



# maitland

## city council

### **PLANNING PROPOSAL**

### **AMENDMENT TO THE MAITLAND LEP 2011**

Stage 4 of the Aberglasslyn URA, Kezia Rd, Oakhampton

Various Lots Keiza Rd and Oakhampton Rd

Version 0.1

25/10/2022





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## INTRODUCTION

This planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to the Maitland Local Environmental Plan 2011. The primary purpose is to:

- Rezone land within Aberglasslyn URA from RU1 Primary Production and RU2 Rural Landscape to part R1 General Residential and either RU1 Rural Lands or an appropriate environment zone pending future resolution whilst retaining the C2 Environmental Conservation zoned land.
- Amend the minimum lot size from 40 ha to 450m<sup>2</sup> for R1 General Residential land and 10 ha for the RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management land, and
- Realign the Aberglasslyn URA to align with property boundaries.

Delegation for making the local environmental plan has not been requested by Council.

The amendment to the MLEP 2011 is proposed as described below:

- amend the land zoning map (sheet LZN\_006A) to rezone land that is currently zoned as RU2 Rural Landscape to part R1 General Residential and part E3 Environmental Management, and
- amend the minimum lot size map (sheet LSZ\_006A) to reflect 40ha minimum lot size for proposed E3 Environmental Management zone and 450m<sup>2</sup> minimum lot size for proposed R1 General Residential zone.

The determination of zone boundaries within the site will be finalised through the Gateway assessment, determination and implementation process as further information is provided and discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in this planning proposal. The site is identified in the Maitland Urban Settlement Strategy 2012 (MUSS 2012) as Category 1 Residential Land and in the Maitland Local Strategic Planning Statement 2040+ (LSPS) as Planned Investigation Area – Residential. The land is currently zoned RU1 Rural Landscape under the MLEP 2011.





**Figure 1: Study Area**

<i>Property Details</i>			
Property Description	Street Address	Land Area (ha)	Landowner
Lot 1 DP 1012258	42 Keiza Rd	35.2	G Ellicott & K Collison
Lot 8 DP 248331	43 Keiza Rd	10.1	Maitland Dredging Pty Ltd
Lot 7 DP 248331	37 Keiza Rd	2	Jag Assets Pty Ltd
Lot 6 DP 248331	35 Keiza Rd	2	Jag Assets Pty Ltd
Lot 5 DP 248331	29 Keiza Rd	2	M James & K Cawthorne
Lot 1 DP 562346	502 Oakhampton Rd	2	K David & A.W Wethered
Lot 3 DP 562346	486 Oakhampton Rd	2	T John & M.G. Power
Lot 4 DP 562346	478 Oakhampton Rd	2	N. Sutherland
Lot 1 DP 1086271	25 Keiza Rd	2	P Thompson
Lot 1 DP 826919	487 Oakhampton Rd	7.2	R Joseph & S Cooney
Lot 66 DP 810466	473 Oakhampton Rd	15.6	B Charles & M McCowan
Lot 7 DP 998430	461 Oakhampton Rd	4.7	E. Wakatama
Lot 8 DP 998430	355 Oakhampton Rd	13.5	J. A. G Willard
	355 Oakhampton Rd	12.7	J.A.G Willard

**Table 1: Study Area, Property Details**

## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the proposal are to amend Schedule 4 of the Maitland Local Environmental Plan 2011 to enable residential development and environmental management of the subject Site at Oakhampton with suitable minimum lot sizes.

The amendment to the MLEP 2011 is proposed as described below:

- amend the land zoning map (sheet LZN\_004A) to rezone land that is currently zoned as RU2 Rural Landscape to part R1 General Residential and
- amend the minimum lot size map (sheet LSZ\_004A) to reflect 40ha minimum lot size for proposed E3 Environmental Management zone and 450m<sup>2</sup> minimum lot size for proposed R1 General Residential zone.
- amend the Urban Release Map (sheet URA\_004A) to reflect the new urban release boundary.

## **PART 2: EXPLANATION OF PROVISIONS**

The planning proposal seeks to amend as outlined below:

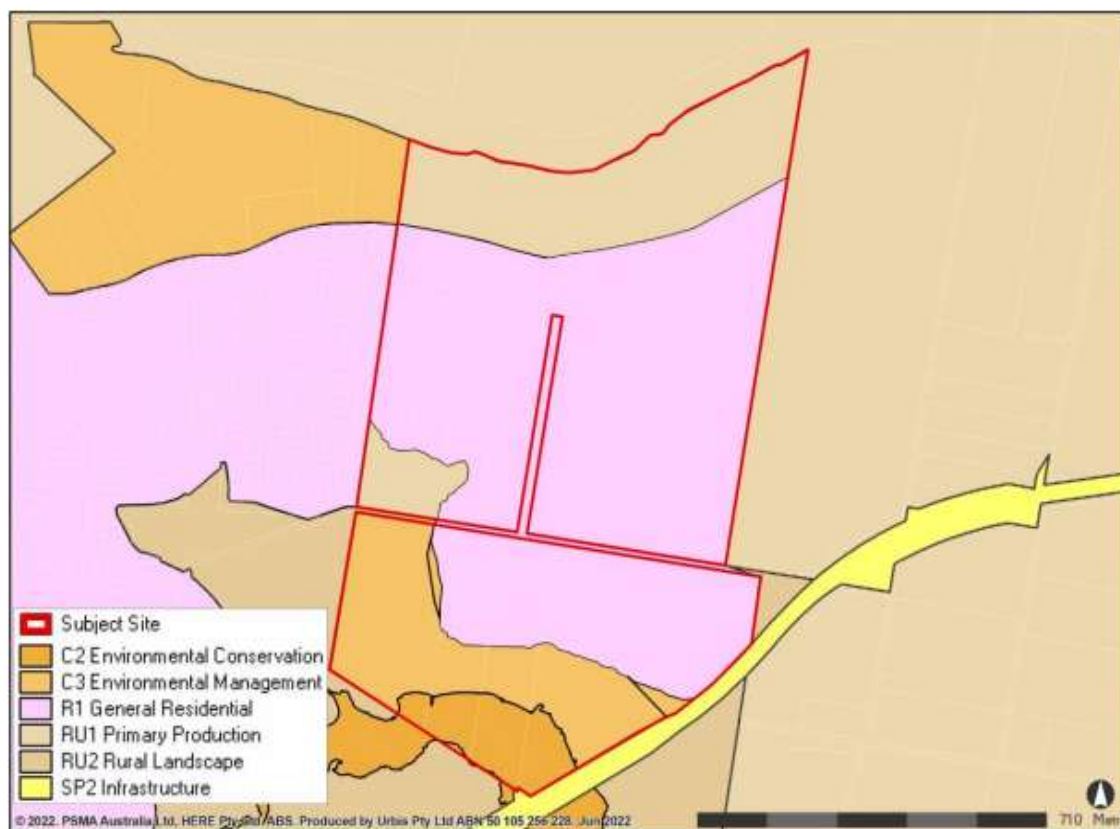
The intended objectives will be achieved by amendments to the planning controls and land use zones in the MLEP 2011, specifically the MLEP 2011 maps including:

- Land Zoning Map (Sheet LZN\_004A),
- Lot Size Map (Sheet LSZ\_004A), and
- URA Map (Sheet URA\_004A).

A summary of the proposed amendment is provided in the table below. The following Figures show the existing planning controls and indicative proposed land use zones. The determination of zone boundaries within the site will be finalised through the Gateway assessment, determination and implementation process as further information is provided and discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in this planning proposal.



**Figure 2: Current MLEP 2011 Zoning Provisions**

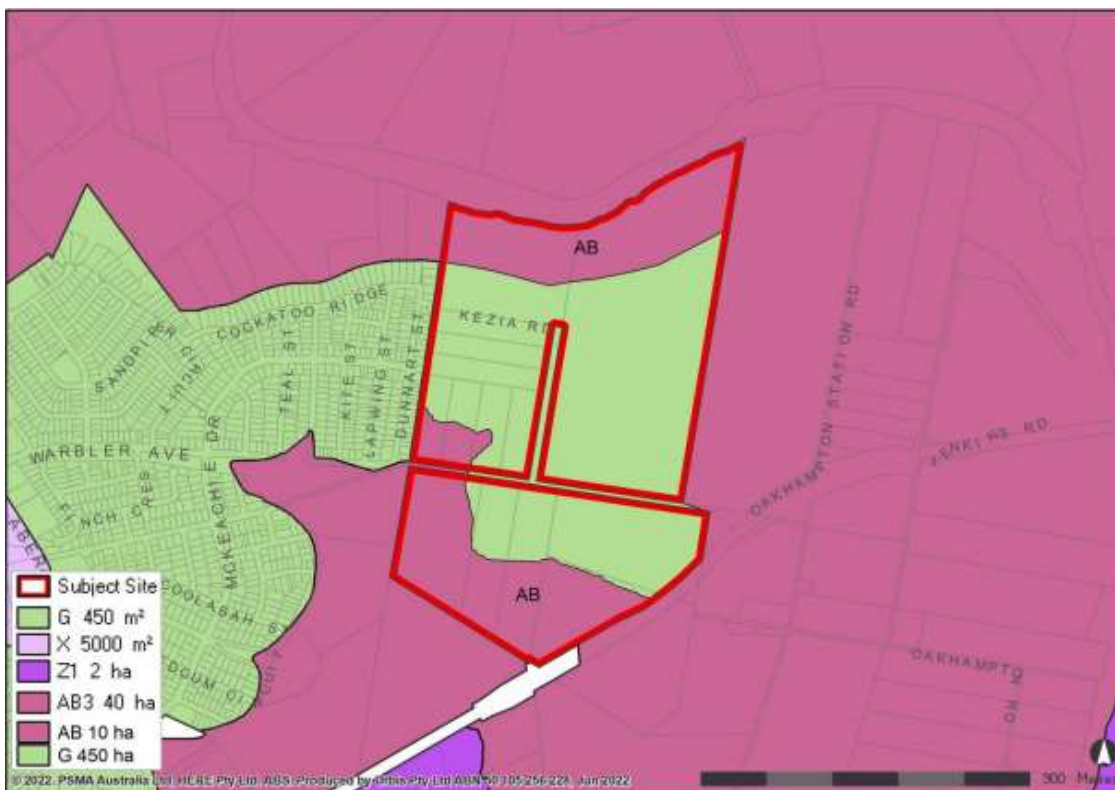


**Figure 3: Proposed MLEP 2011 Zoning Provisions**

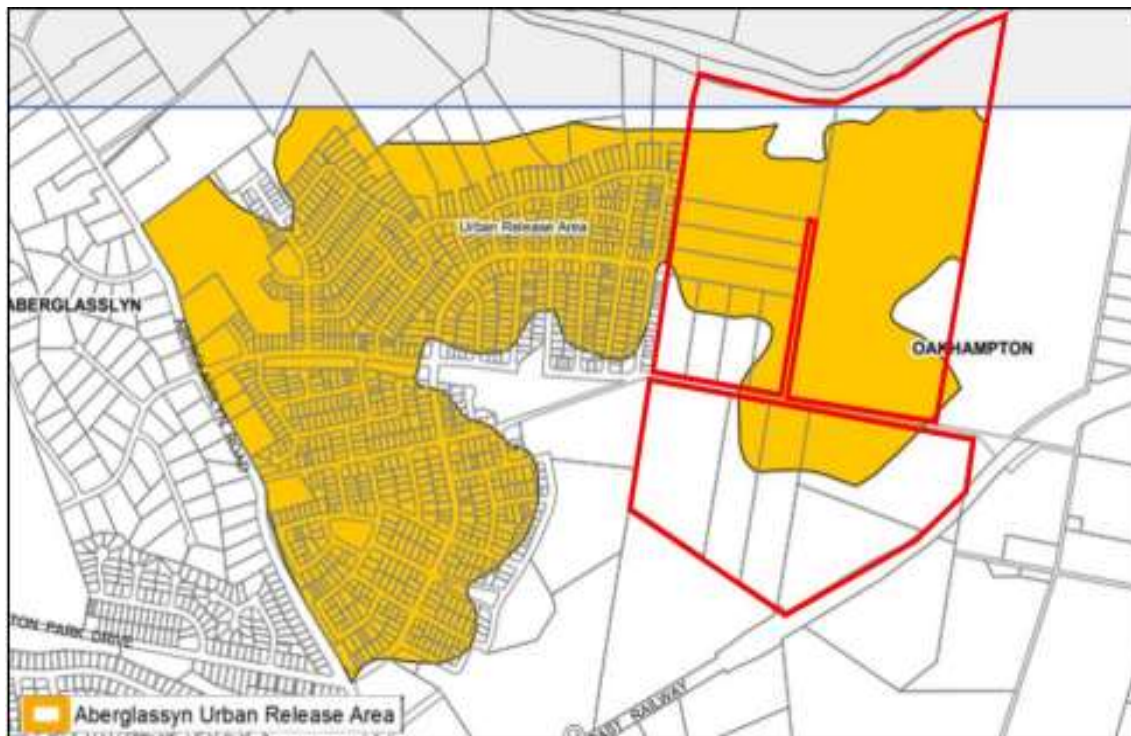




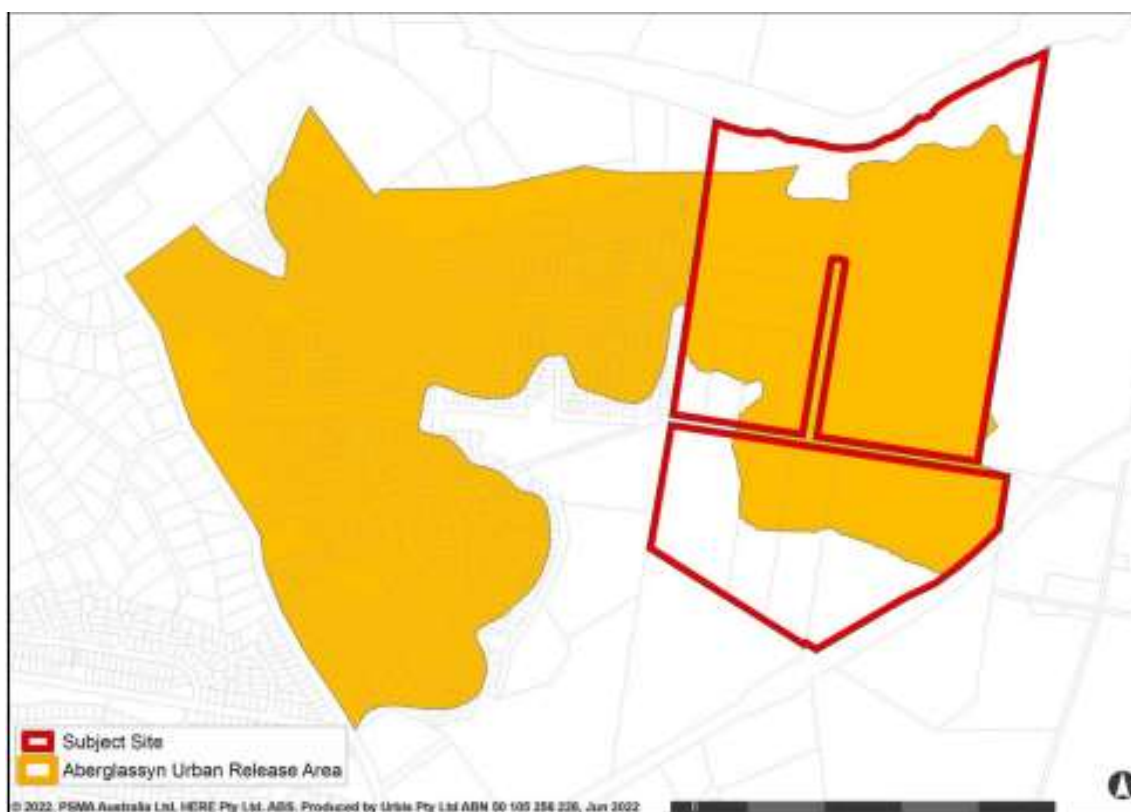
**Figure 4: Current MLEP 2011 Minimum Lot Size Map**



**Figure 5: Proposed MLEP 2011 Minimum Lot Size Map**



**Figure 6: Existing URA Map**



**Figure 7: Proposed URA Map**



## PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Local Environmental Plan Making Guidelines', 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?



**Figure 8: Site Location**

The site is identified as part of the Aberglasslyn Urban Release Area (URA) within the Department endorsed Maitland Urban Settlement Strategy 2012 for potential future urban growth. Within the Maitland Urban Settlement Strategy 2012, part of the site is identified as 'Category 1 – Residential' resulting in the short term (0-5 years) delivery of urban land in the locality. The remaining land is identified as Category 2 – Residential, potentially providing for urban growth in the locality over the next 5-10 years (medium term).

The proposal seeks a residential outcome on approximately 6.2 hectares of the site that is identified as Category 1 in the Maitland Urban Settlement Strategy. The proposal also seeks an environmental outcome on balance of the site. This portion of land is approximately 15 hectares and is in part identified as Category 1 and Category 2 in the MUSS and incorporates land identified as Flood Planning Area. Refer to Figure 3 for category boundaries.

The site is also identified by Maitland's Local Strategic Planning Statement 2040+ as a planned residential investigation area. The Local Strategic Planning Statement is Maitland's most contemporary long-term planning strategy providing a vision for how growth will be managed for the Local Government Area.



**Figure 9: Indicative Concept Plan (subject to future development assessment)**

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

The planning proposal is the best approach to achieve the intended outcomes. It is the most efficient and timely approach to amend the planning controls and rezone the land to enable future development of the site for residential development.

**3. Is there a net community benefit?**

Council envisages that this planning proposal will result in a net community benefit. Specifically, the site is considered as part of the adopted policy position for urban investigation sites identified within the Maitland Urban Settlement Strategy. Therefore, the proposed amendment to planning controls and rezoning is consistent with the outcomes of the MUSS and adopted framework for consideration of such proposals. The public interest reasons for preparing the amendment include:

- The development of the site will support the growing residential population within the eastern sector of the Maitland Local Government Area.
- The site provides for a logical addition to an existing serviced residential area to the west of the site, and
- Existing environmentally significant areas in the northern and southern portions of the site will be protected through continued examination of the best zoning provision to ensure environmental integrity is protected. This enables the protection of existing vegetation corridors on site, connecting established larger habitat areas to the northeast and south.

**SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

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

*Hunter Regional Plan 2036*

The Hunter Regional Plan 2036 (the Regional Plan) is a 20-year blueprint for the future of the Hunter. Its vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at heart. This vision will be achieved through the realisation of four goals:

- A leading regional economy in Australia;
- A biodiversity-rich natural environment; • Thriving communities; and
- Greater housing choice and jobs.

The Maitland area includes several urban release areas that are contributing to significant greenfield housing supply for the region, as well as centres undergoing revitalisation and historic rural villages.



The Regional Plan identifies the need for an additional 70,000 dwellings in the region by 2036 through greenfield and infill development. There will be an additional 12,550 dwellings required in the Maitland area by 2036 to accommodate population growth of 26,650 people. The Plan provides land and infrastructure to meet this requirement, particularly in areas with established services and infrastructure located near existing towns.

The Regional Plan identifies Maitland and its surrounds as a Growth Area, including the subject Site. The Site is located within the Aberglasslyn URA, which is identified as a future housing and urban renewal opportunity area in the Plan.



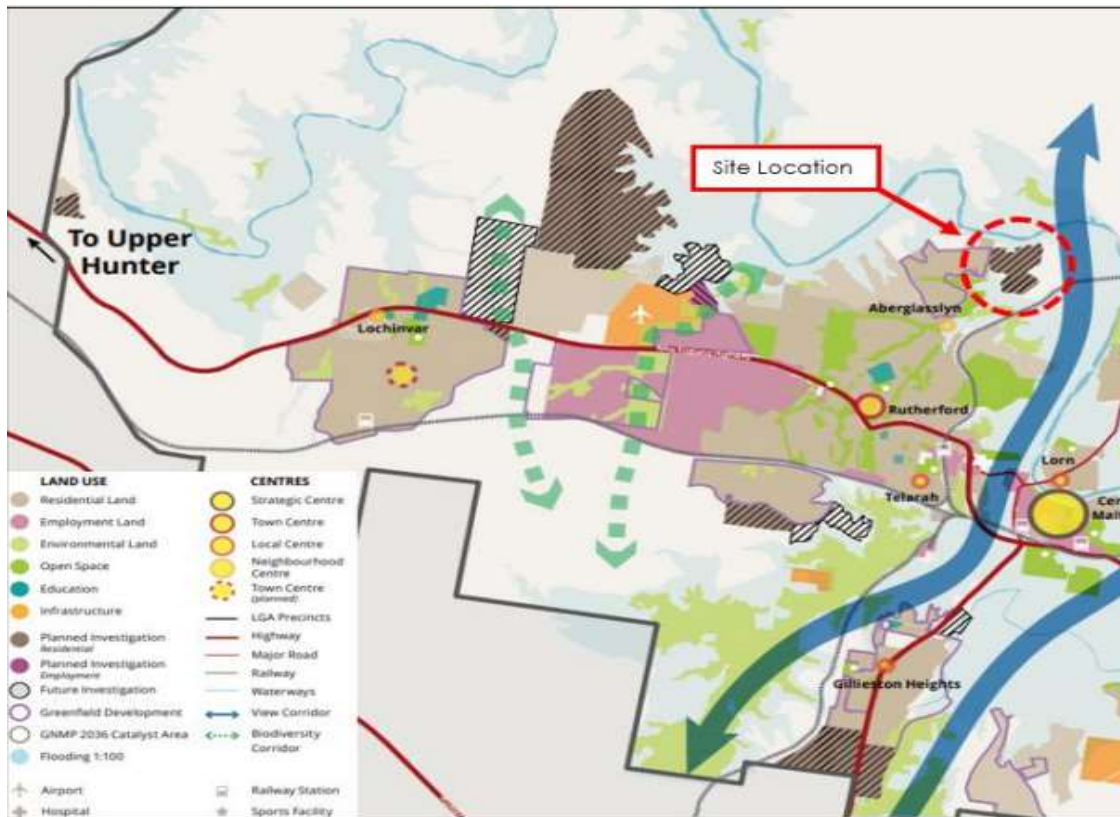
**Figure 10: Hunter Regional Plan 2036**

#### Maitland Local Strategic Planning Statement 2040+

The Maitland Local Strategic Planning Statement (LSPS) is a 20-year land use vision for the LGA reflecting the community's ideas and aspirations for the future. It recognises and responds to evidence about what types of housing will be needed for future populations and where it is best located, considering environmental constraints, avoiding natural hazards, and protecting important environmental and agricultural land and scenic values.

The population of the Maitland local government area is projected to increase by 27,400 to 110,600 between 2018 and 2040, an increase of 33%. It is anticipated that an additional 12,600 dwellings will be required by 2040.

Aberglasslyn is identified as a priority urban release area in the Western Precinct of Maitland. It is also identified as a Planned Investigation Area in the LSPS. The precinct is expected to grow by 17,700 residents by 2040.



**Figure 11: Maitland Local Strategic Plan 2040+ (Site Identified as Planned Investigation Area)**

#### Greater Newcastle Metropolitan Plan

The Plan sets out strategies and actions that will drive sustainable growth across Maitland City communities. Maitland City forms part of the five (5) Lower Hunter Councils that make up Greater Newcastle. Figure 2 identifies Thornton as a Centre, and the draft Planning Proposal will contribute to the housing supply supporting the local economy.

Greater Newcastle Metropolitan Plan (the District Plan) is a key element in the future productivity of the Hunter region and critical to it being the leading regional economy in Australia. The District Plan outlines strategies and actions that will guide growth across five closely connected urban areas: the Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens local government areas. Together these areas make up Greater Newcastle.

The District Plan outlines four desired outcomes being:

- Create a workforce skilled and ready for the new economy;
- Enhance environment, amenity and resilience for quality of life
- Deliver housing close to jobs and services; and

- Improve connections to jobs, services and recreation.

The District Plan predicts that the population of Greater Newcastle will increase by 20% to 692,00 residents by 2036 and there will be a corresponding need for an additional 60,450 dwellings. 4.17 The subject Site is located within a Housing Release Area identified in the District Plan; therefore the proposal will assist in delivering new housing as envisioned by the District Plan.

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

### Maitland +10 (Community Strategic Plan)

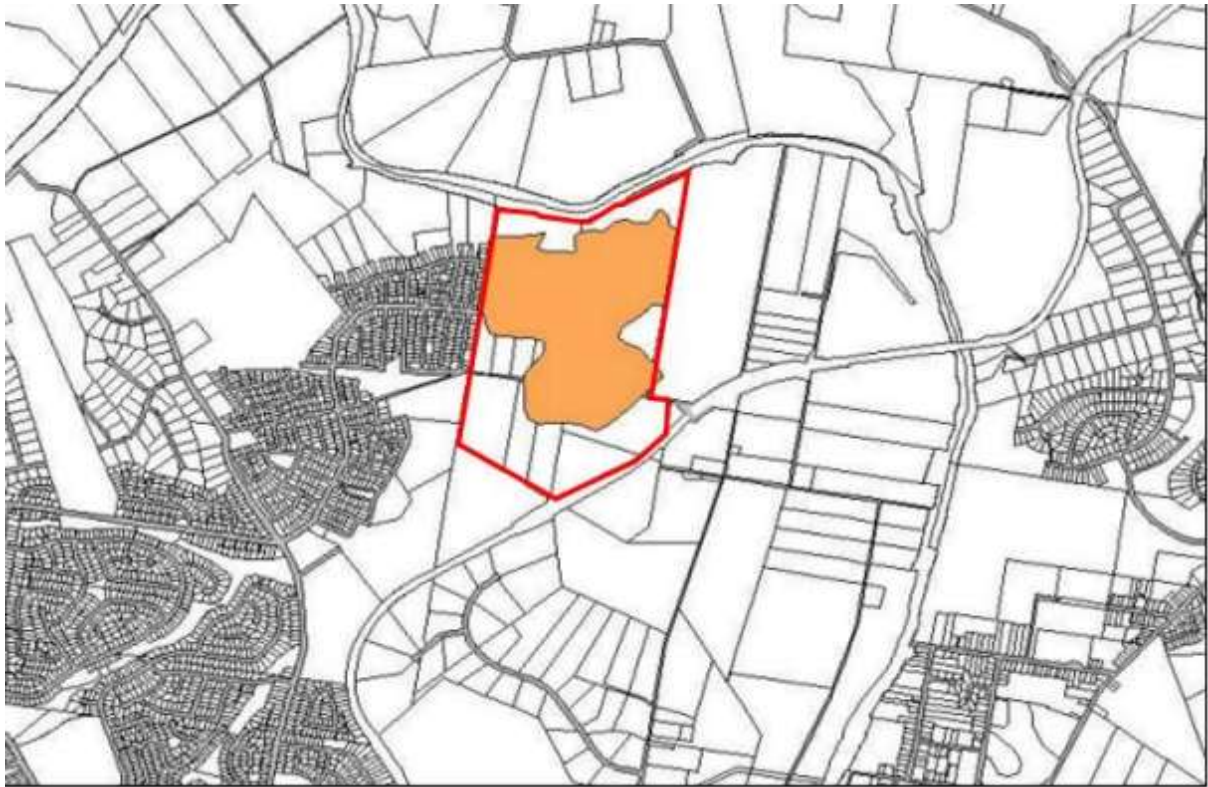
The proposal supports the following objectives of the Council's community strategic plan (Maitland +10) The planning proposal seeks to ensure that Council delivers on the economic sustainability of the LGA by way of provision of additional housing that is consistent with the long-term strategic planning as well as amending an anomaly that is align with the existing zoning of the land.

### Maitland Urban Settlement Strategy (MUSS)

The Maitland Urban Settlement Strategy 2001-2020 (MUSS) is Maitland Council's plan that identifies areas for investigation for potential future urban development. The Strategy considers the current and expected future population growth rate and future land requirements for urban development, considering constraints such as flooding, bushfire risk, access, infrastructure, environmental and prime agricultural lands.

The Site is identified in the MUSS as Category 1 Residential land in the Aberglasslyn Investigation Area for land release within the next five years. Category 1 land is in areas without a substantial supply of existing zoned land and can be easily serviced.

The proposal is consistent with the MUSS, despite the minor increase in the "Category 1 Residential Land"



**Figure 12: Maitland Urban Settlement Strategy (MUSS) Identified Land Category 1**

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

An assessment of the planning proposal against the relevant SEPPs is provided in the table below. Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
State Environmental Planning Policy (Biodiversity)	<p>Consistent</p> <p>This Planning Proposal does not propose clearing of vegetation. The provision of the R1 General Residential and particularly the C2 Environmental Conservation and C3 Environmental Management zoned land will ensure that due consideration is given to the removal of any vegetation at the development application stage.</p> <p>Koala Habitat Protection 2020 AND Koala Habitat Protection 2021:</p> <p>Chapter 3 (Koala Habitat Protection 2020) applies to the parts of the Study Area currently zoned RU1 Primary Production and RU2 Rural Landscape. A small section of land currently zoned C2 Environmental</p>

**RELEVANCE****CONSISTENCY AND IMPLICATIONS**

Conservation occurs in the southern end of the Study Area. Chapter 4 (Koala Habitat Protection 2021) applies to land zoned C2 Environmental Conservation; however, this area will not be rezoned as part of the current rezoning application. Once land currently zoned RU1 Primary Production and RU2 Rural Landscape are rezoned as R1 General Residential and C3 Environmental Management, chapter 4 (Koala Habitat Protection 2021) will apply to all parts of the Study Area for future development applications. As the majority of the Study Area is cleared, only the areas containing remnant native revegetation to the north adjacent to the Hunter River include a small number of Forest red gum (*Eucalyptus tretinoins*), which are a Koala food tree. The proposal has no intention of impacting this area and is proposed to maintain the existing RU1 zone. It is noted that this stand of vegetation is isolated and does not form part of a wider vegetation community, nor have there been any Koalas sited on or in close proximity of the site.

State Environmental Planning Policy (Industry & Employment)

NA

State Environmental Planning Policy (Precinct Eastern Harbour)

NA

State Environmental Planning Policy (Precinct Western City Parkland)

NA

State Environmental Planning Policy (Precincts Regional)

NA

State Environmental Planning Policy (Precincts Western Sydney)

NA

State Environmental Planning Policy (Primary Production)

Consistent

The Site is not identified as State significant agricultural land and represents small, isolated parcels of rural and conservation zoned land. The Site is not considered suitable for productive agricultural practice due to the size of the parcels, its physical and environmental constraints, and proximity to existing residential land. Additionally, the Land and Soil Capability Mapping for NSW identifies the Site as having "severe limitations", which further restrict the viability of any agricultural activities. The proposal will



RELEVANCE	CONSISTENCY AND IMPLICATIONS
	therefore not contradict the aims of this policy as they do not apply to the Site as the land does not support viable agricultural practices.
State Environmental Planning Policy (Resilience & Hazards)	<p data-bbox="810 409 946 439">Consistent</p> <p data-bbox="810 483 1388 1200">Land mapped as Coastal Environment Area and Coastal Use Area is present along the northern boundary of the Site. Chapter 2 of the SEPP states that consent for development on land mapped as Coastal Environment Area or Coastal Use Area can only be granted if the consent authority is satisfied that the development is designed, sited and will be managed to avoid an adverse impact, if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that imp[act, or if that impact cannot be minimised – the development will be managed to mitigate that impact. There is potential for impacts to groundwater and surface water as a result of future development in the area proposed to be zoned R1 General Residential which can be considered and mitigated through the design of drainage infrastructure.</p> <p data-bbox="810 1245 1070 1274">Remediation of Land</p> <p data-bbox="810 1319 1374 1995">A Preliminary Site Investigation has been prepared in accordance with provisions of Attachment C of the LEP Making Guideline and is provided under a separate cover. The PSI concludes: Based on the results of this investigation and previous experience with similar sites, contaminated land is not considered to be a major constraint to the rezoning of the land. It is considered that the site can be made suitable for the proposed residential redevelopment subject to further investigation and appropriate remediation and validation (where required). As the potential for "gross contamination at the site from previous or current site uses is considered to be low", further investigation and any remediation works are best done at the development application stage when the extent of development and the associated</p>

RELEVANCE	CONSISTENCY AND IMPLICATIONS
	impacts can be properly ascertained and considered.
State Environmental Planning Policy (Resources & Energy)	NA
State Environmental Planning Policy (Transport & Infrastructure)	Consistent
	Nothing in this Planning Proposal impacts upon the aims or provisions of this SEPP. Consultation with service providers and government agencies will determine the level of impact and upgrades required for the development of the R1 General Residential area. As such, various applications will be lodged and will require assessment under the ISEPP at the appropriate Oakhampton Planning Proposal. It is noted that the Acoustic Assessment supporting the proposal indicates that the relevant acoustic provisions can be satisfied with standard construction methods.

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

DIRECTION	CONSISTENCY AND IMPLICATIONS
<b>Focus Area 1 Planning Systems</b>	
1.1 Implementation of Regional Plans	The subject site is identified as part of the proposed urban release areas of the Maitland LGA. The proposal is consistent with the aims and objectives of the Hunter Regional Plan 2036 and the draft Hunter Regional Plan 2041
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval and referral requirements	Various State Government agencies will have been consulted throughout the land suitability and Scoping Proposal phase of the project, and as a result, there will be minimal requirements for future concurrence post rezoning.

DIRECTION	CONSISTENCY AND IMPLICATIONS
1.4 Site Specific Provisions	additional development standards beyond what currently exists in the Maitland LEP. The proposal is supported by the relevant maps to which updates are request
<b>Focus Area 1 Planning System – Place Based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A
1.6 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
1.13 Implementation of St Leonards and Crow's Nest 2036 Plan	N/A
1.14 Implementation of Greater Macarthur 2040	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A
1.16 North West Rail Link Corridor Strategy	N/A
1.17 Implementation of the Bays West Place Strategy	N/A
<b>Focus Area 2; Design and Place</b>	
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation zones	The planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and does not reduce the conservation standards that apply to the Site. Parts of the Site are to retain the existing C2 Environmental Conservation zoning, and additional portions of the Site will be rezoned to C3 Environmental

DIRECTION	CONSISTENCY AND IMPLICATIONS
	Management to ensure the ongoing protection and management of the environmentally sensitive areas.
3.2 Heritage conservation	An Aboriginal Cultural Heritage Due Diligence Report has been completed, and it has informed the Aboriginal Cultural Heritage Assessment and Archaeological Report that are currently being in consultation with RAPS, and these will be lodged in August 2022. A Preliminary Heritage Impact Assessment is provided under a separate cover to address the Listed heritage items. All known Historic heritage items have informed the planning proposal, and there is scope for the proposal to reflect the recommendations of these reports to avoid or mitigate impacts on heritage matters.
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C3 and C4 and Environmental Overlays in the Far North Coast LEP	N/A
3.5 Recreation Vehicle Area	N/A
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	A portion of the Site is flood prone land. The zoning boundaries have been designed in such a way that the residential component is located within the flood free area. The concept stormwater design includes details that the proposal is capable of achieving pre-development levels and results in no worsening on the flood affectation in the 1%. There are no provisions within the current proposal that would impact or alter the flood affectation mapping. The proposal is consistent with the provisions of Direction 4.1, and further information is provided in Section 4 of this report.
4.2 Coastal Management	A portion of the Site is within the Coastal Zone, so the provisions of this direction apply. The development can be designed in such a way to minimise impacts on the Coastal Zone, and the provisions of Oakhampton Planning Proposal Consistent Comment this direction will be taken into consideration in the design of subsequent

DIRECTION	CONSISTENCY AND IMPLICATIONS
	development applications. The Biodiversity Assessment indicates that the impact on surface water and groundwater can be controlled through the design of drainage infrastructure at the development application stage when the extent of impact can be ascertained. The proposed is consistent with the provisions of Direction 4.2, and further information is provided in Section 4 of this report
4.3 Planning for Bushfire Protection	The site is identified as bushfire prone in the MLEP 2011 bushfire prone land maps. A Bushfire Assessment Report has been provided detailing the bushfire risk of the site. The assessment concludes that the proposed residential areas can comply with Planning for Bushfire Protection 2019 through the provision of suitable Asset Protection Zones (APZ's) and development design.
4.4 Remediation of Contaminated Land	A Preliminary Site Investigation has been completed for the Site. The PSI concludes that the potential for gross contamination is low, and the Site can be made suitable for residential development. The proposal will comply with the objective of Direction 4.4, and further information is provided in Section 4 of this report.
4.5 Acid Sulfate Soils	N/A
4.6 Mine Subsidence and Unstable Land	N/A
<b>Focus Area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	The planning proposal proposes to establish a residential area with local and regional connectivity through design and location of road networks. The planning proposal is considered consistent with the objectives of this Ministerial Direction.
5.2 Reserving land for Public Purpose	Not applicable. There are no identified reservations for public land in the proposed rezoning area. As part of future development applications, land may be dedicated to Council in the form of stormwater infrastructure and public open space.



DIRECTION	CONSISTENCY AND IMPLICATIONS
5.3 Development near Regulated Airports and Defence Lands	N/A
5.4 Shooting Ranges	N/A
<b>Focus Area 6: Housing</b>	
6.1 Residential zones	The planning proposal is applicable to this direction as it is proposing an amendment to the Maitland LEP 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 making use of existing infrastructure and services in the immediate locality. It is anticipated that the urban outcome of this land can potentially allow for a variety of housing choices for end users.
6.2 Caravan parks and Manufactured Home Estates	N/A
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial zones	N/A
7.2 Reduction in non-hosted short-term accommodation	N/A
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A
8.1 Mining, Petroleum Production and Energy	N/A
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	The planning proposal is inconsistent with the objectives of this direction as it proposes to rezone RU2 Rural Landscape zoned land for residential purposes. However, the inconsistency is considered justified as the subject land proposed for residential purposes is identified in the endorsed MUSS 2012 as a category 1 area and is therefore considered appropriate for future development.
9.2 Rural Lands	The proposal can be supported because the identification of the site supports the rezoning of land from rural to urban area as a potential urban area in the Regional Plan, Draft Regional Plan, the District Plan and the

DIRECTION	CONSISTENCY AND IMPLICATIONS
	LSPS. Additionally, the current allotment sizes and fragmented ownerships mean that there is no viability for the Site to maintain orderly and economic use and development of rural lands.
9.3 Oyster Aquaculture	N/A
9.4 Farmland of Regional and State of Significance on the Far North Coast NSW	N/A

## 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?

#### Biodiversity and Ecology

A Biodiversity Assessment (BA) (Oakhampton Rezoning) report has been undertaken by Niche Environment & Heritage (4 July 2022).

The BA aims to identify biodiversity constraints and potential associated with the potential development of the Study Area to support the rezoning proposal. Further impact assessment under State and Commonwealth legislation would be required for any proposed subdivision or development post rezoning of the land.

Based on the results of this Biodiversity Assessment it has been determined that there are a number of biodiversity constraints associated with the Study Area as outlined below:

- The presence of native vegetation and associated habitats along the northern boundary.
- The presence of a threatened species (White-bellied Sea-eagle - *Haliaeetus leucogaster*) and species from a threatened population (River Red Gum - *Eucalyptus camaldulensis*) recorded in the riparian vegetation along the northern boundary (outside Impact Area)
- Biodiversity Values (BV) Mapping within the Study Area (outside Impact Area)
- Key Fish Habitat mapped within the Study Area (outside Impact Area)
- The presence of aquatic habitats within the farm dams in the Study Area
- Coastal Environment Areas and Coastal Use Areas mapped within the Study Area. All BV mapped areas and mapped native vegetation within the Study Area are located in the areas where existing zoning is proposed to be maintained. Impacts to BV mapped land will trigger the requirement for preparation of BDAR under the BOS. Based on the information provided by Walker Corporation, it is considered unlikely that the BOS will be triggered as Biodiversity Values and intact native vegetation do not occur in the Impact Area. The majority of biodiversity

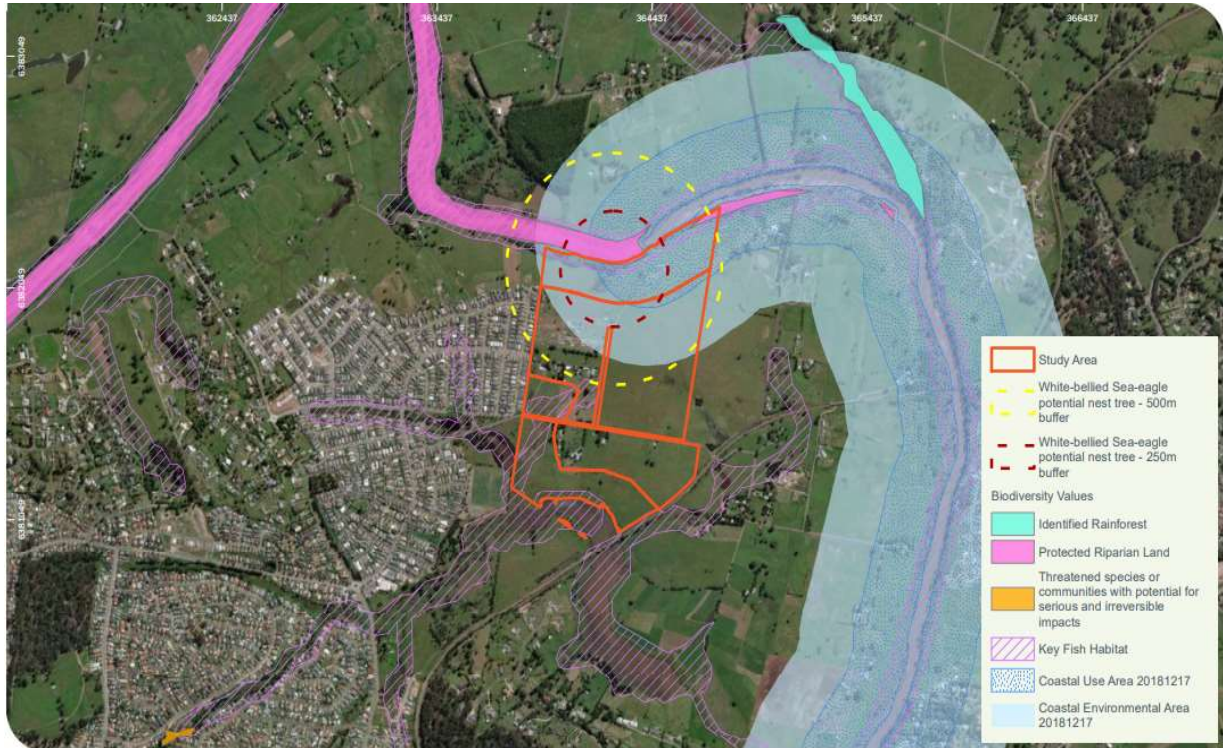
constraints associated with the Study Area are located in the areas where existing zoning is proposed to be maintained, however some aquatic habitat and areas mapped as Key Fish Habitat, Coastal Environment Areas and Coastal Use Areas occur within land proposed to be zoned R1 General Residential.

#### Recommendations of the Biodiversity Assessment

Recommendations to avoid and minimise impacts to biodiversity values within the Study Area are as follows:

- Retain native vegetation and habitats within the Study Area. Oakhampton Rezoning Biodiversity Assessment iii
- Retain and protect River Red Gum - *Eucalyptus camaldulensis* as it is part of a threatened population.
- Engage an ecologist to conduct targeted field surveys for White-bellied Sea-eagle nests during the breeding season.
- If White-bellied Sea-eagles are found to utilise any part of the Study Area for breeding, a buffer should be established around the nest tree and no development should take place within the buffer during the breeding season. The recommended size of the buffer is 500 m around nests where there is intact vegetation, or 250 m in fragmented areas.
- Avoid impacts to BV mapped areas.
- Undertake consultation with NSW DPI Fisheries and NRAR to confirm acceptance of the field assessment findings in relation to Key Fish Habitats and waterway definition. This consultation process should resolve the requirements of these authorities in relation to any proposed modification to mapped waterways, dams and riparian corridors within the Study Area.
- Incorporate and document avoidance and mitigation mechanisms into the Project (see Section 4.3 and 4.4).
- Establish a suitable buffer to areas of riparian vegetation including establishing a buffer around riparian habitat associated with the Hunter River to ensure it will not be impacted by future works.
- Establish suitable buffers around waterways adjacent to the Impact Area to ensure they will not be impacted by future works.
- A Vegetation Management Plan (VMP) or Biodiversity Management Plan (BMP) should be prepared for the riparian vegetation around the Hunter River along the north boundary of the Study Area to ensure the area is managed for the protection of local flora and fauna habitats, and downstream receiving waterways.
- Planted native vegetation and non-invasive exotic trees should be retained where possible.

- Engage an aquatic ecologist to develop a Dam dewatering plan to guide the dewatering process.
- Dewatering should be supervised by an aquatic ecologist to undertake the relocation of any native fauna encountered.
- Consider potential impacts to groundwater and surface water in relation to areas identified as Watercourse land, Coastal Environment Areas and Coastal Use Areas when designing drainage infrastructure.



**Figure 13: Ecological Constraints in Study Area**

### Flooding

The Urban Investigation area boundary has been determined based on the current 1:100-year flood modelling, ensuring that the residential land is flood free in the 1:100-year flood event.

The existing site topography creates a clearly defined flood edge along the northern portion of the land on the northern side of the localised ridge line. Flood impacts are therefore confined to the balance rural land along the northern edge of the land area, adjoining the Hunter River.

Flood impacts to the south are associated with and confined to the existing wetland areas which sit outside of the proposed residential land areas.



**Figure 14: Flood Map (Maitland LEP 2011)**

### Indigenous Heritage

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Bremer Park Pty Ltd (hereafter referred to as 'the Proponent') to prepare an Aboriginal Cultural Heritage Assessment (ACHA) to inform a Planning Proposal application.

Aboriginal community consultation was undertaken with fourteen (14) Aboriginal groups who identified themselves as Registered Aboriginal Parties (RAPs) through the consultation process following the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010b).

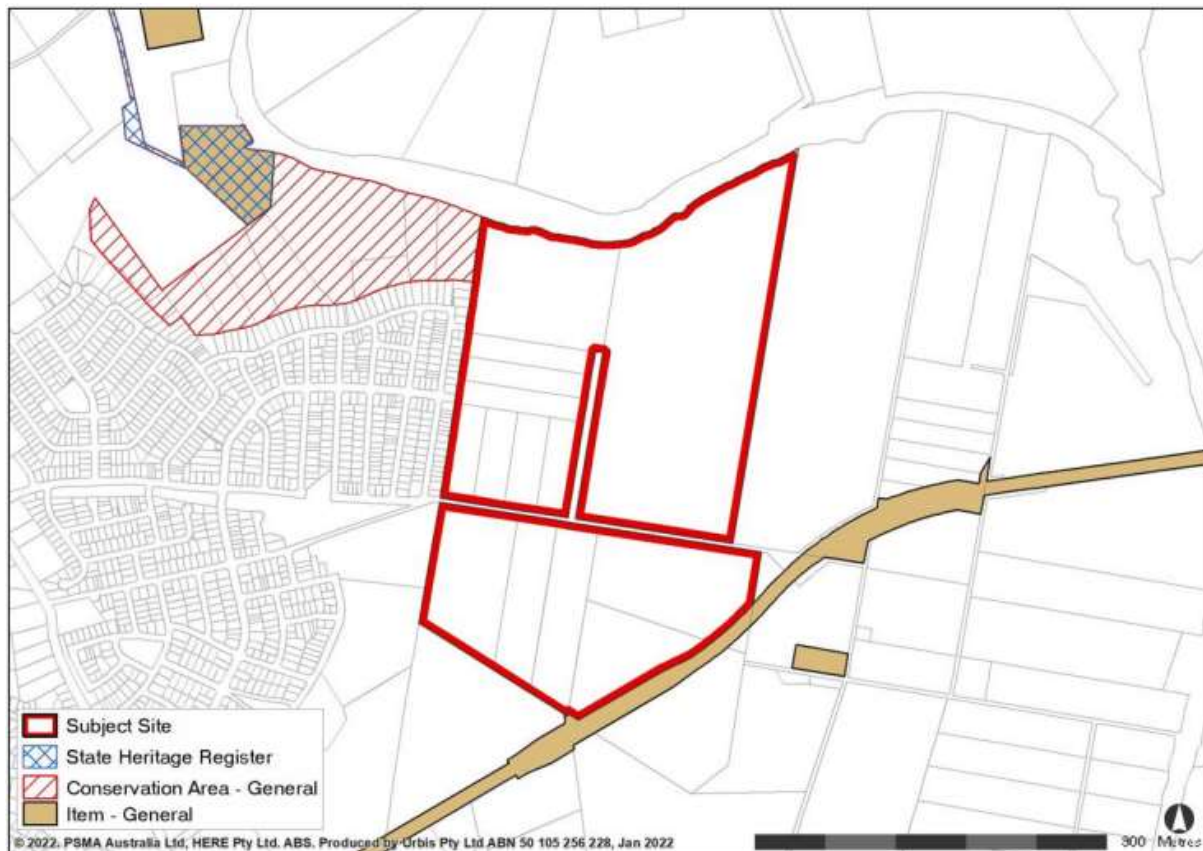
This ACHA has been prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2010). This ACHA report is designed to inform the rezoning process and to manage and mitigate harm to Aboriginal objects and cultural heritage values during any future development within the Subject Area.

No Aboriginal Objects or PADs were identified during the site inspection. Despite the Subject Area being located adjacent to the Hunter River, limited visibility at the time of the site inspection and the high levels of disturbance evident throughout the Subject Area has resulted in a low likelihood of Aboriginal Objects being present. The overall scientific (archaeological), educational, representativeness, rarity and aesthetic value of the Aboriginal cultural heritage sites within the Subject Area is considered to be low. No Aboriginal cultural heritage sites were identified within the Subject Area.



To fulfil the requirements of the Planning Proposal, a ACHA has been prepared. The ACHA presents the results of an Aboriginal cultural heritage site inspection completed by Niche and representatives of the RAPs in compliance with the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010a). No Aboriginal cultural heritage sites were identified within the Subject Area.

### European Heritage



**Figure 15: European Heritage**

A Preliminary Heritage Impact Statement (PHIS) has been prepared in accordance with the provisions of Attachment C of the LEP Making Guideline and is included under a separate cover.

The Aberglasslyn House Conservation Area, which borders the Site to the north west, is associated with the State heritage listed Aberglasslyn House, located approximately 600m west of the Site (Figure 25). Aberglasslyn House, a large rectangular house, represents one of Australia's very few houses to have incorporated the Greek Revival villa style. Given the physical separation and the general topography, the proposal is unlikely to have a discernible impact on the significance of Aberglasslyn House. However, there may be an impact on the Conservation Area, and the extent cannot be ascertained until the development application stage when any potential impact can be quantified.

The Government Railway immediately to the south of the Site is a local heritage item that forms part of the active North Coast railway corridor between Maitland and Brisbane, and it also serves the local Hunter line branch that leads from Maitland to Dungog, which was constructed in 1911. The Government Railway may be impacted by the proposal, although the proposed Concept Plan (Figure 9) details that there is scope for an appropriate buffer between any urban development and the railway line. Details of the buffer and any fencing or barriers would be provided with a future development application when the extent of impact can be ascertained.

Maitland Vale is a local item located at least 600m north of the Site on the northern side of the Hunter River region (not shown in Figure 25). It features a 40-hectare property at 133 Campbells Road, Maitland, where the Maitland Vale house is located and is considered one of the earliest stately homes to be built in the region. The PHIS concludes that the proposal will not impact Maitland Vale nor its' sightlines, given the physical separation.

The Former Oakhampton Public School is a local heritage item more than 190m south of the Site, features on parish maps from 1912 and 1934 and may have been one of the first schools in the region. The aerial photography indicates the school disappeared from 1958 onwards and has been replaced by residential development. Given the physical separation and the fact that residences have replaced the school, the proposal is unlikely to have any discernible impact on the heritage significance.

The potential for archaeological deposits pertaining to historical heritage within the Site is relatively low, given the historic parish maps and aerial images.

#### Bushfire Considerations

A Bushfire Strategic Study (Oakhampton Rezoning) report has been undertaken by Holiday Coast Bushfire Solutions (10 June 2022).

The land area is primarily mapped as being Vegetation Category 3 under the Maitland LGA draft Bush fire Prone Land Map. Category 3 vegetation consists of grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands.

Given that the site has been extensively cleared, bush fire impacts are able to be addressed through the provision of perimeter roadways and Asset Protection zones consistent with the Planning for Bush Fire Protection Guidelines as part of any future Development Applications

table setting out the Performance Criteria and Acceptable Solutions for residential and rural-residential subdivisions as required by Chapter 5 of PBP-2019, and a statement as to whether the proposal meets the Acceptable Solution.



**Figure 16: Bushfire Prone Land**

### Contaminated Lands

Douglas Partners Pty Ltd (DP) was engaged by Bremer Park Pty Ltd (a Walker Corporation company) to conduct a preliminary site investigation on the subject site (as defined in Section 2 below) for the purposes of rezoning for proposed residential development.

The objective of the investigation was to identify potential contamination sources at the site and to assess requirements for further assessment and possible remediation. The scope of work included review of historical information (historical titles, historical aerial photos, Council and NSW EPA information), discussions with on-site personnel regarding previous and current site use, a site walkover and preparation of this report.

The assessment found that the site had historically been used for rural and rural residential uses, with some commercial land use in localised areas such as a land clearing operation and some localised quarrying. The assessment concluded that the potential for gross contamination at the site appears to be low.

Additional investigation has been recommended to assess the identified potential contaminant sources and to provide recommendations for further work and remediation where required.

## Urban Design

Urbanco Group was commissioned to undertake an Urban Design Review (3 June 2022). The Concept Plan prepared demonstrates how the release area can be delivered, responding to key site considerations and urban design elements to create a residential village as a seamless extension of the Aberglasslyn community.

The urban design principles and outcomes embodied in the Concept Plan as they relate to:

- Open Space and Green Grid Connections
- Roadway Hierarchy and Street Design Principles
- Pedestrian and Cycle Connectivity

Key Design Principles embodied in the urban design Concept Layout are as follows:

- Create a seamless extension of the existing Aberglasslyn neighbourhood to the west.
- Provide for an extension of McKeachie Drive as the main connecting roadway.
- Recognise opportunities for connections to the existing Aberglasslyn neighbourhood.
- Ensure the design outcome maximises land use efficiency.
- Deliver a grid-based street pattern while celebrating opportunities for view lines and place making opportunities in the landscape.
- Deliver a well-connected street pattern which encourages workability and active transport movement networks.
- Provide a clear road hierarchy which facilitates ease of vehicle movements, while promoting low speed pedestrian friendly local roads.
- Incorporate local open space to service the needs of the future residents.
- Deliver co-located active open space and drainage facilities to increase the scale of open space areas and provide enhanced opportunities for passive recreation areas
- Provide for perimeter roads to address RFS requirements.



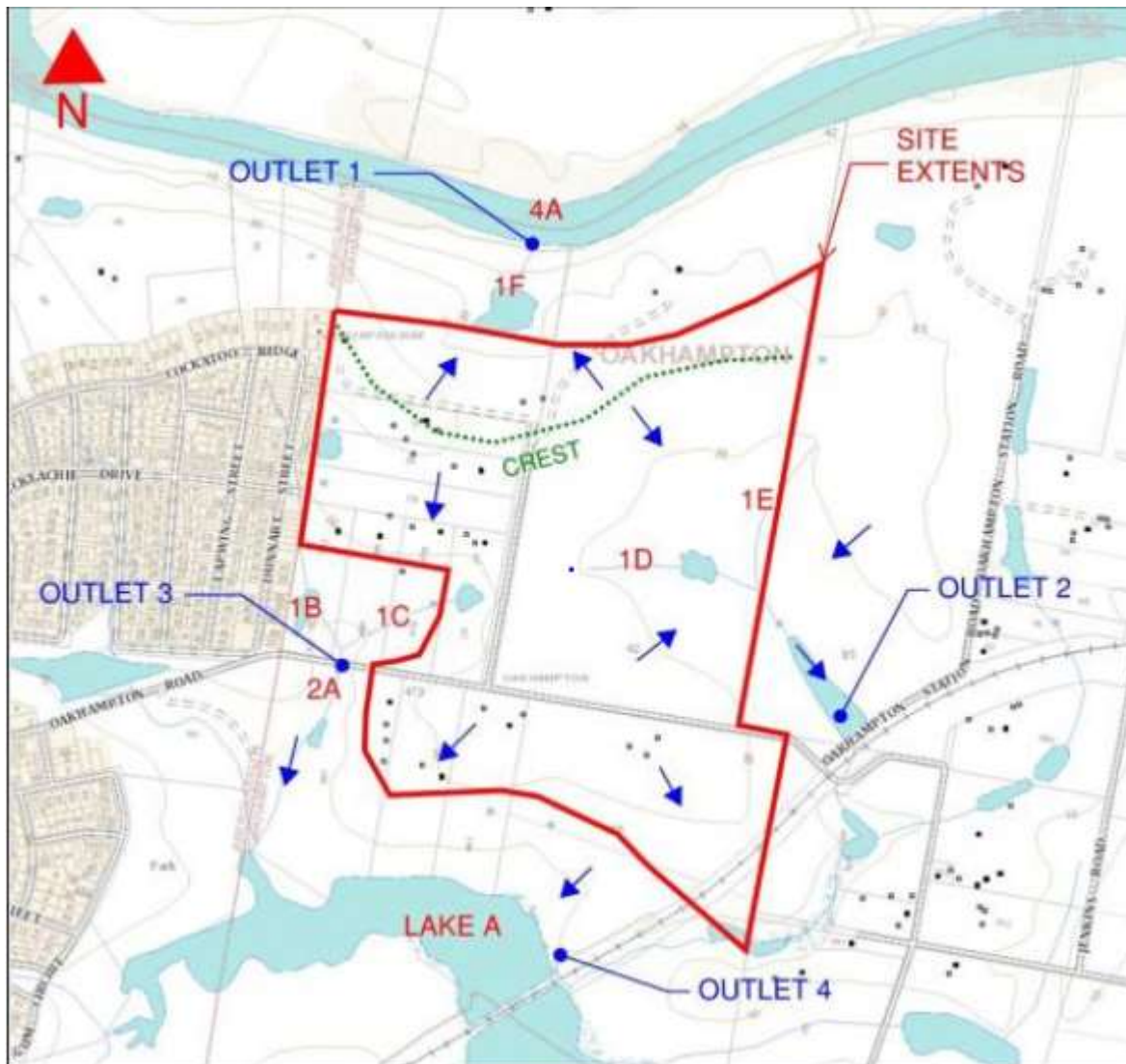
**Figure 17: Heat Island Considerations**

#### Stormwater Management / Drainage

A Stormwater Management Strategy (SMS) has been prepared by Enspire Consulting.

The proposed development is positioned above existing 1% AEP extents and generally above the PMF event such that additional flood mitigation works beyond stormwater peak flow management up to the 1% AEP will not be necessary. Control of post-development peak flows is to be managed through detention basins, and water quality improvements are to be controlled through a system of rainwater tanks, gross pollutant traps and bio-retention basins. Based on the stormwater quantity and quality modelling, a concept design of each basin has been developed and confirms that spatially the stormwater management strategy can be accommodated as shown in Figure 18.





**Figure 18: Existing Stormwater Discharge Points – subject to further review.**

Council review of the submitted proposal identified four areas that require additional comment and consideration:

- Running zone boundaries along a flood contour creates additional drainage basins for Council to maintain at considerable costs. Zoning boundary will run up the contour at 1% to 0.5% (min) grade above the 1% AEP level. This will allow perimeter roads to grade for longer distances to optimise the number of basins required and provide suitable buffers with adjoining land uses.
- Ensure that the future design is consistent with Council's MOES (Maitland Operating Engineering Standards).
- Additional legal points to discharge especially around any potential easements required.
- Culvert upgrades under the rail line may be required in order to discharge to the relevant watercourse.
- Removal of proposed Basin D outlined in the report.

Council is working through these matters with the proponent to ensure an environmental and economic outcome is achieved.

### Traffic and Transport

The nearest State Road is the New England Highway which is 5km south of the Site. The remaining road network comprises of local roads only. New England Highway (HW09) is a classified State Road and all other roads accessing the subdivision are identified as local roads.

Council is the roads authority for all public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

Access to the Site will be obtained by the extension of McKeachie Drive (primary access) and Goshawk Street (secondary access) from the west. Oakhampton Road and Kezia Road, whilst envisaged to remain, will not be relied upon for primary access due to the flood risk affecting Oakhampton Road.

The Hunter railway adjoins the Site to the southeast, and the nearest station is Telarah station, 4km to the south of the Site providing a service north east to Durong, south to Newcastle and north west to Scone via Maitland station. The railway also operates as a freight line.

The 186 bus route services the adjoining McKeachie Run development and could be extended to service the proposed development.

A Traffic Scoping Desktop Assessment was submitted in support of the Scoping Proposal that indicated the proposal (at this stage a yield of 500-550 lots) would generate approximately 425 vehicle trips in both the AM and PM periods. The development would increase traffic along McKeachie Drive, Aberglasslyn Road and the New England Highway as well as impact traffic capacity at seven key intersections. (Refer to Figure 18: TIA Network Considerations).

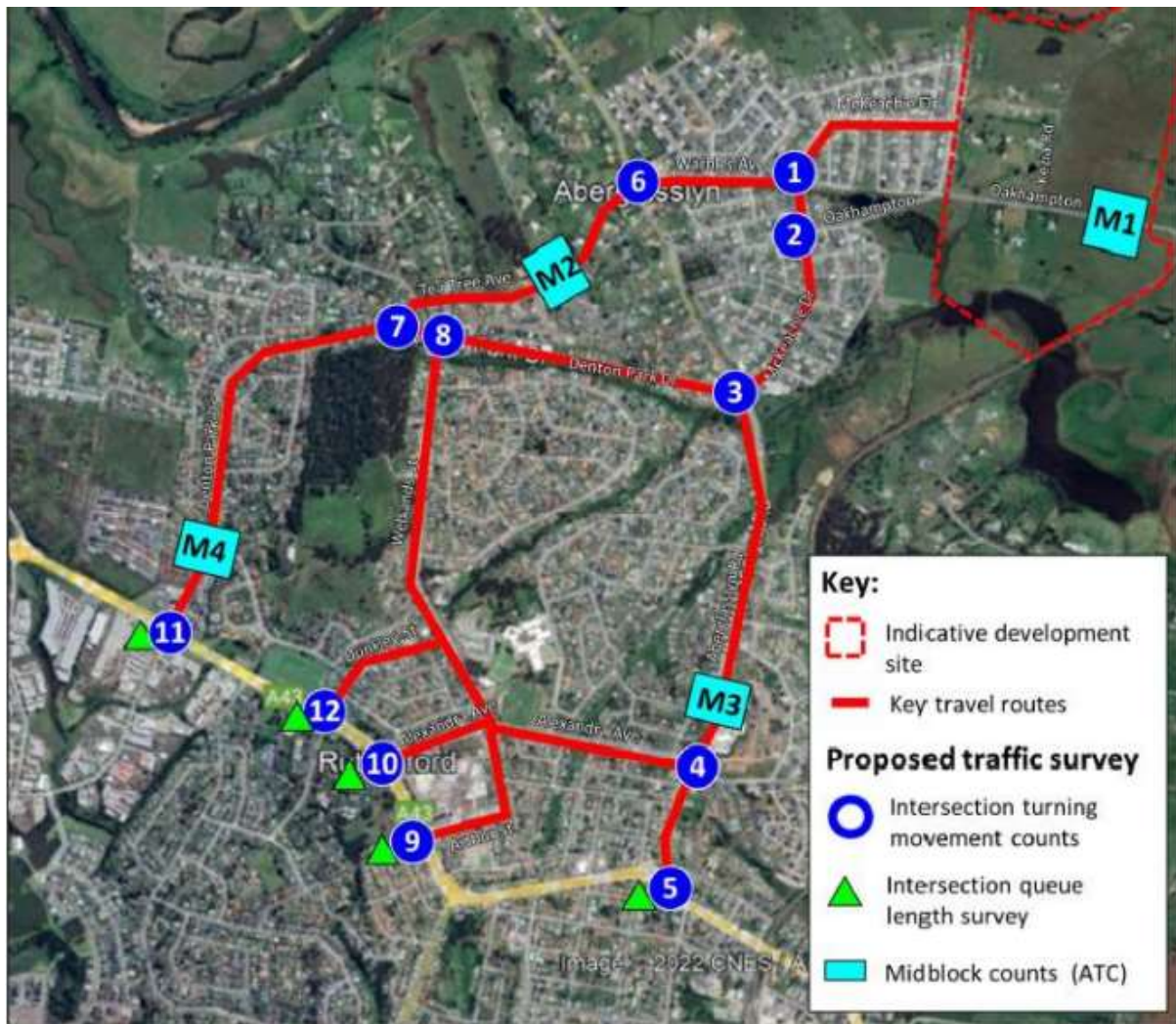
A Technical Advice No 1 – Assumptions Paper, Technical Advice No 2 – SIDRA Modelling Report and Base Case 2022 Existing SIDRA Model (Rev B) has been submitted and assessed by TfNSW. Previous investigation was undertaken in this area as part of the Maitland Network Strategy.

The development of safety improvements adjacent to Intersection 5 demonstrated the need to prioritise a review of this intersection for options to improve efficiency.

Given the addition of the subject development, TfNSW requests further attention be given to this intersection and seeks clarification on the outputs presented at Intersections 5, 11 & 12.

Intersection 5 carries a higher two-way volume, although the LOS is worse at Intersections 11 & 12. Intersection 5 carries a higher two-way volume, although the LOS is worse at Intersections 11 & 12. This body of work is continuing and is expected to be completed during the Gateway Determination and before public exhibition.





**Figure 18: TIA Network Considerations**

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

Yes. As detailed in Section 4 of this report, there are several environmental constraints that will need to be managed during the planning proposal process

Bushfire, the proposal is supported by a BSS, which indicates the proposal is capable of satisfying the provisions of PBP 2019 and Ministerial Direction 4.3.

Contamination, the PSI indicates there is a low potential for gross contamination, and the Site can be made suitable for residential development, making it consistent with SEPP Resilience and Hazards and Ministerial Direction 4.4.

Stormwater, the SMS indicates that the proposal is capable of achieving pre-development stormwater management above the 1% AEP and is aligned with Attachment C of the LEP Making Guidelines and Maitland City Council's Manual of Engineering Standards.

Flooding, as indicated in the SMS, there is no worsening impact on the surrounding flood prone land as a result of the stormwater. Additionally, the proposed development will occur above the 1% AEP and PMF; therefore, no additional flood mitigation works are required. The flooding consideration is consistent with Ministerial Direction 4.1.

Heritage, the PHIS has been prepared in accordance with the requirements of Attachment C of the LEP Making Guideline and is included under a separate cover. An ACHA is currently being prepared in consultation with the RAPs.

Acoustic, the Acoustic Assessment considers the noise and vibration implications of the North Coast Railway Line (NCRL), which borders the south east corner of the Site. The Acoustic Assessment concluded that the train noise levels and vibrations would be readily attenuated by typical dwelling construction and the fact that the nearest residence is more than 100m from the NCRL.

Traffic, the Pre-lodgement meeting Council and TfNSW agreed that a Traffic Impact Assessment (TIA) will be required to support the planning proposal. The TIA is currently being prepared with the additional modelling in line with the comments from the Pre-lodgement meeting as outlined Section 5 of this report. The TIA is expected to be lodged under a separate cover prior to the issue of Gateway Determination

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

The planning proposal is unlikely to have any significantly adverse social or economic impacts. The proposed rezoning will enable the development potential of the land and provide additional housing opportunities (approximately 550 additional lots) adjacent to the existing urban area of Aberglasslyn. The planning proposal will represent one of the last remaining urban release areas identified in the MUSS. The provision of additional residential land within the Aberglasslyn URA of the LGA will provide housing opportunity in proximity to existing utilities and services.

### **SECTION D – STATE AND COMMONWEALTH INTERESTS**

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

The proposal is believed to have a negligible impact on the existing local and State infrastructure. However, the Traffic Impact Assessment that is currently being prepared will determine if there would be additional demands on local and State infrastructure.

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

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

It is anticipated that consultation in relation to this planning proposal will be required with the following government agencies:

- Transport for NSW (TfNSW),
- NSW Rural Fire Service (RFS),
- Hunter Water Corporation (HWC) and Mindaribba Local Aboriginal Land Council (LALC),
- Biodiversity Conservation Division (BCD).

## **PART 4: DRAFT LEP MAPS**

The following Draft LEP map amendments will be required to support the proposal:

- Land Zoning Map (Sheet LZN\_006A)
- Lot Size Map (Sheet LSZ\_006A)
- URA Map (Sheet URA\_006A)

## **PART 5: COMMUNITY CONSULTATION**

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, and section 29 of the Local Government Act 1993, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

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

- Notice in the Hunter Post newspaper;
- Exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups?

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

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

## PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	November 2022
Anticipated timeframe for the completion of required studies	December 2022
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	March 2023
Commencement and completion dates for public exhibition period	March 2023
Dates for public hearing (if required)	
Timeframe for consideration of submissions	May 2023
Timeframe for the consideration of a proposal post exhibition	July 2023
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	September 2023
Anticipated date RPA will make the plan (if delegated)	October 2023
Anticipated date RPA will forward to the department for notification (if delegated)	December 2023
Either RUI	