

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

Mount Dee- Additional Permitted Use

(Lot 1, DP 719330 Mount Dee Road, Maitland)

**Version 02
30/5/2011**



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Version

Version 2. – 30.05.2011 Pre Gateway Determination

INTRODUCTION

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

The purpose of the planning proposal is to amend the Draft Maitland LEP 2011 regarding to lands referred to as Lot 1 DP 719330 Mount Dee Road, Maitland, to allow for an additional permitted use on the site. The additional permitted use being a caravan park, to provide short term stay tourist accommodation supporting short term sites for caravans, camping sites, motor homes and moveable dwellings.

The site is identified as Mount Dee, referring to Lot 1 DP 719330 Mount Dee Road, Maitland. The site is located approximately 1 kilometre from the Maitland CBD and lies to the south west of the New England Highway, bound between Junction Street Telarah to the west and Wallis and Fishery Creek to the east. The southern part of the locality of Telarah is approximately 500 metres to the north with industrial lands and the Hunter Trade College located directly to the west of the site. The lands to the north and south of the subject site are predominantly supporting open pasture and grassland.

The subject site is zoned as RU1 Primary Production under the current provisions of the Draft Maitland LEP 2011. Caravan parks are not a permitted use with consent in this particular zone. Consequently, the most appropriate means to accommodate this particular use on the subject site is through an amendment to the Maitland LEP 2011, allowing an additional permitted use on the site being a caravan park for the purposes of short term stay tourist accommodation.

The site and its locality are depicted in **Appendix 1- Locality Plan**.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are:

1. Enable the use of the site for a caravan park for the purposes of short term stay tourist accommodation;
2. Mitigate the risk of flood to any potential development on site;
3. Conserve the rural landscape of the site and its surrounding locality;
4. Ensure any development would respond sensitively to the density and scale of existing adjoining settlements.

The planning proposal accommodates for the demand within the Maitland Local Government Area (LGA) for a caravan park which provides specifically for short term stay tourist accommodation. This amendment will support the strategic approach of Council to accommodate for this specific demand within the LGA on lands which are within close proximity to prominent travel routes, being the New England Highway, and to Central Maitland and the tourist conveniences it offers.

PART 2: EXPLANATION of PROVISIONS

In order to achieve the objectives of this planning proposal, a number of alternative options were considered through Council's assessment of the subject sites constraints and opportunities and the preparation of this planning proposal.

The options for consideration are detailed as follows:

Option 1: Amendment to Draft Maitland Local Environmental Plan (LEP) 2011- Change to *Schedule 1 Additional Permitted Uses*

The objectives would be achieved through an amendment to the Draft Maitland LEP 2011. The amendment would involve a change to the uses permitted on the lands. This involves a change to *Schedule 1 Additional Permitted Uses* of the Draft Maitland LEP 2011 as an additional clause would be required to allow the use of certain lands at Mount Dee Road, being Lot 1 DP 719330, for the purposes of a caravan park.

This option enables the remaining portion of the subject site, which is not to be utilised for the development of a caravan park, to be maintained as primary production lands zoned as RU1. The subject site is identified within Maitland's flood plain and subsequently it is zoned for RU1 Primary Production purposes under the Draft Maitland LEP 2011, consistent with all other areas of Maitland within the flood plain or flood planning area. This is consistent with Council's current policy position contained within the Maitland Rural Strategy 2005, regarding zoning within the flood plain.

This option maintains Council's current policy position regarding the zoning of the Maitland flood plain whilst enabling the use of the higher portion of the site for the purposes of a short term stay tourist caravan park.

Option 2: Amendment to Draft Maitland Local Environmental Plan (LEP) 2011- Rezoning of the entire subject site or part of the subject site for RU2 Rural Landscape

The alternative option is to rezone the lands or part of the lands to a zone where caravan parks are permissible. The RU2- Rural Landscape zone permits, with consent, caravan parks. However, while this enables the use of the site or part of the site for the purposes of a caravan park, it is not consistent with Council's current policy position regarding the zoning of lands within the flood plain. The Maitland Rural Strategy 2005 identifies historically that lands within the flood plain or flood planning area are necessary to be maintained as prime rural lands or primary production lands.

The review of the Maitland Rural Strategy 2005 is the process where Council will be in a position to reassess the use of the RU1 Primary Production zone on particular areas of the flood plain where the provisions and objectives may not be the most appropriate due to site specific constraints. However this assessment of agricultural lands within Maitland's flood plain and flood planning area will occur holistically across the entire local government area post the gazettal of the Draft Maitland LEP 2011.

The objectives of this planning proposal are to enable the use of the site for a caravan park as this will accommodate for the specific demand within the LGA for short term stay tourist accommodation on lands which are within close proximity to prominent travel routes, being the New England Highway, and to Central Maitland and the tourist conveniences it offers.

Subsequently, in order to do accommodate this demand and maintain Council's current policy position regarding the zoning of land within the flood plain and flood planning area it is considered this option is not the most appropriate planning outcome at the present time.

The objectives of this planning proposal are therefore intended to be achieved through Option 1, amending the Draft Maitland Local Environmental Plan (LEP) 2011. The amendment would involve a change to the uses permitted on the lands. This involves a change to *Schedule 1 Additional Permitted Uses* of the Maitland LEP 2011 as an additional clause would be required to allow the use of certain lands at Mount Dee Road, being Lot 1 DP 719330, for the purposes of a caravan park.

This is shown in the proposed amendment map in **Appendix 2- Proposed Amendment Map**.

Division 3- Caravan Parks and Camping Grounds of the *Local Government Regulations 2005* describes the provisions for which Council must consider prior to the approval of a caravan park, specifically on flood liable lands. Similar to a Development Control Plan or Staged Development Application, these particular provisions of the *Local Government Regulations 2005* will ensure that the following points are considered at the development assessment stage:

- Minimum size of the caravan park;
- Extent of community amenities as a proportion of the total caravan park;
- Size of dwelling and camps sites specifically for short term stay tourist accommodation;
- Site identification and the delineation of the caravan park boundaries;
- Road frontages for all dwelling sites;
- Setbacks of community buildings from the defined boundaries of the caravan park;
- Setbacks of dwellings sites and camp sites from road frontages;
- Separation distances between moveable dwellings, on short term stay tourist accommodation sites;
- Provision of entrance and exit roads and a forecourt;
- Appropriate implementation of road widths, speed limits, resident parking, visitor parking and visitor parking for people with disabilities;
- Appropriate number of showers and toilets to be provided in addition to facilities for people with disabilities and other facilities detailed in clause 109;
- Detailed construction requirements for shower and toilet blocks to accommodate the shower and toilet facilities within the caravan park;
- Appropriate proximity of dwelling sites and camp sites to shower blocks and toilet blocks;
- Provision of washing machines, laundry tubs, clothes dryers, drying areas, water supply and ironing facilities;
- Detailed construction requirements for the provision of laundry facilities detailed in clause 113 to 118 within laundry blocks and the ensured maintenance of these facilities;
- Appropriate regulation of the maximum number of persons per dwelling site or camp site at any one time;
- Registration of all occupiers on the caravan park premises;
- Appropriate information provided to prospective occupiers;
- Appropriate regulation of the use of the caravan park and camping grounds as directed by clause 124;
- Provision of a community map and the access to the sites approval and community map;
- Provision of garbage removal, fire hydrants, fire hose reels and car washing bays;
- Buildings are not permitted within the caravan park unless the approval is of the nature of that detailed in clause 131;

- Appropriate consideration of the guidelines for primitive camping grounds as detailed in clause 132.

The provisions contained within the Local Government Regulations 2005 and the inclusion of the subject site within *Schedule 1 Additional Permitted Uses* for the purposes of a caravan park will ensure the objectives of this planning proposal are achieved appropriately.

PART 3: JUSTIFICATION for PROPOSED LEP AMENDMENT

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?

This planning proposal is not the result of any strategic study or report. The Draft Maitland LEP 2011 does not provide for caravan parks as a permitted use with consent within the RU1 Primary Production Zone.

On assessment of the site constraints and with consideration of the demand within the Maitland Local Government Area for a caravan park which provides short term stay tourist accommodation within close proximity to Central Maitland and its tourist opportunities, Council considers that this specific site is appropriate for certain development being a caravan park.

A caravan park, as defined within the Draft Maitland LEP 2011, is not considered appropriate in all locations zoned for RU1 Primary Production in the Maitland LGA. Consequently, in order to achieve the objectives of this planning proposal, an additional permitted use is considered the appropriate strategic approach to enable the use of the site for a caravan park.

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 Draft Maitland LEP 2011 through the gateway determination process and preparation of this planning proposal is the most effective and timely method to achieve the objectives for this particular site and to accommodate for the growing demand for short term stay tourist accommodation in the Maitland LGA.

The provision for a caravan park on the subject site, specifically for the purposes of short term stay tourist accommodation, would facilitate the demand that currently exists within the Maitland LGA through a strategic consideration of the site and its opportunities and constraints.

3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of the LEP amendment outweigh the sum of all costs.

Caravan, cabin, campervan and camping enquiries through the Maitland Visitor Information Centre average one to two telephone enquiries and two to three personal enquiries per day.

In response to these enquiries visitors are provided two options, one being the Coach Stop Caravan Park which is primarily a long term permanent resident caravan park as a result of its proximity to Maitland and the conveniences provided here. The alternative provided to visitors is to travel to Cessnock where they can find a three star Tourist Caravan Park- BIG 4 Valley Vineyard Tourist Park.

The Maitland Visitor Information Centre has found that the majority of visitors making these enquiries opt to leave the Maitland LGA with the result being that the City loses out on the lucrative caravan and camping industry economic gains. These economic gains are recorded as being worth \$6.5 billion nationally per annum.

Within this particular market it is an expectation that a City the size of Maitland should provide a high quality caravan park for tourism related purposes. The lack of this type of facility limits the capacity to grow tourist visitation to the Maitland LGA. In addition, at present there is no capacity to be proactive and promote the City to the caravanning and camping fraternity as we do not have the facility that is of a standard comparable with that which is expected in today's environment of high quality tourist parks.

Enabling the use of the subject site for a caravan park for the purposes of short term stay tourist accommodation will contribute to the local economy of Maitland, given the high proportion of tourist visitors expressing their current dissatisfaction for the lack of affordable short term stay tourist accommodation in the area.

The following matters have been considered in an assessment of net community benefit provided by the proponent.

The public interest reasons for preparing the planning proposal include:

- The development of a caravan park on the subject site in close proximity to Central Maitland and the facilities it offers provides an economically viable option for the use of the subject site. The caravan park is proposed to offer short term stay tourist accommodation in the Maitland LGA which is not presently provided;
- The nature of the proposed LEP amendment is unlikely to impact the development of public transport, walking and cycling paths. Community recreational facilities are envisaged to be provided on site, including the provision of cycle ways and walking paths;
- The planning proposal considers that the proposed caravan park is likely to be accessed by motor vehicles. The subject site is located within close proximity to the New England Highway, providing a key access route to the site. The Hunter Expressway, when completed, is likely to be the dominant route utilised by visitors accessing the site;
- The planning proposal will accommodate the use of a caravan park on the subject site, increasing the economic performance of the Maitland LGA. Tourists who would ordinarily utilise a caravan park as identified in this proposal would have usually sourced alternative accommodation outside of the LGA. It is envisaged that the caravan park would attract a different proportion of the tourist market,

not yet catered for within the Maitland LGA, subsequently increasing economic activity within the LGA. The caravan park will complement existing accommodation in Maitland;

- There is likely to be minimal cost to the public sector as a result of this planning proposal. The caravan park is expected to provide community recreational facilities for the use of visitors. The potential portion of the tourism market that will be attracted to the caravan park will include short term stays by visiting individuals, travelling business individuals and those individuals travelling to Maitland and the wider Hunter Region for significant tourist events;
- The location of the proposed caravan park detailed within this planning proposal provides a number of advantages, including provision for short term stay tourist accommodation which is not presently provided for within the Maitland LGA. It is also within close proximity to key services, public infrastructure and tourist facilities and is generally isolated from extensive residential development and will therefore have minimal impact to the existing residential population within the locality. Council considers the location suitable and the development control guidelines as detailed within the Local Government Regulations 2005 will ensure the design outcomes for the site secure the appropriateness of the location.

The implications of not proceeding with the planning proposal include:

- The demand that currently exists and the growing demand for short term stay accommodation specifically for tourism related purposes would not be accommodated for.
- The desired future outcomes for tourism accommodation in the Maitland LGA would not be achieved;
- The potential for a higher order land use for the subject site would be lost, as the land is not supporting sustainable agricultural practices;
- Opportunities to improve the linkages between tourist related facilities within the Maitland LGA and wider Hunter Valley and tourist accommodation will be forgone and hence the necessary short term stay tourist accommodation that is not presently provided for would not be accommodated.

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 how the expected growth of the Region will be managed to provide for both economic development and the protection of environmental assets, cultural values and natural resources. The Lower Hunter Regional Strategy considers the outcomes of the region in terms of heritage and tourism growth. The strategy identifies the importance of the historic cultural landscapes of the Region and their contribution to the Lower Hunter's unique sense of place.

Subsequently, whilst the Lower Hunter Regional Strategy is predominantly an urban growth strategy, it recognises the importance of tourism and considers it a key outcome for the region that all places, precincts and landscapes of cultural heritage or tourism significance in the Region be identified and provided for through planning instruments. Therefore, the planning proposal is consistent with the objectives of the regional strategy.

State Tourism Plan

The NSW Tourism Strategy has a vision to establish a growing, vibrant tourism sector in NSW through increasing the State's domestic visitation through a collaborative approach between Government and Industry.

In addition, the strategy aims to encourage increased visitation to regional NSW through expanded promotion of regional NSW as a destination. This includes Government's providing for affordable short term stay tourist accommodation in those areas of regional NSW where visitation is expected to be expanded. The strategy recognises that the nature of tourism in NSW is highly complex given the diversity of destinations and experiences available and understands that appropriate provision for tourism related facilities in regional NSW is a key goal to achieving a vibrant tourism sector throughout the State.

Hunter Tourism Plan: Building Australia's Premier Tourism Region- A Vision for Tourism Development in the Hunter Region 2005-2008

The Hunter Tourism Plan was effective for the period 2005-2008; however it sets the long term direction of tourism in the Hunter Region and demonstrates how we can better create an area that promotes growth in the tourism sector of the Hunter.

The plan identifies the Hunter as a region with enormous tourism potential. It also considers it necessary that the plan support tourism development and accommodate for tourism facilities in key Hunter locations through planning at a strategic level.

Maitland sits within the Hunter Valley and is a central destination within short distance of the Hunter Valley vineyards and wine country, rural and heritage attractions of the upper Hunter and the coastal attractions of Newcastle and Port Stephens.

Maitland's historical significance, both indigenous and colonial provides an important tourism magnet for the Hunter Valley Region. Maitland Regional Area Gallery and Maitland Gaol are central places which emphasise Maitland's significance as a tourist attraction as part of the greater Hunter Valley region.

Consequently, Maitland is a 'must see' for tourists and short stay visitors to the Hunter Valley Region and hence needs to provide a choice of quality accommodation and dining options, an active nightlife, contemporary art and cultural scene and a unique rural heritage landscape and country charm. Facilitating this growth through provision of affordable and appropriate short stay tourist accommodation is a significant strategic objective of this planning proposal.

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

Maitland Community Strategic Plan 2021

The Community Strategic Plan, 'Maitland 2021' reflects our community's aspirations and goals for the future. Maitland 2021 is a ten year strategic plan committed to leading the development and implementation of a long term plan for the city.

The Plan details the priorities and expectations to address identified future issues and opportunities and the implementation of strategies to achieve these goals.

The Maitland 2021 is presented through five key themes:

- Proud place, great lifestyle;
- Our places and spaces;
- Our natural environment;
- A prosperous and vibrant centre;
- Connected and collaborative leaders.

Each of these key themes details and prioritises a number of desired outcomes for 2021. The themes also outline the steps necessary to take in order to reach our community's outcome. Those that can assist in meeting the goal are also highlighted, along with indicators that can be used to see if we are on track to these goals over the next ten years.

Some of the key outcomes of Maitland 2021 as they relate to this planning proposal are:

- *Our economy is growing and prosperous, offering a diverse range of equitable job opportunities across our City*
- *Maitland is seen as a desirable place to live, an easy place to work, a welcoming place to visit and a wise place to invest.*

With the adoption of the plan on 22 February 2011, Council has moved forward with its Delivery Plan based on the directions expressed in the Maitland 2021.

The Delivery Plan establishes clear links to the ten year community strategic plan, Maitland 2021. Council will also develop and associated Resourcing Strategy covering the assets, people, financial requirements and time require to deliver strategies.

The key strategies Council will be working towards in 2012/2013 in relation to the outcomes described within the Maitland 2021 plan are:

- *We will work in partnership to enhance and strengthen our events and tourism facilities*
- *To ensure that planning policy supports tourism activities and facilities across Maitland.*

Subsequently, Council will be undertaking a review of land use planning frameworks to identify opportunities for tourism and tourism related facilities. This planning proposal will achieve these outcomes through facilitating a strategic approach to the provision of short term stay tourist accommodation.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2008 Edition

The Maitland Urban Settlement Strategy (MUSS) is primarily focussed on residential and industrial lands. As such, the MUSS provides limited strategic direction in regards to tourism.

Maitland Hunter Valley Tourism Strategic Plan 2007-2009

Similar to the State Tourism Plan, Maitland's Tourism Strategic Plan is effective for the two (2) year period between 2007 and 2009; however it sets a long term framework for tourism in the Maitland Local Government Area and considers Maitland's tourism significance in the wider Hunter Valley region.

The Tourism Strategic Plan identifies that Maitland provides significant tourism attraction due to a number of events such as Hunter Valley Steamfest, Bitter and Twisted International Boutique Beer Festival and Aroma Festival. In addition regionally significant sites of attraction include the Maitland Regional Art Gallery and

specific to Maitland's historical importance, the Maitland Gaol. The combination of these key tourist attractions defines Maitland as a high profile tourism anchor within the Hunter Valley Region.

However, the plan identifies that Maitland lacks a clear identity within the tourism market and doesn't facilitate the growth of the tourism market with the appropriate accommodation facilities. Subsequently, the Plan's challenge is to capitalise on the inherent strengths of the tourism infrastructure provided and resourcing within the LGA so as to foster the development, sustainability and contribution of tourism for Maitland's local economy and social infrastructure.

The vision, specifically the key regionally significant tourism is to provide a vibrant and innovative tourism focus and ensure the long term future, development, viability and contribution of the tourism industry and experience within Maitland and the wider Hunter Valley is enhanced.

Activity Centres and Employment Clusters Strategy

The Activity Centres and Employment Clusters Strategy is a key strategy to guide the future growth and prosperity of Maitland's centres and employment lands for the next 20 years. It aims to create high quality places, strengthen existing activity centres and employment clusters and cater for the needs of the Maitland community.

The strategy highlights the future tourism opportunities for Maitland, especially within Central Maitland and Morpeth. The strategy seeks to provide a coherent tourist destination supported by high quality tourism facilities and services such as a variety of accommodation, attractions, activities, cultural and community events to entice more visitors to the historical, artistic and cultural heart of the Hunter.

Central Maitland Structure Plan

The Central Maitland Structure Plan (CMSP) sets out the vision and strategies to guide growth and development over the next 20 years in Central Maitland. The plan recognises that Maitland lies at the centre of the major growth corridor of the Hunter Valley.

The CMSP identifies the Maitland LGA as a must see for tourists and short term stay visitors travelling to the Hunter Valley Region, providing a choice of quality accommodation and dining options and a unique rural heritage landscape. The plan seeks to define the Central Maitland as an arts and cultural centre that would contribute to the vibrant community life, diverse economy and provide opportunities for cultural tourism within Maitland.

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, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility and 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 purpose 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 proposing an LEP amendment to enable the use of a caravan park permissible with consent on the lands zoned for RU1 Primary Production and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. The subject site comprises rural land that is identified in the Maitland Rural Strategy 2005 Agricultural Suitability map as supporting prime agricultural lands classes 1 and 2. However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site. Subsequently, retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands. Therefore the inconsistencies with the aims of the Rural Lands SEPP 2008 are 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 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. Resultantly, post Gateway Determination, a detailed contamination report is required to be submitted as part of the rezoning proposal in order to address this SEPP and identify the potential for contaminants on site. Council is satisfied that this contamination assessment can occur

		post Gateway Determination as any potential contamination on site will be mitigated through remediation prior to development, post the LEP amendment being completed.
SEPP No. 21 Caravan Parks	Ensures that where a caravan park or camping grounds are permitted under an environmental planning instrument, moveable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of moveable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.

Table One: Relevant State Environmental Planning Policies

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

There are a number of s.117 Ministerial Directions that the proposed development is inconsistent with and justification is provided for these. 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 the rural land.	It is proposed that the LEP amendment will enable the use of a caravan park on the subject site as an additional permitted use. This is justified as the site is not to be rezoned and hence will remain RU 1 Primary Production, allowing the remainder of the site that is not utilised for the purposes of a caravan park to retain its primary production opportunities. Therefore the planning proposal is consistent with the aims of this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic	The subject site comprises rural land that is identified in the Maitland Rural Strategy 2005 Agricultural Suitability map as supporting prime agricultural lands classes 1 and 2.

Ministerial Direction	Aim of the Direction	Consistency and Implications
	development of rural land for rural related purposes.	However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site. Subsequently, retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands. The planning proposal and subsequent LEP amendment will not result in the loss of sustainable and viable rural land and hence the inconsistency with the aims of the direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection	NA	
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	NA	
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction as they relate to the planning proposal are to provide opportunities for caravan parks and manufactured home estates.	The planning proposal is not inconsistent with the objectives of this direction.
3.3 Home Occupations	NA	
3.4 Integrating Land Use and Transport	NA	
HAZARD and RISK		

Ministerial Direction	Aim of the Direction	Consistency and Implications
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has probability of containing ASS	The subject site is identified as having Class 4 and 5 Acid Sulphate Soils. Class 4 being at least 2 metres below the surface and Class 5 being within 500mm of Class 4 soils. It is unlikely ASS will be disturbed on the site given the proposed land uses, however further detail regarding the extent of which the site may be disturbed will be requested post Gateway Determination in conjunction with a contamination assessment.
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 and Floodplain Development Manual	The subject site is affected by a 1 in 100 year flood event. It is considered that in a 1% AEP event, the site would have 2 % of its lands not inundated by floodwaters. WMA Water was commissioned by Council to prepare a Flood Hazard and Site Suitability Assessment. The assessment considered the provisions of the Floodplain Development Manual 2005 and identified that due to the high flood hazard over the majority of the site that the use of the site for permanent or long term residents or the storage of caravans is considered inappropriate. However it considered that in principle the use of the proposed site for tourist accommodation for short term stay is an appropriate flood compatible outcome for the lands. Subsequently, the planning proposal is to permit and additional permitted use on the site for the purposes of a caravan park. This additional use, being a caravan park, is for short term stay tourist accommodation and hence is a consistent flood compatible use for the site. Of further consideration is the consistency with this direction. The proposal considers the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 as demonstrated above. The planning proposal does not propose the rezoning of the lands as its purpose is to include an additional permitted use on the site, being a caravan park. In addition the planning proposal does not permit the development of this use within a flood way. Due to the nature of the proposal for the use of a site for specifically short term stay tourist

Ministerial Direction	Aim of the Direction	Consistency and Implications
		accommodation, the planning proposal does not permit development that will have a significant flood impact other properties nor does it place a significant increase on the development capabilities of the lands. As a result of the extent of development proposed within the planning proposal, the LEP amendment will not result in a significant increased requirement for government spending on flood mitigation measure, infrastructure or services nor does it permit development to be carried out without development consent. The planning proposal to enable an additional permitted use on the site does not impose flood related development controls above the residential flood planning level for residential development on land and as demonstrated above does not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005. Therefore the planning proposal is consistent with the objectives of this direction and should therefore proceed to gateway determination.
4.4 Planning for Bushfire Protection	NA	
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	NA	
LOCAL PLAN MAKING		
6.1 Approval and Referral	NA	
6.2 Reserving Land for Public Purpose	NA	
6.3 Site Specific Provisions	This direction aims to discourage unnecessarily restrictive site specific planning controls.	The planning proposal will contain a site specific provisions regarding to the enabling of a caravan park as a permitted use with consent on the site. It is noted that the objective of this provisions is to discourage unnecessarily restrictive site specific planning controls. It is considered that the site specific provisions contained within this planning proposal are of minor significance due to the additional flexibility that is provided to the use of the site through facilitating a additional permitted use on the site.
METROPOLITAN PLANNING		

Ministerial Direction	Aim of the Direction	Consistency and Implications
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 detailed Flora and Fauna study has been prepared to inform the planning proposal. The subject site is devoid of vegetation due to its previous agricultural land uses. Grasslands and open pastures dominant the site. A flora and fauna assessment, in addition to an assessment for the provision of landscaping, may be necessary to be completed post Council receiving a Gateway Determination.

DECCW (Department of Environment, Climate Change and Water) and Council consider that any vegetation on site is of high importance to the Maitland LGA and Council requires the recognition of the vegetation at a local scale for maintaining habitat and biodiversity. Resultantly, in accordance with DECCW and Maitland's Greening Plan 2002, any vegetation on site is to be retained and where possible, revegetation of the site should be encouraged, specifically the portion of the subject site which is not considered as the developable area for the caravan park.

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 mechanism the protection and management of the biophysical environment will be in accordance with state and local policies. These include the provision of bushfire management and native vegetation management.

Loss of Rural Lands:

The site has a history of agricultural use specifically intensive cattle grazing. At present the site does not support this form of intensive agricultural use and is utilising the site currently as storage and light grazing.

The Maitland Rural Strategy (MRS) 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 Mount Dee subject site as supporting prime agricultural classes 1 and 2.

However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and

recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site.

Subsequently, Council is satisfied that retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands.

Bushfire:

Council's bushfire prone mapping identifies that the site is not 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 site for the purposes of a caravan park.

Traffic, Access and Transport:

No traffic, access and transport assessment has been completed as part of the planning proposal. It is considered that any potential development of the land will likely result in an increase in traffic movements in the locality. Subsequently, Council considers that a Traffic, Access and Transport Assessment be prepared and submitted to Council by the proponent post a Gateway Determination for the planning proposal.

A preliminary assessment has identified that access is readily available to the site. A Traffic Assessment Report was prepared for the approval of the adjoining Hunter Valley Training Company (Hunter Trade College) site in 2006. This identified a number of traffic improvements as necessary for the educational establishment and recent inspection of the site notes that these works have been undertaken in order to ensure an improved traffic environment has been provided in the locality.

Council is satisfied that post Gateway Determination a traffic, access and transport assessment is necessary to determine the likely impacts on the existing road network and the likely increase in traffic to be generated from the development as a result of the LEP amendment process.

Noise and Vibration:

Due to the proximity of the site to the Hunter Valley Training Company (Hunter Trade College) site and the South Maitland Railway Corridor in addition to the New England Highway, there are significant issues surrounding the noise experienced by the site. Alternatively, due to the nature of the proposed use of the site there are additional noise issues which require consideration in terms of the noise generated by the development and its impact on existing residents.

Subsequently, an Acoustic Assessment is required for the site to establish the suitability of this type of development in this locality. No noise and vibration report has been prepared and submitted as part of the planning proposal. Therefore it is recommended that the applicant prepare an acoustic report identifying the noise impacts of the Hunter Trade College, South Maitland Railway Corridor and New England Highway on the proposed development and the likely impacts of the noise generated from the proposed development on existing residents and land owners. This will be necessary to identify any noise attenuation that may be required on site for any potential development.

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

Flooding and Drainage:

The subject site is affected by a 1 in 100 year flood event. It is considered that in a 1% AEP Event, the site would have 2 % of its lands not inundated by flood waters.

The aim of floodplain management is to reduce the impact of flooding and flood liability on existing occupiers and ensures that future uses of the flood plain do not experience an unacceptable level of risk.

WMA Water was commissioned by Council to prepare a Flood Hazard and Site Suitability Assessment for the planning proposal. This assessment identified that the majority of the site was affected by a high flood hazard as defined by the Floodplain Development Manual 2005. This was determined on the measured basis of the depth and velocity of potential flood events.

The assessment recognised that the identification of a high flood hazard over the majority of the site did not take into account a number of other factors which influence flood hazard such as:

- Size of flood
- Effective warning times
- Flood readiness
- Rate of rise in floodwaters
- Duration of flooding
- Evacuation issues
- Effective flood access and
- Type of development.

The assessment considered that when taking these factors into account that the use of the site for a caravan park for specifically permanent or long term residents or the storage and letting of caravans is considered an inappropriate flood compatible use as defined by the Floodplain Development Manual 2005. However, the assessment additionally recognised that in principle, the use of the proposed site for a caravan park for the purposes of short term stay tourist accommodation is an appropriate flood compatible use of the land as tourist would be entirely mobile and be readily able to evacuate hastily from the site.

Subsequently, as the proposal is for a short term stay tourist accommodation it is hence considered a consistent flood compatible use.

Council's consideration of the Floodplain Development Manual 2005 and the Flood Hazard and Site Suitability Assessment considers that the varying levels of hazard across the subject site will allow for opportunities to locate the differing components of the proposed land use on areas that are appropriate flood compatible areas as defined by the Floodplain Development Manual 2005.

The assessment provided and Council's consideration of the proposal additionally identifies that in order to further mitigate the risk of flood to the proposal, adequate flood warning and development of a sound evacuation plan is necessary to be considered during the development assessment process for the

proposal. In addition communication with and assistance from the State Emergency Services would be required.

Consistent with the Floodplain Development Manual 2005, facilities provided on site would need to be flood proofed to minimise risk to the proposal and must be constructed to prevent damages likely in events of up to 200 year ARI events plus 0.5 metres. This would be ensured through the development assessment process, when Council will be required to consider the guidelines of the Local Government Regulations 2005.

Council considers that the use of the site for a caravan park not an inappropriate flood compatible use for the site as the proposal considers the purpose of the caravan park to be for short term stay tourist accommodation. Mitigation measures will be enforced at the development assessment stage to ensure the risk of flood is ameliorated.

Acid Sulphate Soils (ASS):

Acid Sulphate Soil risk maps indicate the potential for ASS across the site with the identification of the subject site being affected by ASS Classes 4 and 5. 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 ASS Assessment to be undertaken to detail the potential risk and appropriate management.

Contamination Assessment:

A contamination assessment is required to be prepared prior to any development occurring on the site in order to ascertain whether there is potential for contamination on the site and whether remediation of the land is required prior to development for the purposes of a caravan park being permitted on the subject lands.

Council, however, is satisfied that the risk of any potential contamination on site does not preclude the LEP amendment for an additional permitted use on the site for the purposes of a caravan park subject to a detailed contamination assessment being submitted to Council prior to the development assessment process commencing.

Mine Subsidence:

The subject lands identified within the planning proposal does not lie within a Proclaimed Mine Subsidence District.

Heritage and Archaeological Significance:

An Archaeological Risk Assessment is deemed necessary to be undertaken on the site, including an Aboriginal cultural heritage and archaeological assessment of the site. Council is satisfied that following an assessment being completed prior to the finalisation of the LEP amendment process, any items or areas of significance identified on site can be managed and therefore should not be a deterrent to progressing with the planning proposal through the Gateway Determination process.

Visual Assessment:

The subject site forms part of the distant horizon viewed from part of the Gillieston Heights Urban Releaser Area; however this is mainly the western fringe of the subject site. The site is quite visually prominent from the New England Highway at Maitland and the lower less undulating region of the east flood plain.

As the proposed land use is for the purposes of a caravan park, the site requires prominent visibility from key travel and transport routes surrounding the locality. Hence the ease of surveillance in the area provides justification for the site's suitability for the proposed development.

Council is satisfied that the planning proposal for the subject site will not adversely impact on the visual setting of the locality but rather compliment the existing rural landscape and provide a visual identifier for the area. Issues of visual amenity and the impact of the development on adjoining land owners will be managed through the development assessment process post determination of the LEP amendment.

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

The planning proposal provides for the facilitation of a use on the subject site for the purposes of short term stay tourist accommodation within the Maitland LGA, providing additional opportunities for diversity in tourist accommodation choices within the locality.

At present, this type of accommodation is not provided for within the Maitland LGA and anecdotal evidence suggests that there is a significant growing demand for tourist accommodation such as that described within this planning proposal.

Caravan, cabin, campervan and camping enquiries through the Maitland Visitor Information Centre average around one to two telephone enquiries and two to three personal enquiries per day.

In response to these enquiries visitors are provided two options the Coach Stop Caravan Park which is primarily a long term permanent resident caravan park due to its proximity to Maitland and the tourist conveniences provided here. The alternative option to visitors is to travel to Cessnock where they can find a three star Tourist Caravan Park- BIG 4 Valley Vineyard Tourist Park.

The Maitland Visitor Information Centre has found that the majority of visitors making these enquiries opt to leave the Maitland LGA with the result being that the City loses out on the lucrative caravan and camping industry economic gains. These economic gains are recorded as being worth \$6.5 billion nationally per annum.

Within the market it is an expectation that a City the size of Maitland should provide a high quality caravan park for tourism related purposes. The lack of this type of facility limits the capacity to grow tourist visitation to the Maitland LGA. In addition, at present there is no capacity to be proactive and promote the City to the caravanning and camping fraternity as we do not have the facility that is of a standard comparable with that which is expected in today's environment of high quality tourist parks.

Enabling the use of the subject site for a caravan park for the purposes of short term stay tourist accommodation will contribute to the local economy of Maitland, given the high proportion of tourist visitors expressing their current dissatisfaction for the lack of affordable short term stay tourist accommodation in the area.

Section D – STATE and COMMONWEALTH INTERESTS

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

Servicing of the subject lands requires augmentation of existing public infrastructure to service the proposed expanded development of the site.

The site adjoins the Hunter Trade College and the suburb of Telarah to the north. Subsequently reticulated water and sewer is provided with capacity to service the subject lands. It is considered by the proponent however that given the proposed use of the site and the site size, an onsite servicing system may represent the most appropriate option for the locality.

Consultation with relevant government agencies and public authorities is necessary to identify the capabilities of augmenting those services which are currently not extended to the subject site, including wastewater, water and electricity. Council is satisfied that this will occur. Resultantly at development assessment stage, servicing strategies may be necessary to complete so as to ascertain the timely and cost-effective provision of those services to the site prior to construction.

Therefore there is justification for the progression of this planning proposal through the Gateway Determination process.

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

No advice has been sought from government agencies and public authorities who may be impacted by the planning proposal and resultant LEP amendment with regard to the subject site at Mount Dee Road. It is anticipated that post a gateway determination, Council will complete consultation with relevant public authorities.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57 (2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. The planning proposal does not meet the criteria and definition of being a low impact planning proposal, given that the proposal is to enable the use of the lands for a caravan park in an area predominantly surrounded by rural landscape and agricultural pursuits. Therefore, it is intended for this proposal to be exhibited for a period of twenty-eight (28) days.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning will be to inform and receive 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 Council's Central Maitland and Rutherford Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and

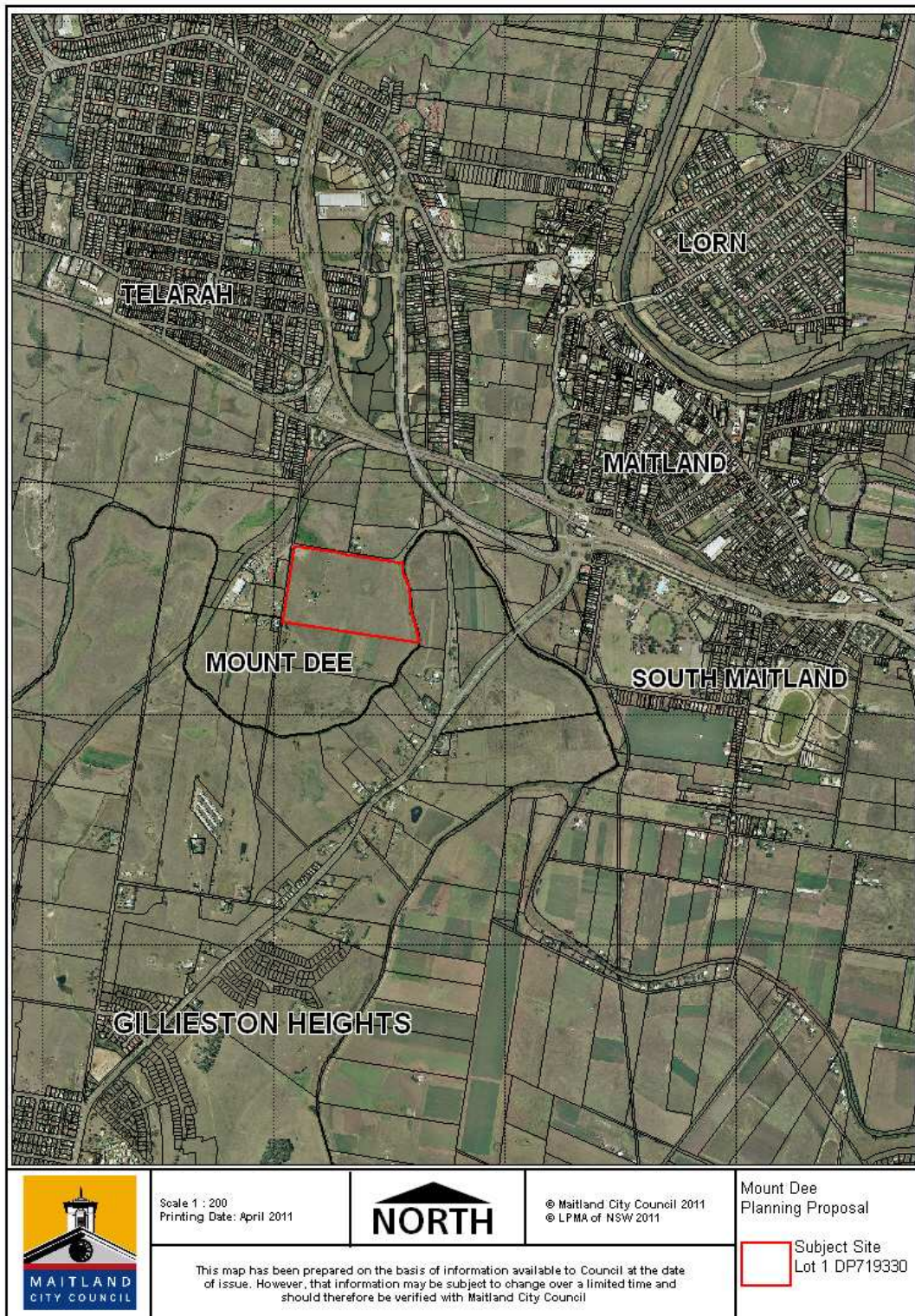
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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 proceed to finalisation of the amendment.

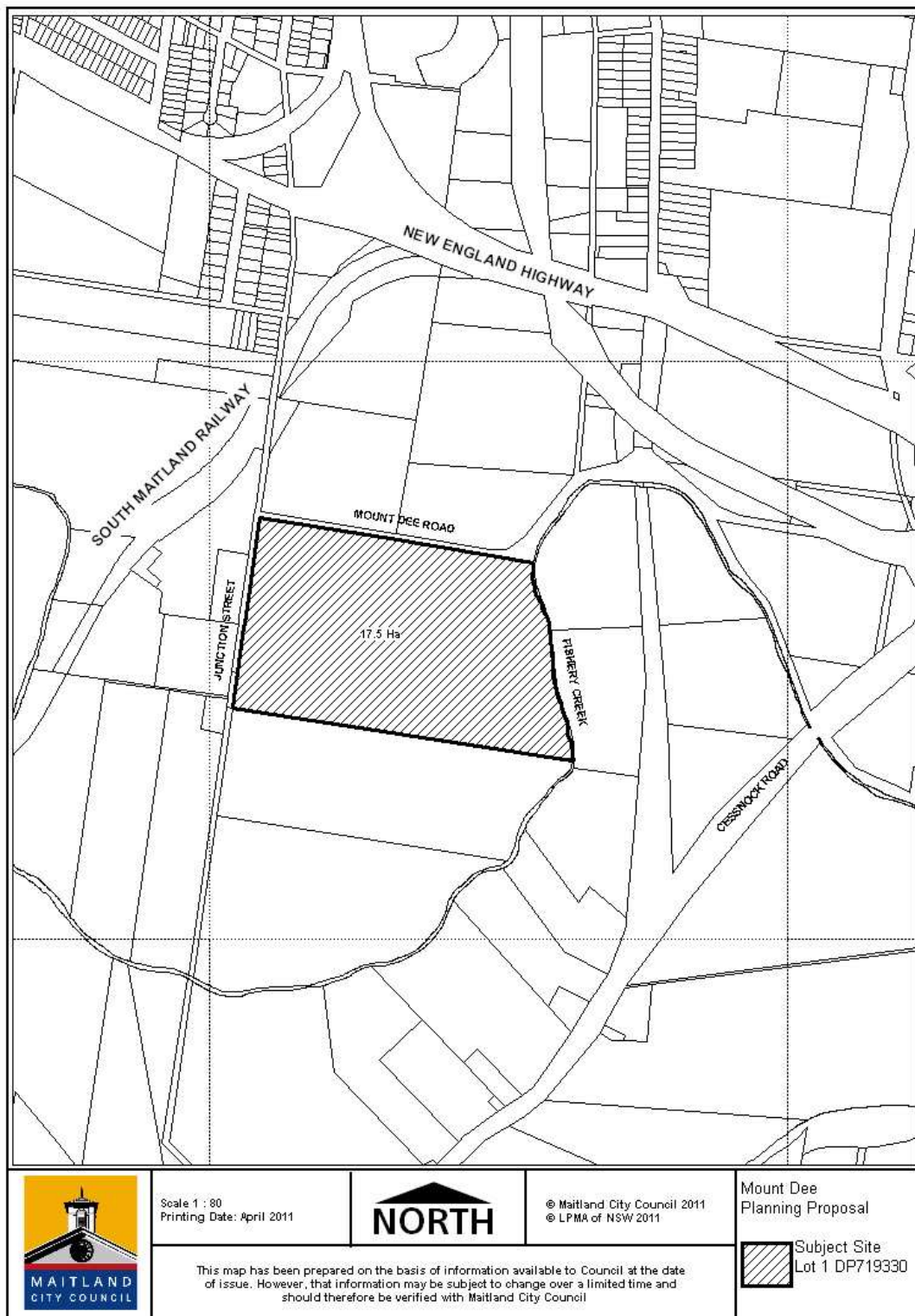
The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE

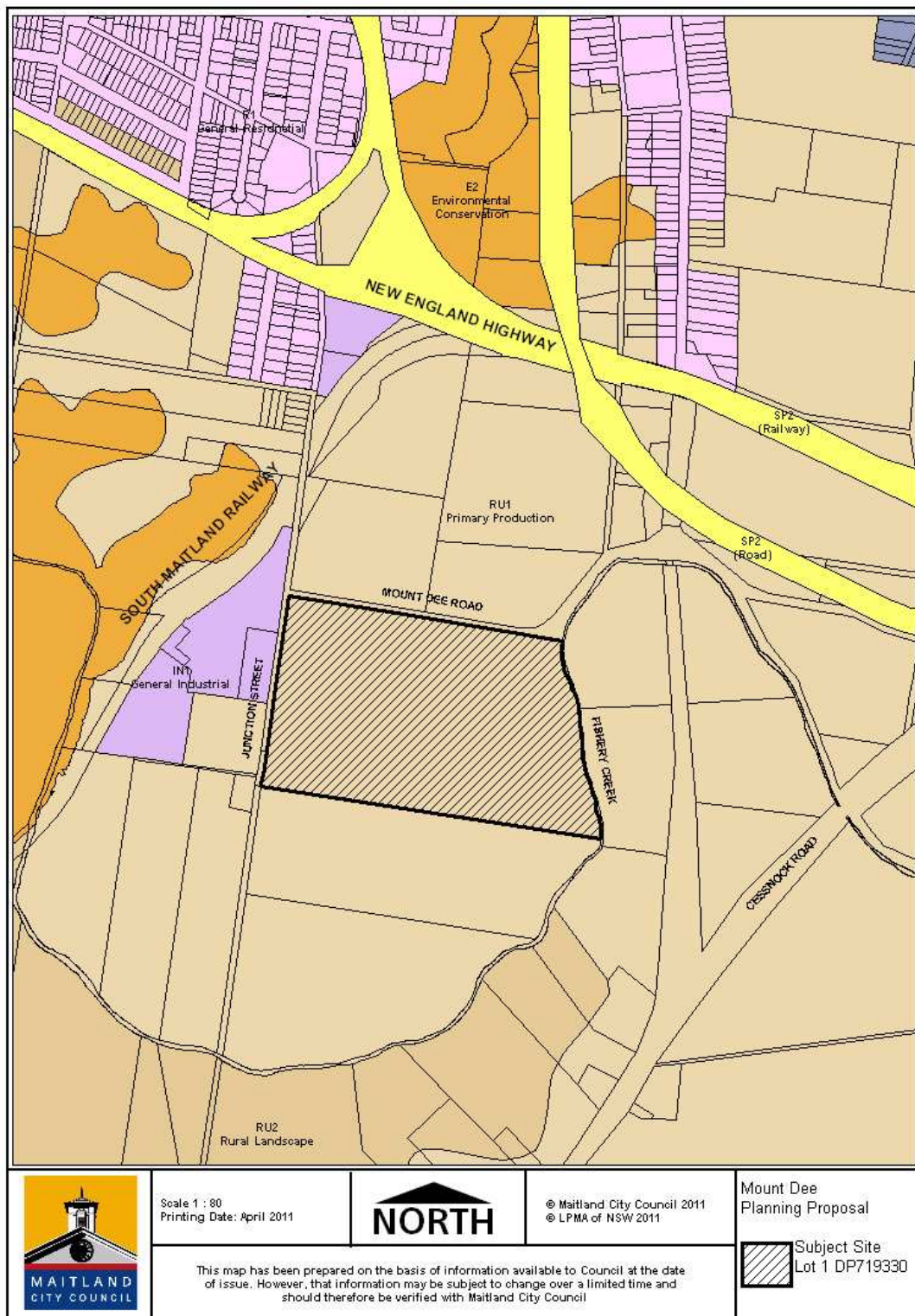
Location Map



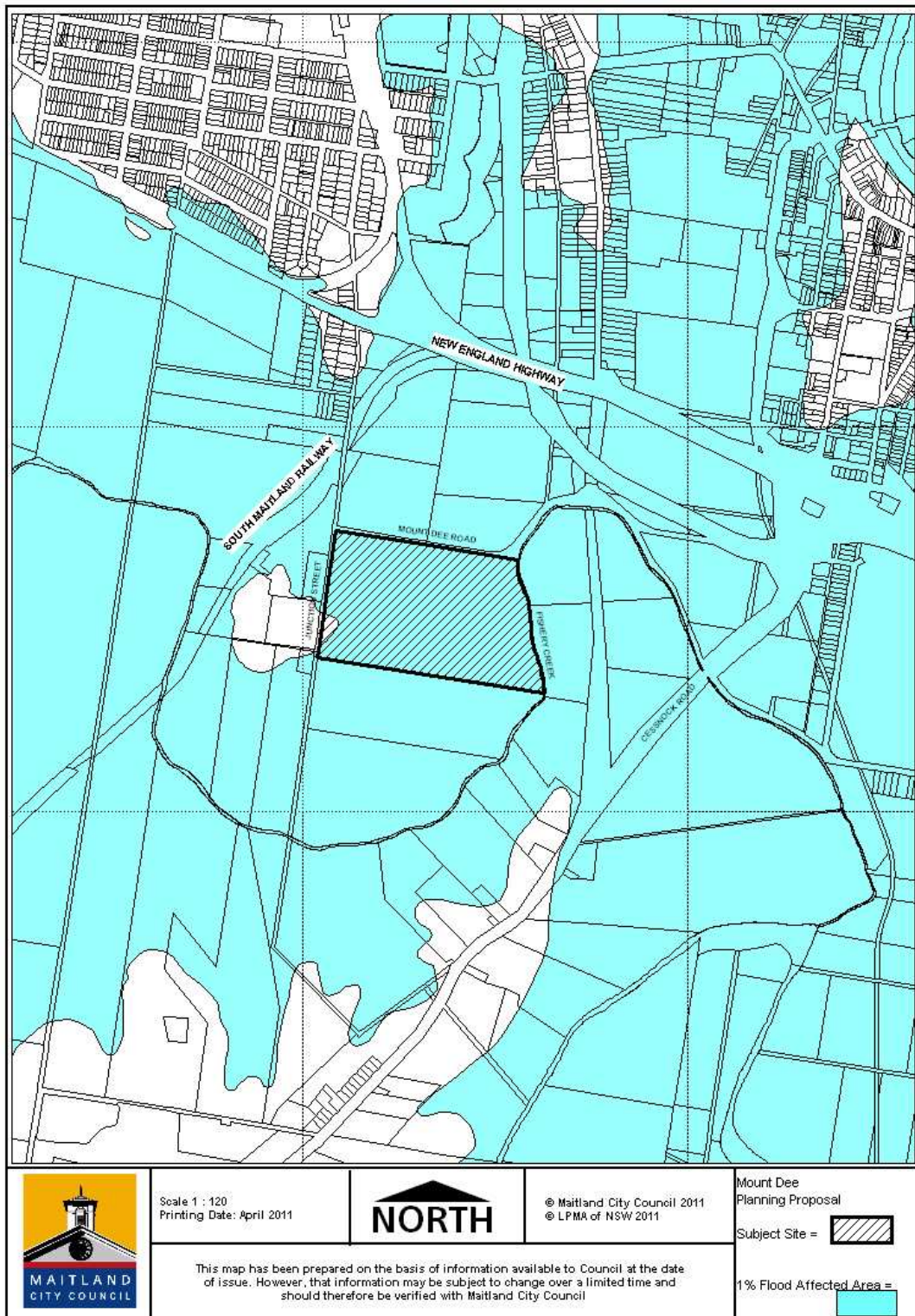
Map 1: Locality Map- Aerial Photograph



Map 2: Locality Map- Area of Subject Site



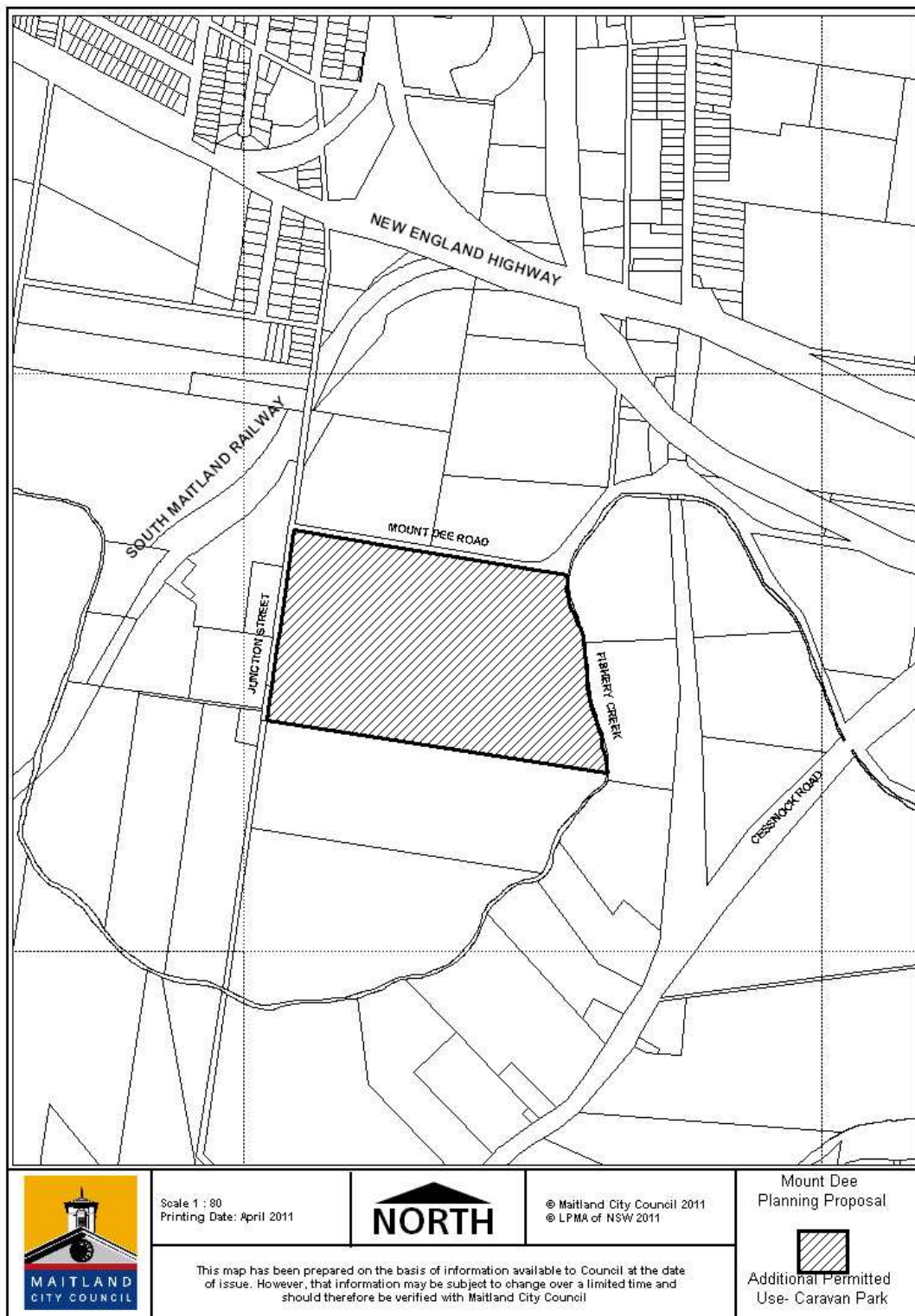
Map 3: Locality Map- Zoning



Map 4: Locality Map- Flood Mapping

Appendix TWO

Proposed Amendment Map



Map 4: Proposed Amendment Map- Additional Permitted Use (Caravan Park)

Appendix THREE
Council Report and Resolution
27 April 2011

**10.5 AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN
2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD**

File No: RZ10/011

Attachments: 1. Attachment 1-Planning Proposal RZ10/011
Mount Dee Road (Lot 1 DP719330)

Responsible Officer: Bernie Mortomore - Group Manager Service Planning
& Regulation
Monica Gibson - Manager City Strategy

Author: Claire Tew - Strategic Town Planner

EXECUTIVE SUMMARY

A planning proposal has been prepared for the subject site known as Lot 1 DP 719330 Mount Dee Road.

Council received a proposal for a Local Environmental Plan (LEP) amendment to accommodate the use of a caravan park on the subject site on the 9 April 2010. An assessment of the proposal has been completed and a planning proposal prepared. The attached planning proposal explains the intended effect of the proposed amendment to Draft Maitland Local Environmental Plan 2011 with regard to land known as Mount Dee.

The purpose of the planning proposal is to amend the Draft Maitland LEP 2011 regarding the subject site referred to as Lot 1 DP 719330 Mount Dee Road, Maitland to allow for an additional permitted use on the site. The additional permitted use being a caravan park, to provide short term stay tourist accommodation supporting short term stay caravans, camping grounds, motor homes and moveable dwellings.

The subject site is currently zoned RU1 Primary Production under the provisions of the Draft Maitland LEP 2011. Caravan parks are not a permitted use with consent in this particular zone. It is not appropriate to accommodate the use as a permitted use with consent in the zone as the use is not considered suitable for all locations within the Maitland LGA zoned for rural purposes.

Consequently, the most appropriate means to accommodate this particular use on the subject site is through an amendment to the Draft Maitland LEP 2011, enabling an additional permitted use on the site being a caravan park for the purposes of short term stay tourist accommodation.

OFFICER'S RECOMMENDATION**THAT**

- 1. The draft Local Environmental Plan (DLEP) for Lot 1 DP 719330 Mount Dee Road, Maitland be endorsed as an amendment to include caravan parks as an additional permitted use on the site.**
 - 2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the NSW Department of Planning.**
-

3. If the planning proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received during the process.

Clr Penfold left the chambers at 6.43pm as he declared a pecuniary interest in Item 10.5, as his spouse's family own property adjacent to the subject property.

COUNCIL RESOLUTION

THAT

1. The draft Local Environmental Plan (DLEP) for Lot 1 DP 719330 Mount Dee Road, Maitland be endorsed as an amendment to include caravan parks as an additional permitted use on the site.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the NSW Department of Planning.
3. If the planning proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received during the process.

Moved Clr Fairweather, Seconded Clr Procter

CARRIED

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

The division resulted in 11 for and 0 against, as follows:

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

Clr Penfold returned to the chambers at 6.48pm

**10.5 AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN
2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD**

File No: RZ10/011

Attachments: 1. Attachment 1-Planning Proposal RZ10/011
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& Regulation
Monica Gibson - Manager City Strategy

Author: Claire Tew - Strategic Town Planner

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Council received a proposal for a Local Environmental Plan (LEP) amendment to accommodate the use of a caravan park on the subject site on the 9 April 2010. An assessment of the proposal has been completed and a planning proposal prepared. The attached planning proposal explains the intended effect of the proposed amendment to Draft Maitland Local Environmental Plan 2011 with regard to land known as Mount Dee.

The purpose of the planning proposal is to amend the Draft Maitland LEP 2011 regarding the subject site referred to as Lot 1 DP 719330 Mount Dee Road, Maitland to allow for an additional permitted use on the site. The additional permitted use being a caravan park, to provide short term stay tourist accommodation supporting short term stay caravans, camping grounds, motor homes and moveable dwellings.

The subject site is currently zoned RU1 Primary Production under the provisions of the Draft Maitland LEP 2011. Caravan parks are not a permitted use with consent in this particular zone. It is not appropriate to accommodate the use as a permitted use with consent in the zone as the use is not considered suitable for all locations within the Maitland LGA zoned for rural purposes.

Consequently, the most appropriate means to accommodate this particular use on the subject site is through an amendment to the Draft Maitland LEP 2011, enabling an additional permitted use on the site being a caravan park for the purposes of short term stay tourist accommodation.

OFFICER'S RECOMMENDATION**THAT**

- 1. The draft Local Environmental Plan (DLEP) for Lot 1 DP 719330 Mount Dee Road, Maitland be endorsed as an amendment to include caravan parks as an additional permitted use on the site.**
 - 2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the NSW Department of Planning.**
-

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE
MOUNT DEE ROAD (Cont.)

- 3. If the planning proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.**
- 4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received during the process.**

REPORT

The purpose of this report is to:

1. Provide a background to the planning proposal process undertaken prior to this point for the subject site known as Lot 1 DP 719330 Mount Dee Road, Maitland;
2. Provide information to enable the Council to determine whether an amendment should be made for the inclusion of an additional permitted use on the subject site for the purposes of a caravan park;
3. Provide a summary of the planning proposal for the subject site for submission to the NSW Department of Planning.

Background

Caravan, cabin, campervan and camping enquiries through the Maitland Visitor Information Centre average one to two telephone enquiries and two to three personal enquiries per day. In response to these enquiries visitors are provided only two options, the Coach Stop Caravan Park- a primarily long term stay or permanent resident caravan park, or alternatively they are provided the option to travel to Cessnock where they can locate a tourist caravan park for predominantly short term stay tourist accommodation.

The Maitland Visitor Information Centre has found that the majority of visitors opt for the short term stay tourist accommodating which is outside the vicinity of the Maitland LGA. The result being that Maitland loses out on the lucrative caravan and camping industry economic gains which are currently recorded as being worth \$6.5 billion nationally per annum.

Within this particular market there is an expectation that a City the size of Maitland should provide for a high quality caravan park for tourism related purposes. The lack of this type of facility limits the capacity to grow tourist visitation to the Maitland LGA. In addition at present there is no capacity to be proactive and promote the City to the caravanning and camping fraternity as we do not have the facility that is of a standard comparable with that which is expected in today's environment of high quality tourist parks.

Enabling the use of a site for a caravan park for the purposes of short term stay tourist accommodation will accommodate this portion of the tourism market which is not currently provided for within the Maitland LGA.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

A planning proposal has been prepared to amend the Draft Maitland LEP 2011 for the purposes of including an additional permitted use to enable the use of the subject lands for the purposes of a caravan park.

The subject site refers to lands known as Lot 1 DP 719330 Mount Dee Road, Maitland, as shown in Attachment 1- Planning Proposal. The site is approximately 17.5 hectares and located approximately 1 kilometre from the Maitland CBD. The site lies to the south west of the New England Highway, bound between Junction Street to the west and Fishery Creek to the east.

The southern part of the locality of Telarah is approximately 500 metres to the north with industrial lands and the Hunter Trade College located directly to the west of the site on Junction Street. The lands to the north and south of the subject site are predominantly supporting open pasture and grassland.

The subject site is zoned as RU1 Primary Production under the current provisions of the Draft Maitland LEP 2011. Caravan Parks are not a permitted use with consent in this particular zone.

A caravan park, as defined within the Draft Maitland LEP 2011, is not considered a suitable use for every location within the Maitland LGA that is zoned for primary production purposes.

Subsequently, in order to enable the use of the site for a caravan park for the purposes of short term stay tourist accommodation and conserve the rural landscape of the locality, an amendment to include an additional permitted use on the site is considered the appropriate strategic approach to enable the use of the site for a caravan park.

Planning Proposal

The objectives of the planning proposal are intended to be achieved through amending the Draft Maitland Local Environmental Plan (LEP) 2011. The amendment would involve a change to the uses permitted on the subject site. This involves a change to *Schedule 1 Additional Permitted Uses* of the Draft Maitland LEP 2011 as an additional clause would be required to enable the use of certain lands at Mount Dee Road, being Lot 1 DP 719330, for the purposes of a caravan park.

The LEP amendment will progress as an amendment to the Draft Maitland LEP 2011 post its gazettal in the coming months.

The LEP amendment would achieve the objectives of the planning proposal as it would enable the use of the site for a caravan park for the purposes of short term stay tourist accommodation whilst conserving the rural landscape of the site and its surrounding locality. In addition the amendment would mitigate the risk of flood to any potential development on site and ensure that any development would respond sensitively to the density and scale of existing adjoining settlements.

The planning proposal would accommodate for the demand within the Maitland Local Government Area (LGA) for a caravan park which provides for short term stay tourist accommodation. The amendment will support the strategic approach of Council to respond to this specific demand within the LGA on lands which are within close

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

proximity to prominent travel routes, being the New England Highway and to Central Maitland and the tourist conveniences it offers.

The objectives of the planning proposal would not only be achieved through the amendment to the Draft Maitland LEP 2011 but also through Councils consideration of Division 3- Caravan Parks and Camping Grounds of the Local Government Regulations 2005. Similar to a Development Control Plan or a Staged Development Application, particular provisions of the Local Government Regulations 2005 will ensure certain guidelines for caravan parks within flood prone areas are considered.

These are detailed within **Attachment 1- Planning Proposal**.

Environmental, Social and Economic Assessment

A detailed planning assessment of the subject site and its specific constraints has been completed by Council. This assessment was informed by site specific analysis provided to Council by the proponent.

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

- Flooding
- Loss of Rural Lands
- Noise and Vibration Impacts
- Servicing and Infrastructure Provisions
- Ecological Impacts
- Heritage and Archaeological Significance
- Visual Amenity
- Contamination

Further information is required from the proponent regarding the extent of these constraints. However, it is considered that these matters can be adequately addressed post a Gateway Determination for the proposal, especially as the planning proposal does not propose to rezone the lands and only requests the addition of a permitted use on the site.

The above matters are considered in detail within Attachment 1- Planning Proposal, and will continue to be reviewed during the amendment process as the proponent provides further information on these issues to Council prior to the finalisation of the LEP amendment and development assessment process.

It is considered that these issues should not preclude the planning proposal to proceed through the Gateway Determination process.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE
MOUNT DEE ROAD (Cont.)

Consultation with Public Authorities

No advice has been sought from government agencies and public authorities in relation to the planning proposal for the subject site. However, it is anticipated that post a Gateway Determination, Council will consult with public authorities and government agencies on the proposed amendment to the Draft Maitland LEP 2011.

Next Steps

If endorsed by Council, the planning proposal will be submitted to the NSW Department of Planning for gateway approval to proceed with the LEP amendment. The Gateway Determination will either (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.

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 exhibited period.

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

CONCLUSION

A planning proposal is the necessary to be endorsed by Council and submitted to the Department of Planning for consideration.

The amendment to the Draft Maitland LEP 2011 to enable an additional permitted use on the subject site, being a caravan park, will ensure the strategic outcomes and objectives of the planning proposal are achieved.

FINANCIAL IMPLICATIONS

This matter is to progress the planning proposal for the subject lands at Mount Dee Road, Maitland and therefore it has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This planning proposal has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This planning proposal is progressing the LEP amendment in line with relevant legislative requirements under the Environmental Planning and Assessment Act 1979 and associated regulations.

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

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE
MOUNT DEE ROAD (Cont.)

Service Planning and Regulation Reports

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD

Attachment 1-Planning Proposal RZ10/011 Mount Dee Road (Lot 1 DP719330)

Meeting Date: 27 April 2011

Attachment No: 1

Number of Pages: 33

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

Mount Dee- Additional Permitted Use

(Lot 1, DP 719330 Mount Dee Road, Maitland)

Version 01
16/3/2011



AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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Version

Version 1. – 16.03.2011 Report to Council

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

INTRODUCTION

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

The purpose of the planning proposal is to amend the Draft Maitland LEP 2011 regarding to lands referred to as Lot 1 DP 719330 Mount Dee Road, Maitland, to allow for an additional permitted use on the site. The additional permitted use being a caravan park, to provide short term stay tourist accommodation supporting short term sites for caravans, camping sites, motor homes and moveable dwellings.

The site is identified as Mount Dee, referring to Lot 1 DP 719330 Mount Dee Road, Maitland. The site is located approximately 1 kilometre from the Maitland CBD and lies to the south west of the New England Highway, bound between Junction Street Telarah to the west and Wallis and Fishery Creek to the east. The southern part of the locality of Telarah is approximately 500 metres to the north with industrial lands and the Hunter Trade College located directly to the west of the site. The lands to the north and south of the subject site are predominantly supporting open pasture and grassland.

The subject site is zoned as RU1 Primary Production under the current provisions of the Draft Maitland LEP 2011. Caravan parks are not a permitted use with consent in this particular zone. Consequently, the most appropriate means to accommodate this particular use on the subject site is through an amendment to the Maitland LEP 2011, allowing an additional permitted use on the site being a caravan park for the purposes of short term stay tourist accommodation.

The site and its locality is depicted in **Appendix 1- Locality Plan**.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are:

1. Enable the use of the site for a caravan park for the purposes of short term stay tourist accommodation;
2. Mitigate the risk of flood to any potential development on site;
3. Conserve the rural landscape of the site and its surrounding locality;
4. Ensure any development would respond sensitively to the density and scale of existing adjoining settlements.

The planning proposal accommodates for the demand within the Maitland Local Government Area (LGA) for a caravan park which provides specifically for short term stay tourist accommodation. This amendment will support the strategic approach of Council to accommodate for this specific demand within the LGA on lands which are within close proximity to prominent travel routes, being the New England Highway, and to Central Maitland and the tourist conveniences it offers.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

PART 2: EXPLANATION of PROVISIONS

In order to achieve the objectives of this planning proposal, a number of alternative options were considered through Council's assessment of the subject sites constraints and opportunities and the preparation of this planning proposal.

The options for consideration are detailed as follows:

Option 1: Amendment to Draft Maitland Local Environmental Plan (LEP) 2011- Change to *Schedule 1 Additional Permitted Uses*

The objectives would be achieved through an amendment to the Draft Maitland LEP 2011. The amendment would involve a change to the uses permitted on the lands. This involves a change to *Schedule 1 Additional Permitted Uses* of the Draft Maitland LEP 2011 as an additional clause would be required to allow the use of certain lands at Mount Dee Road, being Lot 1 DP 719330, for the purposes of a caravan park.

This option enables the remaining portion of the subject site, which is not to be utilised for the development of a caravan park, to be maintained as primary production lands zoned as RU1. The subject site is identified within Maitland's flood plain and subsequently it is zoned for RU1 Primary Production purposes under the Draft Maitland LEP 2011, consistent with all other areas of Maitland within the flood plain or flood planning area. This is consistent with Council's current policy position contained within the Maitland Rural Strategy 2005, regarding zoning within the flood plain.

This option maintains Council's current policy position regarding the zoning of the Maitland flood plain whilst enabling the use of the higher portion of the site for the purposes of a short term stay tourist caravan park.

Option 2: Amendment to Draft Maitland Local Environmental Plan (LEP) 2011- Rezoning of the entire subject site or part of the subject site for RU2 Rural Landscape

The alternative option is to rezone the lands or part of the lands to a zone where caravan parks are permissible. The RU2- Rural Landscape zone permits, with consent, caravan parks. However, while this enables the use of the site or part of the site for the purposes of a caravan park, it is not consistent with Council's current policy position regarding the zoning of lands within the flood plain. The Maitland Rural Strategy 2005 identifies historically that lands within the flood plain or flood planning area are necessary to be maintained as prime rural lands or primary production lands.

The review of the Maitland Rural Strategy 2005 is the process where Council will be in a position to reassess the use of the RU1 Primary Production zone on particular areas of the flood plain where the provisions and objectives may not be the most appropriate due to site specific constraints. However this assessment of agricultural lands within Maitland's flood plain and flood planning area will occur holistically across the entire local government area post the gazettal of the Draft Maitland LEP 2011.

The objectives of this planning proposal are to enable the use of the site for a caravan park as this will accommodate for the specific demand within the LGA for short term stay tourist accommodation on lands which are within close proximity to prominent travel routes, being the New England Highway, and to Central Maitland and the tourist conveniences it offers.

Subsequently, in order to do accommodate this demand and maintain Council's current policy position regarding the zoning of land within the flood plain and flood planning area it is considered this option is not the most appropriate planning outcome at the present time.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

The objectives of this planning proposal are therefore intended to be achieved through Option 1, amending the Draft Maitland Local Environmental Plan (LEP) 2011. The amendment would involve a change to the uses permitted on the lands. This involves a change to *Schedule 1 Additional Permitted Uses* of the Maitland LEP 2011 as an additional clause would be required to allow the use of certain lands at Mount Dee Road, being Lot 1 DP 719330, for the purposes of a caravan park.

This is shown in the proposed amendment map in **Appendix 2- Proposed Amendment Map**.

Division 3- Caravan Parks and Camping Grounds of the *Local Government Regulations 2005* describes the provisions for which Council must consider prior to the approval of a caravan park, specifically on flood liable lands. Similar to a Development Control Plan or Staged Development Application, these particular provisions of the *Local Government Regulations 2005* will ensure that the following points are considered at the development assessment stage:

- Minimum size of the caravan park;
- Extent of community amenities as a proportion of the total caravan park;
- Size of dwelling and camps sites specifically for short term stay tourist accommodation;
- Site identification and the delineation of the caravan park boundaries;
- Road frontages for all dwelling sites;
- Setbacks of community buildings from the defined boundaries of the caravan park;
- Setbacks of dwellings sites and camp sites from road frontages;
- Separation distances between moveable dwellings, on short term stay tourist accommodation sites;
- Provision of entrance and exit roads and a forecourt;
- Appropriate implementation of road widths, speed limits, resident parking, visitor parking and visitor parking for people with disabilities;
- Appropriate number of showers and toilets to be provided in addition to facilities for people with disabilities and other facilities detailed in clause 109;
- Detailed construction requirements for shower and toilet blocks to accommodate the shower and toilet facilities within the caravan park;
- Appropriate proximity of dwelling sites and camp sites to shower blocks and toilet blocks;
- Provision of washing machines, laundry tubs, clothes dryers, drying areas, water supply and ironing facilities;
- Detailed construction requirements for the provision of laundry facilities detailed in clause 113 to 118 within laundry blocks and the ensured maintenance of these facilities;
- Appropriate regulation of the maximum number of persons per dwelling site or camp site at any one time;
- Registration of all occupiers on the caravan park premises;
- Appropriate information provided to prospective occupiers;
- Appropriate regulation of the use of the caravan park and camping grounds as directed by clause 124;
- Provision of a community map and the access to the sites approval and community map;
- Provision of garbage removal, fire hydrants, fire hose reels and car washing bays;
- Buildings are not permitted within the caravan park unless the approval is of the nature of that detailed in clause 131;

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

- Appropriate consideration of the guidelines for primitive camping grounds as detailed in clause 132.

The provisions contained within the Local Government Regulations 2005 and the inclusion of the subject site within *Schedule 1 Additional Permitted Uses* for the purposes of a caravan park will ensure the objectives of this planning proposal are achieved appropriately.

PART 3: JUSTIFICATION for PROPOSED LEP AMENDMENT

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?**

This planning proposal is not the result of any strategic study or report. The Draft Maitland LEP 2011 does not provide for caravan parks as a permitted use with consent within the RU1 Primary Production Zone.

On assessment of the site constraints and with consideration of the demand within the Maitland Local Government Area for a caravan park which provides short term stay tourist accommodation within close proximity to Central Maitland and its tourist opportunities, Council considers that this specific site is appropriate for certain development being a caravan park.

A caravan park, as defined within the Draft Maitland LEP 2011, is not considered appropriate in all locations zoned for RU1 Primary Production in the Maitland LGA. Consequently, in order to achieve the objectives of this planning proposal, an additional permitted use is considered the appropriate strategic approach to enable the use of the site for a caravan park.

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 Draft Maitland LEP 2011 through the gateway determination process and preparation of this planning proposal is the most effective and timely method to achieve the objectives for this particular site and to accommodate for the growing demand for short term stay tourist accommodation in the Maitland LGA.

The provision for a caravan park on the subject site, specifically for the purposes of short term stay tourist accommodation, would facilitate the demand that currently exists within the Maitland LGA through a strategic consideration of the site and its opportunities and constraints.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of the LEP amendment outweigh the sum of all costs.

Caravan, cabin, campervan and camping enquiries through the Maitland Visitor Information Centre average one to two telephone enquiries and two to three personal enquiries per day.

In response to these enquiries visitors are provided two options, one being the Coach Stop Caravan Park which is primarily a long term permanent resident caravan park as a result of its proximity to Maitland and the conveniences provided here. The alternative provided to visitors is to travel to Cessnock where they can find a three star Tourist Caravan Park- BIG 4 Valley Vineyard Tourist Park.

The Maitland Visitor Information Centre has found that the majority of visitors making these enquiries opt to leave the Maitland LGA with the result being that the City loses out on the lucrative caravan and camping industry economic gains. These economic gains are recorded as being worth \$6.5 billion nationally per annum.

Within this particular market it is an expectation that a City the size of Maitland should provide a high quality caravan park for tourism related purposes. The lack of this type of facility limits the capacity to grow tourist visitation to the Maitland LGA. In addition, at present there is no capacity to be proactive and promote the City to the caravanning and camping fraternity as we do not have the facility that is of a standard comparable with that which is expected in today's environment of high quality tourist parks.

Enabling the use of the subject site for a caravan park for the purposes of short term stay tourist accommodation will contribute to the local economy of Maitland, given the high proportion of tourist visitors expressing their current dissatisfaction for the lack of affordable short term stay tourist accommodation in the area.

The following matters have been considered in an assessment of net community benefit provided by the proponent.

The public interest reasons for preparing the planning proposal include:

- The development of a caravan park on the subject site in close proximity to Central Maitland and the facilities it offers provides an economically viable option for the use of the subject site. The caravan park is proposed to offer short term stay tourist accommodation in the Maitland LGA which is not presently provided;
- The nature of the proposed LEP amendment is unlikely to impact the development of public transport, walking and cycling paths. Community recreational facilities are envisaged to be provided on site, including the provision of cycle ways and walking paths;
- The planning proposal considers that the proposed caravan park is likely to be accessed by motor vehicles. The subject site is located within close proximity to the New England Highway, providing a key access route to the site. The Hunter Expressway, when completed, is likely to be the dominant route utilised by visitors accessing the site;
- The planning proposal will accommodate the use of a caravan park on the subject site, increasing the economic performance of the Maitland LGA. Tourists who would ordinarily utilise a caravan park as identified in this proposal would have usually sourced alternative accommodation outside of the LGA. It is envisaged that the caravan park would attract a different proportion of the tourist market,

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

not yet catered for within the Maitland LGA, subsequently increasing economic activity within the LGA. The caravan park will complement existing accommodation in Maitland;

- There is likely to be minimal cost to the public sector as a result of this planning proposal. The caravan park is expected to provide community recreational facilities for the use of visitors. The potential portion of the tourism market that will be attracted to the caravan park will include short term stays by visiting individuals, travelling business individuals and those individuals travelling to Maitland and the wider Hunter Region for significant tourist events;
- The location of the proposed caravan park detailed within this planning proposal provides a number of advantages, including provision for short term stay tourist accommodation which is not presently provided for within the Maitland LGA. It is also within close proximity to key services, public infrastructure and tourist facilities and is generally isolated from extensive residential development and will therefore have minimal impact to the existing residential population within the locality. Council considers the location suitable and the development control guidelines as detailed within the Local Government Regulations 2005 will ensure the design outcomes for the site secure the appropriateness of the location.

The implications of not proceeding with the planning proposal include:

- The demand that currently exists and the growing demand for short term stay accommodation specifically for tourism related purposes would not be accommodated for.
- The desired future outcomes for tourism accommodation in the Maitland LGA would not be achieved;
- The potential for a higher order land use for the subject site would be lost, as the land is not supporting sustainable agricultural practices;
- Opportunities to improve the linkages between tourist related facilities within the Maitland LGA and wider Hunter Valley and tourist accommodation will be forgone and hence the necessary short term stay tourist accommodation that is not presently provided for would not be accommodated.

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 how the expected growth of the Region will be managed to provide for both economic development and the protection of environmental assets, cultural values and natural resources. The Lower Hunter Regional Strategy considers the outcomes of the region in terms of heritage and tourism growth. The strategy identifies the importance of the historic cultural landscapes of the Region and their contribution to the Lower Hunter's unique sense of place.

Subsequently, whilst the Lower Hunter Regional Strategy is predominantly an urban growth strategy, it recognises the importance of tourism and considers it a key outcome for the region that all places, precincts and landscapes of cultural heritage or tourism significance in the Region be identified and provided for through planning instruments. Therefore, the planning proposal is consistent with the objectives of the regional strategy.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)**State Tourism Plan**

The NSW Tourism Strategy has a vision to establish a growing, vibrant tourism sector in NSW through increasing the State's domestic visitation through a collaborative approach between Government and Industry.

In addition, the strategy aims to encourage increased visitation to regional NSW through expanded promotion of regional NSW as a destination. This includes Government's providing for affordable short term stay tourist accommodation in those areas of regional NSW where visitation is expected to be expanded. The strategy recognises that the nature of tourism in NSW is highly complex given the diversity of destinations and experiences available and understands that appropriate provision for tourism related facilities in regional NSW is a key goal to achieving a vibrant tourism sector throughout the State.

Hunter Tourism Plan: Building Australia's Premier Tourism Region- A Vision for Tourism Development in the Hunter Region 2005-2008

The Hunter Tourism Plan was effective for the period 2005-2008; however it sets the long term direction of tourism in the Hunter Region and demonstrates how we can better create an area that promotes growth in the tourism sector of the Hunter.

The plan identifies the Hunter as a region with enormous tourism potential. It also considers it necessary that the plan support tourism development and accommodate for tourism facilities in key Hunter locations through planning at a strategic level.

Maitland sits within the Hunter Valley and is a central destination within short distance of the Hunter Valley vineyards and wine country, rural and heritage attractions of the upper Hunter and the coastal attractions of Newcastle and Port Stephens.

Maitland's historical significance, both indigenous and colonial provides an important tourism magnet for the Hunter Valley Region. Maitland Regional Area Gallery and Maitland Gaol are central places which emphasise Maitland's significance as a tourist attraction as part of the greater Hunter Valley region.

Consequently, Maitland is a 'must see' for tourists and short stay visitors to the Hunter Valley Region and hence needs to provide a choice of quality accommodation and dining options, an active nightlife, contemporary art and cultural scene and a unique rural heritage landscape and country charm. Facilitating this growth through provision of affordable and appropriate short stay tourist accommodation is a significant strategic objective of this planning proposal.

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

Maitland Community Strategic Plan 2021

The Community Strategic Plan, 'Maitland 2021' reflects our community's aspirations and goals for the future. Maitland 2021 is a ten year strategic plan committed to leading the development and implementation of a long term plan for the city.

The Plan details the priorities and expectations to address identified future issues and opportunities and the implementation of strategies to achieve these goals.

 AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

The Maitland 2021 is resented through five key themes:

- Proud place, great lifestyle;
- Our places and spaces;
- Our natural environment;
- A prosperous and vibrant centre;
- Connected and collaborative leaders.

Each of these key themes details and prioritises a number of desired outcomes for 2021. The themes also outline the steps necessary to take in order to reach our community's outcome. Those that can assist in meeting the goal are also highlighted, along with indicators that can be used to see if we are on track to these goals over the next ten years.

Some of the key outcomes of Maitland 2021 as they relate to this planning proposal are:

- *Our economy is growing and prosperous, offering a diverse range of equitable job opportunities across our City*
- *Maitland is seen as a desirable place to live, an easy place to work, a welcoming place to visit and a wise place to invest.*

With the adoption of the plan on 22 February 2011, Council has moved forward with its Delivery Plan based on the directions expressed in the Maitland 2021.

The Delivery Plan establishes clear links to the ten year community strategic plan, Maitland 2021. Council will also develop and associated Resourcing Strategy covering the assets, people, financial requirements and time require to deliver strategies.

The key strategies Council will be working towards in 2012/2013 in relation to the outcomes described within the Maitland 2021 plan are:

- *We will work in partnership to enhance and strengthen our events and tourism facilities*
- *To ensure that planning policy supports tourism activities and facilities across Maitland.*

Subsequently, Council will be undertaking a review of land use planning frameworks to identify opportunities for tourism and tourism related facilities. This planning proposal will achieve these outcomes through facilitating a strategic approach to the provision of short term stay tourist accommodation.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2008 Edition

The Maitland Urban Settlement Strategy (MUSS) is primarily focussed on residential and industrial lands. As such, the MUSS provides limited strategic direction in regards to tourism.

Maitland Hunter Valley Tourism Strategic Plan 2007-2009

Similar to the State Tourism Plan, Maitland's Tourism Strategic Plan is effective for the tow (2) year period between 2007 and 2009; however it sets a long term framework for tourism in the Maitland Local Government Area and considers Maitland's tourism significance in the wider Hunter Valley region.

The Tourism Strategic Plan identifies that Maitland provides significant tourism attraction due to a number of events such as Hunter Valley Steamfest, Bitter and Twisted International Boutique Beer Festival and Aroma Festival. In addition regionally significant sites of attraction include the Maitland Regional Art Gallery and

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

specific to Maitland's historical importance, the Maitland Gaol. The combination of these key tourist attractions defines Maitland as a high profile tourism anchor within the Hunter Valley Region.

However, the plan identifies that Maitland lacks a clear identity within the tourism market and doesn't facilitate the growth of the tourism market with the appropriate accommodation facilities. Subsequently, the Plan's challenge is to capitalise on the inherent strengths of the tourism infrastructure provided and resourcing within the LGA so as to foster the development, sustainability and contribution of tourism for Maitland's local economy and social infrastructure.

The vision, specifically the key regionally significant tourism is to provide a vibrant and innovative tourism focus and ensure the long term future, development, viability and contribution of the tourism industry and experience within Maitland and the wider Hunter Valley is enhanced.

Activity Centres and Employment Clusters Strategy

The Activity Centres and Employment Clusters Strategy is a key strategy to guide the future growth and prosperity of Maitland's centres and employment lands for the next 20 years. It aims to create high quality places, strengthen existing activity centres and employment clusters and cater for the needs of the Maitland community.

The strategy highlights the future tourism opportunities for Maitland, especially within Central Maitland and Morpeth. The strategy seeks to provide a coherent tourist destination supported by high quality tourism facilities and services such as a variety of accommodation, attractions, activities, cultural and community events to entice more visitors to the historical, artistic and cultural heart of the Hunter.

Central Maitland Structure Plan

The Central Maitland Structure Plan (CMSP) sets out the vision and strategies to guide growth and development over the next 20 years in Central Maitland. The plan recognises that Maitland lies at the centre of the major growth corridor of the Hunter Valley.

The CMSP identifies the Maitland LGA as a must see for tourists and short term stay visitors travelling to the Hunter Valley Region, providing a choice of quality accommodation and dining options and a unique rural heritage landscape. The plan seeks to define the Central Maitland as an arts and cultural centre that would contribute to the vibrant community life, diverse economy and provide opportunities for cultural tourism within Maitland.

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, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility and efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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 purpose 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 proposing an LEP amendment to enable the use of a caravan park permissible with consent on the lands zoned for RU1 Primary Production and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. The subject site comprises rural land that is identified in the Maitland Rural Strategy 2005 Agricultural Suitability map as supporting prime agricultural lands classes 1 and 2. However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site. Subsequently, retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands. Therefore the inconsistencies with the aims of the Rural Lands SEPP 2008 are 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 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. Resultantly, post Gateway Determination, a detailed contamination report is required to be submitted as part of the rezoning proposal in order to address this SEPP and identify the potential for contaminants on site. Council is satisfied that this contamination assessment can occur

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

		post Gateway Determination as any potential contamination on site will be mitigated through remediation prior to development, post the LEP amendment being completed.
SEPP No. 21 Caravan Parks	Ensures that where a caravan park or camping grounds are permitted under an environmental planning instrument, moveable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of moveable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.

Table One: Relevant State Environmental Planning Policies

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

There are a number of s.117 Ministerial Directions that the proposed development is inconsistent with and justification is provided for these. 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 the rural land.	It is proposed that the LEP amendment will enable the use of a caravan park on the subject site as an additional permitted use. This is justified as the site is not to be rezoned and hence will remain RU 1 Primary Production, allowing the remainder of the site that is not utilised for the purposes of a caravan park to retain its primary production opportunities. Therefore the planning proposal is consistent with the aims of this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture	NA	
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic	The subject site comprises rural land that is identified in the Maitland Rural Strategy 2005 Agricultural Suitability map as supporting prime agricultural lands classes 1 and 2.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
	development of rural land for rural related purposes.	However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site. Subsequently, retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands. The planning proposal and subsequent LEP amendment will not result in the loss of sustainable and viable rural land and hence the inconsistency with the aims of the direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection	NA	
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	NA	
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction as they relate to the planning proposal are to provide opportunities for caravan parks and manufactured home estates.	The planning proposal is not inconsistent with the objectives of this direction.
3.3 Home Occupations	NA	
3.4 Integrating Land Use and Transport	NA	
HAZARD and RISK		

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has probability of containing ASS	The subject site is identified as having Class 4 and 5 Acid Sulphate Soils. Class 4 being at least 2 metres below the surface and Class 5 being within 500mm of Class 4 soils. It is unlikely ASS will be disturbed on the site given the proposed land uses, however further detail regarding the extent of which the site may be disturbed will be requested post Gateway Determination in conjunction with a contamination assessment.
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 and Floodplain Development Manual	The subject site is affected by a 1 in 100 year flood event. It is considered that in a 1% AEP event, the site would have 2 % of its lands not inundated by floodwaters. WMA Water was commissioned by Council to prepare a Flood Hazard and Site Suitability Assessment. The assessment considered the provisions of the Floodplain Development Manual 2005 and identified that due to the high flood hazard over the majority of the site that the use of the site for permanent or long term residents or the storage of caravans is considered inappropriate. However it considered that in principle the use of the proposed site for tourist accommodation for short term stay is an appropriate flood compatible outcome for the lands. Subsequently, the planning proposal is to permit and additional permitted use on the site for the purposes of a caravan park. This additional use, being a caravan park, is for short term stay tourist accommodation and hence is a consistent flood compatible use for the site. Of further consideration is the consistency with this direction. The proposal considers the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 as demonstrated above. The planning proposal does not propose the rezoning of the lands as its purpose is to include an additional permitted use on the site, being a caravan park. In addition the planning proposal does not permit the development of this use within a flood way. Due to the nature of the proposal for the use of a site for specifically short term stay tourist

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
		accommodation, the planning proposal does not permit development that will have a significant flood impact other properties nor does it place a significant increase on the development capabilities of the lands. As a result of the extent of development proposed within the planning proposal, the LEP amendment will not result in a significant increased requirement for government spending on flood mitigation measure, infrastructure or services nor does it permit development to be carried out without development consent. The planning proposal to enable an additional permitted use on the site does not impose flood related development controls above the residential flood planning level for residential development on land and as demonstrated above does not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005. Therefore the planning proposal is consistent with the objectives of this direction and should therefore proceed to gateway determination.
4.4 Planning for Bushfire Protection	NA	
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	NA	
LOCAL PLAN MAKING		
6.1 Approval and Referral	NA	
6.2 Reserving Land for Public Purpose	NA	
6.3 Site Specific Provisions	This direction aims to discourage unnecessarily restrictive site specific planning controls.	The planning proposal will contain a site specific provisions regarding to the enabling of a caravan park as a permitted use with consent on the site. It is noted that the objective of this provisions is to discourage unnecessarily restrictive site specific planning controls. It is considered that the site specific provisions contained within this planning proposal are of minor significance due to the additional flexibility that is provided to the use of the site through facilitating a additional permitted use on the site.
METROPOLITAN PLANNING		

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Ministerial Direction	Aim of the Direction	Consistency and Implications
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 detailed Flora and Fauna study has been prepared to inform the planning proposal. The subject site is devoid of vegetation due to its previous agricultural land uses. Grasslands and open pastures dominant the site. A flora and fauna assessment, in addition to an assessment for the provision of landscaping, may be necessary to be completed post Council receiving a Gateway Determination.

DECCW (Department of Environment, Climate Change and Water) and Council consider that any vegetation on site is of high importance to the Maitland LGA and Council requires the recognition of the vegetation at a local scale for maintaining habitat and biodiversity. Resultantly, in accordance with DECCW and Maitland's Greening Plan 2002, any vegetation on site is to be retained and where possible, revegetation of the site should be encouraged, specifically the portion of the subject site which is not considered as the developable area for the caravan park.

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 mechanism the protection and management of the biophysical environment will be in accordance with state and local policies. These include the provision of bushfire management and native vegetation management.

Loss of Rural Lands:

The site has a history of agricultural use specifically intensive cattle grazing. At present the site does not support this form of intensive agricultural use and is utilising the site currently as storage and light grazing.

The Maitland Rural Strategy (MRS) 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 Mount Dee subject site as supporting prime agricultural classes 1 and 2.

However, the Agricultural Suitability Map, within the MRS 2005, is a broad scale mapping tool, not identifying site specific variations in agricultural production. When considered on a site specific basis, the planning proposal identifies lands on the higher portion of the subject site for the use of a caravan park and

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

recognises that this portion of the site has less agricultural productivity value in comparison to the remainder of the subject site.

Subsequently, Council is satisfied that retaining the RU1 Primary Production zone and enabling the use of a caravan park as an additional permitted use rather than implementing an alternative zone to accommodate the use, prevents the sterilising of the primary production opportunities on the subject lands.

Bushfire:

Council's bushfire prone mapping identifies that the site is not 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 site for the purposes of a caravan park.

Traffic, Access and Transport:

No traffic, access and transport assessment has been completed as part of the planning proposal. It is considered that any potential development of the land will likely result in an increase in traffic movements in the locality. Subsequently, Council considers that a Traffic, Access and Transport Assessment be prepared and submitted to Council by the proponent post a Gateway Determination for the planning proposal.

A preliminary assessment has identified that access is readily available to the site. A Traffic Assessment Report was prepared for the approval of the adjoining Hunter Valley Training Company (Hunter Trade College) site in 2006. This identified a number of traffic improvements as necessary for the educational establishment and recent inspection of the site notes that these works have been undertaken in order to ensure an improved traffic environment has been provided in the locality.

Council is satisfied that post Gateway Determination a traffic, access and transport assessment is necessary to determine the likely impacts on the existing road network and the likely increase in traffic to be generated from the development as a result of the LEP amendment process.

Noise and Vibration:

Due to the proximity of the site to the Hunter Valley Training Company (Hunter Trade College) site and the South Maitland Railway Corridor in addition to the New England Highway, there are significant issues surrounding the noise experienced by the site. Alternatively, due to the nature of the proposed use of the site there are additional noise issues which require consideration in terms of the noise generated by the development and its impact on existing residents.

Subsequently, an Acoustic Assessment is required for the site to establish the suitability of this type of development in this locality. No noise and vibration report has been prepared and submitted as part of the planning proposal. Therefore it is recommended that the applicant prepare an acoustic report identifying the noise impacts of the Hunter Trade College, South Maitland Railway Corridor and New England Highway on the proposed development and the likely impacts of the noise generated from the proposed development on existing residents and land owners. This will be necessary to identify any noise attenuation that may be required on site for any potential development.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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

Flooding and Drainage:

The subject site is affected by a 1 in 100 year flood event. It is considered that in a 1% AEP Event, the site would have 2 % of its lands not inundated by flood waters.

The aim of floodplain management is to reduce the impact of flooding and flood liability on existing occupiers and ensures that future uses of the flood plain do not experience an unacceptable level of risk.

WMA Water was commissioned by Council to prepare a Flood Hazard and Site Suitability Assessment for the planning proposal. This assessment identified that the majority of the site was affected by a high flood hazard as defined by the Floodplain Development Manual 2005. This was determined on the measured basis of the depth and velocity of potential flood events.

The assessment recognised that the identification of a high flood hazard over the majority of the site did not take into account a number of other factors which influence flood hazard such as:

- Size of flood
- Effective warning times
- Flood readiness
- Rate of rise in floodwaters
- Duration of flooding
- Evacuation issues
- Effective flood access and
- Type of development.

The assessment considered that when taking these factors into account that the use of the site for a caravan park for specifically permanent or long term residents or the storage and letting of caravans is considered an inappropriate flood compatible use as defined by the Floodplain Development Manual 2005. However, the assessment additionally recognised that in principle, the use of the proposed site for a caravan park for the purposes of short term stay tourist accommodation is an appropriate flood compatible use of the land as tourist would be entirely mobile and be readily able to evacuate hastily from the site.

Subsequently, as the proposal is for a short term stay tourist accommodation it is hence considered a consistent flood compatible use.

Council's consideration of the Floodplain Development Manual 2005 and the Flood Hazard and Site Suitability Assessment considers that the varying levels of hazard across the subject site will allow for opportunities to locate the differing components of the proposed land use on areas that are appropriate flood compatible areas as defined by the Floodplain Development Manual 2005.

The assessment provided and Council's consideration of the proposal additionally identifies that in order to further mitigate the risk of flood to the proposal, adequate flood warning and development of a sound evacuation plan is necessary to be considered during the development assessment process for the

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

proposal. In addition communication with and assistance from the State Emergency Services would be required.

Consistent with the Floodplain Development Manual 2005, facilities provided on site would need to be flood proofed to minimise risk to the proposal and must be constructed to prevent damages likely in events of up to 200 year ARI events plus 0.5 metres. This would be ensured through the development assessment process, when Council will be required to consider the guidelines of the Local Government Regulations 2005.

Council considers that the use of the site for a caravan park not an inappropriate flood compatible use for the site as the proposal considers the purpose of the caravan park to be for short term stay tourist accommodation. Mitigation measures will be enforced at the development assessment stage to ensure the risk of flood is ameliorated.

Acid Sulphate Soils (ASS):

Acid Sulphate Soil risk maps indicate the potential for ASS across the site with the identification of the subject site being affected by ASS Classes 4 and 5. 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 ASS Assessment to be undertaken to detail the potential risk and appropriate management.

Contamination Assessment:

A contamination assessment is required to be prepared prior to any development occurring on the site in order to ascertain whether there is potential for contamination on the site and whether remediation of the land is required prior to development for the purposes of a caravan park being permitted on the subject lands.

Council, however, is satisfied that the risk of any potential contamination on site does not preclude the LEP amendment for an additional permitted use on the site for the purposes of a caravan park subject to a detailed contamination assessment being submitted to Council prior to the development assessment process commencing.

Mine Subsidence:

The subject lands identified within the planning proposal does not lie within a Proclaimed Mine Subsidence District.

Heritage and Archaeological Significance:

An Archaeological Risk Assessment is deemed necessary to be undertaken on the site, including an Aboriginal cultural heritage and archaeological assessment of the site. Council is satisfied that following an assessment being completed prior to the finalisation of the LEP amendment process, any items or areas of significance identified on site can be managed and therefore should not be a deterrent to progressing with the planning proposal through the Gateway Determination process.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)Visual Assessment:

The subject site forms part of the distant horizon viewed from part of the Gillieston Heights Urban Releaser Area; however this is mainly the western fringe of the subject site. The site is quite visually prominent from the New England Highway at Maitland and the lower less undulating region of the east flood plain.

As the proposed land use is for the purposes of a caravan park, the site requires prominent visibility from key travel and transport routes surrounding the locality. Hence the ease of surveillance in the area provides justification for the site's suitability for the proposed development.

Council is satisfied that the planning proposal for the subject site will not adversely impact on the visual setting of the locality but rather compliment the existing rural landscape and provide a visual identifier for the area. Issues of visual amenity and the impact of the development on adjoining land owners will be managed through the development assessment process post determination of the LEP amendment.

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

The planning proposal provides for the facilitation of a use on the subject site for the purposes of short term stay tourist accommodation within the Maitland LGA, providing additional opportunities for diversity in tourist accommodation choices within the locality.

At present, this type of accommodation is not provided for within the Maitland LGA and anecdotal evidence suggests that there is a significant growing demand for tourist accommodation such as that described within this planning proposal.

Caravan, cabin, campervan and camping enquiries through the Maitland Visitor Information Centre average around one to two telephone enquiries and two to three personal enquiries per day.

In response to these enquiries visitors are provided two options the Coach Stop Caravan Park which is primarily a long term permanent resident caravan park due to its proximity to Maitland and the tourist conveniences provided here. The alternative option to visitors is to travel to Cessnock where they can find a three star Tourist Caravan Park- BIG 4 Valley Vineyard Tourist Park.

The Maitland Visitor Information Centre has found that the majority of visitors making these enquiries opt to leave the Maitland LGA with the result being that the City loses out on the lucrative caravan and camping industry economic gains. These economic gains are recorded as being worth \$6.5 billion nationally per annum.

Within the market it is an expectation that a City the size of Maitland should provide a high quality caravan park for tourism related purposes. The lack of this type of facility limits the capacity to grow tourist visitation to the Maitland LGA. In addition, at present there is no capacity to be proactive and promote the City to the caravanning and camping fraternity as we do not have the facility that is of a standard comparable with that which is expected in today's environment of high quality tourist parks.

Enabling the use of the subject site for a caravan park for the purposes of short term stay tourist accommodation will contribute to the local economy of Maitland, given the high proportion of tourist visitors expressing their current dissatisfaction for the lack of affordable short term stay tourist accommodation in the area.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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

Servicing of the subject lands requires augmentation of existing public infrastructure to service the proposed expanded development of the site.

The site adjoins the Hunter Trade College and the suburb of Telarah to the north. Subsequently reticulated water and sewer is provided with capacity to service the subject lands. It is considered by the proponent however that given the proposed use of the site and the site size, an onsite servicing system may represent the most appropriate option for the locality.

Consultation with relevant government agencies and public authorities is necessary to identify the capabilities of augmenting those services which are currently not extended to the subject site, including wastewater, water and electricity. Council is satisfied that this will occur. Resultantly at development assessment stage, servicing strategies may be necessary to complete so as to ascertain the timely and cost-effective provision of those services to the site prior to construction.

Therefore there is justification for the progression of this planning proposal through the Gateway Determination process.

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

No advice has been sought from government agencies and public authorities who may be impacted by the planning proposal and resultant LEP amendment with regard to the subject site at Mount Dee Road. It is anticipated that post a gateway determination, Council will complete consultation with relevant public authorities.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57 (2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. The planning proposal does not meet the criteria and definition of being a low impact planning proposal, given that the proposal is to enable the use of the lands for a caravan park in an area predominantly surrounded by rural landscape and agricultural pursuits. Therefore, it is intended for this proposal to be exhibited for a period of twenty-eight (28) days.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning will be to inform and receive 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 Council's Central Maitland and Rutherford Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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

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

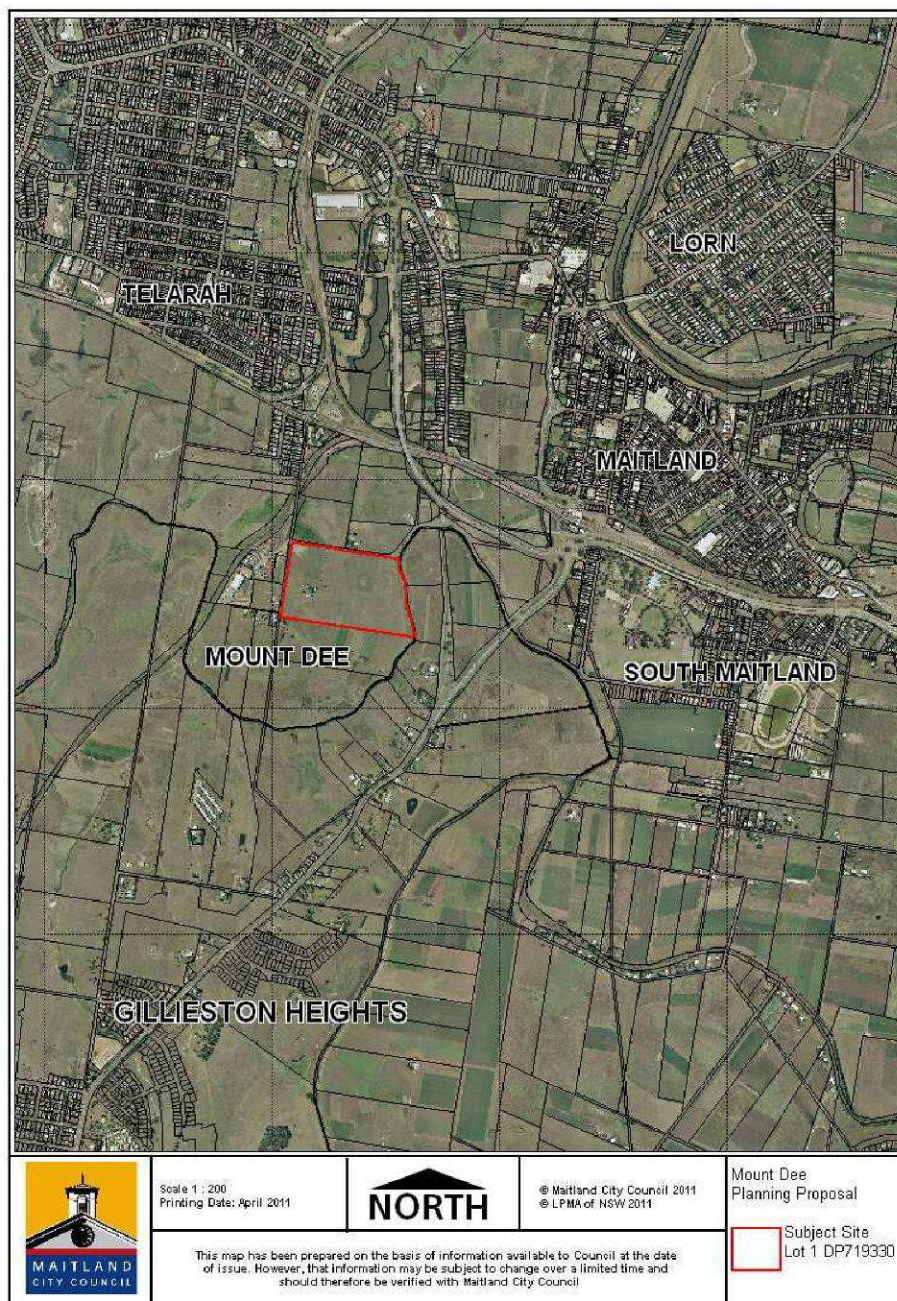
The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Appendix ONE

Location Map

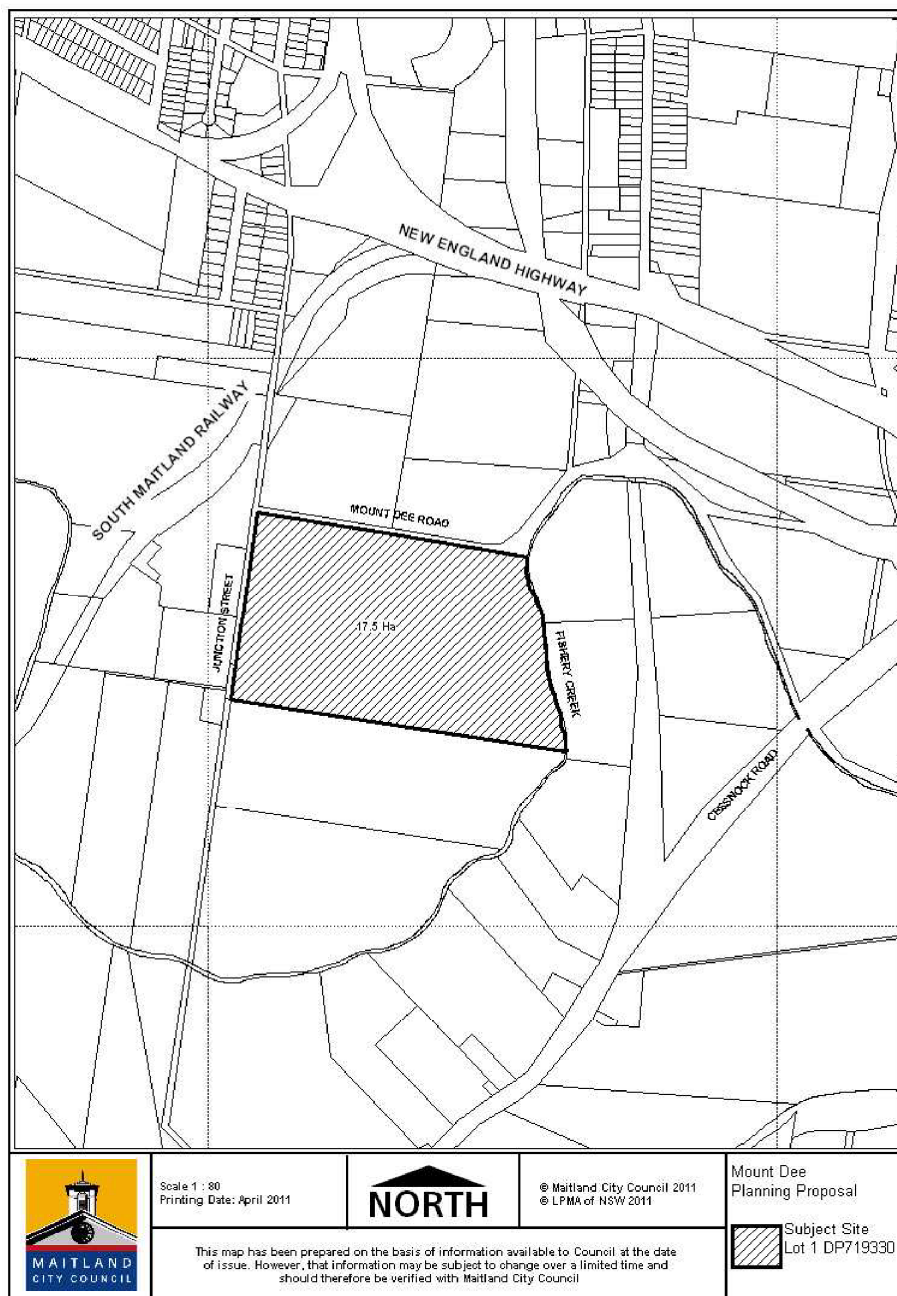
AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

**Map 1: Locality Map- Aerial Photograph**

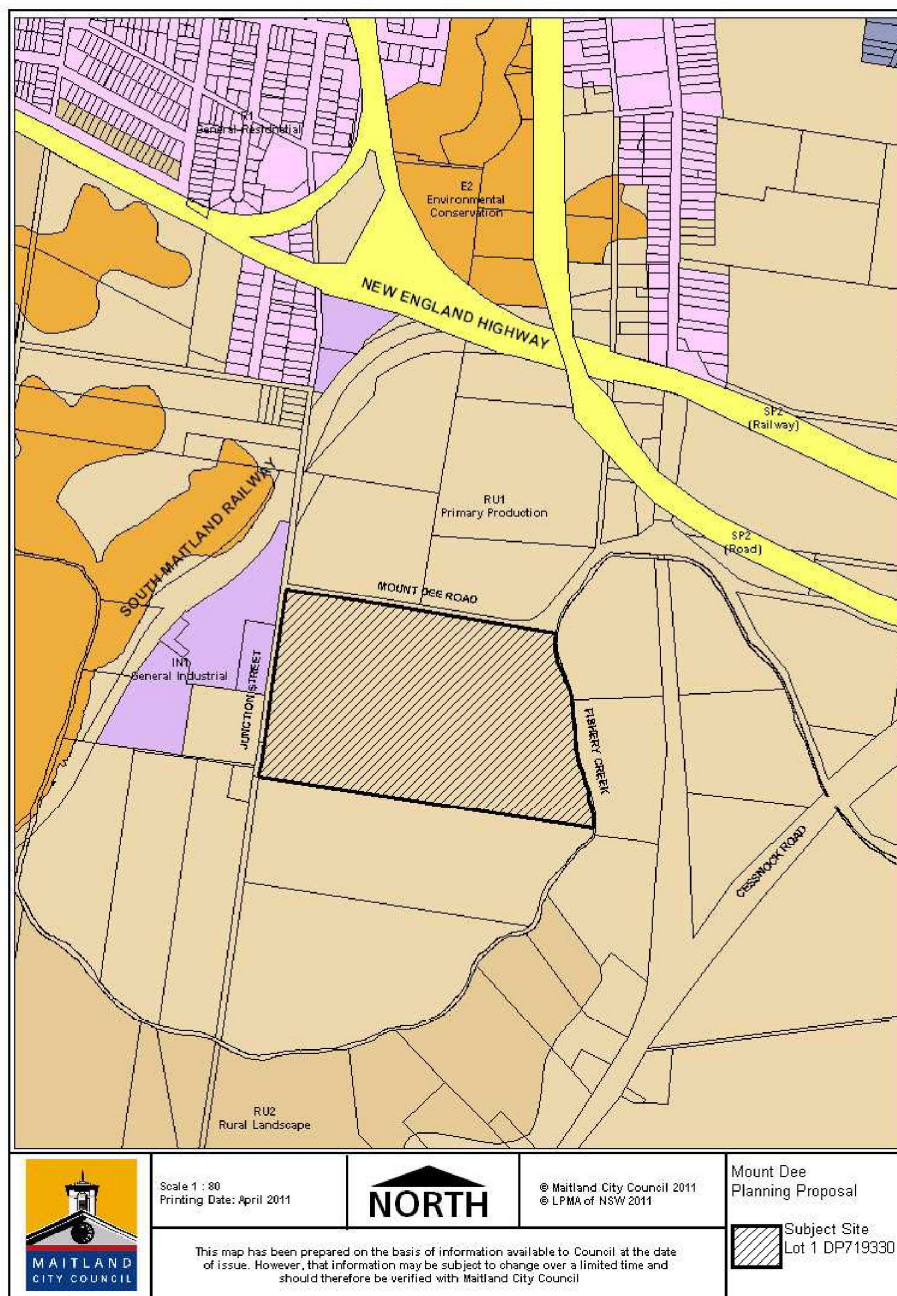
Planning Proposal – Mount Dee Additional Permitted Use
 File no: RZ10/011

page i

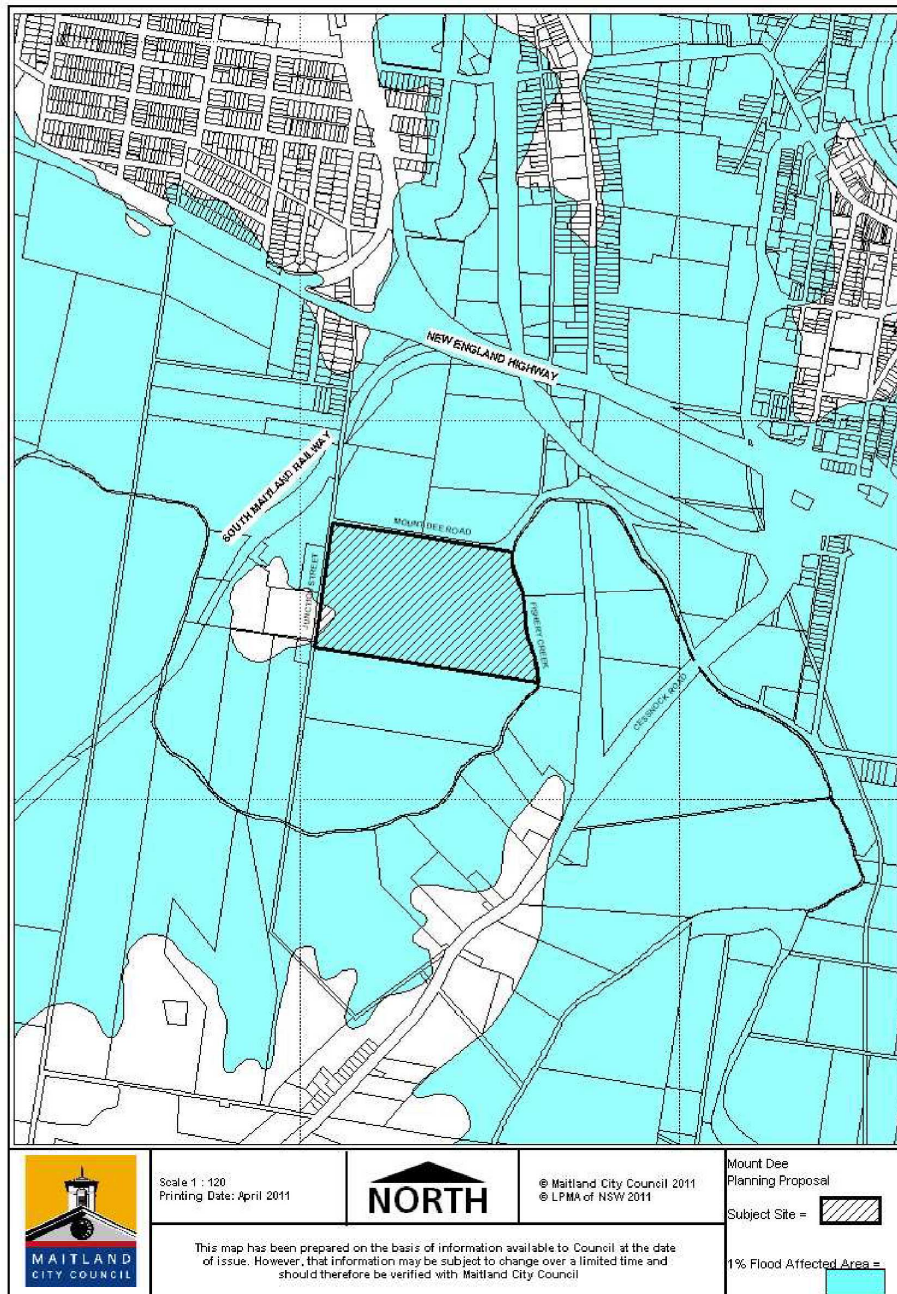
AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

**Map 2: Locality Map- Area of Subject Site**

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

**Map 3: Locality Map- Zoning**

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

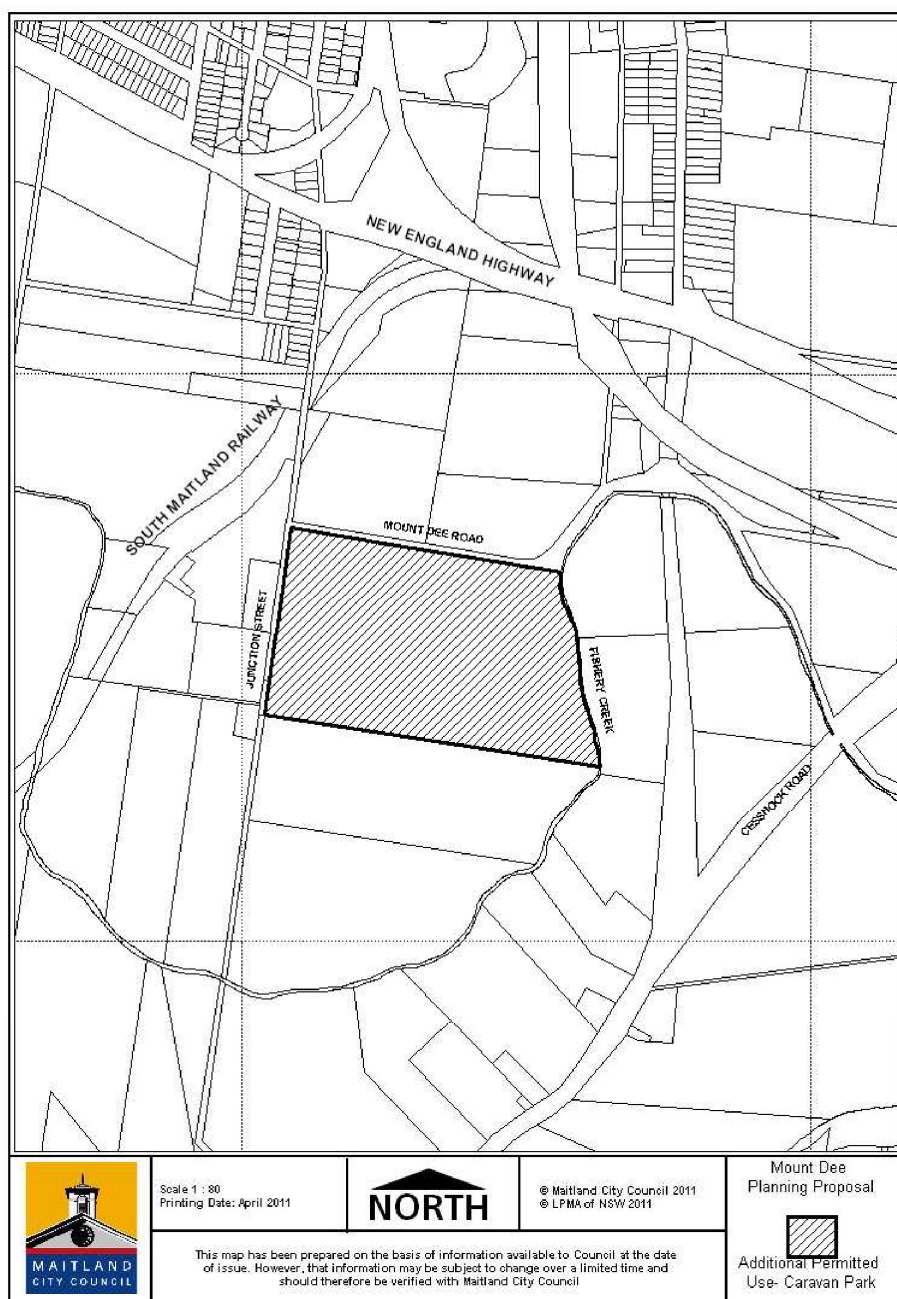
**Map 4: Locality Map- Flood Mapping**

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Appendix TWO

Proposed Amendment Map

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

**Map 4: Proposed Amendment Map- Additional Permitted Use (Caravan Park)**

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

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

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (Cont.)

Appendix FOUR

Applicable State Environmental Planning Policies (SEPPS)

AMENDMENT TO DRAFT MAITLAND LOCAL ENVIRONMENTAL PLAN 2011- ADDITIONAL PERMITTED USE MOUNT DEE ROAD (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

Appendix FOUR

Applicable State Environmental Planning Policies (SEPPS)

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State Environmental Planning Policy No 6—Number of Storeys in a Building
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State Environmental Planning Policy No 19—Bushland in Urban Areas
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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