Woodberry	2
28853	2	608456	Woodberry Road	Woodberry	2
33856	1	516629	Woodberry Road	Woodberry	2
28854	1	349112	Woodberry Road	Woodberry	2
28759	31	563916	Kookaburra Avenue	Woodberry	2
12663	1	433693	Carrington Street	Maitland	2
35602	1	669283	Hunter Street	Maitland	2
32792	2	797411	Matthew Lane	Horseshoe Bend	2
32798	3	797411	Matthew Lane	Horseshoe Bend	2
32799	4	797411	Carrington Street	Horseshoe Bend	2
10517	74	622205	Anambah Road	Anambah	2
35710	157	1127393	Mill Street	East Maitland	2
10049	1	577474	Aberglasslyn Road	Aberglasslyn	2
28387	113	804336	Louth Park Road	Louth Park	2
28385	111	804336	Louth Park Road	Louth Park	2
28376	257	813454	Louth Park Road	Louth Park	2
28375	256	813454	Louth Park Road	Louth Park	2

Table 9 Urban Infill and Urban Extension Potential Development Sites



URBAN INFILL & URBAN EXTENSION POTENTIAL DEVELOPMENT SITES



Scale 1 : 145 000
Printing Date: June 2011



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Nominated Sites for Potential Development

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 and should therefore be verified with Maitland City Council

FIGURE 30
URBAN SETTLEMENT STRATEGY
2010 EDITION