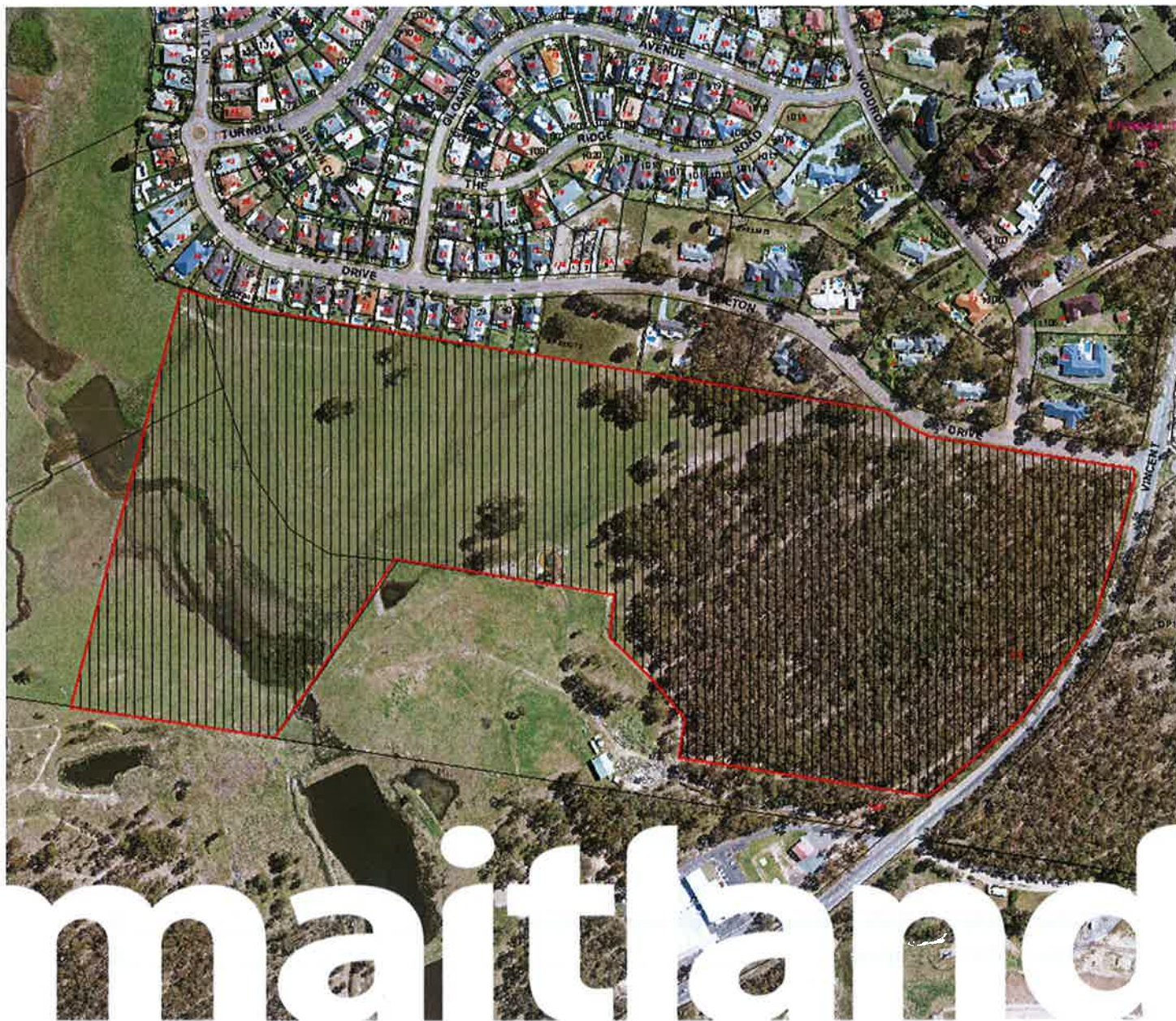




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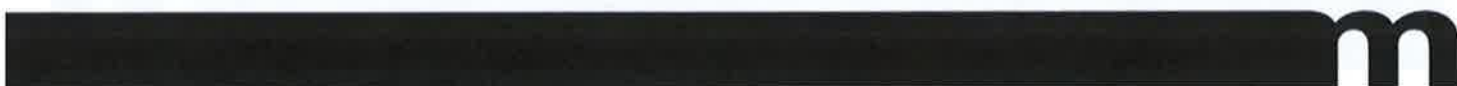
Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

Mount Vincent Road, East Maitland
Rezoning
(Lot 42 DP 846326)

Version 1.0

14 February 2017



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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant guidelines published by the NSW Department of Planning and Infrastructure. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) to the site identified as part Lot 42 DP 846326 Mount Vincent Road East Maitland.

The subject land is identified as part of the Investigation Area known as East Maitland Investigation Area (Mt Vincent Road) in the Maitland Urban Settlement Strategy 2012. At its meeting of 22 October 2012 Council resolved to include Lot 42 within the MUSS as part Category 1 Residential and part Category 2 Residential. This decision was based on information received at the time regarding the site including information pertaining to Ecologically Endangered Communities and best practice guidelines for buffers around waste management facilities (250m)

It is important to note, that the subject land was not identified as an urban infill/urban extension site within the MUSS, nor does it meet the criteria for infill/extension as the proposed rezoning site is greater than 15ha and would potentially result in a lot yield of more than 50 lots. Only that portion of Lot 42 identified as Category 1 Residential is being considered for rezoning for urban purposes within this planning proposal.

A locality plan of the subject land including the delineation between the categories is appended as **Attachment 1**.

The subject area of the site containing the Category 1 nomination has an area of approximately 16ha, 7.4ha of which contains an identified Endangered Ecological Community. The future developable opportunities for the vegetated part of the site are reliant on the completion of the necessary Flora/Fauna Impact Assessments and Biobanking Assessment procedures administered by the Office of Environment and Heritage.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are;

1. Enable residential development on site;
2. Ensure any development would respond sensitively to the density and scale of existing adjoining residential settlements.
3. Ensure that future residents have access to adequate local and regional public infrastructure.
4. Protect and manage areas with environmental constraints.
5. Require further detailed site studies to support the development outcome.

This amendment will support the strategic approach of Council in accommodating population growth within the Maitland Local Government Area.

PART 2: EXPLANATION OF PROVISIONS

The objectives of this planning proposal are intended to be achieved through amending the Maitland Local Environmental Plan (MLEP) 2011. Council will be in a position to determine an appropriate zone and land use pattern for the site following further studies to be conducted after the issue of a Gateway Determination. It is anticipated the amendment will involve changing the land zoning and minimum lot size maps for the subject land from:

- RU2 - Rural Landscape to R1 – General Residential.
- AB - 40ha to G - 450m².

The amendment will also involve the land proposed for rezoning to be identified as an Urban Release Area under the provisions of Part 6 of the Maitland LEP 2011. Subsequently, and consistent with other green field urban release areas, this ensures that satisfactory arrangements for the provision of designated state public infrastructure are met prior to the development of the subject site. It is proposed a site specific development control plan will be prepared to guide future residential development on the site.

PART 3: JUSTIFICATION FOR PROPOSED REZONING

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

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

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

Yes. The subject land is identified as part of the East Maitland Investigation Area within the Maitland Urban Settlement Strategy 2012, for future urban land. Within the MUSS 2012, the subject land has been identified as Category 1 – Residential resulting in the short term (0-5 years) delivery of urban land in the locality, and Category 2 – Residential, potentially providing for future (5 – 10 Year) urban growth in the locality.

The planning proposal is supported by the following studies:

- Traffic Impact Assessment
- Statement of Effect on Threatened Flora & Fauna
- Report on Mine Subsidence Investigations
- Historic and Indigenous Archaeological Assessment Report
- Preliminary Contamination Assessment

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

It is considered that an amendment to the Maitland LEP 2011 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision and objectives of the Hunter Regional Plan 2036 and Maitland Urban Settlement Strategy 2012.

The current land zoning does not permit residential development or supporting community and public infrastructure for the development of a future urban area.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this proposal. However, Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject land is considered as part of the adopted policy position for urban investigation sites identified within Council's Maitland Urban Settlement Strategy 2012.

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 eastern sector of the Maitland LGA;

- 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 and enhanced;
- The end urban environment may include community and public facilities for the growing population of the East Maitland locality.

The implications of not proceeding with the planning proposal include:

- The availability of urban land for population growth addressed in the LHRs 2006 and Hunter Regional Plan 2036 will not be achieved;
- The desired future outcomes of Council's long term strategic plans (MUSS 2012) 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;

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

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

The LHRs 2006 provides a regional context to the need for accommodating population growth within the Lower Hunter Region. The strategy discusses opportunities for urban release areas, infill development, centres and corridors, and employment generating lands. The LHRs 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 21,500 dwellings. It is anticipated that the majority of dwellings will be contained within new urban release areas.

Although the subject site is not identified in the LHRs as a release area, the site is located within the East Maitland Investigation Area as identified in Council's Maitland Urban Settlement Strategy 2012 and immediately adjoins residential land to the north. The land is not identified as an urban extension site as it does not meet the criteria as outline in the MUSS, but is considered a standalone investigation area.

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

Maitland +10 (Community Strategic Plan)

Council has prepared and adopted a community strategic plan (Maitland +10) in line with the new Integrated Planning and Reporting legislation and guidelines. The planning proposal is

considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for urban growth within the city to meet the needs of a growing population.

Maitland Urban Settlement Strategy 2012:

The subject land was considered for inclusion in the MUSS during the 2012 MUSS review. An Independent Planning Consultant reviewed the submission and concluded the subject lands be included in the MUSS 2012 edition as part Category 1 and part Category 2 Residential to reflect and acknowledge constraints associated with the site eg. flooding, Ecological Endangered Community, mine subsidence and the Waste Disposal Management Facility.

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

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

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (INFRASTRUCTURE) 2007	CONSISTENT
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.	
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 proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. Therefore, the proposal is not facilitating the orderly and economic development of rural lands for rural related purposes. However, the inconsistency with the aims of the Rural Lands SEPP 2008 is considered justified because the subject land proposed for urban purposes is identified as Category 1 & 2 Residential in the MUSS 2012 and is therefore appropriate for urban development.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP no. 55 Remediation of Lands Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed	A Preliminary Contamination Assessment was undertaken for the subject land. The limited testing conducted as part of this assessment identified contaminants on site which would require further investigations and testing prior to development of the site for urban purposes. This may result in the need for a phase 2 contamination report and a subsequent remediation action plan (RAP).
SEPP no. 44 Koala Habitat This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free living population over their present range and reverse the current trend of Koala population decline.	The area subject to this Planning Proposal does not support identified Koala habitat.

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

Table 2: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial zones	NA
The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.	
1.2 Rural Zones	
The objective of this direction is to protect the agricultural production value of rural land.	The planning proposal is inconsistent with the objectives of this direction as it proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. However, the inconsistency is considered justified because the subject land proposed for urban purposes is identified as Category 1 Residential in the MUSS 2012 and is therefore considered appropriate for urban development.
1.3 Mining, Petroleum Production and Extractive Industries	NA
The objective of this direction is to ensure that the future extraction of State or regionally	

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	
1.4 Oyster Aquaculture	NA
The objectives of this direction are to ensure that Priority Oyster Aquaculture Areas and other oyster aquaculture areas, and any adverse impacts on these areas, are considered when preparing a planning proposal.	
1.5 Rural Lands	
The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	The planning proposal is inconsistent with the objectives of this direction as it proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. However, the inconsistency is considered justified because the subject land proposed for urban purposes is identified as Category 1 & 2 Residential in the MUSS 2012 and is therefore appropriate for urban development.
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones	
The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal is considered consistent with the objectives of this direction as part of the identified EEC contained in that area identified as Category 2 of the subject land is not included in the planning proposal for rezoning for urban purposes. The remaining part of the EEC will need to be considered with regard to suitable habitat offsetting. The Planning Proposal also does not include lands subject to flooding.
2.2 Coastal Protection	NA
The objective of this direction is to implement the principles in the NSW Coastal Policy.	
2.3 Heritage Conservation	
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A Historic and Indigenous Archaeological Assessment Report was undertaken for the subject land. The report concluded there were no items of historic significance located within the study area of the subject land. The report

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

	also recommended that consultation with Aboriginal stakeholders will need to be undertaken in accordance with <i>Code of Practice – Archaeological Investigation of Aboriginal Objects in NSW</i> .
2.4 Recreation Vehicle Areas	NA
The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	

3. 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 2011 for rezoning of lands for urban purposes. The proposed rezoning will result in a change of land use to enable future residential development of the site making use of existing infrastructure and service in the immediate locality. The exclusion of flood affect land from the proposal will minimise the impact of the development on the environment.
3.2 Caravan Parks & Manufactured Home Estates	NA
To provide a variety of housing types and to provide for caravan parks and manufactured home estates.	
3.3 Home Occupations	
To encourage the carrying out of low-impact small businesses in dwelling houses.	The planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 2011 for rezoning of lands for urban purposes. The proposed rezoning will result in a change of land use to enable future residential development of the site. The Maitland LEP 2011 permits Home Occupations in a residential zone.
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	The planning proposal proposes to establish an urban environment with local and regional connectivity through design and location of

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
improving access to housing, employment and services by methods other than private vehicles.	road networks including provision for public transport services. The planning proposal is considered consistent with the objectives of this direction.
3.5 Development Near Licensed Aerodromes	NA
The objectives relate to the safe operation of aerodromes, as well as mitigating against obstruction, flight hazard and aircraft noise.	
3.6 Shooting ranges	NA
The objectives relate to safety and planning associated with shooting ranges.	
4. HAZARD and RISK	
4.1 Acid Sulfate Soils	
The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The Maitland LEP 2011 indicates a potential Class 2, and 5 Acid Sulphate Soils risk affecting subject land. However, only that area within Class 5 is proposed for future urban development. Further development associated with the subject lands will, in accordance with Clause 7.1 of the MLEP 2011, be required to include an Acid Sulfate Soil and Salinity Management Plan as a condition of development consent. The proposal is consistent with this direction.
4.2 Mine Subsidence and Unstable Land	
The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The subject land is within a Proclaimed Mine Subsidence District. The land has been identified as containing shallow underground mine workings by the Mine Subsidence Board. Further detailed studies and consultation with the Mine Subsidence Board will be required following the issue of a gateway determination. Subsequent zoning of the subject land will respond to mine subsidence site constraints to ensure appropriate development of these sensitive areas.
4.3 Flood Prone Land	
The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy	The south western part of the subject land is affected by the 1:100 ARI flood event. Only that area above the 1% AEP flood level will

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
and the principles of the Floodplain Development Manual 2005, and (b) (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	be considered for urban purposes. The site has flood free access. The planning proposal is considered consistent with the objectives of this direction.
4.4 Planning for Bushfire Protection	
The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	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 bushfire threat on any future urban development. Further assessment of bushfire risk will be required at the development assessment stage. It is considered the planning proposal is consistent with the objectives of this direction.
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies	
This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.	The planning proposal is consistent with the aims and objectives of the LHRs 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site is identified in the MUSS 2012 as Category 1 Residential. Therefore, the planning proposal is considered consistent with the aims of this direction
5.2 Sydney Drinking Water Catchment	NA
The objective of this direction is to protect water quality in the Sydney drinking water catchment.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
This direction aims to protect the best agricultural land for current and future generations by providing certainty over long term use, and in doing so, minimising land use conflicts.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
This direction aims to manage commercial and retail development along the Pacific	

s117 DIRECTIONS		CONSISTENCY AND IMPLICATIONS
Highway between Port Stephens and Tweed Shire Councils.		
5.8 Second Sydney Airport: Badgery's Creek		NA
This direction aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgery's Creek.		
5.9 North West Rail Link Corridor Strategy		NA
This direction aims to promote transit-oriented development around the train stations of the NWRL and ensure development adheres to the NWRL Corridor Strategy and precinct Structure Plans.		
6. 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 Purposes		
The direction aims to facilitate (i) the provision of public services and facilities by reserving land for public purposes; and (ii) removal of reservations of land for public purposes where land is no longer required for acquisition.		The proposal is considered consistent with this direction
6.3 Site Specific Provisions		
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.		The proposal is considered consistent with this direction
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Plan for Sydney 2036		NA
The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.		

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 Statement of Effect on Threatened Flora and Fauna has been submitted outlining the key biodiversity findings for the subject land. The report identifies three (3) Endangered Ecological Communities (EEC's) to be present on Lot 42:

- Lower Hunter Spotted Gum Iron Bark Forest (12.08ha)
- Hunter Lowlands Redgum Forest (0.8ha)
- Freshwater Wetlands on Coastal Floodplains (2.14ha)

The report also identifies four (4) threatened fauna species occurring on site.

The subject land supports approximately 12.08ha of the ECC – Lower Hunter Spotted Gum Ironbark Forest. The flora/fauna report has recorded 97 hollow bearing habitat trees on site.

The Category 1 area of the site contains 7.4ha of an EEC. The rezoning and development for urban purposes of that area nominated as Category 1 within the MUSS will result in the following direct impacts:

- The loss of approximately 7.4ha of Lower Hunter Spotted Gum Iron Bark Forest EEC
- The loss of 26 hollow bearing habitat trees
- The loss of approximately 0.8ha of Hunter Lowlands Redgum Forest EEC
- The loss of connective habitat for an additional 24 threatened fauna species recorded in the surrounding locality.

The loss of hollow bearing trees, the clearing of native vegetation and the removal of dead wood and dead trees are a “key threatening process” under the Threatened Species Conservation Act. The report by Wildthing Environmental Consultants does not consider the issue further other than recommending that native vegetation removal be avoided where possible and the removal of hollow bearing trees and dead wood be avoided where possible. The report further recommends the:

- Installation of compensatory fauna nest boxes where vegetation is retained;
- Provision of compensatory habitat (Offsetting). This will need to be undertaken with consultation with the Office of Environment and Heritage
- Reconstruction Lower Hunter Spotted Gum – Ironbark Forest within an area of grassland/pasture (approximately 2ha) on higher ground within the south west of the site.

To help ensure these matters are carried out a vegetation/habitat management plan will need to be developed to address any impacts associated with the proposal to ensure long term viability of remaining and rehabilitated habitat.

Koalas

Two preferred Koala feed tree species was identified within the subject site. The flora and fauna study explained that the *Eucalyptus tereticornis* and *Eucalyptus punctate* species exist as scattered trees and comprise less than 15% of the total number of trees in the upper and lower strata of the tree component within the site. The flora and fauna study also states that appropriate investigations were made in accordance with SAT test requirements. No scats or claw marks were observed during field surveys undertaken as part of the subject flora and fauna study, indicating a low likelihood that Koalas frequent the site.

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

A suite of studies were undertaken by the proponent to justify the preparation of an amendment to the Maitland LEP 2011.

Report on Mine Subsidence Investigations

The geotechnical report for the site identified that the land supports past underground mine workings and that the extent of these workings are unknown. Significant field investigations were undertaken to inform the report and included:

- Site inspection and walkover
- One cored bore
- 34 non-cored bores
- CCTV inspection of selected voids
- Sonar inspection of selected voids
- Survey of bores

Location of Workings/potholes – The report identified that uncharted workings are likely to be present in locations including north west and north east of the site. Further investigations would be required to assess potential uncharted working locations and conditions, and to assess potential impacts on pothole subsidence and pillar stability. Requirements of the MSB will require remedial measures to prevent the risk of pothole subsidence for depths of cover of less than 25m.

Remediation options such as “cut and fill earthworks replacement” and “grout injection” require further geotechnical assessment, and civil/structural design input. Other measures discussed in the report include:

- Roads constructed using plastic geo-grid reinforcement for spanning potholes, or concrete slabs design to span potholes;
- Surface drainage design to reduce risk of infiltration;
- Structures design as per MSB design criteria for pothole subsidence guidelines.

Pillar Stability – the report identified potential issues with pillar stability and bearing failure. The report recommended that further investigations be undertaken to assess actual pillar and mine working dimensions, strength of floor and potential weak zoning to confirm the results of the preliminary pillar stability analysis. This should be undertaken in conjunction with more detailed pillar stability assessment considering the effects of tributary loading. Depending on results it may be necessary to undertake selected grouting in conjunction with appropriate development guidelines/restrictions.

The report further recommends that additional core drilling and assessment be undertaken to assess coal seam conditions in the pillars and further assessment of the risk of bearing failure.

The report concludes that the site is constrained due to former coal mining and the associated risk of subsidence. Various potential options have been presented to manage these risks to allow development of the site, however there is insufficient data to allow detailed assessment and design of these options. Further geotechnical investigations/assessment are recommended and include:

- Consultation with the MSB to confirm their requirements, which may inform the specific scope of additional works required;
- Core drilling through pillars to confirm their bearing strength;
- Additional core drilling or seismic refraction to assess excavatability;
- Hydraulic testing and water quality testing to assess dewatering requirements;
- Trial grouting to assess potential grout takes;
- Detailed design of bulk earthworks and/or grouting;
- Drilling and sonar/camera assessment of deeper workings to confirm pillar stability.

Preliminary Contamination Assessment

A Preliminary Contamination Assessment comprising of a desktop review, site inspection and targeted intrusive sampling and testing were undertaken for the site. The assessment was undertaken to determine the current site status in relation to potential contamination to support the proposed future urban environment.

The contamination assessment identified possible areas of concern associated with:

- Areas of filling/stockpiling and the stored items around the rural shed;
- The potential fill/CWR/overburden related to the adjacent mine infrastructure ;
- Observed minor amounts of fibrous cement sheeting which may contain asbestos; and
- Possible contamination due to previous rural practices for which the land was generally used.

A limited program of targeted intrusive testing was undertaken to provide an understanding of the above. The testing included heavy metals, total petroleum Hydrocarbon (TPH), polycyclic Aromatic Hydrocarbon (PAH), organophosphorus & organochlorine pesticides (OOP/OCP) & polychlorinated Biphenyls (PCB) and asbestos material. The testing results concluded that levels for heavy metals, (PAH) and (OPP/OCP) & (PCB) were below National Environmental Protection Measure criteria, however, asbestos was found on the site and the level of (TPH) exceeded

Guidelines for Assessing Service Station Sites but not the National Environment Protection Measure criteria.

The assessment concludes that based on the limited testing conducted no indication of gross contamination has been identified. Based on the results of the testing the material would be classified as General solid waste with bonded asbestos fragments. The report concludes that following remediation of the site the land would be suitable for urban development. A Phase 2 Contamination Assessment report would need to be undertaken to determine the extent of contamination and remediation methods.

Traffic Impact Assessment

A traffic impact assessment was undertaken for development of the site for urban purposes. The report concludes that the local road network currently has sufficient space capacity to accommodate traffic generated by the development without adversely impacting on current levels of service experienced by motorists in the locality.

The subdivision access intersections with Wilton Drive will operate with uninterrupted flow conditions and can be constructed as normal intersection standards. The Wilton Drive intersection with Mt Vincent Rd may need to be upgraded to accommodate the future complete development of the site. Further investigation will need to be undertaken to determine the specific yield from the site when such an upgrade is triggered.

Public transport is currently provided in the immediate locality. Pedestrian access from the proposed urban environment to bus stops in the locality are within 400m being the nominated standard for pedestrian access to public transport.

Statement of Effect on Threatened Flora and Fauna

Refer above.

Historic and Indigenous Archaeological Assessment Report

See below.

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

The following social and economic effects are relevant to the proposal.

Aboriginal Archaeology and Heritage

A desk top analysis and site walk over formed the basis of the Historic and Indigenous Archaeological Assessment conducted for the site and proposed rezoning. A representative from Mindaribba Aboriginal Land Council conducted a site inspection with the heritage consultant. The report concluded that the field assessment did not identify any objects or relics of indigenous or historic heritage significance. One sensitive land form was identified adjacent to the wetland. Considering the study area's environmental context it has high potential for containing subsurface Indigenous archaeological deposits.

Consultation with Aboriginal stakeholders in accordance with *Code of Practice – Archaeological Investigation of Aboriginal Objects in NSW* was not undertaken and will need to occur prior to the finalisation of the planning proposal and rezoning of the land.

European Heritage

The Historical Assessment for the subject land did not identify any items of historical heritage significance. The subject land does support old underground mine workings with remnant pit top facilities being located on adjoining land to the south.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

The rezoning proposal and the subsequent development of up to 100 lots will require upgrades to existing public infrastructure in the locality. The site was included in the MUSS because of the proximity to an existing urban area and reticulated water and sewer services.

The surrounding residential area is serviced by electricity and telecommunications services. Future development of the site would require increases in service provision and utilities providers would need to be consulted as part of the prescribed consultation process to ensure services can be extended.

Council's Citywide Section 94 Contributions Plan stipulates the requirements for local infrastructure resulting from development within the Maitland LGA. This plan would apply to development undertaken upon the subject land.

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

No formal consultation with State and Commonwealth public authorities has been undertaken at this stage for this planning proposal. Consultation will occur in accordance with the conditions outlined in the Gateway Determination to be issued for this planning proposal. It is anticipated that the Mines Subsidence Board, Office of Environment and Heritage and the Roads and Maritime Services will be consulted in relation to this planning proposal.

PART 4: DRAFT LEP MAPS

The proposal seeks to amend the land use map (LZN) and the minimum lot size map (LSZ). A copy of a locality map and the (LZN) & (LSZ) maps are at Appendix One, Two and Three.

PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

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

- A public exhibition period of 28 days
- Notice in The Lower Hunter Star
- Exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups

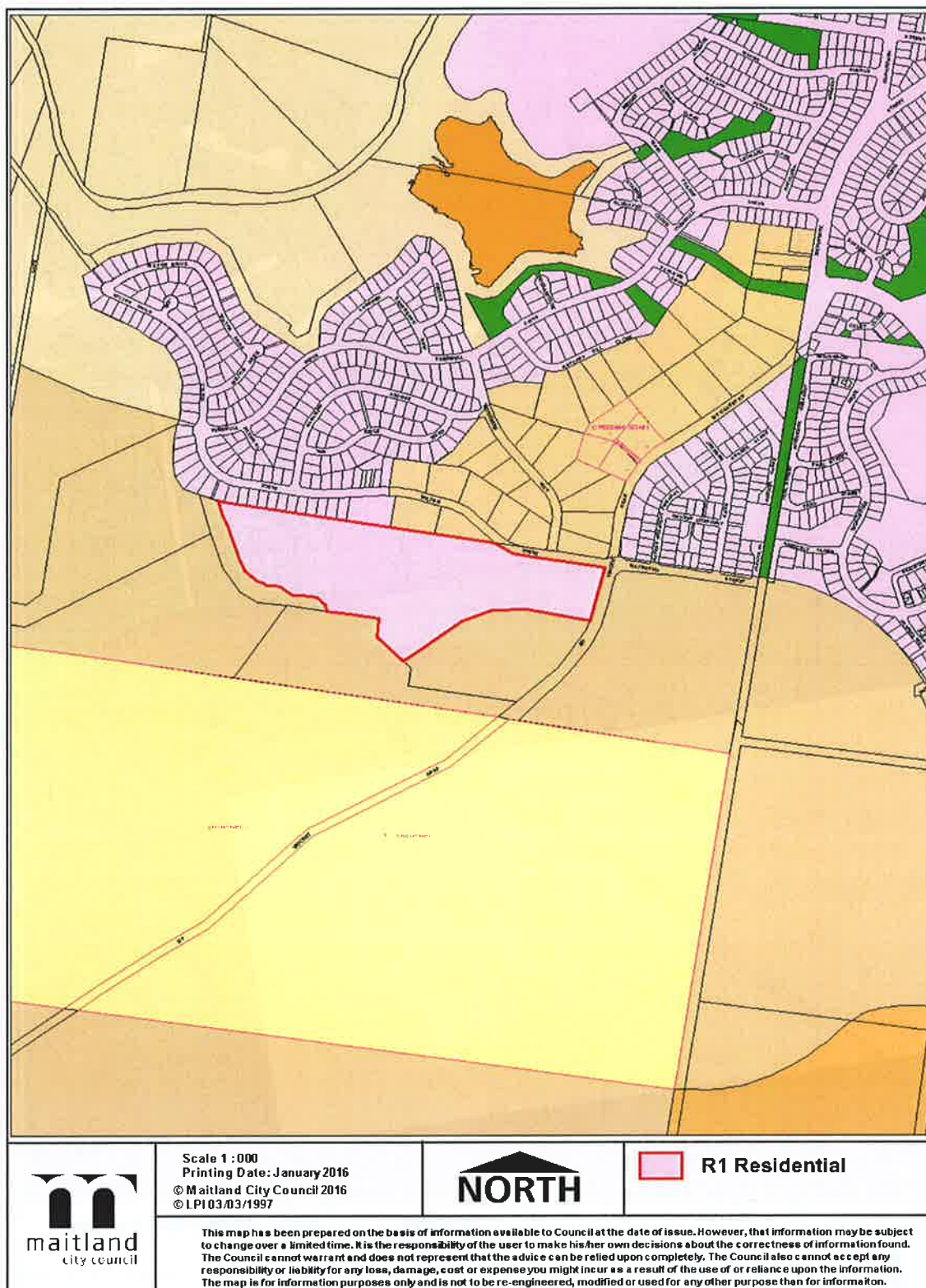
At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

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.

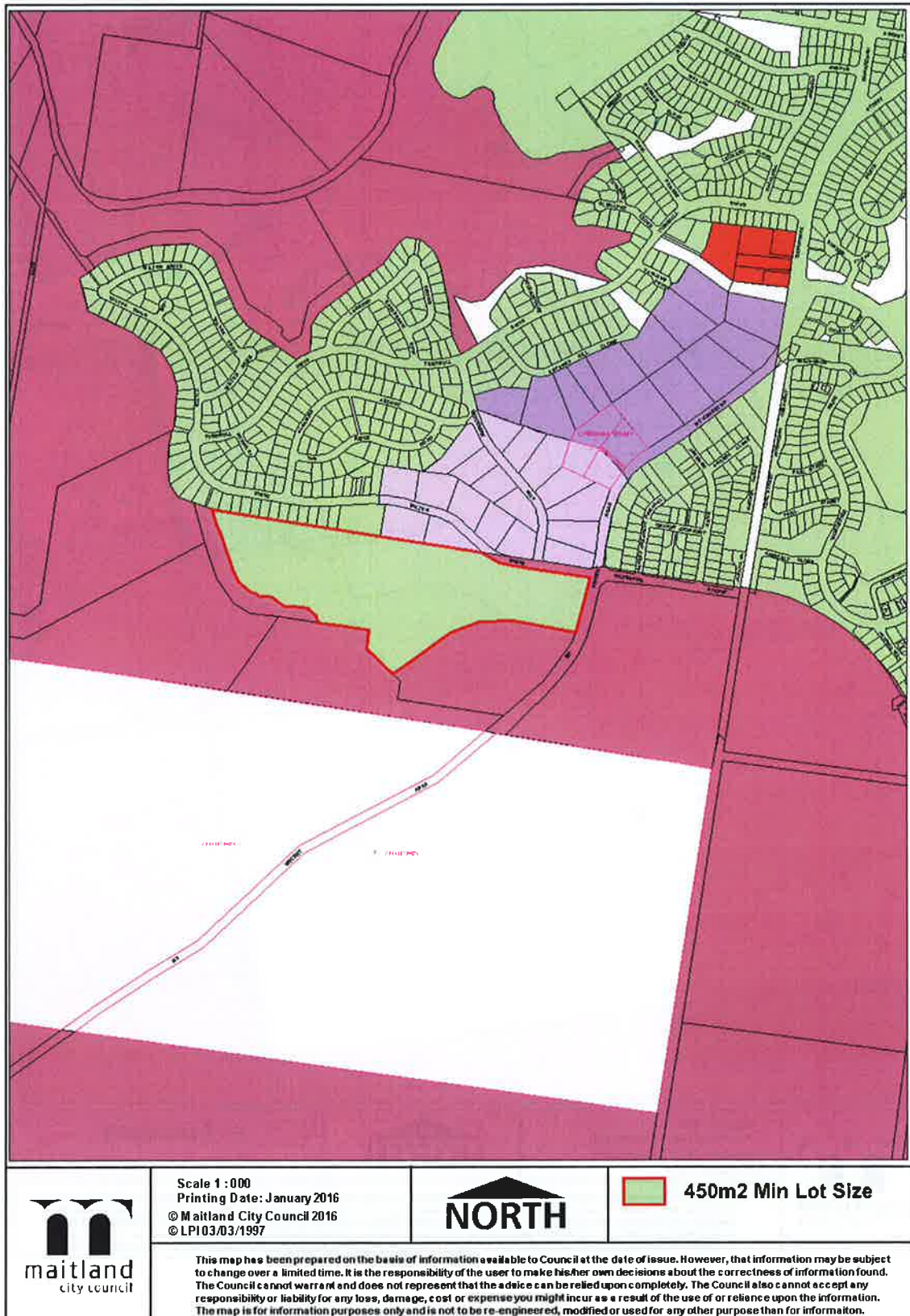
APPENDIX 1 – Locality Map



APPENDIX 2 – Proposed Zone Map



APPENDIX 3 – Proposed Lot Size Map



PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	May 2017
Anticipated timeframe for the completion of required studies	July 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	August 2017
Commencement and completion dates for public exhibition period	September 2017
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	October 2017
Timeframe for the consideration of a proposal post exhibition	November 2017
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	December 2017
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification (if delegated)	N/A

