

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

ANAMABH INVESTIGATION AREA

**Version 0.1
30.4.2012**



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Version

Version 0.1. – 30 April 2012

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 with regard to land shown in Table 1 Anambah Rd, Anambah.

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 One: Property Description

The purpose of the planning proposal for the Anambah Investigation Area (IA) is to rezone the subject land for urban purposes, facilitating residential development with associated commercial, community, recreational and environmental outcomes as the area is developed. The bulk of the rezoning is proposed as *R1 – General Residential* facilitating a range of housing types, however the LEP amendment will also include an area of zone *R5 – Large Lot Residential* for the management of flood affected land with dwelling envelopes located above the adopted 1%AEP Flood Level. A future retail/commercial precinct is to be developed within the Anambah IA to accommodate the needs of the surrounding population. More detailed site information is required for the location and size of the commercial precinct to determine exact zone boundaries in relation to road networks, schools, recreation areas, residential areas and riparian corridors. A separate LEP amendment addressing the location of the proposed *B1 – Neighbourhood Centre* zone will follow a separate planning proposal process at a later date.

Council received a rezoning submission and draft Structure Plan for the subject lands on 17 January 2012. 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.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the planning proposal for the rezoning of lands within the Anambah Investigation Area are to:

1. Enable residential development on site;
2. Ensure any development would respond sensitively to the density and scale of existing adjoining residential settlements
3. Ensure that future residents have access to adequate local and regional public infrastructure;
4. Conserve the rural landscape of the surrounding locality;
5. Protect and manage areas with environmental constraints;
6. Require further detailed development plans to be prepared prior to approval of development applications.

This amendment will support the strategic approach of Council to accommodating significant population growth within the Maitland Local Government Area (LGA).

PART 2: EXPLANATION of PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan (MLEP) 2011. The amendment would involve a change to the land zoning for the subject lands from RU2 Rural Landscape to a combination of R1 General Residential and R5 Large Lot Residential. The amendment would also involve the lands proposed for rezoning to be identified as an Urban Release Area under the provisions of Part 6 of the Maitland Local Environmental Plan 2011.

The amendment to the Maitland LEP 2011 involving the rezoning of the subject site for the purposes of the R1 General Residential Zone and R5 Large Lot Residential zone would involve a change to the Land Zoning Maps 001, 002A & 003 to reflect the zoning change on site. It would additionally include a change to the Lot Size Maps 001, 002A & 003 as the minimum lot size for the subject site is to be amended to reflect 450m² and 20,000m² respectively.

With the site being identified as an Urban Release Area, the amendment to the Maitland LEP 2011 would also involve a change to the Urban Release Area Maps 001, 002A & 003 to depict the subject site as an Urban Release Area.

As the site is to be identified as an Urban Release Area, it will be captured under the provisions Part 6 of the Maitland LEP 2011. Subsequently, consistent with other green field urban release areas, this ensures that satisfactory arrangements for the provision of designated state public infrastructure are met prior to the development of the subject site.

In addition to being captured under the above provisions, the subject site has been identified as a proposed Release Area in the draft Lower Hunter Special Infrastructure Contributions Scheme (SIC) and therefore will be required to contribute to the Lower Hunter SIC.

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?

Yes. The subject lands are identified as part of the Anambah Investigation Area within the Maitland Urban Settlement Strategy 2010, for future urban land. The MUSS 2010 further identified the Anambah IA as Category 1 – Residential resulting in the short term (0 – 5 yrs) delivery of urban land in the locality. This is consistent with Council's adopted *land release program* for Category 1 – Residential land and maintaining a 10 – 15 year supply of residential land.

A draft Structure Plan has been prepared for the Anambah IA to be considered in conjunction with the proposed LEP amendment. The Structure Plan provides a broad framework for potential development in the Anambah area, with the objective of ensuring that any new development takes place in a coordinated and sustainable manner. Guiding principles of the draft Structure Plan include locating community/public and commercial facilities in a central accessible locality, planning for an accessible diverse housing settlement, protecting environmentally sensitive areas, enhancing visual character of new urban areas, identifying key development sites and providing a connective road network to wider regional infrastructure.

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

It is considered that an amendment to the Maitland LEP 2011 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision and objectives of the Lower Hunter Regional Strategy 2006 and Maitland Urban Settlement Strategy 2010.

The current land zoning does not permit residential development and/or supporting community and public infrastructure for the development of a future urban area. The rezoning will be supported by an infrastructure funding strategy and development control plan to achieve the objectives outlined in this planning proposal.

3. Is there a net community benefit?

No net community benefit test has been provided by the proponent. However, Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject lands are considered as part of the adopted policy position for urban investigation sites identified within Council's Maitland Urban Settlement Strategy 2010. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2010 and Council's adopted framework for urban investigation sites.

The rezoning of the subject site would enable residential development, contributing to the local economy given that a high proportion of residents within the subject area will be able to readily commute to the Maitland CBD. Additionally, this will assist in providing a local supply of labour for local businesses.

The public interest reasons for preparing this draft plan include:

- The development of the subject lands will support the growing residential population within the western of the Maitland LGA, with potentially 9000 new residents;
- The land has largely exhausted its historical agricultural use and the proposal to develop the land for urban purposes will result in an improved outcome and a higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected and enhanced;
- The end urban environment will include community and public facilities for the growing population of the Anambah area including adjoining and surrounding residential areas;
- Major infrastructure investment decisions by Hunter Water and Energy Australia will be able to be more effectively made if they have greater certainty in relation to Anambah.

The implications of not proceeding with the planning proposal include:

- The availability of urban land for population growth addressed in the LHRS 2006 will not be achieved;
- The desired future outcomes of Council's long term strategic plans (MUSS 2010) for this area will not be achieved;
- The potential for a higher order land use within the subject lands would be lost, as the land is not large enough to support sustainable agricultural practices;
- The potential for improvements to the existing public infrastructure would be limited;
- Opportunities to improve and enhance the linkages between established residential areas and rural areas of Anambah will be denied if the proposal is not supported.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy (NSW Dept of Planning) – October 2006

The LHRS 2006 provides a regional context to the need for accommodating population growth within the Lower Hunter Region. The strategy discusses opportunities for urban release areas, infill development, centres and corridors, and employment generating lands. The LHRS 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 21,500 dwellings. It is anticipated that the majority of dwellings will be contained within new urban release areas. The Anambah Investigation Area has been identified in the Lower Hunter Regional Strategy (LHRS) as a 'Proposed Urban Area'. This planning proposal for the Anambah Investigation Area is consistent with the aims and objectives of the LHRS, given that the site is contained within the 'Proposed Urban Area' at Anambah, identified on the LHRS map (LHRS 2006:12-13). The Anambah Investigation Area is approximately 484 hectares in size, which is significant in terms of releasing land to meet the dwelling projections outlined under the LHRS 2006.

LHRS 2006 - Neighbourhood Planning Principles

The neighbourhood planning principles outlined under the LHRS 2006 (p.26) are as follows:

- A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.
- Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.
- Jobs available locally and regionally, reducing the demand for transport services.
- Streets and suburbs planned so that residents can walk to shops for their daily needs
- A wide range of housing choices to provide for different needs and different incomes. Traditional houses on individual blocks will be available with smaller, lower maintenance homes. Units and terraces for older people and young singles or couples.
- Conservation lands in-and-around the development sites, to help protect biodiversity and provide open space for recreation.
- Public transport networks that link frequent buses into the rail system.

The draft Structure Plan for the Anambah IA, submitted with the rezoning proposal, provides additional detail which addresses the above planning principles. 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 at an early stage.

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

Council has prepared and adopted a community strategic plan (Maitland 2021) in line with the new Integrated Planning and Reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland 2021 Community Strategic Plan as it provides opportunities for urban growth within the city to meet the needs of a growing population.

In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2010 Edition

The Anambah Investigation Area was first identified in the 2006 MUSS as a *"Preliminary Investigation Area"*. The 2008 MUSS review elevated the Anambah site to a *Category 2 – Investigation Area*, with the 2010 MUSS review identifying the site as a *Category 1 – Residential Investigation Area*. This progression is consistent with Council's *"Land Release Program"* adopted 24 March 2009, which identified the rezoning of the Anambah IA for urban purposes as occurring post gazettal of the Maitland LEP 2011.

The MUSS 2010 identifies specific considerations to be addressed as part of any future planning for the Anambah Investigation Area. These include integration with existing development, limiting visual impact, considering impacts on road infrastructure, ensuring bushfire, flooding and other environmental constraints are appropriately managed, and ensuring capacity exists for the proper augmentation of infrastructure in the locality.

The MUSS states that *"Structure Planning for the Investigation Area is encouraged to determine development outcomes, in consultation with the local community."* (MUSS 2010). A draft Structure Plan for the investigation area has been developed and is proposed to run concurrently with the rezoning process to assist in forming land use decisions for the locality and providing a broad intended future urban structure for early consultation with the community.

Activity Centres & Employment Clusters Strategy 2010

The Activity Centres and Employment Clusters Strategy 2010 (ACECS 2010) identifies that potential population growth in Anambah is likely to provide an opportunity for a neighbourhood centre to develop within the Anambah Investigation Area. The draft Structure Plan has identified the potential location for a neighbourhood centre with supporting studies addressing specific appropriated uses and required land area. The planning report submitted by the proponent proposes this area of the site to be zoned B2 – Local Centre.

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. With the additional community facilities calculated into the neighbourhood centre gross floor area of 5,400m², the proposed facility is of a scale and location consistent with the policy objectives for activity centres. The permitted uses within the B1 – Neighbourhood Centre zone, as detailed within the MLEP 2011, provide for those uses identified in the supporting information submitted by the proponent. Therefore to ensure consistency with Council's adopted strategy for activity centres and consistency with the zone of existing similar centres, any future commercial/retail centre for the Anambah urban area would need to be identified as *B1 – Neighbourhood Centre* under the MLEP 2011.

It should be noted that inclusion of a proposed neighbourhood centre in the planning proposal is subject to the local population of Anambah reaching a predicted level and the specific location, size and boundaries. For this reason, Council has proposed that the land be considered generally for urban purposes at this stage, with economic analysis/justification to be undertaken by the proponent to inform the need and appropriate timing for a neighbourhood centre.

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

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and Implications
SEPP (Infrastructure) 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP (Rural Lands) 2008	Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is rezoning lands zoned for rural purposes to urban purposes and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. However the subject site is identified as a Category 1 – Investigation Area appropriate for urban development as identified in the adopted policy position in the endorsed MUSS 2010. Therefore the inconsistency with the aims of the Rural Lands SEPP 2008 is justified.
SEPP no. 55 Remediation of Lands	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed	Given the historical use of the land for agricultural purposes, the land has previously been subject to agricultural activities over time and may accommodate chemical residues from such activities. A preliminary contamination assessment has been undertaken on site and the geotechnical report submitted as part of the rezoning proposal suggests a low potential for contamination. However there is potential for a number of identified sites to contain contaminants and therefore a detailed contamination assessment would need to occur prior to the development assessment stage to ensure appropriate remediation of the site occurs if necessary.
SEPP 44 - Koala Habitat	This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free living population over their present range and reverse the current trend of Koala population decline.	While Koala habitat trees have been noted on the site, these do not represent 15% of the canopy cover. Accordingly no further assessment is required.

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Table Two: Relevant State Environmental Planning Policies

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

There are a number of relevant s.117 Ministerial Directions which need to be acknowledged in the planning proposal. However, there will not be any issues of significance arising from consideration of the directions which will impact on the proposed development area. When a minor inconsistency has been identified, a clear justification for the departure is provided. An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones	NA	
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	It is proposed to rezone the subject lands from rural to urban lands. The majority of the site is currently zoned for rural purposes. At present the site does not support prime agricultural uses and is identified in both local and regional strategies for future urban development. Rezoning the subject lands for urban purposes will not result in the loss of sustainable prime agricultural land and hence the inconsistency with the aims of this direction is justified.
1.3 Mining, Petroleum Production and Extractive Industries	NA	
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes	The subject land comprises rural land that is identified in the Maitland Rural Strategy 2005 as suitable to support prime agricultural land classes 1 and 2. The IA contains (12) separate rural parcels of land creating an impediment for sustainable rural pursuits to occur. The land has been identified by Council as suitable for urban development within the MUSS 2010 and is identified in the LHRS as a future urban environment. Rezoning the subject lands will not result in the loss of sustainable and viable rural lands and hence the inconsistency with the aims of this direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	

Ministerial Direction	Aim of the Direction	Consistency and Implications
2.2 Coastal Protection	NA	
2.3 Heritage Protection	The aim of this direction is to conserve items, areas, objects, places of environmental heritage and indigenous heritage.	Preliminary heritage assessments did not identify items or sites of aboriginal heritage. No items of European heritage were identified within the investigation area. The proposal is consistent with this direction.
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	The aim of this direction is to 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 planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 2011 for rezoning of lands for urban purposes. The proposed rezoning will result in a change of land use to enable future residential development of the site. The land is identified as an urban investigation area for potential development within the MUSS 2010. Therefore the proposal is consistent with the objectives of this direction.
3.2 Caravan Parks and Manufactured Home Estates	NA	
3.3 Home Occupations	NA	
3.4 Integrating Land Use and Transport	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 proposes to establish an urban environment with local and regional connectivity through design and location of road networks including provision for public transport services. The planning proposal is considered consistent with this direction.
3.5 Development Near Licenced Aerodromes	The objectives of this direction are to ensure the effective and safe operations of aerodromes, the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and lastly to ensure development for residential purposes or human occupation, if situated on land within the ANEC contour of 15, incorporates mitigation measures so that the	This direction applies but does not result in the increase of residential land within the 15 ANEC contour and therefore does not impede the operation of the Rutherford aerodrome. Therefore the proposal is considered to be consistent with this direction.

Ministerial Direction	Aim of the Direction	Consistency and Implications
	development is not adversely affected by aircraft noise.	
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing ASS.	Current ASS risk maps and ASS Mapping under the Maitland LEP 2011 indicate the potential of ASS and identify the site as affected by Class 5 ASS. This low class ASS should not preclude the rezoning process continuing but should be considered further prior to any future development of the lands. Therefore the planning proposal is consistent with the objectives of this direction.
4.2 Mine Subsidence and Unstable Land	NA	
4.3 Flood Prone Land	The direction aims to reduce the risk of flood and to ensure that the development of the flood prone land is consistent with the NSW Flood Prone Land policy.	A small portion of land in the south eastern sector of the Anambah Investigation Area is affected by inundation during a 1:100 year flood event.
4.4 Planning for Bushfire Protection	The aim of this direction is 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 to encourage sound management of bush fire prone areas.	This direction applies as part of the subject site is identified as bushfire prone. Environmental studies for the site have assessed bushfire risk and outlined the environmental hazards from bushfire threat on any future urban development. It is considered the planning proposal is consistent with the objectives of this direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA	The planning proposal is consistent with the aims and objectives of the LHRs 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site was formally identified within the endorsed MUSS 2008 and is identified within the adopted MUSS 2010 as a site for investigation for future urban development. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
LOCAL PLAN MAKING		
6.1 Approval and Referral	The direction aims to ensure that LEP provisions encourage the efficient and appropriate	The planning proposal does not affect the objectives of this direction and will be consistent

Ministerial Direction	Aim of the Direction	Consistency and Implications
	assessment of development	with this requirement.
6.2 Reserving Land for Public Purpose	NA	
6.3 Site Specific Provisions	NA	
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	NA	

Table Three: Relevant s.117 Ministerial Directions

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?

The Anambah IA is substantially cleared and is relatively unconstrained in terms of ecological issues. Flora and fauna habitat value has been considered in several investigations for the site and will be subject to further investigation. However, the existing information establishes that there is little likelihood of impact on threatened species, populations or ecological communities and no likelihood of impact on critical habitat and this will not be an issue of significance for the site. Additional studies for the site will be undertaken post gateway determination to target specific species and/or seasonal variations.

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

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 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 Investigation Area. 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 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 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.

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.

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

The planning proposal provides increased housing opportunities within the western sector of the Maitland LGA including the possibility for a diverse range of housing choice. Any increase in supply of housing will increase the need for the provision of open space and recreational services including community facilities, passive and active open space areas either within or utilising existing facilities in the immediate areas. This will be considered in the preparation of the infrastructure plan.

The Activity Centres and Employment Clusters Strategy 2010 (ACECS 2010) identifies that potential population growth in Anambah is likely to provide an opportunity for a neighbourhood centre to develop within the Anambah Investigation Area. It should be noted that provision of a neighbourhood centre is subject to the local population of Anambah reaching a predicted level. It is proposed that the land be considered generally for urban purposes at this stage, with final details on the exact location and zoned boundary configuration undertaken as a later date under a separate rezoning proposal and LEP amendment.

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 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.

Section D – STATE and COMMONWEALTH INTERESTS

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

The provision of public infrastructure is an important issue in the Anambah area, and indeed, in the wider context of Maitland's longer term urban growth. This planning proposal is considered to place significant additional demands on the public infrastructure and the general infrastructure needs demanded by an urban release area, largely those demands associated with water and wastewater servicing. 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 developed area.

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.

It is considered that there are mechanisms in place to ensure that adequate provision occurs in coordination with new development, particularly through Part 6 of the MLEP 2011, which specifies that satisfactory arrangements for utility and regional infrastructure need to be in place prior to the determination of development applications.

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

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.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation being undertaken by the local authority. Given that the site is a 'Proposed Urban Area' identified in the LHRS 2006 (p. 12-13) and a Category 1 investigation area under the MUSS 2010, with a potential lot yield of up to 3000 lots, it is deemed that the planning proposal is not of a low impact. The planning proposal should therefore be exhibited for a minimum of 28 days.

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

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the branch libraries

and Council's Administration Building;

- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

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 proposed rezoning before proceeding to finalisation of the amendment.

The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

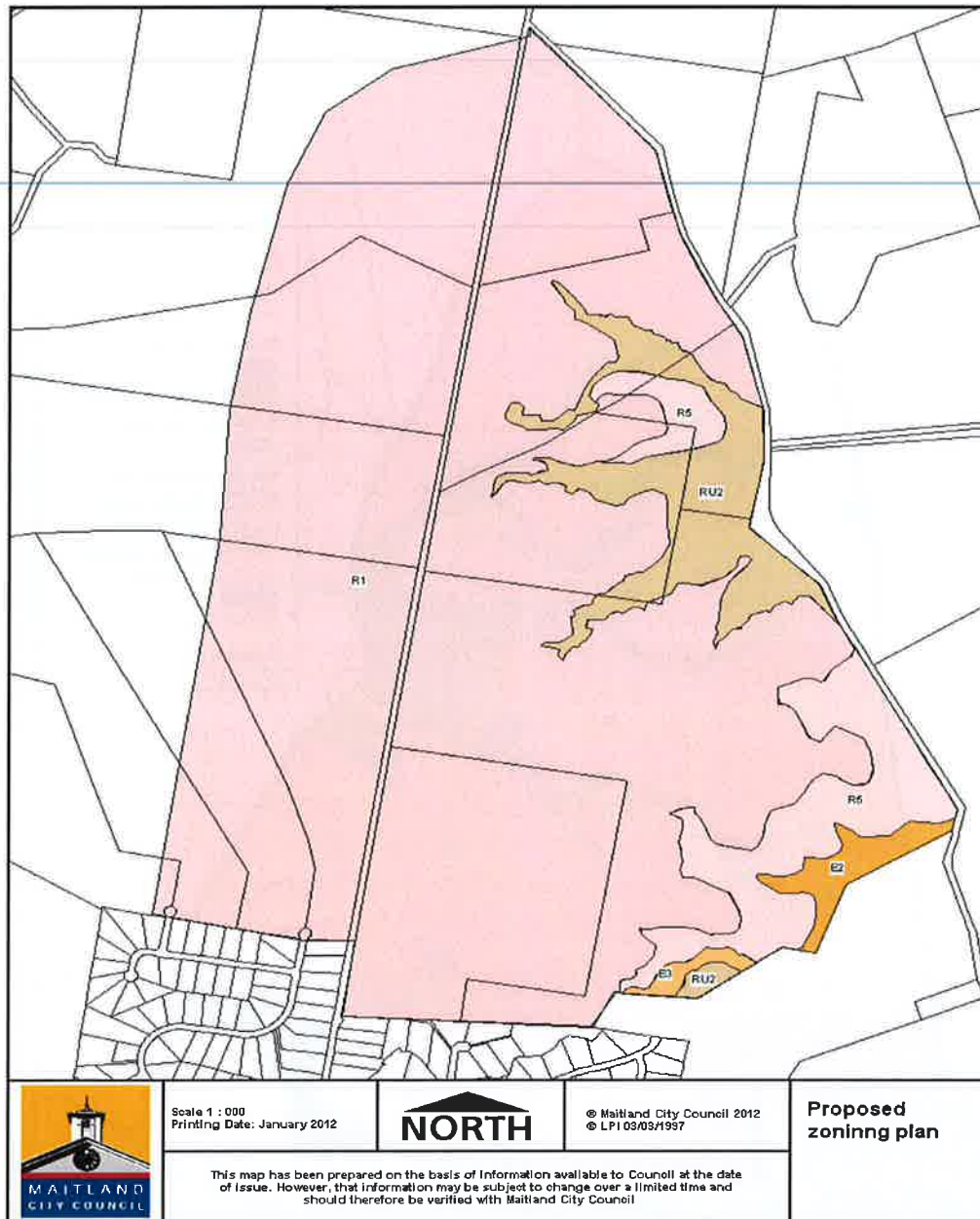
Appendix ONE

Location Map



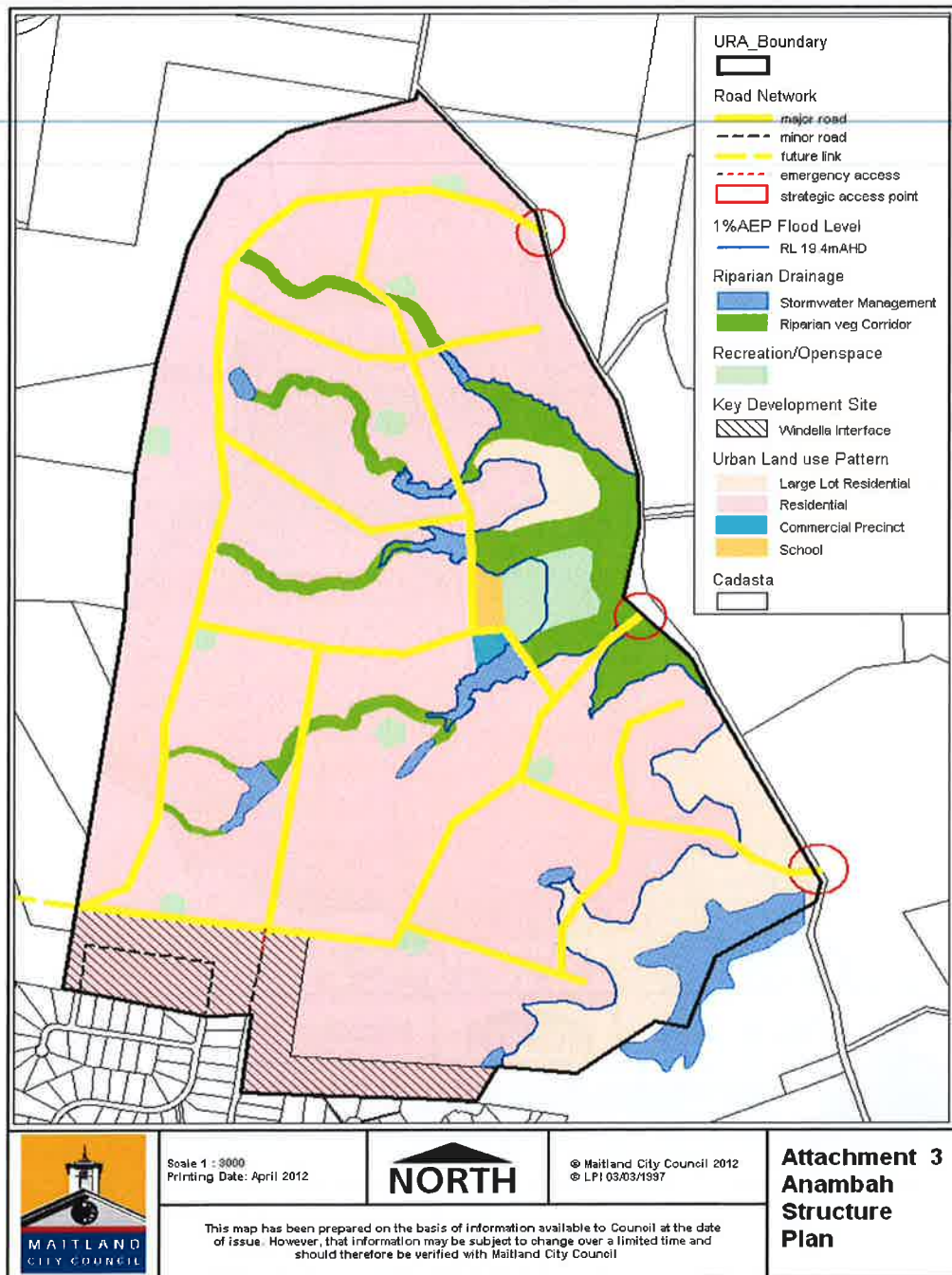
Appendix TWO

Proposed Zoning Map



Appendix THREE

Anambah draft Structure Plan



Appendix FOUR
Council Report and Resolution
8 May 2012

Appendix FIVE

Anambah Investigation Area, extract from MUSS 2010

