

Bolwarra Urban Release Area further amendments

Proposal Title : **Bolwarra Urban Release Area further amendments**

Proposal Summary : **Council proposes to alter the planning controls in the Maitland LEP 2011 for Lot 931 DP 1178976 Bolwarra Road, Bolwarra (known as the Bolwarra Urban Release Area).**

The Planning Proposal (PP) would:

- make relatively minor adjustments to the existing residential (R1) and environmental (E3) zone boundaries, and amend the minimum lot sizes accordingly;
- change the minimum lot size for the western & south western E3 portions from 40 ha to 2 ha; and
- remove the land from the urban release area map.

PP Number : **PP_2013_MAITL_007_00**

Dop File No :

13/17918

Proposal Details

Date Planning **25-Oct-2013**

Proposal Received :

LGA covered :

Maitland

Region : **Hunter**

RPA :

Maitland City Council

State Electorate : **MAITLAND**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 931 DP 1178976 Bolwarra Road, Bolwarra**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

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RPA Contact Details

Contact Name : **Josh Ford**

Contact Number : **0249349720**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **BACKGROUND**

The existing planning controls for the Bolwarra Urban Release Area provide for the urban development of this precinct, and were introduced by LEP Amendment 107 (made May 2011).

Following further detailed planning (flooding, waste water infrastructure), Council wants to amend the existing controls to better facilitate the urban development of the site. The controls proposed in this PP support a concept DA proposed for the site. Council intends to progress the PP and DA concurrently.

NO OF DWELLINGS CREATED

The changes proposed are not anticipated to increase the overall dwelling yield established by LEP Amendment 107 (approx 60 dwellings).

LOT & DP

Council has confirmed the lot and DP references to lot 9 DP 1116838 in the PP are incorrect. The correct lot and DP is Lot 931 DP 1178976. The PP should be updated accordingly.

Adequacy Assessment

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

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

Comment : **The statement of objectives is consistent with the Department's "A guide to preparing**

planning proposals".

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

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

Comment : **The explanation of provisions is consistent with the Department's "A guide to preparing planning proposals".**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.3 Heritage Conservation

* May need the Director General's agreement

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 14 day community consultation period is proposed by Council. As the PP makes relatively minor changes to the established planning scheme, it is considered a low impact proposal. The 14 day period is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE

Council proposes a six month completion timeframe for the PP, with the PP being returned to the Department for finalisation in mid February. This is supported.

PLAN-MAKING DELEGATION

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

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As the development proposal includes land to be dedicated to Council, plan-making delegation is not recommended.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Maitland LEP 2011 was notified in December 2011.

Assessment Criteria

Need for planning
proposal :

Council states the PP is needed due to:

1. unforeseen requirements for land filling to accommodate wastewater infrastructure at the site;
2. a revised flood level since gazettal of LEP Amendment 107;
3. potential for better management of environmental land within the site; and
4. potential for public access through the western portion of the site, adjoining the Hunter River (note: this is land proposed to be dedicated to Council).

These reasons support the rezoning and minimum lot size components of the PP, and are justified.

The PP would also remove the land from the Urban Release Area map. In doing so, Part 6 of the LEP (provisions for state infrastructure, local servicing, DCP) would not apply.

To support this, Council has provided advice from the Department (see DP&I Infrastructure Letter in Appendix 3) advising that state infrastructure contributions are not required for the site. Further, Council has advised that in progressing the DA concurrently with the PP, Council will resolve local servicing and the DCP matters set out in the LEP clauses 6.2 and 6.3 respectively.

Given these circumstances, retaining the land on the URA map would be of minimal value and so this change is justified also.

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Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

The PP is proposed in order to better facilitate the development of an existing, undeveloped urban release area which would deliver approximately 60 dwellings. In this context, the proposal is considered consistent with the LHRS because it would help achieve greenfield residential targets. The proposal may also see a better environmental and social outcome (discussed further below under the 'Environmental Social Economic Impacts' section).

LOCAL STRATEGIES

Council advises the PP is consistent with its Community Strategic Plan.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The PP is consistent with the relevant SEPPs.

s117 DIRECTIONS

The PP is consistent with the relevant s117 directions except the following which require further discussion:

4.3 Flood Prone Land - in amending the R1/ E3 zone boundary, some flood affected E3 would be rezoned R1 and as a result the PP is inconsistent with this direction (subclause 5). Council has undertaken further flooding investigations and proposes minor filling in these areas to provide flood-free building envelopes, stating the filling is of minor significance.

Council is the planning authority responsible for managing flooding issues and following further studies (infrastructure and flooding) has a better understanding of the flooding impacts in the area and filling requirements. The matters set out in the direction have been adequately considered by Council and the DG should agree that the inconsistency with this direction is of minor significance.

Environmental social economic impacts :

ENVIRONMENTAL

Environmental issues associated with the proposal are anticipated to be minimal. While the PP would change the E3/ R1 zone boundary, this boundary was originally determined based on flood impacts which Council is satisfied can be adequately managed under the revised boundary, noting Council has also undertaken further flooding work which has reduced the flood height.

The minimum lot size for a section of the E3 area would be reduced from 40 ha to 2 ha, in effect allowing the land to be subdivided into three additional E3 zoned parcels. This however is not anticipated to adversely affect the environmental values of the land. One of the parcels is to be dedicated to Council (for public access to the Hunter River). While the other two have limited development potential being largely flood affected and zoned E3. Any future development on these two parcels would be limited to the flood free portion which is currently zoned R1.

Other issues such as ecology, noise, vibration, contamination, visual, heritage, traffic, and bushfire impacts were considered in detail as part of LEP Amendment 107. This included agency consultation with agencies like RFS and OEH.

The land also includes an aboriginal place - King Tom's Memorial Headstone. While the new controls are not anticipated to adversely affect this place, the Mindaribba LALC and OEH should be consulted as part of the PP process.

SOCIAL

Reducing the minimum lot size of part of the E3 section should facilitate the dedication of a strip of land on the western edge of the site which adjoins the Hunter River. This may

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provide public access to the river for the community and improve linkages through the site. This should result in a positive social outcome.

ECONOMIC

The PP is proposed by Council to better facilitate the development of the release area, particularly in light of servicing issues that arose after the original LEP controls were introduced. Resolving these issues should allow the development to proceed, and in turn create jobs through the construction of the estate.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council report.pdf	Proposal	Yes
Council minutes.pdf	Proposal	Yes
Planning Proposal (no appendices).pdf	Proposal	Yes
Planning Proposal Appendix 1 - Location Map.pdf	Proposal	Yes
Planning Proposal Appendix 2 proposed LSZ_004C.pdf	Proposal	Yes
Planning Proposal Appendix 2 proposed LZN_004C.pdf	Proposal	Yes
Planning Proposal Appendix 2 proposed URA_004C.pdf	Proposal	Yes
Planning Proposal Appendix 2 and 3.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 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 following conditions are recommended:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to replace references to lot 9 DP 1116838 with the correct lot and DP, lot 931 DP 1178976.
2. 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 a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (OEH) and with the Mindarriba Local Aboriginal Land Council.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. 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).
5. The timeframe for completing the LEP is to be 6 months.

The DG's delegate should agree that the PP's inconsistency with s117 direction 4.3 Flood Prone Land is of minor significance.

Authorisation to use plan-making delegation should not be given to Council.

Supporting Reasons :

Signature:



Printed Name:

KO'FLAHERTY

Date:

18-10-13

