



IRF23/902

Gateway determination report – PP-2022-2183

Aberglasslyn Urban Release Area Stage 4, Kezia
Road, Oakhampton

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Proposed Concept Plan
Urban Design Review
Stormwater Management Strategy
Preliminary Site Investigation
Preliminary Heritage Impact Statement
Aboriginal Cultural Heritage Assessment
Rail Noise Assessment
Biodiversity Assessment
Bushfire Strategic Study

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Maitland
PPA	Maitland City Council
NAME	Stage 4 of Aberglasslyn Urban Release Area – Kezia Road and Oakhampton Road, Oakhampton (550 homes, 0 jobs)
NUMBER	PP-2022-2183
LEP TO BE AMENDED	Maitland Local Environmental Plan 2011 (MLEP 2011)
ADDRESS	25, 29, 35, 37, 42, 43 Kezia Road, Oakhampton 355, 461, 473, 478, 486, 487, 502 Oakhampton Road, Oakhampton
DESCRIPTION	Lot 1 DP1012258, Lot 4-8 DP248331, Lot 1-3 DP562346, Lot 1 DP1086271, Lot 1 DP826919, Lot 66 DP810466, Lot 7-8 DP998430
RECEIVED	8/12/2022
FILE NO.	IRF23/902
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal seeks to enable residential development and environmental management of the site with suitable zones and minimum lot sizes.

The proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The proposal refers to amendments to Schedule 4 of MLEP 2011 which is not relevant to the proposal. A Gateway condition has been included to correct this reference.

1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Maitland LEP 2011 per the changes in **Table 3** below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production RU2 Rural Landscape	RU1 Primary Production R1 General Residential C2 Environmental Conservation C3 Environmental Management
Minimum lot size	40 hectares	450sqm for R1 General Residential 10 ha for the RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management
Urban release area map	N/A	Applies to R1 General Residential
Number of dwellings	10	550

The intended outcomes and explanation of provisions are to be amended to ensure consistency throughout the planning proposal. Part 2 of the proposed is to be updated to provide a clear summary of the proposed amendments in a table. In particular, the minimum lot sizes that apply to rural and conservation zones. A Gateway condition has been included to this effect.

1.4 Site description and surrounding area

The site is located in the Maitland suburb of Oakhampton within the Maitland Local Government Area (LGA) and comprises 14 individual properties. The site to which this proposal relates is 92.69 Ha, most of which has largely been cleared of vegetation for rural uses.

The surrounding area is low-density residential and rural uses. To the west of the site is previous low density residential urban release areas. To the east and south of the site is rural land. The Hunter River runs along the northern boundary of the site.

The site is located approximately 34km west of the Newcastle Central Business District (CBD) and approximately 4km north of the Maitland town centre.



Figure 1 Subject site (source: Maitland City Council 2022)

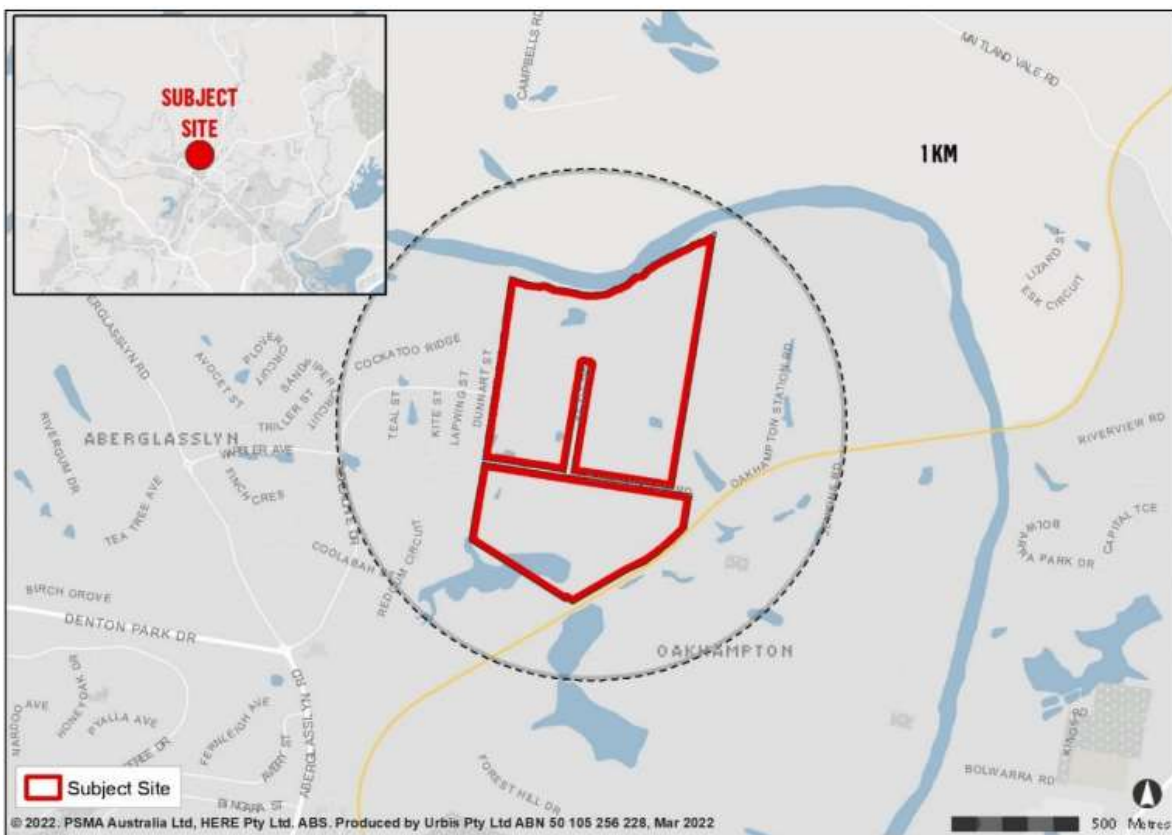


Figure 2 Site context (source: Walker Corporation 2022)

1.4.1 Heritage Conservation Area and Nearby Heritage Items

The site adjoins the Aberglasslyn House Heritage Conservation Area to the northwest, which is associated with the State heritage listed Aberglasslyn House, located approximately 600m west of the Site. The railway line to the south of the site is a local heritage item, which forms part of the North Coast railway corridor between Maitland and Brisbane.

Other local heritage items located in proximity to the site include Maitland Vale (600m north of the site), and the Former Oakhampton Public School (190m south of the site).

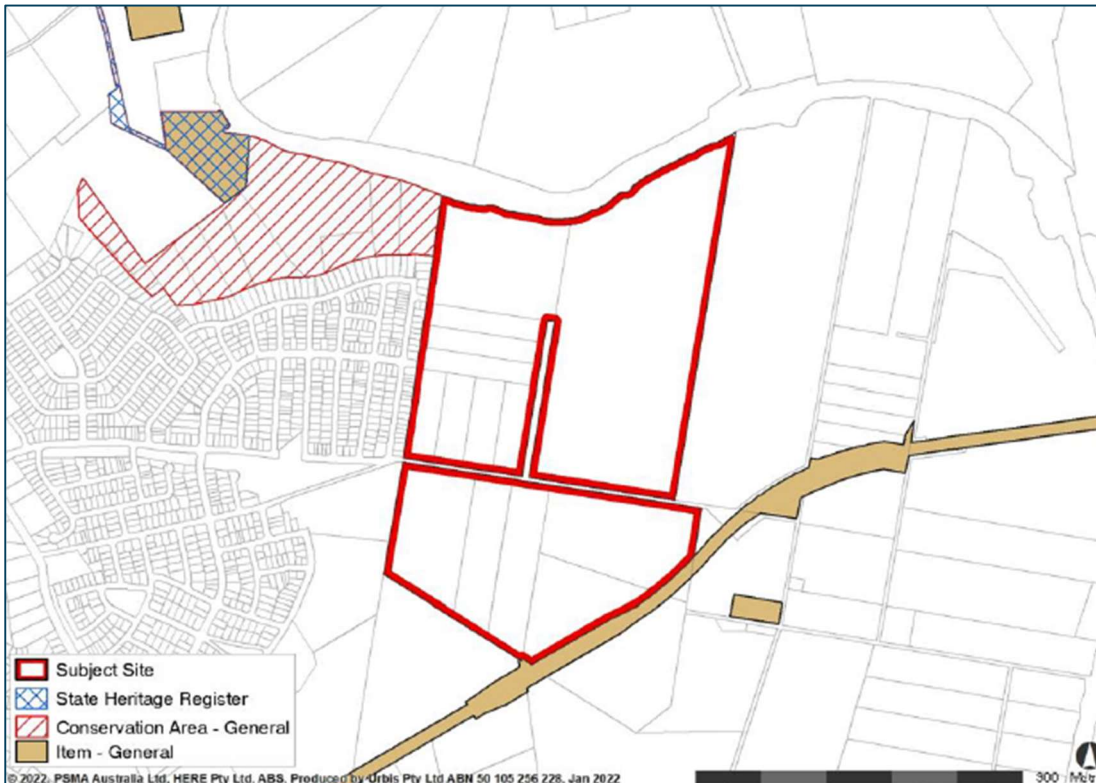


Figure 3 Heritage Conservation and Nearby Heritage items (source: Walker Corporation 2022)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Lot Size and Urban Release Area maps.

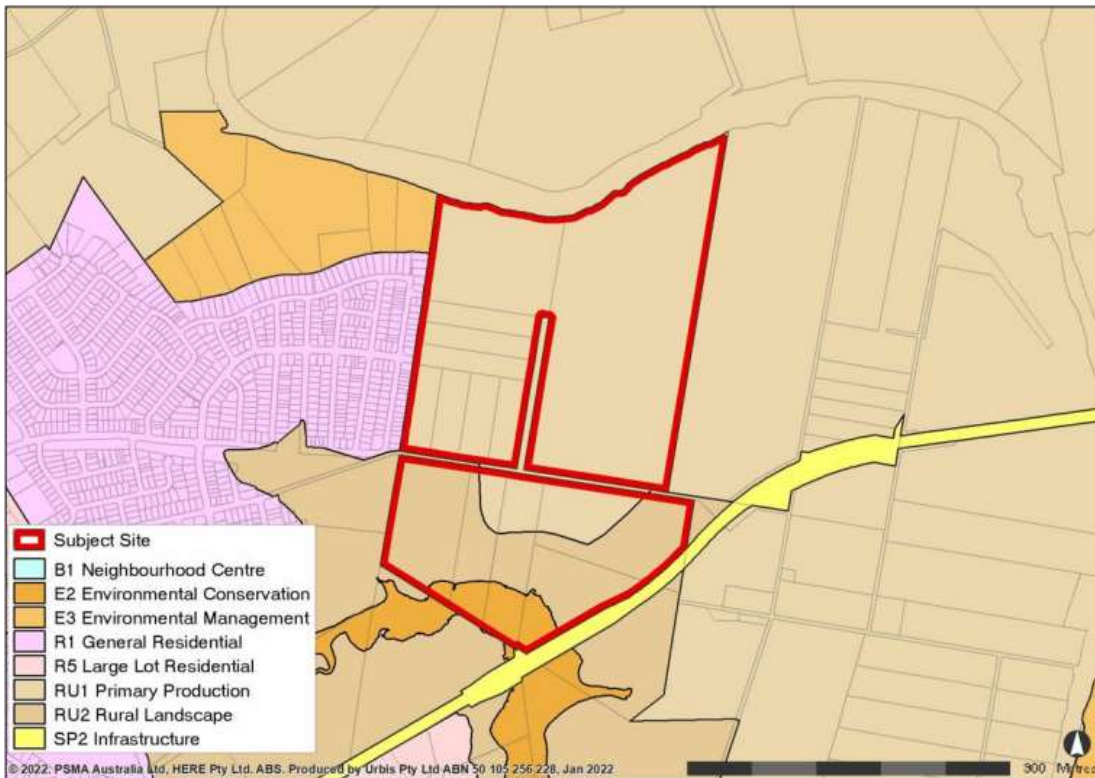


Figure 4 Current zoning map (source: Walker Corporation 2022)

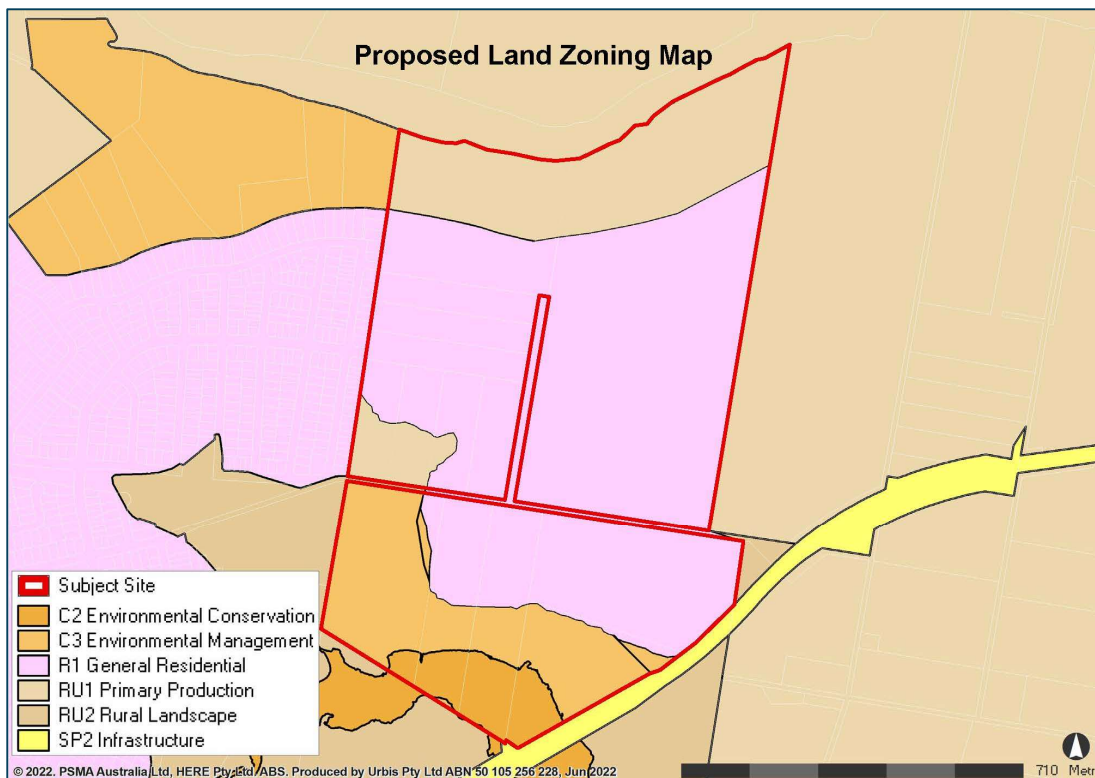


Figure 4 Proposed zoning map (source: Walker Corporation 2022)



Figure 5 Current minimum lot size map (source: Walker Corporation 2022)

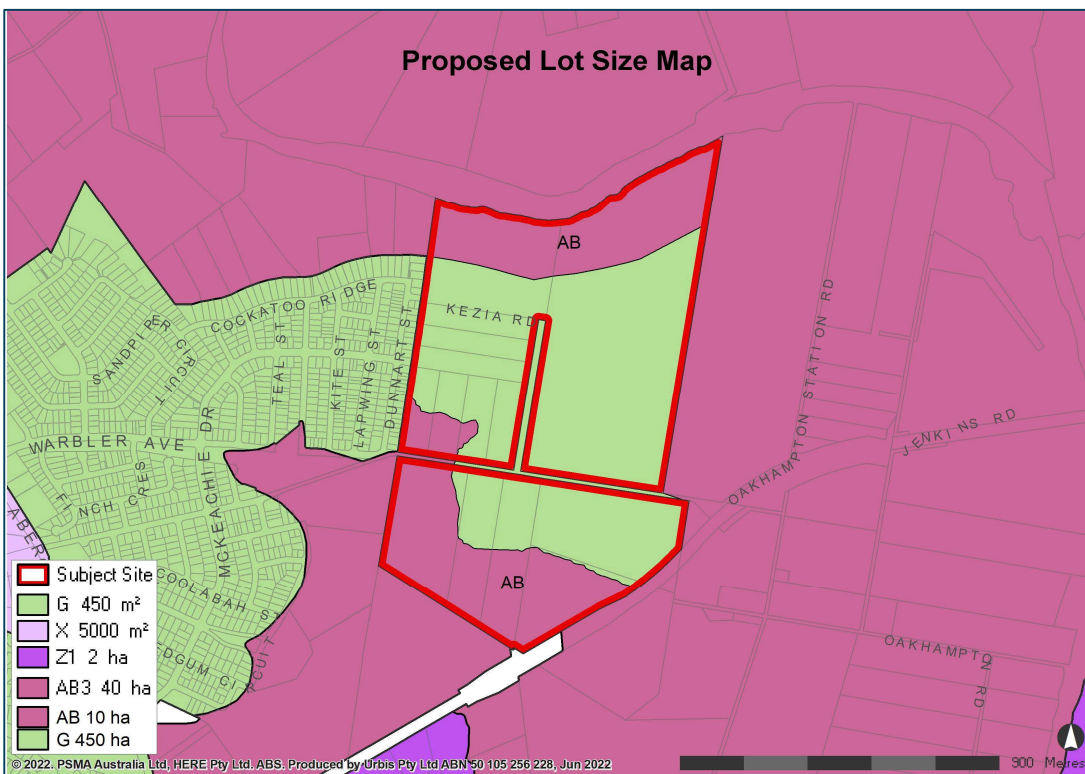


Figure 6 Proposed minimum lot size map (source: Walker Corporation 2022)

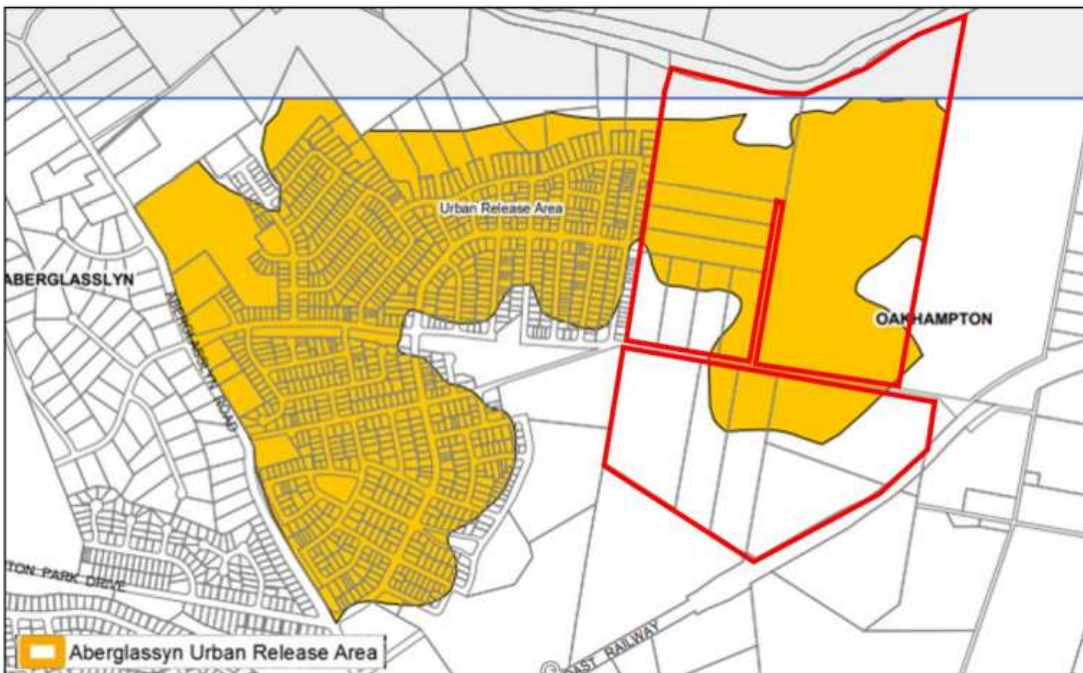


Figure 7 Current urban release area map (source: Walker Corporation 2022)

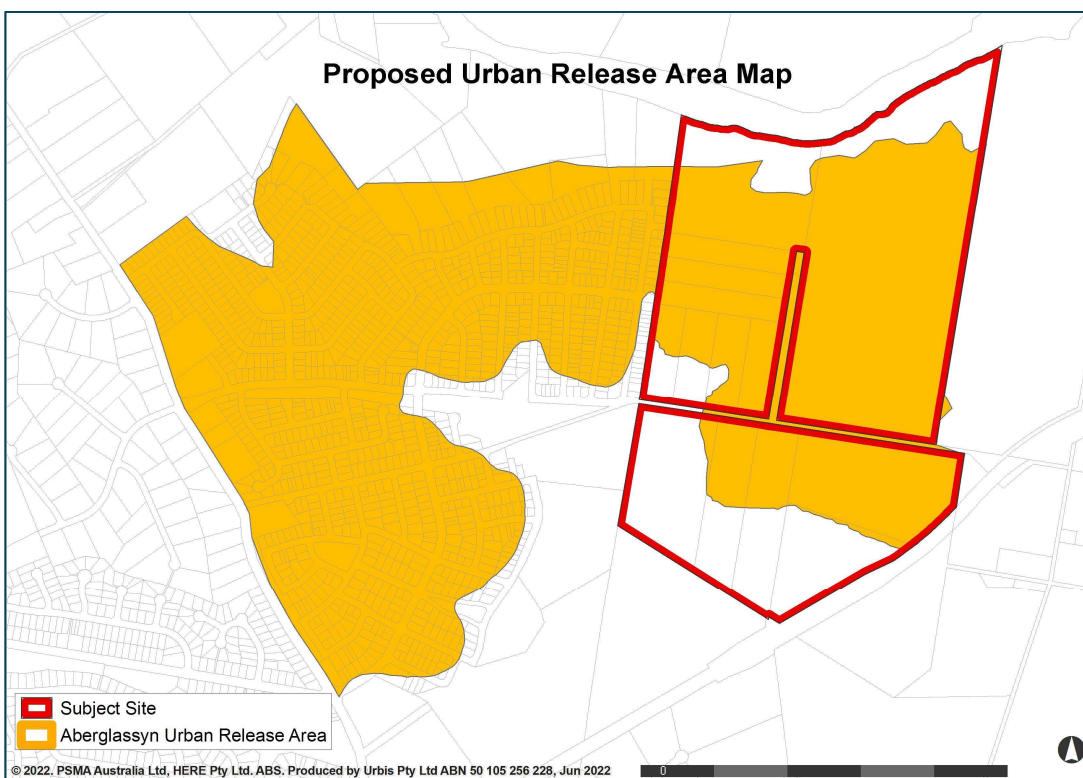


Figure 8 Proposed urban release area map (source: Walker Corporation 2022)

1.6 Background

The Aberglasslyn Urban Release Area (URA) encompasses approximately 200 ha of land to the north of the existing Maitland suburb of Rutherford. The Aberglasslyn URA was identified in the Maitland Urban Settlement Strategy (MUSS) as a Category 1 and 2 investigation area in the early 2000s. Council subsequently adopted the Aberglasslyn Structure Plan in 2005.

The majority of the land located within the URA was rezoned for residential use in 2007. Development of the URA is well progressed in the Western, Central and Southern precincts of the URA.

The site is identified as the Eastern Precinct and represents Stage 4 and the final stage of the URA. The planning proposal was received by the Department for Gateway Determination on 8/12/2022.

2 Need for the planning proposal

The site is identified as part of the Aberglasslyn URA under the Maitland Urban Settlement Strategy 2012 to provide opportunities for residential land supply in the short to medium term. Specifically, the site is identified as “Category 1 – Residential” land and is anticipated to deliver residential land supply within the next five years.

The intended outcomes of the proposal cannot be delivered under the current planning framework. A planning proposal is required to amend the Maitland LEP.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Hunter Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Objectives	Plan	Justification
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities		Future residential development will create a pedestrian and cycle network to deliver an active pedestrian transport network providing high levels of connectivity throughout the neighbourhood and to the existing Aberglasslyn community to the west. The Concept Plan prepared for the planning proposal incorporates a pocket park along key pedestrian and cycle networks to ensure the open space area is highly accessible for the local walkable catchment. Approximately 90-95% of new dwellings will be located within a 400m walkable catchment (5 minute walk) of the pocket park or existing open space/parkland areas. The site also benefits from existing services and facilities in the area. Therefore, the planning proposal is consistent with this objective.
Objective 4: An inter-connected and globally-focused Hunter without car dependent communities		Future residential dwellings will be located within a 400m walking catchment from proposed or existing open space in the surrounding area. The proposed neighbourhood will also be provided with a pedestrian and cycle network including cycle paths and shared cycle/pedestrian pathways within road verges to reduce reliance on cars. The proposal will also allow access to most needs within a 10-minute drive to Maitland. The proposal is therefore consistent with this objective.

Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	25,200 dwellings are projected to be required by 2041 to accommodate the population growth in Maitland. While the Regional Plan recommends a benchmark of 20% greenfield housing in Greater Newcastle, the proposed rezoning will contribute to the dwellings required for Maitland by 2041 and housing opportunities in greenfield areas within Greater Newcastle. Located within the Aberglasslyn URA, the proposal will also facilitate efficient use of existing infrastructure and services while undertaking upgrades of existing infrastructure and provision of new infrastructure where necessary to service the future residential dwellings.
Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	<p>The Biodiversity Assessment identified several recommendations to avoid or minimise impacts to biodiversity values, habitats and native vegetation within the site, including but not limited to retention of native vegetation and habitats, protection of River Red Gum as a threatened population, implementation of buffers around habitats and preparation of a Vegetation Management Plan or Biodiversity Management Plan. The recommendations listed are consistent with the 'avoid, minimise and offset' hierarchy outlined in this objective.</p> <p>A Preliminary Heritage Impact Assessment (PHIS) has been prepared to examine the heritage items affecting the proposed rezoning and provide recommendations to inform the design process of the development. The Aboriginal Cultural Heritage Assessment (ACHA) has identified no Aboriginal Objectives or Potential Archaeological Deposits (PADs) during the site inspection. The planning proposal and future development do not have the potential to impact any known Aboriginal objects or deposits likely to contain Aboriginal objects.</p> <p>Potential impacts to areas identified as Watercourse land, Coastal Environment Areas and Coastal Use Areas will also be taken into consideration when designing drainage infrastructure.</p>

3.2 Metropolitan

The Greater Newcastle Metropolitan Plan 2036 sets a 40% target for new dwellings in greenfield areas in Greater Newcastle by 2036, which is projected to be 24,200 new dwellings. The site is located in the Aberglasslyn Urban Release Area which will provide a long-term supply of land for the growth of Greater Newcastle and minimise unplanned expansion of urban uses into rural areas. The Planning Proposal is consistent with the outcomes and strategies, specifically relating to Outcome 3: Deliver housing close to jobs and services.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as demonstrated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The LSPS identifies the site, as part of the Aberglasslyn URA, to be located in the Western Precinct of Maitland. The Western Precinct of Maitland is expected to grow to over 40,700 residents, with an additional 17,700 residents by 2040. As one of the priority housing release areas, Aberglasslyn will accommodate future growing population. The Planning Proposal is therefore consistent with the vision and initiatives of the LSPS.

Maitland Urban
Settlement Strategy
2012

The site is identified as located in the Category 1 Investigation Area, which will provide additional opportunities for urban land supply in the short to medium term. Consideration should be given to the viability of the rural land adjoining the investigation area, and the demand for flood-free holding land. The planning proposal is consistent with the Strategy.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	<p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal will contribute to the dwellings required for Maitland in the Hunter Regional Plan 2041 and housing opportunities in greenfield areas within Greater Newcastle.</p> <p>Future residential dwellings will be located within a 400m walking catchment from proposed or existing open space and will make efficient use of existing infrastructure and services.</p> <p>The proposal is considered consistent with this direction.</p>
3.1 Conservation Zones	Yes	<p>A planning proposal is to facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The planning proposal seeks to retain the C2 Environmental Conservation zoned land. Parts of the site will also be rezoned to C3 Environmental Management to ensure the ongoing protection and management of environmentally sensitive areas. The proposal does not seek to reduce the conservation standards that apply to the land. The proposal is considered consistent with this direction.</p>
3.2 Heritage Conservation	Yes	<p>A planning proposal is to conserve items, areas, objects and places of</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>environmental heritage significance and indigenous heritage significance.</p> <p>The Aboriginal Cultural Heritage Assessment (ACHA) prepared for the site has determined that the future development does not have the potential to impact any known Aboriginal objects or deposits likely to contain Aboriginal objects.</p> <p>A Preliminary Heritage Impact Statement (PHIS), includes a number of recommendations for future development to build in buffer zones to preserve and conserve the heritage significance of items in proximity to the site. These recommendations will be considered at the development application stage.</p> <p>The proposal is considered to be consistent with this direction.</p>
4.1 Flooding	No	<p>A planning proposal is to ensure development of flood prone land is consistent with the relevant flood policies and guidelines in NSW and considers the potential flood impacts both on and off the subject site.</p> <p>The proposal is supported by a Stormwater Management Strategy that does consider Council's Hunter River Floodplain Risk Management Study and Plan (2015). However, Council's Study does not consider the subject site as residential.</p> <p>To be consistent with this Direction, the proponent must prepare a site-specific flood and risk impact assessment in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>Further detail discussion in section 4.1</p> <p>A Gateway condition has been included to require a Flood Impact Assessment.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.2 Coastal Management	Yes	<p>A planning proposal is to protect and manage coastal areas of NSW.</p> <p>The site is identified as Coastal Environment Area and Coastal Use Area in the northern portion of the site.</p> <p>The Biodiversity Assessment Report outlines that potential impacts to groundwater and surface water are to be considered in relation to the Coastal Environment Area and Coastal Use Area when designing drainage infrastructure.</p> <p>Impacts on the coastal area can be controlled through the design of drainage infrastructure. The Biodiversity Assessment Report outlines a number of recommendations to avoid and minimise impacts to biodiversity values, waterways health and riparian vegetation, consistent with objectives of the Coastal Environment Area and Coastal Use Area under the <i>Coastal Management Act 2016</i>.</p> <p>The Biodiversity Assessment provides recommendations that will be considered during Development Application stage.</p> <p>Consultation with Natural Resources Access Regulator (NRAR) and DPE Environment and Heritage is recommended.</p>
4.3 Planning for Bushfire Protection	Minor Inconsistency	<p>A planning proposal is to protect life, property and the environment from bush fire hazards and encourage sound management of bush fire prone areas.</p> <p>The site is identified as bushfire prone land (Category 3 and Vegetation Buffer).</p> <p>The Bushfire Strategic Study indicates that future lots within the site area able to accommodate development with</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>appropriate Asset Protection Zones (APZs) and development design.</p> <p>In accordance with this Direction, it is recommended and conditioned that Council consult with the Commissioner of the NSW Rural Fire Service and to consider any comments made.</p>
4.4 Remediation of Contaminated Land	Yes	<p>A planning proposal is to reduce the risk of harm to human health and the environment.</p> <p>A Preliminary Site Investigation was prepared by Douglas Partners. The assessment concluded that the potential for gross contamination at the site appears to be low.</p> <p>A Detailed Site Investigation will be required at the Development Application stage to ensure the consent authority is satisfied that land is suitable or will be made suitable for residential development in accordance with Clause 4.6 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p>
4.5 Acid Sulfate Soils	Yes	<p>A planning proposal is to avoid significant adverse impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The Preliminary Site Investigation identified the site has no known occurrence of acid sulfate soils. The southern portion of the site and the Hunter River on the northern boundary of the site are mapped as having low probability of acid sulfate soils occurrences. These areas will retain the rural and environmental zones.</p> <p>Given the low probability of acid sulfate soils occurrence within the site, the proposal is considered consistent with this direction.</p>
5.1 Integrating Land Use and Transport	No	<p>A planning proposal is to improve access to housing, jobs and services</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>by active and public transport and reduce dependence on cars.</p> <p>The planning proposal is not supported by a Traffic Impact Assessment. The Oakhampton Release Area Urban Design Review indicates that the site will include a collector and local road network to provide accessibility throughout the new neighbourhood. An active pedestrian transport network will also be provided to facilitate connectivity throughout the neighbourhood and the existing Aberglasslyn community to the west.</p> <p>It is recommended that a Traffic Impact Assessment is submitted to Council and DPE prior to exhibition to assess the traffic generation and vehicular access associated with the proposal.</p>
9.1 Rural Zones	Yes	<p>This direction requires that a planning proposal must not rezone land from a rural zone to a residential zone. A planning proposal may be inconsistent with the direction only if it is in accordance with the relevant strategic plans or is of minor significance.</p> <p>The planning proposal involves rezoning land from a rural zone to a residential zone.</p> <p>The site is located in the Aberglasslyn Urban Release Area and “Category 1 – Residential” which is identified as a priority housing release area for delivery within the next five years under the DPE endorsed Maitland Urban Settlement Strategy 2001-2020 and LSPS.</p> <p>The planning proposal is also consistent with the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 as it will contribute to housing supply in greenfield areas.</p> <p>Given the proposal is consistent with relevant strategies, the proposal is</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		considered justifiably inconsistent with this direction.
9.2 Rural Lands	Yes	<p>A planning proposal is to facilitate the orderly and economic use and development of rural lands and minimise the potential for land fragmentation and land use conflict in rural areas.</p> <p>The proposed rezoning of rural land to residential land is consistent with the relevant Regional Plan, District Plan and LSPS.</p> <p>Council indicates that the site represents small, isolated parcels of rural and conservation zoned land, which is not suitable for productive agricultural practice due to the size of the parcels, its physical and environmental constraints and proximity to existing residential land.</p> <p>The proposal is considered consistent with this direction.</p>

3.5 State environmental planning policies (SEPPs)

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	To protect vegetation in non-rural areas and conservation and management of areas of natural vegetation that provide habitat for koalas,	Yes	<p>The planning proposal does not involve clearing of vegetation.</p> <p>Chapter 3 (Koala Habitat Protection 2020) applies to parts of the site currently zoned RU1 Primary Production and RU2 Rural Landscape. Chapter 4 (Koala Habitat Protection 2021) applies to land zoned C2 Environmental Conservation, noting however the C2 zone is proposed to be retained.</p> <p>Following the rezoning of the existing RU1 and RU2 to R1 General Residential and C3 Environmental Management,</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>Chapter 4 will apply to the entire site for future development applications.</p> <p>The Biodiversity Assessment identifies that given the majority of the study area is cleared, suitable koala habitat is absent across most of the study area.</p> <p>A small number of koala food trees - Forest red gum occur within the riparian vegetation along the northern boundary of the site adjacent to the Hunter River. The existing rural zone will continue to apply to this area.</p> <p>Koalas are considered unlikely to occur within the area to be rezoned to R1. As such, impacts to Koalas as a result of the proposal are considered unlikely.</p>
State Environmental Planning Policy (Primary Production) 2021	To identify State significant agricultural land, outline regulatory process for farm dams and other small-scale and low risk artificial waterbodies and encourage sustainable aquaculture	Yes	<p>The site is not identified as State significant agricultural land.</p> <p>The site comprises small, isolated parcels of rural and conservation zoned land, which is not suitable for productive agricultural practice due to the size of the parcels, its physical and environmental constraints and proximity to existing residential land.</p> <p>The Land and Soil Capability Mapping for NSW also identifies the site as having “severe limitations”, which further restrict the viability of any agricultural activities.</p> <p>The proposal consistent with the aims of this SEPP as the site does not support viable primary production activities.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	Manage development in the coastal zone and remediation of land	Yes	<p>Coastal management</p> <p>The site comprises land identified as Coastal Environment Area and</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>Coastal Use Area along the northern boundary of the site.</p> <p>The Biodiversity Assessment Report indicates that potential impacts to groundwater and surface water in relation to areas identified as watercourse land, coastal environment areas and coastal use areas can be mitigated when designing drainage infrastructure in future Development Application stage once more information about the extent and nature of impacts is known.</p> <p>Remediation of land</p> <p>The PSI concluded that 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).</p> <p>In accordance with the provisions of the SEPP, a Detailed Site Investigation will be required at Development Application stage.</p>
State Environmental Planning Policy (Transport & Infrastructure) 2021	To guide development for the purpose of roads and infrastructure which can be referred to Transport for NSW (TfNSW) for concurrence.	Yes	<p>Subdivision of land involving 200 or more allotments where the subdivision includes the opening of a public road requires referral to TfNSW.</p> <p>It is noted that the Planning Proposal is anticipated to create up to 550 lots and creation of a road network. Referral to TfNSW will therefore be required during the Development Application stage. Notwithstanding,</p> <p>The Rail Noise Assessment indicates that the relevant acoustic</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
			<p>provisions can be satisfied with standard construction methods.</p> <p>It is also recommended that consultation with the relevant service providers and government agencies is undertaken to determine the level of impact and upgrades required for the future residential development.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Biodiversity

The results of the Biodiversity Assessment identify the presence of native vegetation, associated habitats and a threatened species (White-bellied-Sea-eagle – *Haliaeetus leucogaster*) and species from a threatened population (River Red Gum – *Eucalyptus camaldulensis*) along the northern boundary of the site. Mapping of Biodiversity Values, Key Fish Habitat, Coastal Environment Areas and Coastal Use Areas are identified within the site. The presence of aquatic habitats within the farm dams is identified in the site.

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.

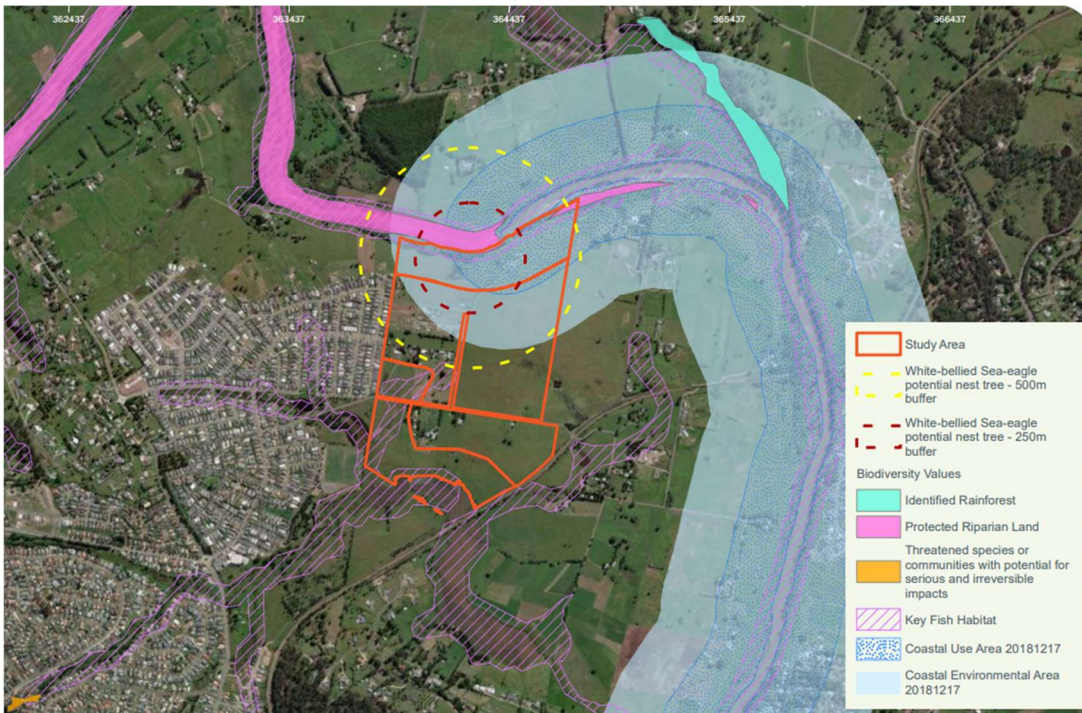


Figure 5 Ecological constraints within the site (source: Niche Environment and Heritage 2022)

The Biodiversity Assessment recommends undertaking consultation with NSW Department of Primary Industries – Fisheries and Natural Resources Access Regulator (NRAR) to confirm acceptance of the field assessment findings in relation to Key Fish Habitats and waterway definition. A number of recommendations have also been provided within the Biodiversity Assessment to be incorporated at the Development Application stage.

Bushfire

A Bushfire Strategic Study has been prepared by Holiday Coast Bushfire Solutions to assess the bushfire hazard within the site. The site is identified as bushfire prone land (Category 3 and Vegetation Buffer).

The Study indicates that the wildfire constraint on the site is relatively low due to factors such as neighbouring urban development to the west, grassland landscape with a lack of other vegetation types, and slight to moderate slopes.

The required setbacks and Asset Protection Zones (APZs) between the surrounding grasslands and the development 'footprint' under the Planning for Bushfire Protection 2019 (PBP 2019) can also be accommodated for the future lots within the site. Under the PBP, the proponent has the option of determining Bushfire Attack Levels and other Bushfire Protection Measures across the site either using the Special Fire Protection Purpose setbacks or using the Grassland Deeming Provisions.

The remaining rural lands to the east of the site will have the risk of wildfires impacting them from the west significantly reduced, and the existing urban lots to the west of the site will no longer form the interface.

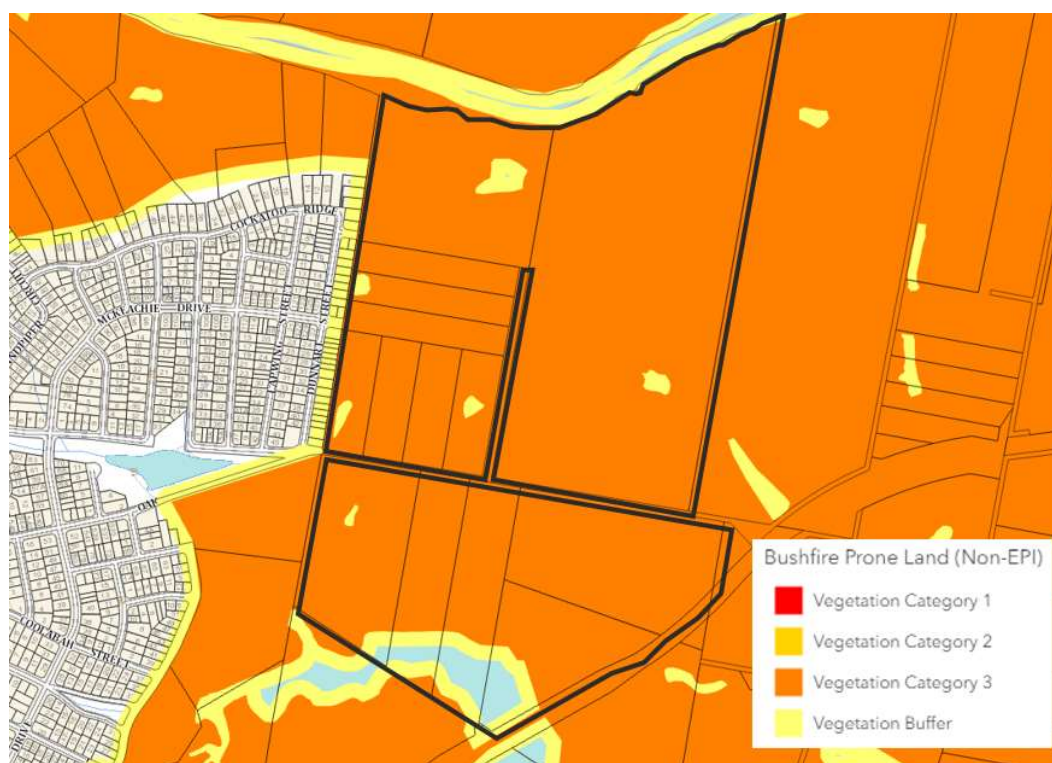


Figure 5 Bushfire Prone Land Map (source: NSW Government 2023)

Aboriginal cultural heritage

An Aboriginal Cultural Heritage Assessment (ACHA) has been prepared in consultation with 14 Aboriginal groups in accordance with the Aboriginal cultural heritage consultation requirements. The ACHA indicates that no Aboriginal Objects or Potential Archaeological Deposits (PAD) were identified during the site inspection. Despite its location being adjacent to the Hunter River, the high levels of disturbance evident throughout the site has resulted in a low likelihood of Aboriginal Objects being present.

The overall scientific (archaeological), educational, representativeness, rarity and aesthetic value of any Aboriginal cultural heritage sites within the subject site is considered to be low.

The assessment has determined that the future development does not have the potential to impact any known Aboriginal objects or deposits likely to contain Aboriginal objects. The ACHA has included a number of recommendations regarding Aboriginal Heritage Impact Permit and general conditions. DPE recommends that these are incorporated into the site-specific DCP and during the design process of the future development at the Development Application stage.

Built heritage

A Preliminary Heritage Impact Statement (PHIS) was prepared to inform the significance of the surrounding listed heritage items/conservation areas. There are several Heritage items that are locally significant to the area.

It is recommended that the proponent considers the Maitland DCP in regards to the control area boundaries for the heritage items that are near the site at the Development Application stage, especially the Aberglasslyn Conservation Area and the North Coast Railway corridor. This is important for applying appropriate buffer zones to preserve and conserve the heritage significance of these areas for the local community. A Heritage Impact statement will also be required at Development Application stage.

Flooding

The Stormwater Management Strategy prepared by Enspire indicates that the proposed development is positioned above the 1% Annual Exceedance Probability (AEP) flood event and is generally above the Probably Maximum Flood (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.

The stormwater quantity management strategy has been developed to meet the following objectives:

- Post-development discharge flow rates are to be controlled to not exceed predevelopment discharge flow rates for typical storm events between the 50% AEP to 1% AEP events;
- Maximise safe passage of Probable Maximum Flood (PMF) flows; and
- Minimise the erosion of existing waterways.

The results of the modelling indicates that the proposed stormwater quantity management strategy can achieve the above performance criteria for the development, with refinement as part of future detailed design.

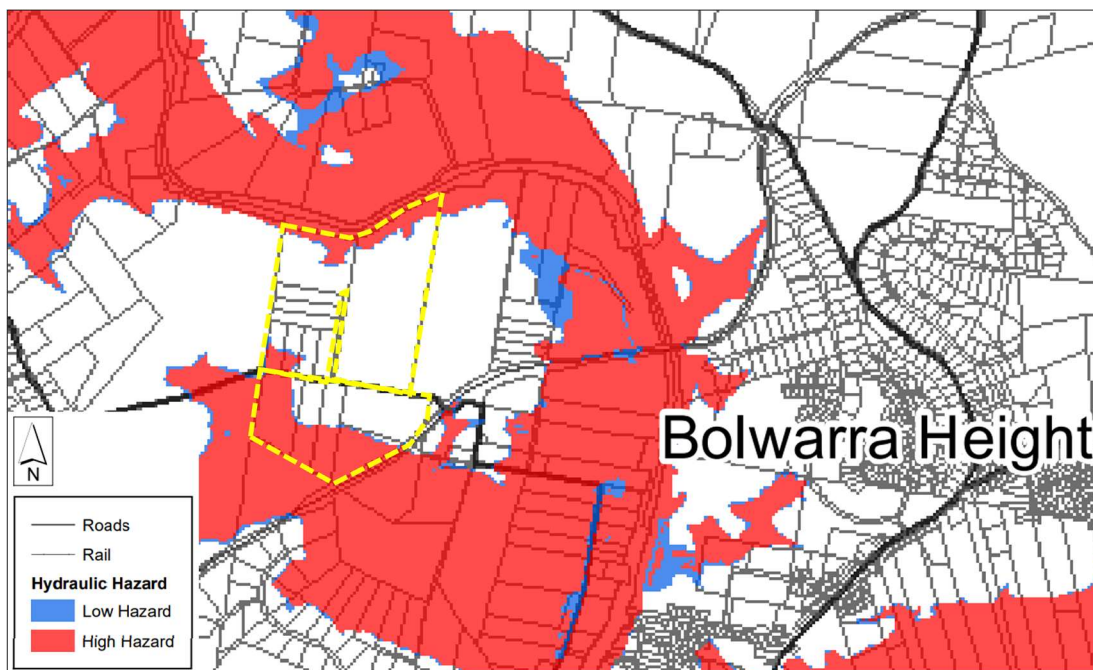


Figure 6 True Hydraulic Hazard 100 year ARI event (source: Maitland City Council 2015)

Notwithstanding, the northern and southern parts of the site are identified as high hazard in the Hunter River Floodplain Risk Management Study and Plan (2015). Parts of the site are also categorised as floodway, flood storage and flood fringe at the 100-year average recurrence interval

(ARI) and PMF events. Council's Hunter River Study assumes the site is zoned rural, rather than residential. Thus, zoning changes and evacuation planning has not been considered for the site.

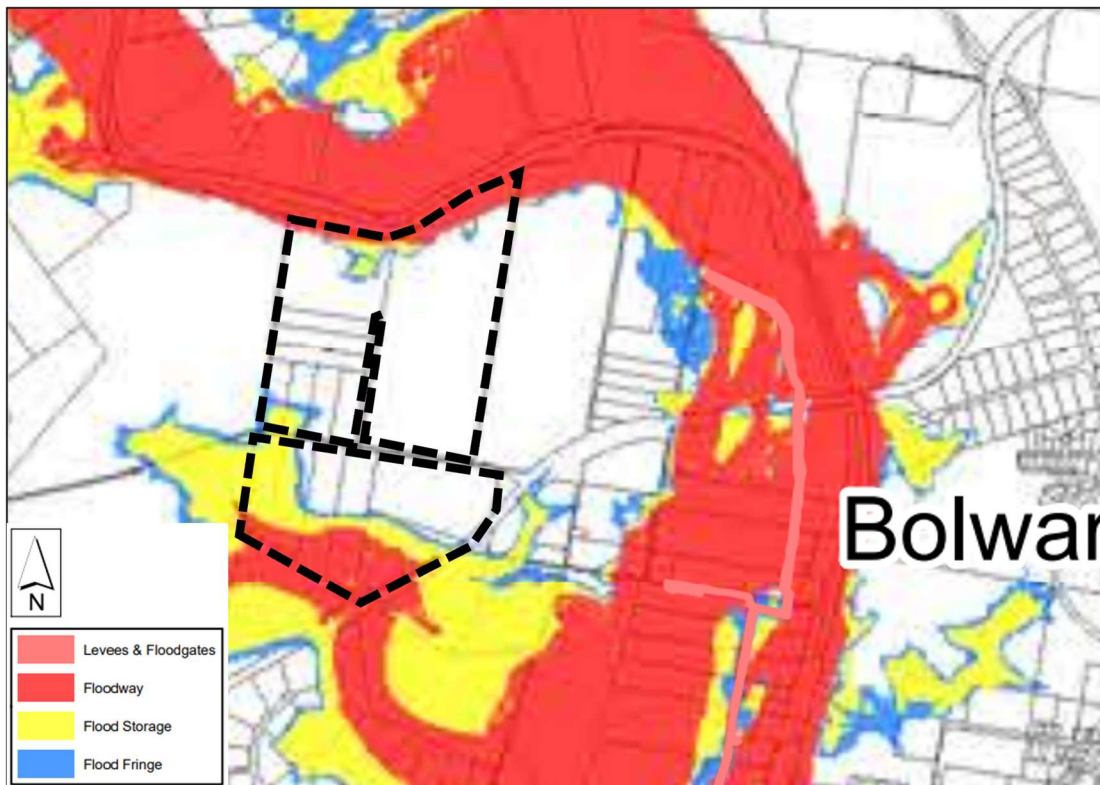


Figure 7 Hydraulic categorisation 100-year ARI event (source: Maitland City Council 2015)

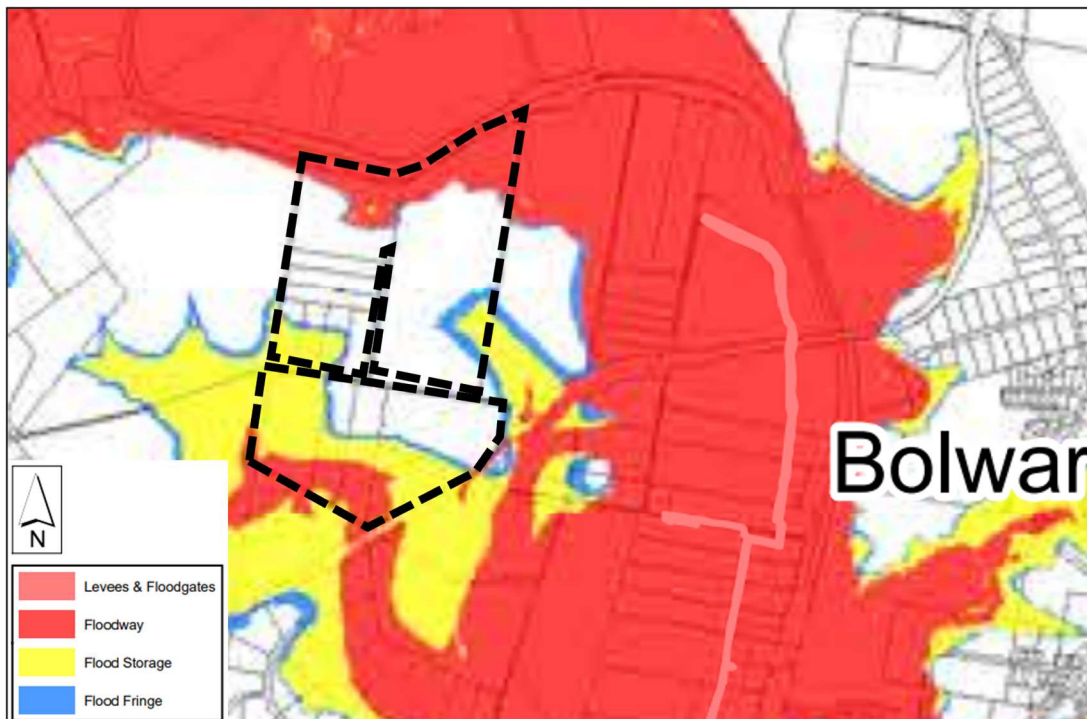


Figure 8 Hydraulic categorisation Probable Maximum Flood (source: Maitland City Council 2015)

Given the flood hazards identified within the site, a detailed site-specific flood study should be provided prior to exhibition to assess the flood risks associated with the proposal. The Flood and

Risk Impact Assessment is to further consider the impacts on up and downstream landowners, hazard risk and evacuation routes.

Noise

A Rail Noise Assessment was prepared by Spectrum Acoustics to assess the potential for noise and vibration emanating from trains travelling on the North Coast Railway Line (NCRL) to impact on future residential development on the site. The concept layout plans show there will be a buffer zone between residences and the boundary with the NCRL such that the closest residences will be a minimum of approximately 100m from the rail line.

Standard building design for the future residential development will achieve compliance with the acceptable internal noise levels, without the requirement for specific noise control. With windows open the noise would not exceed acceptable internal noise criteria (of internal criterion plus 10dB).

The results of the noise measurements have shown that, even considering the worst case, there is no requirement for noise control at the most potentially affected residences.

Vibration

The Rail Noise Assessment indicates that the closest of the proposed dwellings would be over 100m from the rail line. The zone requiring assessment of rail vibration impacts for single residences ends at 25m from the rail line, implying that there will be no rail vibration impacts at any residences.

Vibration levels from 12 train passbys were measured at a distance of about 40m from the rail line. The results of the measurements showed that vibration levels were slightly above an adopted trigger level of 0.05 mm/s but significantly lower than the applicable criterion of 0.5 mm/s. This indicates there is no potential for structural damage as a result of vibration from trains.

As most people do not readily notice vibration levels of less than 0.5 mm/s, future residents at the proposed dwellings are unlikely to notice vibration caused by train passbys.

Site-specific Development Control Plan

A site-specific Development Control Plan will be prepared to provide site-specific planning controls for the future residential development. Clause 6.3 of MLEP 2011 requires the preparation of a development control plan for the site prior to granting of any future development consent.

4.2 Social and economic

Social impact

The planning proposal will increase the demand for open space, recreation, community facilities in the immediate area. The Urban Design Report seeks to deliver an open space network within the site, including a pocket park at the axis of the view lines along McKeachie Drive and the entry road from Oakhampton Drive, as well as green grid roadways accommodating large tree planting along key roads and pedestrian connections.

There are opportunities for active transport modes to and from the site. The Urban Design Report identifies opportunities of an active pedestrian transport network, including extension and upgrades of existing road network to deliver cycle and pedestrian pathways to provide connectivity throughout the site and to the existing residential neighbourhood to the west.

Housing

The proposal will provide additional housing opportunities within the Aberglasslyn Urban Release Area as envisaged in Council's LSPS and MUSS. The proposed rezoning will contribute to the supply of residential land within greenfield areas to accommodate the population growth in the Maitland LGA.

Employment

The planning proposal seeks to provide housing opportunities. However, the subdivision and development of housing will generate construction jobs in the short to medium term.

4.3 Infrastructure

The planning proposal states it will have a negligible impact on local and state infrastructure and that all essential services can be made available to the site. A Gateway condition requires consultation with the relevant utility providers.

Traffic generation for the proposed dwellings will need to be considered as part of the extension of McKeachie Road and southern link to Oakhampton Road. A Traffic Impact Assessment must be prepared and submitted to DPE, Council and TfNSW for review and endorsement prior to public exhibition.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The Department recommends a time frame of at least 20 working days is considered appropriate, and conforms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- Hunter Water Corporation
- Mindaribba Local Aboriginal Land Council
- Department of Primary Industry – Fisheries
- Natural Resource Access Regulator
- DPE Environment and Heritage
- Relevant infrastructure providers for electricity, gas, telecom and NBN

6 Timeframe

Council proposes a 14 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the nature of the proposal, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions as it:

- Aligns with the Hunter Regional Plan 2041 and Greater Newcastle Metropolitan Plan 2036;
- Aligns with the LSPS and MUSS in terms of providing opportunities for residential land supply to accommodate future population growth; and
- Does not cause any unacceptable environmental impacts, subject to further investigations and consultation with the relevant government agencies.

As discussed in the previous sections 3 and 4, the proposal should be updated to:

- Address consistency with Section 9.1 Ministerial Direction 4.1 Flooding through preparation of a Flood Impact Assessment.
- Further address consistency with Section 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection, which is unresolved until consultation with the Commissioner of the NSW Rural Fire Service is undertaken prior to public exhibition.
- Address consistency with Section 9.1 Ministerial Direction 5.1 Integrating Land Use and Transport, which is unresolved until a Traffic Impact Assessment is prepared and submitted for review and endorsement prior to public exhibition.

Based on the assessment outlined in this report, further reports/assessment are required prior to public exhibition. This includes:

- Flood Impact Assessment;
- Traffic Impact Assessment; and
- Any discrepancies within the Planning Proposal report.

Should further reports/assessment and consultation with agencies result in amendments to the proposed zoning map, minimum lot size map and urban release area map, revised mapping is to be prepared prior to public exhibition in accordance with LEP mapping standards.

9 Recommendation

It is recommended the delegate of the Minister:

- Agree that any inconsistencies with section 9.1 Direction 9.1 Rural Zones are justified; *and*
- Note that the consistency with section 9.1 Directions 4.1 Flooding, 4.3 Planning for Bushfire Protection and 5.1 Integrating Land Use and Transport is unresolved and will require further investigation and referral to the relevant government agencies.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to exhibition, as follows:
 - a) Update Part 1 to remove reference to Schedule 4; and
 - b) Update Part 2 to provide a clear summary of the proposed amendments in a table.
2. Prior to public exhibition, prepare a site-specific Flood and Risk Impact Assessment that considers impacts on up and downstream landowners, hazard risk and evacuation routes for endorsement by the Department.
3. Prior to public exhibition, prepare a Traffic Impact Assessment for endorsement by the Department.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- Hunter Water Corporation
- Mindaribba Local Aboriginal Land Council
- Department of Primary Industry – Fisheries
- Natural Resource Access Regulator
- DPE Environment and Heritage
- Relevant infrastructure providers for electricity, gas, telecom and NBN

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 30 working days to comment on the proposal.

5. The planning proposal should be made available for community consultation for a minimum of 20 working days.
6. The planning proposal must be exhibited 5 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.

 _____ (Signature)

_____ 18/04/2023 _____ (Date)

Wayne Williamson

Specialist Planning Officer, Agile Planning

 _____ (Signature)

_____ 3/05/2023 _____ (Date)

Louise McMahon

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