

Louth Park Urban Extension - Stage 1

Proposal Title : **Louth Park Urban Extension - Stage 1**

Proposal Summary : **To rezone 11.4 ha of land at Louth Park from R2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 4000m2. The proposal will allow development of up to 20 dwellings for rural residential purposes.**

PP Number : **PP_2011_MAITL_005_00** Dop File No : **11/22122**

Proposal Details

Date Planning Proposal Received :	20-Jan-2012	LGA covered :	Maitland
Region :	Hunter	RPA :	Maitland City Council
State Electorate :	MAITLAND	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Louth Park Road		
Suburb :	Louth Park	City :	Maitland
		Postcode :	2320
Land Parcel :	Lots 111 & 113 DP 804336 and Lots 256 & 257 DP 813454		

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

Contact Name : **Mark Roser**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	11.40	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	20	No. of Dwellings (where relevant) :	20
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **The LEP Panel considered a Planning Proposal on 8 November 2010(PP_2010_MAITL_017_00) to rezone portions of the the Louth Park Investigation Area, currently zoned 1(b) Secondary Rural, to 1(d) Rural Residential and 1(c) Rural Small Holdings to facilitate the development of up to 300 dwellings.**

On 18 November 2010, the Gateway determined that the Planning Proposal PP_2010_MAITL_017_00 should not proceed for the following reasons:

- 1. In light of the advanced preparation and exhibition of Maitland's comprehensive LEP, it is considered unlikely that this planning proposal will be finalised in advance of the draft Maitland LEP 2011.**
- 2. Insufficient supporting strategic information has been provided by Council to justify the variation of the proposal from the Maitland Urban Settlement Strategy 2008 and the Lower Hunter Regional Strategy, including an investigation into the potential for higher residential yield from the site and the adequate justification of zone boundaries and minimum lot size designations.**

Planning Proposal PP_2010_MAITL_017_00 proposed to rezone 176.5 ha of land at Louth Park. The current proposal PP_2011_MAITL_005_00 only applies to 11.4 ha of land at Louth Park.

Council is proceeding with the current proposal for 11.4 ha (Stage 1) as it is less constrained than the remaining 165.1 ha (Stage 2) within the Louth Park Investigation Area. Stage 1 land is visually separated from Stage 2 land by a ridgeline and Louth Park Road.

Stage 2 will include all the remaining Louth Park Urban Investigation Area and is expected to be forwarded to LEP Panel for Gateway Determination in April 2012. The two stage approach is supported as it will allow the less constrained Stage 1 area to proceed.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives explains that the intent of the planning proposal is to:**
 ***Enable low density residential development**
 ***Ensure development responds sensitively to the density and scale of adjoining settlements**
 ***Conserve the rural landscape of the surrounding locality**
 ***Ensure any development is sensitive to the visual amenity of the surrounding locality**
 ***Manage development of land supporting shallow underground mine workings**

The state of objectives is considered adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions indicates that the planning proposal will be implemented through an amendment to the Maitland LEP 2011. This will include amendments to the land zoning, minimum lot size and urban release area maps.**

The statement of objectives is considered adequate, except for the proposed change to the urban release area map. Council proposes to exclude the subject site as an urban release area. This is not supported as the subject site is mapped as part of Site 28 of the draft Lower Hunter Special Infrastructure Contributions.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Studies have been provided in support of planning proposal which further justify the proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The following maps are provided as part of the planning proposal and clearly identify the outcomes proposed to be achieved:**
 •Location map
 •Proposed land zoning map
 •Location of Underground Mine Workings
 •Extracts from the Maitland Urban Settlement Strategy Urban Infill and Extension Sites

It is recommended that Council also exhibit the planning proposal with:

•Proposed lot size map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Maitland City Council considers that the Planning Proposal is of low impact and proposes a community consultation period of 14 days.**

The 14 day period of community consultation is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **The Maitland LEP 2011 was gazetted on 16 December 2011.**

Assessment Criteria

Need for planning proposal :

Louth Park is consistent with the Lower Hunter Regional Strategy (LHRS).

The subject site is identified in the endorsed Maitland Urban Settlement Strategy (MUSS) 2008 Edition as a 'Category 1 - Residential Investigation area', and has since been updated to a 'Urban Infill and Extension' site in the MUSS 2010 Edition reflecting the the progression of land release in the Maitland LGA.

The MUSS monitors zoned residential land in the Maitland LGA and ensures a supply of zoned land is maintained consistent with the LHRS. The Maitland LGA is projected to cater for an additional 26,500 dwelling by 2031. This residential growth is creating demand for additional dwellings.

An LEP amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

Although no formal net community benefit test has been undertaken, Council's assessment has indicated that there is likely to be a net community benefit.

Consistency with strategic planning framework :

REGIONAL AND LOCAL STRATEGIES

Louth Park Extension is consistent with the Lower Hunter Regional Strategy. The proposal is considered to be in accordance with the objective and aims of the Strategy, particularly in regard to ensuring an adequate supply of residential land.

The site is identified in the Maitland Urban Settlement Strategy (MUSS) as an 'Category 1 - Residential Investigation Area'. The MUSS - 2008 Edition was endorsed by the Department, with conditions, on 1 September 2009.

The MUSS - 2010 Edition, which has not been submitted yet to the Department for endorsement by the Director- General, identifies the site as a 'Urban Infill and Urban Extension'. Urban extension are defined in the MUSS as sites adjoining urban areas less than 15 ha. The remainder of Louth Park, not included in this proposal is still identified as 'Category 1 - Residential Investigation Area'.

It is considered that the Council has provided sufficient justification consistency with the strategic planning framework.

The site is included in the draft Lower Hunter SIC. Council proposes to remove the land from the Urban Release Area. This is not supported.

SECTION 117 LOCAL PLANNING DIRECTIONS

The planning proposal is considered inconsistent with the following s.117 Directions:

1.2 Rural Zones

The planning proposal is inconsistent with this direction as it rezones land from a rural zone to a residential zone. The inconsistency is justified as the planning proposal is in accordance with the endorsed MUSS 2008, which gives consideration to the objectives of this direction and identifies the subject land.

1.5 Rural Lands

As Council seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles. The planning proposal is inconsistent with the Rural Subdivision Principles listed in State Environmental Planning Policy with regard to the minimisation of rural land fragmentation, and therefore inconsistent with this Direction. The inconsistency is justified as the planning proposal is in accordance with the MUSS which give consideration to the objective of this direction.

4.1 Acid Sulfate Soils

The planning proposal is inconsistent with this Direction as the planning proposal proposes intensification of land uses on land identified as containing Class 5 acid sulfate soils (ASS) on Maitland LEP 2011 Acid Sulfate Soils Planning Maps. Council has not considered an acid sulfate soils study in assessing the appropriateness of the change of land use given the possible presence of acid sulfate soils. It is considered that the inconsistency is of minor significance as Maitland LEP 2011 includes appropriate ASS controls, Class 5 are the lowest risk soils, and rural residential development is unlikely to disturb Class 5 soils. It is recommended that the Office of the Environment and Heritage are consulted on the proposed development in regard to the presence of ASS.

4.2 Mine Subsidence and Unstable Land

Although the subject site is not within proclaimed Mine Subsidence District, this direction is applicable as the site has been identified as containing unstable land due to shallow mine workings. Council states that the Planning Proposal is consistent with this Direction as it provides for appropriate scale, density and type of development. It is recommended that Council consults with the Mine Subsidence Board (MSB) and include a copy of any information received from the Mine Subsidence Board with the statement to the Regional Team of the Department of Planning prior to undertaking community consultation in satisfaction of section 57 of the Act.

4.4 Planning for Bushfire Protection

Land within the subject site is mapped as bushfire prone land. It is recommended that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and prior to undertaking community consultation take into account any comments made by the Commissioner.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is considered consistent with all SEPPs.

Environmental social
economic impacts :

Council advises that the site contains two Endangered Ecological Communities (EECs) within the south and eastern of the Louth Park UIA. Council advises that the subject lands contain highly modified vegetation with limited understorey, and that it is satisfied that large lot residential development is unlikely to cause detrimental impacts on the remaining vegetation.

Issues of bushfire risk and acid sulfate soils have been considered strategically by Council, and will be considered in further detail through the progression of the planning proposal.

The potential social and economic benefits of the proposal relate to the benefits of providing additional residential lands.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 Month	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture Mine Subsidence Board NSW Rural Fire Service
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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

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Document File Name	DocumentType Name	Is Public
2011-12-14_Planning_Proposal_Louth_Park Road,Louth_Park_Urban_Extension-Version 0.1.pdf	Proposal	Yes
Request_for_Gateway_Determination_Louth_Park_Urban.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.4 Planning for Bushfire Protection**

Additional Information :

1. Council is to ensure that appropriate mapping is provided for public exhibition purposes and in particular, the subject site is to be clearly identified in all supporting mapping placed on public exhibition. In addition, Council is to prepare and exhibit the following additional maps to support the planning proposal:
 - a. Acid Sulfate Soils Map identifying categories of acid sulfate soils present on the site;
 - b. Aerial Photo overlaid with proposed zone boundary
 - c. Proposed Minimum Lot Size Map
2. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Primary Industries (Agriculture)
 - NSW Rural Fire Service
 - Mine Subsidence Board

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.
7. That the DDG agree to inconsistencies with Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.4 Acid Sulfate Soils as they are minor and justified by an endorsed strategy.

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8. Council is to retain the subject site as land identified on the 'Urban Release Area Map', and is to amend the planning proposal by deleting references to removal of the site from the maps prior to undertaking community consultation.

Supporting Reasons :

The proposal is consistent with the actions and outcomes of the Lower Hunter regional Strategy. The proposal is also consistent with the endorsed Maitland Urban Settlement Strategy 2008.

Signature:



Printed Name:

Monica Gilson

Date:

25.1.2012