

PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

Louth Park Urban Investigation Area

**Version 1.0
21 July 2010**



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Version

Version 1.0 – Report to Council

INTRODUCTION

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EPA Act), this planning proposal has been prepared to explain the expected effect of rezoning land within the Louth Park urban investigation area and to justify the reasons why the land is intended to be rezoned. The specific land is shown in **Appendix 1 – Location map**, and is referred to as the Louth Park urban investigation area. In total, there is approximately 176ha of land within the Louth Park investigation area.

The investigation area is located on either side of Louth Park Road and is comprised of 27 lots having a total area of 176.5ha with frontages to the Louth Park Road and Dagworth Road. The following table identifies the subject lands and respective areas.

LOT	DP	AREA Ha
252	620745	1.9
251	620745	1.9
21	570766	2
22	570766	2
23	570766	2
253	813454	1.9
254	813454	2.2
255	813454	2.4
65	825042	3.1
64	825042	2.1
63	825042	2
62	825042	2
61	825042	2
1	221762	11.3
412	854995	11.3
411	854995	1.4
5	702764	1.2
521	593618	7.8
523	701969	0.8
19	1070710	42.1
520	563545	2
2000	1129126	20
2001	1129126	39.3
256	813454	2.7
257	813454	2.9
111	804336	1.6
113	804336	4.1
27 lots		TOTAL AREA 176.5ha

Council resolved to prepare an amendment to Maitland Local Environmental Plan 1993 for the rezoning of Louth Park on 13 February 2007. This decision was made to continue the coordinated release of land in accordance with Council's adopted strategies, including the Maitland Urban Settlement Strategy together with the support of the Lower Hunter Regional Strategy.

Detailed environmental investigations and consultation with public authorities has been undertaken to inform the preparation of the rezoning plan. The complexity of matters surrounding site constraints of the investigation area has warranted thorough investigation to ensure that the objectives of this planning proposal can be achieved.

Various modifications have occurred within the policy and legislative framework since Council's resolution to prepare the Louth Park rezoning. Most significantly, the process for preparing a local environmental plan has been reformed. As this rezoning plan was commenced under the previous plan-making provisions of the EPA Act, it is protected by savings and transitional provisions until 1 January 2011. However, it is the intention of preparing this planning proposal to transfer the rezoning plan into the new plan-making provisions. This is consistent with the Department of Planning's Planning Circular PS 10-002.

This planning proposal has been prepared with reference to Part 3 of the EPA Act and the guidelines for preparing planning proposals issued by the Department of Planning.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the Louth Park rezoning are:

1. to enable urban development for up to 300 dwellings, and
2. to protect areas of ecological significance for threatened flora and fauna species, and
3. to ensure that future residents have access to adequate local and regional infrastructure, and
4. to require further detailed development plans to be prepared prior to the approval of development applications, and
5. to manage development of areas subject to shallow mine workings and potentially unstable land.

PART 2: EXPLANATION of PROVISIONS

It is proposed to amend Maitland Local Environmental Plan 1993 by the inclusion of a zoning map, which outlines land to be rezoned from Zone 1(b) Secondary Rural Land to Zone 1(c) Rural Small Holding and Zone 1(d) Rural Residential. This map is included as **Appendix 2 – Proposed zoning map**.

To address site constraints the proposed amendment includes approximately 74ha of 1(c) Rural Small Holding zoned land and 26ha of Rural Residential zoned land. The remainder of the land contained in the investigation area (27ha) is to be maintained as 1(b) Secondary Rural to provided for appropriate management of site constraints such as Ecological Endangered Vegetation Communities, potentially unstable land from shallow mine workings, potential visual impacts and limitations in extension to service infrastructure.

The land is to be mapped as the Louth Park Urban Release Area. This means that Part 12 of the Maitland Local Environmental Plan 1993 applies to the site, and contains the following provisions:

53 Aims of Part

This Part aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land within urban release areas, and
- (b) to require satisfactory arrangements to be made for the provision of utility infrastructure, designated State public infrastructure and regional transport infrastructure before the subdivision of such land, and
- (c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.

54 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.

55 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause (whether before or after its substitution by Maitland Local Environmental Plan 1993 (Amendment No 99)), or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) [State Environmental Planning Policy No 1—Development Standards](#) does not apply to development for the purposes of subdivision on land to which this clause applies.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

55A Arrangements for designated State public infrastructure—St John’s College site, Morpeth

Not applicable to this site

56 Public utility infrastructure

- (1) The Council must not grant consent to development on land within an urban release area unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

57 Development control plan

- (1) The Council must not grant consent to development on land within an urban release area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.
- (2) The development control plan referred to in subclause (1) must provide for all of the following matters:

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) a network of passive and active recreational areas,*
- (e) stormwater and water quality management controls,*
- (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

In addition to Part 12, the land will also be subject to other provisions in the Maitland Local Environmental Plan 1993, including;

- Part 1 – General provisions (objectives of LEP, terms and definitions, subdivision controls)
- Part 2 –Rural zones (minimum lot sizes, where is subdivision prohibited in 1(c), are smaller lots permitted, advertising provision, erection for dwelling)
- Part 11 – Special provisions (temporary use of land, minor zone boundary variations)

Whilst it is Council's intention to continue the planning proposal to make an amendment to the Maitland Local Environmental Plan 1993, a new comprehensive local environmental plan is currently being prepared (Maitland Local Environmental Plan 2011). The Maitland LEP 2011 has been endorsed by Council and is currently with the Department of Planning for certification to place on public exhibition. It is therefore appropriate to consider the relationship between the zones of the MLEP 1993 and the zones selected for inclusion in the MLEP 2011.

The Maitland LEP 2011 proposes to use a number of zones to reflect an urban environment. These include:

- R1 General Residential – which has a minimum lot size of 450m²;
- R5 Large Lot Residential – where the principle land use is residential on a larger lot in a environmental/rural setting.
- E4 Environmental Living – where the principle land use is residential with environmental conservation outcomes.

In accordance with clause 4.1 of the Maitland LEP 2011, a minimum lot size map has been included in the LEP to identify the minimum lot size for various zones in specific localities.

The equivalent provisions in the Maitland Local Environmental Plan 2011 to implement the objectives of this planning proposal are as follows:

- amend Land Zoning Map to Zone R5 Large Lot Residential

- amend Lot Size Map to reflect 2000m² and 4000m² minimum lot size for land within R5 zone as identified by the boundaries of the Louth Park LEP amendment as zone 1(c) and 1(d).

The objectives of the R5 Large Lot Residential are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmental sensitive locations and scenic qualities;*
- *To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future;*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities;*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The land would also be subject to the following provisions in the Maitland Local Environmental Plan 2011

- Part 1 – Preliminary (objectives of LEP, maps)
- Part 2 – Permitted or prohibited development (land uses)
- Part 4 – Principal development standards (minimum lot size, rural subdivision)
- Part 5 – Miscellaneous provisions (preservation of trees, miscellaneous permissible uses)
- Part 6 – Urban release areas (infrastructure and development controls)
- Part 7 – Additional local provisions (acid sulfate soils, streams and riparian land)

PART 3: JUSTIFICATION for PROPOSED REZONING and LEP AMENDMENT

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

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

Section A – NEED for the PLANNING PROPOSAL

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

Yes. The Louth Park investigation area was initially identified in the Maitland Urban Settlement Strategy as rural residential investigation area for urban development in 2004. With each review of the MUSS the outcomes of the investigation area have been refined reflecting recommendations of site specific investigations at the time. The Department has endorsed the 'Maitland Urban Settlement Strategy 2001-2021 (2008 edition)' (letter dated 07 September 2009) and with the adoption of this document by Council, a land release program was approved which outlined the logical progression and sequencing of land release within the Maitland LGA.

This process has identified the Louth Park Urban Investigation Area as one of five urban release areas to be completed prior to the gazettal of the Maitland LEP 2011. Therefore as a proposed urban release area the provisions of clause 12 of the MLEP 1993 apply to the land including the need for satisfactory arrangements for the provision of regional transport infrastructure and services to the land prior to the issuing of consent to develop the land.

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

Yes. 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 vision and objectives of the Louth Park urban investigation area as described in the MUSS 2008, as the current land zoning does not permit urban development. The provision of a 1(c) Rural Small Holding and 1(d) Rural Residential zone within the Louth Park investigation area supports the objectives of the LHRS and Council's policy to utilise existing infrastructure and services by extending from the adjoining urban area of Waterforde Estate, and ensure that adequate land supply is delivered to meet short, medium and long term demand for housing strategically placed in the Lower Hunter.

This amendment will enable the rezoning of land within the Louth Park urban investigation area to 1(c) Rural Small Holding and 1(d) Rural Residential under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land continues the progression of urban land in the central sector and builds on the substantial work that has taken place in the assessment of the suitability of this investigation area to support urban development.

A development control plan is required to be in force prior to any development approvals within an urban release area. A development control plan for Louth Park will need to be prepared and address development controls for the matters referred to in clause 57 of the Maitland Local Environmental Plan 1993.

3. Is there a net community benefit?

A net community benefit test and assessment has not been prepared by the proponent for the Louth Park rezoning. However, it is considered that a net community benefit does arise from the rezoning of land in accordance with the Maitland Urban Settlement Strategy and outcomes of site specific studies.

The key community benefits that this proposal will bring include:

- Additional urban land in the central/south locality of the Maitland local government area, where supplies of greenfield land are scarcest and where demand is continuing.
- A diversity of lot sizes and affordable housing in the central area of Maitland LGA;
- Protection of biodiversity values and extension of locally significant vegetation across a range of landforms to provide a link between wetlands, hill tops and riparian areas.

The implications of not proceeding with the draft plan include:

- There will be a reduced opportunity for housing choices and localities for growth in the Maitland LGA;
- The objectives of the adopted strategy will not achieve the desired outcomes for this urban investigation area.

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?

Yes. The applicable regional strategy is the Lower Hunter Regional Strategy, adopted in October 2006.

The Lower Hunter Regional Strategy aims to provide for up to 115,000 new dwellings across the region by 2031, with 60% of the new dwellings to be located within new greenfield release areas. Louth Park is not identified on the Lower Hunter Regional Strategy Map, however other sites may be developed if they are consistent with the principles of the Regional Strategy and if they are identified in an endorsed local strategy. It is considered that the Louth Park Investigation Area complies with the Regional Strategy sustainability criteria, including availability of infrastructure, accessibility, low hazards and land use conflicts, minimal effect on natural resources and the potential to protect and enhance biodiversity and heritage. The DoP have endorsed the MUSS 2008 which identifies Louth Park as an urban investigation area. The planning proposal fulfils the intentions of the Lower Hunter Regional Strategy through being a new urban release area that is able to provide adequate land supply in order for Maitland to meet its expected demand. The LHRSS discusses the strong growth in housing. This is consistent with the overall intent of the strategy in that Maitland is identified as one of the major generators of housing. The planning proposal forms part of the urban investigation area sites within the Maitland Urban Settlement Strategy.

The rezoning of this land is in the public interest as it will play a pivotal role in the provision of adequate land supply for urban development during the immediate future. Council has recently been identified as the fastest growing LGA in NSW, with a population growth rate of 2.0%. Thus it is vital for Council to provide an adequate supply of urban land to provide more affordable housing options within the LGA. This is highlighted within the Lower Hunter Regional Strategy as one of the key focus points of the region. At present there is a total of 5 – 10 years of estimated supply of zoned residential land within the central sector of Maitland. Gillieston Heights comprises a significant portion of this zoned land. Apart from Gillieston Heights there are minimal opportunities for medium scale urban release areas within the Central Sector of Maitland.

The planning proposal also provides outcomes to manage lands in and around the site to help protect biodiversity and potentially unstable land with principles guidelines contained within the supporting plans and strategies for Louth Park (s94 & DCP).

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

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

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

The Maitland Urban Settlement Strategy was endorsed by the Department of Planning in September 2009, and specifically endorsed the Louth Park urban investigation area as a Category 1 Residential site. It was noted in the endorsement that further studies would be required to demonstrate the suitability and capacity of particular sites to accommodate future development.

These investigations have been completed and the objectives of this planning proposal are consistent with the intended outcomes of the Maitland Urban Settlement Strategy, namely being:

- provision of an adequate supply of land and sites for urban development
- zoning to be consistent with land use constraints identified from site investigations
- new development to be supported by necessary infrastructure
- limit urban sprawl by providing for urban development in new or existing areas with good servicing

The planning proposal is also consistent with the planning objectives for character, environment, design and infrastructure outlined in Section 4.4 of the Settlement Strategy (pg. 56, 57) and Annexure A for addressing rural residential land use issues.

An extract from the Settlement Strategy is included as **Appendix 3 –Louth Park Urban Investigation Area, MUSS 2008**.

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

An assessment of relevant SEPPs against the planning proposal is provided **Appendix 5 – Applicable SEPPs**.

The planning proposal is consistent with all applicable SEPPs, except for SEPP – Rural Lands (2008), however this inconsistency is considered justified by the Maitland Urban Settlement Strategy identifying the Louth Park area for urban purposes.

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

An assessment of consistency with applicable Ministerial Directions for Local Plan making (s117) against the planning proposal is provided **Appendix 6 – Applicable s117 Directions**.

The planning proposal is consistent with all applicable Directions, except as follows:

- 1.2 Rural Zones – the planning proposal rezones land from a rural zone to a rural residential zone
- 1.5 Rural Lands – the planning proposal affects land within an existing rural zone and creates a rural residential zone
- 4.1 Acid Sulfate Soils – the planning proposal intensifies land uses on land with a probability of containing acid sulfate soils and the model LEP provisions are not in force.

These inconsistencies are considered justified by the endorsement of the Maitland Urban Settlement Strategy by the DoP and consistency with the Sustainability Criteria of the Lower Hunter Regional Strategy. In relation to the acid sulfate soils, the areas of risk are located outside of the rural residential zoning and are unlikely to be disturbed. The model provisions for acid sulfate soils are to be implemented with Maitland Local Environmental Plan 2011.

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?

Yes. An ecological assessment report has been submitted by the proponent that identifies that an adverse impact on threatened species and ecological communities could occur if native vegetation is removed from areas proposed to be rezoned for urban purposes .

Two endangered ecological communities were identified on site as the Lower Hunter Spotted Gum – Ironbark Forest (LHSGIF) and the Hunter Lowland Redgum Forest (HLRF). Of the two, the LHSGIF is the most extensive and well developed while the HLRF is present only as a low quality remnant. The subject communities are connected with wider forested areas on the adjoining Bloomfield Colliery site. The removal of vegetation is likely to have an adverse effect on the endangered ecological communities.

Threatened fauna species likely to be adversely affected as a result of the proposal include:

- Grey Crowned Babbler
- Powerful Owl
- Brown Tree Creeper
- Painted Snipe
- Grey Headed Flying Fox
- East Coast Free Tail Bat
- Little Bent Wing Bat
- Eastern Bent Wing Bat

The degree of adverse effect ranges from a likelihood of displacement from the site to loss of foraging, seasonal foraging and breeding habitat . The greatest threats to these species has been assessed as being the clearing of native vegetation, removal of dead wood and dead trees, and the loss of hollow-bearing trees. A total of 48 trees having potential fauna habitat hollows were mapped across the area

Consultation with the Department of Environment, Climate Change and Water (DECCW) has been undertaken with regard to the likely adverse effects on threatened/ vulnerable species and endangered ecological communities. A copy of DECCW's correspondence is included as **Appendix 7 – DECCW correspondence**.

DECCW supports the rezoning in principle as it is consistent with the objectives of the endorsed MUSS 2008, however recommends that Council be satisfied that:

- *The proposed LEP is not likely to result in impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities, and where impacts are proposed on areas of biodiversity value, demonstration on how to meet the improve or maintain threshold.*

Whilst it is preferable to deal with these matters at a rezoning stage, DECCW considers that “outstanding biodiversity offsetting matters could be dealt with post gazettal of the LEP through subsequent development applications under Part 4 of the EP&A Act.” This would be through Section 79B of the EPA Act.

Amendments have been made to the draft rezoning plan in response to DECCW's suggestions for minimising potential impacts on biodiversity, including:

- retaining larger areas of the highest condition vegetation in 1(b) Secondary Rural zone to maintain habitat and connectivity with wider vegetation communities;
- Providing for 1(c) Rural Small Holding and 1(d) Rural Residential zones with appropriate minimum lot sizes to allow retention of habitat trees.

Therefore it is considered that the objectives of this planning proposal to protect areas of ecological significance can be achieved.

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

A number of other environmental effects have been identified with the Louth Park area. These include:

- Air quality, especially particulates from adjoining mining activities
The Louth Park investigation area is located in close proximity to three (3) potential source of air quality impact.
 - Bloomfield Colliery to the south and south east;
 - Maitland Waste Facility to the north east; and
 - Donaldson Coal Mine to the south east.

The baseline air quality monitoring program consists of measurements for:

- Dust deposition;
- Total Suspended Particulates (TSP); and
- Particulate Matter (PM₁₀)

The ambient study was conducted over a continuous period over four consecutive months between 23 December 2008 and 5 May 2009. The results from the assessment period have been compared to the DECC's guidelines for "Modelling and Assessment of Air Pollutants in NSW" which indicates that the investigation area does not exceed the relevant criteria for dust deposition, TSP and PM₁₀. The assessment report concludes that there is no material constraint for the residential development of the Louth Park investigation area based on consideration of dust and particulate matter.

- Site contamination from agricultural and other rural activities
A "Phase One" contamination report has been prepared for the Louth Park investigation area. The report concludes that there is no significant potential for site contamination and that the subject lands are suitable for rezoning for urban purposes. Sites of potential contamination, eg past poultry sheds, can be specifically investigated during Development Application assessment.
- Acoustic assessment, especially from vehicles and mining activities
Two potential areas of impact on the Louth Park Investigation Area from noise include "road traffic noise" and "cumulative industrial noise emissions".

Traffic noise associated with Louth Park Road has been identified to generate noise levels below the relevant Environmental Criteria for Road Traffic Noise (ECRTN) for residences with an offset

distance of 15 metres from Louth Park Road. Road noise associated with Mt Vincent Road has the potential to be above the night time ECRTN for dwellings at up to a distance of 50 metres from Mt Vincent Road. A buffer of 50 metres for development of dwellings adjacent to Mt Vincent Road will also need to be included in associated development controls for the Louth Park investigation area. Development applications to create allotments adjoining the buffer will need to be supported by an acoustic report detailing the required treatment to dwellings to meet the ECRTN for this locality.

Cumulative industrial noise emissions from surrounding mining associated activities have been quantified as insignificant. The report concludes that there are no acoustic issues identified which would preclude the proposed rezoning from proceeding where it has been identified that where road noise may exceed the relevant criteria this able to be ameliorated through either greater setbacks or acoustic treatment.

- Visual impact

Land within the adopted investigation area consists of undulating grazing land with vegetation communities dominating the southern section. A ridgeline running in a general north/south orientation forms a logical boundary to the west. Land on the western slope of this ridgeline is within a separate visual catchment being exposed to views from Gillieston Heights, Clifftleigh and Cessnock Road. This visual catchment is dominated by rural farm land, a wetland drainage system, ridges to the west and vegetation corridors.

The visual catchment of the Louth Park urban investigation area is dominated by undulating slopes draining to the northeast, vegetation to the east and south and rural small holding urban development to the north and east. The subject land, viewed from the existing Louth Park (Waterford Estate) urban area, comprises a visual catchment supporting a number of landscape units.

The visual management objectives of the Louth Park investigation area include:

- Protection of prominent ridgelines from development protruding into the skyline;
- Maintaining a development density pattern consistent with adjoining urban development;
- Protection of major view corridors associated with the Wallis Creek flood plain catchment and associated rural landuses;
- Utilise existing vegetation to screen and break up visual impact of urban development; and
- Provide an unobtrusive urban development pattern when viewed from land to the west, north and south.

Landscape Unit 1 – (Waterford Estate Landscape Unit) consists of cleared undulating, northeast facing slopes dominated by the north/south orientated ridgeline located in the “mid-ground”. This landscape unit has a scattering of mature trees and isolated small vegetation pockets. Unit 1 is back dropped by a distant north/south ridge to the west (Gillieston Heights) and in the majority of view corridors from Waterford Estate and surrounds forms a distant landscape/skyline above the dominant ridgeline of the Louth Park investigation area.

The scenic quality of this landscape unit is moderate with the elevated areas more prominent and therefore more sensitive. The lower open paddock areas in the foreground of the unit have a lower sensitivity.

Landscape Unit 2 – (Wallis Creek) is a large open view corridor running north/south dominated by uniform farm land and wetland systems contained by vegetation and ridgelines to the west and east. Development patterns for this landscape unit consist of scattered farm dwellings with associated agricultural structures.

Viewed from the north and west the foreground of the Wallis Creek landscape unit consists of undulating slopes blending with the flood plain dominating the midground. The background consists of cleared sloping land rising to a dominate ridgeline protecting and enclosing the Louth Park investigation area and distant Waterforde Estate urban environment. It is considered this landscape unit is highly sensitive to any increase in development density.

Landscape Unit 3 – Adjoining Cessnock LGA has a southerly aspect and is dominated by sloping natural bush land within the local government area of Cessnock. Landscape unit 3 includes the southern section of the encircling ridgeline forming the southern extent of the developable area of the Louth Park investigation area.

This ridgeline and southward facing slopes have a moderate visual sensitivity given the presence of extensive established bush land. Similar to the rest of the investigation area and consistent with the visual management objectives for Louth Park, the ridgeline is a prominent visual element to be protected. The south facing slopes in this landscape unit are, to a degree, protected by vegetation and are not within a highly sensitive view corridor. Adjoining land to the south is mostly contained within a mining lease. Views to the site are therefore restricted to isolated points for the travelling public. Larger lots with dwellings positioned below the ridgeline and screened by existing vegetation would have a minimal visual impact for this landscape unit.

- Drainage and stormwater management

The riparian/drainage assessment for the subject land included:

- o Soil considerations and identification of potential constraints to development relating to acid sulphate soils and soil salinity;
- o Groundwater considerations including existing groundwater conditions and qualitative assessment of potential development impacts on groundwater and groundwater dependant ecosystems;
- o Flooding impacts incorporating a preliminary assessment of likely implications of flooding and peak stormwater events;
- o Riparian corridors including identification and classification of existing riparian corridors and formulation of guiding management principles for development that will facilitate protection and enhancement of riparian zones;
- o Stormwater management incorporating a preliminary assessment of appropriate stormwater controls and WSUD techniques to be applied across the development including development of water management goals.

The report concludes there are no impediments to the development of the subject lands for urban purposes provided appropriate management strategies for “salinity”, “stormwater”, “riparian areas” and “soil” are developed and implemented.

- Bushfire hazard

The southern and eastern section of the Louth Park Investigation Area supports an established Lower Hunter Iron Bark/Spotted Gum Vegetation Community. This community is sparse in some areas however it is considered to have continuous connectivity within the investigation area and to the wider/larger vegetation assemblage of the locality. The vegetation is mapped as Category 2 & 3 on Council’s bushfire prone land maps. The Category 2 & 3 area takes in approximately 40% of

the investigation area. Onsite ground truthing and assessment of current aerial photos would identify cleared areas within the blanketed bushfire prone area.

The listing of the Lower Hunter Iron Bark/Spotted Gum vegetation community as an EEC has wider implications with regard to identifying a land use pattern and associated APZ's for this area. The significance, health, age and exact species makeup of this community will need to be identified to inform the rezoning process and identify potential future land use pattern and lot density.

- Stability of land from past underground mine workings in the locality

The Louth Park Investigation Area is not within a Proclaimed Mine Subsidence District. However, discussions with the MSB has identified past underground mine workings located within the Louth Park investigation area.

Previous subdivisions on Louth Park Rd, within the Investigation Area and adjoining Waterforde Estate, have included covenants on land titles restricting development of dwellings and structures to specific areas and structures having construction design restrictions. The extent of restriction on these parcels of land and presence of EEC's would exclude consideration of further subdivisions creating additional dwelling entitlements.

The MSB have supplied mapping showing the extent and depth of underground mine workings of the Rathluba Seam underlying the Louth Park investigation area. This map corresponds with the title restrictions indentified on the subdivisions plans creating Lots 256, 255, 254 & 253 DP 813454 and Lots 61, 62, 63 & 64 DP 825042. Lot 65 DP 825042 had a "restriction as to user" over the title, however this has been lifted by Maitland Council on request by the land owner which included additional supporting information identifying an inconsistency in the title restriction and advice from the MSB. In this regard Lot 65 DP 825042 has been included in the proposed zoning amendment.

The underground mine workings extend further afield in the Louth Park investigation to include Lot 2001 DP 1129126, Lot 412 and Lot 411 DP 854995, and Lot 1 DP 221762. These parcels are to the south and west of the existing restricted land and form the southern boundary of the Louth Park investigation area being dominated by a significant east/west ridge. Given the visual prominence of this area, extensive vegetation and the extent of underground mine workings, it is envisaged that this locality would not support a dense land use pattern, however larger lots could be considered allowing strategic placement of building envelopes.

- Sewer/water Service Infrastructure

Sewer and water service infrastructure is provided to Waterforde Estate. All mains and pumping infrastructure have been designed and sized to service Waterforde Estate only, with little or no capacity available to allow an extension to the proposed Louth Park urban investigation area without upgrading and augmentation to the existing system. The level of upgrading required would be determined by the final lot yield for the development of Louth Park Investigation Area.

The majority of developable land within the investigation area is contained within a natural catchment draining toward Waterforde Estate and existing infrastructure. Hence all proposed sewers servicing the proposed lots within the catchment could gravitate to a common low point forming an ideal location for a sewer pump station to then connect with existing infrastructure. Hunter Water Corp will require any proposed sewer infrastructure to be sized to cater for the ultimate development.

The extension of water/sewer service infrastructure to land to the west of the Investigation area, outside the identified immediate catchment, has limitations and considerable infrastructure

design/construction costs. The area to the west of the ridge line is not being investigated for urban development at this stage.

- Archaeological Heritage

The Archaeological Assessment for the subject land identified (2) sites (LP1 & LP2).

LP1 site is an artefact scatter located on the eastern bank of the eastern drainage channel of Lot 2000 DP 1129126. The site includes (2) mudstone flakes, (2) mudstone broken flakes and a mudstone retouched flake. The site has been assessed as being in fair condition with low to moderate potential for subsurface cultural materials.

LP2 is an isolated find on Lot 412 DP 854995 located in an erosion patch along a minor drainage line adjoining the southern boundary of the investigation area. The artefact is a mudstone flake. The site is in a poor condition with low potential for subsurface cultural material.

Three (3) Potential Archaeological Deposit (PAD) were identified within the study area.

- PAD 1 includes the crest in the western portion of the study area.
- PAD 2 includes the slope in the northern portion of the study area.
- PAD 3 includes the major drainage channel through the centre of the study area.

The archaeological report recommends that:

1. *Staff, contractors and construction and maintenance people involved in the development of the site are made aware of statutory requirements pertaining to archaeological sites and artefacts;*
2. *If site LP1 will be impacted by development a S.90 CTD (salvage) is required prior to any works;*
3. *If site LP2 will be impacted by development a S.90 (collect) is required prior to any works;*
4. *If PAD's 1, 2 or 3 will be impacted by development a S.87 (test excavation) is required prior to any works.*

It is considered LP1, being located within a significant drainage channel, will be able to be managed as part of the riparian corridor. Comments from Mindaribba LALC advise that Aboriginal Heritage Studies for the study area be undertaken by suitably qualified professionals in accordance with relevant legislation prior to any development consent being issued.

Each of these matters will be addressed through the future development controls including the Louth Park Area Plan or through assessment of individual development applications.

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

There is at present a continuing demand for the development of both 1 (c) Small Rural Holdings and also 1 (d) Rural Residential land within the Maitland area. This is reinforced by the current uptake of these lifestyle allotments as identified in the MUSS. Any inclusion of either small rural holding or rural residential lots is shaped by the land constraints which are used to guide the density of development most suited within the investigation area. The demand for both Small Rural Holdings and Rural Lifestyle Lots is expected to continue as an alternative to standard residential lots.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes. The Planning Proposal will generate demand for public infrastructure associated with the development of urban land uses. Existing services/utilities are available on adjoining land in the existing Waterforde rural small holding estate. It is considered that existing sewer and water infrastructure can be augmented to satisfactorily service the proposed urban development, or reasonable increases in capacity can be provided when new development occurs.

It is considered that there are mechanisms in place to ensure that adequate provision occurs in coordination with new development, particularly through clauses 55 and 56 of the Maitland Local Environmental Plan 1993, which specify that satisfactory arrangements for utility and regional infrastructure need to be in place prior to the determination of development applications.

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

Relevant State and Commonwealth authorities and agencies have been previously consulted under Section 62 of the Act. Comments received at that time were considered through that process, which identified the potential rezoning of this site for a future urban land uses. The following public authorities have been consulted regarding the preparation of the Louth Park rezoning plan:

- (former) Department of Primary Industries – mineral resources and agricultural divisions
- NSW Roads and Traffic Authority
- Mindaribba Local Aboriginal Land Council
- (former) Department of Water and Energy
- NSW Rural Fire Service
- (former) Department of Environment, Climate Change
- Bloomfield Colliery

No objections were raised by the authorities that provided submissions. Copies of the correspondence from the authorities which made submissions are included in **Appendix 7 – Public authority correspondence**.

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 is undertaken by the local authority. It is considered that this is a low impact planning proposal as it is consistent with the strategic planning framework of the Maitland Urban Settlement Strategy endorsed by the Department of Planning, is a logical extension to the adjoining serviced rural small holding development and is neither a principal LEP nor reclassification LEP. It is therefore intended for this proposal to be exhibited for a period of fourteen (14)

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:

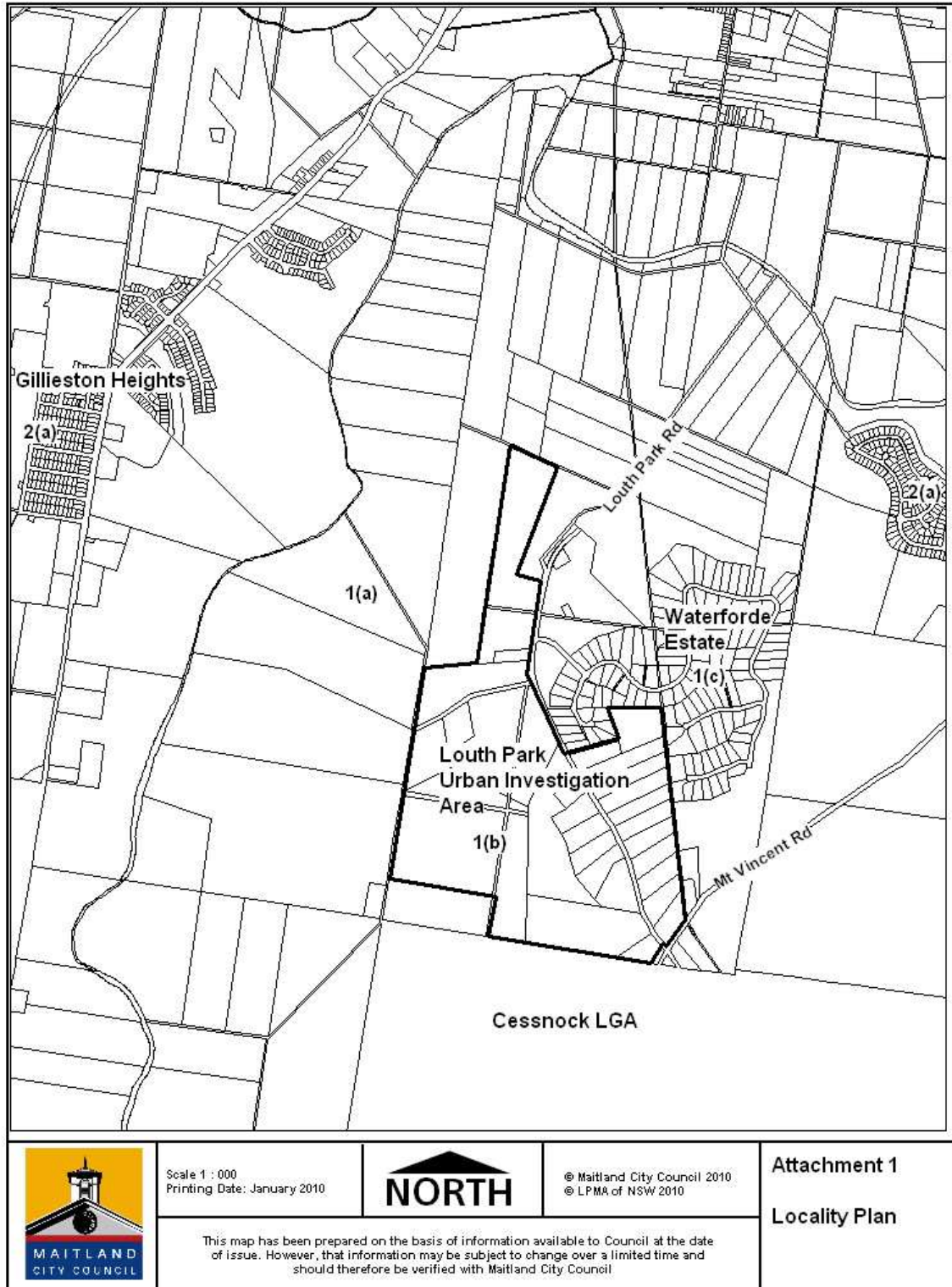
- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the Maitland and Thornton libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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

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

Appendix ONE

Location Map



Appendix TWO

Proposed Zoning Map



 Louth Park Urban Release Area

MAP 1 of 2



SCALE 1:16 000
LOCALITY: LOUTH PARK

PARISH: MAITLAND
COUNTY OF: NORTHUMBERLAND

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 MAITLAND LOCAL ENVIRONMENTAL PLAN 1993 DRAFT (AMENDMENT No:)

DRAWN BY: M ROSER PLANNING OFFICER: M ROSER COUNCIL FILE No: RZ06008 DEPT FILE No:	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS MAITLAND L.E.P. 1993
GATEWAY DETERMINATION ISSUED UNDER SEC 56 E.P.A. ACT 1979 PLAN PUBLISHED ON THE NSW LEGISLATION WEBSITE ON:	DATE: 11.08.10 DATE: 11.08.10 DATE: 00.00.00 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS AS AMENDED GENERAL MANAGER DATE



- | | |
|------|--------------------------|
| 1(c) | 1(c) Rural Small Holding |
| 1(d) | 1(d) Rural Residential |

MAP 2 of 2



SCALE 1:16 000
LOCALITY: LOUTH PARK

PARISH: MAITLAND
COUNTY OF: NORTHUMBERLAND

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**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
MAITLAND
LOCAL ENVIRONMENTAL PLAN 1993
DRAFT (AMENDMENT No:)**

DRAWN BY: M ROSER	DATE: 27.08.10	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS MAITLAND L.E.P. 1993	
PLANNING OFFICER: M ROSER	DATE: 27.08.10		
COUNCIL FILE No: RZ06008			
DEPT FILE No:			
GATEWAY DETERMINATION ISSUED UNDER SEC 56 E.P.A. ACT 1979	DATE: 00.00.00	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS AS AMENDED	
PLAN PUBLISHED ON THE NSW LEGISLATION WEBSITE ON:			
		GENERAL MANAGER	DATE

Appendix THREE

Louth Park Investigation Area, extract from MUSS 2008

Physical Description

The Louth Park Investigation Area surrounds the existing rural residential subdivision at Louth Park (Waterforde Estate), as shown in *Figure 16 Louth Park Investigation Area*. It is contained within the same visual catchment as the existing rural residential zone and could be serviced by an extension to the reticulated sewerage system. The land is almost totally cleared and is gently rolling up to a ridgeline that overlooks the Wallis Creek floodplain.

Existing Development

The relationship to existing rural small holdings in the area will need to be considered along with the proximity of future development to the on-going operations at Bloomfield Colliery in the south-east.

Visual Impact

Views from surrounding areas will be a key consideration when planning of this area. Development should be designed and sited to protect views from surrounding areas and the rooflines of houses should not be visible from the west of the Wallis Creek floodplain. Design opportunities may include the cluster planning of lots, with larger lots nearer the ridgeline; building envelopes guiding the location of dwellings and housing design standards; and native landscaping along the ridgeline, linking to existing vegetation to the south.

Access

The standard of road infrastructure in the area will need to be considered, including the standard of intersection at Mount Vincent Road. Louth Park Road is poorly aligned in some sections, and there are other infrastructure limitations between the Investigation Area and Maitland.

Environmental

The location of the Investigation Area within the catchment for Wallis Creek will be a significant issue in future investigations. Reference and consideration should be made to the Wallis and Fisheries Creeks Total Catchment Management (TCM) Strategy, which generally concludes that existing water quality in the Wallis Creek catchment is very poor. Investigations for urban growth should therefore consider the potential for impacts in the catchment, with careful consideration of the issue of water cycle management, to ensure that future development will make a positive contribution to the health of the catchment.

The majority of the Investigation Area has been extensively cleared of native vegetation. However, there are significant small patches of remnant vegetation, which should be expanded upon and integrated into the design of future development, where possible. This may include buffers to surrounding agricultural activities and land uses.

Mine Subsidence

The Mine Subsidence Board has indicated that shallow abandoned mine workings exist on land either side of Louth Park Rd. This is a potential limitation for future subdivision and will need to be fully explored in further investigations.

Flood management

The forecast 1% flood has been considered in the identification of this Investigation Area. However, flooding remains a significant issue to be addressed during investigations for the site.

5.1.2 Rural Residential Investigation Areas

The approach in developing this strategy for rural residential land has been to look for areas which are most suited to this form of development that will not force higher density residential development further from the City's major service centres and which will complement the long-term settlement pattern of the City. Council has selected preferred rural residential investigation areas using the criteria presented in Annexure A of this Strategy to consider the relative merits of nominated areas. In summary, the criteria cover the following issues:

- Conservation value
- Catchment's health
- Visual and historic character
- Distance to service centre
- Distance to schools
- Road hierarchy and accessibility
- Settlement hierarchy
- Agricultural impact
- Conflict with other land uses

Council has considered a mixture of environmental, social and economic matters when determining the location of preferred rural residential investigation areas. The assessment also involved consideration of the potential for use of the areas for higher order activities, such as residential and industrial development. The strategy identifies "preferred rural residential areas" in a number of locations, on a number of development fronts. In all cases, the rural residential investigation areas are considered to be most suited to lower density development due to the site characteristics and the expectation that lower density development will be compatible with the long-term settlement hierarchy of the City.

Appendix FOUR
Council Report and Resolution

[Insert Date of Council Resolution]

Appendix FIVE

Applicable State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 – Development Standards	Provides flexibility in the application of planning controls operating by virtue of development standards.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 14 – Coastal Wetlands	Ensures that coastal wetlands are preserved and protected. A SEPP 14 wetland is located to the south-east of the Thornton North Urban Release Area.	Provisions are contained in the Thornton North DCP to ensure that stormwater management and development activities up-stream do not adversely affect the wetland.
SEPP 21 – Caravan Parks & SEPP 36 – Manufactured Home Estates	Encourages the orderly and economic use and development of land for caravan parks and manufactured home estates.	Nothing in this planning proposal affects the aims and provisions of these SEPPs.
SEPP 44 – Koala Habitat Protection	Encourages the proper conservation of vegetation that provides habitat for koalas.	Whilst three preferred koala food tree species are known to occur in the study area, there is no evidence of koala activity on the site and no known records of koala activity for the locality. It is considered that there is nothing in the planning proposal that affects the aims and provisions of this SEPP.
SEPP 55 – Remediation of Land	Promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health.	Some contamination has been identified on the subject site, but is considered to be capable of remediation to a standard suitable for the residential outcomes proposed. Remediation can be undertaken with the development of the site. It is considered that there is nothing in the planning proposal that is inconsistent with the aims and provisions of this SEPP.
SEPP 60 – Exempt and complying development	Provides for exempt and complying development types for local government areas that have not provided them through an LEP.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 62 – Sustainable aquaculture	Encourages sustainable aquaculture.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 64 – Advertising and signage	Ensures that signage is compatible with the desired amenity and character of an area.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP 65 – Design quality of residential flat development	Improves the design quality of residential flat development in NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Affordable Housing 2009	Provides a consistent planning regime for the provision of affordable rental housing.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Building Sustainability Index	Encourages sustainable residential development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Housing for seniors or people with a disability	Encourages the provision of housing that will increase the supply and diversity of residences that meets the needs of seniors or people with a disability.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
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 the aims and provisions of this SEPP.
SEPP – Mining, Petroleum Production and Extractive Industries 2007	Aims to recognise the importance of mining, petroleum production and extractive industries to NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP, as various forms of agriculture are permissible in both the residential and environment protection zones.
SEPP – Rural Lands 2008	Facilitates the orderly and economic use and development of rural lands for rural and related purposes.	This plan would rezone rural land for residential and environmental protection purposes. As assessment has been undertaken of rural land and rural planning outcomes across the City of Maitland through the preparation of the Maitland Rural Strategy (2005) and the Maitland Urban Settlement Strategy (2008 ed). It is considered that the subject land is best utilised for residential and environmental purposes.

Appendix SIX

Applicable Section 117 Directions for Local Plan making

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The planning proposal identifies the rezoning of the subject land (1(b) secondary rural) for urban development. The proposal is therefore inconsistent with this direction. This inconsistency is justified as the subject land is identified in the MUSS for future urban land uses and is endorsed by the DoP and Council.
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes	This planning proposal affects land within an existing rural zone and creates a rural residential and rural small holding zone. Consideration has been given to the Rural Planning Principles in SEPP Rural Lands, and whilst the planning proposal does seek to rezone rural land for urban purposes, this has been undertaken with reference to the Lower Hunter Regional Strategy Sustainability Criteria and the Maitland Rural Strategy and Maitland Urban Settlement Strategy.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas.
2.3 Heritage Protection	The objective of this direction is to conserve items, objects, areas, and places of environmental heritage significance and indigenous heritage significance.	This planning proposal does not seek to alter the existing heritage provisions of the Maitland Local Environmental Plan 1993. Identified archeological sites are to be managed through relevant legislation during the development application stage consistent with the recommendations of the archeological report for the site. Nothing in the planning proposal is inconsistent with this Direction
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	To encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development the environment and resource	Nothing in this planning proposal is inconsistent with this Direction.

	lands.	
3.2 Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.	Nothing in this planning proposal is inconsistent with this Direction.
3.3 Home Occupations	To encourage the carrying out of low-impact small businesses in dwelling houses.	Nothing in this planning proposal is inconsistent with this Direction
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	Nothing in this planning proposal is inconsistent with this Direction.
HAZARD and RISK		
4.1 Acid Sulphate 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 sulphate soils	Council intends to incorporate the model Acid Sulfate Soils provisions into the comprehensive LEP (Maitland LEP 2011). The subject land has been identified as class 5, with small areas of class 4 and class 3 being land below the 1% AEP flood level. It is consider the planning proposal is consistent wit the terms of 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 not within a Proclaimed Mine Subsidence District , however this Direction applies as the land has been identified as containing shallow underground mine workings by the Mine Subsidence Board. It is considered the planning proposal is consistent with this direction as it does not propose to rezone potentially unstable land for residential purposes, and incorporates provisions in the draft LEP that provide for a scale, density and type of development appropriate for the potential level of subsidence.
4.3 Flood Prone Land	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The land proposed to be rezoned for urban purposes is not within the flood planning area, insofar as all the future residential land is located above Council's adopted flood standard being the 1% AEP flood. This planning proposal is not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	Parts of the subject land are identified as being bush fire prone land. Consultation has been undertaken with the NSW Rural Fire Service, who is supportive of the proposal. Further bushfire hazard and management measures will be enforced in the development of the Louth Park area plan, in accordance with <i>Planning for Bushfire Protection 2006</i> .

		This planning proposal is not inconsistent with this Direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The planning proposal is consistent with the Sustainability Criteria of the LHRS and consistent with the endorsed MUSS 2008.
LOCAL PLAN MAKING		
6.1 Approval and Referral	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The rezoning proposal is consistent with the direction and shall be subject to the appropriate referrals by the Council as is required to satisfy the legislative requirements
6.2 Reserving Land for Public Purpose	To facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Nothing in this planning proposal is inconsistent with this Direction.
6.3 Site Specific Provisions	To discourage unnecessarily restrictive site specific planning controls.	Nothing in this planning proposal is inconsistent with this Direction.

Appendix Seven

Public authority correspondence



SCANNED

NSW Government

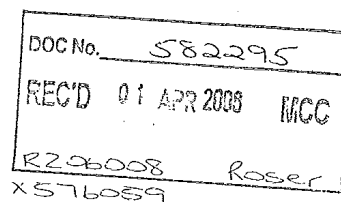
DEPARTMENT OF WATER AND ENERGY

Your Ref: RZ06008 (576059)
Our Ref: ER7600

31 March 2008

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Mark Roser



Dear Sir

SECTION 62 CONSULTATION DRAFT AMENDMENT TO MAITLAND LEP 1993 LOUTH PARK

I refer to Council's letter of 25 February 2008 concerning the above proposal, and apologise for the delay in responding.

The proposal has been initially considered and the following DWE water related issues are considered relevant for consideration during the preparation of the LES, any concept plans for this site and subsequent draft LEP.

Relevant legislation

In assessing development proposals and zoning options for the site, Council should take into account the objectives and regulatory requirements of the following legislation, if applicable:

- *Water Act, 1912 (WA)*
- *Water Management Act 2000 (WMA)*
- *Hunter Water (Special Areas) Regulation 2003*

Water Sharing Plans

Gazetted Water Sharing Plans (WSPs) prepared under the provisions of the WMA establish rules for access to, and the sharing of water between the environmental needs of the surface or groundwater source and water users. If any proposal is within a gazetted WSP area the assessment is required to demonstrate consistency with the rules of the WSP. For information refer to: <http://www.dnr.nsw.gov.au/water/plans.shtml>

Relevant policies

Any assessment is required to take into account the following policies that may be relevant:

- NSW Groundwater Policy Framework Document - General
- NSW Groundwater Quantity Management Policy
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy
- NSW State Rivers and Estuaries Policy

26 Honeysuckle Drive Newcastle NSW 2300 PO Box 2213 Dangar NSW 2309
Telephone (02) 4904 2500 Facsimile (02) 4904 2501 Website dwe.nsw.gov.au



DEPARTMENT OF WATER AND ENERGY

- NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers
- NSW Wetlands Management Policy
- NSW Farm Dams Policy
- NSW Weirs Policy

Guidelines

Any assessment is required to take into account the following DWE Guideline for Controlled Activities (February 2008), as applicable:

- Riparian corridors (and associated Vegetation Management Plans)

Refer to: http://dnr.nsw.gov.au/water/controlled_activity.shtml

Groundwater and groundwater dependent ecosystems

DWE is responsible for the management of the groundwater resources so they can sustain environmental, social and economic uses for the people of New South Wales.

Due to the past mining history on part of the site, the assessment is required to identify key groundwater issues and potential degradation to the groundwater source, by providing the following if applicable:

- Describe the flow directions and rates and the physical and chemical characteristics of the groundwater source.
- Details of any proposed works likely to intercept, connect with or infiltrate the groundwater sources.
- Details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
- Details of any predicted impacts of any final landform on the groundwater regime.
- Details of any existing groundwater users within the area (including the environment), including any potential impacts on these users.
- Assessment of the quality of the groundwater for the local groundwater catchment.
- Details of how any proposed development will not potentially diminish the current quality of groundwater, both in the short and long term.
- Details on any land contamination and its impact on groundwater pollution, including any remediation strategy.
- Details on protective measures for any groundwater dependent ecosystems (GDEs).
- Details of any proposed methods of waste water disposal and their impact on the groundwater resource.
- Assessment of the potential for saline intrusion of the groundwater and measures to prevent such intrusion into the groundwater aquifer.
- Details of the results of any models or predictive tools used.

Where potential impacts are identified, the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:

- Details of any proposed monitoring programs, including parameters to be measured.
- Reporting procedures for any monitoring program, including mechanism for transfer of information.
- An assessment of any groundwater source that may be impacted upon or sterilised as a consequence of any proposal.



DEPARTMENT OF WATER AND ENERGY

- Identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).
- Description of the remedial measures or contingency plans proposed.
- Any funding assurances covering the anticipated post development maintenance cost (eg. on-going groundwater monitoring for the nominated period).

Groundwater Licensing:

Any proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified and an approval obtained from DWE prior to their installation.

Surface Waters

DWE is responsible for the sustainable management of rivers, estuaries, wetlands and adjacent riverine plains.

Watercourse/Riparian:

Any assessment is required to consider the impact of the proposal on the watercourses and associated riparian vegetation within the site, by providing the following:

- Identification of the sources of surface water.
- Details of stream order (using the Strahler System).
- Details of any proposed surface water extraction, including purpose, location of existing and proposed pumps, dams, diversions, cuttings and levees.
- Detailed description of any proposed development or diversion works including all construction, clearing, draining, excavation and filling.
- Evaluation of the proposed methods of excavation, construction and material placement.
- A detailed description of all potential environmental impacts of any proposed development in terms of riparian vegetation, sediment movement, water quality and hydraulic regime.
- A description of the design features and measures to be incorporated into any proposed development to guard against long term actual and potential environmental disturbances, particularly in respect of maintaining the natural hydrological regime and sediment movement patterns and the identification of riparian buffers. (See note below)

The *Rivers and Foreshores Improvement Act 1948 (RFIA)* – referred to in the Rezoning Report - has been repealed and the controlled activity provisions in the *WMA* have commenced. The provisions relating to controlled activities replaced the *RFIA* from 4 February 2008.

Riparian corridors form a transition zone between terrestrial and aquatic environments and perform a range of important environmental functions. The protection or restoration of vegetated riparian areas is important to maintain or improve the geomorphic form and ecological functions of watercourses through a range of hydrologic conditions in normal seasons and also in extreme events.



DEPARTMENT OF WATER AND ENERGY

DWE's *Guidelines for Controlled Activities - Riparian Corridors* (February 2008) recommends the following minimum Core Riparian Zones (CRZ) widths (refer to website below):

- **CRZ of 10 metres** (on both sides of the watercourse) for:
 - Any first order watercourse where there is a defined channel where water flows intermittently;
- **CRZ of 20 metres** (on both sides of the watercourse) for:
 - Any permanently flowing first order watercourse, or
 - any second order watercourse where there is a defined channel where water flows intermittently or permanently;
- **CRZ of 20 - 40 metres** (on both sides of the watercourse) for:
 - Any third order or greater watercourse where there is a defined channel where water flows intermittently or permanently. Includes estuaries, wetlands and any parts of rivers influenced by tidal waters – (merit assessment based).

[**Note:** Watercourse order as classified under the Strahler System].

http://www.dnr.nsw.gov.au/water/controlled_activity.shtml

In addition to the above recommended CRZs, an additional **vegetated buffer (VB) of 10 metres** should be provided on both sides of the watercourse, measured from the outer edge of the CRZ, to allow for edge effects.

Any works which involve excavation on "waterfront land" will require a permit under the WMA. In order to reduce the number of referrals of future development applications to DWE, Council is encouraged to ensure that development is excluded from these areas via appropriate zoning. Appropriate riparian buffers should be included in any such zoned areas.

DWE requires that all structural works, including works for stormwater capture and treatment, are located outside any riparian buffer.

It is noted that the Rezoning Report refers to previous advice from this Department on riparian buffers. The width of the proposed riparian buffers may need to be reassessed to reflect the changes in riparian legislation outlined above.

Sustainable water supply

Any assessment must address the issue of provision of a sustainable water supply for any proposed development, with minimal reliance on accessing valuable surface and groundwater resources. Through the implementation of BASIX, Integrated Water Cycle Management, and Water Sensitive Urban Design, proposed development must also be able to exhibit high water use efficiency.

Farm dams

There are a number of existing farm/water supply dams within the proposed site. Prior to any rezoning, the current legal status and intended use of these dams, under the WA and/or the WMA, needs to be determined - as the legal status of these structures will most likely be affected by any subsequent subdivision or development. For details about the Farm Dams Assessment Guide and information on Harvestable Rights and calculation of the Maximum Harvestable Right Dam Capacity, see

http://www.naturalresources.nsw.gov.au/water/farm_dams/index.shtml



NSW Government

DEPARTMENT OF WATER AND ENERGY

DWE would be pleased to provide more detailed comment once an LES has been completed, and a draft LEP is available for comment. Should there be any further enquiry in this matter in the interim, please contact me on (02) 4904 2634.

Yours sincerely

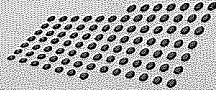
Jeff Hunt
Senior Project Planner
Major Projects and Planning

26 Honeysuckle Drive Newcastle NSW 2300 PO Box 2213 Dangar NSW 2309
Telephone (02) 4904 2500 Facsimile (02) 4904 2501 Website dwe.nsw.gov.au

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EnergyAustralia®
We're on it

01 April 2008

Mark Roser
Maitland City Council
PO BOX 220
Maitland NSW 2320

DOC No.	582827
REC'D	- 3 APR 2008 MCG
FILE No.	RZ 06/008
REFER	M Roser

Reference: WG59567/08 - 461
Contact: Wayne Griffith
Telephone No: (02) 49510725
Fax No: (02) 49519459
Email: wgriffith@energy.com.au

RECEIVED

Dear Mark,

Section 62 Consultation – draft amendment to Maitland Local Environmental Plan 1993 – various land parcels at Louth Park.

I refer to your letter reference, RZ06008 (576059) dated 25 February 2008 concerning the draft amendment to Maitland Local Environmental Plan for the identified land parcels in Louth Park

EnergyAustralia has considered the proposed rezoning within the Louth Park area and offers the following general comments in regard to the existing and future electricity network for the area.

The distribution network for the proposed area will be supplied initially from the East Maitland Zone Substation with further capacity upgrade and augmentation to EnergyAustralia's electrical infrastructure required as the development is progressed.

EnergyAustralia will require 11,000volt high voltage entry points (protected by easements if required) to the development. The entry points will need to be identified during the planning phase of the development.

To maintain EnergyAustralia's Network integrity, provision will need to be made in the development planning stage to ensure power outages are minimised and any existing high voltage interconnections are maintained.

Locally, the area is supplied by existing rural overhead 11kV mains. The addition of new residential subdivisions within the Maitland local council area will require additional electrical infrastructure such as zone substations, overhead and underground mains and distribution substations.

The Distribution Network (11,000volts, low voltage and street lighting) requirements associated with the development will need to be underground and be designed as the development is progressed.

Depending on the final layout of the development, EnergyAustralia's existing electrical infrastructure may have to be relocated as the development is progressed. This cost would be the responsibility of the developer.



Should you require any further information or assistance please do not hesitate to contact me at our Wallsend office.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'W. Griffith', with a stylized flourish at the end.

Wayne Griffith
Network Customer Operations
Hunter and Central Coast Region



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

DOC No.	504349
REC'D	11 APR 2008 MCC
FILE No.	
REFER	Rose

SCANNED

Our ref: L95/0202
Your ref: RZ06008 (576059)

Dear Sir/Madam,

**Re: SECTION 62 CONSULTATION
DRAFT AMENDMENT TO MAITLAND LEP 1993- VARIOUS PARCELS
LOUTH PARK**

Thank you for your letter of 25 February 2008 concerning the draft amendment to the above plan.

The Department of Primary Industries has been formed by the merger of NSW Fisheries, Mineral Resources NSW, State Forests NSW and NSW Agriculture. This is a coordinated Department of Primary Industries response that reflects the views of the Minerals and Agriculture Divisions. There are no issues relevant to the interests of the Fisheries Division of the Department, nor Forests NSW.

Mineral Resource Issues

The subject areas are located within Petroleum Exploration Licence (PEL) 267 held by Sydney Gas Operations Pty Ltd. It is requested that access be maintained for current and future petroleum exploration activities in the subject areas.

The subject parcels are immediately adjacent to Consolidated Coal Lease (CCL) 761 held by Bloomfield Collieries Pty Ltd. As such, any development proposal for rural residential or urban development of the subject area will need to consider the potential for conflict with coal mining and ancillary activities.

Underground coal mining has been carried out previously beneath the Louth Park area. Extensive old shallow mine workings are known to occur under the proposed subdivision. These workings range in depth from subcrop to 30 metres, with the majority at 5-20 metres depth.

While the subject area is not currently located within a declared Mine Subsidence District, Coal Advice strongly recommends that this application and any subsequent building application be referred to the Mine Subsidence Board.

Mineral Resources NSW

PO Box 344 Hunter Region Mail Centre NSW 2310
516 High Street Maitland NSW 2320

ABN 51 734 124 190
www.dpi.nsw.gov.au
Tel: 02 4931 6666
Fax: 02 4931 6790

Agriculture Issues

DPI acknowledges that the land is Class 3 and Class 4 agricultural land and that the proposal is consistent with the objectives of the Maitland Urban Settlement Strategy and has been identified as a preferred rural residential investigation area. Although there are no significant issues from an agricultural perspective, DPI is concerned however that the proposal further reduces that land available for agricultural enterprises in the area. DPI would appreciate continuing involvement with Council in the development and implementation of land use strategies to ensure that the most effective land uses are considered with respect to development.

If you have any further queries on this matter please contact Simon Francis, Land Use on 4931 6707 (Minerals).

Yours sincerely



Iain Paterson
Acting Team Leader, Land Use

7 April 2008

Mineral Resources NSW

PO Box 344 Hunter Region Mail Centre NSW 2310
516 High Street Maitland NSW 2320

ABN 51 734 124 190
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Tel: 02 4931 6666
Fax: 02 4931 6790

All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02) 8741 5555

Head Office
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02) 8741 5550



The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attention: Mark Roser

Your Ref: RZ06008

Our Ref: LEP/0081
A08/0153

SCANNED

20 March 2008

Dear Mr Roser,

Re: Draft Amendment to the Maitland LEP 1993 – Various Parcels Louth Park.

I refer to your letter dated 25 February 2008 seeking our advice in accordance with section 62 of the *Environmental Planning & Assessment Act 1979* for the above Local Environmental Plan (LEP).

The NSW Rural Fire Service (RFS) notes that the study area is identified as bush fire prone on the Maitland Bush Fire Prone Land map and the proposed rezoning includes possible rural residential zones.

Based upon an assessment of the information received, the RFS supports the draft amendment to the Maitland Local Environment Plan but advises that a Bushfire Safety Authority will be required under section 100B for any future subdivision and *Planning for Bush Fire Protection 2006* should be considered in the planning stages of development.

For any enquiries regarding this correspondence please contact Luke Catorall.

Yours sincerely

Nika Fomin
Development Control Co-ordinator

DOC No.	582074
REC'D	31 MAR 2008 MCC
FILE No.	RZ06008
REFER	Roser

◆ Rural Fire Service Advisory Council

◆ Bush Fire Co-ordinating Committee



Mindaribba Local Aboriginal Land Council

Phone: 49348511
Fax: 49348544

PO Box 401
East Maitland NSW 2323

DOC No.	578590
REC'D	07 MAR 2008
MCC	1A Chelmsford Dr. Maitland NSW 2323
A.B.N 8282 6020 881	

Mr David Evans
General Manager
Maitland City Council
P.O.Box 220
Maitland NSW 2320

Re: Section 62 Consultation
Draft Amendments to Maitland 1993
Various parcels of land

Dear David,

In reply to your letter dated 6th February 08 regarding the above rezoning proposals by Maitland City Council and amendments to Maitland Local Environmental Plan.

Mindaribba Local Aboriginal Land Council want to be consulted throughout this process and would like to meet with the town planner who has a responsibility for these projects. Mindaribba don't have any objections to the rezoning proceeding however we would require proper Aboriginal Heritage Studies on all sites to be conducted prior to any development approvals being granted by the authorities.

Should you wish to discuss this letter please phone on the number provided.

Yours sincerely

per [signature]
Rick Griffiths

C.E.O.
M.L.A.L.C.
26.2.08

In reply please send to:

Our Reference:

Your Reference:

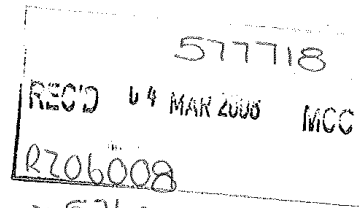
Contact:

Newcastle Office

10.71N

RZ06009 (576059)

Phil Alexander 02 49084350 x 576009



Maitland City Council
PO Box 220
MAITLAND NSW 2320

SCANNED

ATTENTION: MARK ROSER

27 February 2008

Dear Sir

DRAFT AMENDMENT TO MAITLAND LEP 1993
VARIOUS PARCELS LOUTH PARK

Thank you for your letter dated the 25 February 2008 outlining details of the Draft Amendment to Maitland LEP 1993- Various Parcels Louth Park.

These various properties are not within a proclaimed Mine Subsidence District and are not subject to any building restrictions imposed by the Mine Subsidence Board.

The Mine Subsidence records indicate that some properties identified in your report are extensively undermined in the Rathluba Seam at a very shallow depth. There is a potential for large pothole type subsidence to occur in these properties.

Serious consideration should be given to development over existing mine workings particularly if shallower than 20 metres below the surface. Shallow mining that is less than 20 metres in depth should have the risk of subsidence removed by suitable means such as grouting or quarantining the affected areas, (e.g. fencing with no approval of surface development over the affected areas). All existing mine shafts and entry tunnels should be located, filled and capped off in accordance with the requirements of the Department of Primary Industries, Minerals. Building development would be restricted over these locations. (Mined areas and isopachs are shown on the attached plan.)

NEWCASTLE
Ground Floor
NSW Government Offices
117 Bull Street
Newcastle West 2302
PO Box 488G Newcastle 2300
Telephone: (02) 4908 4300
Facsimile: (02) 4929 1032
DX 4322 Newcastle West

PICTON
100 Argyle Street
Picton 2571
PO Box 40 Picton 2571
Telephone: (02) 4677 1967
Facsimile: (02) 4677 2040
DX 25814 Camden

SINGLETON
The Central Business Centre
Unit 6, 1 Pitt Street
Singleton 2330
PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
Facsimile: (02) 6572 4504

WYONG
Suite 3 Feldwin Court
30 Hely Street
Wyong 2259
PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
Facsimile: (02) 4352 1757
DX 7317 Wyong

HEAD OFFICE
PO Box 488G
Newcastle 2300
Telephone: (02) 4908 4395
Facsimile: (02) 4929 1032



Email
mail@minesub.nsw.gov.au

Web
www.minesub.nsw.gov.au

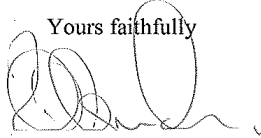
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Emergency Service
Free Call 1800 248 083
h:\louth park.doc

PUTTING SERVICE AND THE NEEDS OF PEOPLE FIRST

In the areas where the depth of cover is between 20 metres to 50 metres, a geotechnical investigation would be required to identify locations where there is a high risk of mine subsidence. The Board would not recommend approval of the surface development where it's believed there is an unacceptable risk of subsidence, unless this risk is removed.

Should you require any further information please contact me on the above number.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P Alexander', written over the typed name.

P Alexander
District Manager

h:\louth park.doc

Your reference : RZ06008 (576059)
Our reference : DOC09/8750;FIL06/922-02
Contact : Richard Bath, 4908 6805

SCANNED

Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND 2320

DOC No.	579020
REC'D	11 MAR 2008
RZ06008	Roser

10 MAR 2008

Attention: Mr Mark Roser

Dear Mr Evans

**Section 62 consultation – draft amendment to Maitland Local Environment Plan (LEP) 1993
– Various Parcels Louth Park**

I refer to your letter dated 25 February 2007 requesting comments from the Department of Environment and Climate Change (DECC) on the above matter.

DECC notes that this site was not identified in the Lower Hunter Regional Strategy, although it had been considered by Council in the Maitland Urban Settlement Strategy as a "preferred rural residential investigation area". As such it needs to be assessed against the Sustainability Criteria outlined within the Regional Strategy.

The DECC has reviewed a study, prepared for Valhalla Investments Pty Ltd for part of the subject lands, which was presented to us with this request for comments. Proposed future zones and the intended density of development have not been finalised. Furthermore no flora and fauna assessments or Aboriginal cultural heritage assessments been supplied to the DECC to date. Initial assessments, however, indicate the presence of an Endangered Ecological Community, the Lower Hunter Spotted Gum Ironbark Forest on the site. DECC therefore recommends that this be considered in the proposed Local Environmental Study. Please find attached our guidelines for the preparation of LEPs which outlines further matters to consider.

The results from the supplied "Rezoning Report" can be integrated into the LES preparation. The DECC recommends, however, that the entire Structure Plan area be assessed as a whole in order to achieve better planning and environmental outcomes.

Accessibility and Sustainable Urban Structure

The subject area is 6 km from the centre of Maitland. The DECC notes that one of the proponents is requesting an intensification of dwelling density to a 2a zone for part of the site as well as some rural residential lots. When determining this development proposal it is suggested that Council needs to consider the issues of accessibility and sustainable settlement structure. These related

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 488G, Newcastle NSW 2300
117 Bull Street, Newcastle West, NSW 2302
Tel: (02) 4908 6800 Fax: (02) 4908 6810
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW



issues have long-term implications for travel demand, energy consumption, greenhouse gas emissions and regional air quality.

Rural residential subdivisions are in effect very low-density urban developments. There is a need to take account of long term and cumulative impacts of this style of development when determining the future use of the proposed area. For example, issues such as accessibility, vehicle dependence and reliance on fossil fuels should be explicitly considered since settlement patterns are enduring and difficult to change once established.

Land use planning decisions should be soundly based on the principles of ecologically sustainable development. The proposed land use should integrate effectively with an overall structure plan for guiding growth in this region, including existing transport networks, surrounding residential areas and other social infrastructures such as sewage and solid waste disposal services.

In general, the DECC encourages new developments to incorporate innovative sustainable design principles, particularly in relation to energy, water and waste. Consideration of energy issues, including transport energy use, should be fully considered in the early planning stages. This is consistent with government policies such as *Action for Air* and national and state greenhouse gas reduction strategies. The DECC suggests that innovative approaches to site planning, utility services and building design also be developed or initiated in the early stages of the planning process.

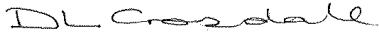
Prior to finalising the LEP, it is recommended that Council be satisfied that:

- The proposed LEP is not likely to result in impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities. Where impacts are proposed on areas of biodiversity value, the proponent has clearly demonstrated how they propose to offset any loss in biodiversity value to meet the 'improve or maintain' threshold.
- Any potential landuse conflicts associated with air, noise and odour impacts are adequately addressed, particularly in relation to premises scheduled under the *Protection of the Environment Operations Act 1997*.
- The proposed LEP adequately considers the relevant threatened species provisions of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection, SEPP 71 - Coastal Protection and the *Native Vegetation Act 2003*.
- In preparing the LEP, an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposed LEP is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of Aboriginal community groups be sought and fully considered in regard to the preparation of the LEP.
- Potential direct and indirect impacts on DECC estate, wilderness areas, wild rivers and recognised areas of high conservation value have been adequately considered and avoided, ameliorated or compensated as appropriate.
- Any areas of contamination on the site are identified and managed in accordance with the *Contaminated Land Management Act 1997*.
- Stormwater emanating from the area must be managed in a sustainable manner to prevent any impacts on the adjacent rivers, wetlands or estuaries.

Your attention is also drawn to the Commonwealth legislation, the *Environment Protection and Biodiversity Conservation Act 1999*. If the proposed LEP affects any species requiring consideration under this legislation then consultation may be required from the the Australian Government, Department of the Environment, Water, Heritage and the Arts (formerly the Department of the Environment and Water Resources).

If you have any enquiries concerning this advice, please contact Dr Karen Thumm on 4908 6829.

Yours sincerely



DIANE CROSDALE
Head Planning Unit - Hunter
Environment Protection and Regulation

Enclosure

24 August 2010
Our Ref: MCCMR240810

SCANNED



General Manager
Maitland City Council
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MAITLAND NSW 2320

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Four Mile Creek Road
Ashtonfield NSW 2323
AUSTRALIA
TEL +61 2 4930 2600
FAX +61 2 4933 8940
ABN 76 000 106 972

Attention: Mark Roser

Dear Sir

RE: LOUTH PARK PLANNING PROPOSAL (DRAFT LEP)

I refer to your correspondence dated 13 August, 2010 regarding the proposed rezoning of land at Louth Park. Bloomfield Colliery is located to the east of the area covered by the draft LEP and also owns a parcel of land immediately to the south. When considering the merits of the rezoning and potential land use conflicts, it should be noted that the colliery is an approved development and operates 24 hours a day, seven days a week. The mining operation and CHPP are operated in accordance with strict guidelines, however, due to the close proximity of the Bloomfield site, any urban development in the area may be impacted by the operation.

In addition, we would also like to raise our concerns about the direct impact on local traffic that would result from the development of 300 housing lots. The intersection of Louth Park Road and Buchanan Road is one of the major intersections servicing the area and also provides an access point to the western side of the colliery. However, despite recent road works, the intersection still has barely adequate horizontal alignment and when combined with an anticipated increase in traffic volumes on Buchanan Road from the construction and use of the Hunter Freeway, the intersection is unlikely to meet current road design standards. We would therefore request Council ensures that specific conditions are applied to all future development in this locality so that the condition of the intersection is not allowed to deteriorate further and/or actions are taken to address the existing safety issues.

Please do not hesitate to contact me if you have any questions about this submission and thank you for the opportunity to comment.

Yours faithfully
BLOOMFIELD COLLIERIES PTY LIMITED

John Richards
Director

☎ (02) 49302600
☎ (02) 49338940
✉ jrichards@bloomcoll.com

DCC No.	760214	
REC'D	26 AUG 2010	MCC
FILE No.	R2 06/008	
REFER	M. Roser	

R#758212