

PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

BOLWARRA INVESTIGATION AREA

(Lot 9 DP1116838 Bolwarra Road, Bolwarra)

Version 1.0
3rd June 2010



MAITLAND
CITY COUNCIL

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Version

Version 1.0 – 03.06.2010 Section 55 Report to Council

INTRODUCTION

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to allow for the rezoning of land within the Bolwarra Investigation Area to support the growing residential population in the central sector of the Maitland LGA. A location map is attached as **Appendix 1** which identifies the subject site.

The purpose of this planning proposal is to enable the rezoning of land within the Bolwarra Investigation Area to urban purposes and ensure the ongoing protection of sensitive environmental areas. The Maitland Urban Settlement Strategy 2008 (endorsed by the Department of Planning) identifies the subject land as a Category 1 investigation area, indicating a 0-5 year development timeframe for the site.

This plan was initiated under the previous plan-making process and significant progress has been made in preparing the draft LEP. Given the timelines outlined under the Department's Circular for Savings and Transitional Provisions for LEPs, the subject draft LEP needs to be finalised by 1 January 2011 or transfer across to the new Gateway planning system by 30 September 2010. It is the intention of preparing this Planning Proposal that the LEP be transferred into the new plan-making process.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are:

- To enable future residential land use while simultaneously improving the level of environmental protection for existing wetlands located within the site;
- To improve vehicular and non-vehicular access and linkages between the site and adjoining urban land;
- To appropriately integrate urban land use with environmentally sensitive matters including flooding, bushfire, heritage, vegetation and views.

PART 2: EXPLANATION of PROVISIONS

The objectives of the proposed amendment will be achieved through an alteration to the zoning map and the subsequent addition to clause 5(1) of the Maitland LEP 1993.

The Maitland Local Environmental Plan 1993 is proposed to be amended by inserting in appropriate order in the definition of **"The map"** in clause 5(1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No X) – Bolwarra Investigation Area

The map applies to land identified as Lot 9 DP 1116838 Bolwarra Road, Bolwarra. The zoning change will be from 5(a) Special Uses zone and 7(a) Environmental Protection Wetlands zone to 2(a) Residential zone and Zone 7(a) Environmental Protection Wetlands zone. The subject site is approximately 36.1Ha in area. The rezoning will result in approximately 8.3ha of land in the current 5(a) Special Uses zone being rezoned to 2(a) Residential zone. The site currently retains an area of approximately 4.4Ha of land zoned 7(a) Environmental Protection Wetlands, with the residual zoned 5(a) Special Uses. The proposed rezoning will

create a total of approximately 5.6Ha of land zoned 7(a) Environmental Protection Wetlands and approximately 22.2Ha of land zoned 7(c) Environmental Protection General within the site. This will significantly increase the extent of the environmental protection applied to the site.

The proposed zoning map forms part of the rezoning proposal, and is attached as **Appendix 2** to this report.

It is proposed that the subject rezoning proposal will form an amendment to the Maitland LEP 1993. Council is currently in the process of preparing the Draft Maitland LEP 2011. The proposed 2(a) Residential zone will convert to R1 General Residential under the Maitland LEP 2011, while the proposed 7(a) Environmental Protection Wetlands zone will convert to E2 Environmental Conservation under this proposed planning instrument.

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 planning proposal applies to land that is identified as a Category 1 Investigation Area under the Maitland Urban Settlement Strategy 2008 (MUSS 2008). The MUSS 2008 has been endorsed by the Department of Planning (DoP). A copy of the relevant sections of the MUSS 2008 review edition and the Executive Summary map are included as **Appendix 3**.

The rezoning proposal was presented to Council at its meeting of 27 January 2009, under the former section 54(1) of the Environmental Planning and Assessment Act, 1979. The report and minutes from that meeting are included as **Appendix 4**. Council's resolution stated that:

Pursuant to Section 54(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) Council resolve to prepare a draft Local Environmental Plan (LEP) to rezone part of Lot 9 DP1116838 from 5(a) Special Uses and 7(a) Environmental Protection Wetlands to urban residential and environmental protection land, in conjunction with the preparation of the Maitland LEP 2011.

Since this resolution, the new Gateway planning system has come into operation. Therefore, the subject planning proposal has been prepared in order to transfer the rezoning proposal across to the new planning system. Preparation of the subject planning proposal will allow a gateway determination to be made on this matter, in accordance with Section 55 of the EP&A Act 1979.

The 2008 review of the MUSS identifies Council's adopted urban land release program. This land release program identifies the timing of the rezoning of the Bolwarra Investigation Area as comprising part of the Maitland LEP 2011. The timing of this rezoning amendment has now changed, with the Bolwarra Investigation Area proposed to form an amendment to the Maitland LEP 1993. While Council's resolution outlined above states that the amendment will form part of the Maitland LEP 2011, environmental studies have been submitted to Council that justify progression of the rezoning before the finalisation of the Maitland LEP 2011.

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

It is considered that an amendment to the Maitland LEP 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 MUSS 2008. The proposal to rezone the land to urban purposes will enable the objectives of the endorsed MUSS 2008 to be met. Furthermore, the proposal to rezone the land is the best means to improving environmental outcomes within the site. The site currently retains an area of approximately 4.4Ha of land zoned 7(a) Environmental Protection Wetlands, with the residual zoned 5(a) Special Uses. The proposed rezoning will result in a total of approximately 27.37Ha of land zoned 7(a) Environmental Protection Wetlands, thereby significantly increasing the extent of the 7(a) Environmental Protection Wetlands zone within the site.

3. Is there a net community benefit?

The rezoning proposal does not include a determination of Net Community Benefit, since no NCB test was undertaken by the proponent. There is likely to be a net community benefit resulting from the rezoning proposal, since:

- rezoning the proposed 2(a) Residential portion of the site demonstrates consistency with Council's adopted land release strategy – the MUSS 2008 – where the site is identified as Category 1 land; and
- rezoning the residual land at the site 7(a) Environmental Protection Wetlands and 7(c) Environmental Protection General will significantly increase environmental protection over the land.

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 Dept of Planning) – October 2006

The LHRS 2006 provides a regional context to the need for accommodating population growth within the Lower Hunter region. The strategy discusses opportunities for urban release areas, infill development, centres and corridors, and employment generating lands. The LHRS 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 26,500 dwellings. It is anticipated that the majority of dwellings (21,500) will be contained within new urban release areas, while centres (2,000) and urban infill (3,000) development will comprise the remaining 5,000 dwellings. The LHRS 2006 identifies 'release areas' generally with an area greater than 50 hectares. The LHRS 2006 (p. 24) states that "Sites less than 50 hectares may be developed if consistent with the principles of the Strategy

and if they are identified within an endorsed local strategy." The site is approximately 36.17 Ha, with approximately 8.8Ha of the site identified as potentially suitable for rezoning to residential purposes. The proposal to rezone the land is consistent with the principles of the LHRS 2006, and the site is identified as a Category 1 investigation area in the MUSS 2008, which is an endorsed local strategy.

The site adjoins existing residential subdivisions and will maximise existing services and infrastructure in the locality, and public transport services already exist which residents will be able to utilise. The rezoning of the land for urban residential purposes is not likely to have any significant impact on the local road network. The change in land use associated with the rezoning will not have any detrimental environmental impacts. This planning proposal for the Bolwarra Investigation Area is consistent with the aims and objectives of the LHRS, particularly those aims that relate to housing, transport, environment and natural resources.

LHRS 2006 - Neighbourhood Planning Principles

The planning proposal is consistent with the neighbourhood planning principles outlined under the LHRS 2006 (p.26). These principles are as follows:

- A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.
- Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.
- Jobs available locally and regionally, reducing the demand for transport services.
- Streets and suburbs planned so that residents can walk to shops for their daily needs.
- A wide range of housing choices to provide for different needs and different incomes. Traditional houses on individual blocks will be available with smaller, lower maintenance homes. Units and terraces for older people and young singles or couples.
- Conservation lands in-and-around the development sites, to help protect biodiversity and provide open space for recreation.
- Public transport networks that link frequent buses into the rail system.

The proposal complies with these principles since:

- The proposal will maximise its location adjoining an existing urban area in close proximity to the Maitland CBD, which will mean minimal commuting for residents working in the CBD. Furthermore, the proposal will result in the retention and additional protection of green space.
- The site is located in close proximity to the Maitland CBD and Lorn Local Centre, providing future residents with easy access to these centres.
- Existing wetlands and habitat within the site will be protected by extending environmental zones over the area of the site that is not to be rezoned for urban purposes.
- Public transport services currently service the immediate locality of Bolwarra, with the Maitland Railway Station being located in relatively close proximity to the land.

The planning proposal is consistent with the Housing actions outlined under the LHRS 2006 (p.27-28), namely the following:

- Sufficient land and development capacity will be identified and rezoned to meet forecasted demands for an additional 115,000 dwellings between 2006 and 2031.
- Councils will revise their LEPs to be consistent with the identified urban footprint within the LHRS.
- Council's will revise their LEPs to be consistent with the dwelling capacity projections for their LGA.
- Implement an Urban Development Program to monitor housing supply and demand.
- Ensure that planning and design of new release areas is based on Neighbourhood Planning Principles.

The proposal complies with these principles since:

- The proposal will assist in meeting Maitland City Council's dwelling capacity projections of 26,500 by 2031.
- The proposal will amend the Maitland LEP 1993 to accommodate additional urban land zoned 2(a) Residential, to permit future residential development which will contribute to meeting dwelling capacity projections.
- The proposal is consistent with the provisions of the MUSS 2008, which is an endorsed local strategy that assists in monitoring housing supply and demand.
- The proposal is consistent with the Neighbourhood Planning Principles, as detailed above.

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 Bolwarra Investigation Area is identified as a Category 1 urban release areas under the MUSS 2008. Category 1 investigation areas indicate an anticipated development timeframe of 0-5 years.

This planning proposal addresses the broad planning objectives listed under the MUSS relating to investigation areas. These objectives include character, environment, design, and infrastructure.

- Character
- Environment
- Design
- Infrastructure

Character

The rezoning proposal satisfies this objective since the proposal will rezone land to urban purposes, with the intent of permitting residential development consistent with the scale and form of existing urban residential development in the locality.

Environment

Environmental studies submitted with the proposal have demonstrated that rezoning the land for urban purposes will not result in any detrimental impacts on flora or fauna, wetland vegetation, or the Hunter River. The site currently retains an area of approximately 4.4Ha of land zoned 7(a) Environmental Protection Wetlands, with the residual land zoned 5(a) Special Uses. The proposed rezoning will create a total of approximately 5.6Ha of land zoned 7(a) Environmental Protection Wetlands and approximately 22.2Ha of land zoned 7(c) Environmental Protection General within the site. This will significantly increase the extent of the environmental protection applied to the site.

The MUSS 2008 (p. 58) identifies specific objectives in regards to planning for investigation areas. The following objectives relate to the environment:

- Retain and enhance established flora and fauna corridors;
- Conserve and protect important areas of remnant native bushland and wetlands;

- Ensure that the physical amenity and ecology of waterways are not adversely impacted by new urban development;
- Prevent any further deterioration of water quality and prevent local flooding;
- Minimise soil erosion;
- Encourage design that enhances energy efficiency and the minimisation of waste;
- Mitigate against bushfire;
- Rehabilitate disturbed or degraded areas;
- Utilise environmental assets to create a healthy and safe living environment;
- Enhance Maitland's gateways with natural landscaping.

The proposal to rezone the site is consistent with these objectives, since:

- The proposal does not impact upon any established flora and fauna corridors as development will only occur within the cleared area of the site above the 1:100 year flood level;
- The application of the 7(a) Environmental Protection Wetlands zone and 7(c) Environmental Protection General zone over the majority of the land will conserve and protect areas of remnant vegetation and wetlands within the site;
- Environmental studies have demonstrated that the physical amenity and ecology of the existing wetlands and the adjoining Hunter River will not be significantly impacted upon as a result of the rezoning, and as stated above, the proposal will extend environmental protection zones over the majority of the site which will further improve the amenity of the site;
- The proposal will not contribute significantly to local flooding, while DCP controls are likely to be implemented to ensure that water entering the wetlands within the site is of appropriate quality;
- As stated above, it is likely that appropriate DCP controls will be implemented in the future which will require mechanism for controlling erosion and sedimentation;
- The rezoning proposal includes an indicative lot layout to demonstrate that future design of development will enhance energy efficiency. Any future proposal for development within the site will be subject to Council's DCP provisions at that point in time, including provisions relating to waste minimisation;
- The proposal has considered bushfire impacts and how to mitigate against bushfire risk;
- The application of extensive environmental zoning over the majority of the site will potentially provide opportunities for disturbed or degraded areas within the site to be rehabilitated;
- Protection of vegetation and wetlands within the site through the application of environmental protection zonings will contribute to the overall amenity of the site, since these natural assets will continue to act as features within the site; and
- The rezoning of the site will contribute to enhancing Maitland's natural landscape by protecting existing natural features within the site.

Design

The proposal involves rezoning the subject land for urban purposes, in order to enable future subdivision of the site for residential development. The site maintains the topography, amenity and general characteristics to accommodate a quality pattern of residential development in the future. A preliminary concept plan has been included with the application which identifies proposed roads, lot layout, pedestrian/cycleways, stormwater detention areas, and recreation areas. The preliminary concept plan demonstrates appropriate integration with existing urban development in the immediate locality.

Infrastructure

Roads, infrastructure and services currently exist in the immediate locality and consideration has been given to the extension of these services to accommodate future residential development at the site. The preliminary water and wastewater servicing report included with the planning proposal demonstrates that services can be extended to the site to service future residential development. Consultation has occurred with relevant infrastructure agencies in accordance with the former Section 62 of the EP&A Act 1979, with details included under section 12 of this proposal.

MUSS 2008 – Bolwarra Investigation Area

The MUSS 2008 identifies specific environmental considerations to be addressed as part of any future planning for the Bolwarra Investigation Area. These include:

- integration with existing development;
- limiting visual impacts;
- considering Aboriginal and European heritage;
- considering impacts on roads and access;
- appropriately managing flooding, erosion and sedimentation issues;
- ensuring wetlands and other environmental constraints are appropriately managed; and
- ensuring capacity exists for the proper augmentation of infrastructure in the locality.

A copy of the relevant sections of the MUSS 2008 is included as **Appendix 3**.

The environmental studies submitted as part of the rezoning application have adequately addressed the abovementioned issues. Further discussion of these issues is provided in the following sections, particularly sections 9 & 12.

Maitland Greening Plan, 2002

The Maitland Greening Plan identifies an "opportunity corridor" for wildlife within the Bolwarra Investigation Area which extends for some distance north of the site (MGP 2002:53). The purpose of this opportunity corridor is to identify land for priority revegetation (to be undertaken on a *voluntary* basis), which would ideally lead to suitable habitat for wildlife to traverse other connecting corridors within the Maitland LGA. Opportunities for revegetation in the developable portion of the site are limited given that this would be a direct contradiction to the objectives of the MUSS 2008, in which the site is a Category 1 site (0-5 year development timeframe). The MUSS 2008 is an endorsed local land use strategy. It should be noted that the Greening Plan was adopted in 2002 and land use strategies (such as the MUSS 2008) have been revised since this time, which, in some cases, are inconsistent with the Greening Plan 2002. The proposal involves significant additional environmental protection within the site, by applying environmental protection zones over the majority of the site (except that to be zoned for residential purposes). This will provide opportunities for wildlife protection that are considered to be more effective, and of a higher conservation value, than those that were initially proposed under the Greening Plan in 2002.

Residential development has been approved for land immediately north of the site, which is also identified

as accommodating the same opportunity corridor listed for the subject site. Given that: (i) the developable portion of the site is cleared, (ii) approval has been granted by Council for residential development upon land immediately north of the site, (iii) the rezoning involves retention of the majority of the site under an environmental protection zone and (iv) the endorsement of the MUSS 2008 signalled the intent of the site for urban purposes, rezoning the land to urban purposes is considered appropriate in this instance. In any case, while the Greening Plan 2002 identifies land for priority revegetation, this is only on a *voluntary* basis.

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

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and Implications
SEPP No. 55 - Remediation of Land	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.	The subject land was formerly used as a wastewater treatment works by Hunter Water Corporation. In addition to this use, the site has previously been subject to agricultural activities over time and may accommodate chemical residues from activities such as cattle drenching, and from fertilisers and herbicides. A detailed contamination report has been submitted as part of the rezoning proposal, which addresses this SEPP and demonstrates that the land is suitable for residential purposes.
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.	While the subject land was formerly used as a wastewater treatment works by Hunter Water Corporation, nothing in this planning proposal impacts upon the aims and provisions of this SEPP.

Table One: Relevant State Environmental Planning Policies

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

While information submitted with the rezoning proposal suggests that the proposal is not inconsistent with any s.117 Ministerial Directions, the outcomes of further environmental investigations are required in some instances to confirm this. An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		

Ministerial Direction	Aim of the Direction	Consistency and Implications
N/A - The provisions of the s.117 directions relating to employment and resources do not apply to the subject planning proposal.		
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	To protect and conserve environmentally sensitive areas.	The proposal to rezone the land will not reduce the amount of land which is currently protected through the 7(a) Environmental Protection Wetlands zoning. The proposal will actually result in greater protection of the wetlands within the site by applying an environmental zone to all land outside the proposed developable area that is to be rezoned for urban purposes. The planning proposal is consistent with this direction.
2.3 Heritage Protection	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The subject land contains items of Aboriginal Heritage significance. Most notably, the 'King Tom Memorial' within the southern area of the land is located a significant distance from the developable portion of the site. The Bolwarra Conservation Area (as defined in the MLEP 1993) adjoins the subject site to the south, opposite Bolwarra Road. The proposed rezoning does not impact upon heritage items within this heritage conservation area. The King Tom Memorial retains protection through an easement for access, and furthermore, the entire item and part of the easement located within the site is currently zoned 7(c) Environmental Protection General under the MLEP 1993 (refer to Appendix 5). The proposal is consistent with this direction as the MLEP 1993 conserves the indigenous heritage significance of King Tom Memorial through retention of the current environmental zone in this portion of the site.
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands and make efficient use of infrastructure and services.	The proposed rezoning will result in a change of land use to enable future urban development at the site. The land is identified as a Category 1 investigation area in the MUSS 2008. The MUSS 2008 has been endorsed by DoP. The proposal is therefore consistent with this direction.
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.	The land is identified as a Category 1 investigation area in the MUSS 2008. The MUSS 2008 has been endorsed by DoP. The proposal is therefore consistent with this direction.

Ministerial Direction	Aim of the Direction	Consistency and Implications
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal is consistent with this direction, given that the land is proposed to be developed in the future for residential purposes. The rezoning will form an amendment to the MLEP 1993, which currently permits 'home activity' in the 2(a) Residential zone.
3.4 Integrating Land Use and Transport	The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, jobs and services by methods other than private vehicles.	The land is well located to support the surrounding residential development and to provide high levels of accessibility to existing road and public transport networks. The land is identified as a Category 1 investigation area in the MUSS 2008, which has been endorsed by DoP. The proposal is consistent with this direction.
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Part of the investigation area is affected by Acid Sulphate Soils. This portion of land is also inundated during the 1:100 year flood event. This portion of land will not be able to be utilised for residential purposes given the flooding constraints. Environmental studies submitted with the proposal illustrated that ASS is not a constraint to development within the site. Given that the matter is of minor significance, the proposal is considered to be consistent with this direction.
4.3 Flood Prone Land	Directions aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with NSW Flood Prone land policy.	The majority of the investigation area is affected by inundation during the 1:100 year flood event. This area of the site will be incapable of supporting residential development. The portion of the site proposed to be zoned 2(a) Residential is located above the 1:100 year flood level. Furthermore, the proposal involves rezoning land from a Special Uses zone to an Environmental Protection Zone. The proposal is therefore consistent 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.	The far eastern portion of the investigation area is mapped as bushfire prone. The NSW Rural Fire Service has been consulted as part of the rezoning process, in accordance with the former Section 62 of the EP&A Act 1979. The RFS had no objection to the proposed rezoning. The proposal is considered to be consistent with this direction. The bushfire prone land map for the site is attached to this report as Appendix 6 .
REGIONAL PLANNING		

Ministerial Direction	Aim of the Direction	Consistency and Implications
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies	The planning proposal achieves the overall intent of the LHRS 2006 and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. The proposal is therefore consistent with this direction.
LOCAL PLAN MAKING		
6.2 Implementation of Regional Strategies	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.	The land has not been held in public ownership since April 2005, when it was disposed as surplus land by HWC. The proposal to rezone the land from 5(a) Special Uses zone is appropriate given that the land has previously been sold by Hunter Water Corporation to a private purchaser (see Appendix 7 – HWC Correspondence). HWC have not objected to the proposal to rezone the land during (former) Section 62 consultation regarding the rezoning. The proposal is deemed to be consistent with this direction, pending approval from the Director General (or delegate) of the Department of Planning to rezone the existing Special Uses land within the site.
METROPOLITAN PLANNING		
The provisions of the s.117 directions relating to metropolitan planning do not apply to the subject site.		

Table Two: Relevant s.117 Ministerial Directions

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 referral of the application to the Director-General of the DECCW in accordance with section 34A of the Environmental Planning and Assessment Act, 1979 is not required in this instance. A detailed flora and fauna study has been prepared to inform the rezoning proposal. The study concludes that the future development of the site for residential purposes will not have any significant impact upon existing EECs or native wildlife within the investigation area. The subject site does retain Endangered Ecological Communities (EECs), however these will not be impacted by the proposal since the entire portion of the site to be rezoned to 2(a) Residential zone is located outside the areas accommodating EECs.

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

Flora & Fauna

The MUSS 2008 (p.84) identifies the need to retain linkages between existing vegetation and wetlands within the site, and the importance of the environmental protection zone and buffers which exist and should be considered as part of investigations. Protection of water quality and habitat value are also noted in the MUSS for this site.

The Bolwarra Investigation Area currently accommodates contiguous native vegetation which includes Endangered Ecological Communities (EECs), being Freshwater Wetland and Alluvial River Oak Forest. In addition to these EECs, part of the eastern portion of the site has been regenerated through the activities of a local Landcare Group and a small area in the north of the site is identified as accommodating Lower Hunter Spotted Gum. A detailed flora and fauna study has been prepared to inform the rezoning proposal. The study concludes that the future development of the site for residential purposes will not have any significant impact upon existing EECs or native wildlife within the investigation area. Given the cleared nature of the majority of the developable portion of the site, Council is satisfied future residential development is unlikely to cause any detrimental impacts to EECs or native wildlife within the site. General development controls relating to elements like stormwater quality, retaining walls and landscaping exist under Council's Citywide DCP, which will ensure that any future residential subdivision at the site does not have detrimental impacts on flora and fauna within the site.

Bushfire

A suitable bushfire report has been prepared to address bushfire risk, in accordance with Planning for Bushfire Protection 2006 (PFBP 2006). The report identifies the hazard and provides an indicative lot layout to demonstrate how the proposal complies with PFBP 2006. The RFS were consulted during the former s62 consultation period. The RFS did not object to the proposal.

Noise & Vibration

Due to the proximity to the Main Northern Railway Line, an acoustics and vibration report was completed to inform the rezoning proposal. The report addresses DECCW's guidelines relating to noise and vibration, with a particular focus on railway corridors and proximity to residential receivers. The study has taken into consideration the likely impacts of rail movements along the existing Main Northern Railway Line, as well as the likely impacts from traffic generated along Paterson Road. The report states that there are no requirements for any noise attenuation buffers/barriers or design controls for future dwellings within the investigation area.

Traffic

The MUSS 2008 (p. 84) notes that access to the site is available via the internal road network of the adjoining residential subdivision to the north of the site, which connects to Paterson Road further east. Limiting the number of access points to the site, and also to Paterson Road, is considered an important component of traffic investigations for the site. Reference is made in the MUSS 2008 (p. 84) to the cumulative impact of the rezoning in regards to additional traffic movements from the south (Lorn), in addition to the proposed Third Hunter River Crossing.

A traffic report has been completed as part of the proposal. The traffic report addresses the likely impacts of future urban development within the investigation area, as well as the immediate surroundings and on major roads in the locality, including Paterson Road and the anticipated impacts of the Third Hunter River Crossing. The traffic report complies with the RTA's guidelines for traffic generating developments. The report concludes that the existing road network is capable of supporting the additional traffic loads that are likely to be generated as a result of the rezoning and future residential development of the site.

Flooding & Stormwater

The MUSS 2008 (p. 86) identifies that the land is affected by flooding during the 1% AEP flood event, and

states that flooding is a significant issue to be investigated as part of any future rezoning proposal for the site.

Given the characteristics associated with the site - topography, 1:100 year flood inundation, wetlands, and the proximity to the Hunter River - a concept stormwater plan was required to inform the rezoning proposal. The stormwater plan considers the likely areas for stormwater detention within the investigation area, in addition to identifying appropriate methods for ensuring stormwater quality is maintained. The stormwater concept plan identifies that the site is capable of supporting residential development within the developable portion of the site.

Geotechnical & Contamination

A geotechnical report has been completed which investigated Acid Sulfate Soils (ASS), Potential Acid Sulfate Soils (PASS), salinity and sodicity. The report was extended to identify sources of contamination, given the past activities associated with the former Hunter Water Corporation wastewater treatment works and prior rural uses that occurred within the site, namely a dairy farm. While the report identified specific isolated areas of contamination, it was concluded that, overall, the land is suitable for future residential development. Furthermore, the majority of areas identified as potential contamination sources are all located outside the proposed 2(a) Residential area of the site. The residual land outside this portion of the site is to be zoned for environmental protection purposes, therefore development would not be occurring in these areas in any case. However, additional assessment will need to be undertaken in the future as part of more specific DCP investigations for the site, given that one testing location showed elevated levels of some contaminants. These were identified in an area of the site containing deposited fill. It is likely that once the fill is removed from the site the specific extent of the contaminants will be known. This can be determined by undertaking a Phase 2 contamination assessment in the future. Furthermore, sampling undertaken in the submitted report does not sample any low lying regions in alignment with the former HWC wastewater treatment plant maturation settlement ponds. As stated above, this area of the site is not proposed to be rezoned to residential purposes, so this is not deemed to be a significant matter that would impact upon the proposed rezoning.

Water & Wastewater Servicing

A preliminary infrastructure servicing plan has been prepared which identifies proposed extension points and networks for water and wastewater infrastructure. Prior to residential development occurring at the site, details will be required from water, wastewater, energy, gas and telecommunications providers stating that those services are available to land within the investigation area. Comments received from infrastructure agencies (see section 12 of this report) as part of former section 62 consultation indicate that all necessary services and public infrastructure could be extended to the site.

Visual Impact Assessment

Visual impact is identified in the MUSS 2008 (p. 86) as a key issue requiring significant consideration as part of investigations for the subject site. This is due to the cleared, elevated nature of the land and the potential for future development to be seen some distance away from the site. Council has undertaken an assessment of visual impact, which included consideration of land already approved for residential subdivision immediately north of the subject site. Council is satisfied that the scale and extent of development proposed for the site will not impact detrimentally on views to the site. Furthermore, the development is considered to be of similar context and scale to existing residential development in the locality.

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

The planning proposal will achieve positive social and economic outcomes for the residents of Bolwarra, and Maitland, in the wider context of the local economy.

Council considers that the following social and economic benefits could result from this planning proposal:

- Additional protection of the existing wetlands within the site, obtained through an increase in the extent of the environmental zoning within the allotment;
- The provision of additional urban residential land supply within the Maitland LGA to cater for the growing local population;
- The site has exhausted its previous use as a HWC Wastewater Treatment Plant since the land was disposed of as surplus land by HWC in 2005, meaning that the 5(a) Special Uses zone does not appropriately reflect the current use of the site;
- Improved linkages between the site and adjoining residential subdivisions, as well as the potential for improved public transport outcomes and linkages between Bolwarra and the Maitland CBD;
- Improved access to the foreshore of the wetlands that exist within the site, as this area has become illegible and less accessible since being maintained by a local Landcare group some years ago;
- An overall net community benefit for existing and future residents of Bolwarra and the Maitland LGA, due to improved pedestrian and cycleway links between adjoining residential land to the north of the site, and the Bolwarra Sporting Complex/Bolwarra Road south of the site.

Aboriginal Archaeology

The MUSS 2008 (p. 84) states that the King Tom burial site is located in the southern area of the site. The need for further Aboriginal heritage investigations within the site was highlighted in the MUSS, due to this known item being located within the allotment.

The investigation area required a complete Aboriginal heritage impact assessment to determine whether the locality contained any cultural artefacts. As stated above, this was triggered largely due to the presence of the King Tom Memorial in the southern area of the site (see **Appendix 5** for details) and the history of Aboriginal artefacts found to the north of the site. However, the proximity to the Hunter River and the presence of the wetland located in the centre of the site also suggested a high likelihood that Aboriginal artefacts may be present within the site. The assessment was undertaken in accordance with DECCW's requirements and included mapping to identify artefacts within the study area. The assessment listed locations of PADs and identified test locations.

Environmental studies submitted for the rezoning proposal identify that comments have not yet been received from Mindaribba LALC regarding any potential feedback for the proposal. A dialogue of correspondence is provided in the submitted environmental studies, which includes attempts at contacting Mindaribba LALC representatives. The most recent request for comments was made on 24 May 2010 by RPSHSO, who prepared the Aboriginal heritage impact assessment. Any comments that are received from this point in time that may identify issues with the proposal in regards to Aboriginal heritage are to be factored into the rezoning proposal, or, alternatively, will be addressed during the preparation of DCP provisions for the site.

European Heritage

The Bolwarra Heritage Conservation Area (identified under the MLEP 1993) exists to the south of the subject site. The MUSS 2008 (p. 86) reinforces the need to consider integration of new development

adjacent to this heritage conservation area.

A European heritage and impact assessment report was prepared for the rezoning proposal. The report identified how the rezoning proposal has taken into consideration issues such as the protection of views to and from the Bolwarra Heritage Conservation Area, buffers between heritage items and future urban development, and views to and from Oakhampton Cemetery to the west of the site beyond the Hunter River. The report demonstrates how the proposal has adequately considered views and visual buffers, topography and separation distance between the site and the heritage conservation area.

Section D – STATE and COMMONWEALTH INTERESTS

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

This planning proposal is not considered to place significant additional demands on the public infrastructure and general infrastructure needs of the locality, given the size and scale of future anticipated development within the site.

Government agencies were consulted as part of the former section 62 consultation process, with their comments summarised in section 12 below. Advice received from relevant government agencies indicated that the site can be serviced by all adequate public infrastructure, subject to necessary developer contributions and agreements where applicable.

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

Advice was sought from government agencies and public authorities who may be affected by a zoning and development change in the Bolwarra Investigation Area.

The following is a summary of the advice received:

Department of Water and Energy (Office of Water)

The NSW Office of Water (NOW), formerly the Department of Water and Energy, does not object to the proposal. One of the key matters raised by the NOW includes the need to investigate the impacts of prior site contamination on the existing lagoon and groundwater, given the historic use of the site as a wastewater treatment plant by HWC. This contamination investigation was undertaken as part of the environmental assessment for the proposal, with results indicating that the site is, overall, suitable for future residential development. Please refer to section 9 above for further details regarding contamination.

The NOW outlined the need to protect riparian areas by implementing core riparian zones (CRZs) and vegetation buffers to provide a suitable transition area between proposed residential development and the existing lagoon. The separation distance between the proposed 2(a) Residential zone and the proposed 7(a) Environmental Protection Wetlands zone meets the requirements for CRZs (i.e. 40 metres).

Department of Environment, Conservation and Climate Change (DECCW)

While DECCW does not object to the proposal, several key issues were outlined in their correspondence. These predominantly related to ensuring appropriate consultation occurred with local Aboriginal stakeholder groups as part of the archaeological assessment process. General comments were provided relating to flora and fauna assessment, land contamination, stormwater impacts, climate change, watercourses, soil, flooding, air, noise and odour. It is considered that these matters have been adequately addressed in the

environmental studies submitted with the proposal. The environmental studies included an Aboriginal archaeology assessment, flora and fauna assessment, contamination assessment, stormwater and flooding assessment, noise assessment, and comments covering the residual matters raised in DECCW's correspondence.

Roads and Traffic Authority (RTA)

The RTA does not object to the proposal, subject to satisfactory road infrastructure arrangements being made. The RTA requires the developer to enter a Voluntary Planning Agreement (VPA) or Deed Containing Agreement (DCA) for contributions towards designated State public infrastructure (State roads) prior to development occurring at the site.

Rural Fire Service (RFS)

The RFS do not object to the proposal. Any future development at the site is required to satisfy the requirements of *Planning for Bushfire Protection 2006*.

Hunter Water Corporation (HWC)

HWC does not object to the proposal. HWC expects that sufficient water pressures will be available to meet minimum requirements during peak day demand and fire fighting purposes.

HWC has indicated that there is sufficient capacity at the Farley Wastewater Treatment Works to accommodate the additional loads from future proposed residential development at the site. Given that the eastern portion of the site drains away from the existing gravity sewer network to a low point within the development area, a new developer funded Waste Water Pump Station is required to be constructed. However, it may be possible for this section of future development within the site to connect to new sewer mains proposed by the adjoining developer to the north, subject to agreement between both landowners.

Telstra

Telstra did not raise any objections to the proposal.

Energy Australia

There are no major constraints that would preclude Energy Australia from providing electricity to the site.

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 being undertaken by the local authority. Given that the site is a Category 1 investigation area under the MUSS 2008, combined with a number of environmental constraints affecting the site (i.e. views, wetland, former use of site as HWC wastewater treatment plant), Council deems that the planning proposal is not of low impact. The planning proposal will therefore be exhibited for a minimum of 28 days.

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 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 the finalisation of the amendment.

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

Appendix ONE

Location Map



Appendix TWO

Proposed Zoning Map



2(a)	2(a) Residential	7(c)	7(c) Environmental Protection General
7(a)	7(a) Environmental Protection Wetlands		



SCALE 1 : 15 000
LOCALITY: BOLWARRA

PARISH: MIDDLEHOPE
COUNTY OF: DURHAM

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MAITLAND

LOCAL ENVIRONMENTAL PLAN 1993

DRAFT (AMENDMENT No:)

DRAWN BY: D MURRAY	DATE: 08.06.10
SUPERVISING DRAFTSPERSON:	
PLANNING OFFICER: J FORD	DATE: 08.06.10
COUNCIL FILE No: RZ	
DEPT FILE No:	
CERTIFICATE PLAN NUMBER:	
CERTIFICATE ISSUED UNDER SEC 85 E.P.A. ACT 1979	DATE:
PUBLISHED IN GOVERNMENT GAZETTE OF	No:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS MAITLAND L.E.P. 1993

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979, AND REGULATIONS
AS AMENDED

GENERAL MANAGER

DATE

Appendix THREE

[MUSS Extracts]

5.5.7 Bolwarra Investigation Area

Physical Description

The Bolwarra Investigation Area covers part of the land formally occupied by the Hunter Water Corporation to the north of the Bolwarra Heritage Conservation Area. The Investigation Area boundaries are defined by existing residential land and by the Hunter River and the predicted 1% flood level, as shown in *Figure 20 Bolwarra Investigation Area*.

Existing Development

The Bolwarra Investigation Area adjoins the former Bolwarra Sewerage Treatment Plant. The plant ceased operation in March 2001 and has been decommissioned by Hunter Water. The land was leased for some time by the Bolwarra Landcare Group who played a key role in the care and maintenance of the wetland areas on the site. Developed and vacant zoned residential land adjoins the site to the north and east.

Aboriginal Heritage

Investigations of the site have revealed that a burial site is located within the subject property known as “King Tom” burial. Additional investigation will be necessary identify further aboriginal relics which may be present. This shall have a significant impact upon the land uses for the area and subsequent development potential.

Access

Access to the Bolwarra Investigation Area is available via the internal road network of the adjacent residential subdivision. These roads have access back to Paterson Road as a collector road. Consideration will need to be given to the number and nature of access points to the land and to Paterson Road, to avoid impacts on existing traffic flows and surrounding residential development.

Consideration will also need to be given to the cumulative impact of additional traffic movements south into Maitland, along Belmore Road and Belmore Bridge and the impacts from a third crossing of the Hunter River.

Environmental

The Bolwarra Investigation Area adjoins wetlands that are controlled by an environment protection zone. The extent of this zone and required buffer areas will be an important consideration in any future investigations.

The need to retain linkages between areas of remaining vegetation and the wetlands will need to be planned for.

The water quality and habitat value of the wetlands will need to be protected. The relationship between future development in the Investigation Area and surrounding wetland and floodplain areas will need to be closely considered with a water cycle management plan developed as part of any investigations. Drainage lines within the area must be considered in terms of local flooding, erosion and sedimentation and the impacts on downstream locations.

Flooding

The Investigation Area boundaries have been defined to coincide with the forecast 1% flood. However, the effects and extent of flooding remains a significant issue to be addressed during investigations for the site.

Heritage

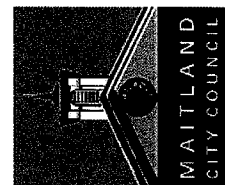
The Bolwarra Heritage Conservation Area is located immediately south of the site. Consideration will need to be given to the integration of new development adjacent to this conservation area.

Visual Impact

The Investigation Area is located on cleared; elevated land and any development will be visible from surrounding areas. The visual sensitivity of the area is therefore a key issue and the means of minimising visual impact will be a significant consideration.



BOLWARRA INVESTIGATION AREA



Scale 1 : 20 000
Printing Date: November 2008



© Maitland City Council 2008
© NSW Department of Lands 2008

 Category 1 - Residential

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

PART FOUR - PRINCIPLES AND POLICY FRAMEWORK

The underpinning principles for urban settlement are included in this section. Planning policies for urban and employment land growth and development are used to guide the identification of investigation areas.

4.1 Key Principles

A number of key principles have been established during the formulation, development and initial implementation of the Strategy, as discussed below:

PRINCIPLE 1:

Council supports appropriate urban growth for the City of Maitland

It is emphasised at the beginning of the Settlement Strategy that Council is supportive of urban growth within the period of the Strategy. Such a statement is considered to be in accordance with public sentiment based on consultation undertaken during the preparation of the Settlement Strategy.

PRINCIPLE 2:

It is necessary to limit the number and extent of candidate areas and provide for logical sequencing of development during the period of the Strategy.

It is essential that Council establish limits on the availability of land for urban development and the need for logical sequencing of development. Priorities for investigation in the Strategy have primarily been determined with regard to the proximity of the areas to existing urban areas, including broad consideration of the capability for logical servicing with water and sewerage infrastructure. The Strategy is expected to provide sufficient stocks of suitable land for investigation for urban development in the short to medium term.

PRINCIPLE 3:

The Strategy considers development over a 20 year period subject to review on a regular basis

The Settlement Strategy indicates the broad directions for urban development in the Maitland LGA over a period of approximately 20 years. In doing so, it is recognised that trends in development and community attitudes change over time and that there will be a need for regular review of the Strategy. However, it is important to take a long-term strategic view to ensure that shorter-term actions are compatible with the desired future for the City.

In terms of rural residential land, the Strategy does not provide release areas over a 20 year period because the sustainability of rural residential development needs to be subject to more frequent review.

PRINCIPLE 4:

Regular monitoring of the Strategy should occur to ensure identified priorities are not being stifled by inaction of landowners.

It is recognised in the Strategy that owners of land within investigation areas may not wish to investigate or develop their priorities in the short to medium term. The Council

will therefore monitor activity within zoned areas and investigation areas and will reconsider the priorities for investigation if key actions (e.g. structure planning) has not been undertaken within a reasonable timeframe.

PRINCIPLE 5:

Further detailed planning and investigation is required for each candidate area.

The Strategy provides a process for more detailed investigation for each of the identified investigation areas in order to determine the extent and type of urban development that is suitable in each location. The boundaries of the investigation areas are based on Council's preliminary review of constraints and they are therefore not definite.

4.2 Key Policies

The following policies provide the basis for the future growth of the Maitland LGA and the identification of land and preparation of guidelines to support this development. These policies are consistent with broader contextual frameworks, including Council's long-term vision, Corporate Plan and state and regional strategies.

4.2.1 Residential Land

Provide an adequate supply of land and sites for residential development
--

- Maintain a 10 to 15 year supply of zoned residential land.
- Dwelling density and zoning is to be consistent with land use constraints identified from site investigations.
- Plan for 10 to 15 dwellings per hectare in urban release areas by providing a range of housing styles and lot sizes, guided by livable urban design and efficient infrastructure provision.
- Respond to household and population changes, including ageing population and smaller households, in identifying and planning for new urban development.
- New development must be supported by necessary infrastructure, including utilities, transport, water cycle management, recreation, social and community services.
- Limit urban sprawl by providing for urban development in new or existing areas with good services, infrastructure, public transport and high quality open space.

4.2.2 *Infill development and Urban Consolidation*

Provide a sustainable approach to redevelopment of existing centres and urban areas to accommodate predicated population growth.

- Infill development should comprise 15% of all new dwellings in Maitland. This will be monitored annually and measures to encourage and facilitate infill development will be further investigated.
- Consolidation and redevelopment of centres to be consistent with the identified investigation areas and the stated hierarchy of centres.
- Development, both infill and in centres, must respond to appropriate planning controls and specific design criteria which will be further investigated.
- New development must be of a scale which ensures the character of centres and other infill areas is enhanced.

4.2.3 *Employment land*

Provide suitable commercial sites and employment land in strategic areas

- Maintain a 10 to 15 year supply of zoned employment land.
- Ensure sufficient zoned land and infrastructure provision for employment land, by concentrating activities near areas with existing services that are underutilized or easily expanded.
- A range of employment opportunities are to be provided in Maitland, considering emerging trends in job growth and economic change.
- Centres are to be protected and strengthened with the use of development guidelines and incentives. The hierarchy of centres is to be maintained, but will be subject to review and analysis.
- Encourage employment growth in Central Maitland, whilst maintaining and facilitating specialized civic, educational, medical and entertainment functions.
- Limit retail and commercial development outside Central Maitland and Greenhills.
- Balance the effects of residential development in centres and the potential loss of employment opportunities.
- Facilitate the renewal of employment areas and provide incentives for re-development in appropriate and identified locations.
- Develop guidelines for future business parks in selected areas.

- Concentrate retail activities in centres and identify and strengthen industry clusters.
- Prepare urban design guidelines for mixed used development.

4.3 Maximum Supply Levels

Council's supply and demand analysis has shown that with the rezoning of a number of areas in recent years, the supply of vacant, zoned residential land throughout the LGA is similar. At the higher end, supply levels of residential land in the Central Sector range from 18-24 years; in the Western Sector 14-17 years and the Eastern Sector 8-12 years.

Council will seek to ensure that there is not an excessive oversupply or undersupply of vacant, zoned residential land in any district throughout the course of the Strategy. A maximum 10- 15 years supply of vacant residential land is generally proposed with the following justifications:

- The zoning of too much land ahead of the market removes both Council's and the community's ability to consider new information at or near the time of development;
- Excessive vacant, zoned residential land creates uncertainty for owners of existing zoned residential land, who require a reasonable degree of economic certainty prior to developing new residential land;
- Owners of vacant, zoned, residential land incur considerable costs in holding and maintaining land prior to its development;
- It is difficult to finance and stage the provision of physical and community services to meet demand when uncertainty exists due to excessive amounts of supply; and
- From Council's perspective, the use of Section 94 developer contributions to fund the provision of services is limited by the need for a reasonable timeframe for the provision of those services. Between 5 to 10 years is generally recognised as a reasonable timeframe for the provision of most services funded by Section 94.

It is expected that a 10- 15 year supply will be sufficient to accommodate supply anomalies in individual districts, including areas with artificially slow take-up rates, whilst providing substantial flexibility within each district and the LGA as a whole. However, Council will consider exceptions on their merits in the context of land stocks in the specific sector and for the city.

Council will consider the rate of population growth and development over time, and development lead-in times in any assessment of land to be investigated or zoned for future urban use. Development lead-in time refers to the time taken to investigate, rezone and commence development of a site. In the case of a greenfield sites that must be rezoned to permit urban development the lead-in time is on average two to five years based on the current planning system in NSW.

It is not proposed to set a limit or target on the creation of rural residential land other than to proceed cautiously with the identification of new areas for investigation during the review of this strategy. The major principle for rural residential development in this strategy is that it should only be located where it will comprise the most suitable form of development in the long-term.

Council will monitor the creation of large lot residential development over 2,000m² in size in conjunction with the creation and take-up of 1(c) Rural Small Holdings land and land in the 1(d) Rural Residential zone.

4.4 Broad Planning Objectives for Investigation Areas

A series of broad planning objectives have been devised under the categories of character, environment, infrastructure and design, in order to describe the ways in which new development will work towards the City's vision

CHARACTER

- Reinforce and enhance Maitland's unique physical interrelationship between its urban and rural areas;
- Conserve and strengthen Maitland's built and cultural heritage;
- Consolidate the existing commercial centres hierarchy;
- Ensure that potential conflicts with existing or likely future land uses are minimised, including conflict with rural and extractive industries;
- Facilitate the retention of existing vegetation;
- Encourage the creation of high quality urban landscapes;
- Create a built environment which maintains a human scale;
- Attractive "gateway" points to the City will be created, to promote a sense of arrival.

ENVIRONMENT

- Retain and enhance established flora and fauna corridors;
- Conserve and protect important areas of remnant native bushland and wetlands;
- Ensure that the physical amenity and ecology of waterways are not adversely impacted by new urban development;
- Prevent any further deterioration of water quality and prevent local flooding;
- Minimise soil erosion;
- Encourage design that enhances energy efficiency and the minimisation of waste;
- Mitigate against bushfire;
- Rehabilitate disturbed or degraded areas.
- Utilise environmental assets to create a healthy and safe living environment;
- Enhance Maitland's gateways with natural landscaping.

DESIGN

- Maintain a maximum height limit of three storeys in new urban areas;
- Ensure that the design of urban neighbourhoods facilitate the use of public transport and encourages walking and cycling in safety;
- Neighbourhood focal places and centres to be centrally located at major intersections;
- Increase the catchment population around public transport nodes and commercial centres;
- Smaller residential lots and higher density housing should be located with regard to neighbourhood centres, public transport stops, community facilities and areas with high amenity such as next to parks;
- Design lots so that their orientation and dimensions facilitate the development of energy efficient housing which can take advantage of winter solar access and deflect summer sun;
- Utilise passive open space or environment protection areas to protect and preserve the margins of remnant bushland, wetlands and watercourses;
- Encourage the possibility of utilising public open space for urban water management and to improve water quality;
- Ensure that the design layout of urban neighbourhoods facilitates public transport, cycleways and pedestrian access to neighbourhood centres, community facilities and active open space;
- Subdivision design should facilitate the use of common trenching for the laying of public utility services including water, sewerage, electricity, gas and modern communication infrastructure.

INFRASTRUCTURE

- Only rezone land for urban purposes where it can be demonstrated that the provision of utility infrastructure is viable and efficient;
- Ensure that any proposed new urban areas are serviceable by public transport i.e. bus and/ or rail;
- Encourage a greater range of lot sizes and increased diversity of housing types in new urban areas than is currently being provided in contemporary residential estates;
- Determine suitable densities, which maximise the achievement of sustainability principles, whilst recognising the character of the area;
- Encourage small scale mixed use development such as home offices and industries in residential areas which will help to achieve ecological sustainability and promote diverse economic activity;
- Ensure that adequate community facilities and areas of active and passive open space are provided for the prospective residents of new urban areas;
- Reinforce the viability of existing rural and extractive industry operations by restricting the proximity of new urban development;
- Minimise impacts on major transport routes and contribute to a local, functional road hierarchy.



NSW GOVERNMENT
Department of Planning

Office of the Director General

DOC No.
REC'D 07 SEP 2009 MCC

Y09/2115

Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2330

Attention Leanne Harris

Dear Mr Evans

I refer to Council's request for endorsement of the 2008 Edition of Maitland Urban Settlement Strategy. Endorsement of Council's settlement strategy is an important step under the planning system, and consistency with an endorsed Strategy is a key consideration for the Department when reviewing draft principle LEPs, requests for LEP amendments and consideration of Planning Proposals under the Gateway System which commenced on July 1.

Council's approach to strategic planning demonstrates its commitment to planning the future of its local area. I congratulate Council on producing this document which will continue to provide the strategic basis for detailed local planning of the Maitland Local Government Area (LGA). I am pleased to conditionally endorse the 2008 Edition of the Maitland Urban Settlement Strategy (MUSS) in the following specific terms:

- Category 1 Residential, Category 2 Residential, Category 1 Industrial and Preferred Rural Residential, as mapped within the 2008 Edition, are endorsed. It is noted that the precise boundaries of the nominated sites will be clarified during the rezoning process, and that the prioritisation of sites will be regularly monitored to ensure an adequate supply of land is maintained.
- The concept of identifying areas suitable for 'residential extension' is supported and the 'residential extension' site mapped within the 2008 Edition is endorsed. It is understood that Council will provide details of additional residential extension sites for endorsement, prior to the preparation of the Maitland LEP 2011.
- The concept of identifying areas within the LGA as having potential for infill development and urban renewal is supported. However, the Department has not considered in detail the areas identified and therefore does not endorse the specific boundaries of the areas mapped within the 2008 Edition. In regards to the local renewal corridor in particular, Council will need to consider how to manage potential impacts of the corridor on highway traffic as part of more detailed planning analysis.
- Due to the lack of certainty over the location and nature of development within the preliminary investigation areas, these areas are not endorsed at this time. However, further investigation into the desired future of these areas is supported where consistent with the broader objectives and principles of the MUSS.

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

1 of 1

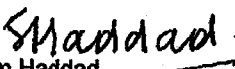
The following issues are also noted:

- The MUSS identifies a range of further investigations and studies in relation to most nominated potential release areas (investigation areas) in order to demonstrate the suitability and capacity of particular sites to accommodate future development. It is noted and supported that, in addition to these site-specific investigations, the Council intends to review a broader range of issues, including environmental issues, through the preparation of the new comprehensive LEP and DCP.
- Council's concerns over the ability for new release areas within the LGA to achieve the desired average density of 12 dwellings per hectare, as identified in the LHRS, are noted. Council has highlighted that densities being achieved in recent residential release areas are less than the 10dwg/ha target adopted by Council in 2001. While the Department recognises that varying density outcomes are likely and desirable across the LGA, in response to individual site characteristics and the need for choice of housing types, means of increasing overall densities over time should be examined more fully – either within future editions of the MUSS or by other mechanisms – to ensure efficient use of the available land.
- Council's assessment of population growth, dwelling supply and demand are noted. In particular, Council's attention to addressing the relevant expectations of the Lower Hunter Regional Strategy for the Maitland LGA, with regard to population growth and related employment and dwelling needs, are commended.

Council is requested to make copies of this letter, outlining the Department's conditional endorsement of the 2008 Edition, available to the public via inclusion in hard copies of the document and displayed on Council's website.

Should you have any further enquiries about this matter, I have arranged for Ms Katrine O'Flaherty, Environmental Planning Officer, Hunter & Central Coast Region, to assist you. Ms O'Flaherty can be contacted at the Department's Newcastle Office on telephone number (02) 4904 2718.

Yours sincerely


Sam Haddad
Director General

11/9/2009

EXECUTIVE SUMMARY

Introduction

The City of Maitland is a unique part of the Hunter Region. It is a place of great historical importance, with significant environmental assets and economic potential. It is a growing city, with great value to those who live and work here, and to those who merely visit or pass through the area.

Council has therefore developed a Long-Term Vision Statement, in consultation with the community, to describe the desired future for the City. The community's Long-Term Vision has been defined as:

"A safe and healthy sustainable future, a proud and involved community which enhances our community's quality of life."

Maitland City Council has accepted the challenge to plan for the City's growth in the period 2001-2020, with the aim of achieving the appropriate balance between the goals of economic, community and ecological prosperity. The Maitland Settlement Strategy has been developed to provide the over-arching framework for urban growth in the City during this period.

The Strategy examines the wider implications of new urban development, including effects on servicing, existing land uses, environmental values and the historic and rural character of the City.

It also examines the level of supply and demand in different parts of the City to ensure that there are adequate on-going supplies of land zoned for urban purposes.

Areas that have the potential for sustainable urban development, including residential and rural residential, industrial and commercial development have been identified as Investigation Areas in this Strategy.

Strategic Context

The Strategy includes consideration of state and regional planning strategies and provides a summary of Council's strategic plans, to ensure that new development will be compatible with the hierarchy of strategies, which are already in place.

The Maitland LGA is recognised as a key urban growth corridor in the Lower Hunter with its proximity to transport corridors, commercial and industrial lands, and potential greenfield development sites.

Forecast population growth as well as changes in technology and transportation is expected to lead to an increasing role for Maitland as part of the Greater Metropolitan Region of Sydney, Newcastle and Illawarra. The City's relative capacity for growth within this metropolitan region is also expected to bring strategic opportunities for the future.

Population Forecasts

Maitland was the fastest growing local government area in NSW in 2004/ 2005, with a population increase of more than 1,600 in this period. In reviewing the Settlement Strategy, the projected population growth rate has been revised based on more

recent information and regional growth predictions. Continued population growth is forecast at a rate of **2% pa**, which is a medium growth estimate.

A key principle of the strategy is that new urban development should be sequenced so that new areas are in close proximity to existing urban areas and urban infrastructure, particularly water and sewer.

It will also be necessary that urban growth takes place in a manner which protects the environment and the unique historical and rural identity that make the Maitland area such a great place to live. Council has therefore included a series of planning objectives in the strategy and a list of issues for consideration as investigations for new urban development are undertaken.

Summary of Strategy Outcomes

A range of Investigation Areas have been identified throughout the Maitland LGA, in areas that appear to be generally suitable for urban development, based on investigations undertaken during the preparation of this Strategy. These areas are shown in the Executive Summary Strategy Map (pg.11).

The Investigation areas have been categorised as 1 or 2 to indicate a general sequence for development. Category 1 land is contiguous with existing urban areas and is expected to be more easily serviced. Category 2 lands would logically be developed after Category 1 land in both a cost and physical sense. Sequencing of this land for development is critical to ensure a manageable and sustainable rate of growth. Table 2 indicates the sequencing and timeframe for these investigation areas.

Council has also identified "Preliminary Investigation areas" indicating that fundamental issues remain to be considered prior to more detailed investigations and longer term development options. These areas are at Anambah, Maitland Vale and Lochinvar Fringe.

The expected major growth corridors for residential development during the period of the strategy are located at Thornton North, Gillieston Heights and, Louth Park with additional Category 1 Investigation Areas at Bolwarra, Largs, Aberglasslyn and Lochinvar. Lands at Farley and Anambah have been identified for medium term (5-10 years) residential development and will be sequenced following the initial Category 1 lands.

Land identified for rural residential investigations is also shown on the Executive Summary Strategy Map as "Preferred Rural Residential". There are a limited number of locations proposed for this form of development, and investigations are required to determine appropriate outcomes for these sites.

In addition, this Strategy also proposes planned and coordinated re-development within the existing key centres of Central Maitland; Rutherford; Thornton; and East Maitland.

The consolidation of these centres offers a sustainable balance to greenfield urban development. Urban consolidation and infill development utilises existing infrastructure, providing a mix of housing types and affordability, all with good access to public transport; community services; employment and retail opportunities. .

It is stressed, however, that the areas have merely been identified for investigation and that this strategy does not indicate what will result from these investigations. Council therefore accepts no responsibility for any course of action taken by any person based on, or arising from, this strategy.

In summary, this Strategy provides for a range of urban and employment land uses, in a staged manner considering the short and long-term development demands. A variety of housing types are catered for, including large lifestyle lots and affordable small lot housing.

Table 1a: Estimated urban land supply (MUSS 2001-2020)

Existing Zoned Land	7,339 dwellings
Category 1 Residential	9,200 dwellings
Category 2 Residential	5,000 dwellings
Rural Residential areas	152 dwellings
TOTAL	21,691 dwellings

Source: Maitland City Council, 2008

**Table 1b: Estimated urban land supply targets
(Lower Hunter Regional Strategy 2006-2031)**

New Urban Release Areas	21,500
Urban Infill Development	3,000
Urban Consolidation (Centres Development)	2,000
TOTAL	26,500 dwellings

Source: DoP, 2006

Table 2: Residential land sequencing

Land release	Location
Short-term (0 – 5 yrs)	Thornton North (Stage 2) Gillieston Heights (Stage 2) Aberglasslyn (Stage 2) Largs Bolwarra Lochinvar Louth Park
Medium term (5 – 10yrs)	Farley Anambah
Long term (10+ yrs)	Maitland Vale

Source: Maitland City Council, 2008

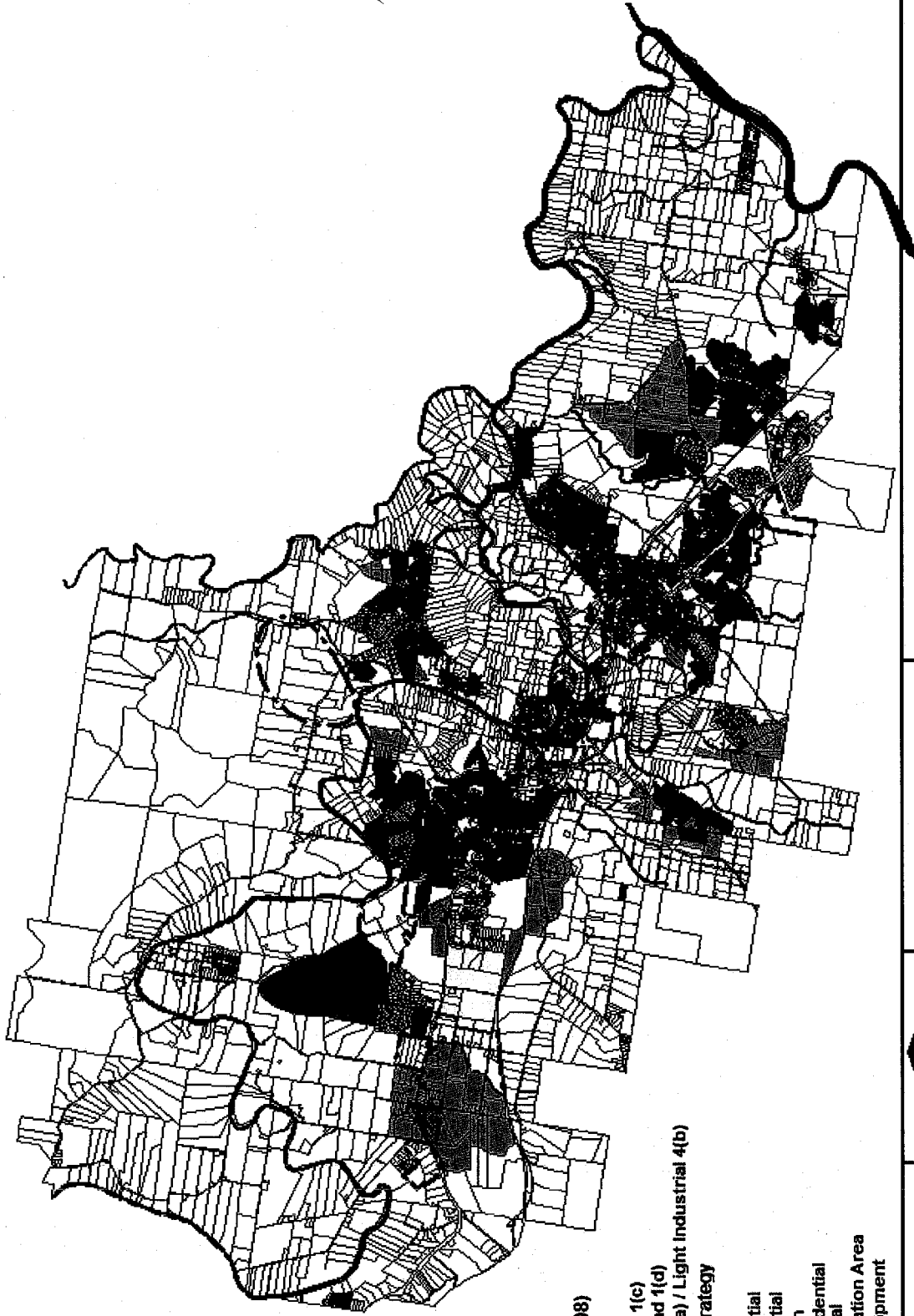
Conclusion

The Maitland Urban Settlement Strategy provides the broad direction for future urban growth in the Maitland LGA. The Strategy aims to provide both flexibility and certainty by maintaining a generous supply of land for residential growth on a number of development fronts throughout the Maitland LGA, without rezoning too much land ahead of market demand.

It provides for a logical urban hierarchy, within the context of the unique range of natural and man-made constraints in the Maitland LGA, including the City's rural and historical character, prime agricultural land and sensitive environment.

In summary, this strategy makes provision for on-going population growth over the next 15 – 25 years. A range of different housing types and locations are proposed in the strategy.

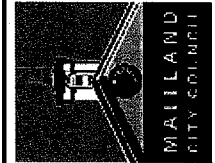
Within the broad framework set by The Strategy it is now up to Council and the community to ensure that future urban development enhances the existing qualities and environment of the Maitland area.



LEGEND

Undeveloped Zoned Land (2008)

- Residential 2(a)
- Rural Small Holdings 1(c)
- Rural Residential Land 1(d)
- General Industrial 4(a) / Light Industrial 4(b)
- Maitland Urban Settlement Strategy Investigation Areas
- Category 1 - Residential
- Category 2 - Residential
- Residential Extension
- Preferred Rural Residential
- Category 1 - Industrial
- Preliminary Investigation Area
- Infill Potential Development



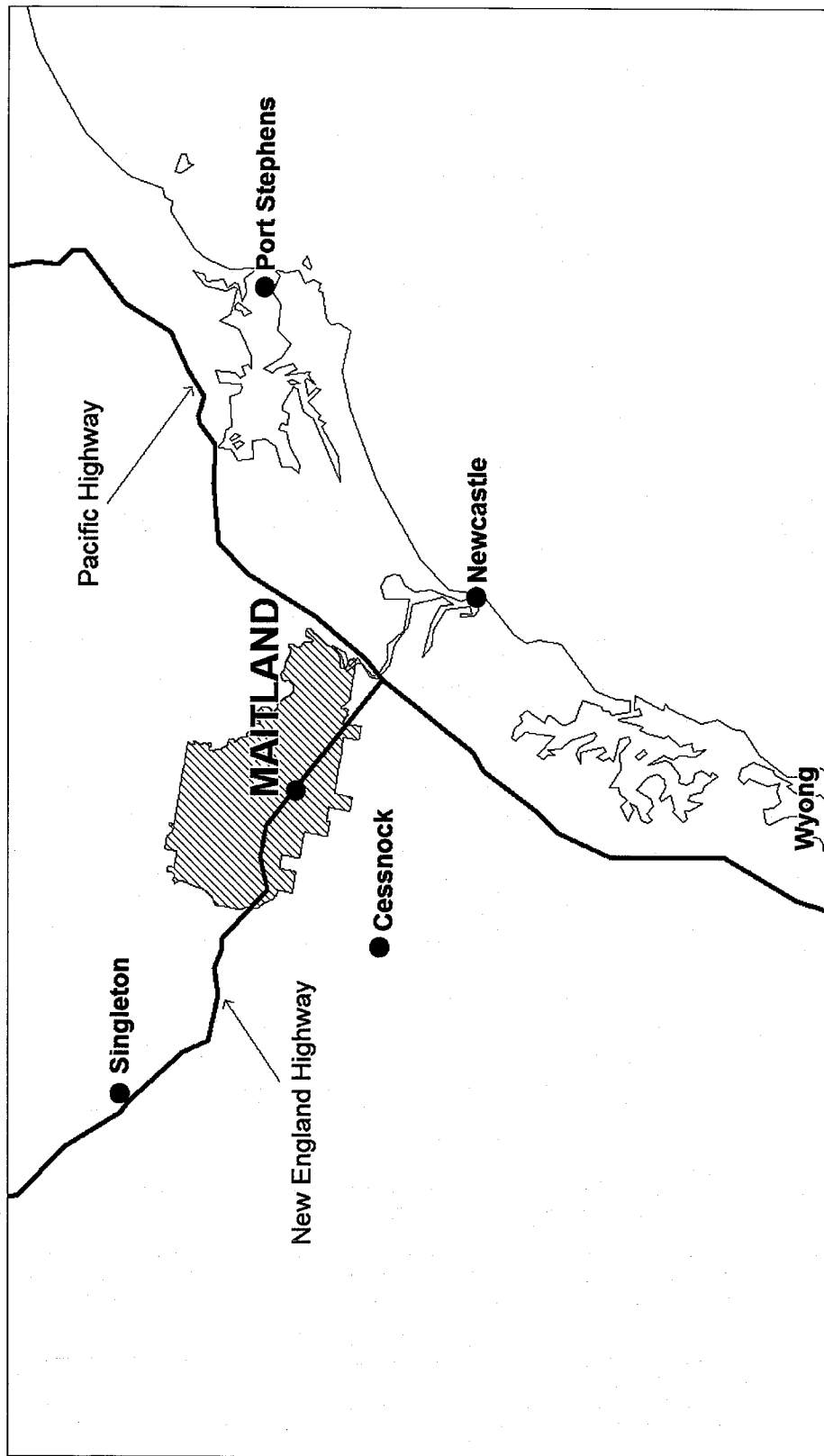
Scale 1 : 150 000
Printing Date: November 2009

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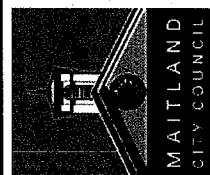
This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland City Council

EXECUTIVE SUMMARY

URBAN SETTLEMENT STRATEGY
2008 EDITION



REGIONAL LOCATION OF THE MAITLAND LGA



Scale 1 : 700 000
Printing Date: November 2008



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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

Appendix FOUR
Council Report and Resolution
[27 January 2009]

ORDINARY MEETING MINUTES**27 JANUARY 2009**

10.2 BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP

File No: RZ 07-003
Attachments: 1. Locality Plan
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy
Author: Josh Ford - Strategic Town Planner

EXECUTIVE SUMMARY

The purpose of this report is to present to Council a proposal to amend the Maitland Local Environmental Plan 1993 to rezone land known as the former Bolwarra Waste Water Treatment Works. This will be the second LEP for the site, with a draft Local Environmental Plan (LEP) prepared and exhibited for the southern portion of the site adjoining Bolwarra Road.

This current proposal involves the rezoning of part of Lot 9 DP 1116838 from 5(a) Special Uses and 7(a) Environmental Protection Wetlands to urban residential and environmental protection land. For the rezoning to proceed, Council must first resolve to prepare a draft LEP, which will prompt further investigations of the site. These investigations will occur in the form of environmental studies, to ascertain whether the land is suitable for future urban residential development, as well as the extent of environmental conservation outcomes. The environmental studies shall be used to inform the preparation of the draft LEP, and will consider issues associated with past and present land uses. These include soil contamination, Aboriginal heritage, flooding, ecological communities, proximity to the Hunter River and bushfire.

The site is shown in the Maitland Urban Settlement Strategy (as adopted) as a Category One Investigation Area. It was not proposed to alter this status in the current review of the Settlement Strategy, and it was recommended that this site form part of the land release program to be investigated for the Maitland LEP 2011.

OFFICER'S RECOMMENDATION**THAT**

- 1. Pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) Council resolve to prepare a draft Local Environmental Plan (LEP) to rezone part of Lot 9 DP1116838 from 5(a) Special Uses and 7(a) Environmental Protection Wetlands to urban residential and environmental protection land, in conjunction with the preparation of the Maitland LEP 2011.**

ORDINARY MEETING MINUTES**27 JANUARY 2009****BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)****COUNCIL RESOLUTION****THAT**

1. Pursuant to Section 54(1) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) Council resolve to prepare a draft Local Environmental Plan (LEP) to rezone part of Lot 9 DP1116838 from 5(a) Special Uses and 7(a) Environmental Protection Wetlands to urban residential and environmental protection land, in conjunction with the preparation of the Maitland LEP 2011.

Moved Clr Garnham, Seconded Clr Humphery**CARRIED**

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 13 for and 0 against, as follows:

For:	Clr Baker	Against:
	Clr Blackmore	
	Clr Casey	
	Clr Fairweather	
	Clr Garnham	
	Clr Geoghegan	
	Clr Humphery	
	Clr Meskauskas	
	Clr Mudd	
	Clr Penfold	
	Clr Procter	
	Clr Tierney	
	Clr Wethered	

10.2 BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP

File No: RZ 07-003
Attachments: 1. Locality Plan
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy
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The site is shown in the Maitland Urban Settlement Strategy (as adopted) as a Category One Investigation Area. It was not proposed to alter this status in the current review of the Settlement Strategy, and it was recommended that this site form part of the land release program to be investigated for the Maitland LEP 2011.

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BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)**REPORT****Background**

In April 2007, Council received a rezoning application which sought to rezone Lot 9 DP1116838 from 5(a) Special Uses and 7(a) Environmental Protection (Wetlands) to urban residential and environmental protection land. The land is identified as the Bolwarra Investigation Area, which is Category One Residential Land under the adopted MUSS (2006 Edition).

The land was previously owned by Hunter Water Corporation, and was known as Bolwarra Waste Water Treatment Works. The plant was decommissioned in 2001 and the land has remained vacant since. The treatment plant occupied a small area of the site, with the remainder of the land utilised for grazing cattle and some environmental regeneration works. All infrastructure related to the past use as a treatment plant has now ceased and it is understood that the site has been partially remediated.

SUBJECT LAND**Property Description**

The subject site is known as Lot 9 DP1116838 Bolwarra Road, Bolwarra (see attached map). The area of the site is approximately 35.12Ha. The land incorporates cleared pasture, wetlands and regenerated vegetation (a Landcare initiative). The land falls from a ridgeline traversing north – south through the centre of the site towards wetlands within the site and the Hunter River which forms the western boundary. The land is bounded to the north and east by an existing residential subdivision (Hunter Glen), while Bolwarra Road and residential allotments adjoining Bolwarra Road border the southern boundary of the land.

SITE SPECIFIC ISSUES

The following matters have been identified to affect the subject site.

Flooding

The subject land adjoins the Hunter River and includes two (2) wetland areas that are zoned 7(a) Environmental Protection (Wetlands). While a significant portion of the land is flood prone, the developable area of the subject land has been defined by the 1 in 100 year flood level. The topography of the land, combined with existing roads and pathways upon adjoining allotments north of the site, mean that unimpeded access and evacuation routes during flood events should be possible.

Indigenous Heritage

Indigenous cultural heritage in NSW is protected and managed under the National Parks and Wildlife Act 1974.

Located within the vicinity of the site is the presence of a burial or a memorial to a local Aboriginal identity – King Tom. The burial is marked by a headstone on land near the junction of Kensington and Bolwarra Roads. There is a high potential for other artefacts and the possibility of significant Aboriginal characteristics in this area. An Aboriginal Archaeology report will need to be prepared and considered in the preparation of the draft LEP.

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)

European Heritage

The land is located outside of the Bolwarra Heritage Conservation Area, with the southern extent of the developable land greater than 400m from the northern boundary of the Bolwarra Heritage Conservation Area. Regardless, there is the potential for visual impacts upon the significance of buildings located within the Bolwarra Heritage Conservation Area. A visual impact assessment could trigger the need for a subsequent Heritage Impact Statement if this is the case.

Site Contamination

The subject land was previously used by Hunter Water Corporation as a waste water treatment works, which was decommissioned in 2001. Ancillary uses of the land involved cattle grazing. A site contamination report will be required as part of the rezoning, in order to ensure that the land is suitable for human habitation.

Visual Catchments

The visual catchment to the west may be impacted if development is permitted on the western side of the ridgeline. A number of large residential properties at Oakhampton Heights enjoy views across the Hunter River and the wider floodplain, these views may be interrupted by development upon the western slope of the prominent ridgeline which traverses the site. Development should also be sympathetic to the adjacent Bolwarra Heritage Conservation Area, by ensuring that the visual catchment is protected from intrusive, or intensive, residential development. As such, a Visual Impact Statement (VIS) is required to be prepared. Views from the western slope of the site will capture extractive industry (Parker's Landscaping), the Main Northern Railway Line, the Hunter River and its associated floodplain.

Traffic

The development of residential land and the cumulative impact of additional traffic should be assessed in a Traffic Study, ensuring that impacts on the Third Hunter River Crossing are taken into consideration. The traffic study should be prepared as part of the environmental studies for the proposal. Existing roadways may be extended to provide access to future allotments within the given study area. Topography is consistent with that of adjoining residential land which contains roadways, residential allotments and associated pathways.

Catchment

The elevated position of the developable area of land, combined with naturally occurring wetland water storage areas provides excellent opportunities for stormwater management. An existing stormwater detention basin exists to the north-east of the site which extends beyond the northern and eastern lot boundaries. Any future proposal to subdivide the subject land would require a stormwater management plan to be submitted for assessment during the Development Application process for the subdivision.

Vegetation & Threatened Species

Based on Council's vegetation mapping, four (4) types of vegetation - including Endangered Ecological Communities (EECs) - are predicted to occupy the site. These vegetation communities include:

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)

- (i) Freshwater Wetland Complex (EEC)
- (ii) Alluvial River Oak Forest (EEC)
- (iii) Lower Hunter Spotted Gum Ironbark Forest (EEC)
- (iv) Regenerating native vegetation

A Flora and Fauna study will be required as part of the environmental studies for the site, given that the land is currently zoned 7(a) Environmental Protection Wetlands and retains EECs. The report will need to address the relevant criteria outlined under the Threatened Species Conservation Act 1995, given that the EECs mapped for the site have the potential to provide habitat to endangered species.

Noise

The land is located approximately 600m from the Main Northern Railway Line (MNRL). Existing residential development is located between the subject land and the MNRL. No significant acoustic issues are likely to arise given that existing residential land provides a buffer between the MNRL and the subject land.

EXISTING PLANS, POLICIES AND DIRECTIONS

When preparing the draft LEP, reference will be made to the following state policies and directions for local plan making.

State Environmental Planning Policy No. 55 – Remediation of Land

The general objectives of this policy are to provide for a state-wide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land for the purposes of reducing the risk of harm to public health.

A contamination report will need to be submitted as part of the proposed rezoning for the site, in order to ensure that the land is fit for human habitation associated with an urban residential zone.

Direction 2.1 – Environment Protection Zones

This direction applies as the Council intends to create an environmental protection zone over a portion of the subject site. The proposed environmental protection zoning will incorporate the existing 7(a) Environmental Protection (Wetlands) zone within the site. The aim of the proposed draft LEP is consistent with this direction.

Direction 3.1 – Residential Zones

This direction applies as the Council intends to create an urban residential zone over a portion of the subject site. The proposal to create additional residential land is consistent with the MUSS, and this direction.

Direction 3.4 – Integrating Land Use and Transport

This direction applies since the draft LEP proposes to rezone land for residential purposes. The proposal will create additional residential land identified under the MUSS, which is an agreed strategy. The location of the site will permit reasonable access to housing, jobs and services via public transport. The potential for the extension of cycleways and footpaths in the locality means that a range of transport options would be available to future residents. Furthermore, the land is to adjoin

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)

existing residential development which currently maintains access to a variety of transport options. The aim of the draft LEP is therefore consistent with this direction.

Direction 4.3 – Flood Prone Land

This direction applies as a portion of the subject site is flood prone, and because the draft LEP aims to permit residential development at the site. The site retains a significant area of land which is not affected by flooding according to Council's flood standard of 1% Annual Exceedance Probability (AEP) events. This is the area of the site to be investigated for residential purposes. The characteristics of the land are such that the lower portion of the land is prone to inundation. The majority of the site will continue to incorporate an environmental protection zone. The draft LEP is consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

This direction applies as part of the subject land is classified as bushfire prone. The bushfire prone portion of land is constrained given that it exists beyond the waterway and flood prone land within the south-eastern portion of the site, and existing roadways separate the vegetation from existing residential development. Regardless, a bushfire report is required to be submitted with the environmental studies for the site, should further investigations proceed.

Direction 5.1 – Implementation of Regional Strategies

This direction applies as the LGA is included under the Lower Hunter Regional Strategy (LHRS).

It is considered that the draft LEP is consistent with the LHRS. The site is classified as Category One land (Bolwarra Investigation Area) under the MUSS, which is an agreed strategy. Furthermore, the NSW Department of Planning have previously endorsed the inclusion of the Bolwarra Investigation Area under the MUSS, given the status of the land as an Urban Release Area. The draft LEP is consistent with this direction.

Direction 6.2 – Reserving Land for Public Purposes

This direction applies as the land was formally utilised as a waste water treatment plant by Hunter Water Corporation. Part of the land remains zoned 5(a) Special Uses to reflect this previous use, however the plant was decommissioned in 2001 and the site has remained vacant since this time. Hunter Water Corporation have confirmed that the land is no longer required for public purposes. The draft LEP therefore aims to be consistent with this direction.

Hunter Regional Environmental Plan, 1989

The proposal is consistent with the HREP 1989, given that the land does not retain regionally significant wetlands. Howes Lagoon exists some distance to the south of the site, which is a regionally significant wetland, as listed under the HREP 1989.

The environmental studies informing the proposed draft LEP will need to consider the objectives for land use and environmental protection, as stipulated under the HREP, 1989.

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)**Maitland Local Environmental Plan, 1993**

The proposal involves the amendment to the Maitland LEP 1993 to rezone the subject land to urban residential and environmental protection land.

It is proposed that the draft LEP shall be consistent with the objectives of urban residential and environmental protection zones. As the proposal would involve an "up-zoning" to urban residential land, the site will be identified as an Urban Release Area, and the provisions of Part 12 of the Maitland LEP will apply with regard to state infrastructure and preparation of development controls.

Maitland Urban Settlement Strategy

The site is shown in the Maitland Urban Settlement Strategy (as adopted) as a Category One Investigation Area. It is the last parcel of land in the Central Catchment (Bolwarra/ Largs/ Central Maitland/ Gillieston Heights) to be investigated for residential purposes.

It was not proposed to alter the status of the Bolwarra Investigation Area in the current review of the Settlement Strategy; hence the Category One status is considered to be endorsed by the Department of Planning.

Progress towards the rezoning of this site is consistent with objectives of maintaining a 10 -15 year supply of zoned residential land, achieving a distribution of available development sites across the City and undertaking suitable environmental investigation. The aims of the draft LEP will be consistent with the purpose of the MUSS.

Consultation

Council intends to consult with the following public agencies in preparation of the draft LEP:

- NSW Department of Environment and Climate Change
- NSW Department of Water and Energy
- Hunter Water Corporation
- NSW Rural Fire Service
- NSW RTA
- Energy Australia
- Telstra

Following the preparation of the draft LEP amendment, there will also be an opportunity for community consultation.

CONCLUSION

Lot 9 DP1116838 is a site that is significant in terms of meeting the objectives of the MUSS, in addition to its environmental features. The proposed rezoning will enable a more suitable zone to be applied to the site, which will be more consistent with existing adjoining land uses and the environmental features of the site.

The proposed urban release program outlined in a report to Council on the MUSS Review in November 2008 listed the Bolwarra Investigation Area as a site to be

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)

investigated in conjunction with the Maitland LEP 2011. It is therefore considered timely to recommend the preparation of a draft LEP for the Bolwarra Investigation Area.

FINANCIAL IMPLICATIONS

This draft amendment has no direct financial implications upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

It is considered that this amendment is primarily a zoning anomaly to rezone land in which the activities of the specified use (Bolwarra Waste Water Treatment Works) has ceased operations. The new draft zoning provision will be more consistent with the objectives of the MUSS and the environmental characteristics of the site.

STATUTORY IMPLICATIONS

The statutory process for preparing an amendment to the Maitland LEP 1993 is detailed in Part 3 of the EP&A Act 1979 and will be followed for the purposes of Council's assessment of this proposal.

Service Planning and Regulation Reports

BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP

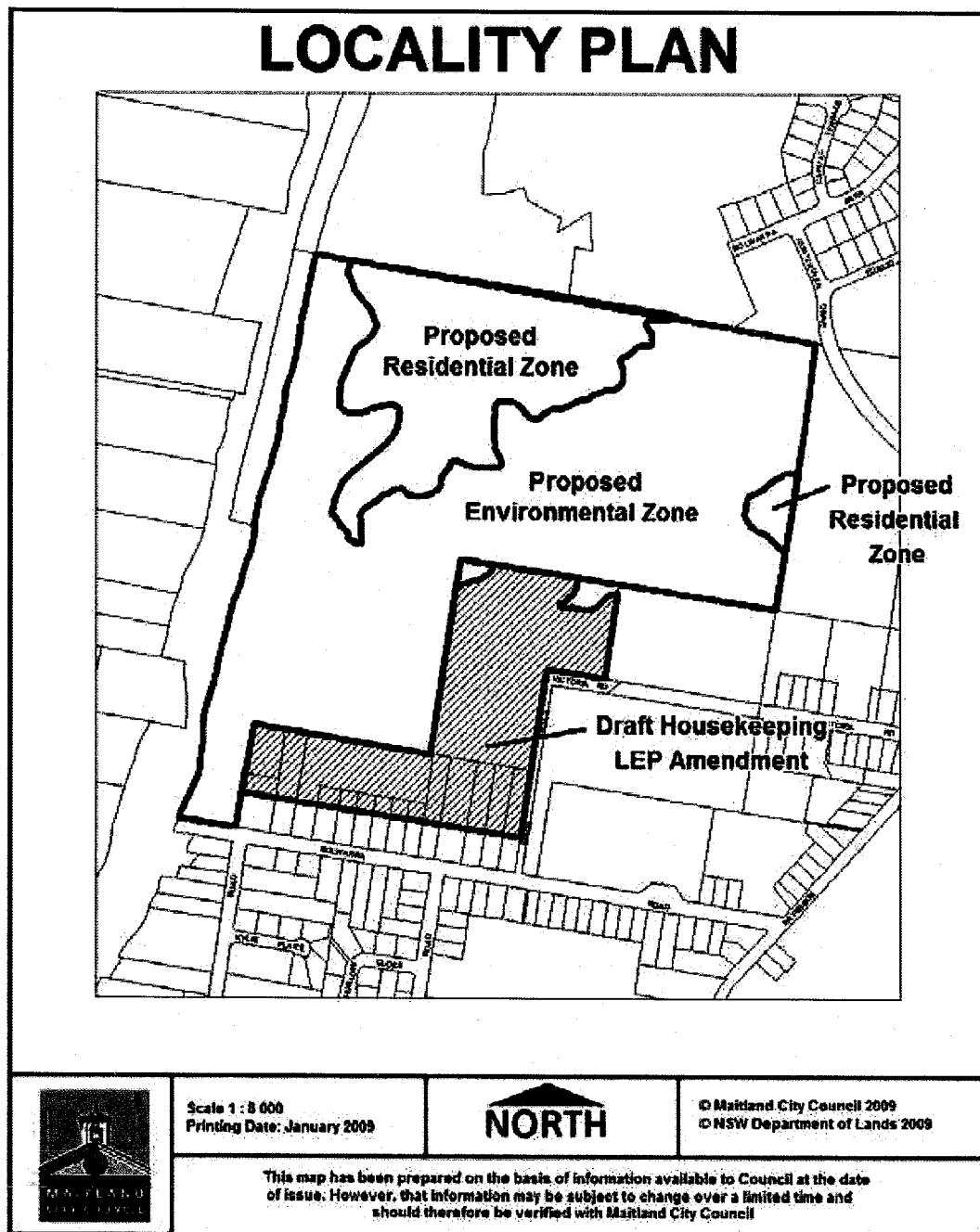
Locality Plan

Meeting Date: 27 January 2009

Attachment No: 1

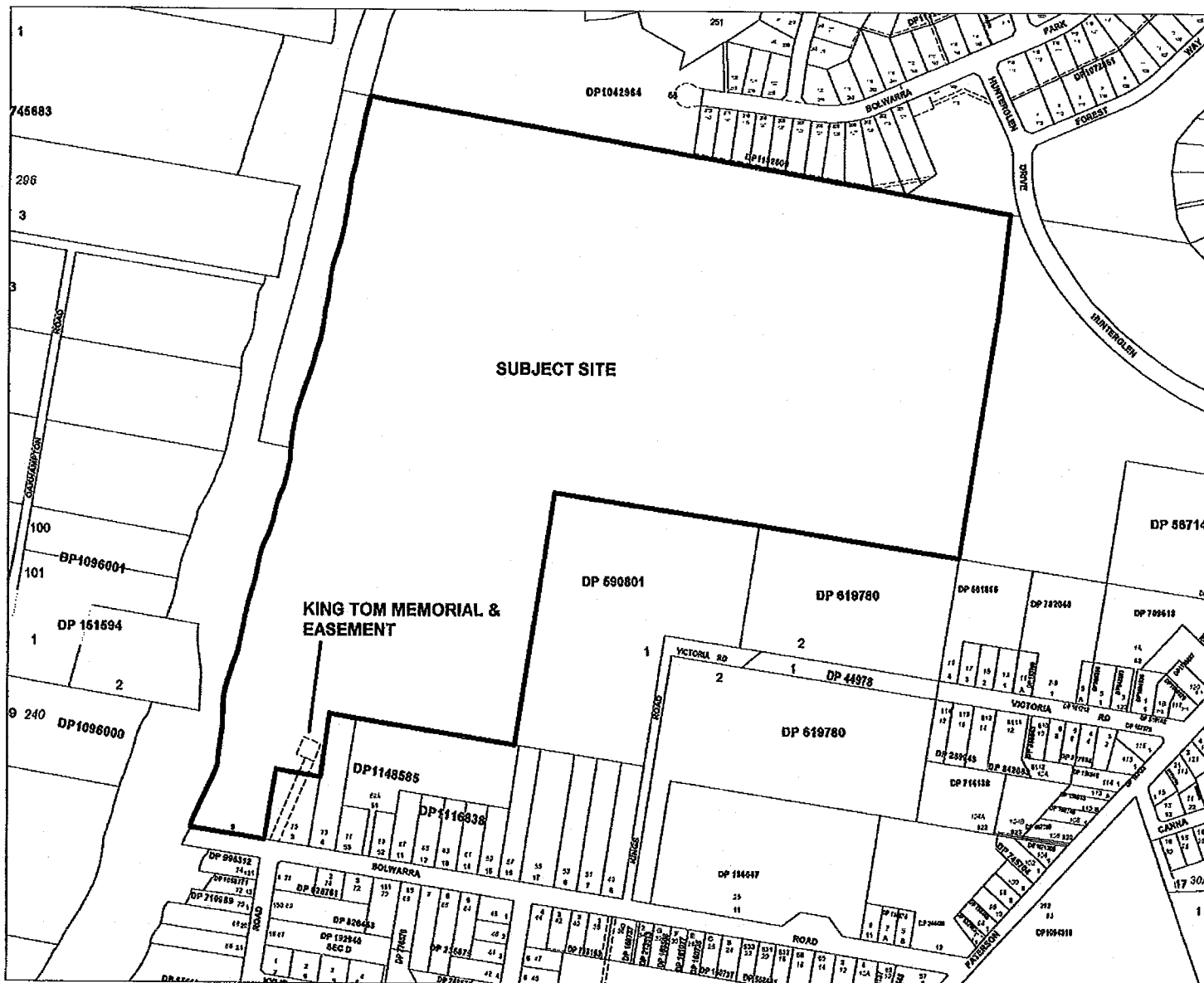
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BOLWARRA HEIGHTS INVESTIGATION AREA - PREPARATION OF LEP (Cont.)



Appendix FIVE

King Tom Memorial & Easement Location Map



Appendix SIX

Bushfire Prone Land Map



Appendix SEVEN

HWC Correspondence



*caring for our
community and the
environment*

HUNTER WATER CORPORATION
PO BOX 5171 HRC NSW 2310
426 HZ KING STREET NEWCASTLE WEST
TEL: 000 657 657 / 081 46 728 513 446
www.hunterwater.com.au

27 February 2004

Reference: C5/12247
Telephone: 02 4979 9435
Facsimile: 02 4927 0157

email: peter.vorlcek@hunterwater.com.au

Mr David Simm
Manager Environmental Programs
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Dear Mr Simm

Re: Sale of HWC Land at BOLWARRA.

DOC No. _____
FILE No. _____
REC'D - 2 MAR 2004

REFER _____

Thank you for our meeting on 24 February 2004 regarding the proposed disposal of Hunter Water Corporation (HWC) land at Bolwarra being the former wastewater treatment works (WWTW) site. To confirm the matters discussed I advise that HWC has decommissioned its treatment works at Bolwarra making the land surplus to requirements and planned for disposal by HWC.

Decommissioning the WWTW was brought about through HWC's caring for our environment programs that have enabled sewerage from the Bolwarra urban area to be redirected to an upgraded treatment works at Farley. This has negated the need for any future upgrading of Bolwarra WWTW and the site has now become surplus to HWC requirements. Actions are being taken to prepare the site for disposal in accordance with HWC property disposal plan and Policy for Property Disposal. The site will be placed on the open market and sold for commercial value by way of public tender.

The total site comprises an area of 44.44 hectares. Lot 1 DP 590801 of about 5 ha was purchased in 1977 for the treatment works and Lot 1 DP 818076 was subsequently purchased as buffer zone land. Prior to purchase by HWC, the land was productive farmland. The site is cleared, has a substantial lagoon that has a large catchment including lands currently being developed to the north and east of the site. Part of the site is used for cattle grazing and part is used for public recreation.

The majority of the site is zoned 5a Special Uses (WWTW) under Maitland LEP 1993 with a 7a Environmental Protection Wetland zoning over the lagoon. Part of the site fronting Bolwarra Road is zoned 2a Residential and land in the northern part of the site has potential for future residential rezoning. The majority of the site is flood prone land and suitable more for rural, conservation and public recreation uses rather than large scale residential development. A rezoning of the site from Special Uses (WWTW) is inevitable and we believe the best person to seek and have a rezoning made would be the purchaser of the land.

The proposed sale of the site is well known and considerable interest and inquiry is being received from diverse interests wishing to purchase the land. We expect that the property will be well received when placed on the market. The site's existing residential zoning along Bolwarra Road provides opportunities for multiple new residential lots to be created (subject to normal subdivision approvals), this together with possible future development opportunities are likely to draw most interest. We expect a large number of inquirers for the properties and presume most of these will make inquiry with Maitland City Council for permissible uses of the land. To assist this process, would you please consider any impacts arising from the sale and subsequent change of land use with likely rezoning of the land. Any information that Council can supply that may assist inquirers in regard to use and rezoning of the land can be included in our promotional material and tender specification for the land.

In regard to the existing lease of part of the site held by Maitland Landcare Group Incorporated, HWC is greatly appreciative of the work undertaken by the group over the last 10 years. Their contribution has provided environmental enhancement to the lagoon and surrounding lands and has made an attractive extension to Council's adjoining public reserve by providing a walking path with scenic viewing and rest spots with boardwalk in a pleasant and natural bush experience.

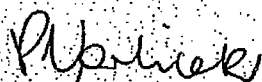
Upon sale of the land, we will be unable to provide the Group with ongoing rights and tenure that they currently have over the site. However, in recognition of their work and in an effort to protect the rehabilitated areas, HWC proposes to create a positive covenant over part of the site shown on the enclosed plan that permits the land to be used for open space/passive recreation purposes only. HWC would retain the right to vary or extinguish the covenant. A similar covenant is also proposed for Lot 1 DP 590801, being the former treatment works site.

Given Council's various interests covering greening and landcare matters, the adjoining public reserve and the influences from adjoining development to the north and east of the site, there is an opportunity for Council to acquire a greater interest in the site. This could be achieved through direct purchase of the site for value, or by Council compulsorily acquiring part of the site from a consenting landowner (HWC). Other options exist whereby Council could have the benefit and control of the covenant or even for Council to lease the land pending the land being acquired in the next few years under Council's greening programs. The land could be sold subject to an existing lease held by Council.

Please consider these matters and advise me if Council wishes to acquire an interest in the land being sold. We are currently arranging for the remaining structures at the old treatment works to be demolished which will leave the site ready for disposal. Buildings and tanks will be demolished and pond embankments regraded and the site reinstated to a contoured grassed condition. We plan to have the property on the market this financial year.

Your early consideration of these matters will be appreciated. Please contact me if you have any query.

Yours sincerely



Peter Vorlicek
Property Manager

Plan Drawing only to appear in this space



HUNTER RIVER

BOLWARRA
(20-15 WIDE)

ROAD

SUMMITTINE REGULATION ZONE, CLASS 2005						
PARK	MEA COORDINATES		ZONE	CLASS	GRADE	
	EASTING	NORTHING				
PA 20011	201127.00	13001312.00	5A	B	U	
PA 20015	201127.00	13001312.00	5A	B	U	
PA 20012	201127.00	13001312.00	5A	B	U	
PA 20013	201127.00	13001312.00	5A	B	U	
PA 20014	201127.00	13001312.00	5A	B	U	
PA 20016	201127.00	13001312.00	5A	B	U	

SOURCE : MEA COORDINATES ADAPTED FROM MEAS ON 8 JULY 2007
 ZONE AND CLASS FACTOR : 0.000000

NOTE: THE OBSERVATIONS WERE USED TO DETERMINE PART OF THIS SURVEY

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Registered
Title System
Purpose
Ref. Map
Last Plan
PLAN

Length in ft. and in. Reddish black 1-7000

L O A MAILING
Suburb: BOLIVARRA
Parish: NIDDLETON
County: DUBLIN

This is sheet 1 of my plot in 2 sheets
(Delete if applicable)
Surveying Regulation, 2004

W. WINTER WATER AUSTRALIA
a survey registered under the Survey Act 2002 as
that the survey represented in this plan is accurate to
best mark in accordance with the Surveying Act 1971
and was completed on 10/11/2002

Date _____
 Name _____
 Address _____
 City _____ State _____ Zip _____
 Telephone _____
 E-mail _____
 Signature _____
 Date _____

Flow chart in preparation of survey completion.

CP 578515	CP 612976
CP 1045437	CP 1047315
CP 1012106	CP 702100
CP 576927	CP 517100

PANEL TOP USE ONLY for statements of intention to dedicate public roads, to create public reserves (storage reserves, easements, restrictions on the use of land or positive covenants).

1000 JOURNAL OF CLIMATE

1997 年 6 月 2 日 星期三 14:00

100

1. *Journal of the American Medical Association*, 1990; 263: 1025-1028.

..... 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818 2819 2820 2821 2822 2823 2824 2825 2826 2827 2828 2829 28

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