
10.3 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - ANAMBAH URBAN RELEASE AREA

File No:	RZ 12/001
Attachments:	1. Locality Plan 2. Anambah Investigation Area 3. Structure Plan 4. Planning Proposal
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
Author:	Mark Roser - Strategic Town Planner
Maitland 2021	Outcome 7: Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

*The purpose of this report is to consider the suitability of preparing a local environmental plan for the Anambah Investigation Area (IA). The subject lands are currently zoned RU2 Rural Landscape under Maitland Local Environmental Plan (MLEP) 2011, and are located west of Anambah Rd, Anambah. A locality plan is appended to this report as **Attachment 1**.*

*It is proposed to amend Maitland LEP 2011 to consider the development of the land for urban purposes, which is consistent with local and regional strategies identifying the land as the Anambah IA. A map of the Anambah IA is appended to this report as **Attachment 2**.*

The Maitland Urban Settlement Strategy (2010) nominates the Anambah IA as "Category 1 – Residential". In accordance with Council's "Land Release Program" and the sequencing of residential land throughout the LGA, Anambah IA has been identified for progression in the short term (0 -5yrs).

The key components and policies in the investigation process of new urban areas are:

- *Structure Plan*
- *Local environmental plan*
- *Infrastructure funding plan*
- *Development controls and policies*

The preparation of a Structure Plan usually occurs for large investigation areas with multiple landowners and a range of issues. The importance of the Structure Plan is to ensure that planning does not take place in an ad-hoc, piecemeal fashion and generally identifies a potential land use pattern and broad framework for the development of the area addressing transport planning, development density and patterns, community service planning and environmental outcomes.

Council received a rezoning submission and draft Structure Plan for the subject lands on 17 January 2012, the draft Structure Plan is appended to this report as

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(Cont.)

Attachment 3. *A review has been undertaken of the rezoning submission and supporting preliminary site studies which address site characteristics and their suitability for urban development. A number of matters affect the investigation area including, environmental, drainage, flooding and traffic issues. In accordance with the Department of Planning and Infrastructure guidelines, and Council's Local Environmental Study Protocol, additional detailed studies will be required post gateway determination should Council decide to prepare a draft local environmental plan for the site.*

The desktop review of the application and supporting information confirm that there is no impediment to progress with the preparation of a draft local environmental plan and draft Structure Plan, and that further detailed site studies should be prepared post gateway determination.

It is proposed to progress the preparation of the draft local environmental plan and draft Structure Plan simultaneously to assist in forming land use decisions for the locality and providing a broad intended future urban structure for early consultation with the community.

OFFICER'S RECOMMENDATION

THAT

1. The draft Local Environmental Plan (DLEP) for the Anambah Investigation Area be endorsed as rezoning the land for urban purposes as detailed in the attached Planning Proposal.
2. The draft Anambah Structure Plan be endorsed and included in the exhibition material once Gateway Determination to proceed has been received.
3. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal be submitted to the Department of Planning and Infrastructure.
4. If the Planning Proposal is given a Gateway Determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the Gateway Determination, be undertaken.
5. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received and proposed responses as a result of the process.

REPORT

The purpose of this report is to:

1. Provide information to enable Council to determine whether an amendment should be made for the purpose of rezoning lands for urban purposes;

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2. Provide a summary of the planning proposal for the subject site for submission to the Department of Planning and Infrastructure; and
3. Present a draft Structure Plan for the Anambah Investigation Area.

Background

The Anambah IA is identified in **Attachment 2** and includes (12) separate land holdings as detailed in the following Table.

Lot	Area	Owner
Lot A DP 431640	55.5 ha	Stocklands Development Pty Ltd
Lot 2 DP 1110433	147.6ha	Stocklands Development Pty Ltd
Lot 1 DP 1110433	33.9ha	Stocklands Development Pty Ltd
Lot 6 DP 19925	15ha	Stocklands Development Pty Ltd
Lot 56 DP 874170	37ha	Stocklands Development Pty Ltd
Part of Lot 178 DP 874171	32ha	Stocklands Development Pty Ltd
Lot 55 DP 874170	27ha	RD Bird
Part of Lot 4 DP 785359	40ha	RM & AG Larard
Part of Lot 3 DP 785359	24.3ha	Russ Evans Pty Ltd
Part of Lot 2 DP 785359	7.4ha	Winstance Pty Ltd
Part of Lot 16 DP 19925	26.9ha	MC B T & NA Alexander
Part of Lot 177 DP 874171	37.9ha	RD Bird

Table 1. Land Description

The land is currently zoned RU2 – Rural Landscape in the Maitland LEP 2011 and is identified in the Lower Hunter Regional Strategy (LHRS) as a proposed urban area. The subject site has been identified in the Maitland Urban Settlement Strategy since 2006 and has progressed from a *Preliminary Investigation Area* in the 2006 MUSS to *Category 1 – Residential* in the 2010 MUSS.

The Anambah IA comprises mainly grazing land being predominantly clear of native vegetation and traversed by a number of creek lines draining to the Hunter River to the east of the site. The IA includes approximately 484ha of land and is located to

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the north of the New England Highway and west of Anambah Road and immediately adjoins the northern edge of Windella large lot residential estate.

Early consultation with key infrastructure providers has identified connections into regional sewage, water and electricity networks is expected to be available to the Anambah IA from 2013 – 2015. It is therefore appropriate to progress the statutory planning process to align commencement of development with programmed timing of infrastructure provisions.

It is estimated the Anambah IA will provide for approximately 3000 residential lots. Together with Lochinvar Urban Release Area and Farley Investigation Area, Anambah will complete the major greenfield release areas in the western sector of the LGA. Sustained population growth in the western sector is expected to be maintained through ongoing development of employment land in the Rutherford locality.

Council received a rezoning proposal for the subject lands on 17 January 2012, which included a draft Structure Plan, which is appended to this report as **Attachment 3**. The rezoning proposal is supported by preliminary background land capability, geotechnical, topography, ecology, riparian, heritage and archaeological, bushfire, engineering, water management, transport and traffic and servicing studies for the IA. These studies have not identified any significant constraints which would inhibit the progression of a draft LEP amendment to gateway determination.

Rezoning Proposal

The purpose of the planning proposal for the Anambah IA is to rezone the subject land for urban purposes, facilitating residential development with associated commercial, community, recreational and environmental outcomes. The bulk of the rezoning is proposed as *R1 – General Residential* facilitating a range of housing types, however the LEP amendment will potentially include zone *R5 – Large Lot Residential* for the management of rural flood affected land with dwelling envelopes above the 1%AEP Flood Level. The LEP amendment would achieve the objectives of the planning proposal as it would:

- Enable residential development for approximately 3000 dwellings;
- Protect and manage areas with environmental constraints;
- Ensure that future residents have access to adequate local and regional infrastructure; and
- Require further detailed investigations and development plans prior to the approval of development applications.

The rezoning proposal for the Anambah IA is supported by a draft Structure Plan addressing a land use pattern for the area eventually forming the basis of an area plan to guide future development applications. The draft Structure Plan gives specific consideration to:

- The interface of the release area with the flood plain and rural land uses;
- The interface of the release area to Windella Estate;

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- The wider regional road network, and road and transport connectivity of the release area;
- Location, density and size of supporting land uses and infrastructure including schools, shops, community and recreation facilities and environmental outcomes.

Whilst structure plans have no *status* in the legal NSW legislative framework, they have a role in setting the broad planning framework for an investigation area to inform land use decisions by Council and the community. The progression of the Anambah LEP amendment and draft structure plan, simultaneously, will provide for early consultation with both government agencies and the wider community on the future potential land use pattern for the Anambah IA.

Environmental Studies/Issues

A suit of preliminary site studies were undertaken by the proponent to inform the preparation of the draft structure plan and provide justification for the progression of preparing an amendment to the Maitland LEP 2011 for the whole Anambah IA. The matters that were specifically addressed include:

- Archaeology (Indigenous & European)
- Riparian Rehabilitation Plan
- Retail Market Potential
- Flora/Fauna
- Geotechnical
- Bushfire
- Traffic/Transport
- Engineering

After review of the studies additional information was provided for *Noise/dust, Contamination, Flora/Fauna, Engineering (Flood related) and Heritage (visual)*. In addition to this further detailed studies are being prepared for the site, to be submitted post gateway, and will address those additional issues raised by Council during the initial assessment of the rezoning proposal. A summary of the site studies and issues raised for the Anambah IA are addressed below.

Indigenous Heritage – An *Indigenous Heritage Due Diligence Assessment* was undertaken for the entire Anambah IA. The assessment generally noted that the site had an extensive history of pastoral activities, specifically grazing. No sites were identified within the Anambah IA as part of the assessment. Six (6) PAD (Potential Archaeological Deposit) sites were noted with the area IA. The presence of six (6) PAD sites indicate that further testing in accordance with the “*Code of Practice for Archaeological Investigations in NSW*” will be required. The proponent has committed to further testing and consultation with the Local Aboriginal Land Council in accordance with the Code of Practice guidelines. It is considered the results of the

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assessments to date do not represent an obstacle to the rezoning progressing through the gateway process with the Department of Planning and Infrastructure.

European Heritage – A European Heritage review was undertaken for the Anambah IA. No items of heritage significance were found within the IA. The proximity to Anambah House was noted (1km), and as such a visual impact assessment is warranted and will need to address potential visual impact upon this listed heritage item. The proponent has committed to preparing the additional assessment to be submitted post gateway.

Riparian Rehabilitation Plan – A preliminary Riparian Assessment has been prepared for the IA which identifies and clarifies the various water courses through the site, considers the state of these water courses and the overall hydrology of the area. Existing dams within the water courses will be used, and where required, augmented to manage stormwater quality and quantity from the development in accordance with Council's Manual of Engineering Standards (MOES) and NSW Office of Water requirements.

It is proposed to manage 1st, 2nd and 3rd Order Streams through Core Riparian Zone (CRZ) widths and Vegetated Buffers (VB). The proposed *Riparian Rehabilitation Plan* seeks to restore not only the riparian function of many of the systems, but also to re-establish the vegetation connectivity in the locality by linking the floodplain to the east with the vegetated ridges to the west.

Retail Market Demand – A Retail Market Demand assessment was carried out for the proposed commercial precinct with the Anambah IA. The aim of this assessment was to determine the expected demand for retail floor space associated with the future development of the IA, and inform the determination of an appropriate land allocation for these uses. The assessment found that the full development of the Anambah IA would likely generate a need for approximately 5,400m² of retail floor space, with 77% of this demand being for retail (supermarket, retail specialty), and the remaining 23% consisting of non retail/community facilities.

A specifically zoned commercial precinct within the Anambah IA is consistent with Council's adopted Activity Centres and Employment Cluster Strategy. The Strategy establishes, amongst other things, a hierarchy for activity centres across the LGA with the Anambah IA providing opportunity for a new Neighbourhood Centre. In providing for a new neighbourhood centre it must be clearly demonstrated that the scale and siting has been subject to detailed analysis and that it can successfully integrate with the existing and or new residential development and that it has considered the established network and hierarchy of centres in Maitland.

In catchment size and future population growth of approximately 9000 people, the Anambah IA is sized between the Chisholm urban release area and Aberglasslyn urban release area. Both of these release areas support neighbourhood centres consistent with the Activity Centres and Employment Cluster Strategy hierarchy for activity centres. Accordingly, these centres are zoned *B1 Neighbourhood Centres* under the Maitland LEP 2011, and provide for gross floor areas of 12,500m² and 3,700m² respectively. The draft Anambah Structure Plan identifies a commercial precinct adjoining a school site and sports playing fields. With the additional community facilities calculated into the neighbourhood centre gross floor area of

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5,400m², the proposed facility is of a scale and location consistent with the policy objectives for activity centres.

Flora/Fauna – A Flora/Fauna review was undertaken for the IA, and included updating of previous reports over the site. The assessment noted that the site was mostly cleared of vegetation due to continual grazing. Native vegetation was limited to a number of small scattered clumps, and the predominant ground cover was noted as introduced pasture species.

One threatened ecological community (TEC), being the *Central Hunter Ironbark – Spotted Gum – Grey Box Forest* was noted in scattered pockets along the western boundary. These areas were assessed to be in *low condition*. Further assessment, post gateway, will need to be undertaken to address the occurrence of the Green and Golden Bell Frog on site and the potential future land uses within the TEC.

Geotechnical – A number of geotechnical assessments have been undertaken for various parcels within the Anambah IA. A *Supplementary Urban Capability Assessment* has been carried out to consolidate previous reports and address those sites not covered under the past assessments. Assessment of the risk of instability, erosion within water courses, potential site soil classifications, acid sulphate soils, salinity and contamination concluded that there are no geotechnical impediments to development of the site and therefore the rezoning for urban purposes is suitable to proceed. Further contamination investigations, post gateway, will need to occur for sites identified as having potential contamination. This may result in the need for a *Phase 2* contamination report.

Bushfire – A *Bushfire Constraints Assessment* has been carried out for the entire IA. The report notes that the vegetation currently within the existing water course is not deemed as bushfire prone, however the proposed rehabilitation works will eventually result in bushfire prone vegetated areas. Accordingly, a setback for buildings of between 10 – 15m, dependant on the effective slope of the corridor in any particular area will be required as the proposed riparian corridors will be less than 50m wide.

The report makes further recommendations regarding the placement of schools and child care centres away from riparian corridors and recommends minimum APZ widths of 35-50m from various pockets of vegetation including TEC areas. The report further recommends that an emergency access point be maintained through River Road until such time as the western road link is provided.

Traffic/Transport – A Preliminary Traffic & Transport Review was undertaken for the site and provides an analysis of traffic flow impacts, associated with the development of the site, on the New England Highway/ Anambah Rd intersection (roundabout). Modelling indicates that this intersection will continue to function at an acceptable level up to the point where approximately 1600 lots are occupied. The report states that at the point of 1600 lots, the planned western link road is to be in place. The western link road is planned to feed into the Windella Rd intersection with the New England Highway associated with the Lochinvar Urban Release Area.

Further investigations into flooding of Anambah Rd are being undertaken to determine the level of flood free access required to the site for the initial 1600 lots until the western link is constructed. These investigations are to model various flood

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events, from the 1 in 20 to the 1 in 100 year flood, and will be provided post gateway determination.

The Anambah IA will be an *urban release area* as addressed within Part 6 of the Maitland LEP 2011, and as satisfactory arrangements will need to be made for the provision of designated State public infrastructure before subdivision of the land can occur.

Engineering – An Engineering Report has been prepared for the site outlining general engineering principles to be adopted in addressing *bulk earth works, stormwater, water & sewer servicing, power, gas and telecommunications*.

All bulk earth works are to be undertaken in accordance with Council's MOES. Soil tests to date confirm there is no impediment to the construction of the future road network and development of the land for urban purposes.

Correspondence between the proponent and Ausgrid confirm that a combination of capacity within existing substations and the scheduled roll out of new substations will be sufficient to cater for future demand from the Anambah urban area. Similarly consultation with the gas network provider confirms that the plans for the Anambah IA appear to satisfy their economic justification requirements for the extension of their existing gas main along Anambah Rd to the site.

A sewer servicing strategy and water servicing strategy have been prepared and lodged, by the proponent, with Hunter Water Corporation. Servicing of the site for water will require the construction of a developer funded transfer main extending from the proposed Lochinvar reservoir (scheduled for completion in 2012 as part of the augmentation works for the Maitland North – Rothbury water supply system). Sewer servicing will initially be provided via scheduled interim upgrades to Maitland 14 WWPS, with major upgrade works to Farley Waste Water Treatment Works and Maitland 14 WWPS providing for the fully development area.

It is a requirement that post development stormwater flows do not exceed predevelopment stormwater flows. The stormwater concept plan for the site identifies the use of existing online dams within the IA to manage both quality and quantity of stormwater generated from the development. One of the main aims of the stormwater concept plan is to consolidate flows into the more central drainage corridors, and thereby allow the consolidation of the required detention basins to effectively manage runoff from the site. This will reduce future management costs by minimising the overall number of detention basins within the site.

Noise/Dust – Additional information has been sought from the proponent to address the potential impact on future residences from noise and dust associated with existing quarries operations to the northeast of the Anambah IA. Development consent for this quarry identifies that there is to be no blasting and the use of only (1) D9 dozer and (2) front end loaders. Supporting information for the quarry at the time showed compliance with the 45 dBA noise criteria at the nearest receiver (400m to the south). The closest point of the Anambah IA to the quarry operations is between 300m and 600m depending on the area of the quarry being utilised at the time. Further conditions of consent addressing operating times, rehabilitation, dust control and road upgrades maintain minimal impacts on adjoining land.

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The quarry development consent 95/163 (issued in 1998), is limited to 20 years and therefore expires in 2018. The proponent has identified that the closest point of the IA to the quarry is the northern section of the site forming one of the later stages of the Anambah release, and as such will not commence until after 2018 when the quarry has ceased. Further information is to be provided post gateway with regard to *real time* noise and dust levels from the quarry on the subject lands. Advice will also be sought from the Department of Resources and Energy during the consultation process.

The Anambah IA is outside Council's adopted Strategic Planning Noise Contour Map which identifies the 15 ANEC (Australian Noise Exposure Concept) as the general limit of encroachment for noise sensitive uses such as residential development.

Structure Plan

The draft Structure Plan for the Anambah IA provides a preferred land use pattern for the development of the site for urban purposes. The Structure Plan identifies internal road networks with strategic points of access to Anambah Rd and a future western link to the New England Highway. The Structure Plan identifies a location for an activity hub which supports the commercial precinct, school and major playing fields. Local open space areas have been strategically positioned at 400m intervals throughout the IA reflecting "Walkable Neighbourhood" principles.

Key development sites, including the interface with Windella Estate, flood plain interface and rural interface have been addressed through the inclusion of large residential lots with a range of lot sizes from 4000m² to 20,000m² (2Ha). The extent of residential development has been planned to the adopted flood level for the Anambah locality of RL 19.4m AHD, as consistent with data provided in the 2010 Flood Study.

The mapped riparian areas provide vegetation enhancement, stormwater management and cycle and pedestrian opportunities throughout the IA. The exhibition of the draft Structure Plan with the planning proposal and draft LEP amendment will provide opportunities for both internal and external stakeholders to have input into the planning of the urban area of Anambah.

Consultation with Public Authorities

No formal advice has been sought from government agencies and public authorities in relation to the rezoning of the subject site at this stage. It is anticipated that post gateway determination Council will consult with government agencies, public authorities and the surrounding community.

Next Steps

If endorsed by Council, the planning proposal will be submitted to the Department of Planning for gateway approval to proceed with the LEP amendment. The gateway determination will either be:

- (i) exhibit the planning proposal, with or without change; or
- (ii) to refuse the planning proposal.

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(Cont.)**

A positive gateway determination will also make direction regarding the consultation required for the LEP and a timeframe by which the LEP is to be completed.

The planning proposal will then be exhibited in accordance with the directions of the gateway determination and the requirements of Section 57 of the Environmental Planning and Assessment Act 1979, including supporting maps and the draft Structure Plan. Formal submissions to the planning proposal and Structure Plan will be invited and accepted during the exhibited period.

A further report that considers the submissions and any proposed changes to the planning proposal and Structure Plan will then be presented to Council.

CONCLUSION

The proposed LEP amendment for the Anambah IA is a continuation of the coordinated release of land in accordance with Council's adopted strategies together with the support of the Lower Hunter Regional Strategy.

Preliminary environmental assessment of the site has informed the preparation of a draft Structure Plan for the Anambah IA which provides a framework for a land use pattern across the site. It is considered that the site/development issues raised within the preliminary environmental studies are not an impediment to progressing the rezoning to gateway determination. Further detailed site studies will be undertaken by the proponent, post gateway, detailing specific issues and management outcomes where necessary.

It is therefore recommended to Council that the proposed amendment to the Maitland LEP 2011 and draft Structure Plan for the Anambah IA be supported and the planning proposal and draft rezoning plan be submitted to the Department of Planning and Infrastructure for their consideration and a gateway determination prior to formal community consultation.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The subject land to which this planning proposal refers has been identified as "Category 1 - Residential" within Council's adopted Maitland Urban Settlement Strategy 2010 and is consistent with Council's adopted "Land Release Program". This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

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The desktop review of the application and supporting information confirm that there is no impediment to progress with the preparation of a draft local environmental plan and draft Structure Plan, and that further detailed site studies should be prepared post gateway determination.

It is proposed to progress the preparation of the draft local environmental plan and draft Structure Plan simultaneously to assist in forming land use decisions for the locality and providing a broad intended future urban structure for early consultation with the community.

OFFICER'S RECOMMENDATION

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3. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal be submitted to the Department of Planning and Infrastructure.
4. If the Planning Proposal is given a Gateway Determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the Gateway Determination, be undertaken.
5. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received and proposed responses as a result of the process.

COUNCIL RESOLUTION

THAT

1. The draft Local Environmental Plan (DLEP) for the Anambah Investigation Area be endorsed as rezoning the land for urban purposes as detailed in

the attached Planning Proposal.

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5. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received and proposed responses as a result of the process.

Moved Cllr Meskauskas, Seconded Cllr Mudd

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 11 for and 1 against, as follows:

For:	Cllr Baker	Against:	Cllr Fairweather
	Cllr Blackmore		
	Cllr Casey		
	Cllr Garnham		
	Cllr Geoghegan		
	Cllr Meskauskas		
	Cllr Mudd		
	Cllr Penfold		
	Cllr Procter		
	Cllr Tierney		
	Cllr Wethered		

