

PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

ANAMBAH ROAD, ANAMBAH

(Part of Lot 71, DP 714785)

**Version 0.3
1.2.2011**



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Version

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*. It explains the intended effect of, and justification for the proposed amendment to *Maitland Local Environmental Plan 1993* with regard to land known as part of Lot 71 DP 714785 Anambah Road, Anambah.

The purpose of the planning proposal is to rezone part of Lot 71 DP 714785 Anambah Road, Anambah for residential purposes. This would be the land situated on the eastern portion of the site between the Hunter River and Anambah Lagoon, and includes the land above Council's adopted flood standard being the 1% AEP flood. This site is an owner-initiated urban extension site and forms part of the Anambah Preliminary Investigation Area.

Council resolved on the 25 August 2009, to adopt a policy position for the assessment of sites suitable for urban infill or extension development, with the subject site being a Category 2- Spot Rezoning site to be further investigated for inclusion in the comprehensive Maitland Local Environmental Plan 2011.

Council received a rezoning submission for the subject site on the 9 October 2009 and an assessment of the rezoning submission considered that the site was appropriate for residential purposes. It was recommended the subject site be included in the Draft Maitland LEP 2001 as residential land.

Council endorsed the Draft Maitland LEP 2011 for submission to the Department of Planning at its meeting on 23 February 2010, and re-endorsed the draft plan with amendments on 24 August 2010. The Draft Maitland LEP 2011 was submitted with a request that the Department of Planning certify that the plan be publicly exhibited both times including the residential zoning of the subject land.

The Department of Planning considered the Draft Maitland LEP 2011 and issued a certificate under Section 65 of the *Environmental Planning and Assessment Act 1979*. The Department did not accept the zoning change recommended for the subject site and requested it be removed from the Draft Maitland LEP 2011.

This matter was considered by Council at the extraordinary meeting of the 19 October 2010. Council resolved to accept the conditions of the exhibition certificate and remove the residential zoning from the subject site and publicly exhibit the Draft Maitland LEP 2011. The residential zone was removed from the subject site and the land alternatively shown as part RU2 Rural Landscape and E2 Environmental Conversation (for the Anambah Lagoon area).

In order to therefore proceed with the rezoning of the subject site in a timely manner, Council is seeking to progress the matter as an amendment to the *Maitland Local Environmental Plan 1993* through the gateway process. The progression of the planning proposal will continue independently to the progression of the Draft Maitland LEP 2011. The previous assessment of the subject land has indicated that a residential zone would be appropriate for the land above Council's flood standard (1% AEP flood), and no changes are proposed to this assessment.

The site is identified as part of Lot 71 DP 714785 Anambah Road, Anambah. The subject site is located south of the Hunter River and east of the Anambah Lagoon which exists on site, and form the eastern portion of flood free lands on the site. This is depicted in **APPENDIX 1- Locality Plan**, appended to this report.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the planning proposal for the rezoning of lands at Anambah Road, Anambah are to:

1. Enable low density residential development on site;
2. Ensure any development would respond sensitively to the density and scale of existing adjoining residential settlements
3. Mitigate any noise and vibration impacts of the Rutherford Aerodrome;
4. Conserve the rural landscape of the surrounding locality;
5. Protect the riparian vegetation corridor adjoining the Hunter River at the site boundary;
6. Ensure any development is sensitive to the visual amenity of the surrounding locality, particularly the view corridors associated with Anambah House and Anambah Lagoon.

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

PART 2: EXPLANATION of PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan (MLEP) 1993. The amendment would involve a change to the land zoning for the proposed lands for rezoning. This involves a change to cl. 5(1) of the MLEP 1993 as an additional amendment map would need to be included in this clause.

This is described in Table 1 below and shown in the proposed zoning map in **APPENDIX 2- Proposed Zoning Map**.

Land Description	Current Zoning	Proposed Zoning
Part of Lot 71 DP 714785 (Developable Area: 7.5ha)	Part 1(a) Prime Rural Land and 1(b) Secondary Rural Land	Zone 2(a) General Residential with a minimum lot size of 450sqm

The provision of the 2(a) General Residential zone implemented under the current Maitland LEP 1993 would be the equivalent of the R1 General Residential Zone under the provisions of the Draft Maitland LEP 2011 as this zone would provide for residential housing which is consistent with the density and scale of residential development in the adjoining locality.

PART 3: JUSTIFICATION for PROPOSED REZONING

In accordance with the Department of Planning's *'Guide to Preparing Planning Proposals'*, this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The subject lands are identified as part of Anambah Preliminary Investigation Area within the Maitland Urban Settlement Strategy (MUSS) 2008. The MUSS 2008 was endorsed by the Department of Planning on 1 September 2009. However, Preliminary Investigation Areas are not endorsed by the Department of Planning.

Council resolved on the 25 August 2009 that the subject site be included in the assessment of sites suitable for urban infill and extension development. The assessment report for this land noted the following:

'the subject land, and the remainder of the Anambah Preliminary Investigation Area, is significantly affected by flooding...there is also opportunity to consider flood free land in the eastern sector of the subject land which adjoins an area of land being developed for residential purposes.'

In accordance with the urban infill and extension framework contained within the MUSS 2008, the subject land was determined to be a Category 2- Spot Rezoning site, i.e. a site that is a logical extension to the existing urban area, with a range of lot yields between 5-50 lots. Council resolved that assessment of Category 2 sites be progressed with the preparation of the Maitland LEP 2011 subject to written request from the landowner and lodgement of a suitable rezoning application.

The Department of Planning were notified of Council's resolution regarding urban infill and extension sites, and in their correspondence on 29 October 2009 noted that:

'The Department is supportive of the concept of urban infill and urban extension consistent with Council's broader strategic framework. The Council may consider this letter as one of support for proceeding with the adopted framework and inclusion of the identified sites within the Draft LEP 2011 provided this does not cause any unnecessary delays to its progression.'

Council received a rezoning submission for the subject lands on the 9 October 2009 and an assessment of the rezoning submission considered that the lands were appropriate for residential purposes as an urban extension site.

The assessment of the rezoning submission against the objectives of the MUSS 2008 was undertaken. It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residentially zoned land immediately to the east. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

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

It is considered that an amendment to the *Maitland Local Environmental Plan 1993* through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the objectives of the Maitland Urban Settlement Strategy 2008, Council's adopted policy position on urban infill and extension sites and the desired future outcomes for the subjects lands at Anambah Road, Anambah.

The preparation of Council's Draft Maitland LEP 2011 within the standard template format is progressing along a 2011 completion timetable, as agreed with the Department of Planning. The Department has also endorsed Maitland's land release program which outlined the logical progression and sequencing of land release within the Maitland LGA. This program identified Maitland's potential residential infill and extension sites which were not included in the Draft Maitland LEP 2011 to progress independently of this process.

This planning proposal for the rezoning of the subject site re-affirms the principles of urban extensions, with services and access to be extended from the existing residentially zoned land immediately to the east. An assessment of character, environment, infrastructure and design against the objectives outlines in the MUSS 2008 has been undertaken and can be achieved through this planning proposal. It is therefore considered that the planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

3. Is there a net community benefit?

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

Specifically, the subject lands are considered as part of the adopted policy position for urban infill and extension sites identified within Council's Maitland Urban Settlement Strategy 2008. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2008 and Council's adopted framework for urban extension sites.

The rezoning of the subject site would enable residential development, contributing to the local economy given that a high proportion of residents within the subject area will be able to readily commute to the Maitland CBD. Additionally, this will assist in providing a local supply of labour for local businesses.

The public interest reasons for preparing this draft plan include:

- The development of the subject lands will support the growing residential population within the western of the Maitland LGA, with potentially 150 new residents;
- The land has largely exhausted its historical agricultural use and the proposal to develop the land for urban purposes will result in an improved outcome and a higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected due to the retention of the 1(a) Prime Rural Lands Zone and 1(b) Secondary Rural Lands Zone on the balance of the site that is not flood free. This enables the retention and protection of riparian vegetation and existing vegetation corridors on the site.

The implications of not proceeding with the planning proposal include:

- The potential of the proposed urban infill and extension site, as endorsed in the MUSS 2008, to not be achieved in the instance the proposal is not supported;
- The desired future outcomes of Council's long term strategic plans (MUSS 2008) for this area will not be achieved;
- The potential for a higher order land use within the subject lands would be lost, as the land is not large enough to support sustainable agricultural practices;
- The potential for improvements to the existing public infrastructure would be limited;
- Opportunities to improve and enhance the linkages between established residential areas and rural areas of Anambah will be denied if the proposal is not supported.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy (NSW Dept of Planning) – October 2006

The Lower Hunter Regional Strategy identifies individual 'release areas' generally with an area greater than 50 hectares. However sites less than 50 hectares, such as the urban extension site identified as part of Lot 71 DP 714785 Anambah Road, Anambah, are capable of being developed if they are consistent with the principles of the strategy and if they are identified within an endorsed local strategy.

The subject lands and the objectives of this planning proposal are consistent with the principles of the Lower Hunter Regional Strategy. In addition, the flood free portion of the site proposed for rezoning is not large enough to support sustainable agricultural practices and is not known to contain any viable mineral or extractive resources. The subject lands at Anambah Road, Anambah is a site with potential for Urban Extension Development identified in an endorsed local strategy, being the MUSS 2008. Therefore there are capabilities for the site to be rezoned for urban purposes.

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

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

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

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

Council resolved on the 25 August 2009 that the subject site be included in the assessment of site suitable for urban infill and extension development. In accordance with the urban infill and extension framework, the subject lands were determined as a Category 2- Spot Rezoning site, i.e. a site that is a logical extension to the existing urban area, with the flood free portion of the site accommodating a range of lot yields between 5-50 lots. It was considered that assessment of Category 2 sites be progressed with the preparation of the Maitland LEP 2011 subject to written request from the landowner and lodgement of a suitable rezoning application.

Council received a rezoning submission for the subject lands on the 9 October 2009 and an assessment of the rezoning submission considered that the land were appropriate for residential purposes as an urban extension site.

The assessment of the rezoning submission against the objectives of the MUSS has been undertaken. It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with eservices and access to be extended from the existing residentially zoned land immediately to the east. This planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

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 lost of all applicable SEPPS is appended to this report as **APPENDIX 4: Applicable State Environmental Planning Policies**.

SEPP	Relevance	Consistency and Implications
SEPP (Infrastructure) 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP (Rural Lands) 2008	Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is rezoning lands zoned for rural purposes to urban/residential purposes and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. However the subject site is identified as a site appropriate for urban infill and extension development as identified in the adopted policy position in the endorsed MUSS 2008. In addition the site is not practical for sustainable agricultural for sustainable agricultural practices consistent with prime agricultural classes 1 and 2. Therefore the inconsistency with the aims of the

		Rural Lands SEPP 2008 is justified.
SEPP no. 55 Remediation of Land	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	Given the historical use of the land for agricultural purposes, the land has previously been subject to agricultural activities over time and may accommodate chemical residues from such activities. A preliminary contamination assessment has been undertaken on site and the geotechnical report submitted as part of the rezoning proposal suggests a low potential for contamination. However there is evidence of imported fill on site and therefore a detailed contamination assessment would need to occur prior to the development assessment stage to ensure appropriate remediation of the site occurs if necessary.

Table One: Relevant State Environmental Planning Policies

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

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

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones	NA	
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	It is proposed to rezone the subject lands from rural to urban lands. The majority of the site is currently zoned for rural purposes. This is justified by the endorsed MUSS 2008 which identifies the adopted policy position for urban infill and extension development, which the site is identified as. In addition the site, at present does not support prime agricultural uses. Therefore the proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.4 Oyster Aquaculture		
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes.	The subject lands comprises rural land that is identified in the Maitland Rural Strategy 2005 as suitable to support prime agricultural land classes 1 and 2. However this portion of the site has not been utilised for rural activities for some time and is a small isolated parcel of rural land and

Ministerial Direction	Aim of the Direction	Consistency and Implications
		therefore not suitable to support extensive prime agriculture. Hence, the land has been identified by Council as suitable for urban infill and extension development. Rezoning the subject lands will not result in the loss of sustainable and viable rural lands and hence the inconsistency with the aims of this direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection		
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services	The planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 1993 for rezoning of lands for urban purposes. The proposed rezoning will result in a change of land use to enable future residential development of the site. In the Draft Maitland LEP 2011, the site, in the future, would be identified as the equivalent R! General Residential zone. The land is identified as an urban infill and extension site for potential development and within the Anambah Preliminary Investigation Area within the MUSS 2008. Therefore the proposal is consistent with the objectives of this direction.
3.2 Caravan Parks and Manufactured Home Estates	NA	
3.3 Home Occupations	NA	
3.4 Integrating Land Use and Transport	The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.	The planning proposal does not achieve the objectives of this direction. However the area proposed for rezoning is identified within an endorsed local strategy as the Anambah Preliminary Investigation Area within the MUSS 2008 and within Council's adopted policy position on urban infill and extension

Ministerial Direction	Aim of the Direction	Consistency and Implications
		development.
3.5 Development Near Licensed Aerodromes	The objectives of this direction are to ensure the effective and safe operations of aerodromes, the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and lastly to ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates mitigation measures so that the development is not adversely affected by aircraft noise.	This planning proposal applies but does not result in the increase of residential land within the 20-25 ANEF contours and therefore does not impede the operation of the aerodrome. Therefore the proposal is considered to be consistent with this direction.
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing ASS.	Current ASS risk maps and ASS Mapping under the Draft Maitland LEP 2011 indicate the potential of ASS and identify the site as affected by Class 5 ASS. This low class ASS should not preclude the rezoning process continuing but should be considered further prior to any future development of the lands. Therefore the planning proposal is consistent with the objectives of this direction.
4.2 Mine Subsidence and Unstable Land	NA	
4.3 Flood Prone Land	The direction aims to reduce the risk of flood and to ensure that the development of the flood prone land is consistent with the NSW Flood Prone Land policy.	The portion identified in this planning proposal for rezoning is not affected by the inundation of flood during a 1:100 year flood event. The areas of the site affected by 1:100 year flood inundation is incapable of supporting further residential development due to environmental constraints and therefore is not included in this planning proposal for rezoning. As the planning proposal site is located above the 1:100 year flood level, flooding is considered of minor significance and therefore the planning proposal is consistent with the aims of this direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush	This direction applies as part of the subject site is identified as bushfire prone. Environmental studies for the site have assessed bushfire risk and outlined the environmental hazards from

Ministerial Direction	Aim of the Direction	Consistency and Implications
	fire prone areas, and to encourage sound management of bush fire prone areas.	bushfire threat on any future urban development. It is considered the planning proposal is consistent with the objectives of this direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA	The planning proposal is consistent with the aims and objectives of the LHRS 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site forms part of the endorsed MUSS 2008 as Anambah Preliminary Investigation Area and part of those identified sites for urban infill and extension development. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
LOCAL PLAN MAKING		
6.1 Approval and Referral	The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal does not affect the objectives of this direction and will be consistent with this requirement.
6.2 Reserving Land for Public Purpose	NA	
6.3 Site Specific Provisions	NA	
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	NA	

Table 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?

A detailed Flora and Fauna study has been prepared to inform the rezoning proposal which included consideration under Section 5A of the *Environmental Planning and Assessment Act 1979*. The flora and fauna assessment of the site concludes that due to the largely cleared nature of the area and the retention of riparian vegetation adjoining the Hunter River and Anambah Lagoon, the proposal to develop the subject site for urban purposes is considered feasible as it will not impact upon locally occurring threatened species.

DECCW (Department of Environment, Climate Change and Water) and Council consider all vegetation to be of high importance to the LGA, and Council requires recognition of the vegetation at a local scale for maintaining habitat and biodiversity. Resultantly, in accordance with DECCW and Maitland's Greening Plan 2002, all onsite vegetation is to be retained and where possible, enhanced, specifically the portion of the site which adjoins the Hunter River and Anambah Lagoon.

Council is satisfied that future residential development is unlikely to cause any detrimental impacts to existing flora and fauna.

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

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

Loss of Rural Lands:

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

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

Bushfire:

An appropriate bushfire assessment has been prepared by the proponent to address bushfire risk in accordance with Planning for Bushfire Protection 2006. The assessment identified the areas of bushfire prone land taking into consideration the slope and aspect of the site. The assessment identified that the subject site is potentially exposed to Category 3 Bushfire Prone (Grasslands) vegetation across its entirety.

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 lands for residential purposes.

Traffic, Access and Transport:

A traffic and transport assessment has been completed as part of the proposal for rezoning. It is considered that any potential development of the land will likely result in an increase in traffic movements in the locality. The subject site has access to the existing road network; however the connection of any future development to the existing residential public road requires the adjoining property owner's permission.

Council identifies that the increase in traffic movements that any future development would generate would not preclude the existing road network to continue operating at a satisfactory level of services, that is, there would be no adverse impact to the network caused by the additional traffic generated.

Council is therefore satisfied that the existing road network is capable of supporting the additional traffic loads likely to be generated as a result of the rezoning and future residential development of the site. Council is satisfied that there would be no adverse impacts to the network caused by this rezoning.

Flooding and Drainage:

The subject site is predominantly located between two drainage catchments which flow from Anambah Lagoon towards the Hunter River. The remaining portion of Lot 71 DP 714785 that is not considered in this proposal for rezoning is liable to flooding in the event of a 1 in 100 year flood. The subject site, proposed for rezoning for residential development however lies above the flood line of RL 18.0 and therefore is not flood prone.

Council is satisfied that the rezoning of the subject lands will not increase the risk posed by flooding constraints and therefore considers rezoning of the subject lands appropriate if development lies above the RL of 18.0.

Noise and Vibration:

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

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

Acid Sulphate Soils (ASS):

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

Contamination Assessment:

A preliminary contamination assessment was prepared by the proponent, in accordance with State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, to inform the rezoning process. This report is limited in detail and does not wholly investigate the extent of potential contamination uses on site. It

is therefore recommended that a more detailed contamination assessment be undertaken prior to any future development of the site so as to ascertain whether remediation of the land is required prior to residential subdivision being permitted on the subject lands.

Council, however, is satisfied that the potential contamination on site does not preclude the rezoning of the lands for urban purposes subject to a more detailed contamination assessment being submitted to Council prior to the design phase of the process.

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

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

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

Visual Assessment:

A visual assessment has been completed and submitted as part of the proposal for rezoning. The assessment considers the site, its visual setting and rezoning impacts upon Anambah House. A copy of the visual assessment map is provided in **Appendix 6 Visual Assessment**.

Anambah House is located adjacent to the subject lands to the West on Lot 70 DP 714785. Anambah House is set on a slight hill and above Anambah Lagoon and is listed as a heritage item of significance. At present Anambah House is surrounded by large dense plantings of mature pines and silky oak trees which obscure views from the house. The trees and the cleared country side which surround the site make Anambah House a prominent landscape element.

The assessment identified that the rezoning of the subject lands and any potential development that may occur on the site, integrates with adjoining urban development to the east, retains large tracts of cleared view corridors associated with Anambah House and Anambah Lagoon whilst incorporating the concepts of a wildlife corridor as identified in the Maitland Greening Plan.

Council is therefore satisfied that rezoning of the subject lands will not adversely impact on the visual setting of the locality, specifically Anambah House. It is considered the issue of visual amenity will be managed through the development assessment stage of the process.

Heritage and Archaeological Significance:

Archaeological Risk Assessment Services was commissioned to undertake an Aboriginal cultural heritage and archaeological assessment of the site. The assessment identified that the subject lands are considered

to have some Aboriginal heritage potential which was concluded based on Aboriginal consultation, background archaeological research, previous and current field assessments and land use history. The assessment considered that in consultation with registered Aboriginal stakeholder groups, a conservation buffer zone should be defined for parts of Anambah Lagoon to protect known and potential Aboriginal heritage resources from future development.

Council has considered the assessment and supports the recommendations provided in the report. However, it is considered that further consultation and agreement from the relevant Aboriginal groups is required with respect to a conservation buffer zone around the Anambah Lagoon as part of the assessment program.

Subsequently, Council is satisfied the heritage and archaeological significance of the site can be managed and therefore should not be a deterrent to progressing with the rezoning if it is ensure the recommendations of the report are adhered to.

Section D – STATE and COMMONWEALTH INTERESTS

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

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

The site adjoins existing residential development. Reticulated water is currently provided to the adjoining residential areas with capacity provided to service the subject lands. A water strategy is being prepared for Hunter Water Corporation to extend these water services to the proposed rezoning site. The site is not currently provided by electricity; however it is proposed to extend the existing networks of the surrounding residential areas to the subject lands. Augmentation of the electricity network will be extended to the site in consultation with Energy Australia. The site is serviced by telecommunications in the form of land and mobile services.

Consultation with relevant government agencies and public authorities is necessary to identify the capabilities of augmenting those services which are not currently provided to the site, including water, wastewater and electricity. Resultantly at a 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.

There is both adequate provision of public infrastructure to the site at present and there is provision for increased public infrastructure in the future, therefore there is justification for the progression fo this planning proposal for the rezoning of the subject lands.

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

No advice has been sought from government agencies and public authorities who may be impacted by a zoning change in the subject lands at Anambah Road, Anambah. It is anticipated that post a gateway determination, Council will complete consultation with relevant public authorities and government agencies.

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 land is located in a visually prominent location and is impacted by a number of environmental constraints. 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 the Council's Rutherford and Central Maitland Library and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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

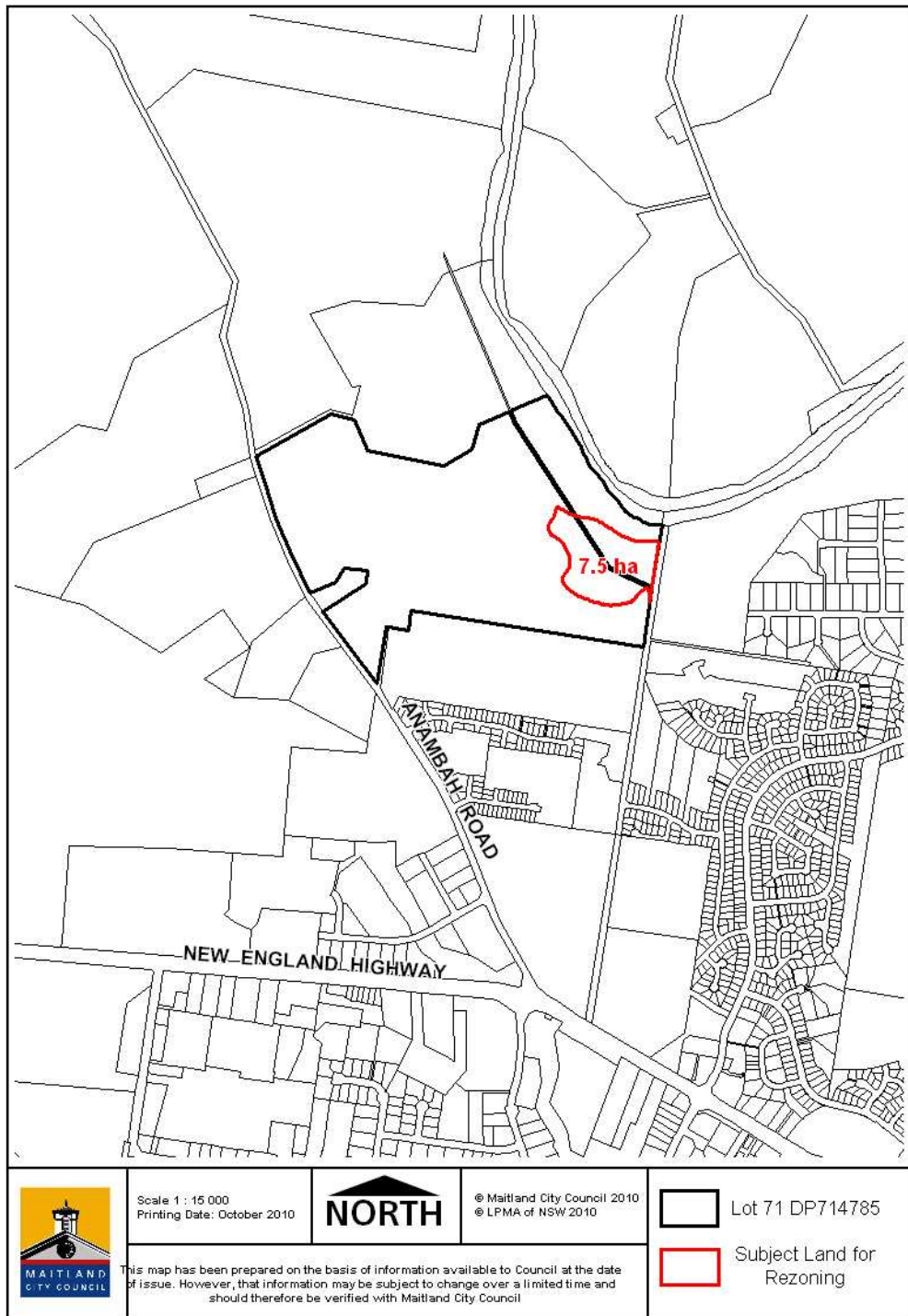
The consultation process, as outlined above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE

Location Maps



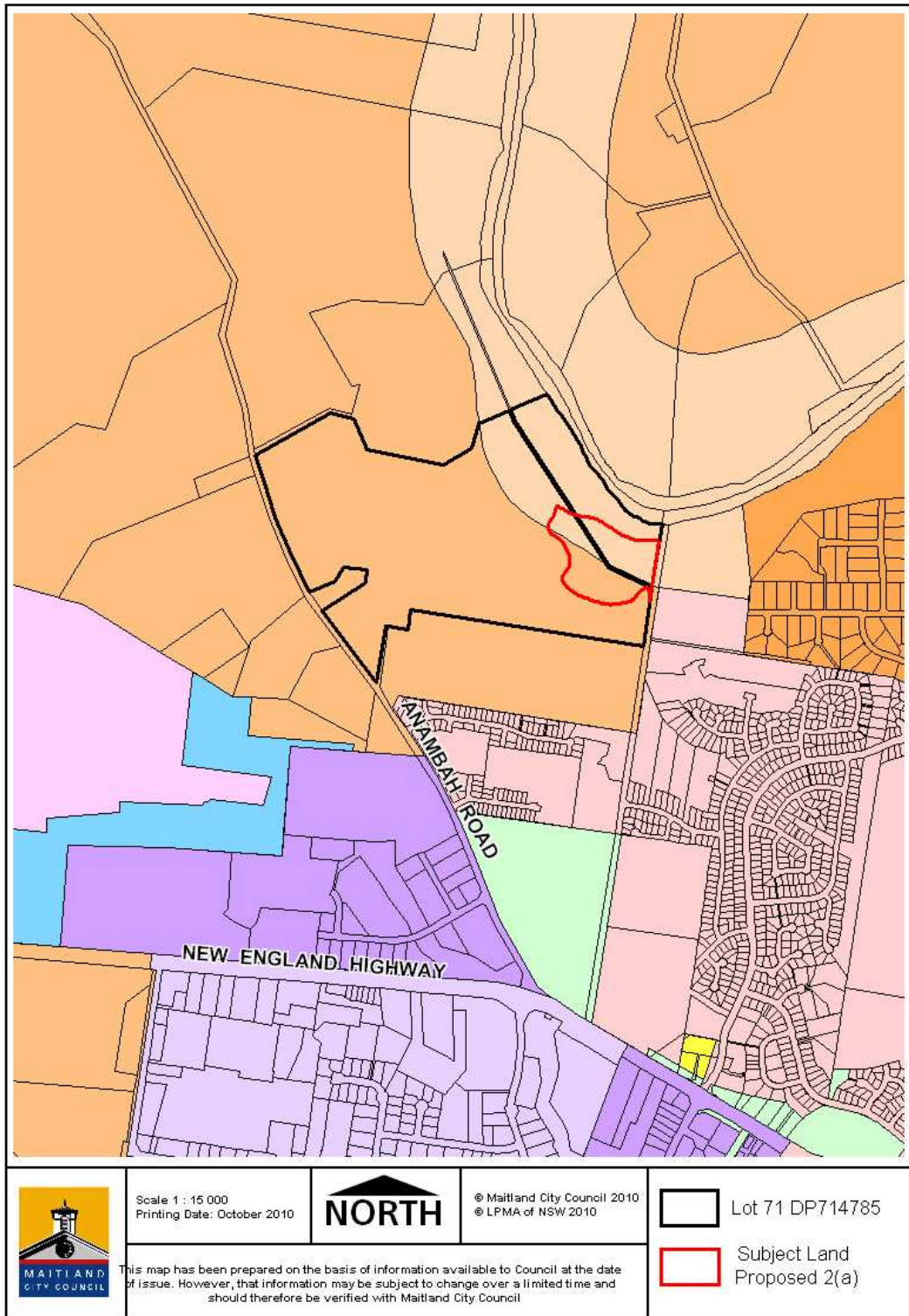
Map 1: Locality Map showing Aerial Photograph of the site.



Map 2: Cadastre showing area of Anambah Road subject lands proposed for rezoning.

Appendix TWO

Proposed Zoning Map



Map 3: Proposed Zoning Map of Anambah Road Subject Lands.

Appendix THREE

Council Report and Minutes

10.8 REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH

File No: RZ09003

Attachments:

1. Locality Plan
2. Anambah Preliminary Investigation Area
3. Proposed Zoning Area Map

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation

Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

A planning proposal has been prepared for the subject site known as part of Lot 71 DP 714785 Anambah Road, Anambah. This site is an owner-initiated urban extension site and forms part of the Anambah Preliminary Investigation Area.

Council resolved on the 25 August 2009, to adopt a policy position for the assessment of sites suitable for urban infill or extension development, with the subject site being a Category 2 site to be further investigated for inclusion in the comprehensive Maitland LEP 2011.

Council received a rezoning submission for the subject lands on the 9 October 2009 and an assessment of the rezoning submission considered that the lands were appropriate for residential purposes. It was recommended the subject site be included in the Draft Maitland LEP 2011 as residential land.

Council endorsed the Draft Maitland LEP 2011 for submission to the Department of Planning at its meeting on 23 February 2010, and re-endorsed the draft plan with amendments on 24 August 2010. The Draft Maitland LEP 2011 was submitted with a request that the Department of Planning certify that the plan be publicly exhibited, both times including the residential zoning of the subject land.

The Department of Planning considered the Draft Maitland LEP 2011 and issued a certificate under Section 65 of the Environmental Planning and Assessment Act 1979. The Department did not accept the zoning change recommended for the subject site and requested it be removed from the Draft Maitland LEP 2011.

This matter was considered by Council at the extraordinary meeting of the 19 October 2010. Council resolved to accept the conditions of the exhibition certificate, remove the residential zoning from the subject land and publicly exhibit the Draft Maitland LEP 2011.

In order to therefore proceed with the rezoning of the subject site in a timely manner, an LEP amendment process needs to be commenced and progressed through to Gateway Determination. The previous assessment of the subject land has indicated that a residential zone would be appropriate for the land above Council's flood standard (1% AEP flood), and no changes are proposed to this assessment.

OFFICER'S RECOMMENDATION**THAT**

1. The draft Local Environmental Plan (DLEP) for Part Lot 71 DP 714785 Anambah Road, Anambah, be endorsed as rezoning from rural to residential and apply to the land as shown in the attached plan.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the 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.

COUNCIL RESOLUTION**THAT**

1. The draft Local Environmental Plan (DLEP) for Part Lot 71 DP 714785 Anambah Road, Anambah, be endorsed as rezoning from rural to residential and apply to the land as shown in the attached plan.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the 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 Meskauskas, Seconded Clr Fairweather

CARRIED

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

The division resulted in 13 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 Penfold
Clr Procter
Clr Tierney
Clr Wethered

10.8 REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH

File No: RZ09003

Attachments:

1. Locality Plan
2. Anambah Preliminary Investigation Area
3. Proposed Zoning Area Map

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation

Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

A planning proposal has been prepared for the subject site known as part of Lot 71 DP 714785 Anambah Road, Anambah. This site is an owner-initiated urban extension site and forms part of the Anambah Preliminary Investigation Area.

Council resolved on the 25 August 2009, to adopt a policy position for the assessment of sites suitable for urban infill or extension development, with the subject site being a Category 2 site to be further investigated for inclusion in the comprehensive Maitland LEP 2011.

Council received a rezoning submission for the subject lands on the 9 October 2009 and an assessment of the rezoning submission considered that the lands were appropriate for residential purposes. It was recommended the subject site be included in the Draft Maitland LEP 2011 as residential land.

Council endorsed the Draft Maitland LEP 2011 for submission to the Department of Planning at its meeting on 23 February 2010, and re-endorsed the draft plan with amendments on 24 August 2010. The Draft Maitland LEP 2011 was submitted with a request that the Department of Planning certify that the plan be publicly exhibited, both times including the residential zoning of the subject land.

The Department of Planning considered the Draft Maitland LEP 2011 and issued a certificate under Section 65 of the Environmental Planning and Assessment Act 1979. The Department did not accept the zoning change recommended for the subject site and requested it be removed from the Draft Maitland LEP 2011.

This matter was considered by Council at the extraordinary meeting of the 19 October 2010. Council resolved to accept the conditions of the exhibition certificate, remove the residential zoning from the subject land and publicly exhibit the Draft Maitland LEP 2011.

In order to therefore proceed with the rezoning of the subject site in a timely manner, an LEP amendment process needs to be commenced and progressed through to Gateway Determination. The previous assessment of the subject land has indicated that a residential zone would be appropriate for the land above Council's flood standard (1% AEP flood), and no changes are proposed to this assessment.

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

OFFICER'S RECOMMENDATION

THAT

1. The draft Local Environmental Plan (DLEP) for Part Lot 71 DP 714785 Anambah Road, Anambah, be endorsed as rezoning from rural to residential and apply to the land as shown in the attached plan.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the 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.

REPORT

The purpose of this report is to:

1. Provide a background to the rezoning process undertaken prior to this point for the subject site known as Lot 71 DP 714785 Anambah Road, Anambah;
2. Provide information to enable the Council to determine whether an amendment should be made for the purpose of rezoning lands for urban purposes; and
3. Provide a summary of the planning proposal for the subject site for submission to the Department of Planning.

Background

The subject site refers to lands known as part of Lot 71 DP 714785 Anambah Road Anambah, and as shown in Attachment 1. The land is currently zoned partly 1(a) Prime Rural Land and 1(b) Secondary Rural Land in the Maitland Local Environmental Plan 2011. These zones would normally translate to RU1 Primary Production and RU2 Rural Landscape in the Draft Maitland Local Environmental Plan 2011.

This site is also within the Anambah Preliminary Investigation Area identified in the Maitland Urban Settlement Strategy (MUSS) 2008 (as shown in Attachment 2). Preliminary Investigation Areas are not endorsed by the Department of Planning, and in correspondence dated 1 September 2009, the Director General states that;

"Due to the lack of certainty over the location and nature of development within the preliminary investigation areas, these areas are not endorsed at this time, However, further investigations into the desired future of these areas is

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

supported where consistent with the broader objectives and principles of the MUSS."

Council resolved on the 25 August 2009 that the subject site be included in the assessment of sites suitable for urban infill and extension development. The assessment report for this land noted the following:

"The subject land, and the remainder of the Anambah PIA (Preliminary Investigation Area), is significantly affected by flooding. ... There is also opportunity to consider flood free land in the eastern sector of the subject land which adjoins an area of land being developed for residential purposes."

In accordance with the urban infill and extension framework, the subject land was determined to be a Category 2 – Spot Rezoning site, i.e. a site that is a logical extension to the existing urban area, with a range of lot yields between 5 – 50 lots. Council resolved that assessment of Category 2 sites be progressed with the preparation of the Maitland LEP 2011 subject to written request from the landowner and lodgement of a suitable rezoning application.

The Department of Planning were notified of Council's resolution regarding urban infill and extension sites, and in their correspondence on 29 October 2009 noted that:

"the Department is supportive of the concept of urban infill and urban extension consistent with Councils' broader strategic framework. The Council may consider this letter as one of support for proceeding with the adopted framework and inclusion of the identified sites within the draft LEP 2011 provided this does not cause any unnecessary delays to its progression."

Council received a rezoning submission for the subject lands on the 9 October 2009 and an assessment of the rezoning submission considered that the lands were appropriate for residential purposes as an urban extension site. The assessment recommended that the subject site be included in the Draft Maitland LEP 2011 as residential land.

Council endorsed the Draft Maitland LEP 2011 for submission to the Department of Planning at its meeting on 23 February 2010, and re-endorsed the draft plan with amendments on 24 August 2010. The Draft Maitland LEP 2011 was submitted with a request that the Department of Planning certify that the plan be publicly exhibited. The subject site was included in the Draft LEP 2011, recommended for rezoning to residential.

The Department of Planning considered the Draft Maitland LEP 2011 and issued a certificate under Section 65 of the Environmental Planning and Assessment Act 1979. The Department of Planning did not accept the zoning change recommended for the subject site included in the Draft Maitland LEP 2011 and requested it be removed from the draft plan. Specifically the Department stated that;

"Lot 71 DP 714785 Anambah Road, Anambah. Amend land zoning map to remove proposed residential zone because inconsistent with the endorsed Council Strategy and lack of strategic analysis and zone appropriate rural zone".

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

This matter was considered by Council at the extraordinary meeting of the 19 October 2010. Council resolved to accept the conditions of the Section 65 certificate and publicly exhibit the Draft Maitland LEP 2011. The residential zone from the subject site was removed and the land shown as part RU2 Rural Landscape and E2 Environmental Conservation (for the Anambah Lagoon area).

As a result of the removal of the rezoning from the Draft Maitland LEP 2011, it is recommended that the matter be progressed as a spot rezoning LEP amendment. This will proceed through the Gateway Determination pathway for new LEP amendments.

Rezoning Proposal

The purpose of the planning proposal is to rezone part of Lot 71 DP 714785 Anambah Road, Anambah for residential purposes. This would be the land situated on the eastern portion of the site between the Hunter River and Anambah Lagoon, and would include the land above Council's adopted flood standard being the 1% AEP flood. The rezoning would only apply to approximately 7.5ha of Lot 71 (about 10% of the allotment), as shown in Attachment 3.

The LEP amendment would either proceed as an amendment to Maitland LEP 1993 or Maitland LEP 2011 depending on the timing of the comprehensive LEP. If the amendment is made to Maitland LEP 1993, the zoning would be 2(a) Residential. If the amendment is made to Maitland LEP 2011, the zoning would be R1 General Residential, and the Lot Size Map would be amended to show 450m² minimum lot size.

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

The rezoning of the subject site would enable residential development, supporting the growing population within the western sector of the Maitland LGA. The land has largely exhausted its historical agricultural use and the proposal to develop part of the land for residential purposes will result in a higher order use of the land. Environmentally sensitive areas including Anambah Lagoon will be unaffected by the zoning and further conserved with to the retention of a rural zoning and the introduction of an environmental zone in this area.

Whilst the subject site is within the Anambah Preliminary Investigation Area, it is also an urban extension site. It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing residentially zoned land immediately to the east. The applicant for the rezoning application has indicated that arrangements have been made with the adjoining landowners to provide road access and therefore the extension of essential services to the site. An assessment of character, environment, infrastructure and design against the objectives outlined in the MUSS has been undertaken and can be achieved for this LEP amendment. It is therefore considered that the LEP

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

amendment is consistent with the MUSS and Council's adopted framework for urban extension sites.

Environmental Studies

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

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

- Flooding
- Visual and rural amenity impacts, particularly in relation to Anambah House
- Ecological Impacts, specifically concerning Anambah Lagoon
- Noise and Vibration Impacts of the Rutherford Aerodrome
- Heritage and Archaeological Significance
- Servicing and Infrastructure Provision
- Contamination

It is considered that these matters can be adequately addressed, especially as the LEP amendment only proposes to rezone residential land above Council's flood standard. This will result in significant setbacks and buffers to Anambah Lagoon, Rutherford aerodrome and Anambah House. These matters will continued to be reviewed during the rezoning process, with detailed assessment to occur with a development application.

Consultation with Public Authorities

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

Next Steps

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

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.

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

CONCLUSION

Council has previously resolved to consider the subject site for rezoning as part of the Draft Maitland LEP 2011. However, due to conditions placed on the public exhibition of the Draft Maitland LEP 2011 by the Department of Planning, Council is seeking to progress this matter separately as an LEP amendment to either the Maitland LEP 1993 or Maitland LEP 2011 depending on timeframes for the comprehensive LEP to be gazetted. A planning proposal is necessary to be endorsed by Council and submitted to the Department of Planning for consideration.

The rezoning of the subject site will ensure the outcomes of the Council's long term strategic plans are achieved.

FINANCIAL IMPLICATIONS

This matter is to progress the rezoning of land at Anambah Road, Anambah, therefore it has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The proposed subject site to which this planning proposal refers has been identified as part of a Preliminary Investigation Area and also as an urban extension site within Council's adopted Maitland Urban Settlement Strategy 2008. Therefore it has no specific policy implications for Council.

STATUTORY IMPLICATIONS

This planning proposal is progressing the rezoning in line with relevant legislative requirement under the Environmental Planning and Assessment Act 1979 and associated regulation.

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

Service Planning and Regulation Reports

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH

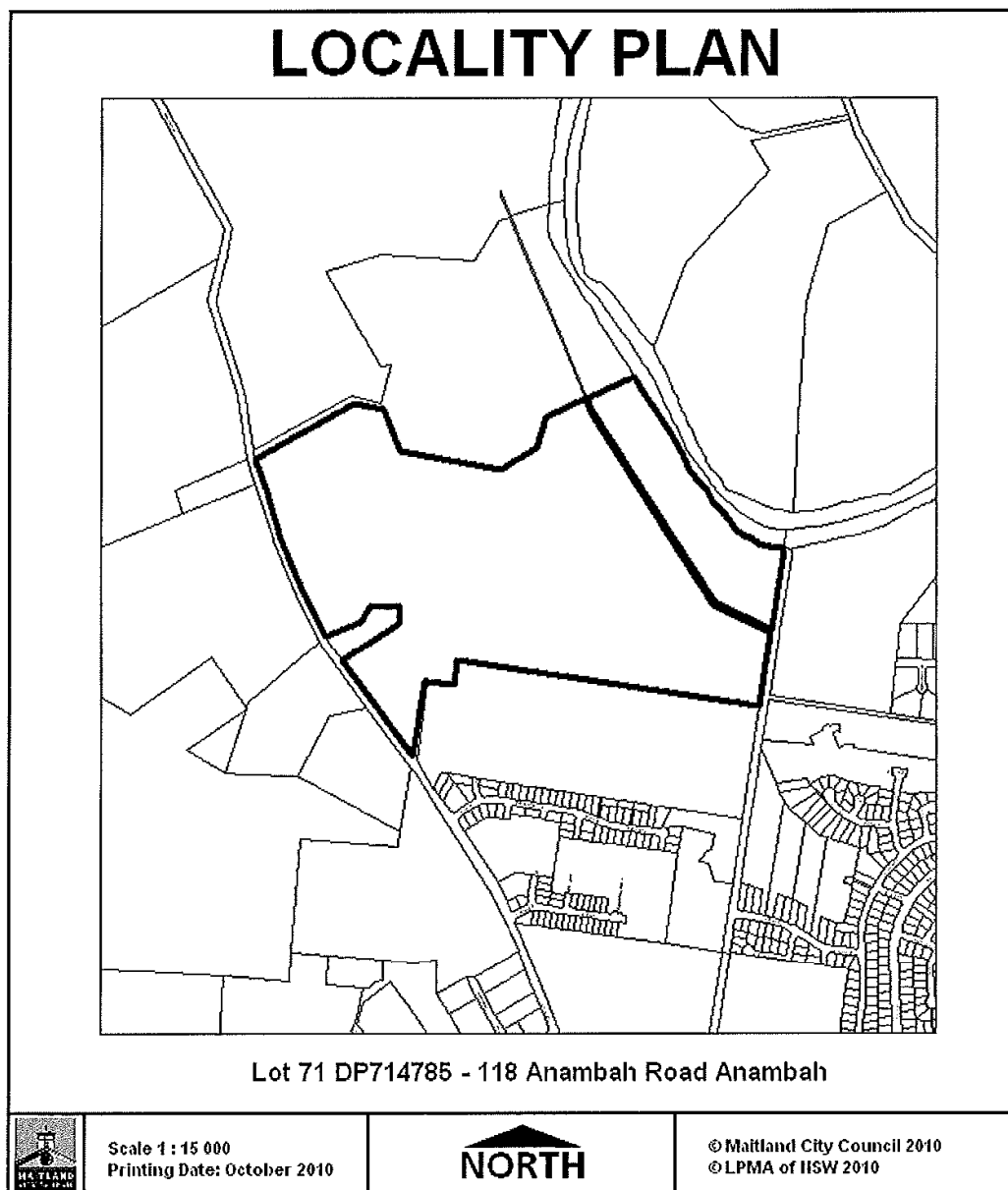
Locality Plan

Meeting Date: 9 November 2010

Attachment No: 1

Number of Pages: 1

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)



REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

Service Planning and Regulation Reports

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH

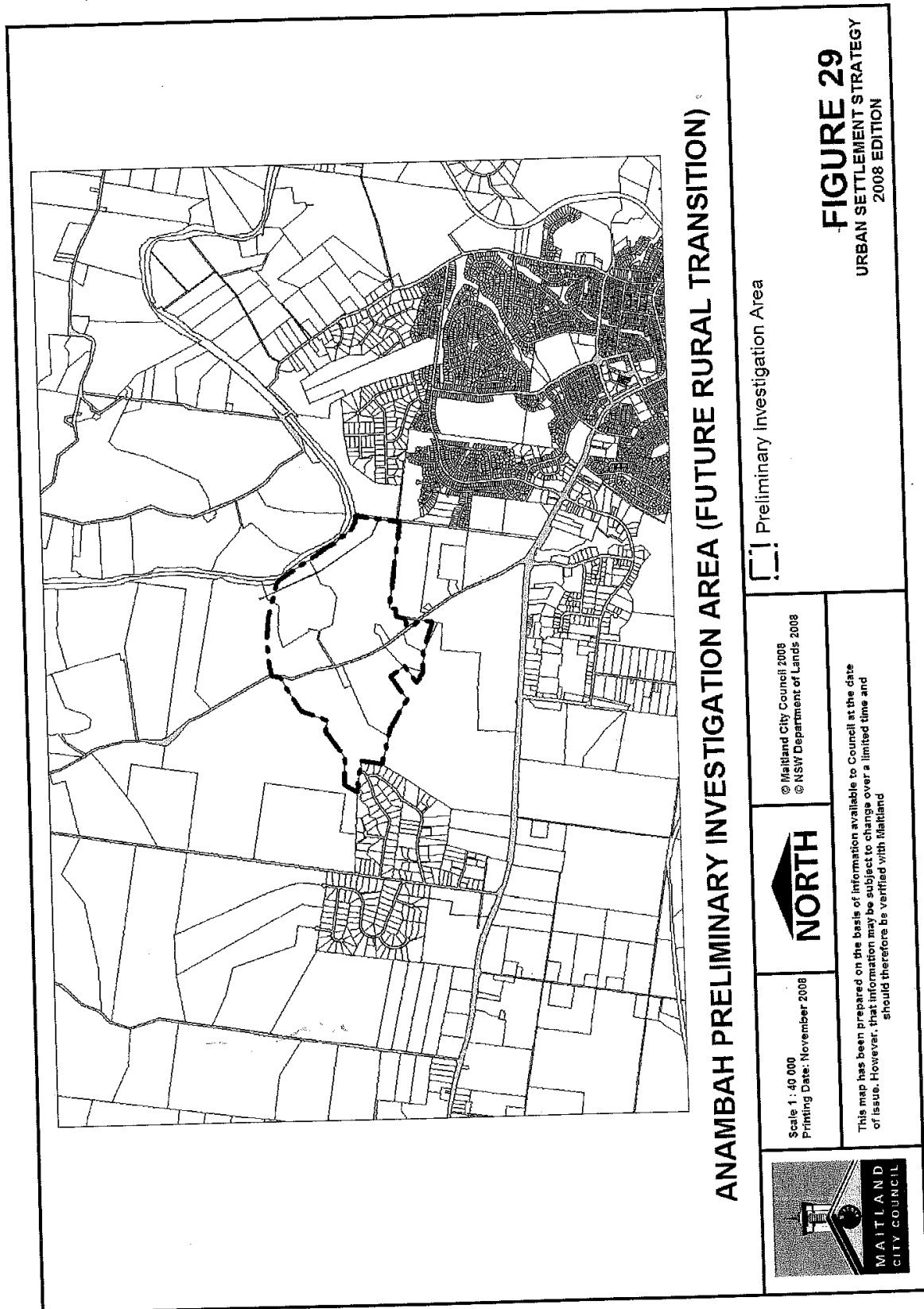
Anambah Preliminary Investigateion Area

Meeting Date: 9 November 2010

Attachment No: 2

Number of Pages: 1

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)



REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)

Service Planning and Regulation Reports

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH

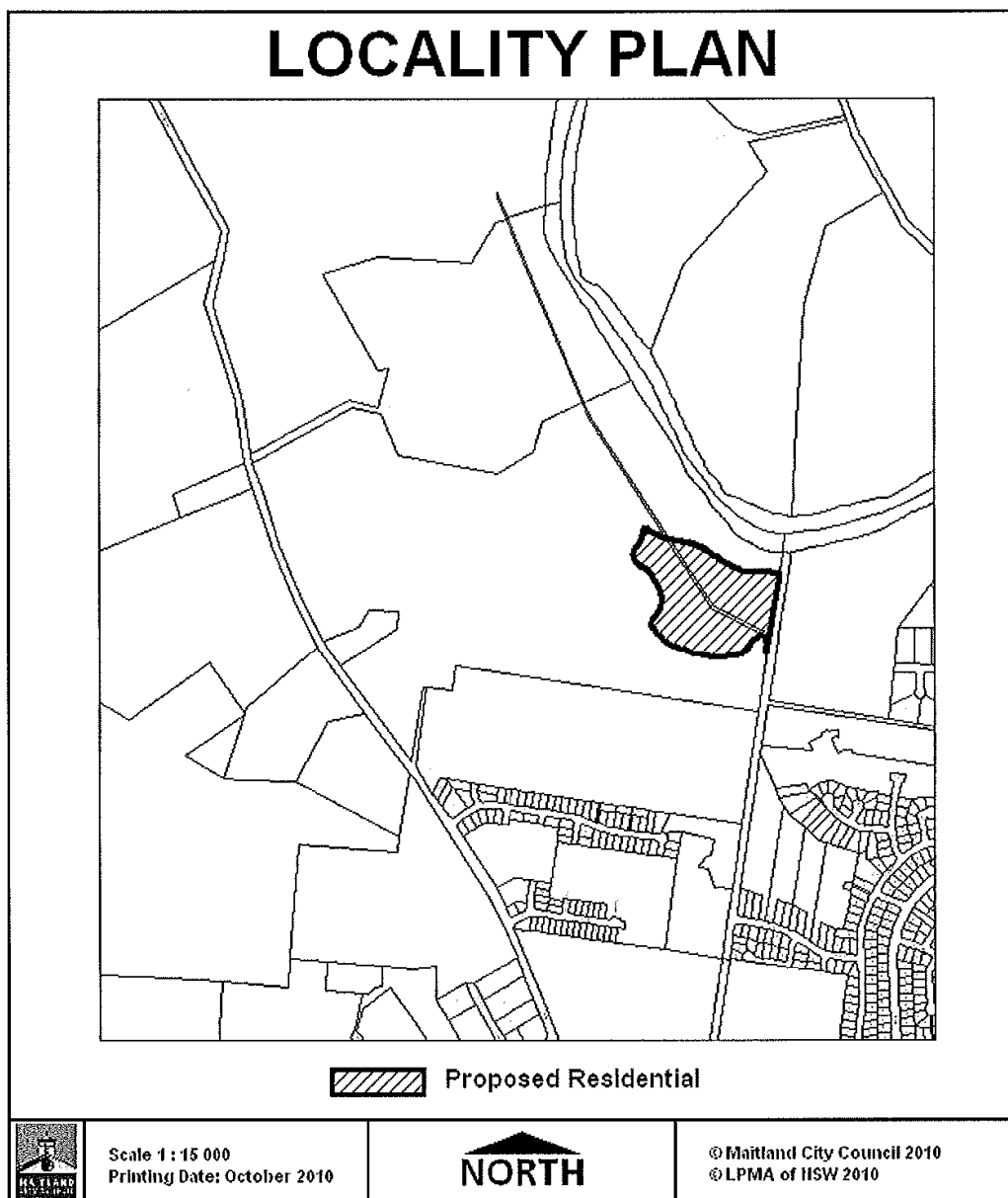
Proposed Zoning Area Map

Meeting Date: 9 November 2010

Attachment No: 3

Number of Pages: 1

REZONING OF LAND AT ANAMBAH ROAD, ANAMBAH (Cont.)



Appendix FOUR

Applicable State Environmental Planning Policies

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

Appendix FIVE

Extract from Maitland Urban Settlement Strategy 2008
(Anambah Preliminary Investigation Area)

As such, development further west cannot be included or considered until such times as a review of the land capabilities and the housing demand has been reassessed for the current study area. Access from the New England Highway in this location is currently restricted and as such relies on access through properties fronting Luskintyre Road.

It is proposed to further investigate both these precincts in conjunction with a review of the Rural Lands Strategy for the western rural area of the LGA, to ensure the proper management and protection of rural lands.

A review of Heritage Items in rural areas is also to be undertaken to provide guidance for appropriate land use zoning and planning controls to ensure the accurate identification, protection and management of both the buildings or items and their curtilages. These will have implications for the expansion of development west of Lochinvar.

5.5.16 Anambah Preliminary Investigation Area (Future Rural Transition)

Physical Description

The Anambah area covers approximately 203 hectares to the east and west of Anambah Road, as shown in *Figure 29 Anambah Preliminary Investigation Area*. The preliminary investigation area boundaries adjoin the Rutherford Aerodrome to the south and the Hunter River to the North-west.

The Anambah area is almost totally cleared of vegetation due to a history of low intensity grazing. A natural lagoon is located within the investigation area and there are a number of drainage lines throughout the undulating terrain, which show signs of erosion and potential for rehabilitation in conjunction with any future development.

Existing Development

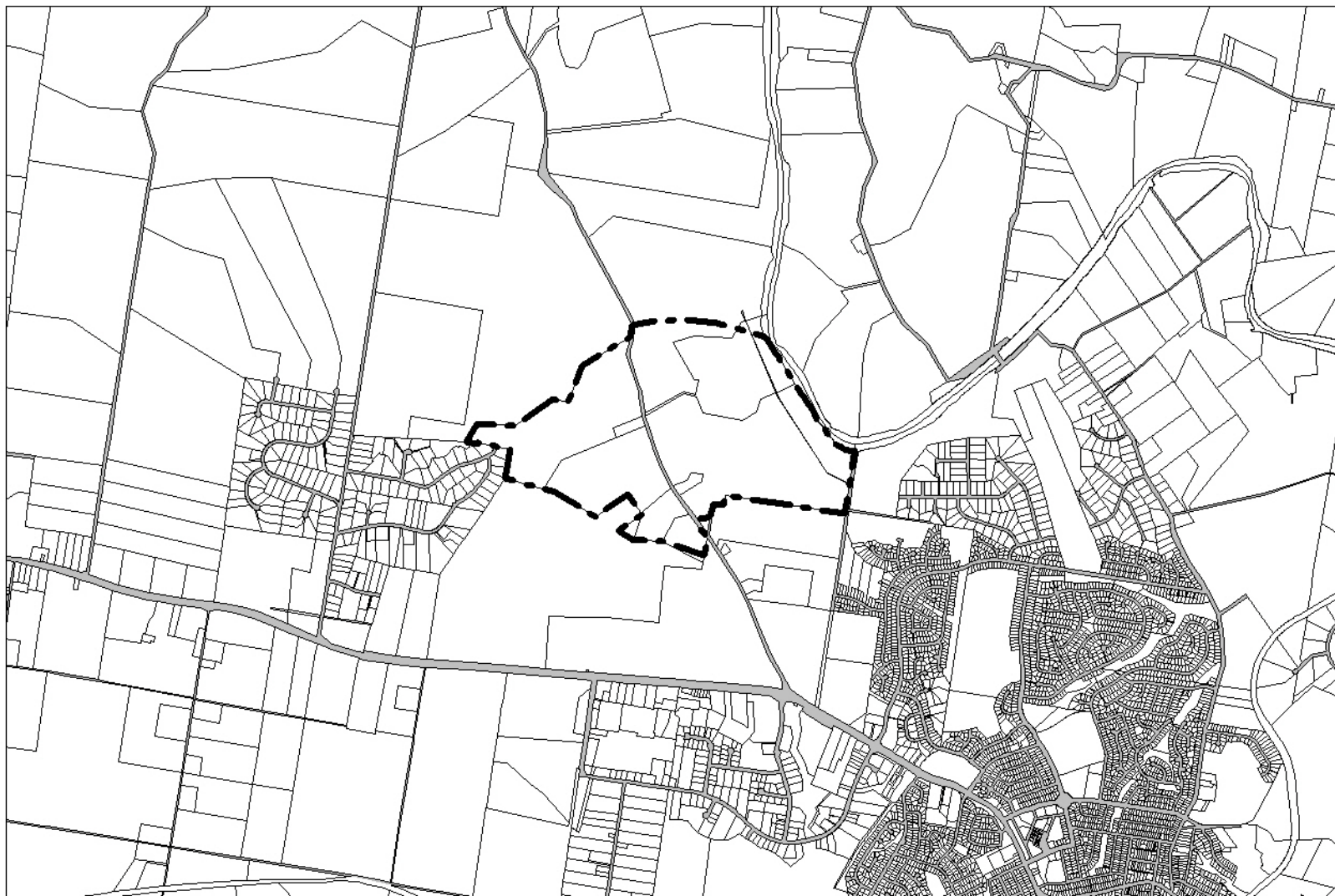
Land uses within the Anambah area include grazing, tourist activities and equine establishments. There are a number of existing dwellings, including Anambah House, which is a State Significant Heritage Item.

Issues

Investigations will include the relationship to the Maitland Aerodrome, the provision of flood free access and the proximity to industrial lands.

Heritage issues, particularly relating to Anambah House also need to be considered. Council has undertaken to prepare a review of heritage items in rural area which will provide further guidance for appropriate land zonings and uses to ensure that the protection of both the building and its curtilages.

The rural transition classification recognizes the significant land use constraints and the dominant rural character of the Anambah area. Some limited development may be appropriate in the future and this may facilitate needed infrastructure services and act as an interface between existing and future urban environments.



ANAMBAH PRELIMINARY INVESTIGATION AREA (FUTURE RURAL TRANSITION)



Scale 1 : 40 000
Printing Date: November 2008



© Maitland City Council 2008
© NSW Department of Lands 2008

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland

 Preliminary Investigation Area

FIGURE 29
URBAN SETTLEMENT STRATEGY
2008 EDITION

Appendix SIX

Visual Assessment

PHOTO VIEWPOINTS



P1 - View from the end of Silky Oak Drive North West across the site towards Anambah House. The house is screened by existing vegetation



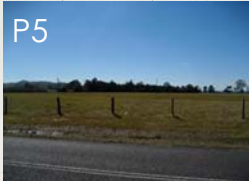
P2 - View towards the site from the intersection of Golden Ash Rd & Willow Tree Close. Trees screening Anambah House are visible in the centre right of the photograph



P3 - North Western view across the study area and Anambah Lagoon towards Anambah House.



P4 - View across the study area in a North Westerly direction. Anambah House is screened by existing established vegetation.



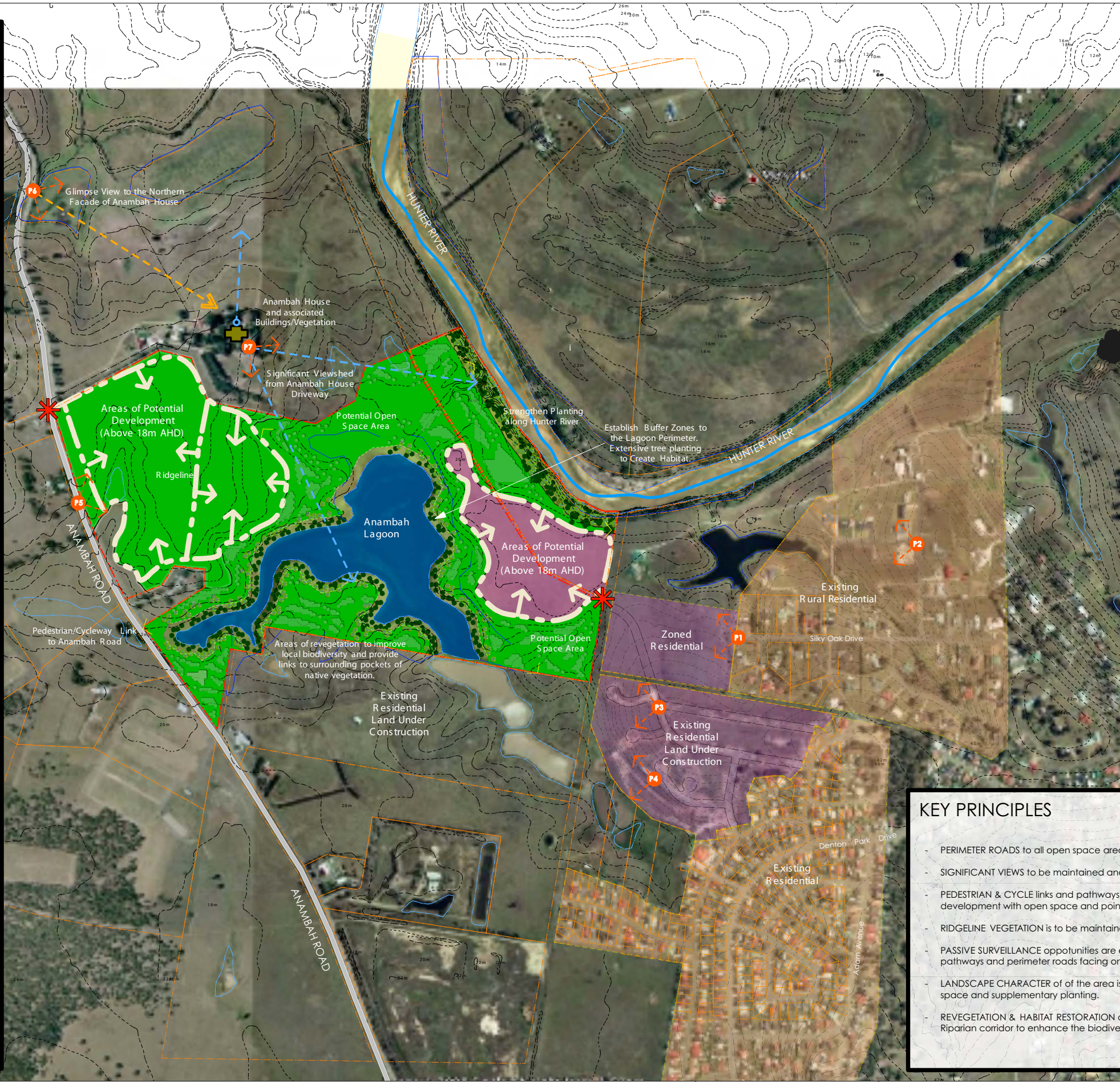
P5 - View towards Anambah House showing existing windbreak plantings on the South Western side of the house.



P6 - Glimpse view of the Northern facade of Anambah House from Anambah Rd. The House is largely screened from view by existing established vegetation.



P7 - View from the entry driveway of Anambah House looking South East over Anambah Lagoon. Existing residential South East of the study area is visible in the centre of the photograph. Existing windbreak plantings are visible in the right middle ground of the photograph.



LEGEND

- VIEWPOINT LOCATION
- STUDY AREA BOUNDARY
- SITE ENTRY / EXIT POINT
- MAJOR ROAD NETWORK
- VIEWS TOWARDS ANAMBAH HOUSE
- VIEWS FROM ANAMBAH HOUSE
- LANDSCAPE BUFFER TO LAGOON & RIVER
- POTENTIAL OPEN SPACE / PARKLAND
- AREAS OF POTENTIAL DEVELOPMENT

KEY PRINCIPLES

- PERIMETER ROADS to all open space areas and riparian zones.
- SIGNIFICANT VIEWS to be maintained and enhanced with supplementary planting.
- PEDESTRIAN & CYCLE links and pathways through open space areas connecting areas of development with open space and points of interest.
- RIDGE LINE VEGETATION is to be maintained and enhanced with supplementary planting.
- PASSIVE SURVEILLANCE opportunities are encouraged throughout the site with open pedestrian pathways and perimeter roads facing onto open space.
- LANDSCAPE CHARACTER of the area is maintained and enhanced through large tracts of open space and supplementary planting.
- REVEGETATION & HABITAT RESTORATION along the edges of Anambah Lagoon and the Hunter River Riparian corridor to enhance the biodiversity of local flora and fauna

LPP01

STUDY AREA FOR LOT 71DP714785
ANAMBAH ROAD, ANAMBAH
LANDSCAPE PRINCIPLES PLAN

SCALE: 1:5000 @A1

Figure 6

CLIENT: L & A WELLS PROPERTY P/L

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