

Farley Investigation Area (Stage 1)

Proposal Title : **Farley Investigation Area (Stage 1)**

Proposal Summary : **To rezone 175 ha of land as Stage 1 of the Farley Investigation Area from RU2 Rural Landscape to R1 General Residential and E3 Environmental Management, and create an Urban Release Area.**

PP Number : **PP_2011_MAITL_003_00**

Dop File No : **11/18327**

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

1. Council is to consider an acid sulfate soils study in assessing the appropriateness of the change of land use given the possible presence of acid sulfate soils in accordance with s.117 direction 4.1 Acid Sulfate Soils.

2. Council is to consider a contamination study for purposes of consistency with clause 6(1) of SEPP 55.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as not of low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 28; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- **Australian Rail and Track Corporation**
- **Mindaribba Aboriginal Land Council**
- **Catchment Management Authority – Hunter / Central Rivers**
- **Office of Environment and Heritage**
- **Heritage Branch - Office of Environment and Heritage**
- **Department of Primary Industries (Agriculture)**
- **Hunter Water Corporation**
- **NSW Rural Fire Service**

- Roads and Traffic Authority

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

7. The Director General is sign off on inconsistencies with Section 117 Local Planning Directions 1.2 Rural Zones and 1.5 Rural Lands as the inconsistencies are justified as the planning proposal is in accordance with the Lower Hunter Regional Strategy (LHRS) which identifies the land as a 'proposed urban area'. The LHRS gives consideration to the objective of this direction.

8. In accordance with Section 117 Direction 4.4 Planning for Bushfire Protection Council is to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and prior to undertaking community consultation take into account any comments made by the Commissioner.

9. Council is to revise the planning proposal before exhibition to include mapping of:

- Flood prone land
- Aerial Photo overlaid with proposed zone boundary and / or vegetation mapping
- Category 1 and Category 2 Farley release areas

10. Council is to revise the planning proposal before exhibition to remove references to 'recreational uses' in the statement of objectives

Supporting Reasons :

The proposal is identified as an proposed urban area in the Lower Hunter Regional Strategy, and is consistent with the actions and outcomes of the strategy. The proposal is also consistent with the endorsed Maitland Urban Settlement Strategy 2008.

Further information is required for the Department to establish a more informed view on the details of the proposal generally and to assess consistency with s117 direction 4.1 and SEPP 55 in particular. This information will be obtained from required studies, and through consultation with relevant agencies and the community during exhibition.

Panel Recommendation

Recommendation Date : 10-Nov-2011

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should should proceed subject to the following conditions:

1. Council is to prepare an acid sulphate soils study in accordance with the requirements of S117 Direction 4.1 Acid Sulfate Soils to assess the appropriateness of the changes in land use given the possible presence of acid sulphate soils within the release area. This study is to be placed on public exhibition with the planning proposal.
2. Council is to prepare a preliminary site investigation contamination study in accordance with clause 6(1) of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. This study is to be placed on public exhibition with the planning proposal.
3. Council is to ensure that appropriate mapping is provided for public exhibition purposes and in particular, the subject site is to be clearly identified in all supporting mapping placed on public exhibition. In addition, Council is to prepare and exhibit the following additional maps to support the planning proposal:
 - a. Flood prone land map;
 - b. Acid Sulfate Soils Map identifying categories of acid sulfate soils present on the site; and
 - c. An aerial photograph showing all proposed zone boundaries and highlighting

vegetation areas proposed to be protected through zoning.

4. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

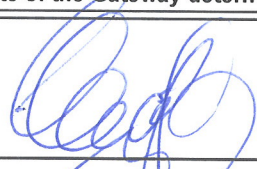
- Australian Rail and Track Corporation
- Mindaribba Aboriginal Land Council
- Catchment Management Authority – Hunter/Central Rivers
- Office of Environment and Heritage
- Heritage Branch – Office of Environment and Heritage
- Department of Primary Industries (Agriculture)
- Hunter Water Corporation
- NSW Rural Fire Service
- Roads and Traffic Authority

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

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature:



Printed Name:

Neil McGaffin

Date:

15.11.11