



Maitland

city council

Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

- Lot 17 and 18 DP 1044795
 - Lot 6 DP 199882
 - Lot 1 DP 794525
- Lot 1,2 3 and 4 DP 1109043
 - Lot 1 DP 782596

Version 3.0
7 October 2020



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Version 3.0 – 7.10.2020 (For Public Exhibition)

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*. It explains the intended effect of, and justification for a proposed amendment to *Maitland Local Environmental Plan 2011* (MLEP 2011) to add an additional permitted land uses to Lot 17 and 18 DP 1044795, Lot 6 DP 199882, Lot 1 DP 794525, Lot 1,2, 3 and 4 DP 1109043 and Lot 1 DP 782596 being 5-13 Louth Park Road, South Maitland (the subject site). The additional permitted use is for *Service Station* and *Takeaway food establishment*. The intent of the proposal is to facilitate development of the subject land for the purposes of a service station, with an ancillary takeaway food component.

The subject site is located on the southern boundary of Les Darcy Drive and is on the eastern side of Louth park Road.

A locality plan is included as **Attachment A** and a plan showing the existing zoning is included as **Attachment B**.

A planning proposal has therefore been drafted which seeks to amend the MLEP 2011 to allow for the additional permitted uses for the site.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this planning proposal is to allow for the subject site to be utilised for specific commercial purposes. This is due to the subject site being located on Les Darcy Drive (which forms part of the New England Highway), and the current zoning of the site restricting commercial uses due to the rural zoning. However, due to potential hazards posed by flooding, a blanket rezoning to permit commercial activities it is not considered appropriate. As such, the intended outcome for the site is to provide for an additional permitted use on the site explicitly for the purposes of a *service station* and *takeaway food and drink premises*.

PART 2: EXPLANATION OF PROVISIONS

The subject site lies at the corner of Louth Park Road and Les Darcy Drive (New England Highway) and is currently zoned RU1 Primary Production. The total site area of these 9 lots is approximately 4,450m², and has a mix of inhabited and vacant residential dwellings and associated outbuildings as well as areas of vacant land. This RU1 zoning has been placed on the area around South Maitland due to the land being flood prone, and not suitable for residential development. This is despite the historically residential use of land in this area. Information outlining how the impacts of flooding on the proposed service station can be mitigated have been provided.

The RU1 zone has been placed on this land so as to ensure that intensified residential development does not occur in the area. As a result, there is the potential for this land to be sterilised. The proposed additional land use, given the frontage to the New England Highway, is an effective way in which a more intense and appropriate land use can be created in this location.

These additional land uses are for a service station and a takeaway food and drink premise. The intent of the proposal is to facilitate the appropriate commercial use of land fronting the New England Highway.

The proposal will not involve any amendments to the LEP maps.

Figures 1 below shows the existing zoning for the site.

Figure 1 – Existing Zoning of Subject Land



PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning and Environment'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 is not the result of any strategic study or report. It has been submitted on behalf of the proponents, Stevens Group Pty Ltd, to allow a RU1 zoned parcel adjoining the New England Highway to be used for an appropriate commercial purpose being a service station.

It is acknowledged that there is an existing service station located on the opposite side of Louth Park Road. This benefits from existing use rights.

The RU1 zone was implemented in this area in the Maitland Local Environmental Plan 2011 in order to restrict residential development in an area significantly impacted by flooding. The site location on a major road corridor indicates that a more commercial rather than residential land use is appropriate. However, any commercial use needs to not be in conflict with the existing centres hierarchy. As such, the additional permitted use rather than a commercial rezoning is considered appropriate.

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

Maitland LEP 2011 does not make any provision for such a commercial use on rural zoned land. This is generally so that productive agricultural land is not used for non-agricultural purposes. However, in this instance the rural zoning has been applied to limit the residential development of flood prone land. Given the location of the land adjoining the New England Highway, the use of the land for a service station is appropriate. However, other commercial purposes are not. As a result, the additional permitted land use option is the most appropriate one for the efficient and economical use of the subject land.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies?)

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is a 20 year blueprint for the future of the Hunter.

The vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart. This vision will be delivered through four goals, as follows:

- a leading regional economy in Australia
- a biodiversity-rich natural environment
- thriving communities
- greater housing choice and jobs.

The most relevant actions from the Hunter Regional Plan include:

- **Action No. 4.1** - Enhance inter-regional transport connections to support economic growth (p.23);

- **Action No. 4.3** - Strengthen and leverage opportunities from the interconnections with other regions, particularly the Pacific Highway, the Golden Highway and the New England Highway (p.23);

- **Action 4.7** - Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses.

The planning proposal is generally consistent with the actions of the Hunter Regional Plan to enhance inter-regional transport routes to support economic growth.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) sets out the strategies and actions that will drive sustainable growth across the five (5) Local Government Areas of Cessnock, Lake Macquarie, Newcastle City, Port Stephens and Maitland, which make up Greater Newcastle. The Plan aims to achieve the vision set out in the HRP – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

- Strategy No. 23 – Protect major freight corridors. The proposal seeks to provide a compatible land use adjacent to the transport corridor that is the New England Highway. This will contribute to the prevention of urban encroachment or less compatible land uses in such close proximity to the highway.

The planning proposal is generally consistent with this action of the Greater Newcastle Metropolitan by proposing access via a side road and enabling development that will service this major freight corridor. The additional permitted land use

4. Is the planning proposal consistent with Council’s Community Strategic Plan or other local strategic plan?

Maitland +10 (Community Strategic Plan)

Maitland City Council has adopted a Community Strategic Plan (Maitland +10) in line with the State’s Integrated Planning and Reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for growth within the city to meet the needs of a rapidly growing population.

Maitland Urban Settlement Strategy (MUSS) 2012

The Maitland LSPS sets out the broad strategic aims for the strategic growth of the LGA over the next 20 years. The proposal is not inconsistent with these aims.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Council has undertaken an assessment of the planning proposal against all relevant State Environmental Planning Policies (SEPPs) and a summary is provided in the table below.

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
<p>STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2019</p> <p>The relevant aims of this policy are:</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p>	<p>CONSISTENT</p> <p>Under Clause 5 of SEPP (Primary Production and Rural Development) 2019, this Policy applies to the State. The proposal is located on land zoned RU1, however is not used for agricultural purposes.</p>
<p>STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION)</p> <p>This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <p>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</p> <p>(b) by encouraging the identification of areas of core koala habitat, and</p> <p>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</p>	<p>CONSISTENT</p> <p>Maitland LGA is listed in Schedule 1 of the SEPP. The subject land is not considered “Potential Koala Habitat” because the land is cleared and used for residential purposes. Further, the land is not considered to be “Core Koala Habitat” as no evidence of koalas has been recorded on or near the site.</p>
<p>STATE ENVIRONMENTAL PLANING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)</p> <p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>CONSISTENT</p> <p>Under Clause 6 (1) of SEPP 55 – Remediation of land, a planning authority must consider whether the land is contaminated. The Preliminary Site Investigation has concluded that:</p> <ul style="list-style-type: none"> • Potential contamination sources at the site are identified as imported fill materials and hazardous building materials; • Both zinc and benzo(a)pyrene exceeded the adopted ecological investigation level in fill material on the site; and • If the standard recommendations of the report prepared are implemented,



RELEVANCE**CONSISTENCY AND IMPLICATIONS**

the site is considered suitable for commercial/industrial use.

These recommendations include a Detailed Site Investigation and appropriate handling and disposal of soil material and waste post-Gateway.

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

Council has undertaken an assessment of the planning proposal against all relevant Section 9.1 Directions and found that it is generally consistent with the following applicable Directions:

Table 2: Relevant Section 9.1 Directions.

DIRECTION**CONSISTENCY AND IMPLICATIONS****1. EMPLOYMENT AND RESOURCES****1.2 Rural Zones****Consistent**

When this Direction applies:

- a) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The planning proposal does not seek the rezoning of land, rather adding an additional permitted use.

What a relevant planning authority (Council) must do if this Direction applies:

The planning proposal is therefore consistent with this direction.

A planning proposal must:
not rezone land from a rural zone to a residential, business, industrial, village or tourist zone

1.5 Rural Zones**Consistent**

When this Direction applies:

This direction applies when a relevant planning authority prepares a planning proposal that:

- a) (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or

Although the subject site is zoned RU1: Primary Production, the use of the lots is currently residential. The nature and location of the subject site has resulted in little to no agricultural value to which protection is required to be afforded.

The proposal is consistent with this direction as it will contribute to the



DIRECTION**CONSISTENCY AND IMPLICATIONS**

- b) (b) changes the existing minimum lot size on land within a rural or environment protection zone.

economic viability of the land with no loss of agricultural value.

What a relevant planning authority (Council) must do if this Direction applies:

- c) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
- d) consider the significance of agriculture and primary production to the State and rural communities
- e) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- f) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- g) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- h) support farmers in exercising their right to farm
- i) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses
- j) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land
- k) consider the social, economic and environmental interests of the community

2.3 Heritage Conservation**Consistent**



DIRECTION

CONSISTENCY AND IMPLICATIONS

When this Direction applies:

This direction applies when a relevant planning authority prepares a planning proposal

What a relevant planning authority (Council) must do if this Direction applies:

A planning proposal must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The subject site is identified as being within the Central Maitland Heritage Conservation Area. The type and age of the dwellings on the affected lots are generally typical of those surrounding the subject site within the Conservation area. However, the low level of restoration and maintenance afforded to the properties has resulted in significant dilapidation and abandonment.

There has also been significant alteration to the lot layout and subdivision pattern as a result of the upgrade works to the New England Highway which results in the area no longer having the subdivision pattern typical of the area.

Given the lightweight nature of the structures on site there is the potential for Aboriginal objects in the area and consultation with Mindaribba LALC will be required post Gateway.

3.4 Integrating Land Use and Transport

Consistent

When this Direction applies:

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority (Council) must do if this Direction applies:

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

The planning proposal will allow for commercial development on land zoned RU1 Primary Production. However, given the location and current residential use the proposal will not impact on any agricultural value of the land. Nor will it detract from the existing local commercial centres due to its relatively small scale. It has been primarily designed in order to service the users of the New England Highway.

A traffic impact assessment has been prepared in support of this planning proposal which indicates that the existing road network will support the proposed end development. This will need to be further



DIRECTION	CONSISTENCY AND IMPLICATIONS
a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	addressed during the development approval stage.

4. HAZARD and RISK

4.1 Acid Sulfate Soils

Consistent

When this Direction applies:

This direction applies as the whole of the subject land is mapped as 'Class 4 land' on the Acid Sulfate Soils Map.

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

A Preliminary Desktop Acid Sulfate Soil Assessment has been undertaken, however a more detailed assessment will be required to be prepared. This will be done prior to undertaking public exhibition.

What a relevant planning authority (Council) must do if this Direction applies:

The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

4.3 Flood Prone Land

When this Direction applies:

This direction applies when a relevant planning authority prepares a planning proposal that

The subject site is located in a High Hazard and a Low Flood Island area. A Qualitative Flood Assessment has been prepared for



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creates, removes or alters a zone or a provision that affects flood prone land.

What a relevant Planning Authority (Council) must do if this Direction applies:

A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

A planning proposal must not contain provisions that apply to the flood planning areas which:

- a) Permit development in floodway areas,
- b) permit development that will result in significant flood impacts to other properties,
- c) permit a significant increase in the development of that land,
- d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an

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the proposal and has found that the flood risk can be appropriately managed. The proposal has been found not to create a significant adverse impact on the existing flood behaviour both on the subject site or on adjacent properties.

A Flood Emergency Response Plan will be required to be prepared prior to public exhibition being undertaken.

Additional information regarding the engineering solutions for locating a service station on flood prone land have been provided and are included as attachments to the planning proposal.

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officer of the Department nominated by the Director-General).

For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

5. REGIONAL PLANNING

5.10 Implementation of Regional Plans

Consistent

When this Direction applies:

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority (Council) must do if this Direction applies:

Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

This direction applies as the Hunter Regional Plan 2036 applies to the Maitland LGA.

The proposal is considered to be consistent with the goals, directions and actions of the Hunter Regional Plan 2036.

6. LOCAL PLAN MAKING

6.3 Site Specific Provisions

Consistent

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

What a relevant planning authority must do if this direction applies.

A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or

The Planning Proposal allows for the proposed development, being a service station, to be carried out on the subject site. This does not alter the permissible development types in the zone as it is site specific, and the proposed land use is generally not a desired outcome in the zone. The RU1 zone has been applied to restrict residential development on flood prone land as the previous 2(f) Residential Zone under the 1993 LEP had no equivalent zone under the Standard Instrument LEP. The RU1 zone, outside of main road corridors adjoining other commercial development, is not considered an

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- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A planning proposal must not contain or refer to drawings that show details of the development proposal.

appropriate zone for use of a service station.

The Planning Proposal does not seek to rezone the site to a commercial zone where a service station would be permitted as it would allow for other development types, such as child care centres, would not be appropriate.

The Planning Proposal proposes to allow a land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

No detailed drawings are contained within the planning proposal.

The Planning Proposal is consistent with c) above and is therefore consistent with this direction.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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 site is cleared and does not contain any significant areas of vegetation.

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

Contamination

Environmental and Safety Professionals have completed a Preliminary Site Investigation for the site in September 2019. The aims of this were:

- Investigate previous site land uses and potential contamination types as a result of former activities;
- Provide a discussion of present site conditions;
- Provide a desktop assessment of site contamination issues;
- Investigate the suitability of site soils with respect to potential chemical contamination at limited locations; and
- Assess the need for further investigation

As a result of this, the following key findings were made:

- A desktop review of the site history in conjunction with the observations made during the site inspection and fieldwork indicated that the sources of potential soil contaminants of concern are likely to be due imported fill material and hazardous building materials.
- Ten boreholes were advanced using a hand auger and hand tools in a judgemental manner across the site to a maximum depth of 0.7m BGL.
- No stained or odorous soils were noted during the site inspection and subsequent sample collection. Minor amounts of ash were observed within borehole BH03 and BH10.
- Potential asbestos containing material (PACM) was observed as external wall sheeting on all dwellings on the site, as well as on several sheds and outhouses. This PACM was observed to range from good condition at 13 Louth Park Rd to poor condition at 9 Louth Park Rd. Additionally, PACM fragments and debris were identified on the ground surface adjacent to the west side of the dwelling at 9 Louth Park Rd, and appeared to have originated from the dwelling which was observed to be in poor condition. A detached shed at the rear of 9 Louth Park Rd had collapsed and appeared to contain broken PACM fragments and debris.
- Collected samples were screened in the field for the presence of volatile organic compounds (VOCs) by use of a photo-ionisation detector (PID). The results of PID field screening indicated no volatile organic compounds detected in all sample locations.

- No exceedances of the adopted human health investigation level criteria (HIL-D) were detected in any of the soil samples tested for Heavy metals, TRHs, BTEXN, PAHs, Phenols, PCBs, Herbicides and Pesticides.
- Two exceedances of the adopted ecological investigation level (EIL) were reported for zinc in BH04 and BH10. These exceedances were identified at depths greater than 0.4m BGL.
- Three exceedances of the adopted EIL were reported for benzo(a)pyrene in BH01, BH03 and BH07 and showed a decreasing trend with increasing depth below ground level.
- Following statistical appraisal of analytes reporting EIL exceedances, it was confirmed that both zinc and benzo(a)pyrene exceeded the adopted ecological investigation level in fill material on the site.
- In light of the exceedances of the adopted ecological investigation level criteria, leachate testing was conducted on select samples for zinc and PAHs to determine the leachability potential of contaminants in soil into the underlying groundwater aquifer.
- Leachate testing identified no exceedances of the aesthetic, drinking water or primary contact recreation criteria for all samples analysed. However, all samples analysed for zinc exceeded the fresh water ecological criteria.
- The site is considered suitable for commercial/industrial use provided the following recommendations are implemented.

The report made the following recommendations that will need to be undertaken prior to finalisation:

- A Detailed Site Investigation (DSI) in accordance with NSW EPA (2011) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites is required to determine the vertical delineation of chemical soil contamination, onsite groundwater chemical concentrations and assess the need for the preparation of a Remediation Action Plan (RAP).
- Any in-situ soil material required to be disposed of as part of the proposed development is to be classified in accordance with the NSW EPA (2014) Waste Classification Guidelines Part 1: Classifying waste and disposed of in a licensed facility to accept such a waste.
- A hazardous materials survey should be conducted to visually and analytically identify asbestos containing material in the existing residential infrastructure, storage areas and on the soil surface at 9 Louth Park Rd prior to demolition and earthworks. If any Asbestos containing material is identified, appropriate measures should be implemented to ensure safe and suitable removal and disposal to prevent contamination of the site and exposure to and workers or potential future residents.

Given the results of the above investigations, the site is considered to be generally suitable for the proposed commercial use of the site, subject to the additional works identified being carried out.

- Structures present at the site, some of which were in poor condition, which may contain hazardous building materials (including asbestos). Construction materials may be a source of heavy metals, pesticides and asbestos, depending on the source;

- Site use for agricultural purposes, including the housing/agistment of animals on the site. These activities may be a source of hydrocarbons, pesticides, herbicides, and heavy metals depending on the activities undertaken; and
- Imported fill materials (source unknown) which were observed in the driveway and may be present elsewhere on the site, based on historical aerial photograph review. Fill materials can be a source of a range of potential contaminants depending on the source of materials.

On the basis of site observations and site history, the potential for gross contamination from the above potential contaminant sources was considered to be low. In addition, the risk of gross contamination from adjoining properties was considered to be low.

Based on the results of the above investigations, the site is considered to be generally suitable for the proposed residential development with respect to site contamination.

Flooding

A Qualitative Flood Assessment has been undertaken by Northrop Consulting Engineers Pty Ltd. This considered the overall flooding pattern in the area, measures to decrease risk to employees and consideration of the impacts on the flood storage area.

The report concluded that:

- The developed flood risk can be appropriately managed with the introduction of a Flood Emergency Response Plan.
- The conversion of the existing land use of the subject site, from a residential to commercial, is considered an improvement to the existing flood risk on site

The report also provided the following recommendations for the subsequent development application on the site:

- Consideration should be given to the buildings capacity to withstand flood forces during detailed design to reduce the likelihood of building collapse during flood events.
- A Flood Emergency Response Plan (FERP) should be prepared for the subject site to reduce the flood risk associated with the subject site.
- The design of the below ground fuel tanks should consider buoyancy and should prevent leakage during flood events.

Geotechnical

The site is mapped as Class 4 Acid Sulfate Soils. A Preliminary Desktop Acid Sulfate Soil Assessment has been carried out by EP Risk. This identified that a detailed Acid Sulfate Soil Management Plan will be required post Gateway Determination.

Archaeology and Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) did not reveal any aboriginal sites or places on the subject site. However, given the lightweight nature of the dwellings consultation with Mindaribba LALC will be required post-Gateway.

The site is mapped as forming part of the Central Maitland Heritage Conservation Area. Contemporary Heritage undertook a Statement of Heritage Impact in support of the demolition of the existing dwellings and the addition of the Service Station and takeaway food and drink premise as an additional permitted land use.

Given the extensive disturbance of the subdivision pattern as a result of significant road works, alteration of the road network, other development occurring in the area and the poor quality of the dwellings the additional permitted land use can be considered to be an appropriate outcome.

Additional detailed design and assessment will be required of the proposed development at a development application stage.

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

The planning proposal is unlikely to have any significant adverse social or economic impacts. The proposed additional permitted use will maximise the development potential of the land and will provide local employment opportunities, both during construction and operation.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

Access, Transport and Traffic

The subject land has frontage to Les Darcy Drive, which is the New England Highway bypass around Maitland. The site also has direct frontage to Louth Park Road. No direct access to New England Highway will be provided.

Infrastructure Services

The subject site is located within an established residential area and commercial area. All essential services including telecommunications, electricity, gas, reticulated water and sewer services can be readily extended to service all future lots within the development.

Other Public Infrastructure

Council provides a regular waste/recycling collection service in the area. Local shopping and sporting facilities are available in both Maitland and South Maitland. Public Transport is provided by both bus and train.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No formal consultation with State and Commonwealth public authorities has been undertaken at this stage for this planning proposal. Consultation will occur in accordance with the conditions outlined in the Gateway Determination to be issued for this planning proposal. It is anticipated that the NSW Office of Environment and Heritage (OEH), NSW Roads and Maritime Services (RMS), Hunter Water Corporation (HWC) and Mindaribba Local Aboriginal Land Council (LALC) would be consulted in relation to this planning proposal.

PART 4: MAPPING

The proposal will not involve amendments to the LEP maps:

PART 5: COMMUNITY CONSULTATION

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

In accordance with the requirements of the Gateway determination and Council's adopted Citizen Engagement Strategy, consultation on the proposed additional permitted land use will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- a public exhibition period of 28 days;
- a notice in the Lower Hunter Star newspaper;
- exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- consultation documents to be made available on Council's website; and
- notices published on Council's social media applications, for public comment.

At the close of the consultation period, Council officers will consider all submissions received and present a report to Council for its endorsement of the planning proposal before proceeding to finalisation of the amendment.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	June 2021
Anticipated timeframe for the completion of required studies	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	August 2021
Commencement and completion dates for public exhibition period	October 2021
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	November 2021
Timeframe for the consideration of a proposal post exhibition	February 2022
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	N/A
Anticipated date RPA will make the plan (if delegated)	March 2022
Anticipated date RPA will forward to the department for notification (if delegated)	March 2022