



city council

Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

Housekeeping LEP - Various Sites

Version 1.0

10/02/2016



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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for, the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) to rectify minor zoning, property description and mapping anomalies.

Through the application of the MLEP 2011 to various development proposals, Council planning staff encountered several minor LEP anomalies. These anomalies have been noted by planning staff in the time since the previous Housekeeping LEP was presented to Council in June 2013. The anomalies are predominantly the result of minor inconsistencies between land use zone boundaries and registered cadastral boundaries across several development fronts within the LGA.

The Housekeeping LEP also seeks to rectify some land use matters where the current zoning does not reflect the intended use of the land. Council is initiating a Plan of Management and Masterplan for two Hunter River foreshore sites located in Morpeth and Lorn as part of an initiative to improve recreational access to the Hunter River. The current RU2 zoning of these sites is inconsistent with their intended use and will need to be rezoned to RE1 Public Recreation zone. A minor B4 zone boundary amendment is also required to accommodate an outdoor café associated with the proposed Riverlink Building on High Street, Maitland.

A number of heritage matters have been noted, and these are proposed to be addressed under the Housekeeping LEP. Changes to the heritage items seek to rectify mapping errors, where inconsistencies between the mapped heritage item and the correct property description have been identified.

Additionally, a small site owned by Hunter Water Corporation, which forms part of a drainage corridor in East Maitland, has been identified as being unzoned. This site contains pipeline access infrastructure, and is proposed to be zoned SP1 Special Activities zone. It is assumed that this anomaly and the heritage item anomalies are the result of the format change and transfer of mapping items from the MLEP 1993 to the MLEP 2011.

The Housekeeping LEP proposes the inclusion of shop-top housing as a permissible use in the B3 Commercial Core zone. This is a consistent suitable land use that will complement the range of retail, business, office, entertainment and community uses in the B3 Commercial Core zone and will add to the revitalisation of the Maitland town centre.

The Housekeeping LEP applies to a number of items which have been individually identified, mapped and listed to clearly illustrate the extent and purpose of each item.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are;

1. Resolve several minor LEP mapping, property description and zoning anomalies
2. Rezone the subject lands to reflect the intended land use
3. Ensure that R1 zoned land is above the Maitland LEP 2011 Flood Planning Level
4. Eliminate the potential for administrative complications due to LEP mapping, property description and zoning anomalies

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to reflect the changes itemised below.

Items 1 to 16 seek to rectify zoning anomalies that exist within the footprint of registered subdivisions. Specifically, the zone boundary anomalies have occurred where the registered subdivision design has made a minor encroachment into the existing RU2 Rural Landscape zone.

In some instances, the registered subdivision design has made a minor encroachment into the flood plain. Where this has occurred, regrading works have reshaped the subject lands in such a way that site-specific flood planning constraints have been resolved. Finished ground levels have been verified by civil engineer design construction diagrams and site surveys, confirming that the proposal does not place any of the approved allotments below the adopted flood level for the area.

It should be noted that this proposal does not include any amendments to the Flood Planning Maps. The Draft FPL places some lots below the 1:100 flood event (plus 0.5 metre freeboard), particularly on the periphery of Urban Release Areas. This is likely due to the use of flood modelling data that was collected prior to development of these urban areas. Rather than address these anomalies in a piecemeal fashion, it is considered appropriate to address FPL related anomalies in a holistic manner via a separate amendment.

ITEM 1	
Location	Lot 1, 2, 3 & 4 DP1209566 & Lot 2027 DP1163944
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 1- 4

ITEM 2	
Location	Lot 1 & 2 DP1176748 & Lot 1 & 2 DP1181630
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 1 - 4

ITEM 3	
Location	Lot 1306 DP1155049 & Lot 513 DP1149062
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 1 - 4

ITEM 4	
Location	Lot 524 DP1149062
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 1 - 4

ITEM 5	
Location	Lot 209, 210 & 211 DP1129334
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 5 - 6

ITEM 6	
Location	Lot 222, 223, 224 & 225 DP1129334
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from

	40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 5 - 6

ITEM 7	
Location	Lot 322 & 323 DP1163260
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 7 - 9

ITEM 8	
Location	Lots 301, 302, 303 & 304 DP1163260 & Lot 210 DP1158069
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 7 - 9

ITEM 9	
Location	Lots 201 & 209 DP1158069
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 7 - 9

ITEM 10	
Location	Lots 6035, 6034 & 6033 DP1069064
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 10 - 13

ITEM 11	
Location	Lots 6001 & 6016 DP1069064
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 10 - 13

ITEM 12	
Location	Lots 9017, 9026, 9027, 9029 & 9030 DP1153620 & Lots 1 & 2 DP1184174
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 10 - 13

ITEM 13	
Location	Lots 9014 & 9016 DP1153620
LEP Map Amendments	LZN_004D LSZ_004D
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 10 - 13

ITEM 14	
Location	Lots 956 & 957 DP1207978
LEP Map Amendments	LZN_004B LSZ_004B
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Item 14

ITEM 15	
Location	Lot 426 DP1161356
LEP Map Amendments	LZN_004B LSZ_004B
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 15 - 16

ITEM 16	
Location	Lot 425 DP1161356 & Lot 208 DP1192888
LEP Map Amendments	LZN_004B LSZ_004B
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Items 15 - 16

Item 17 seeks to extend the R1 zone to the Draft Flood Planning Level. The existing R1 zone boundary and developable area is demarcated by the existing FPL, which is soon to be superseded by the Draft FPL. This amendment will resolve permissibility issues that would otherwise arise on the developable land area following adoption of the Draft FPL.

ITEM 17	
Location	Lot 17 & 18 DP263196 & Lot 1 DP1119043
LEP Map Amendments	LZN_004B LSZ_004B
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to R1 General Residential zone, (ii) amend the minimum lot size for the R1 zoned land from 40Ha to 450m2, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Item 17

Item 18 seeks to rectify a minor zone anomaly where the subdivision design has made a minor encroachment into the RE1 zone. It should be noted that the RE2 zone has an additional permitted use to enable housing development.

ITEM 18	
Location	Lot 31 DP280047
LEP Map Amendments	LZN_004A
Purpose	To (i) rezone the land from RE1 Public Recreation zone to RE2 Private Recreation zone, to rectify minor zoning, property description and mapping anomalies
Locality Plan	Item 18

Items 19 to 21 seek to rectify mapping anomalies where the heritage items have been incorrectly located. In some instances, the location of the heritage item has also been incorrectly described under Schedule 5 of the MLEP 2011. These anomalies are the result of the format change and transfer of mapping items from the MLEP 1993 to the MLEP 2011.

Please note that Locality Plans for Items 19 – 21 feature some unavoidable discolouration of the red shaded Conservation Area.

ITEM 19	
Location	Lot 55 DP1036861
LEP Map Amendments	HER_004D
Purpose	This anomaly is to be rectified by changing the relevant map to reflect only the correct site, being Lot 55, DP1036961. The address and property description under Schedule 5 of the Maitland LEP 2011 are to be changed to 50 King Street and Lot 55 DP1036861 respectively, to reflect only the correct site known as 'Villa Maria', Item no I61.
Locality Plan	Item 19

ITEM 20	
Location	Lot 1012 & 1013 DP 1084812
LEP Map Amendments	HER_004D
Purpose	This anomaly is to be rectified by changing the relevant heritage map to reflect only the correct site, being Lots 1012 and 1013, DP1084812. The address and property description under Schedule 5 of the Maitland LEP 2011 is to be changed to 49-51 Banks St and Lots 1012 and 1013 DP1084812 respectively, to reflect only the correct site known as Item no I26.
Locality Plan	Item 20

ITEM 21	
Location	Lot 18 DP1087169
LEP Map Amendments	HER_004A HER_004C
Purpose	To (i) amend the relevant heritage map to reflect only the correct site, being Lot 18, DP1087169. To (ii) amend the property description under Schedule 5 of the Maitland LEP 2011 to reflect only the correct site, being Lot 18, DP1087169, Item no I113
Locality Plan	Item 21

Items 22 to 24 seek to rectify land use matters where the current zoning does not reflect the intended use of the land. Council is initiating a Plan of Management and Masterplan for two Hunter River foreshore sites located in Morpeth and Lorn as part of an initiative to improve recreational access to the Hunter River. The current RU2 zoning of these sites is inconsistent with their intended use and will need to be rezoned to RE1 Public Recreation zone. This amendment will require referral to the NSW Office of Water, Local Land Services and the Office of Environment and Heritage.

ITEM 22	
Location	Lots 1/A to 3/A DP5394 & Lot 7007 DP1006732
LEP Map Amendments	LZN_004A LZN_004C LSZ_004A LSZ_004C
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to reflect the intended land use for public recreation.
Locality Plan	Item 22

ITEM 23	
Location	Lot 3 DP1149223 & Lot 3PT DP755237
LEP Map Amendments	LZN_004C LSZ_004C
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to reflect the intended land use for public recreation.
Locality Plan	Items 23 -24

ITEM 24	
Location	Lot 30 DP543798 & Lot 3PT DP755237 & Lot 1 DP169466
LEP Map Amendments	LZN_004C LSZ_004C
Purpose	To (i) rezone the land from RU2 Rural Landscape zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to reflect the intended land use for public recreation.
Locality Plan	Items 23 - 24

Item 25 proposes a minor B4 zone boundary amendment to accommodate an outdoor café associated with the proposed Riverlink Building on High Street, Maitland. For the purpose of facilitating outdoor dining, the amendment would extend the B4 zone to a retaining wall adjoining the Hunter River Levee. This amendment will require referral to the NSW Office of Water, Local Land Services and the Office of Environment and Heritage.

ITEM 25	
Location	(Part) Lot 1 DP1044531
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from RE1 Public Recreation zone to B4 Mixed Use zone, (ii) amend the minimum lot size for B4 zoned land to nil, for the purpose of facilitating outdoor dining.
Locality Plan	Item 25

Item 26 proposes an SP1 Special Activities zone for a small lot owned by Hunter Water Corporation that is currently unzoned. An amendment was made in 2002 (Amendment No. 64) to the MLEP 1993 rezoning the subject land from 6(a) Public Recreation to 5(a) Special Uses. The anomaly is a result of the format change and transfer of mapping items from the MLEP 1993 to the MLEP 2011. Referral to Hunter Water Corporation will be required.

ITEM 26	
Location	Lot 1 DP574831
LEP Map Amendments	LZN_004D
Purpose	To (i) zone the land SP1 Special Activities zone, to rectify minor zoning, property description and mapping anomalies.
Locality Plan	Items 26

Items 27 to 29 seek to rezone the subject land from R1 General Residential zone to RE1 Public Recreation zone. The R1 zone does not reflect the current and intended use of the subject land for public recreation.

ITEM 27	
Location	(Part 1) Lot 1915 DP1137217
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from R1 General Residential zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to rectify minor zoning, property description and mapping anomalies.
Locality Plan	Item 27 - 29

ITEM 28	
Location	(Part 2) Lot 1915 DP1137217
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from R1 General Residential zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to rectify minor zoning, property description and mapping anomalies.
Locality Plan	Item 27 - 29

ITEM 29	
Location	(Part 3) Lot 1915 DP1137217
LEP Map Amendments	LZN_004A LSZ_004A
Purpose	To (i) rezone the land from R1 General Residential zone to RE1 Public Recreation zone, (ii) amend the minimum lot size for RE1 zoned land to nil, to rectify minor zoning, property description and mapping anomalies.
Locality Plan	Item 27 - 29

ITEM 30

Item 30 seeks to include shop-top housing as a permissible use with consent in the B3 Commercial Core zone. The rationale for shop-top housing being a permissible use is that it is a consistent suitable land use that compliments the range of retail, business, office, entertainment and community uses in the B3 Commercial Core zone and will potentially add to the revitalisation of the Maitland town centre. It would also be consistent with the objectives of the B3 zone.

No other forms of residential accommodation would be permissible in the B3 zone (this term to remain listed under prohibited uses).

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 is not the result of a strategic study or report. In this instance, council became aware of zoning anomalies through the application of the MLEP 2011 to various development proposals, Council planning staff encountered several minor LEP anomalies. These anomalies have been noted by planning staff in the time since the previous Housekeeping LEP was presented to Council in June 2013.

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

There is no better way, or alternative way, to achieve the objectives of this planning proposal. The matter requires an amendment to the Maitland LEP 2011

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this proposal. However, the planning proposal will ensure that the Maitland LEP 2011 is current and correct by resolving minor anomalies. Therefore, the net community benefit is likely to be neutral or positive.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

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

The planning proposal is considered to be consistent with the aims and objectives of the Lower Hunter Regional Strategy 2006 as it complies with the principles of the strategy by aiding the continued development of the Maitland LGA, by ensuring that Council's principle planning instrument is current and correct. The planning proposal will ensure that development in the Maitland LGA is not compromised by LEP zoning, mapping and property description anomalies.

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

Maitland +10 (Community Strategic Plan)

The proposal supports the following objectives of the Council's community strategic plan (Maitland +10); our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future.

Rectifying anomalies in the Maitland LEP 2011 will ensure the coherent delivery of Council's planning objectives. This translates to a built environment that is well-planned and responsive to the needs of the community.

Maitland Urban Settlement Strategy (MUSS) 2012

To achieve the objectives of the MUSS it is necessary to ensure that development is not compromised by LEP zoning, mapping and property description anomalies. Because this planning proposal seeks to rectify several LEP anomalies, it is therefore considered that the planning proposal is consistent with the aims and objectives of the MUSS 2012. Rectifying anomalies in the Maitland LEP 2011 will ensure the coherent delivery of Council's planning objectives.

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

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

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
SEPP (RURAL LANDS) 2008	Inconsistent
The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.	The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance.

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

Table 2: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial zones	Consistent
The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.	The proposal is consistent with the objectives of this direction as it seeks to support business development in the Maitland CBD.
1.2 Rural Zones	Inconsistent
The objective of this direction is to protect the agricultural production value of rural land.	The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
	to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	
The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not Applicable
1.4 Oyster Aquaculture	
The objectives of this direction are to ensure that Priority Oyster Aquaculture Areas and other oyster aquaculture areas, and any adverse impacts on these areas, are considered when preparing a planning proposal.	Not Applicable
1.5 Rural Lands	Inconsistent
The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	The proposal is inconsistent with the objectives of this direction because it includes the rezoning of RU2 Rural Landscape zoned land to R1 General Residential zone. However, the inconsistency is considered justified because (i) the rezoning is consistent with the aims and objectives of the MUSS, and (ii) because the existing RU2 zoning is anomalous in nature and the associated amendments are of minor significance.
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones	
The objective of this direction is to protect and conserve environmentally sensitive areas.	Not Applicable
2.2 Coastal Protection	
The objective of this direction is to implement the principles in the NSW Coastal Policy.	Not Applicable
2.3 Heritage Conservation	Consistent

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The proposal is consistent with the objectives of this direction as it seeks to rectify mapping and property description anomalies relating to heritage items in the Maitland LEP 2011.
2.4 Recreation Vehicle Areas	Not Applicable
The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones	Consistent
Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services.	The Maitland City Wide Development Control Plan gives consideration to the objectives of this direction, and identifies the land which is the subject of this planning proposal. Additionally, the changes affected by the planning proposal are of minor significance.
3.2 Caravan Parks & Manufactured Home Estates	
To provide a variety of housing types and to provide for caravan parks and manufactured home estates.	Not Applicable
3.3 Home Occupations	Consistent
To encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal is consistent with this direction, given that rectifying LEP zoning, mapping and property description anomalies will result in the development of land for urban purposes.
3.4 Integrating Land Use and Transport	Consistent
The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.	The planning proposal will aid the development of urban centres and approved residential subdivisions which are well located to provide high levels of accessibility to existing road and public transport networks.
3.5 Development Near Licensed Aerodromes	
The objectives relate to the safe operation of aerodromes, as well as mitigating against obstruction, flight hazard and aircraft noise.	Not Applicable
3.6 Shooting ranges	
The objectives relate to safety and planning associated with shooting ranges.	Not Applicable

4. HAZARD and RISK**4.1 Acid Sulfate Soils****Consistent**

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

The Maitland LEP 2011 indicates a potential Class 3, Class 4 and Class 5 Acid Sulphate Soils risk affecting the subject lands. The Maitland Development Control Plan gives consideration to the objectives of this direction. In addition, the subject lands have, in accordance with Clause 7.1 of the MLEP 2011, been required to include an Acid Sulfate Soil and Salinity Management Plan as a condition of development consent. Given the minor nature of the proposal, the matter is considered to be of minor significance.

4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Not Applicable

4.3 Flood Prone Land**Consistent**

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Part of the subject land is shown to be flood affected on the relevant Flood Planning Map under the Maitland LEP 2011. It should be noted that, in accordance with Clause 7.3 of the MLEP 2011, the Flood Planning Level for development within the subject site would be the level of a 1:100 ARI flood event plus 0.5 metre freeboard. The extent of the proposed zone boundary amendments have been based on this definition of FPL in the MLEP 2011.

4.4 Planning for Bushfire Protection**Consistent**

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

Part of the subject lands are identified as being bushfire prone. The Maitland Development Control Plan gives consideration to the objectives of this direction. In addition, subject lands are required to comply with sections 4.1.3 and 4.1.3(1) *Planning for Bushfire Protection 2006* as a condition of development consent.

5. REGIONAL PLANNING

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
5.1 Implementation of Regional Strategies	Consistent
This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.	The planning proposal is considered to be consistent with the aims and objectives of the Lower Hunter Regional Strategy 2006 as it complies with the principles of the strategy by ensuring that the MLEP 2011 is current and correct, therefore aiding the continued development of the Maitland LGA.
5.2 Sydney Drinking Water Catchment	
The objective of this direction is to protect water quality in the Sydney drinking water catchment.	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
This direction aims to protect the best agricultural land for current and future generations by providing certainty over long term use, and in doing so, minimising land use conflicts.	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
This direction aims to manage commercial and retail development along the Pacific Highway between Port Stephens and Tweed Shire Councils.	Not Applicable
5.8 Second Sydney Airport: Badgery's Creek	
This direction aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgery's Creek.	Not Applicable
5.9 North West Rail Link Corridor Strategy	
This direction aims to promote transit-oriented development around the train stations of the NWRL and ensure development adheres to the NWRL Corridor Strategy and precinct Structure Plans.	Not Applicable
6. LOCAL PLAN MAKING	
6.1 Approval and Referral	Consistent
The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No additional LEP provisions will be required.
6.2 Reserving Land for Public Purposes	
The direction aims to facilitate (i) the provision	Not Applicable

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

of public services and facilities by reserving land for public purposes; and (ii) removal of reservations of land for public purposes where land is no longer required for acquisition.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Not Applicable
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7. METROPOLITAN PLANNING**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Not Applicable
--	----------------

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?**

There will be no impact on any of these matters as a result of the planning proposal.

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

Council is initiating a Plan of Management and Masterplan for two Hunter River foreshore sites located in Morpeth and Lorn as part of an initiative to improve recreational access to the Hunter River. The current RU2 zoning of these sites is inconsistent with their intended use and will need to be rezoned to RE1 Public Recreation zone. Any likely environmental effects will be addressed via the Plan of Management and Masterplan for each site.

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

The planning proposal is for the purpose of rectifying minor anomalies contained within the Maitland LEP 2011. The social and economic effects were addressed during the preparation of the Maitland LEP 2011.

There are no additional social or economic effects as a result of this planning proposal

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

There is no additional demand generated for public infrastructure as a result of this planning proposal.

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

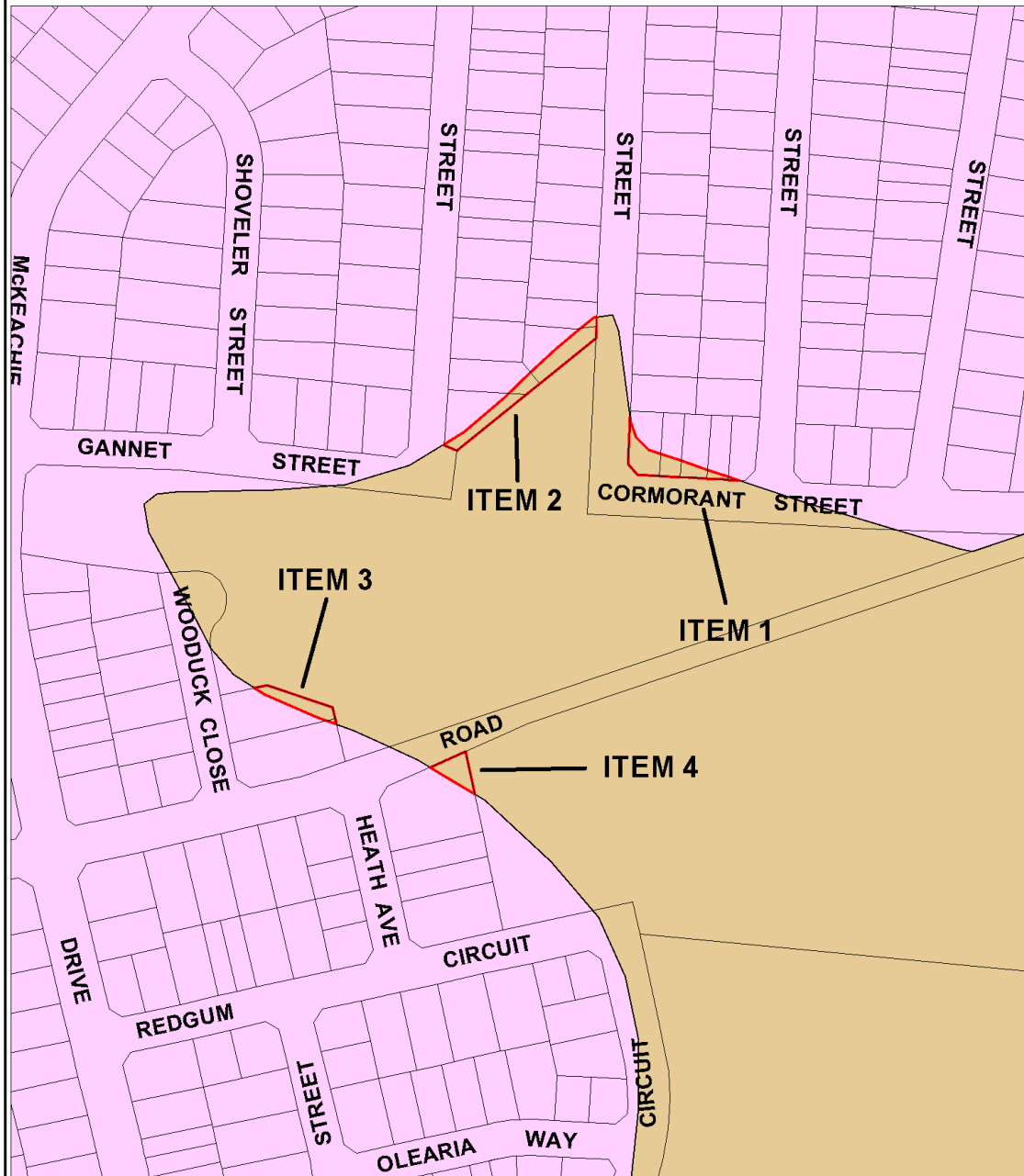
No formal consultation with State and Commonwealth public authorities has been undertaken at this stage for this planning proposal. Consultation will occur in accordance with the conditions outlined in the Gateway Determination to be issued for this planning proposal.

PART 4: LOCALITY PLANS

The following Draft LEP maps support the proposal:

ITEMS 1 - 4

EXISTING R1 / RU2 SPLIT ZONE



Scale 1 : 000
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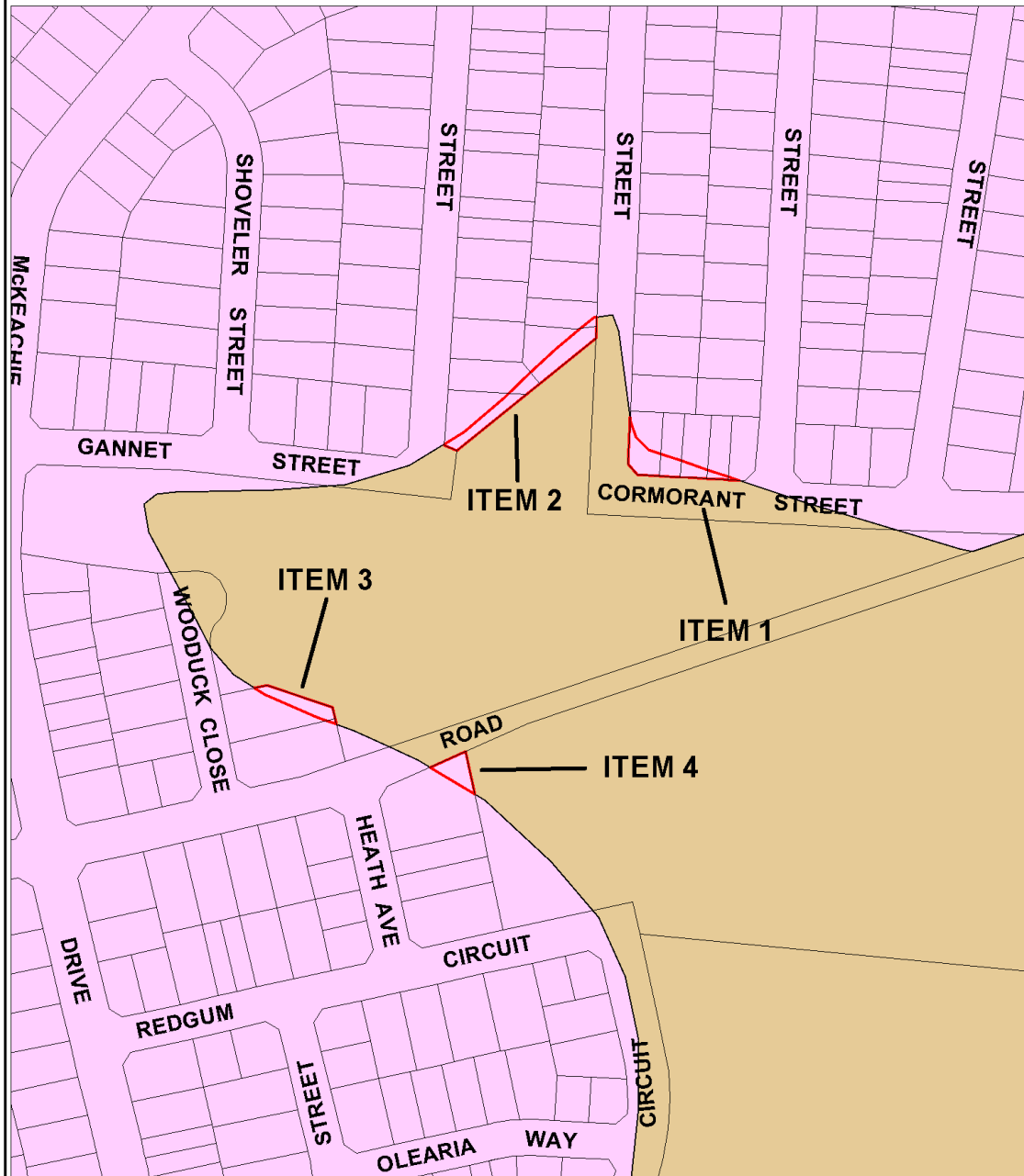
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ITEMS 1 - 4

PROPOSED REZONING FROM RU2 TO R1



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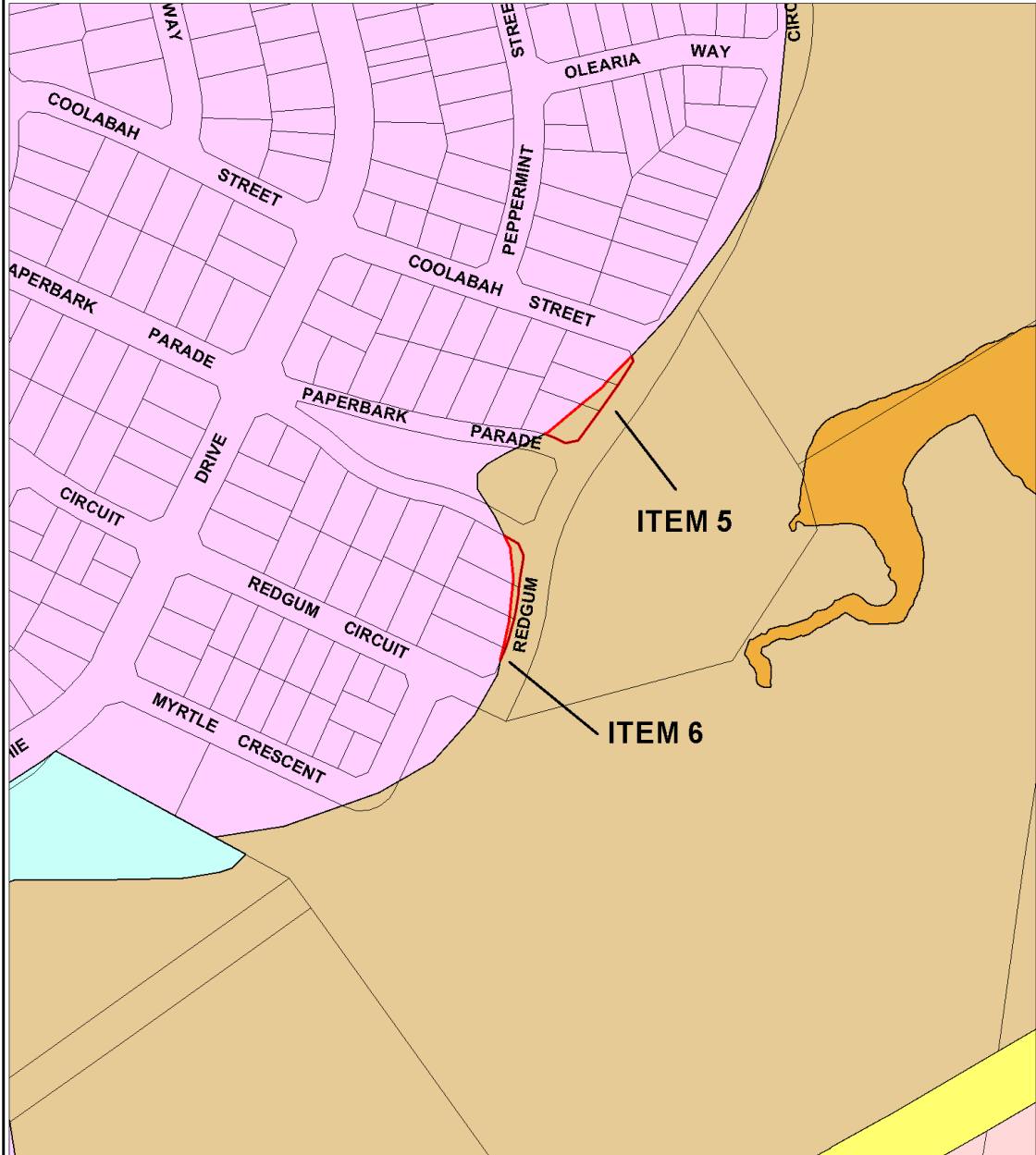
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ITEMS 5 - 6

EXISTING R1 / RU2 SPLIT ZONE



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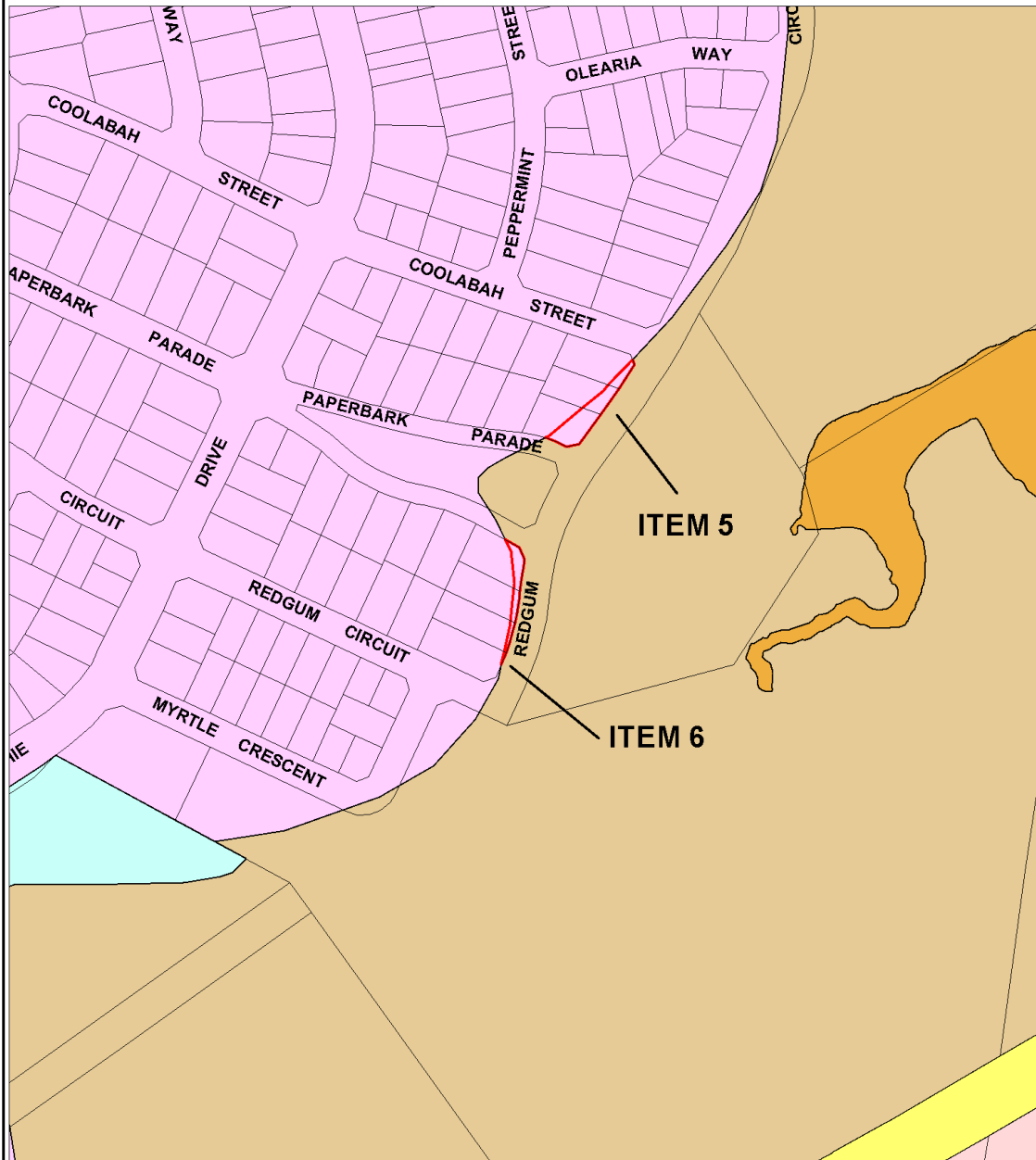
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ITEMS 5 - 6

PROPOSED REZONING FROM RU2 TO R1



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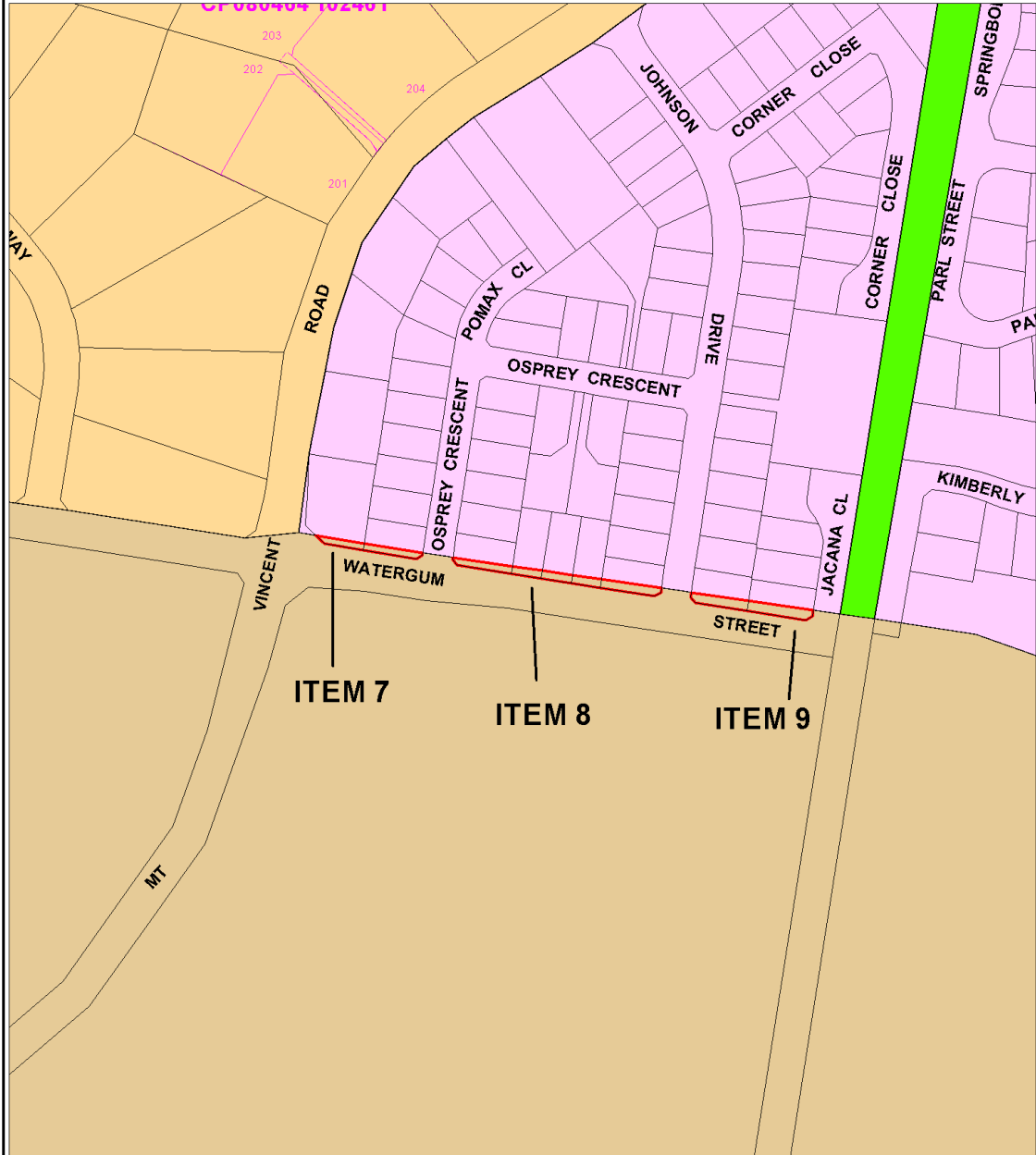
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ITEMS 7 - 9

EXISTING R1 / RU2 SPLIT ZONE



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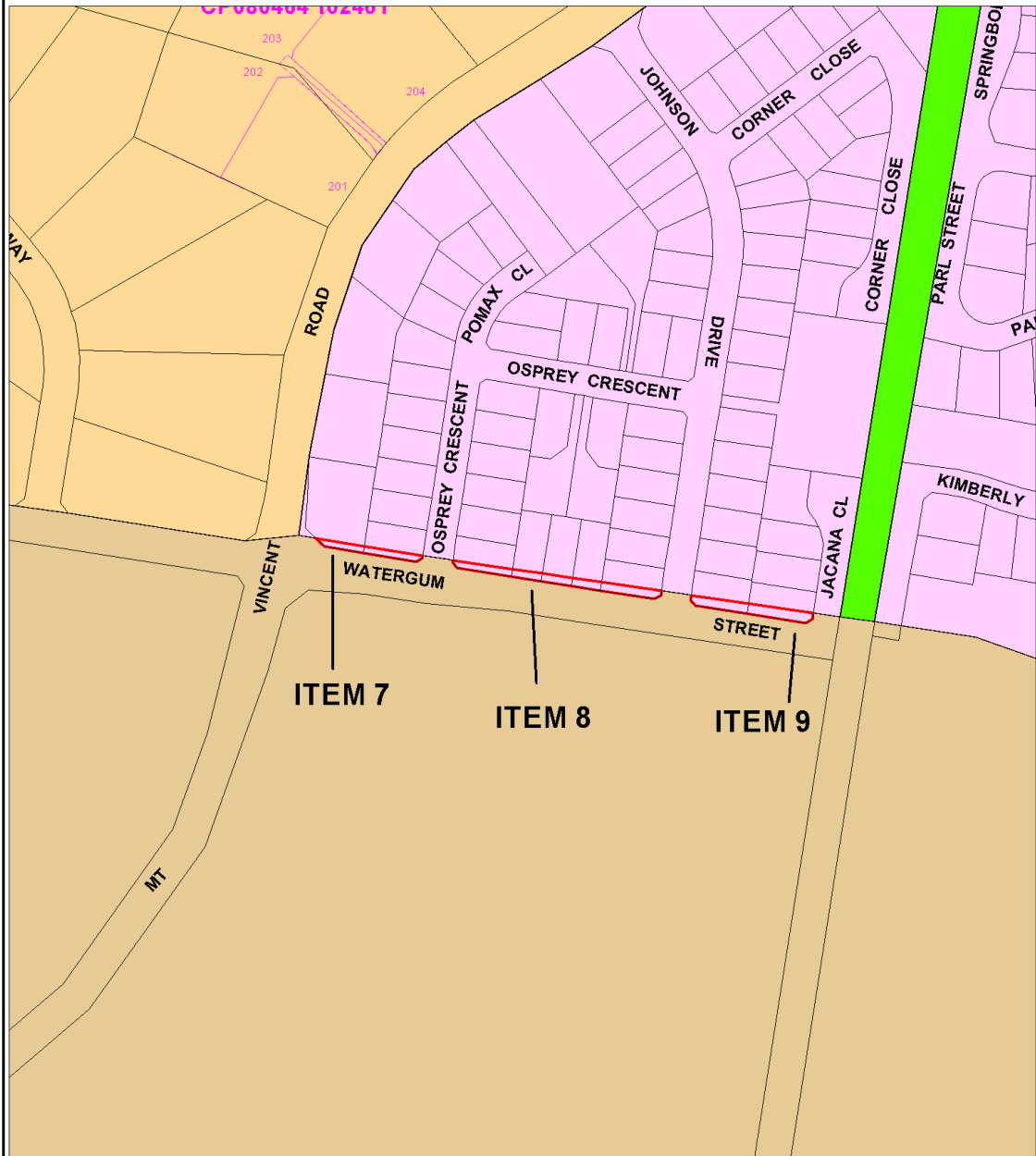
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ITEMS 7 - 9

PROPOSED REZONING FROM RU2 TO R1



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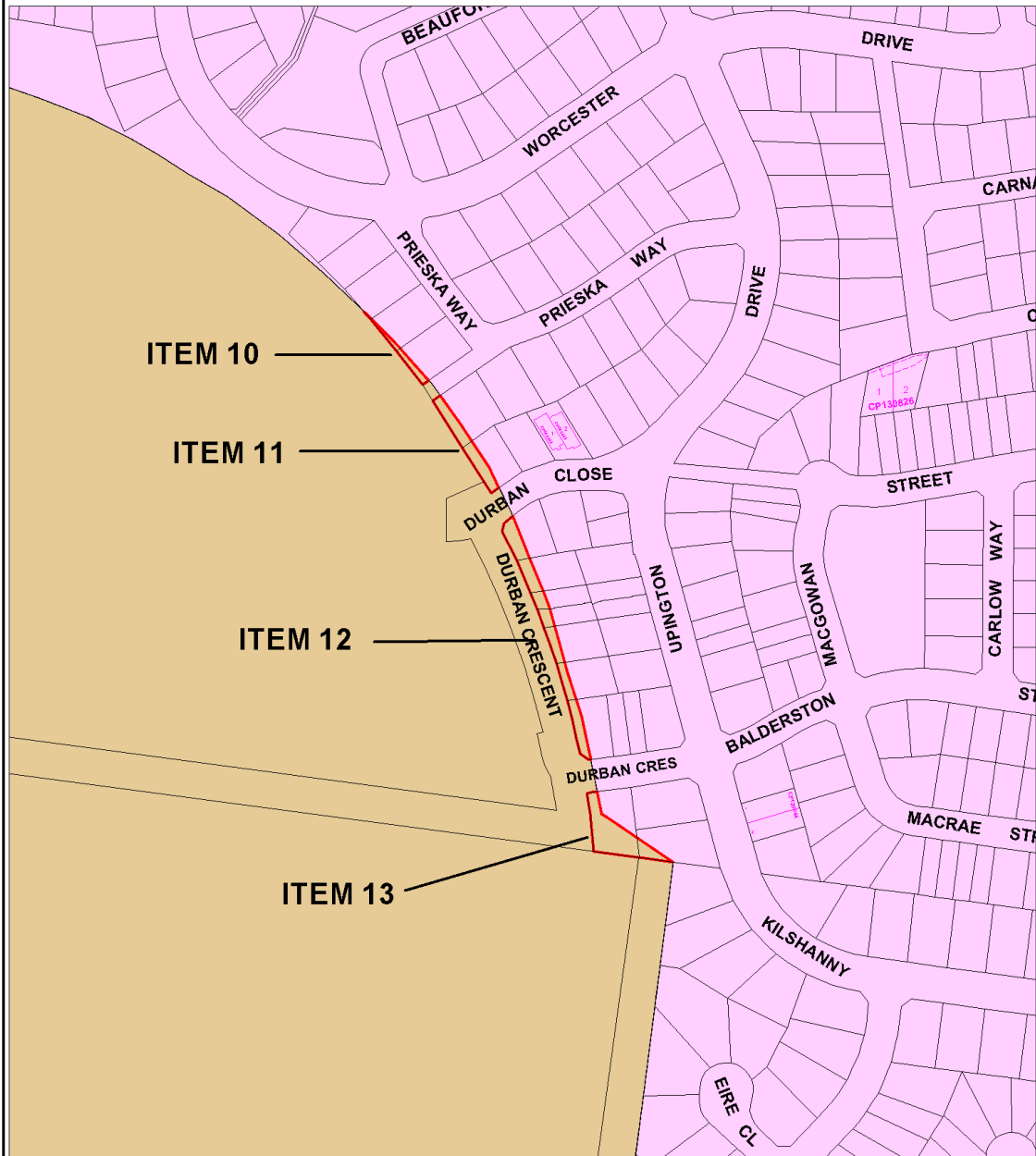
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ITEMS 10 - 13

EXISTING R1 / RU2 SPLIT ZONE



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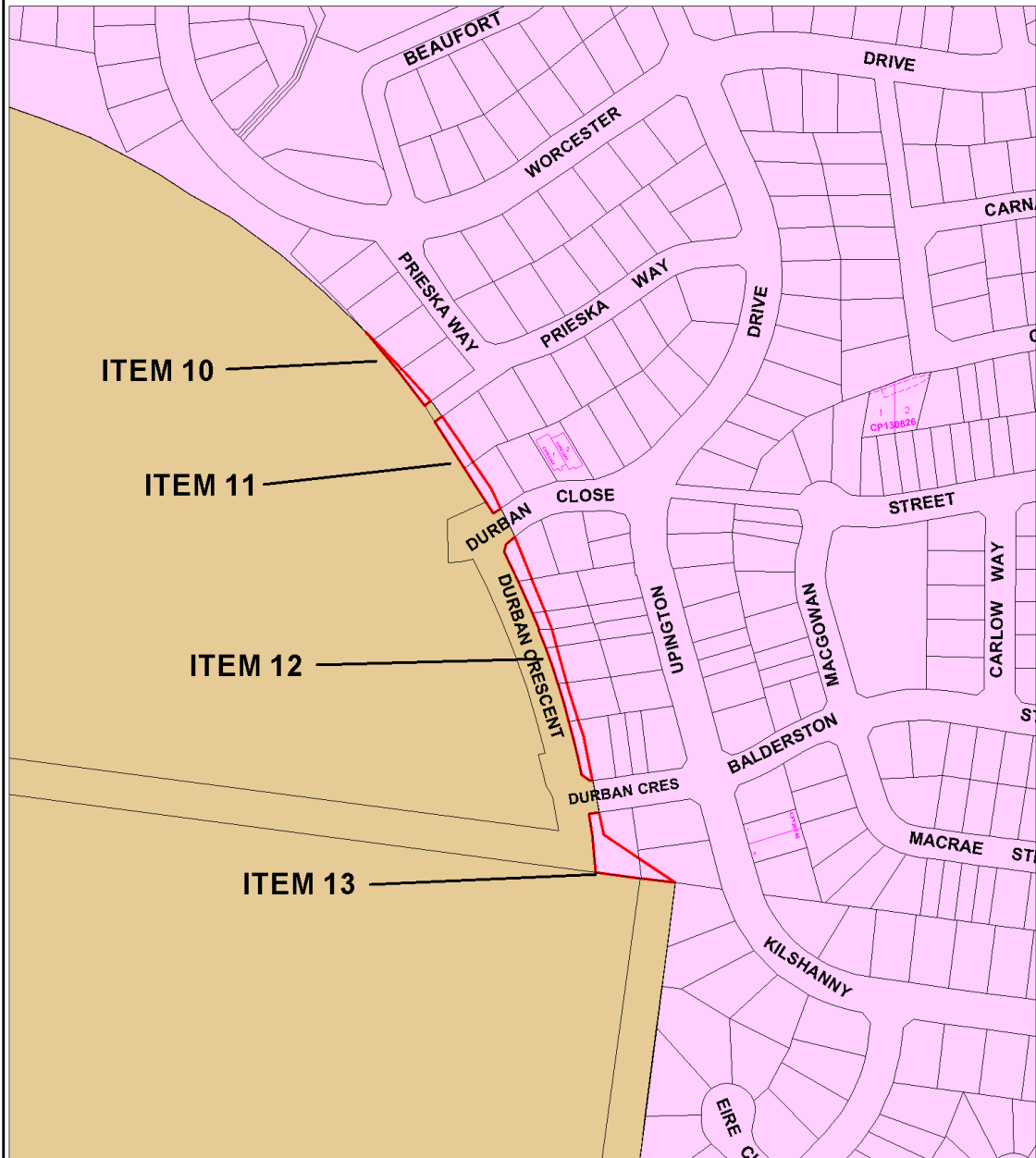
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ITEM 10 - 13

PROPOSED REZONING FROM RU2 TO R1



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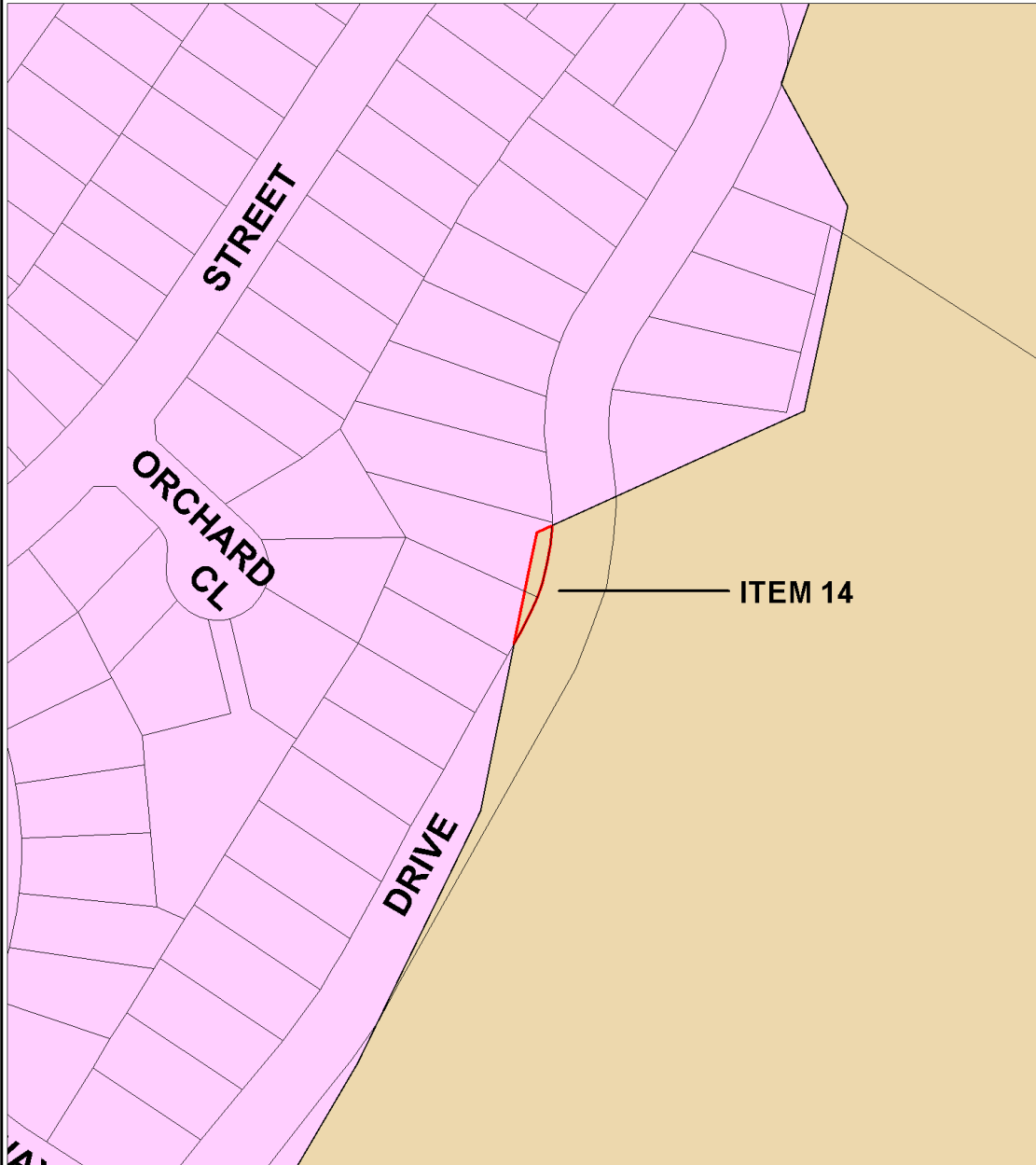
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ITEM 14

EXISTING R1 / RU2 SPLIT ZONE



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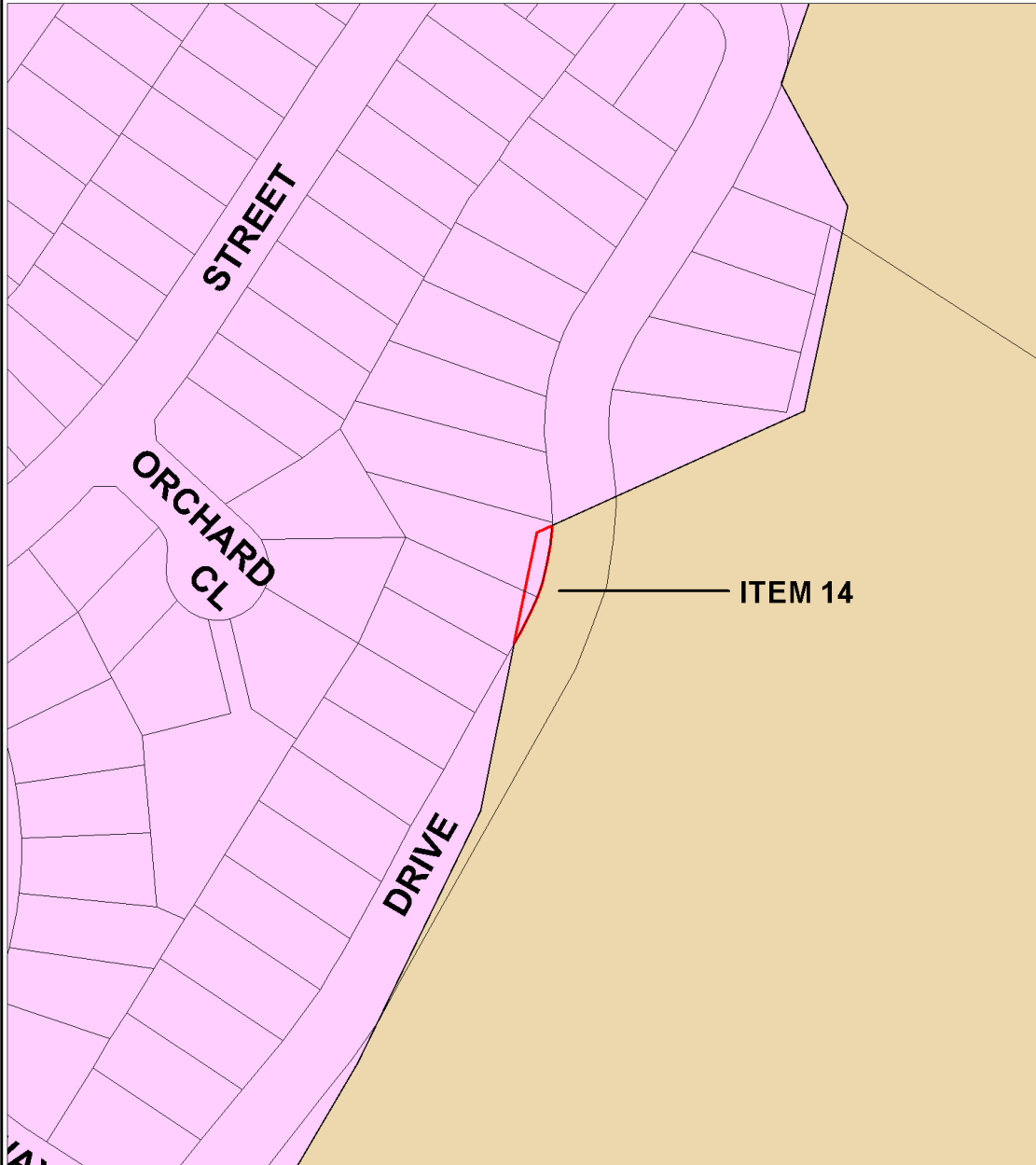
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ITEM 14

PROPOSED REZONING FROM RU2 TO R1



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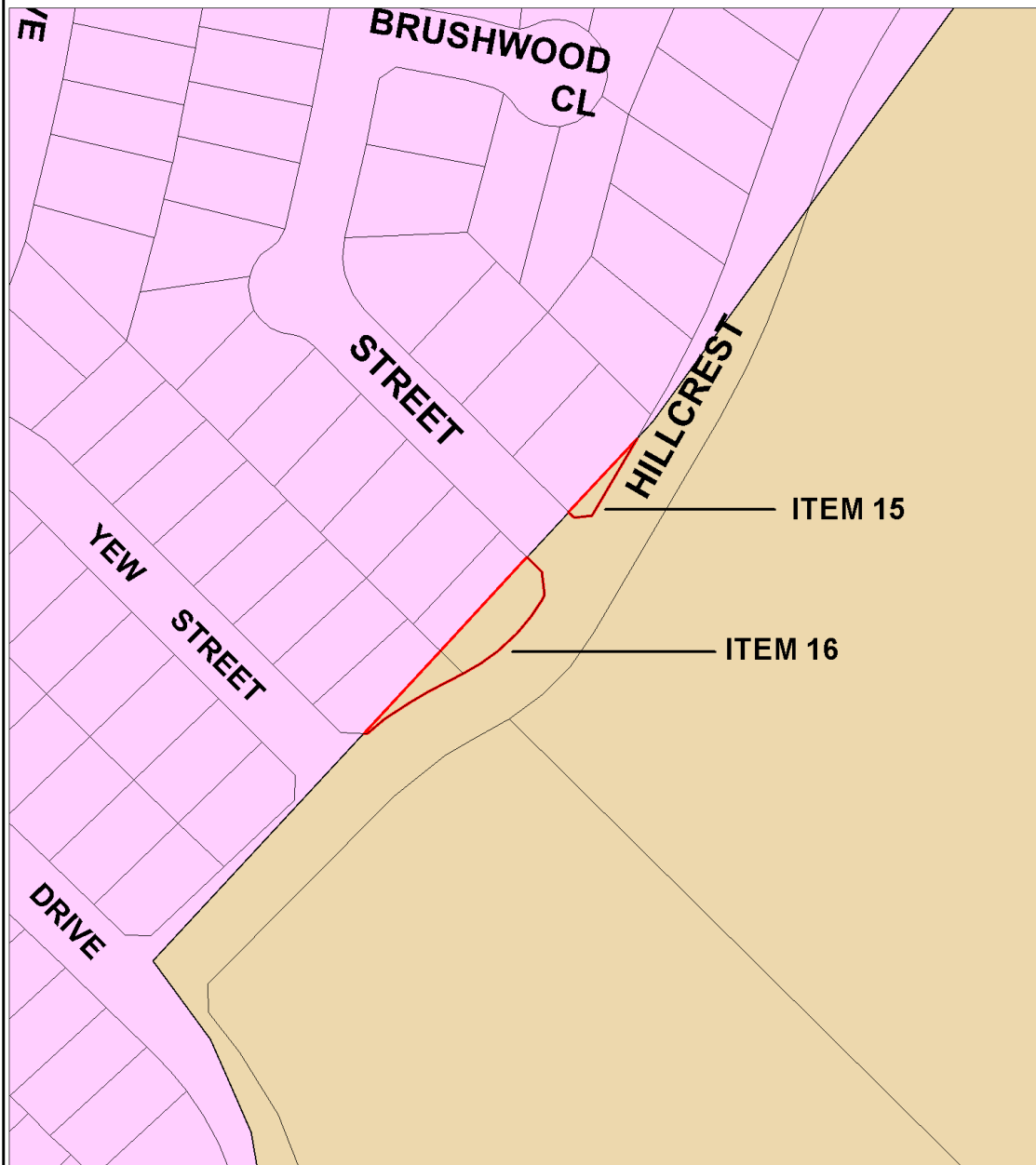
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ITEMS 15 - 16

EXISTING R1 / RU2 SPLIT ZONE



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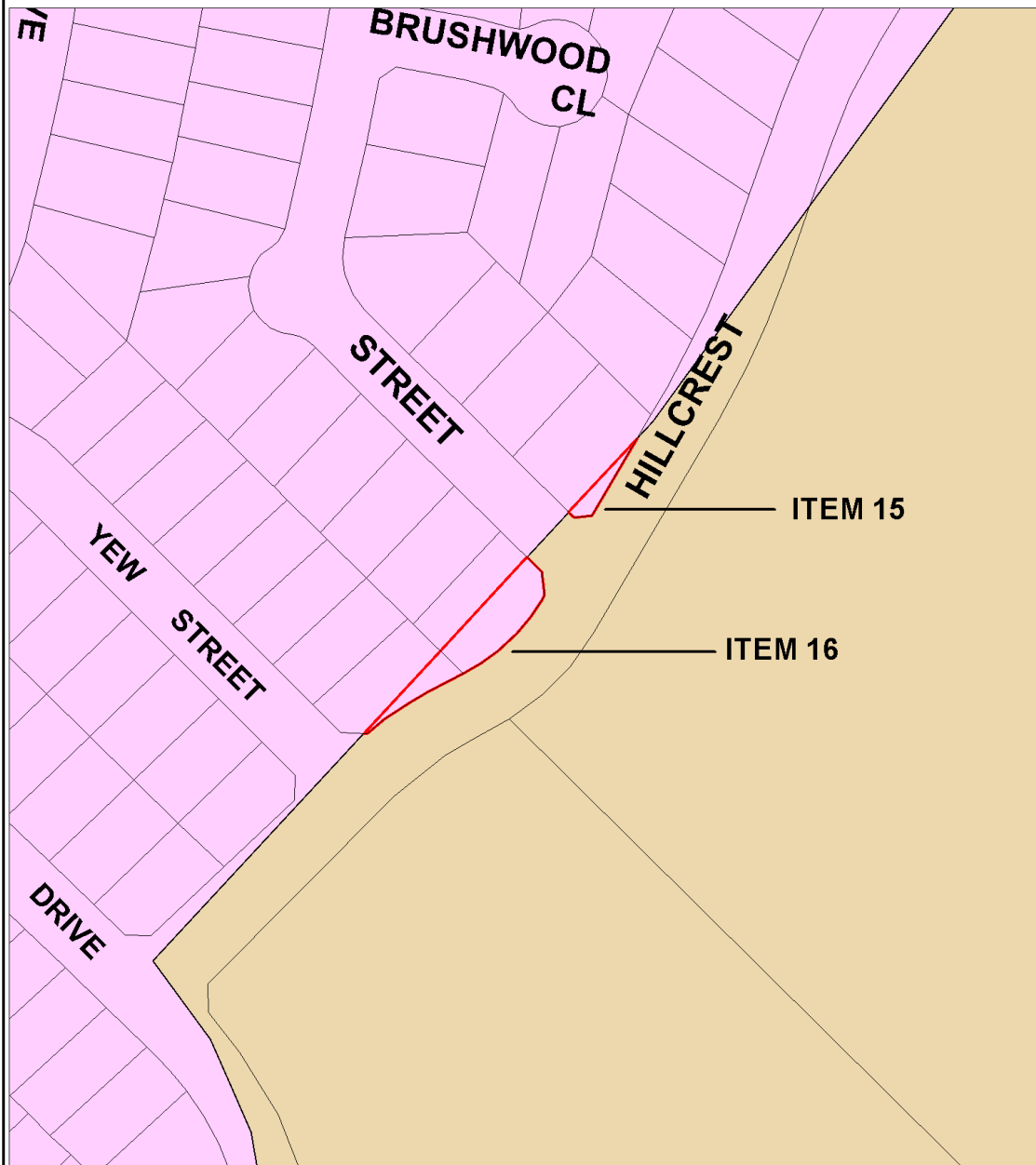
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ITEMS 15 - 16

PROPOSED REZONING FROM RU2 TO R1



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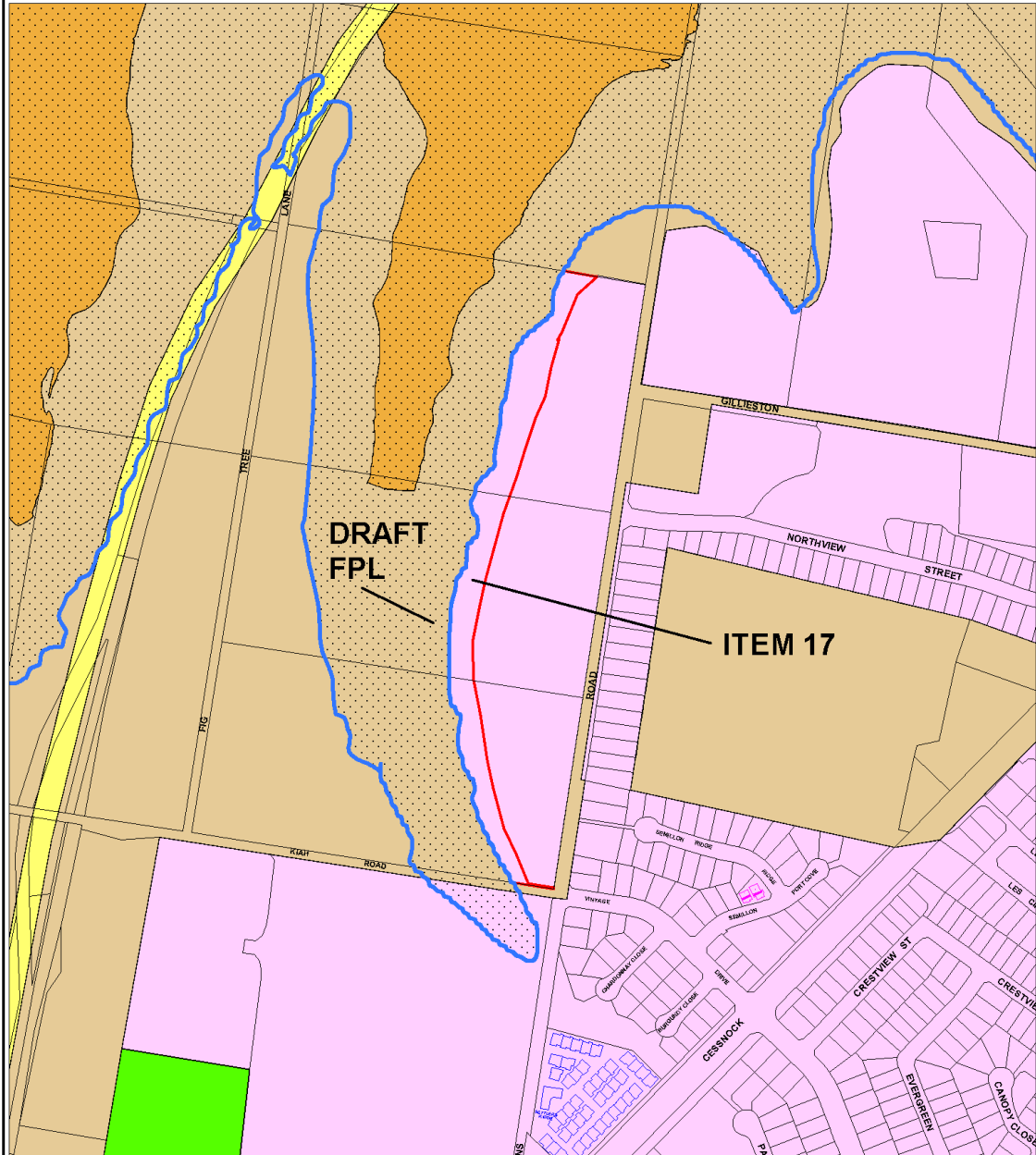
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ITEM 17

PROPOSED REZONING FROM RU2 TO R1, TO REFLECT THE DRAFT FLOOD PLANNING LEVEL



Scale 1 : 000
Printing Date: January 2016



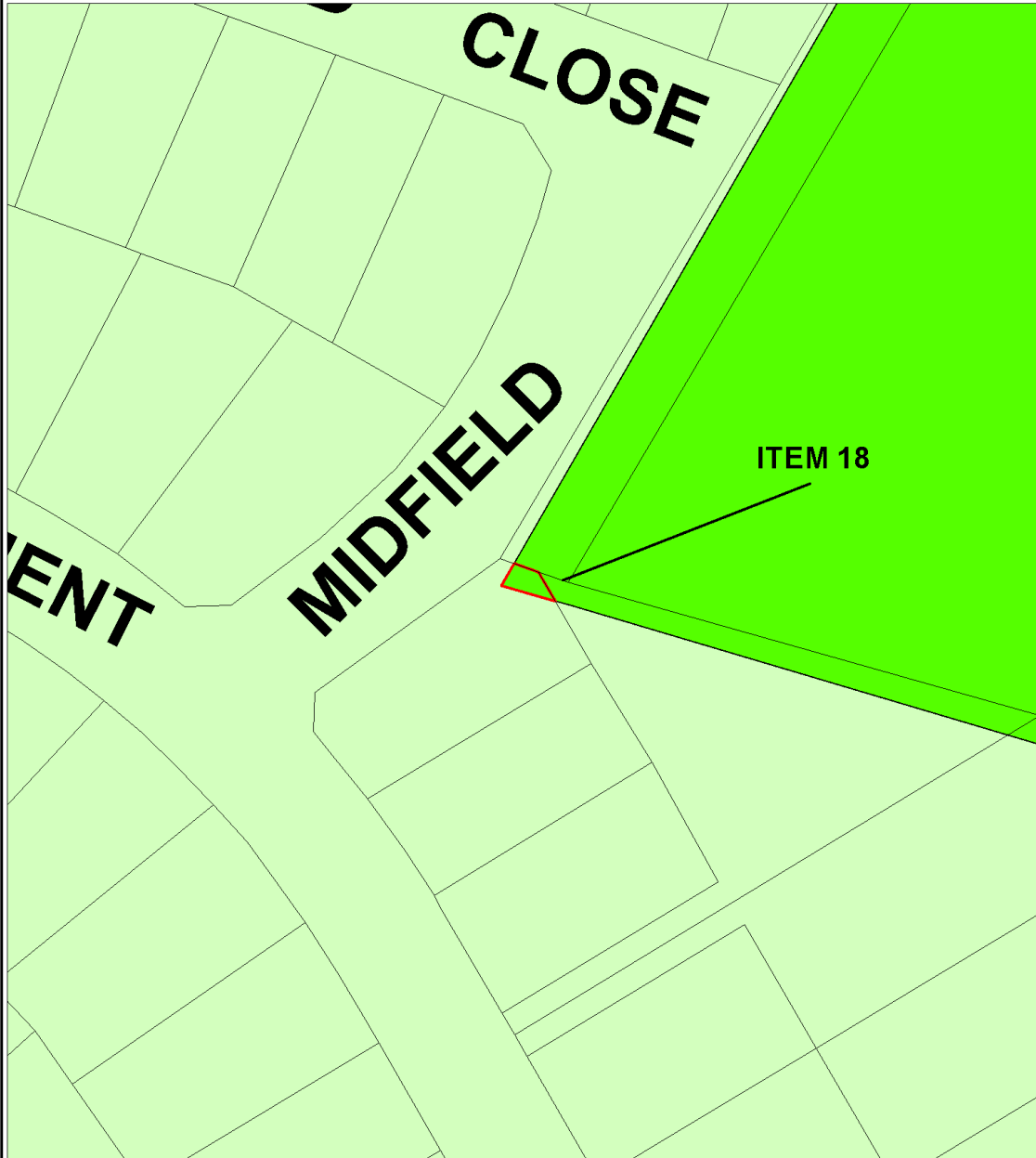
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ITEM 18

EXISTING RE1 / RE2 SPLIT ZONE



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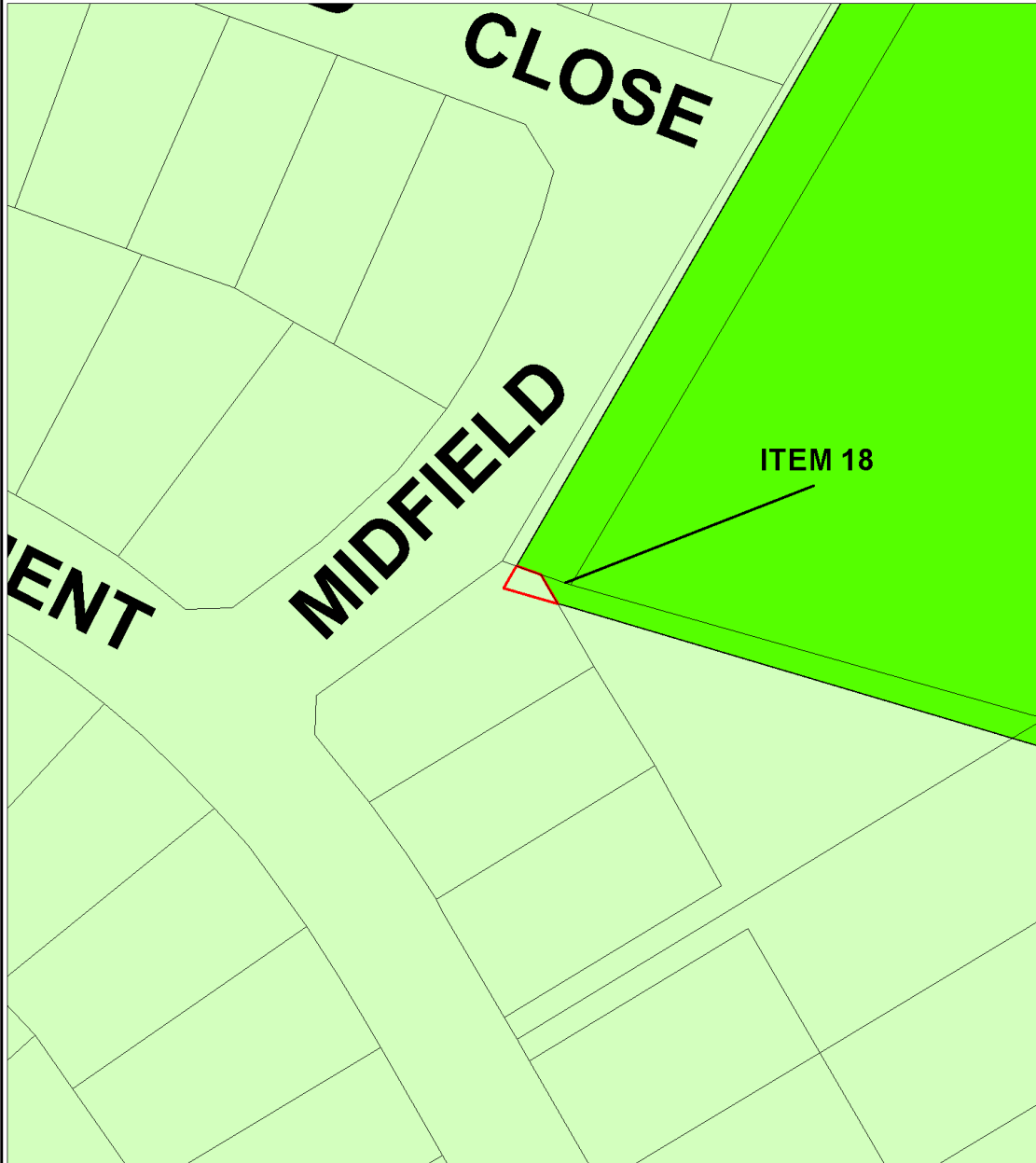


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ITEM 18

PROPOSED REZONING FROM RE1 TO RE2



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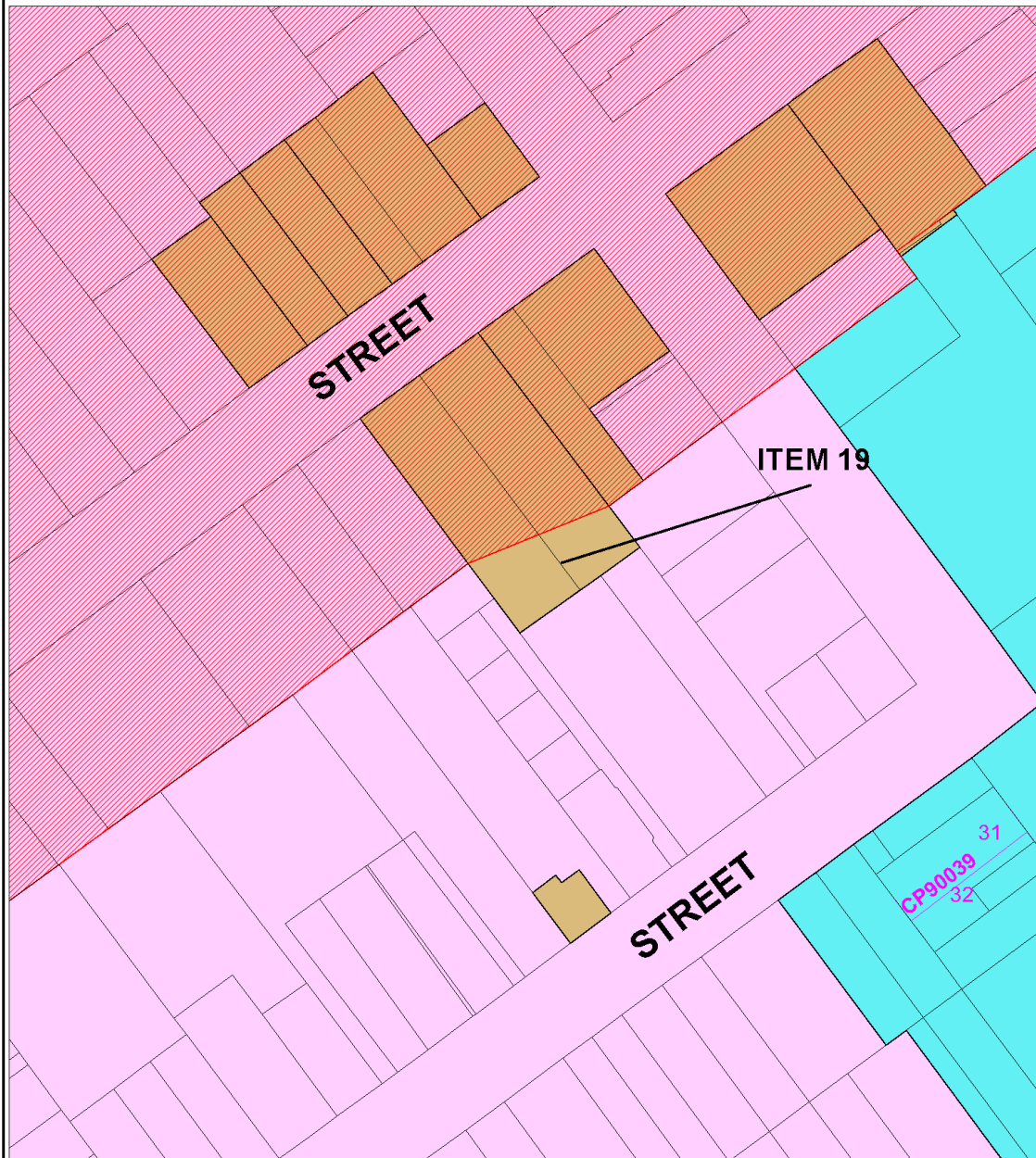


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ITEM 19

EXISTING HERITAGE MAP INCORRECTLY IDENTIFIES LOT 56 DP1036861



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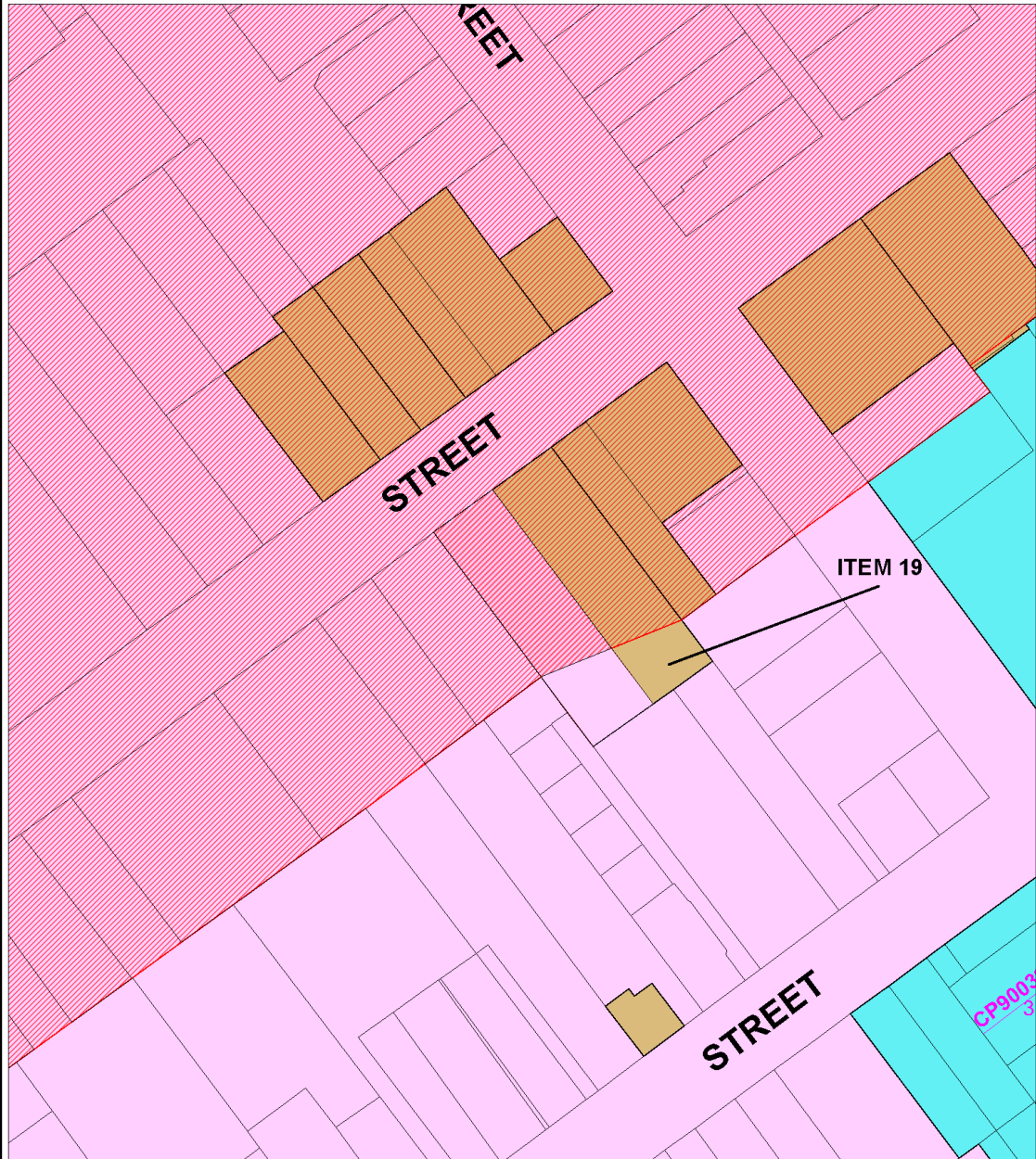
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ITEM 19

PROPOSED HERITAGE MAP IDENTIFIES ONLY THE CORRECT HERITAGE ITEM



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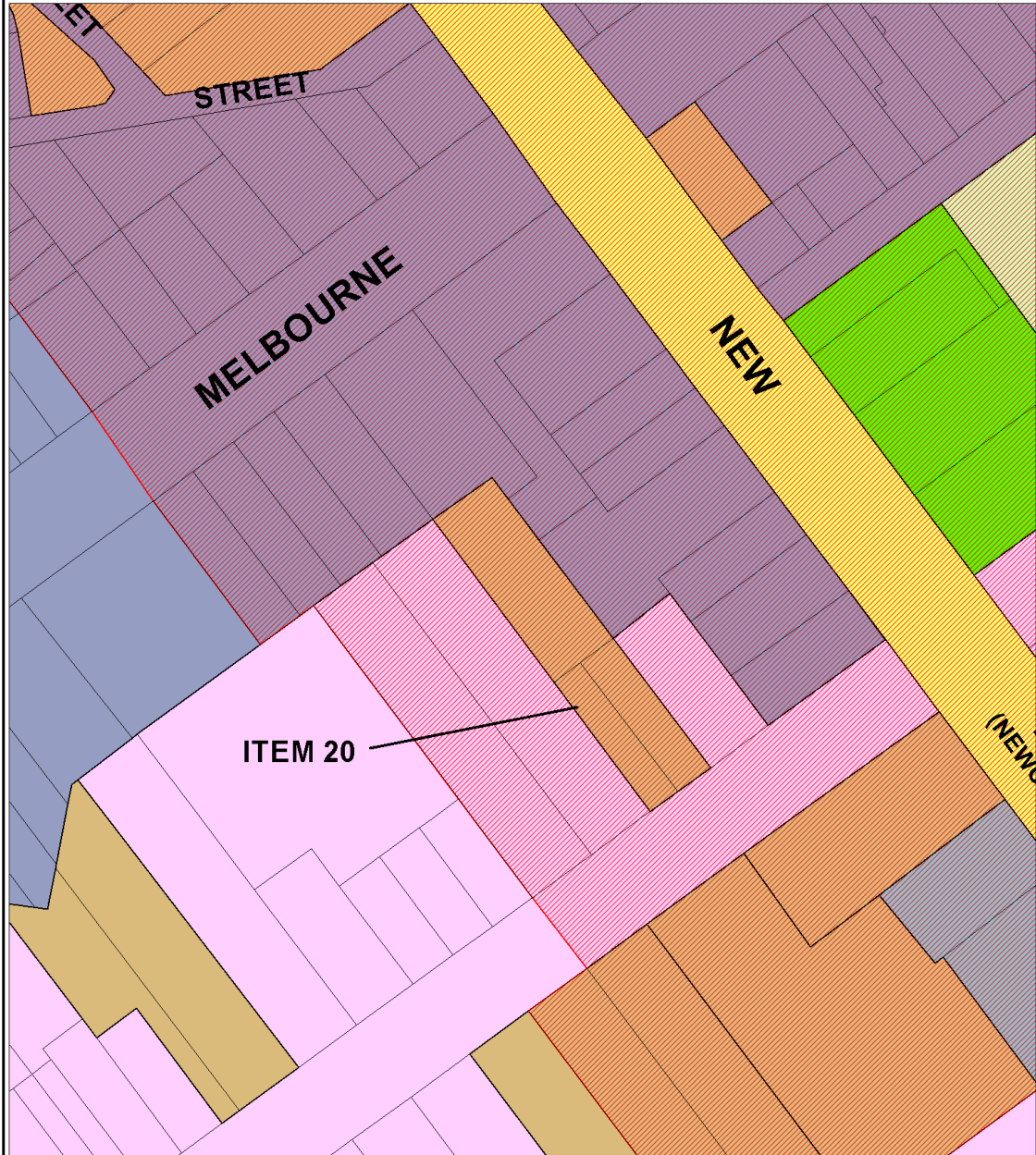
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ITEM 20

EXISTING HERITAGE MAP INCORRECTLY IDENTIFIES LOT 1015 DP1084812



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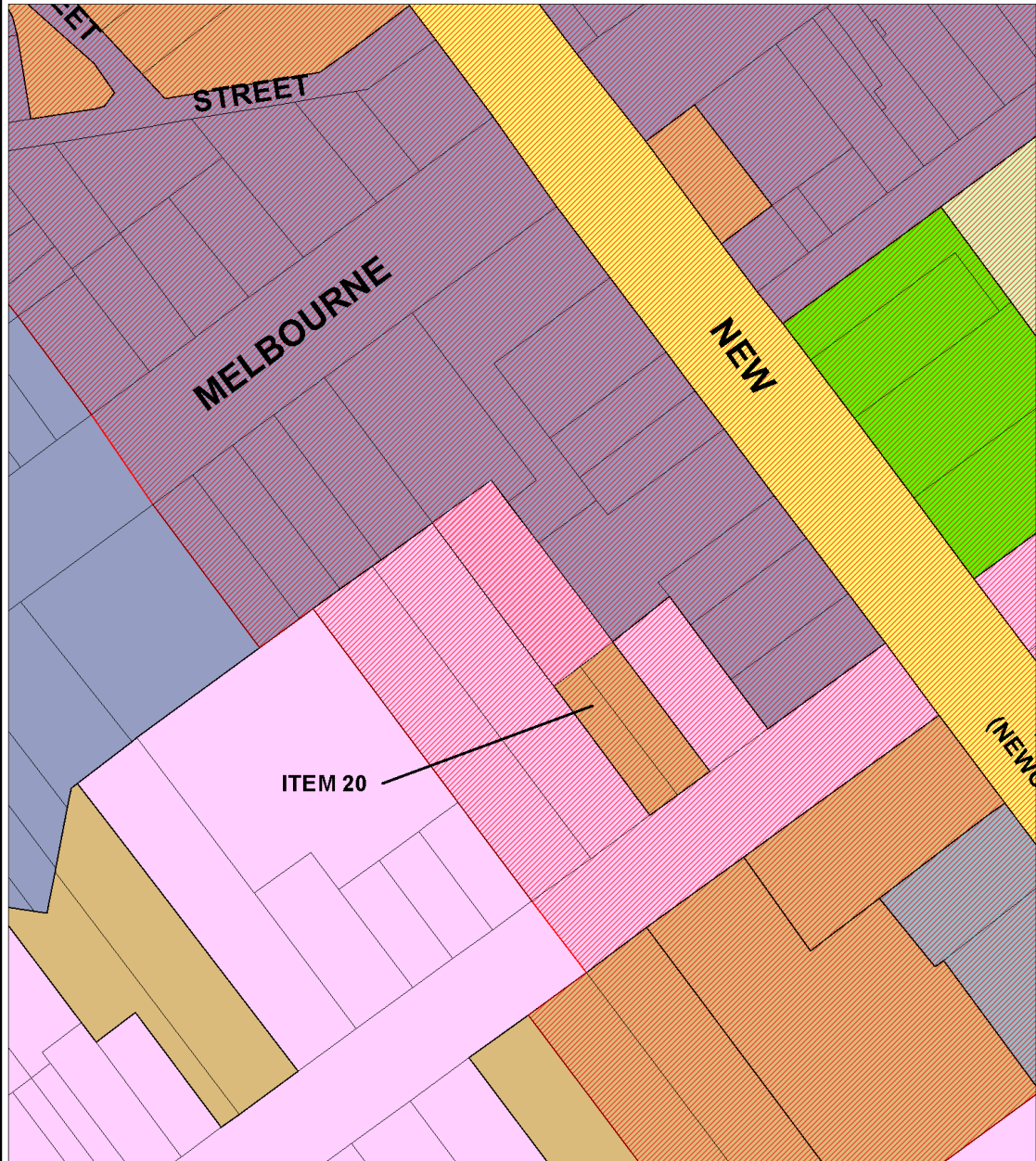
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ITEM 20

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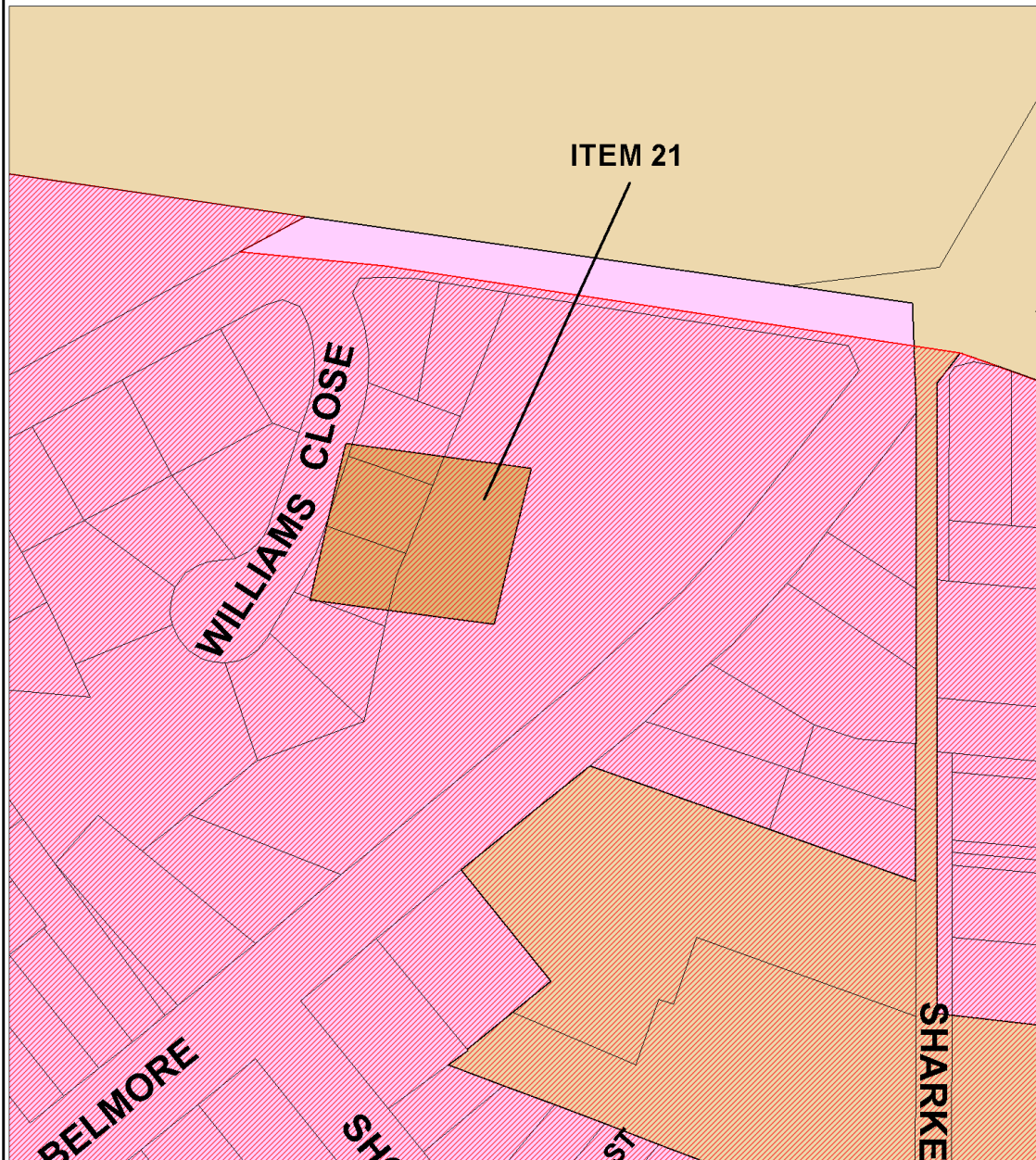
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ITEM 21

EXISTING HERITAGE MAP INCORRECTLY IDENTIFIES THE HERITAGE ITEM



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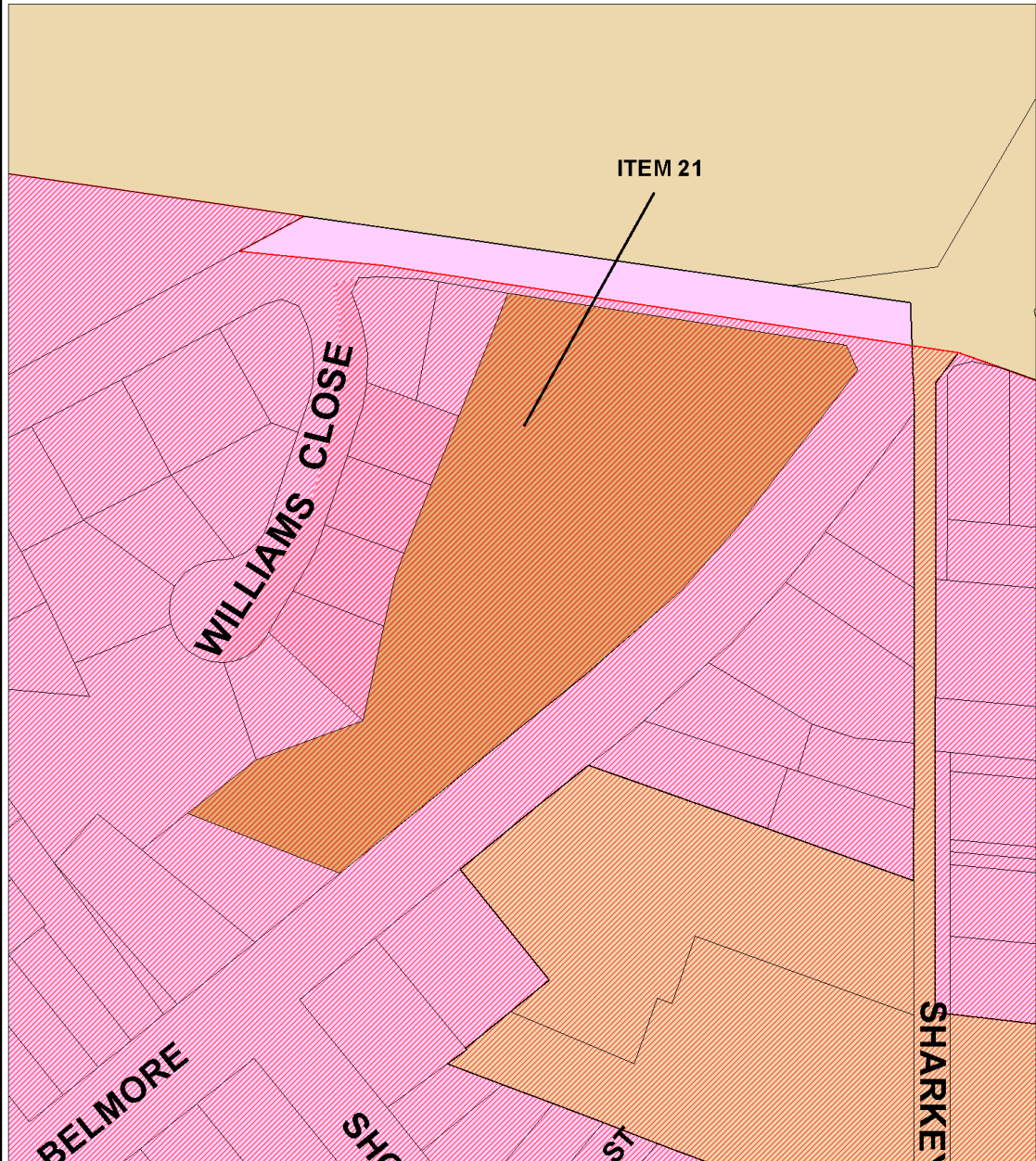


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ITEM 21

**PROPOSED HERITAGE MAP
IDENTIFIES ONLY THE CORRECT HERITAGE ITEM**



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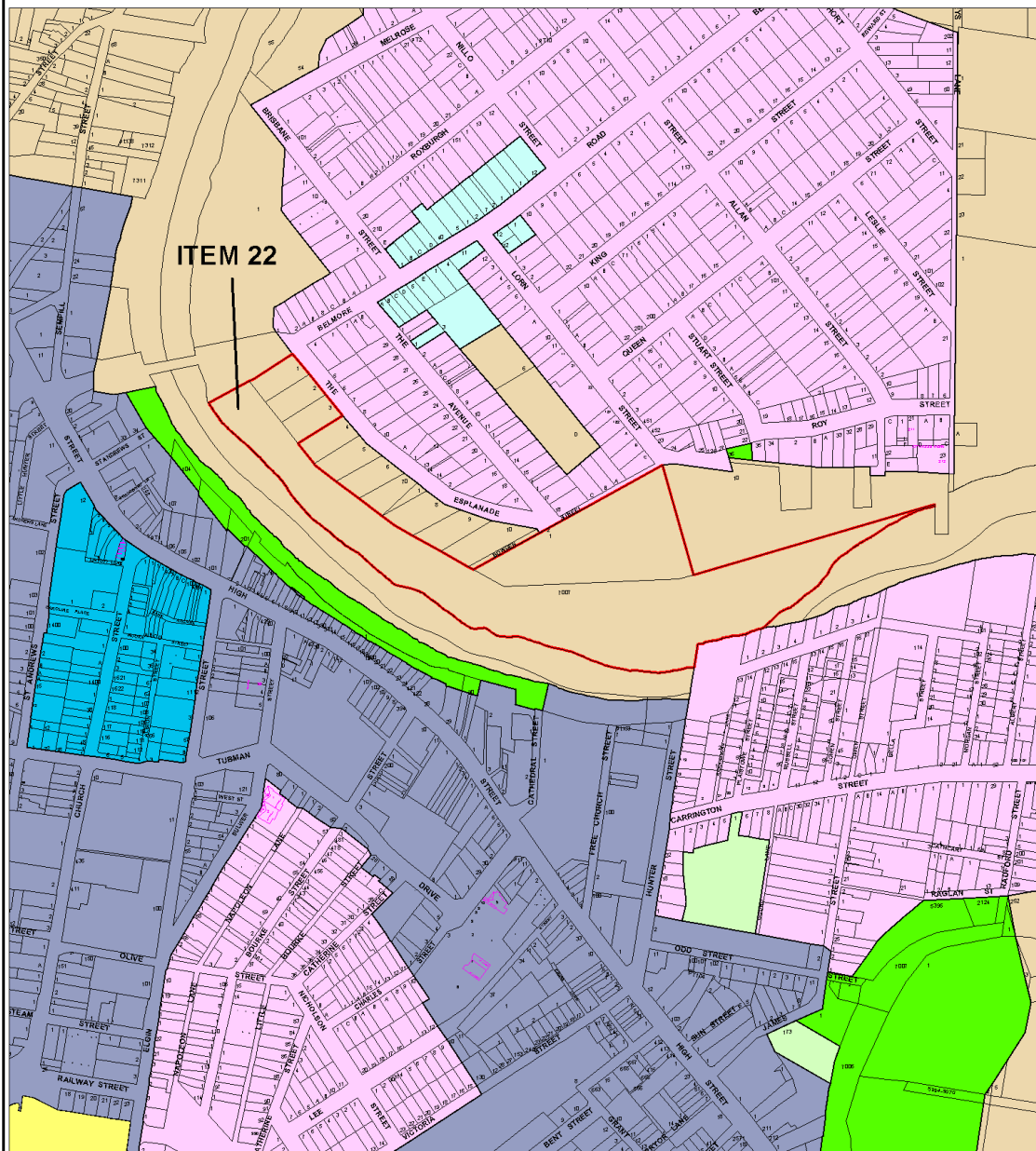


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EXISTING RU2 ZONE



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PROPOSED REZONING FROM RU2 TO RE1



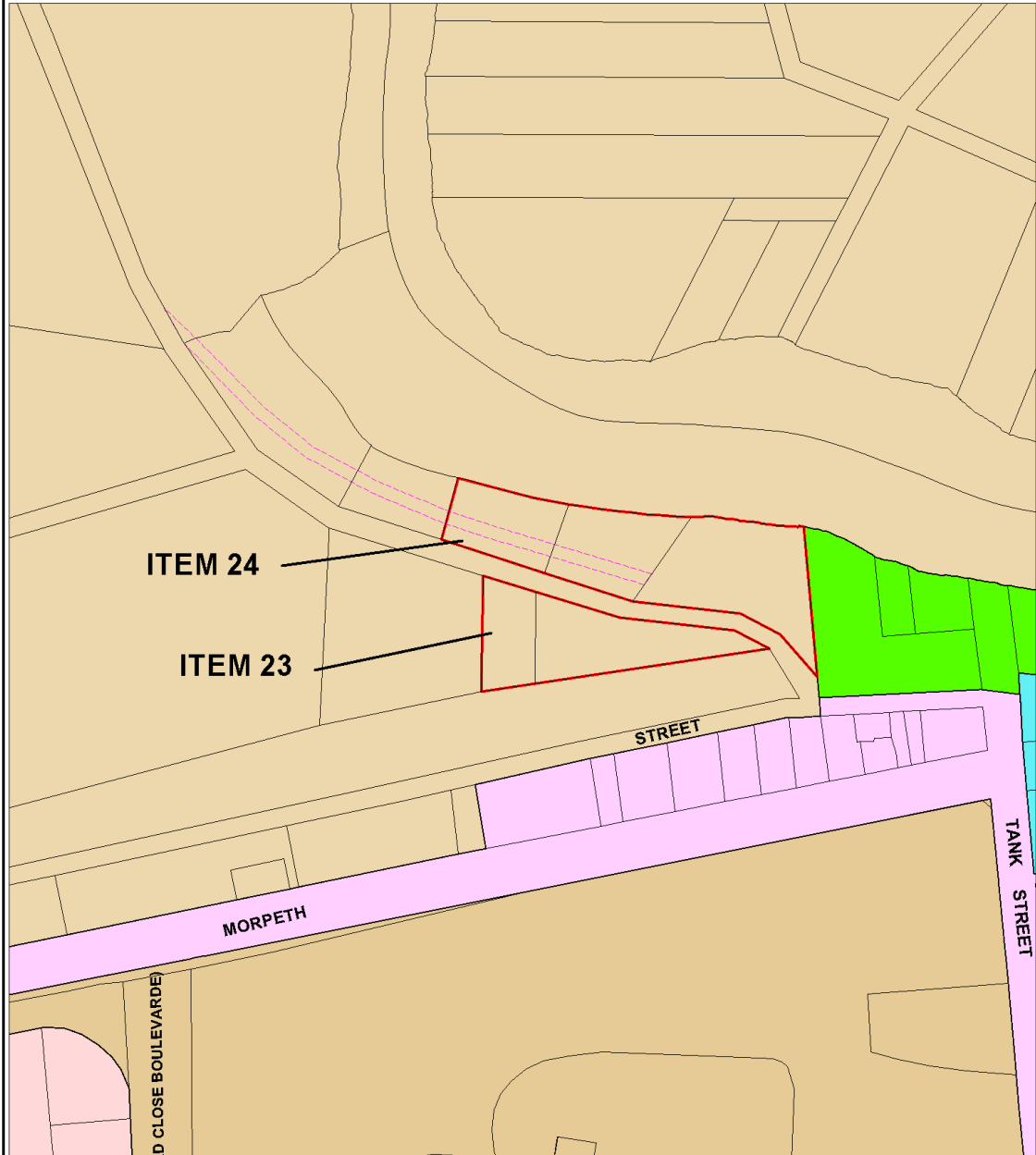
NORTH

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ITEMS 23 - 24

EXISTING RU2 ZONE



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Printing Date: January 2016



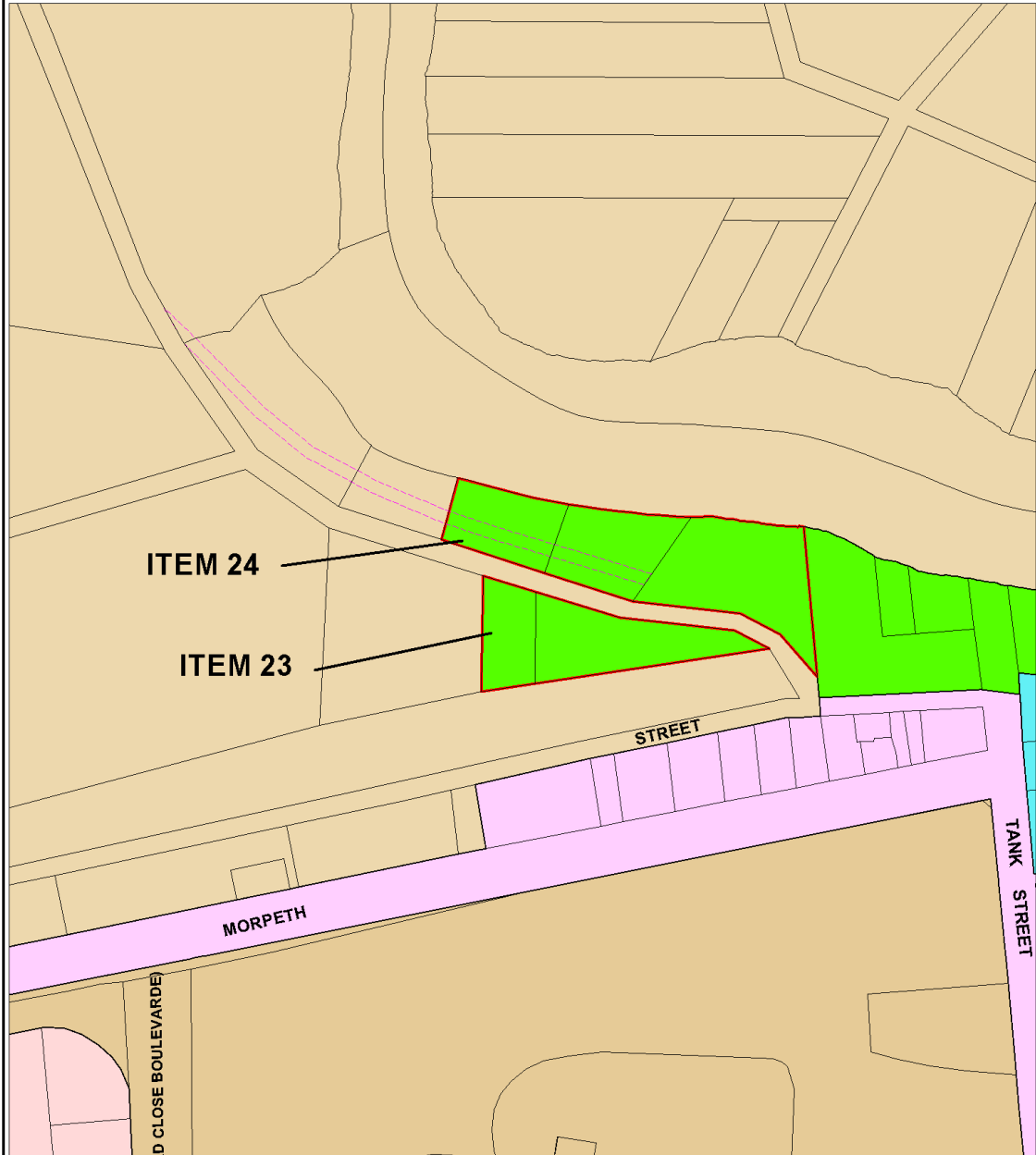
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ITEMS 23 - 24

PROPOSED REZONING FROM RU2 TO RE1



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ITEM 25

EXISTING RE1 ZONE



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ITEM 25

PROPOSED REZONING FROM RE1 TO B4



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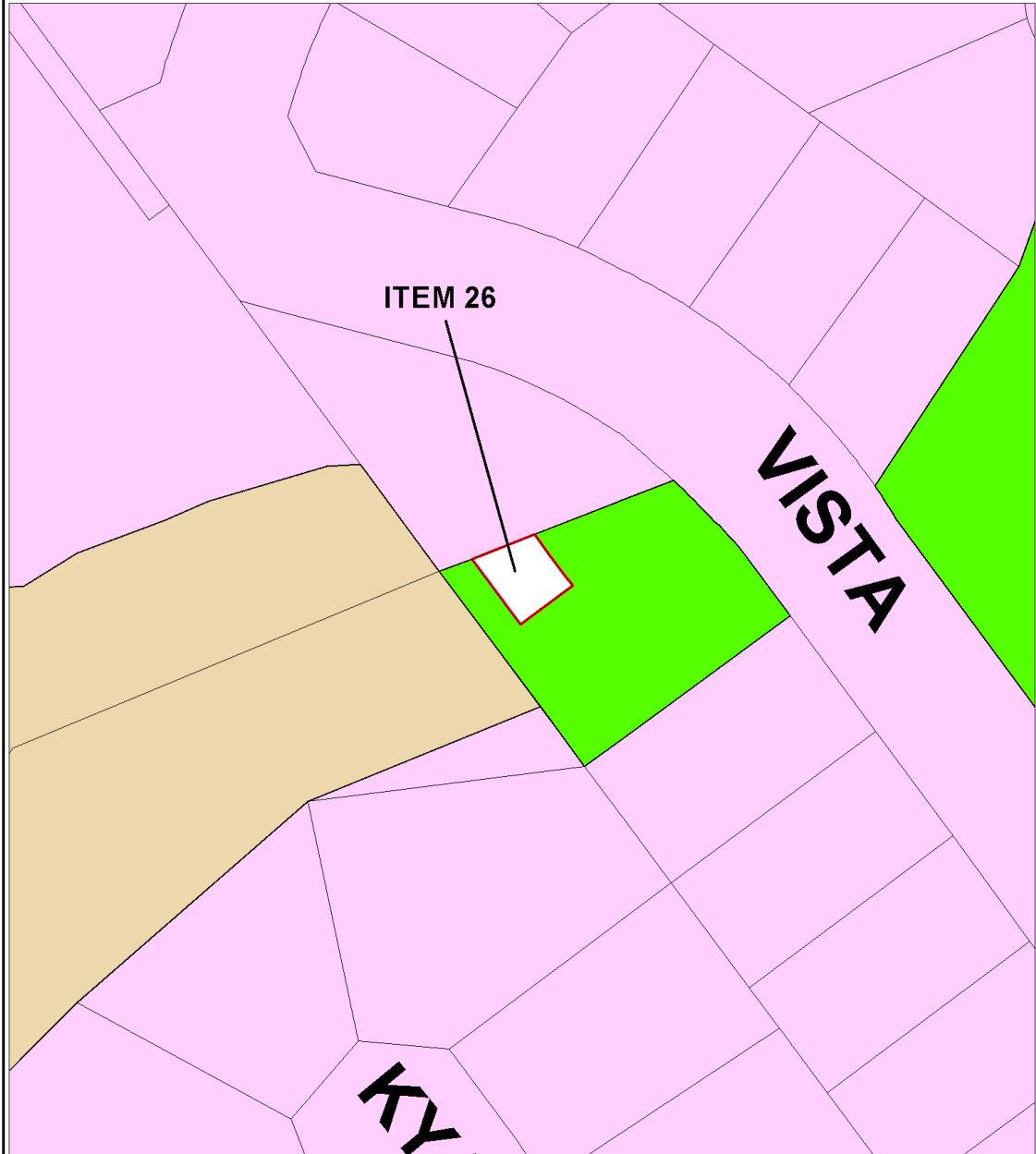
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ITEM 26

EXISTING UNZONED LOT



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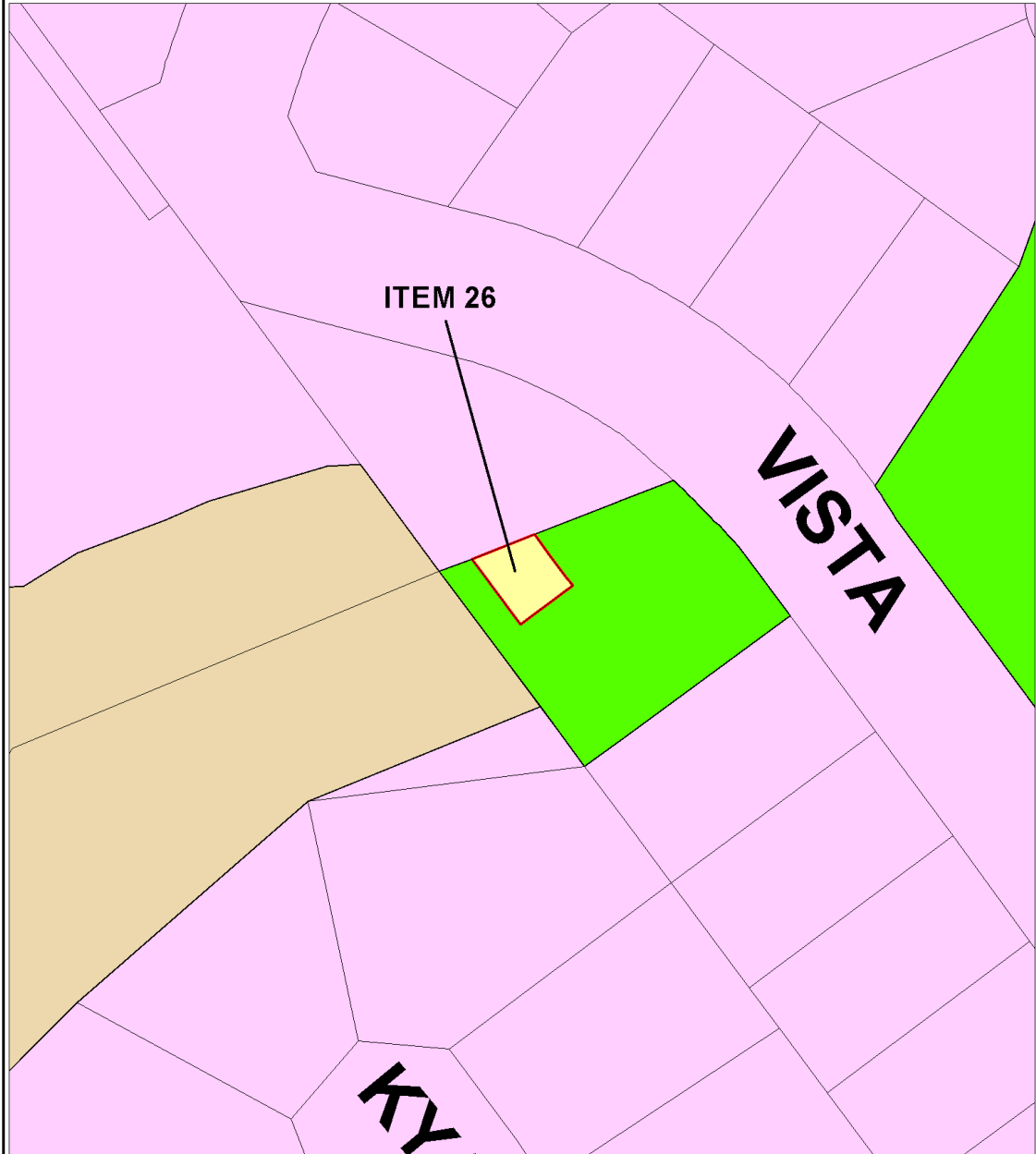


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ITEM 26

PROPOSED SP1 ZONE



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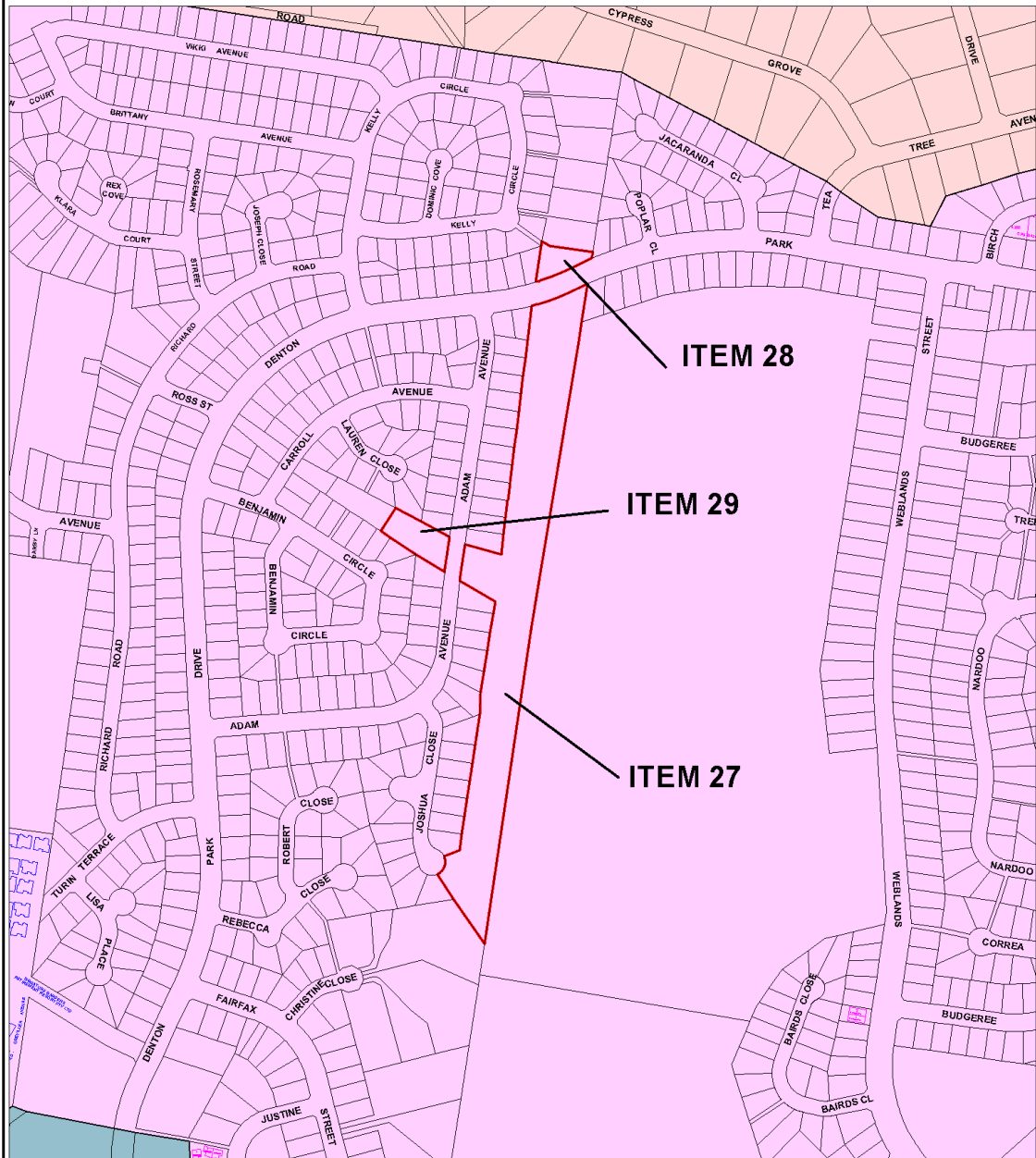


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ITEM 27-29

EXISTING R1 ZONE



Scale 1 : 000
Printing Date: January 2016



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PART 5: COMMUNITY CONSULTATION

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

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in The Lower Hunter Star
- 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;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups

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 planning proposal before proceeding to 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.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	APRIL
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)	N/A
Commencement and completion dates for public exhibition period	JUNE
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	JULY
Timeframe for the consideration of a proposal post exhibition	AUGUST
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	AUGUST
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification (if delegated)	N/A