

Wilton Drive East Maitland

Proposal Title : **Wilton Drive East Maitland**

Proposal Summary : **To rezone approximately 5,000 m2 of land currently zoned E4 Environmental Living, to R1 General Residential and amend the minimum lot size to facilitate residential development.**

PP Number : **PP_2012_MAITL_001_00**

Dop File No : **12/02449**

Proposal Details

Date Planning **15-Feb-2012**

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 : **Wilton Drive**

Suburb : **East Maitland**

City :

Postcode : **2323**

Land Parcel : **Lot 7 DP855275**

DoP Planning Officer Contact Details

Contact Name : **Katrine O'Flaherty**

Contact Number : **0249042707**

Contact Email : **katrine.o'flaherty@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Claire Tew**

Contact Number : **0249349784**

Contact Email : **clairet@maitland.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub **Lower Hunter Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

Wilton Drive East Maitland

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.50	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	5	No. of Dwellings (where relevant) :	5
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council will be encouraged to consider whether or not urban extension proposals can be combined into single planning proposals to maximise efficiency in the future.**

External Supporting Notes : **Additional information sought 1/2/12 and received on 15/2/12.**

Adequacy Assessment

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

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

Comment : **The objectives adequately explain that the intent of the planning proposal is to facilitate residential development and create 5 new lots.**

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

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

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to the Maitland LEP 2011. This will include an amendment to the zoning map and lot size map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.5 Rural Lands
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
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 44—Koala Habitat Protection

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? **No**

If No, explain :

Maitland Urban Settlement Strategy 2008 has been endorsed by the Director-General, however due to the lack of detail regarding the urban extension sites at that time no sites were specifically endorsed.

The assessment of consistency with s117 Directions 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning For Bushfire Protection requires further information and/or consultation with relevant agencies and therefore cannot be determined at this point in time.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council have recommended that the proposal be publicly exhibited for 14 days because it is considered low impact. This position is concurred with.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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 : **Maitland LEP 2011 was gazetted on 16 Decemeber 2011.**

Assessment Criteria

Need for planning proposal :

1. The planning proposal reflects the development potential identified through the Maitland Urban Settlement Strategy 2010. Although the 2010 edition including this specific site is not endorsed, the concept of urban extension and infill sites was supported through the Director-General's endorsement of the Maitland Urban Settlement Strategy 2008.

2. The proposed amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

3. Although no formal net community benefit test has been undertaken it is considered that there is community benefit in the provision of residential development opportunities in proximity to existing urban development and where site investigation has confirmed the absence of constraints.

Consistency with strategic planning framework :

The proposal is consistent with the intent of the Lower Hunter Regional Strategy 2006 which provides dwelling targets for the Maitland LGA and identifies the need for additional development within infill areas.

The proposal is consistent with the intent of the endorsed Maitland Urban Settlement Strategy 2008 which proposes the identification of urban infill and extension sites. The proposal is consistent with the Maitland Urban Settlement Strategy 2010 which identifies this specific site, although this version of the Strategy has not been endorsed.

The proposal is considered consistent with all relevant SEPP's, in particular it has been assessed as consistent with SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land.

The proposal is inconsistent with s117 Direction 3.1 Residential Zones.

The proposal seeks to zone land for residential development without specifically requiring that the land be adequately serviced prior to development and is therefore inconsistent with clause 5b. Council have indicated that the proposal adjoins residential development and will provide for a maximum of 5 additional lots. Therefore Council expects that the existing public infrastructure will be adequate to service the resulting development. It is not considered necessary to identify the site as specifically requiring this servicing and the matter may be resolved through the subsequent development assessment process. Therefore the inconsistency is considered justified as of minor significance under clause 6d.

It is noted that the proposal is considered consistent with Direction 4.1 Acid Sulfate Soils. Although it proposes to intensify the use of land that has been identified as having the probability of acid sulphate soils class 5 no study is provided, and it is therefore inconsistent with clause 6. However the land is mapped as Class 5 under the Maitland LEP 2011 which also contains the model provisions that regulate works on these sites. Therefore the inconsistency is considered justified as of minor significance under clause 8b.

The assessment of consistency with s117 Directions 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning For Bushfire Protection requires further information and/or consultation with relevant agencies and therefore cannot be determined at this point in time.

The proposal is considered consistent with all other applicable Directions.

Environmental social economic impacts :

Environmental matters of bushfire risk, acid sulfate soils, mine subsidence and native vegetation have been identified through council's assessment. Council have indicated that these matters can be resolved through the development assessment process. Consultation with relevant agencies will assist to confirm that this is the case.

Social and economic impacts are considered to be positive through the provision of additional housing opportunities in proximity to existing services and infrastructure.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Mine Subsidence Board
NSW Rural Fire Service**

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
Request for Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal Maitland City Council-Wilton Drive East Maitland.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.5 Rural Lands
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information : **1. Council is to amend the mapping of the proposed rezoning to ensure that the portion of the road adjoining the proposed site, and to be between two parcels of land zoned R1 General Residential, is also zoned R1 General Residential.**

2. Council is to place on public exhibition a copy of the Acid Sulfate Soils Map for the site, as mapped in Maitland LEP 2011.
 3. 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.
 4. Council is to consult with the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land.
 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 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 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:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Mine Subsidence Board
- 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 9 months from the week following the date of the Gateway determination.
 9. That the DG agree that inconsistency with Direction 3.1 Residential Zones is considered minor and therefore justified.

Supporting Reasons :

The proposal is considered a minor extension to an existing urban area and the existing environmental zoning has been assessed as inappropriate for the site. It is considered appropriate to progress the investigation of this site.

Signature:



Printed Name:

Monica Gibson

Date:

23/2/2012