

Maitland LEP 2011 – Ryans Road Gillieston Heights

Proposal Title : **Maitland LEP 2011 – Ryans Road Gillieston Heights**

Proposal Summary : **The planning proposal seeks to rezone part of the site from RU2 Rural Landscape to R1 General Residential to create 40 – 50 residential lots.**

PP Number : **PP_2013_MAITL_009_00** Dop File No : **13/19618**

Proposal Details

Date Planning Proposal Received : **28-Nov-2013** 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 : **Ryans Road**

Suburb : **Gillieston Heights** City : **Maitland** Postcode :

Land Parcel : **Lot 1 DP 1119043**

Street : **Ryans Road**

Suburb : **Gillieston Heights** City : **Maitland** Postcode :

Land Parcel : **Lots 17 and 18 DP 263196**

DoP Planning Officer Contact Details

Contact Name : **Paul Maher**

Contact Number : **0249042719**

Contact Email : **paul.maher@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Robert Corken**

Contact Number : **0249349784**

Contact Email : **info@maitland.nsw.gov.au**

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
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	50	No. of Dwellings (where relevant) :	50
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 :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal seeks to rezone rural land to R1 General Residential and alter the minimum lot size map over the site from 40 hectares to 450 square metres.**

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

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

Comment : **The explanation of provisions adequately explains the parameters of the planning proposal.**

That is to rezone land:

Part of the RU2 Rural Landscape site to R1 Residential over the subject site in accordance with the proposed LZN map (see Planning Proposal p.12). The flood affected portion of the site will remain RU2 Rural Landscape.

Alter minimum lot size map:

From 40 hectares to 450 m2 in accordance with Proposed LSZ map (see Planning Proposal p.13).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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 No 55—Remediation of Land

SEPP (Infrastructure) 2007

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 :

S117 DIRECTIONS

Direction 1.2 Rural Zones – the planning proposal is inconsistent with Direction 1.2 as it rezones land from a rural to residential zone. However, the inconsistency is considered to be of minor significance as it relates to a 50 lot yield within the context of a much larger land release in the whole of Gillieston Heights. The Director General's agreement to the inconsistency is required.

Direction 1.3 Mining, Petroleum Production and Extractive Industries - Direction 1.3 applies to the planning proposal as the site was a previous coal mine. It is therefore necessary to consult with the Director General of the Department of Trade & Investment, Regional Infrastructure & Services Division of Resources and Energy (T&I) and seek advice on land uses in conflict with mining.

Any advice from T&I should be included in the community consultation. Therefore until consultation with T&I has occurred it is unknown if the consistency is of minor significance. It is recommended that this aspect of the proposal be considered by the Director General Planning & Infrastructure prior to making the plan.

Direction 1.5 Rural Lands - the planning proposal is inconsistent with Direction 1.5 as it affects rural land and is inconsistent with the Rural Subdivision Principles. However, the inconsistency is considered to be of minor significance as it relates to a 50 lot yield within the context of a much larger land release in the whole of Gillieston Heights. The Director General's agreement to the inconsistency is required.

Direction 2.3 Heritage Conservation – the matter is consistent with Direction 2.3 as the artefact scatter located on the site is outside the proposed development area and the protection of the heritage items is not lessened through the planning proposal.

3.4 Integrated Land Use and Transport – the planning proposal is inconsistent with Direction 3.4 as public transport service is minimal and there is no additional employment proposed. The site is also isolated from the nearest urban area and

Maitland Station approximately 2.5 km away. However a cycleway to the Rail Station is proposed under Maitland Bike Plan 2005. The proposal is considered sufficiently consistent with this direction.

4.2 Mine Subsidence and Unstable Land – the site is recognised to contain shallow abandoned mine workings and therefore it is a requirement to consult with the Mine Subsidence Board. It is necessary for any advice to form part of the community consultation.

4.3 Flood Prone Land – part of the site is identified as flood prone land however the area proposed to be zoned R1 Residential is outside this area. It is proposed to prepare a detailed survey to plot the proposed residential zone boundary and include a protective perimeter road. The planning proposal is therefore consistent with Direction 4.3.

STATE POLICIES

SEPP (Infrastructure) – consultation with RMS is required because of potential impacts on the traffic signals. It is recommended that the site be identified as an Urban Release Area.

SEPP 55 – An investigation of the site for potential contamination was prepared and pre-1965 fill was identified as part of the previous mining activities. Council has indicated that it is satisfied that the planning proposal meets the requirements of SEPP 55.

SEPP (RURAL LANDS) 2008 – the planning proposal is inconsistent with the SEPP as it rezones rural land to residential. It is considered that this inconsistency is justified as the planning proposal fulfils residential development foreshadowed in Council's local strategy. It is considered that consultation with DPI agriculture is not required as consultation occurred through the MUSS.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has not proposed a specific consultation period but given the proposal is of a minor nature, it is recommended that a 14 day consultation period be applied.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion by the end of December 2014, approximately twelve (12) months after the Gateway Determination. A twelve (12) month timeframe appears to be adequate to complete the planning proposal.

DELEGATION AUTHORISATION

Council has accepted plan-making delegation for PPs generally. However it has not been specifically requested for this PP. The reason for this is not discussed by Council.

It is recommended that plan-making delegations be given to Council in this instance.

Overall adequacy of the proposal

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

If No, comment : **The Planning Proposal should proceed.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Maitland LEP 2011 was notified in December 2011.

Assessment Criteria

Need for planning
proposal :

A planning proposal is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

Consistency with
strategic planning
framework :

LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)

Maitland is to provide 1300 new dwellings under the LHRS and this site contributes to the greenfield portion of this allocation.

Gillieston Heights is identified as an existing urban area and the subject site immediately adjoins to the west of this area.

MAITLAND URBAN SETTLEMENT STRATEGY 2012 (MUSS)

The Maitland Urban Settlement Strategy 2008 was endorsed by the Director General. Large areas around Gillieston Heights were identified as Category 1 – Residential. However the subject site was not included in the 2008 edition.

The MUSS was updated to include the subject site among other amendments which formed the 2012 edition. The 2012 edition has not been endorsed by the Director General but adopted by Council.

The site is identified in the MUSS 2012 as part of the Gillieston Heights Investigation Area – Stage 3 and adopted as a Category 1 Investigation Area.

Environmental social
economic impacts :

ENVIRONMENTAL

Flora & Fauna

The site is mostly cleared and has a history of grazing. Previous studies indicated that there are no endangered vegetation communities on site. There is potential for the endangered green and golden bell frog to be located on site. It is recommended that consultation occur with Office of Environment & Heritage regarding threatened species.

Contamination

Forum Consulting Engineers was engaged to prepare a Geotechnical Engineers Report for the subject site. The report contains a Desktop Contamination Site Investigation and found the following elements on site; imported fill, erosion potential, stockpiled material and chemical storage areas. The report recommends that a Preliminary Contamination Site Investigation (PCSI) be undertaken during any future subdivision development application. Council indicates that it is satisfied the planning proposal is consistent with SEPP 55.

Heritage

RPS Australia was engaged to prepare a desktop due diligence assessment report for the

subject site and Lot 11 DP 61751. The report identified an Aboriginal site in the project area with low to moderate significance and recommends further on site investigation at the development application stage.

Consultation with the Aboriginal community was not undertaken as part of the due diligence assessment. It is recommended that consultation occur with the local Aboriginal Land Council and OEH regarding heritage as part of the planning proposal.

SOCIAL/ ECONOMIC IMPACTS:

Transport – the proposed development will use the local street network to connect with Cessnock Road via Vintage Road. This intersection is signalised and therefore consultation is required with Roads and Maritime Services to determine if the Vintage – Cessnock roads intersection can accommodate the proposed traffic increase.

Servicing - There is no discussion in the planning proposal regarding servicing the proposed development for water, waste water, energy and telecommunications. It is recommended that consultation with the appropriate agencies be carried out.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	NSW Aboriginal Land Council Office of Environment and Heritage NSW Department of Primary Industries - Minerals and Petroleum Hunter Water Corporation Mine Subsidence Board NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Telstra
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Survey report plotting 1:100 year flood level

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :	It is considered that the site be identified as an Urban Release Area to ensure satisfactory arrangements are in place for state infrastructure.
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Documents

Maitland LEP 2011 – Ryans Road Gillieston Heights

Document File Name	DocumentType Name	Is Public
2013 11 13 Planning Proposal for Gateway V2 Maitland Local Environmental Plan 2011 Amendment - Ryans Road Gillieston Heights.pdf	Proposal	Yes
2013 11 13 Planning Proposal for Gateway V2 - Appendix3_RPS Archaeological Desktop Assessment Ryans Road.pdf	Study	Yes
2013 11 13 Planning Proposal for Gateway V2 - Appendix2_MineSubDistrict_map_Maitland LGA 9.pdf	Study	Yes
2013 11 13 Planning Proposal for Gateway V2 - Appendix4_PrelimContAssess.pdf	Study	Yes
2013 11 13 Planning Proposal for Gateway V2 Appendix5_Council Resolution.pdf	Study	Yes
2013 11 13 Planning Proposal for Gateway V2 Maitland Local Environmental Plan 2011 Amendment - Ryans Road Gillieston Heights.pdf	Proposal	Yes
Maitland City Council_28-11-2013_Request for Gateway Determination Amendment to Maitland LEP 2011 - Ryans Road Gilleston Heights_.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
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information :

1. 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Roads and Maritime Services
- Mine Subsidence Board
- NSW Rural Fire Service
- Department of Trade & Investment, Regional Infrastructure & Services Division of Resources and Energy – Mineral
- Office of Environment & Heritage
- Energy Australia
- Hunter Water
- Mindaribba Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. 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

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obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the subject site as an Urban Release Area. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the subject site as an Urban Release Area.

Supporting Reasons : The proposal is consistent with the outcomes of the Lower Hunter Regional Strategy, and is also consistent with the Maitland Urban Settlement Strategy 2012 which was adopted by Council.

Further information is required for the exhibition to ensure consistency with the s117 directions and the site's development potential. This information will be obtained from studies if required and/or through consultation with relevant agencies.

Signature:



Printed Name:

K. O'FLAHERTY Date: 17/12/2013