



Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

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

(Part of Lot 74 DP 622205)

Version 5.0
19/02/2015



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Version 1 – February 2012	(Report to Council for endorsement to Gateway Determination)
Version 2 – September 2013	(Exhibition copy)
Version 3 – October 2014	(Re-exhibition copy)
Version 4 – January 2015	(Final)
Version 5 – February 2015	(Amended to add 20Ha minimum lot size on residual lot)

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011.

The subject site is located at Anambah Road, Anambah and described as Lot 74 DP622205. A location plan is provided as APPENDIX 1: LOCALITY PLAN. The purpose of the planning proposal is to rezone part of the site for environmental living purposes. The remainder of the site will remain as RU2 Rural Landscape.

The site adjoins the existing 'Windella Estate' to the west, the Anambah Urban Investigation Area to the north and the Rutherford Aerodrome to the south. The site is affected by flooding. The site was included in the 2010 MUSS as part of the review process. The site was identified as a suitable site for potential 'urban extension' subject to further investigation of the opportunities and constraints.

Council received an application to rezone the subject site from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size for subdivision from 40 hectares to 5000m² to allow development of part of the subject land for urban purposes. The submission included an indicative lot plan illustrating a yield of around 31 lots.

An amended proposal that proposed areas of E2 – Environmental Conservation and E3 – Environmental Management as well as R5 Large Lot Residential and RU2 Rural Landscape was exhibited in August 2013. During exhibition, Council received five submissions. These are summarised in PART 4: COMMUNITY CONSULTATION.

A key outcome of the exhibition period was a detailed understanding of the operational requirements of the Rutherford Aerodrome and the Royal Newcastle Aero Club (RNAC). The RNAC was concerned that the proposal would undermine the existing operation of the grassed runway because of noise and safety concerns.

The RNAC submission also highlighted a number of Federal Government level papers that discuss the ineffectiveness of existing responses to the protection of airports from encroaching residential development. The Federal Government has also developed a national framework to guide regulators in decisions affecting airports across the country.

Council revised the planning proposal in light of the submissions received and in the context of the National Framework for Safeguarding Airports and other relevant publications. Council proposed a reduced zone footprint of E4 Environmental Living with the balance of the land remaining RU2 Rural Landscape. A copy of the re-exhibited maps area at: APPENDIX 3: RE-EXHIBITED LEP AMENDMENT MAPS (LZN/LSZ/URA).

The proposal was re-exhibited for a period of 14 days. One submission was received during the re-exhibition period. The submission was from the proponent who proposed a further, alternative proposal. The alternative proposal extends the E4 Environmental Living zone to achieve two additional lots. Each of the additional lots will have a minimum lot size of 7ha to

restrict the yield. A copy of the submission is at: APPENDIX 11: ADDITIONAL INFORMATION (POST EXHIBITION).

The alternative proposal is supported by a noise assessment that demonstrates that the building envelopes of the 2 additional lots are located so that dwellings will not require attenuation to meet the requirements of AS2021-2000 Acoustics- Aircraft noise intrusion- Building siting and construction. An 88B instrument will formalise the location of the building envelopes at the subdivision stage.

The Royal Newcastle Aero Club was notified of the re-exhibition and the alternative proposal submitted by the proponent. The RNAC were invited to provide comment on the alternative proposal. They declined to provide a submission.

The alternative proposal has merit. The two additional lots will have a minimum lot size of 7ha. This will restrict the yield to two lots. The sale and use of the lots for residential purposes will reduce the expectation for future subdivision.

Most exempt and complying development does not apply to E4 Environmental Living zoned lots. Therefore, development such as ancillary buildings and rural sheds will require development approval.

The Standard Instrument LEP prohibits the subdivision of a lot where the subdivision would create a lot less than the minimum lot size. The RU2 zoned, residual lot had a minimum lot size of 40Ha. The indicative subdivision would be prohibited. Therefore, Council has applied a 20Ha minimum lots size over this portion of the site.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of this planning proposal are to:

1. Enable the consideration of subdivision of land for environmental living purposes.
2. Ensure any development responds sensitively to the density and scale of existing, adjoining residential areas.
3. Protect and rehabilitate the natural drainage line traversing the site.
4. Ensure an appropriate management regime for the lagoon.
5. To protect the existing and future operations of the Rutherford Aerodrome.
6. Ensure any development is sensitive to the visual amenity of the surrounding locality, particularly the views associated with Anambah House.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 as follows:

1. Amend the Land Zoning Map by rezoning the site to RU2 Rural Landscape and E4 Environmental Living (Map Series LZN 002A) in accordance with the proposed zoning map shown APPENDIX 4: PROPOSED LEP AMENDMENT MAPS (LZN/LSZ/URA)
2. Amend the Lot Size Map (in part) by reducing the minimum lot size from 40 hectares to a minimum lot size to 5000m², 7 hectares and 20Ha (Map Series LSZ 001, LSZ 002A, LSZ 003 and LSZ 004A) in accordance with the proposed lot size map shown in APPENDIX 4: PROPOSED LEP AMENDMENT MAPS (LZN/LSZ/URA); and
3. Amend the Urban Release Area Map (URA002A) by identifying the site as an urban release area as shown in APPENDIX 4: PROPOSED LEP AMENDMENT MAPS (LZN/LSZ/URA).

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 site is identified in the Maitland Urban Settlement Strategy 2012 (MUSS) as an urban infill and extension site. The MUSS states that: "These identified sites will be considered for potential future development pending the lodgement of a rezoning proposal that justifies the land as urban infill or urban extension with consideration of the sites opportunities and constraints."

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

Any subdivision and subsequent residential development of the site would require an amendment to the Maitland Local Environmental Plan.

3. Is there a net community benefit?

No net community benefit test has been provided by the proponent. At best, the net community benefit of this proposal is neutral.

The public interest reasons for preparing this draft amendment include:

- The development of the subject lands will provide a small number of lifestyle lots for a small number of additional residents in the western sector of the Maitland LGA;
- The current operation and future growth of the Rutherford Aerodrome has been considered in this revised proposal.

The implications of not proceeding with the planning proposal are nil.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy (NSW Department of Planning and Infrastructure) 2006

The Lower Hunter Regional Strategy identifies individual release areas generally. This includes the Anambah Urban Release Area. The subject site is not specifically identified in the LHRS, however it can be developed if it is consistent with the principles of the strategy and if the site is identified within an endorsed local strategy.

The subject site is identified as an urban extension site in the endorsed MUSS 2010. The latest version of the local planning strategy has not been endorsed.

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

The proposal supports the following objectives of the Council's community strategic plan (Maitland +10);

Our Built Space

- Our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.

Our natural environment

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

A prosperous and vibrant city

- Our transport and telecommunications infrastructure is progressive and meets the needs of contemporary businesses and our community.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2012 Edition

The site is identified within the MUSS 2012 as an area for urban extension and is consistent with the criteria for urban extension sites. The MUSS qualifies its support of development in the area subject to further investigation of the opportunities and constraints.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (INFRASTRUCTURE) 2007	NOT APPLICABLE
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	INCONSISTENT
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 proposes to rezone rural land to urban/residential purposes. It is not facilitating the orderly and economic development of rural lands for rural related purposes. However, the subject site is identified as an urban extension site in the adopted MUSS 2012. It is a continuation of the adjoining large lot residential development.
SEPP NO. 55 REMEDIATION OF LAND	CONSISTENT
Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	A Phase 2 – Environmental Site Assessment (ESA) prepared by Whitehead and Associates found the level of manganese exceeds DECC guidelines in a significant area of the site. Council has assessed the ESA and determined that the planning proposal should proceed on the condition that an ecological risk assessment is carried out for any subdivision application to determine a site specific

RELEVANCE**CONSISTENCY AND IMPLICATIONS**

ecological screening level and any remediation works.

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

The proposed development is inconsistent with several s117 Ministerial directions. An assessment the planning proposal against the relevant s117 directions is provided in the table below.

Table 2: s117 Directions.

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS****1. EMPLOYMENT AND RESOURCES****1.2 Rural zones****Inconsistent**

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

The planning proposal is inconsistent with this objective as it is rezoning rural lands for urban purposes. However, the subject site is identified as an urban extension site in the MUSS 2012. It is a continuation of the adjoining large lot residential development.

1.5 Rural lands**Inconsistent**

To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes.

As above.

2. ENVIRONMENT AND HERITAGE**2.1 Environment Protection Zones****Consistent**

The objective of this direction is to protect and conserve environmentally sensitive areas.

The proposal seeks to rezone the area E4 Environmental Living. The objectives of the E4 zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage practical development outcomes by providing for low density residential development between areas of large lot residential and rural land where part of the land is affected by flooding.

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

It is an appropriate zone to encourage the protection of the environmental qualities of the site.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.1 Residential Zones****Inconsistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services

The planning proposal will result in five large lot residential lots with a minimum lot size of 5000m², two lots that are 7ha and a single residual lot that is 20Ha. This low residential density is consistent with the adjoining 'Windella Estate'.

Any future development will be serviced by an extension of infrastructure from the adjoining residential area.

Rural residential development is an inefficient use of land. However, due to the site constraints this inconsistency is justified.

3.4 Integrating Land Use and Transport**Inconsistent**

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 is not currently serviced by any public transport. Access to and from the area requires access to private transport. The closest employment area is Rutherford. The site is around 2km from the New England Highway.

Much of the surrounding area north of the site is identified as a future urban release area.

Council is in receipt of a planning proposal to rezone that area. Once developed it is anticipated that public transport will service the locality.

It is unlikely that the small potential lot yield in this revised proposal will require any significant traffic assessment. However, this will be determined at the development assessment stage.

3.5 Development Near Licensed Aerodromes**Not applicable**

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

The subject site adjoins the Rutherford Aerodrome. It is under the flight path of the north-south grass runway. However, ANEF noise contours do not exist for the aerodrome. Therefore this directive does not apply. Despite this, noise is an important issue at the site. It has been a key consideration in the revision of this planning proposal.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
and 25, incorporates mitigation measures so that the development is not adversely affected by aircraft noise.	This is discussed in detail elsewhere in this planning proposal.
HAZARD and RISK	
4.1 Acid Sulphate Soils	Consistent
To avoid significant adverse environmental impacts from the use of land that has a probability of containing ASS.	The Maitland LEP 2011 ASS maps indicate the potential of Class 5 ASS on the site. This low class ASS can be addressed at development application stage.
4.3 Flood Prone Land	Consistent
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 proposed area is affected by flooding. Council has recently introduced an additional objective to the E4 Environmental Living zone to accommodate development at the R5 Rural Residential and flood interface. The area is proposed to be rezoned E4 Environmental Living. Building envelopes above the 1% AEP level will be conditioned at the subdivision stage.
4.4 Planning for Bushfire Protection	Consistent
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.	Consultation with the NSW Rural Fire Service was required prior to community consultation. A copy of the response is at APPENDIX 8: RFS CONSULTATION RESPONSE. The RFS advise that the following should be considered at the planning stage; • An assessment of the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development. • The provision of Asset Protection Zones in accordance with Appendix 2 of Planning for Bushfire Protection (PfBP) 2006. • The provision of access in accordance with s4.1.3 or 4.2.7 of PfBP 2006. This includes the provision of perimeter roads. • The provision of water supply for fire fighting purposes in accordance with s4.1.3 or 1.2.7 of PfBP 2006. This is considered best dealt with at the subdivision stage.
REGIONAL PLANNING	
5.1 Implementation of Regional Strategies	Consistent

s117 DIRECTIONS

CONSISTENCY AND IMPLICATIONS

This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA

The Lower Hunter Regional Strategy identifies individual release areas generally with an area greater than 50 hectares. However sites less than 50 hectares can be developed if they are consistent with the principles of the strategy and if they are identified within an endorsed local strategy.

The subject site is identified in the MUSS2010 and the MUSS 2012 as suitable for urban expansion subject to further consideration of the constraints and opportunities.

The 2012 version of the Maitland Urban Settlement Strategy is not endorsed.

LOCAL PLAN MAKING

6.1 Approval and Referral

Consistent

The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development

The planning proposal does not affect the objectives of this direction and will be consistent with this requirement.

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?

Firebird Ecological Consultants Pty Ltd prepared a Flora and Fauna Assessment for the subject land.

Three threatened species recorded within the study area were the East-coast Freetail Bat, Little Bent-wing-bat and Yellow-bellied Sheath-tail-bat. These species are all listed under as 'Vulnerable' under the TSC Act. Assessment via a seven-part test found that the proposal was unlikely to significantly impact on any of the identified threatened species or communities listed under the TSC Act.

One ecological endangered community (EEC) was recorded within the study area. The Swamp Oak Riparian Forest was commensurate with the '*Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions*' which is listed under the TSC Act.

The planning proposal includes the full retention of this community and allows for its protection by applying the E4 Environmental Management zone to its extent.

Potential habitat for a number of other threatened species listed under the TSC Act was identified within the study area. Although not a requirement of rezoning applications (Part 3 of the EPA Act), an assessment under section 5A of the EPA Act (i.e. seven-part test) has been undertaken and found that the proposal was unlikely to significantly impact on threatened

species, populations or ecological communities, or their habitats. Also, an assessment under the EPBC Act found that the proposal was unlikely to impact on any 'Matters of National Environmental Significance'.

The site is predominantly cleared of native vegetation and is currently used for agricultural purposes. The assessment provided considers the site of low biodiversity significance and is the proposed urban outcome on the site is not constrained by biodiversity / environmental values. Where biodiversity values do exist, such as the riparian EEC vegetation, opportunities exist to rezone the area to provide for enhanced conservation outcomes on the site, and these are outlined below.

The following recommendations were provided in the Flora and Fauna Assessment to ensure that the recorded biodiversity and other environmental values of the site and surrounding locality are adequately protected and managed:

- Rezoning of the Swamp Oak Riparian Forest and wetland area to E3 Environmental Management, to ensure that this vegetation is retained and enhanced within the site.
- Retain the farm dam (lagoon) for recreational and ecological purposes.

Council is recommending an E4 Environmental Living zone rather than an E3 Environmental Management zone. The E4 zone is considered appropriate to protect the riparian area, as well as allow residential uses. The additional recommendations are made in relation to the subsequent development application / construction stages of the proposal:

- Hydrological controls (e.g. Water Sensitive Urban Design principles) are implemented to maintain the quality and quantity of pre-development water flows into the Swamp Oak Riparian Forest within the study area;
- Precautions are implemented during clearance of any vegetation within the study area to avoid negative impacts upon the remnant vegetation to be retained;
- Ongoing weed monitoring be implemented and potential weed infestations be appropriately managed to ensure surrounding communities are protected from invasive species particularly especially within the Swamp Oak Riparian Forest;
- Controls during and after clearance and construction of the residential development;
- Sediment and nutrient should be implemented to help prevent seed and fertiliser dispersal into the EEC and wetland area; and
- Landscaping within the site uses local endemic species.

Council is generally satisfied that any potential impacts to the environmentally sensitive parts of the subject lands can be ameliorated through the application of the E4 Environmental Living zone and by consideration of the environmental issues at the subdivision stage.

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

The farm lagoon is currently split between two landowners. The revised planning proposal will increase that to three. This is considered a positive outcome compared to the original proposal

that divided the ownership of the lagoon between numerous land owners. Future management of the lagoon is likely to be complicated however the fewer owners may reduce the complexity.

Loss of Rural Lands

The Maitland Rural Strategy 2005 (MRS) provides a land use planning framework for Maitland's rural lands. The MRS identifies the subject lands as supporting prime agricultural land classes 1 and 2.

The site has a history of agricultural use. The small size of the existing holding and the intrusion of residential uses around the site are undermining its future agricultural use, although no evidence of this has been provided. The area north of the site - Anambah Investigation Area, is ear-marked for urban purposes.

The Department of Industry and Investment- Primary Industries was consulted. No response was received during the exhibition period.

Bushfire:

Council's Bushfire Prone Mapping identifies that the site is partially affected by bushfire threat. The Gateway Determination required Council to consult with the Rural Fire Service prior to public consultation. A copy of the advice is APPENDIX 8: RFS CONSULTATION RESPONSE.

The RFS advise that development applications for any future development on bush fire prone land within the subject site as identified in the MCC Bush fire prone land map will be required to comply with Section 79BA of the EP&A Act or Section 100B of the Rural Fires Act depending up the nature of the proposed development and will be assessed against Planning for Bushfire Protection 2006.

Traffic, Access and Transport:

The reduced zone footprint and lesser lot yield is unlikely to generate traffic levels that will adversely impact on the road network. No traffic and transport assessment is warranted at this stage.

A couple of the public submissions raised the issue of construction traffic and potential damage to existing roads. This can be managed through development conditions at the subdivision stage.

Flooding and Drainage:

The subject site is affected by flooding from the Hunter River. The proposal seeks to rezone the proposed area to E4 Environmental Living. The E4 Environmental Living zone was recently amended to include the following objective;

- To encourage practical development outcomes by providing for low density residential development between areas of large lot residential and rural land where part of the land is affected by flooding.

The proponent will have to provide building envelopes above the 1% AEP level at the development assessment stage.

Noise and Vibration:

The subject site adjoins the Rutherford Aerodrome. It is under the flight path of the north-south grass runway. Airport operations have the potential to significantly impact surrounding land uses. Noise is a key consideration. This is particularly relevant to sensitive land uses like residential.

Noise associated with airports is commonly expressed as noise contours. Three contour based maps are used to illustrate and regulate noise impacts. These are;

1. Airport Noise Exposure Forecast (ANEF). ANEF contours are derived from forecasted noise levels over a defined period.
2. Airport Noise Exposure Contour (ANEC). ANEC contours are based on indicative data for aircraft operations and flight zones.
3. Airport Noise Exposure Index (ANEI). An ANEI maps actual historical aircraft noise levels over a given period of time.

ANEF measurements are most commonly used for planning policy and regulation purposes. All major airports have ANEF contour maps. Where an ANEF exists, current planning policy allows any development to occur outside the 25 ANEF contour and development subject to conditions (usually relating to noise mitigation) between the 20-25 ANEF contours. Development is generally prohibited below the 20 ANEF contour.

An ANEF chart has not been prepared for the Rutherford Aerodrome.

The noise monitoring undertaken for the development application to re-align the runway was used to create an ANEC map. However, an ANEC chart cannot be used to infer an ANEF contour. In the absence of an ANEF contour, the Australian Standard AS2021-2000 "Acoustics – Aircraft noise intrusion – Building site and construction" provides guidance for light, general aviation aerodromes without ANEF charts.

AS2021-2000 provides building site exposure noise levels in decibels (dBA) that are categorised as acceptable, conditionally acceptable and unacceptable. These levels are also dependent on the number of flights. The categories are 20 or fewer flights per day or more than 20 flights per day. The development application for the consolidation of the runways included a condition that restricts movements to a maximum of 20 flights per day/500 flights per year and that operation of the runway is in accordance with a Community Operation Undertaking. However, airport operations including flight numbers, is regulated by CASA and Council has no authority to enforce this. Therefore, it is appropriate to adopt the 20+ flights a day criteria to accommodate a higher use scenario. The following table lists the building site exposure levels for a house, home, unit, flat or caravan park.

Table 3: Extract from AS2021-2000. Building site acceptability based on aircraft noise levels.

Building site acceptability based on aircraft noise levels			
Building site	Acceptable	Conditionally acceptable	Unacceptable
House, home, unit, flat, caravan park	< 75 dBA	75 -85 dBA	> 85 dBA

Table 4: Extract from AS2021-2000. Indoor design sound levels for determination of aircraft noise reductions.

Indoor design sound levels			
Building type and activity	Sleeping areas, dedicated lounges	Other habitable spaces	Bathrooms, toilets and laundries
Indoor design sound levels dB(A)	50 dBA	55 dBA	60 dBA

Council requested the proponent undertake a noise assessment to determine the level of noise on the site. The report demonstrated that development on the land could achieve these indoor sound levels by the following;

1. No habitable dwellings are to be constructed within the flight path with the exception of the location of the proposed building envelope on proposed Lot 8.
2. Any windows within a lateral distance of 30m of, and directly exposed to, the flight path of the grass runway should be minimum 6.38mm laminated glass for bedrooms and 4mm float glass for other habitable rooms.

Despite the report demonstrating that it is possible to locate and insulate buildings to achieve the levels recommended in AS2021-2000, Council is not bound to accept the stated levels in the Australian Standard. In fact AS2021-2000 challenges the regulatory authority to consider the applicability of the standard in each case. The standard states "land use planning must by necessity use a long-term horizon and the building siting acceptable recommendations in the standard are based on the reaction of noise-accustomed communities. Regulatory authorities are cautioned that a transient, heightened reaction could result from substantial new noise exposure."

The National Airports Safeguarding Framework also urges caution when rezoning land that is subject to aircraft noise;

"There is a need to treat future development and existing development differently. Where there is no major existing or approved development, there is scope to plan ahead to take account of potential noise disturbance and in particular to minimise the zoning of noise exposed land for residential development."

Specifically, in relation to rezoning greenfield sites, the NASF states;

“Governments agree to ask Standards Australia to undertake a review of AS2021-2000, with the review to also consider (but not limited to) the application of the following approach to land use planning:

- i. There should be no new designations or zoning changes that would provide for noise sensitive developments within a 20 ANEF where that land was previously rural or for non-urban purposes. Zoning for noise-sensitive development should be avoided where ultimate capacity or long range noise modelling for the airport indicates either:
 - 20 or more daily events greater than 70 dB(A);
 - 50 or more daily events of greater than 65 dB(A); or
 - 100 events or more daily events of greater than 60 dB(A).”

Of the 8 measurements taken to inform the noise report, 4 exceeded 70dB(A). The current DA for the runway references a Community Operational Undertaking that limits the current operation of the runway to 20 movements per day and 500 a year. This is subject to change and does not consider the future expansion of the aerodrome.

The NASF also provides some direction for airports without an ANEF. The NASF states;

“An ANEF may not be available at all general aviation airports or airports with low frequencies of scheduled flights. Whether or not an ANEF is prepared for these airports, land use planning should take account of flight paths, the nature of activity on airports and/or ‘number above’ contours if available.

For planning purposes, a zone of influence around airports should be taken into account, depending on the amount of traffic at the airport. The following zones are approximations and should be used as guidelines only:

- Within 5 km of any other type of aerodrome for which an ANEF chart is unavailable.”

The alternative proposal (that includes the additional two, 7ha lots) is supported by a revised noise assessment. A copy of the noise assessment is at: APPENDIX 11: ADDITIONAL INFORMATION (POST EXHIBITION). The assessment confirms that each nominated building envelope is outside the area that would require noise attenuation to meet the requirements of AS2021-2000. The building envelopes will be formalised by an 88B instrument at the development application stage.

Obstacle Limitation Surface (OLS)

The OLS is a conceptual (imaginary) surface associated with a runway, which identifies the lower limits of the airspace above which objects become obstacles to aircraft operations. The OLS is mapped by each aerodrome in accordance with the Manual of Standards (MOS) Part 139 – Aerodromes and is subject to change. The latest OLS map is attached to this report.

The OLS consists of several parts. The ‘flight path’ and the ‘transitional surface’ are relevant to this application. The flight path is the usual travel path of the plane from the end of the runway. The MOS requires that the approach and take-off gradients are not greater than 5%. The flight

path has a 10% divergence. The transitional surface is the plane from the edge of the flight path to the inner horizontal surface.

The alternative proposal (that includes the additional two, 7ha lots) proposes residential building envelopes that are outside the flight path. Buildings will not penetrate the OLS. Any ancillary building such as rural farm sheds or the like will require development approval as they are not exempt or complying development on land zoned E4 Environmental Living.

Safety

There is currently no national policy for safety zones. However, Queensland has released a State Planning Policy (SPP1/02) that includes the following directions in relation to public safety areas;

“Although air travel is relatively very safe and the probability of an incident during any single operation is very low, the highest risk of an accident occurs during take-off or landing. This is when the aircraft is aligned with the extended runway centreline and relatively close to the end of the runway. An analysis of aircraft accidents reported to the International Civil Aviation Organisation (ICAO) since 1970 suggests most of these accidents occur within 1,000m before the runway on arrival or within 500m beyond the runway end on departure. Consideration should therefore be given to restricting development within this vicinity on the grounds of public safety.”

The public safety zones only apply to certain Queensland Airports. However, the Department of Transport and Infrastructure is now advocating the consideration of public safety zones for Australian airports. The primary objective of PSZs is to limit development in areas where accidents are most likely to occur.

The alternative proposal (that includes the additional two, 7ha lots) proposes building envelopes outside of the flight path. Therefore, no residential uses will be permitted in the area where accidents are most likely to occur.

The remainder of the two lots are within 500m of the end of the runway. However, as the uses anticipated in this area are not attached to a primary residence. Therefore, the risk to life and property is reduced.

Acid Sulphate Soils (ASS):

The Maitland LEP 2011 ASS maps indicate the potential of Class 5 ASS on the site. This low class ASS can be addressed at development application stage.

Contamination Assessment:

The proponent prepared a Phase 1 Environmental Site Assessment. That report indicated elevated levels of manganese throughout a large part of the site prompting a Phase 2 Environment Site Assessment. Council has assessed the Phase 2 - ESA and determined that an ecological risk assessment should be carried out for the submission of any subdivision application, to determine site specific ecological screening level and any remediation works necessary. It is considered that this report is best submitted at the subdivision stage, so as to correspond with other civil works on the land.

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

No social or economic impact assessment has been provided. It is unlikely that the proposal will have any significant social impacts. However, in the absence of a contribution framework that captures the additional costs to service large lot, low density development the additional costs of servicing the proposal will be borne by the community and other development.

Servicing of the subject lands will require the extension of utilities from the adjoining residential development. Telecommunications and electricity utilities will be provided in consultation with the providers.

Visual Assessment

RPS has prepared a European Heritage Due Diligence and Visual Assessment report for the site. The site is within close proximity to Anambah House and the existing 'Windella' estate. Anambah House is located adjacent to the subject lands approximately 800m from the edge of the urban extension area, 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. 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.

The report concludes that the subject site does not feature in any significant heritage views or viewing corridors associated with Anambah House and is beyond its visual and heritage setting.

Council is satisfied that the rezoning of the subject land will not adversely impact on the visual setting of the locality, specifically Anambah House.

Heritage and Archaeological Assessment

RPS has undertaken an Aboriginal Heritage Due Diligence report for the site. The report notes the area has potential for Aboriginal artefacts, however searches found that there were no previously identified Aboriginal areas on the site and the fieldwork did not locate any sites. The report contains several generic recommendations relating to actual works on the site. These recommendations will be applicable at the development application stage.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

Servicing of the subject lands would involve the extension of utility infrastructure from the adjoining residential developments south west of the site. Other utilities such as electricity and telecommunications 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.

A waste water and stormwater management strategy has been prepared for the site. However, this does not respond to the revised zone footprint. Therefore, this is best addressed at the development application stage when the subdivision layout is known.

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

The following public authorities have been consulted as part of the exhibition process;

Rural Fire Service

The RFS advises that development application for any future development will be required to comply with either Section 79BA of the Environmental Planning and Assessment Act or Section 100B of the Rural Fires Act 1997 depending upon the nature of the proposed development, and will be assessed against Planning for Bushfire Protection 2006.

A copy of the RFS submission is attached to this planning proposal.

NSW Department of Primary Industries – Agriculture

No response from DPI has been received.

Civil Aviation Safety Authority (CASA)

The CASA response states:

- The Maitland Aerodrome is a registered aerodrome.
- It needs to meet the standards application in the Manual of Standards Part 139 – Aerodromes (the MOS).
- Currently Maitland features non-instrument runways that are published as Code 1 (08/26 & 18/36) and Code 2 (05/23).
- Table 7.1-1 and 7.1-2 of the MOS requires the approach and take-off gradients for a Code 1 runway to be not greater than 5%.
- The gradient for the transitional surface is 20% from the edge of the graded portion of the runway to the height of the runway centerline at that location. These figures are consistent with those previously published in RPA. However, information published in the Aeronautical Information Publications En Route Supplement Australia refers to the current operation of the aerodrome and does not take into account any future expansion which may be planned for the aerodrome operator.
- The Department of Infrastructure and Transport has been working, through the National Airports Safeguarding Advisory Group (NASAG), to develop the National Airports Safeguarding Advisory Frame. The framework is comprised of several guidelines prepared for safeguarding current and future aviation operations at Australian airports. Draft Guidelines for managing safety of aircraft operations have been produced in relation to the aircraft noise, building generated windshear and turbulence, wildlife strikes, wind turbine farms, lighting distractions, public safety zones and intrusion into protected airspace.

- There are currently no national guidelines available with respect to public safety zones. Queensland applies State Planning Policy SPP1/02 in relation to the provision of public safety zones at the end of a runway.

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 was considered a low impact proposal as it is consistent with the MUSS 2010. It was exhibited for a fourteen (14) day period.

The original planning proposal was exhibited for a period of 14 days. Five submissions were received during that period. These are summarised and a response provided in the table below;

Issue	Council response
Runways were realigned to resolve a conflict with Windella Estate. The current alignment of the runway was chosen to provide a clear and safe take-off and approach path to this runway, away from the houses.	The proposed alternative plan excludes residential development from under the flight path and the area affected by noise.
Royal Newcastle Aero Club is concerned about any further residential development within close proximity of the aerodrome's operational areas. Research has shown that persons newly exposed to noise are more sensitive to noise than those who have been exposed to it for a long period. An increase in complaints about air craft noise can be anticipated.	It is expected that the number of noise affected properties will be significantly reduced by limiting the zone footprint to the proposed area and defining building envelopes to the area where attenuation is not required.
The RNAC Community Operational Undertaking (COU) has been successful in enabling the local community and the members of RNAC to coexist amicably. The effectiveness of the COU is compromised if residential development is permitted to encroach further on the aerodrome.	Noted. It is expected that the number of noise affected properties will be significantly reduced by limiting the zone footprint to the proposed area and defining building envelopes to the area where attenuation is not required.
The aerodrome has been operational since the 1940's, providing a valuable facility to the Maitland Community at no cost to either Maitland City Council or the residents of Maitland LGA. In addition, through its joint venture with Hunter Land, it has been freed up land for light industrial development which has	Noted. Council appreciates the value of the facility to the city and the region.

Issue	Council response
brought hundreds of jobs to the area and the benefit of the presence of a large international corporation, Joy Global.	
The proposal is inconsistent with the Rural Lands SEPP (2008).	The Anambah area is identified generally as an urban growth area in the Lower Hunter Regional Strategy. The lot is identified in the Maitland Urban Settlement Strategy as suitable for investigation for residential purposes. It is alongside an existing rural residential area and an approved urban release area. The s117 directions allow Council to rezone rural land where it meets the criteria in clause (5) of direction 1.2. <i>"(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i> <i>(e) justified by a strategy which:</i> <i>(i) gives consideration to the objectives of this direction,</i> <i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i> <i>(iii) is approved by the Director-General of the Department of Planning, or</i> <i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i> <i>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i> <i>(d) is of minor significance."</i>
The proposed E3 is not wide enough from the creek. Residential activities are inconsistent with the ecological function of the creek.	An E3 zone is no longer proposed. The area is proposed to be zoned to E4 Environmental Living with the remainder of the site to remain as RU2 Rural Landscape. Any structures on the

Issue	Council response
	site will require Council approval. Council will consider how the development will affect the riparian area in that application. Routine residential activities such as mowing are not subject to Council approval.
The additional traffic will add to the traffic that already has to negotiate the notoriously difficult intersection at River Road and New England Highway.	The small number of lots is not expected to generate significant traffic. This will be considered further at DA stage.
Access is restricted through the Estate.	This is not proposed to change. The small number of lots is not expected to generate significant traffic.
Construction activities will continue to occur in the estate.	Construction activities will be managed in accordance with conditions placed on the development application.
Soil rated as "extreme". Heavy vehicles traffic will destroy roads.	Any development will need to be constructed to address any geotechnical issues on the site. Any damage caused by the developer during the construction of the development will need to be rectified by the developer.
The submitter's property used to be under the flight path. The planes would fly extremely low over his house (i.e. within 30m). He was uncomfortable with the proximity of the planes. The noise scared the residents and pets.	The proposed reduced rezoning footprint excludes development under the flight path.
Very restrictive covenants were placed on the development of Windella Rise. There is no mention of a similar requirement in this proposal.	Design covenants are placed on titles by the developer, not Council.
The proposal states "A natural drainage line runs through the subject lot and discharges into a constructed lagoon – farm dam." There is no constructed lagoon or farm dam. It drains into a natural lagoon which can be clearly seen from the road. From there it	There is at least a 2.0m fall from Anambah Road to the adjoining property. Anambah Road retains the farm dam and artificially maintains the water level.

Issue	Council response
drains to the river.	
Increased runoff during rainfall events will lead to more erosion of the drain system. The cost of maintenance will be increased with this development and other proposed developments to the north. There will be greater contamination of the water.	The small number of rural residential lots is unlikely to result in any change of the drainage system. This will be considered further at the development application stage.
There is a lack of information and clarity about the management of wastewater and drainage.	Information on wastewater disposal will be considered at the development application stage when yield and configuration of lots are known. Typically the proponent must demonstrate that there is adequate area with the lot to achieve waste water disposal.
Additional planning proposals will be required to deal with the split-zone issue.	The amended proposal to zone the site E4 addresses this issue.
The proposal should be deferred until a more complete framework for the Anambah Urban Release area is understood.	The proposal will enable a small release of lots with no direct connection to the Anambah URA. There is no justification to defer the proposal on this basis.
Whilst we [submitter] recognise that links [to Windella and the Anambah Urban Release Area] are desirable in the future, it is premature to state such objectives in this isolated proposal, given that the planning framework for AURA is still under consideration.	It is completely appropriate to state an objective that envisages connectivity between surrounding residential areas.
The rezoning should not impinge on the known and likely growth in the locality by restricting the permissibility and constructability of critical public infrastructure.	The rezoning will not impinge on the known and likely growth in the locality by restricting the permissibility and constructability of critical public infrastructure.
Development consents for this land should be withheld until such time as an equitable contribution in line with local and regional contributions framework can be resolved as part of the orderly and economic	Contributions can only be levied in accordance with the plan that applies to the development at the time.

Issue	Council response
development of the locality.	

Further submission: Hardie Holdings (Proponent)

An amended zone foot print was presented to the proponent at a meeting on 12 September 2014. The proponent requested Council formalise its justification in written form. An email was sent to the proponent on 15 September 2014. In response to this, the proponent provided an additional response to the issues raised. A response to these is provided below;

Issue raised in submission by Hardie Holdings dated 26/09/2014	Council response
<i>"Up until 9 June 2009 the Hardie Holdings site did not have any flight paths over its land. DA07-2662 for the consolidation of the two existing grass runways into a single grassed runway proposing a flight path over the Hardie Holdings site was reported to Council on 25 November 2008.</i> <i>At the time the Hardie Holdings site was identified in the Lower Hunter Regional Strategy and identified in Maitland Council's Urban Settlement Strategy as suitable for urban expansion. Hardie Holdings had written a formal objection during the exhibition period for DA07-2662 expressing our concerns that the relocation of the runway could significantly impact the ability to develop our land."</i>	The Anambah area is generally identified in the Lower Hunter Regional Strategy. The site is not. In the MUSS 2008, the site is within the Anambah Preliminary Investigation Area (Future Rural Transition). The MUSS states that "...investigations will include the relationship to the Maitland Aerodrome, the provision of flood free access and the proximity to industrial lands. The rural transition classification recognizes the significant land use constraints and the dominant rural character of the Anambah area. Some limited development may be appropriate in the future and this may facilitate needed infrastructure services and act as an interface between existing and future urban environments." In 2008, Council's response to Hardie Holding's formal objection was as follows; "Lot 74, DP 622205 located to the immediate north of the aerodrome is also zoned for rural purposes, and although identified as a future urban investigation area under the Maitland Urban Settlement Strategy, is significantly more constrained due to the presence of wetland areas, low lying flood liable land and its proximity to the aerodrome. The approach and departure paths will be a limiting factor which will need to be taken into account by the

Issue raised in submission by Hardie Holdings dated 26/09/2014	Council response
	Council in considering future strategic planning options for Lot 74. The height of the approach path at the southern boundary of Lot 74 is approximately 10 metres above ground level. It should be noted that the acquisition of any land in advance of rezoning is speculative and identification of the land within the Maitland Urban Settlement Strategy as an urban investigation area does not constrain the Council from considering a development application with respect to the aerodrome consistent with the Maitland LEP 1993." It is considered that this response remains appropriate.
<i>"Sparke Helmore Lawyers on behalf of Hardie Holdings reviewed the implications of the flight path being redirected over the Hardie Holdings site, and outlined the significant impacts to the development of the Hardie Holdings land and the legal opinion that the application should be designated development. DA07-2662 was withdrawn from the Council meeting so Council could obtain legal advice.</i> <i>DA07-2662 was reported back to Council on 9 June 2009 with legal advice Council obtained to support the application not as designated development. One of the key considerations to support the application not being designated development was "the capacity of the receiving environment to accommodate changes in environmental impacts". That being, with respect to the Hardie Holdings site, the capacity to accept the replacement grass runway 18/36 without compromising its future development potential.</i> <i>The legal advice preliminary review stated, "it might be expected that the proposal would change the noise exposure for lots under or in close proximity to the new flight path and</i>	This legal advice was provided in relation to DA07-2662. The comments contained in the legal advice relating to a possible rezoning of Lot 74 were considered to be preliminary only and did not refer to any specific rezoning proposal. The advice also noted that significant issues would need to be considered in any rezoning, such as future operational needs of existing aerodromes.

Issue raised in submission by Hardie Holdings dated 26/09/2014	Council response
<i>constrain the development potential on Lot 74 DP622205 (Hardie Holdings) principally through the necessary imposition of a formal or informal Obstacle Limitation Surface (OLS) as a consequent of the proposed development."</i> <i>The legal advice also stated that "section 117 direction 3.5 requires council to have regard to existing aerodromes to ensure that new urban development does not unnecessarily prejudice the ongoing operations. This direction would need to be given significant weight in any rezoning consideration of Lot 74 DP622205".</i> <i>The legal advice stated with respect to designated development "there is a reasonable argument that the proposal could cause a significant environmental impact or significantly increase the environmental impacts as a result of the number of flight movements as described in clause 2(a)(i) Schedule 3 hence triggering the classification of the development as 'designated development'."</i> <i>The legal advice concluded, "it is considered that the receiving environment of Lot 74 (Hardie Holdings) has capacity to accept the replacement Runway 18/36 without compromising its future development potential when compared to the existing situation. In particular, the OLS and any additional noise will not have any significant effect on the realistic development potential of Lot 74 if that land is ultimately considered for rezoning."</i>	
<i>From the Council report it is apparent that Council were satisfied the proposed development footprint was suitable for large lot residential development. A reasonable person would have formed the view that if Council had concerns with respect to the appropriateness of the AS2021 – 2000 noise criteria for large lot development in this location, the height of the OLS in relation to</i>	The nature of planning investigations is that not all the relevant information is available before the decision to seek the Gateway Determination. This proposal demonstrates the importance of community and agency consultation as an information-finding activity.

Issue raised in submission by Hardie Holdings dated 26/09/2014	Council response
<i>potential dwellings, potential risks to safety, the ongoing protection of the existing aerodrome operations and the future growth of the aerodrome then Council would have raised these concerns with the applicant and not publicly exhibited the Planning Proposal supporting the development footprint for large lot residential zoning."</i>	
<i>"It is evident that following the public exhibition of the Planning Proposal, Council and the Royal Newcastle Aero Club have been liaising regarding the Hardie Holdings site. Hardie Holdings appreciate their needs to be discussions but on face value the statements from Royal Newcastle Aero Club newsletters per below are concerning.</i> <i>Royal Newcastle Aero Club October 2013 Newsletter extract, "We have held meeting with Maitland Council, regarding the airport and we are hopeful that they provide us high consideration when allowing development near the airport. One such development is to the north of the threshold of our grass runway 18/36, where there has been an application made to build houses which is within 90 metres from the runway. We have prepared a formal objection, so we hope the council considers the flight path noise as well as on ground noise contours."</i> <i>Royal Newcastle Aero Club May 2014 Newsletter extract, "There is a development proposed at the end of runway 18, which we are working with council to limit. The last thing we need is to have development strangling the airport.</i> <i>Royal Newcastle Aero Club September 2014 Newsletter extract, "With regards to the development at the end of RWY 18, we have had discussions with CASA and are working with council to limit the proposal."</i>	The Royal Newcastle Aero Club lodged a formal objection to the proposal and is a key stakeholder in this proposal to rezone land. Council has had several discussions with RNAC since the planning proposal has been exhibited. The purpose of these discussions has been to understand the operational requirements of the aerodrome and to respond to their objections. The RNAC has also assisted in the interpretation of technical information. Council has no input into the newsletters and were unaware of them until they were raised in Hardie Holdings September 2014 submission.

Issue raised in submission by Hardie Holdings dated 26/09/2014	Council response
<i>It is apparent that the Royal Newcastle Aero Clubs activities are influential in Council's current position regarding the development potential of the Hardie Holdings site."</i>	
<i>"No changes to current standards or legislation have occurred since the Council report supporting the development footprint for the Hardie Holdings site was publicly exhibited."</i>	What has occurred between the time the original planning proposal was drafted and exhibited is Council has gained a greater understanding of operational requirements of the aerodrome and the strong policy framework that exists for the protection of airports across Australia.
<i>"No changes to current standards or legislation has occurred since Council made the decision to impact the Hardie Holdings site by approving the re-aligned grass runway 18/36 flight path over the Hardie Holdings site under DA07-2662, which Council stated "in particular, the OLS and any additional noise will not have any significant effect on the realistic development potential of Lot 74 if that land is ultimately considered for rezoning."</i>	This quote is preceded by "It is considered that the receiving environment of Lot 74 has capacity to accept the replacement Runway 18/36 without compromising its future development potential when compare to the existing situation. In particular ..." The existing situation refers to the operation of the two runways (that were consolidated into a single runway) and the rural nature of the existing lot. The flight paths of both runways traversed the subject lot thereby imposing noise constraints across the site. The realignment and consolidation of the runways has relocated the noise to a consolidated area of the site. The OLS over the site does not preclude the use of the site.

Further submission: Hardie Holdings (Proponent)

Council re-exhibited the revised planning proposal from 12 November – 28 November 2014. The proponent, Hardie Holdings, submitted an alternative proposal during the exhibition period.

The alternative plan proposes two additional, 7ha lots with building envelopes nominated outside the area that would require noise attenuation to meet the standards of AS2021-2000 - Acoustics- Aircraft Noise Intrusion- Building Siting and Construction. The alternative proposal is

supported by a noise assessment. A copy of the noise assessment is at APPENDIX 11:
ADDITIONAL INFORMATION (POST EXHIBITION).

The alternative proposal has merit. The two additional lots will have a minimum lot size of 7ha. This will restrict the yield to two lots. The sale and use of the lots for residential purposes will reduce the expectation for future subdivision compared to if the area remained rural.

Most exempt and complying development does not apply to E4 Environmental Living zoned lots. Therefore, development such as ancillary buildings and rural sheds will require development approval.

A further amendment was required to allow the proposed, indicative subdivision. The Standard Instrument prohibits the subdivision of lots less than the minimum lot size. The minimum lot size on the residual, rural lot was 40Ha. The lot size maps have been amended to apply a 20Ha minimum lot size over this area.

APPENDIX 1: LOCALITY PLAN



Figure 1: Locality plan.

APPENDIX 2: CURRENT ZONING PLAN

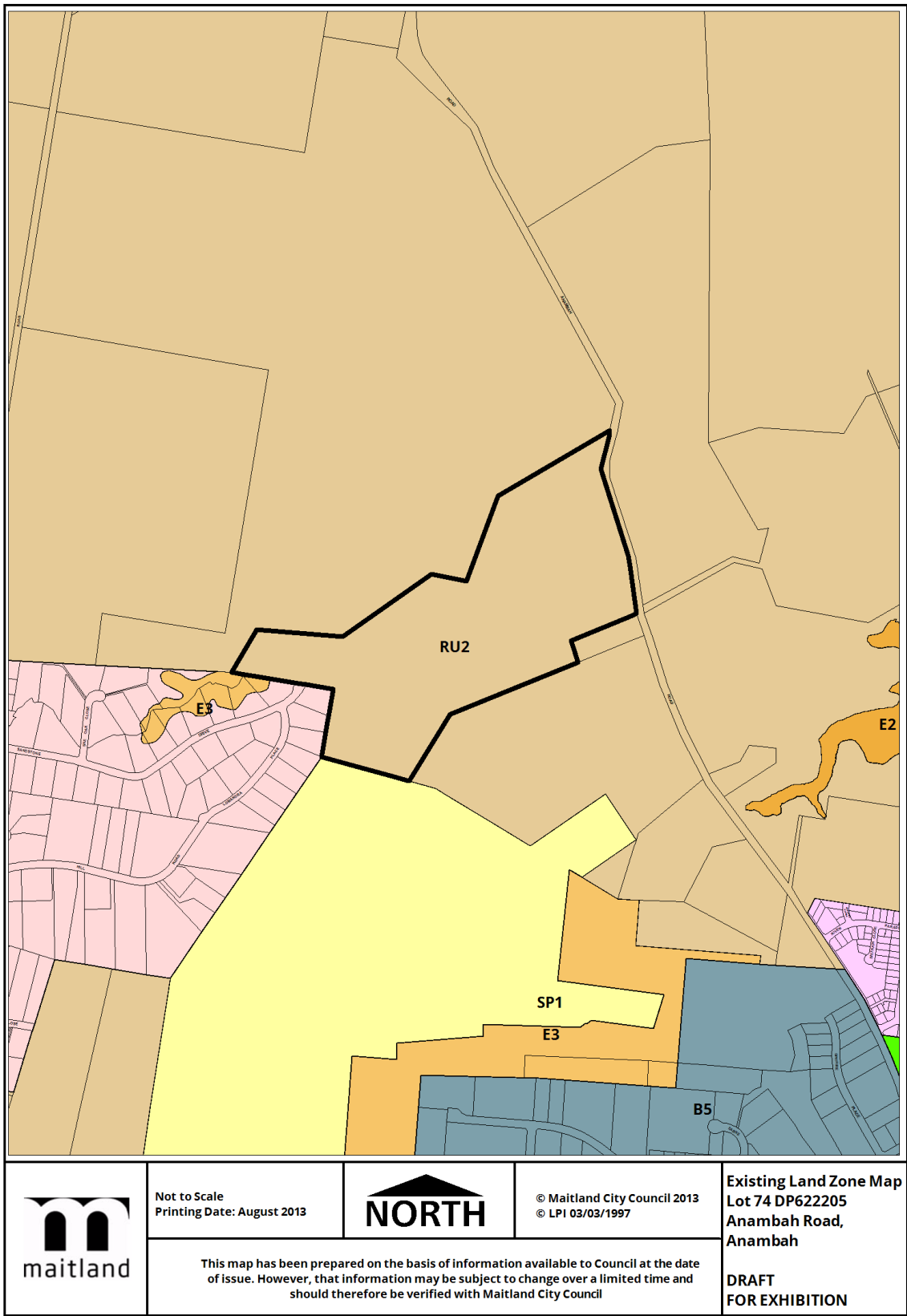


Figure 2: Current land use zone plan.

APPENDIX 3: RE-EXHIBITED LEP AMENDMENT MAPS (LZN/LSZ/URA)

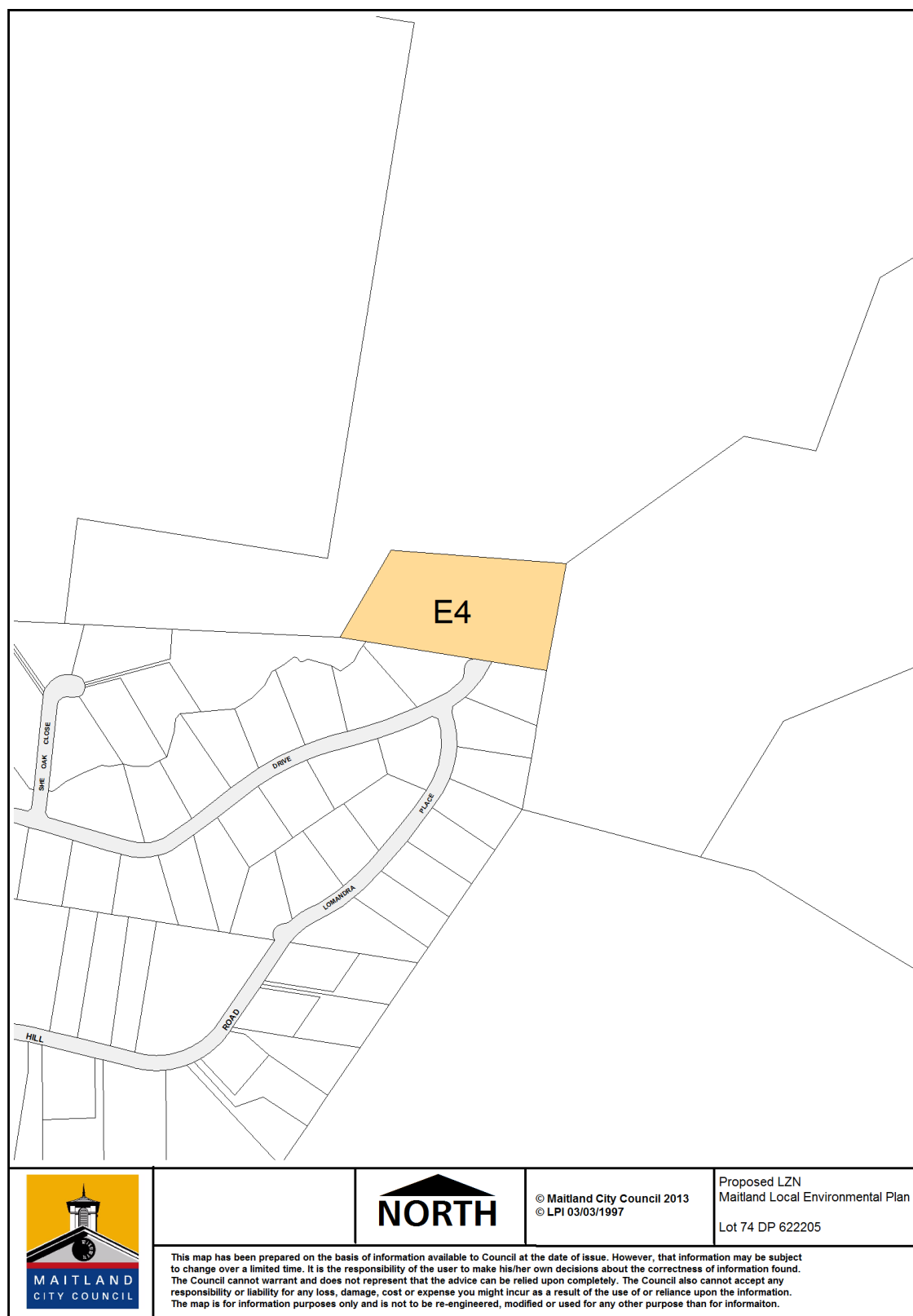


Figure 3: Re-exhibited land use zone.

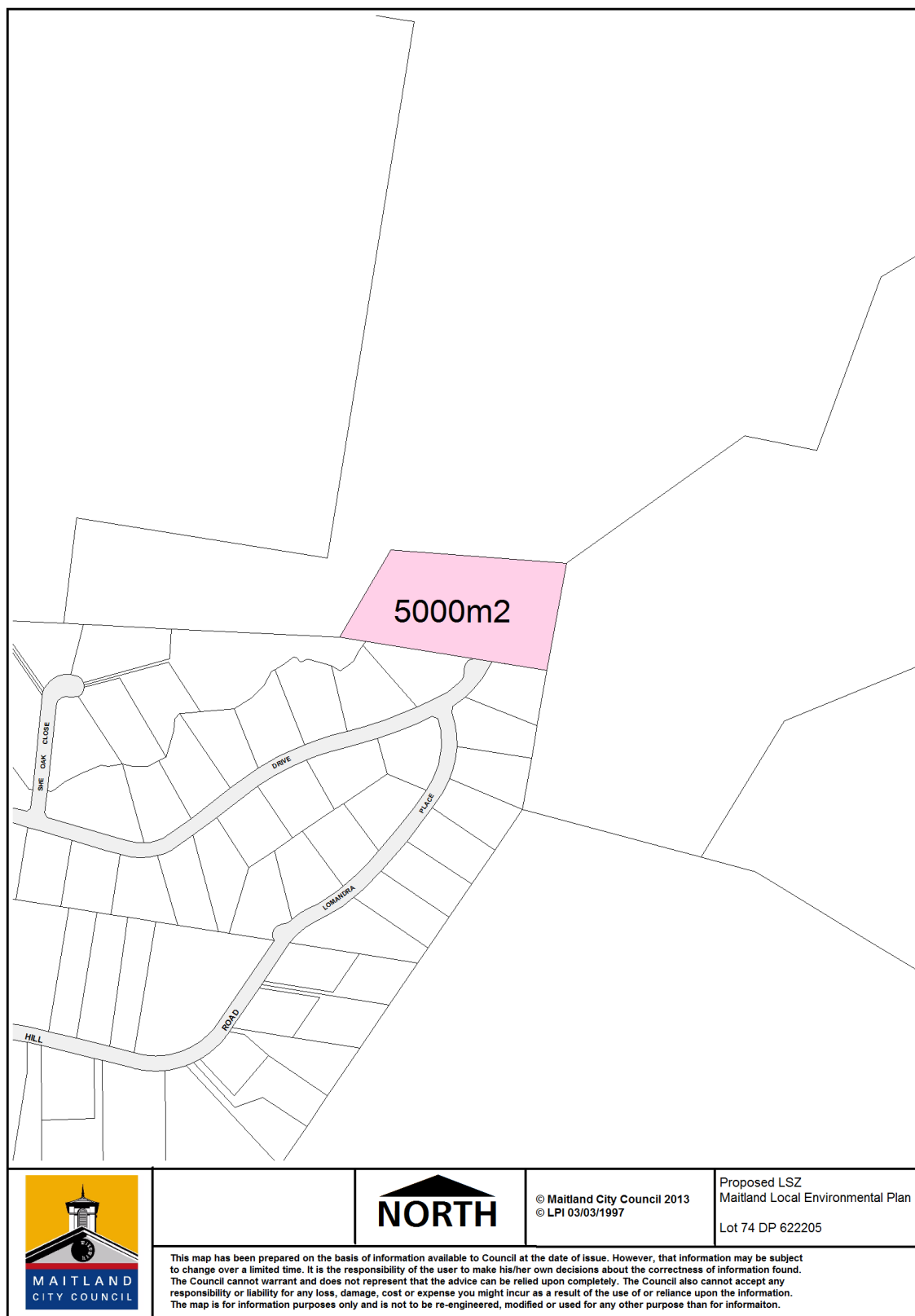


Figure 4: Re-exhibited lot size map.

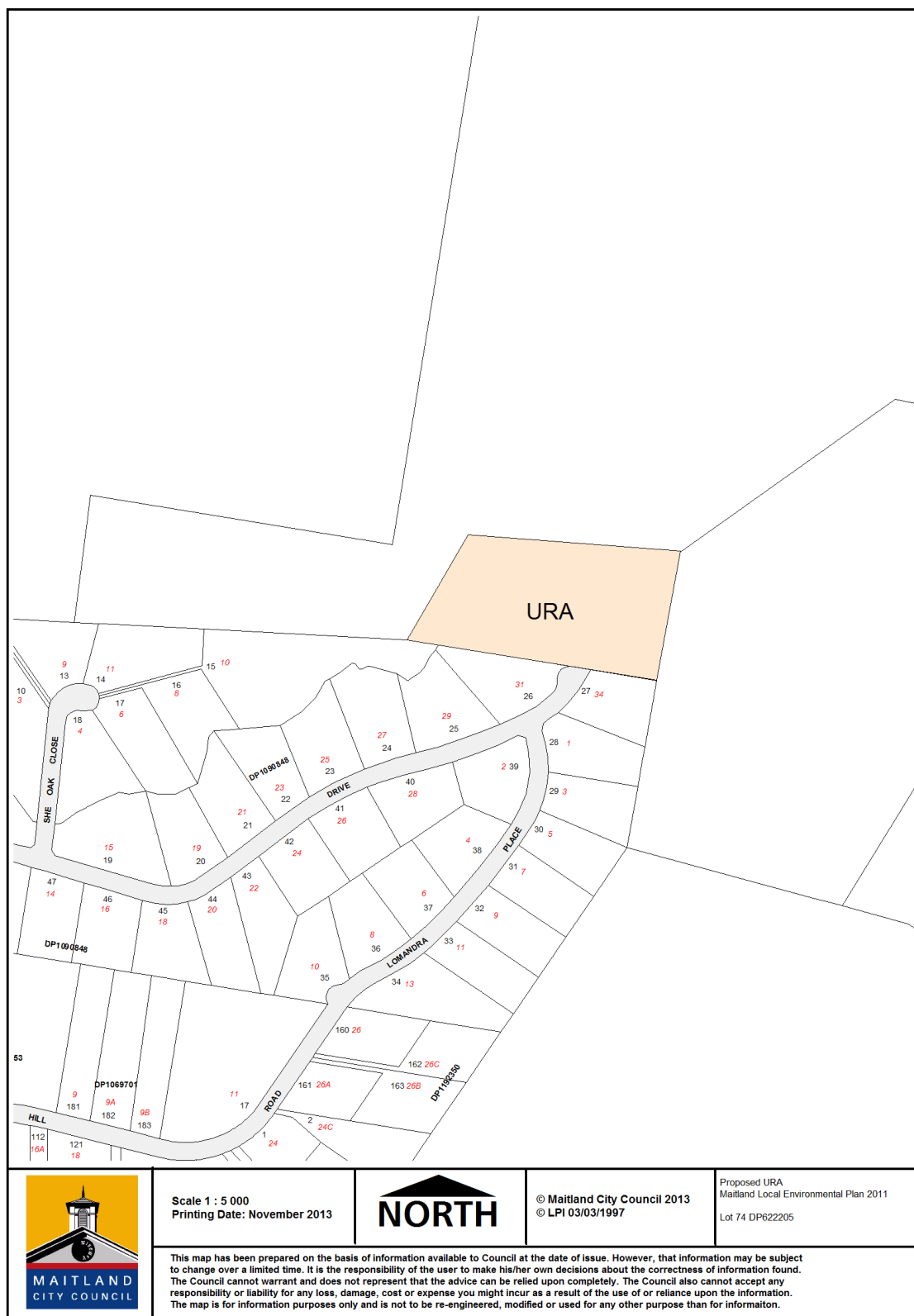


Figure 5: Re-exhibited urban release area map.

APPENDIX 4: PROPOSED LEP AMENDMENT MAPS (LZN/LSZ/URA)

APPENDIX 5: COUNCIL REPORT AND MINUTES

APPENDIX 6: MUSS 2012 EXTRACT

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

URBAN INFILL AND EXTENSION SITES				
Prop Number	Lot Number	DP Number	Locality	Suburb
35602	1	669283	Hunter Street	Maitland
32792	2	797411	Matthew Lane	Horseshoe Bend
32798	3	797411	Matthew Lane	Horseshoe Bend
32799	4	797411	Carrington Street	Horseshoe Bend
10517	74	622205	Anambah Road	Anambah
35710	157	1127393	Mill Street	East Maitland
10049	1	577474	Aberglasslyn Road	Aberglasslyn
46253	5	1137052	Dunmore Road	Largs
	1-9	37749	Sharkey's Lane & Glenarvon Road	Lorn

Figure 6: Extract from MUSS 2012. Urban infill and extension sites.

APPENDIX 7: GATEWAY DETERMINATION

APPENDIX 8: RFS CONSULTATION RESPONSE

APPENDIX 9: CASA RESPONSE

APPENDIX 10: PUBLIC SUBMISSIONS

APPENDIX 11: ADDITIONAL INFORMATION (POST EXHIBITION)

1. Submission – Hardie Holdings
2. Noise report