



Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

To rezone land at Ryans Road, Gilleston Heights described as Lot 1 DP1119043 and Lots 17 and 18 DP263196 from RU2 Rural Landscape to RU2 and R1 General Residential

Version 2.0
13/11/2013



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Version 1.0 – 16.2.2012 (For Council Report)

Version 2.0 – 13.11.2013 (For Gateway Determination)

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 to rezone part of the land at Ryans Road, Gillieston Heights described as Lot 1 DP1119043 and Lot 17 and Lot 18 DP263196 from RU2 Rural Landscape to RU2 and R1 General Residential. A location plan is at PART 4: MAPS.

This planning proposal is the result of an application by Paradigm Planning & Development Consultants Pty Ltd on behalf of York & Company Pty Ltd in relation to Lot 1 DP1119043 owned by York & York Pty Ltd (a related entity to York & Company Pty Ltd).

The land forms part of the Gillieston Heights Investigation Area – Stage 3 and adopted as a Category 1 Investigation Area under the Maitland Urban Settlement Strategy 2012 (MUSS 2012). This Planning Proposal relates only to the Category 1 area immediately west of Ryans Road. Refer Appendix 1: LOCATION PLAN.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are;

1. To rezone the identified area to permit residential development.
2. To manage the interface between the residential and rural lands.
3. To minimise the fragmentation of the residual rural land.
4. To responds to the constraints on the site.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to rezone land at Ryans Road, Gillieston Height from RU2 Rural Landscape to RU2 and R1 General Residential and change the minimum lot size map 40Ha to 450m² for the area proposed for residential purposes.

PART 3: JUSTIFICATION FOR PROPOSED REZONING

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

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

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The land is identified in MUSS 2012 as part of the Gillieston Heights Investigation Area – Stage 3 and adopted as a Category 1 Investigation Area. In accordance with the provisions of the MUSS 2012, land owners may lodge an application to rezone Category 1 land.

The lots also contain an area of Category 2 land. However, this planning proposal relates only to the Category 1 area immediately west of Ryans Road.

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

There is no other way to permit residential development on the land other than to rezone the land for general residential purposes.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this application. It is unlikely that the development will result in significant community benefit. It will provide a limited amount of employment for a limited period of time and provide some additional housing.

It is considered that the net community benefit is neutral.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

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

The LHRS 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.

Gillieston Heights is an existing urban release area identified in the LHRS. The planning proposal is therefore part of the ongoing implementation of the LHRS in relation to housing supply.

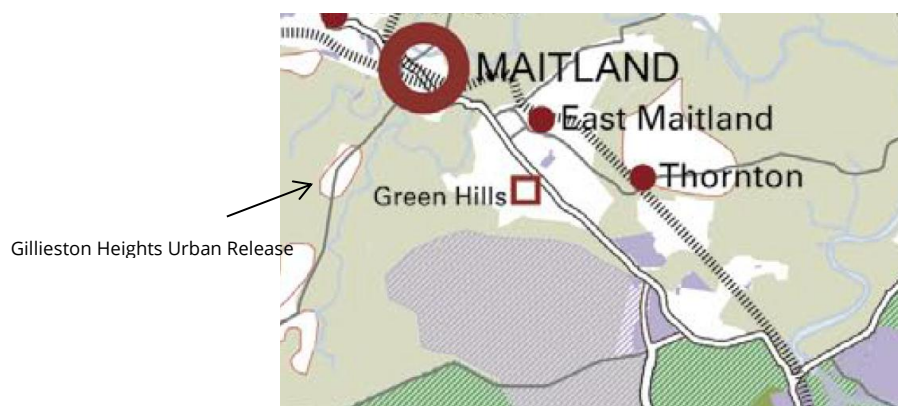


Figure 1: Extract from Lower Hunter Regional Strategy - Proposed urban areas.

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

Maitland +10 (Community Strategic Plan)

The proposal supports the following objectives of the Council's community strategic plan (Maitland +10);

Our Built Space

- Our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.

Our natural environment

- The potential impacts of our growing community on the environment and our natural resources are actively managed.

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

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

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (INFRASTRUCTURE) 2007	NOT APPLICABLE
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. The rezoning and development of the subject land for residential purposes will result in the efficient use of existing service infrastructure recently extended to the locality.
SEPP (RURAL LANDS) 2008	INCONSISTENT
Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it proposes to rezone rural land to urban/residential purposes. It is not facilitating the orderly and economic development of rural lands for rural related purposes. However the subject site is identified in the adopted MUSS 2012 and the Lower Hunter Regional Strategy. It is a continuation of the adjoining urban release area. It is therefore considered a justifiable minor inconsistency.
SEPP NO. 55 REMEDIATION OF LAND	CONSISTENT
Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	An investigation of potential contamination has been undertaken and identified an area of historical fill (pre-1965) which would need further investigation at development application stage. However, the fill is adjacent to an existing drainage line and the investigation report concludes that there is low risk of contamination and should any remediation be required that the relevant planning authority can be satisfied that it will be able to be remediated to be suitable for residential use. The planning proposal is therefore consistent with the aims and requirements of the SEPP.

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

Table 2: s117 Directions.

s117 DIRECTIONS		CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial zones	Not applicable	
1.2 Rural Zones	Inconsistent	
The objective of this direction is to protect the agricultural production value of rural land.	This planning proposal is inconsistent with this direction as it will rezone rural zoned land to a residential zone. However, the inconsistency is justified as the land is identified for urban purposes in regional and local strategies (Lower Hunter Regional Strategy 2006 and Maitland Urban Settlement Strategy 2012) and the extent of impact on rural lands is in any case of minor significance.	
1.3 Mining, Petroleum Production and Extractive Industries	Consistent	
The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The lots were the site of previous coal mining activities. It is expected that the consultation with the relevant government department will be conditioned on the gateway determination.	
1.5 Rural Lands	Inconsistent	
The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	This planning proposal is inconsistent with this direction as it will rezone rural zoned land to a residential zone. However, the inconsistency is justified as the land is identified for urban purposes in regional and local strategies (Lower Hunter Regional Strategy 2006 and Maitland Urban Settlement Strategy 2012) and the extent of impact on rural lands is in any case of minor significance.	
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	Consistent	
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A desktop due diligence assessment was undertaken by RPS Consultants for the three land parcels affected by the planning proposal. An existing artefact scatter is located on the western boundary of Lot 1 but outside the area proposed to be rezoned for residential purposes.	

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.1 Residential Zones****Consistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services

It is considered that the planning proposal is consistent with this direction as it will rezone land for residential development as identified in the adopted MUSS 2012.

3.4 Integrating Land Use and Transport**Inconsistent**

The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.

There is a single bus service servicing the area. The 164 service travels along Cessnock Road between Cessnock to Maitland via Kurri Kurri. Monday to Friday there is a single service per hour between 6.25am-7.30pm. There is no employment or retail use planned within the precinct therefore there is little opportunity to reduce private car use. It is possible that the existing bus service could be augmented in the future if demand for increased services is required.

HAZARD and RISK**4.1 Acid Sulfate Soils****Not applicable**

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The land is mapped as Class 5 on the Acid Sulfate Soils Map under Maitland LEP 2011. Therefore it is unlikely to be affected by disturbance of acid sulfate soils.

4.2 Mine Subsidence**Unknown**

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.

Shallow abandoned mine workings are known to exist in the area near the South Maitland Railway corridor. Refer appendix 2.

No information has been provided at this stage however it is expected that the Gateway Determination will require additional information to address this issue including a geotechnical report and referral to the Mines Subsidence Board. The land is not within a proclaimed mine subsidence district.

4.3 Flood Prone Land**Consistent**

The objectives of this direction are:
(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain

The central area of all three lots within the planning proposal is shown to be flood affected on the Flood Planning Map under Maitland LEP 2011. However, the area subject to rezoning is only the area which is adopted

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
Development Manual 2005, and (b) (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	as a Category 1 Investigation Area under the MUSS 2012 and this area is above the 1% AEP flood level. In accordance with the Floodplain Development Manual the Flood planning level for the development will be the 1% AEP level plus 500mm and will apply to the finished level of residential lots. Detailed survey will be undertaken to confirm the location of the position of the flood line to allow the boundary of the residential zoned area to be accurately located and ensure that any perimeter road can be located at or above the appropriate level.
4.4 Planning for Bushfire Protection	Not applicable
The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The land is not mapped as bushfire prone land and further investigation or referral to the Rural Fire Service should not be necessary.
REGIONAL PLANNING	
5.1 Implementation of Regional Strategies	Consistent
This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.	The planning proposal is considered to be consistent with the Lower Hunter Regional Strategy as it provides for new housing in accordance with the adopted MUSS 2012.
LOCAL PLAN MAKING	
6.1 Approval and Referral	Consistent
The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No additional LEP provisions will be required.

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?

The land to which this planning proposal applies is largely cleared and has historically been used for grazing. Investigations in 2008 for rezoning of a much larger adjoining area to the

east of Ryans Road concluded that there were no ecologically endangered communities on the land. There is potential frog and reptile habitat in the low lying area to the west of the land to be rezoned. The endangered green and golden bell frog has been recorded in the immediate locality. Site specific flora and fauna studies will determine the presence of this species and any management requirements.

It is therefore unlikely that any threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposed rezoning.

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

The area subject to this proposal is relatively small in area resulting in the 40-50 residential lots. The site does not support native vegetation and any potential environmental impacts can be adequately managed.

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

The proponent has undertaken preliminary studies in relation to aboriginal archaeology and potential land contamination, the results of which are discussed below in the context of potential environmental issues for the identified land.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

The precinct is adequately serviced by existing infrastructure.

Traffic generation

The expected yield is in the vicinity of 40-50 residential lots. The planning proposal will result in an increase in traffic in the immediate locality. It is expected that the traffic will be travel along Ryans Road for access to Cessnock Road via the existing signalised intersection of Vintage Drive. Ryans Road has recently been upgraded in the vicinity of the identified lands in conjunction with development of residential land on the eastern side of Ryans Road in 2011.

There may be a minor reduction in traffic due to the proximity of the school however this is unlikely to result in significant changes as residents will need to travel by car to employment, recreation and shopping nodes outside the area.

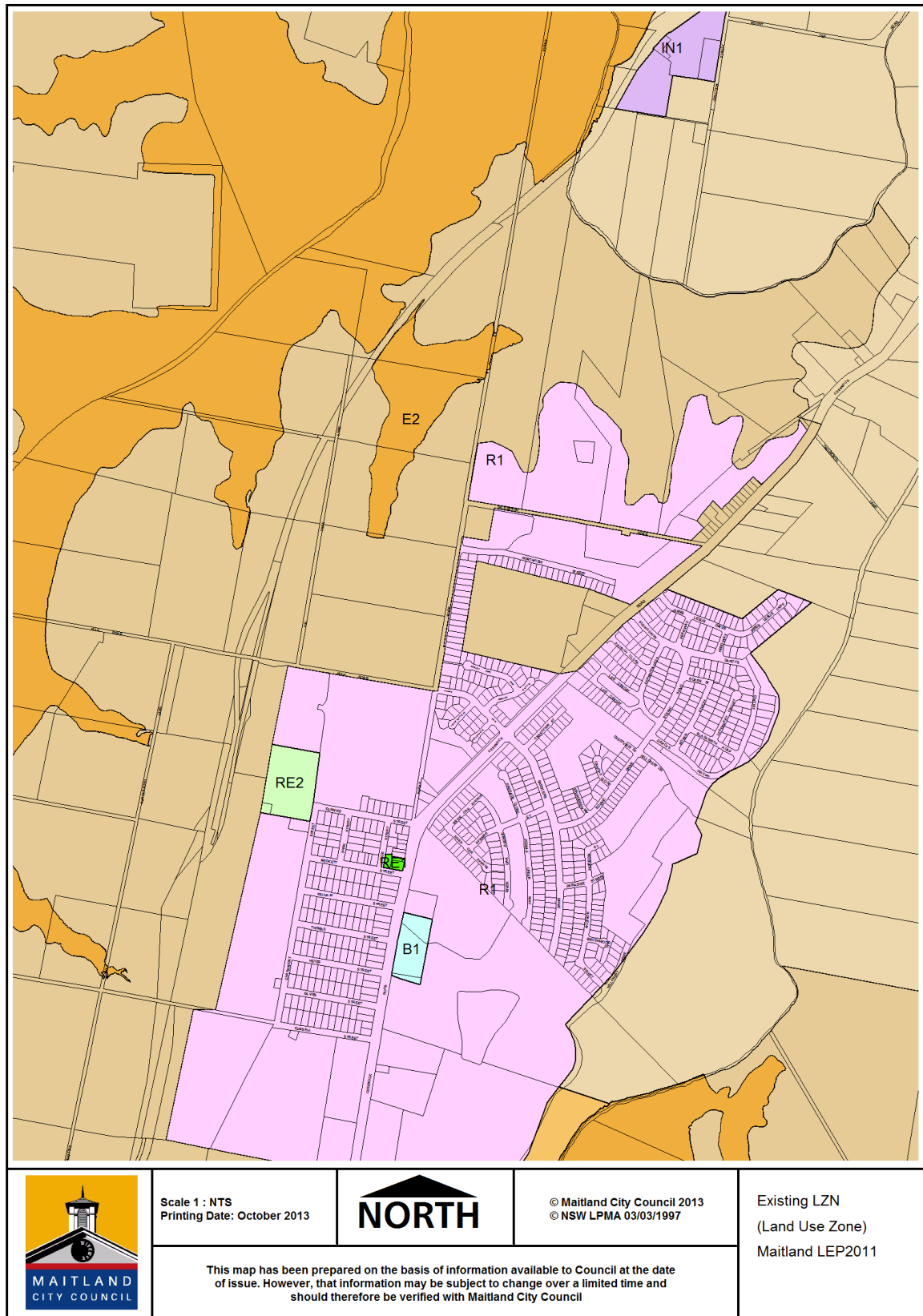
It is expected that the planning proposal will be referred to Roads and Maritime Services (RMS) for comment. At that time it is expected that the RMS will confirm the capacity of the signalised intersection and an augmentation that may be required as a result of the development. There is a risk that traffic may 'rat-run' from the development along Gillieston Road to avoid the signalled intersection. It is envisaged that development along Gillieston Road will trigger the upgrading of this intersection with Cessnock Road. This future upgrade will seek to safely manage traffic travelling in this direction.

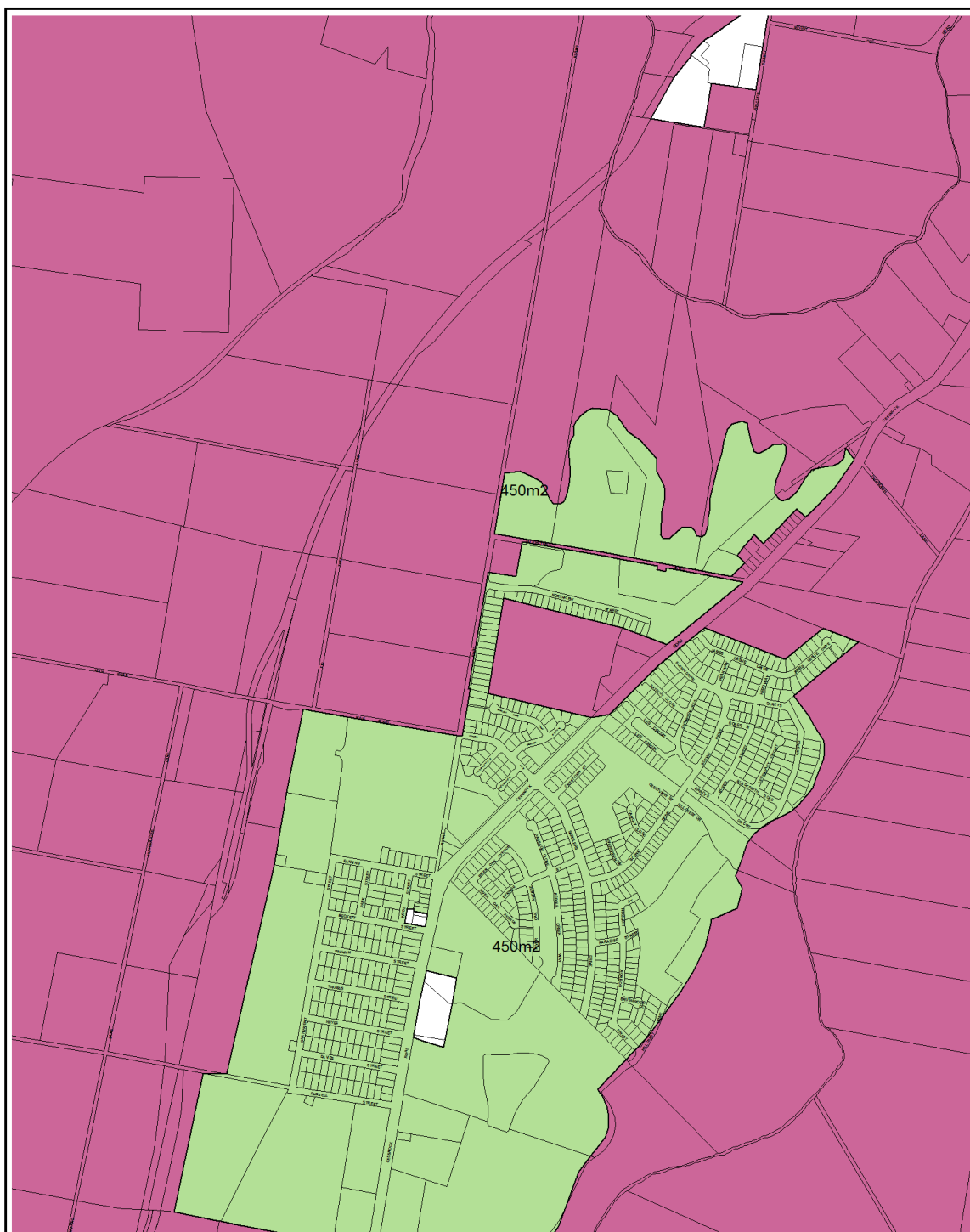
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation with State and Commonwealth public authorities has been undertaken. Consultation will occur in accordance with the gateway determination resulting from this planning proposal.

PART 4: MAPS

The following maps support the proposal:





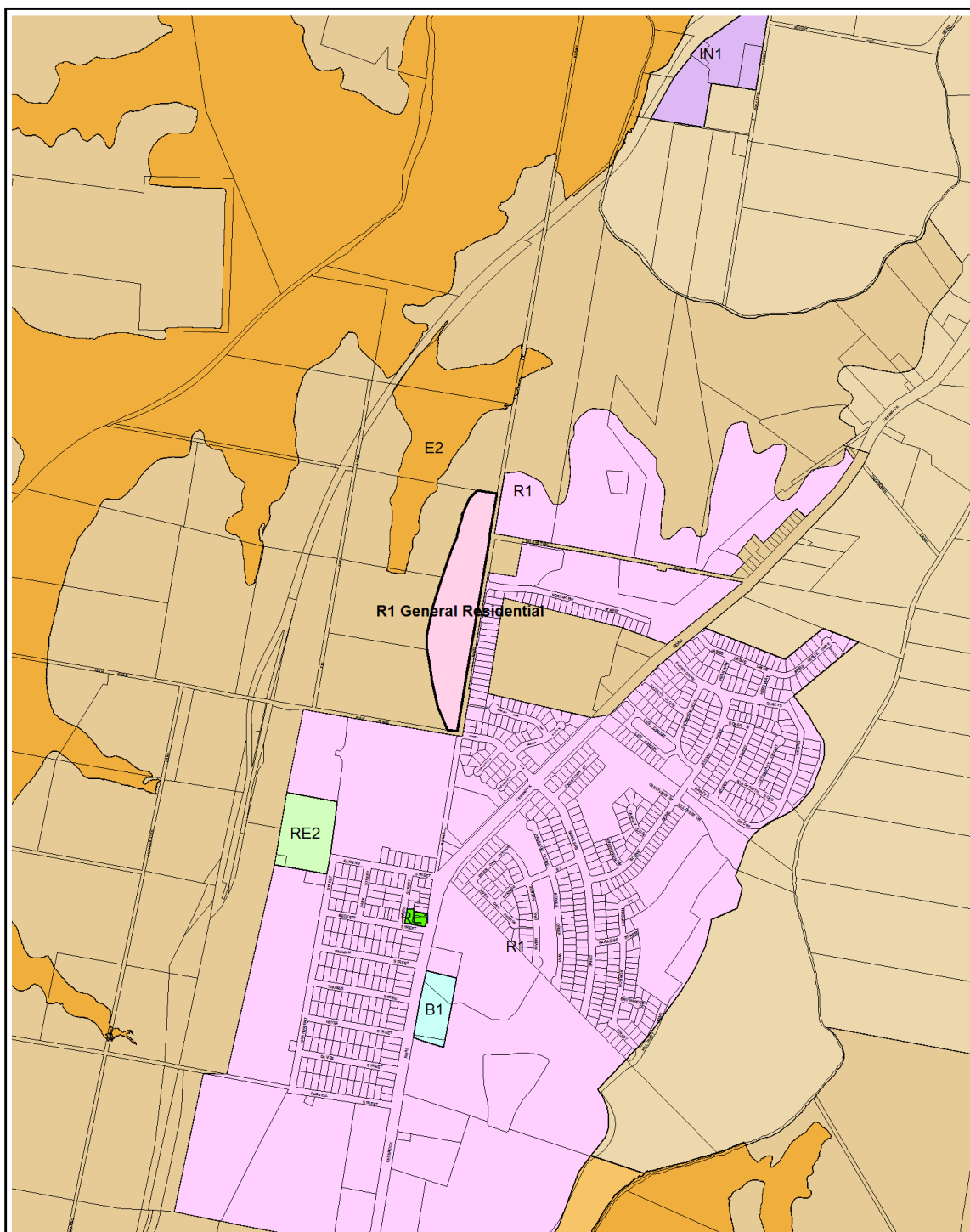
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NORTH

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Existing LSZ
(Lot size map)
Maitland LEP 2011

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



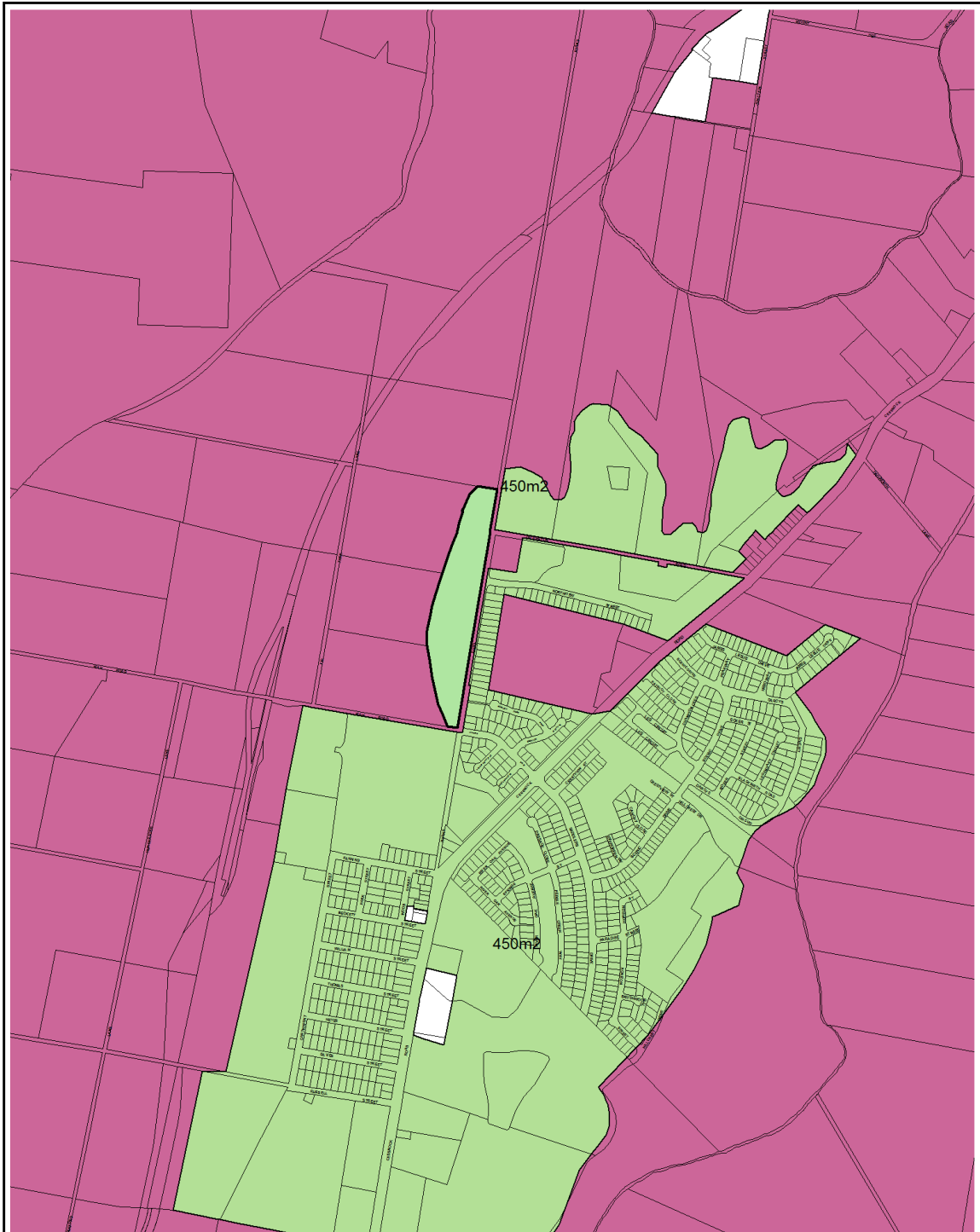
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Proposed LZN
(Land Use Zone)
Maitland LEP2011

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Proposed LSZ
(Lot size map)
Maitland LEP 2011

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PART 5: COMMUNITY CONSULTATION

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

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning will be to inform and received 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 Central Maitland Library and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to all landowners, adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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

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

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	Jan 2014
Anticipated timeframe for the completion of required studies	April 2014
Timeframe for government agency consultation (pre and post exhibition as required by gateway determination) (21 days)	May 2014
Commencement and completion dates for public exhibition period	June 2014
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	July 2014
Timeframe for the consideration of a proposal post exhibition	Aug 2014
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	Aug 2014
Anticipated date RPA will make the plan (if delegated)	Sept 2014
Anticipated date RPA will forward to the department for notification (if delegated)	Dec 2014

APPENDIX ONE. LOCATION PLAN



APPENDIX TWO. MINE SUBSIDENCE DISTRICT MAP

**APPENDIX THREE. ABORIGINAL ARCHAEOLOGICAL DESKTOP
DUE DILIGENCE ASSESSMENT**

APPENDIX FOUR. PRELIMINARY CONTAMINATION REPORT

APPENDIX FIVE. COUNCIL REPORT