
10.4 PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN

FILE NO:	RZ 18/002
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Flow Chart 2. Locality Plan 3. Existing Zoning Map 4. Planning Proposal 5. Map showing areas to be rezoned
RESPONSIBLE OFFICER:	Matt Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning
AUTHOR:	Carolyn Maginnity - Strategic Planner
MAITLAND +10	Outcome 7. Diverse and affordable housing
COUNCIL OBJECTIVE:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

On 12 March 2019, Council endorsed for Gateway determination a Planning Proposal to amend the Maitland Local Environmental Plan 2011 (MLEP 2011) by rezoning part of Lot 144 DP 1064493 Denton Park Drive, Aberglasslyn from R5 Large Lot Residential to R1 General Residential. The proposal also sought to amend MLEP 2011 minimum lot size map to decrease the minimum lot size from the current 5000m² to 450m², to facilitate development of the subject land for urban residential purposes.

The Department of Planning, Industry and Environment (DPIE) raised concern in relation to the proposed zone boundary. At the same time, some adjoining landowners also raised concern over the inconsistency of the proposal with the existing R5 zoning and large lot residential development along Tea Tree Avenue.

Council staff have identified these concerns with the applicant who has now decided to seek an amendment to the Planning Proposal to limit future development of the land fronting Tea Tree Avenue to large lot residential, by rezoning this portion of the site to R5 Large Lot Residential zone and increasing the proposed minimum lot size to 1500m².

This amended Planning Proposal will now seek to amend the Maitland LEP 2011 by realigning the existing boundary between the R1 and R5 zones to facilitate development of the subject land for urban residential purposes, in a manner that respects the existing subdivision pattern and character of development along Tea Tree Avenue, whilst enabling the remainder of the site to be subdivided into standard residential allotments, consistent with the adjoining development and existing R1 General Residential zoning of the site.

The amended Planning Proposal is consistent with the planning objectives of the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Maitland Urban

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Settlement Strategy 2012 and relevant State Environmental Planning Policies and Section 9.1 Local Planning Directions. These growth strategies all promote compact urban environments underpinned by the planning principle of efficient and sustainable use of essential infrastructure and land.

The purpose of this report is to provide an overview of the amended planning proposal and seek a resolution of Council to forward the planning proposal to the Minister for Planning and Public spaces for a Gateway determination.

OFFICER'S RECOMMENDATION

THAT:

1. Council endorse the attached planning proposal and pursuant to *Section 3.34 of the Environmental Planning and Assessment Act 1979*, forward the planning proposal to the Minister for Planning and Public Places for a Gateway determination.
2. Subject to receiving a favourable response from the Minister, Council proceed to public exhibition of the planning proposal, in accordance with the requirements of the Gateway determination.
3. Following the public exhibition process, a report be presented back to Council for consideration of any submissions received.
4. The Department of Planning, Industry and Environment be advised that Council is seeking authorisation to use its delegated functions under *Section 3.36 of the Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.

BACKGROUND

The process for amending the *Maitland Local Environmental Plan 2011* involves the following key milestones:

- The preparation of a planning proposal;
- The issuing of a Gateway determination;
- Community and other consultation on the planning proposal (as required);
- Finalising the planning proposal;
- Drafting of the LEP (legal instrument);
- Making the plan; and
- Notifying the LEP on the NSW Government Legislation website.

A flow chart detailing the LEP plan making process is provided in *Attachment 1*.

This report is concerned with the first stage of this process.

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Following a Gateway Determination some plan making powers may be delegated back to Council to finalise the LEP should Council request it, or where the matters are determined to be of local planning significance, as determined by the Gateway. This increases Council's involvement and decision-making in the process and streamlines the administrative processing and making of the plan.

As this Planning Proposal is a spot rezoning of local significance and is not inconsistent with the *Maitland Urban Settlement Strategy 2012*, it is recommended that Council seek authorisation to use its delegated plan making powers to finalise the plan, following completion of the community consultation process.

SITE DESCRIPTION

Lot 144 DP 1064493 lies between the Hunter River and Denton Park Drive, and is an irregular shaped parcel with a total area of 20.86 hectares. The zoning of the land transitions from *RU1 Rural Production* in the north to *R1 General Residential* in the south, with an area of *R5 Large Lot Residential* in between.

The subject land is predominantly cleared but supports some planted native trees (in rows) across the northern portion of the site as well as a small number of remnant native trees along the eastern boundary. The site is currently vacant.

DEVELOPMENT APPLICATION HISTORY

Denton Park Projects Pty Ltd are in the process of purchasing the front 5.7 hectares of Lot 144 (hereafter referred to as the 'Development Lot') and two (2) separate development applications (DAs) have already been lodged with Council in regard to the development of this land. A locality plan is included as *Attachment 2* and a plan showing the existing zoning of Lot 144 DP 1064493 and the surrounding land is included as *Attachment 3*.

Council approved Development Application 2018/1823 on 19 December 2018, which excised the Development Lot from the remainder of the property, with the northern boundary of the Development Lot coinciding with the proposed alignment of Tea Tree Avenue. A subsequent Development Application (DA 2018/1972) was approved by Council on 9 July 2019. This DA created 49 residential allotments. This DA relates to the land the subject of the Planning Proposal.

That portion of the Development Lot zoned R5 could not be included in the proposed subdivision because it had to be retained as a 'residue' lot (i.e. Clause 4.2C of the Maitland LEP does not make any provision for the subdivision of land affected by a split zoning). The approved subdivision layout plan for the site is shown in Figure 1 of the attached planning proposal.

The subject land is bound to the north by the remaining portion of Lot 144 (as described above) and the Hunter River, to the east and west by residential

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development and to the south by Denton Park Drive. The site generally slopes from north to south, towards Denton Park Drive.

PROPOSAL

The planning proposal seeks to rezone part of Lot 144 DP 1064493, Denton Park Drive, Aberglasslyn by realigning the existing R1/R5 zone boundary. More specifically, the proposal seeks to:

- rezone approximately 7,789 m² of land from *R1 General Residential* to *R5 Large Lot Residential* (this includes zoning of the newly created extension to Tea Tree Drive to R5); and
- rezone approximately 1,052m² of land from *R5 Large Lot Residential* to *R1 General Residential*. (See map as attachment 5).

It is also proposed to amend the LEP minimum lot size map to apply a minimum lot size of 1,500m² to that portion of the subject land to be zoned *R5 Large Lot Residential* and a minimum lot size of 450m² to that portion to be zoned *R1 General Residential*.

The proposal will involve amendments to the following LEP maps:

- Land Zoning Map (Sheet LZN_004A); and
- Lot Size Map (Sheet LSZ_004A).

The intent of the proposal is to facilitate residential development of the subject land, in a manner that respects the existing large lot residential subdivision pattern and character of development along Tea Tree Avenue, whilst enabling the remainder of the site to be subdivided into smaller standard residential allotments, consistent with the adjoining development and existing *R1 General Residential* zoning of the site. The proposal will also facilitate the future connection of two existing local roads (i.e. Tea Tree Avenue and Birch Grove), thereby improving road connectivity in the area.

A copy of the planning proposal is included as *Attachment 4*. The existing and proposed zoning and development controls for the site are shown in Figures 2 and 3 of the attached planning proposal.

PROPOSAL ASSESSMENT

In accordance with the DPIE's guide to preparing planning proposals, a number of questions are required to be addressed to justify the rezoning of any land. The relevant sections to be addressed are listed below.

- 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.

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SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. It has been submitted on behalf of the proponents, Denton Park Projects Pty Ltd, to rectify an anomaly in the existing R5/R1 zone boundary and enable the subject site to be subdivided for urban residential purposes, in a manner consistent with the surrounding subdivision pattern and road network.

The location of the existing R5/R1 zone boundary within the site was informed by the position of the original landowner's dwelling, the topography of the site and existing development in the locality. The existing zone boundary generally follows the site contours, rather than any existing or proposed cadastral boundaries.

Since that time, the adjoining land to the east and west of the site has been developed for residential purposes, with a mix of large lot residential and standard residential lots. The proposed realignment of the existing R5/R1 zone boundary is considered to have strategic merit, as it will facilitate the subdivision and development of the subject land for urban residential purposes, comprising a mix of larger lots and standard residential lots, consistent with the adjoining land use zones and subdivision pattern. Further, the new R1/R5 zone boundary will align with cadastral boundaries, rather than generally following site contours.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Realigning the existing boundary between the *R5 Large Lot Residential* and *R1 General Residential* zones will unlock the development potential of the land and allow it to be subdivided in a manner that respects the existing large lot residential subdivision pattern and character along Tea Tree Avenue, whilst enabling the remainder of the site to be subdivided into standard sized residential allotments, consistent with the adjoining development and existing *R1 General Residential* zoning. The proposed larger lots fronting Tea Tree Ave will provide a suitable transition from the RU1/R5 zoned land on the northern side of Tea Tree Avenue to the smaller R1 zoned lots to the south and will be in keeping with the adjoining larger lots to the east and west of the site.

In addition, the proposal will provide a logical connection into the existing road network by 'linking up' two existing local roads (i.e. Tea Tree Avenue and Birch Grove), providing a more permeable road network and improved connectivity/accessibility for vehicles, pedestrians and cyclists.

The planning proposal is therefore considered to be the best means of achieving the intended outcome for the site.

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SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* is a 20 year blueprint for the future of the Hunter.

The vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart. This vision will be delivered through four goals, as follows:

- a leading regional economy in Australia
- a biodiversity-rich natural environment
- thriving communities
- greater housing choice and jobs.

It is estimated that an additional 12,550 dwellings will be needed in Maitland by 2036. The plan focuses on providing land and infrastructure to meet this requirement through infill developments in established areas and Greenfield sites. Directions for housing opportunities in locations with established services and infrastructure close to existing towns and villages form an integral plan of this plan.

The proposal intends to develop an urban infill site which is adjacent to existing residential development. All services required for the development are available to the site and it has the potential to deliver fully serviced lots in the near future without any major infrastructural upgrade works. The proposal will provide a diversity of lot sizes, catering for a range of housing types. The proposal is therefore responsive to the identified demand for housing and the strategies and actions for meeting this demand, as set out in the plan.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) sets out the strategies and actions that will drive sustainable growth across the five (5) Local Government Areas of Cessnock, Lake Macquarie, Newcastle City, Port Stephens and Maitland, which make up Greater Newcastle. The Plan aims to achieve the vision set out in the Hunter Regional Plan 20136 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The site is identified in Figure 8 of the *Greater Newcastle Metropolitan Plan* (GNMP) as an existing urban area with infill housing opportunities. Strategy 16 of the GNMP is to prioritise the delivery of infill housing opportunities within existing urban areas,

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with a target of 60% of new dwellings to be provided in existing urban areas by 2036. The proposal is consistent with the strategies and actions in the GNMP, as it will provide additional infill housing opportunities (approximately 8 additional lots) within an existing urban area, in close proximity to jobs and services.

Q4. Is the planning proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Maitland +10 (Community Strategic Plan)

Maitland City Council has adopted a Community Strategic Plan (Maitland +10) in line with the State's Integrated Planning and Reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for urban growth within the city to meet the needs of a rapidly growing population.

Maitland Urban Settlement Strategy (MUSS) 2012

The subject land is zoned part *R5 Large Lot Residential* and part *R1 General Residential* and is located within an existing urban area. The land to the east and west of the site has already been developed for urban residential purposes, with a mix of large lot residential and standard residential lots. The proposal will enable the subject land to be developed for residential purposes, as it was always intended and in a manner consistent with the surrounding subdivision pattern and existing road network.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Council has undertaken an assessment of the planning proposal against all relevant State Environmental Planning Policies (SEPPs) and a summary is provided in the table below.

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Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	CONSISTENT
Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal impacts upon the aims or provisions of this SEPP. Future subdivision of the site will not exceed the traffic generation thresholds in the SEPP due to the low lot yield.
STATE ENVIRONMENTAL PLANNING POLICY NO. 44 – KOALA HABITAT PROTECTION (SEPP 44)	CONSISTENT
<p>This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <ul style="list-style-type: none"> a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and b) by encouraging the identification of areas of core koala habitat, and c) by encouraging the inclusion of areas of core koala habitat in environment protection zones. 	Maitland LGA is listed in Schedule 1 of the SEPP. A Flora and Fauna Assessment was carried out by General Flora and Fauna in October 2018. The subject land is not considered "Potential Koala Habitat" because the number of koala feed trees found in the study area comprise less than 15% of all native trees on the site. Further, the land is not considered to be "Core Koala Habitat" as no evidence of koalas was found on or near the site.
STATE ENVIRONMENTAL PLANING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)	CONSISTENT
This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	The subject land is not known to have been used for any purpose in the past which would be likely to result in significant contamination. Preliminary investigations by Douglas Partners did not identify any potential areas of contamination. As such, the site is considered suitable for residential development.

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Q6. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Council has undertaken an assessment of the planning proposal against all relevant Section 9.1 Local Planning Directions and found that it is consistent with the following applicable Directions:

Table 2: Relevant Section 9.1 Directions.

DIRECTION	CONSISTENCY AND IMPLICATIONS
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones	Consistent
<p>The objectives of this direction are:</p> <ol style="list-style-type: none"> To encourage a variety and choice of housing types to provide for existing and future housing needs, To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and To minimise the impact of residential development on the environment and resource lands. <p>When this Direction applies:</p> <p>This direction applies when a relevant planning authority (Council) prepares a planning proposal that will affect land within:</p> <ol style="list-style-type: none"> an existing or proposed residential zone (including the alteration of any existing residential zone boundary), any other zone in which significant residential development is permitted or proposed to be permitted. <p>What a relevant planning authority (Council) must do if this Direction applies:</p> <p>A planning proposal must include provisions that encourage provision of housing that will:</p> <ol style="list-style-type: none"> broaden the choice of building types and locations available in the housing market, and make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the 	<p>The direction applies as the planning proposal proposes to alter an existing residential zone boundary.</p> <p>The proposal will:</p> <ul style="list-style-type: none"> facilitate the development of the site for urban residential purposes in a manner consistent with the surrounding subdivision pattern and existing road network; make more efficient use of existing infrastructure and services in the locality; enable an infill site adjacent to established urban development to be used to a higher capacity, thereby reducing the consumption of land for housing; and enable the subject land to be subdivided for residential purposes, as it was always intended, in accordance with the principles of the MUSS. <p>The planning proposal is therefore considered to be generally consistent with this direction. Whilst, the proposal will rezone approximately 7,789m² of land from <i>R1 General Residential</i> to <i>R5 Large Lot Residential</i>, which will effectively reduce the permissible residential density of that land, this inconsistency is considered to be of minor significance as the proposal will still achieve the overall objectives of the direction.</p>

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DIRECTION	CONSISTENCY AND IMPLICATIONS
<p>urban fringe, and d) be of good design.</p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <p>a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>b) not contain provisions which will reduce the permissible residential density of land.</p>	
<p>3.4 Integrating Land Use and Transport</p> <p>When this Direction applies:</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>What a relevant planning authority (Council) must do if this Direction applies:</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>Consistent</p> <p>This direction applies as the planning proposal relates to urban land.</p> <p>The planning proposal, through providing housing in close proximity to existing services and facilities, will reduce car dependency for the residents and facilitate the use of alternative modes of transport such as cycling, walking and public transport.</p> <p>In addition, the proposal will improve connectivity by facilitating the future connection of two existing local roads in the area i.e. Tea Tree Avenue and Birch Grove.</p> <p>The planning proposal is therefore consistent with this direction.</p>
4. HAZARD and RISK	
<p>4.1 Acid Sulfate Soils</p> <p>When this Direction applies:</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>Consistent</p> <p>This direction applies as the whole of the subject land is mapped as 'Class 5 land' on the Acid Sulfate Soils Map. This is the lowest risk classification and the application of this direction is of limited relevance. The land is already zoned for urban residential development.</p>

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DIRECTION	CONSISTENCY AND IMPLICATIONS
<p>What a relevant planning authority (Council) must do if this Direction applies:</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	<p>The planning proposal is therefore consistent with this direction.</p>

 5. REGIONAL PLANNING

5.10 Implementation of Regional Plans

Consistent

When this Direction applies:

 This direction applies as the *Hunter Regional Plan 2036* applies to the Maitland LGA.

This direction applies when a relevant planning authority prepares a planning proposal.

 As the proposal will provide additional 'infill' housing supply for the region within an existing urban residential area, it is considered to be consistent with the goals, directions and actions of the *Hunter Regional Plan 2036*.

What a relevant planning authority (Council) must do if this Direction applies:

Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

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SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The area affected by the proposed rezoning has been investigated for potential impacts on flora and fauna as part of the subdivision application (DA 2018/1972). *General Flora and Fauna* carried out a detailed flora and fauna assessment including an Assessment of Significance (the 7 Part Test) under s5A of the EP&A Act 1979 in October 2018.

The assessment found that most of the southern portion of the site is already completely cleared to low open pasture grassland. A number of remnant trees on the north-east and south-east edge of the study site represent the original Spotted Gum Ironbark Forest vegetation of the area. These trees are a remnant of an EEC identified as "*Lower Hunter Spotted Gum-Ironbark Forest in the Sydney Basin Bioregion*". However, there is no natural native understorey or groundcover vegetation beneath these remnant trees.

The proposed extension of Tea Tree Avenue along the north edge of the site will remove most of the north-east cluster of remnant trees. The extension of Birch Grove will cut through and divide the elongated south-east remnant of native trees. It is recommended that as many as possible of these remnant native trees be retained on the site.

The only threatened flora or fauna species recorded on the site were four (4) species of insectivorous bats. Two (2) of these, the Eastern Freetail Bat and the Greater Broad-nosed Bat roost and breed in tree hollows and could potentially be using hollows in trees on the site. Therefore it is recommended that as many as possible of the hollow-bearing trees on site be retained.

According to the Assessment of Significance, the proposed development of the site is unlikely to cause a significant effect on threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Several studies, including a preliminary contamination assessment and geotechnical assessment of the site have been undertaken and submitted in conjunction with Subdivision application (DA 2018/1972).

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Contamination

Douglas Partners completed a preliminary assessment of contamination of the site in November, 2018, which included a desktop review, a review of available site history information and a site inspection. The following sources of potential contamination were identified:

- Structures present at the site, some of which were in poor condition, which may contain hazardous building materials (including asbestos). Construction materials may be a source of heavy metals, pesticides and asbestos, depending on the source;
- Site use for agricultural purposes, including the housing/agistment of animals on the site. These activities may be a source of hydrocarbons, pesticides, herbicides, and heavy metals depending on the activities undertaken; and
- Imported fill materials (source unknown) which were observed in the driveway and may be present elsewhere on the site, based on historical aerial photograph review. Fill materials can be a source of a range of potential contaminants depending on the source of materials.

On the basis of site observations and site history, the potential for gross contamination from the above potential contaminant sources was considered to be low. In addition, the risk of gross contamination from adjoining properties was considered to be low.

Based on the results of the above investigations, the site is considered to be generally suitable for the proposed residential development with respect to site contamination.

Geotechnical

Douglas Partners also carried out a preliminary geotechnical investigation of the site in November, 2018. No issues were identified and the subject land was deemed fit for residential development.

Archaeology and Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) did not reveal any aboriginal sites or places on the subject site. There are no listed items of European Heritage on or in the vicinity of the subject site.

The subject land is not mapped as bushfire prone land, nor is it subject to flooding.

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Q9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to have any significant adverse social or economic impacts. The proposed rezoning will maximise the development potential of the land and provide additional infill housing opportunities (approximately 8 additional lots) within an existing urban area, thereby reducing the consumption of land for housing. Improved linkages in the local road network and additional contributions towards the provision of community facilities are some of the likely positive social and economic effects of the proposal.

SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

Access, Transport and Traffic

The subject land has frontage to Denton Park Drive, which provides direct connection to the New England Highway at its western end. Aberglasslyn Road to the east also provides a connection to New England Highway (towards Maitland). Development of the site will facilitate a more permeable road network by facilitating the future connection of two existing local roads in the area i.e. Tea Tree Avenue and Birch Grove.

Infrastructure Services

The subject site is located within an established residential area. All essential services including telecommunications, electricity, gas, reticulated water and sewer services can be readily extended to service all future lots within the development.

Other Public Infrastructure

Council provides a regular waste/recycling collection service in the area. Local shopping and sporting facilities are available in Aberglasslyn. All other essential services such as health, education and emergency services are available in the nearby centres of Rutherford and Maitland.

Q11. 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 the NSW Office of Environment and Heritage (OEH), NSW Roads and Maritime Services (RMS), Hunter Water Corporation (HWC) and Mindaribba Local Aboriginal Land Council (LALC) would be consulted in relation to this planning proposal.

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CONCLUSION

The proposal will effectively unlock the development potential of the subject land and allow it to be subdivided for urban residential purposes, in a manner consistent with the surrounding subdivision pattern and road network and in accordance with the principles of the MUSS. In addition, the future development of the site will provide a more permeable road network through the connection of two (2) existing local roads in the locality. The planning proposal will therefore facilitate the most efficient and economical use of the subject land and is considered to be the best means of achieving the intended outcome for the site.

Council officers have undertaken a detailed assessment of the planning proposal and consider the proposal has planning merit and should therefore proceed to Gateway determination.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

Officers Reports

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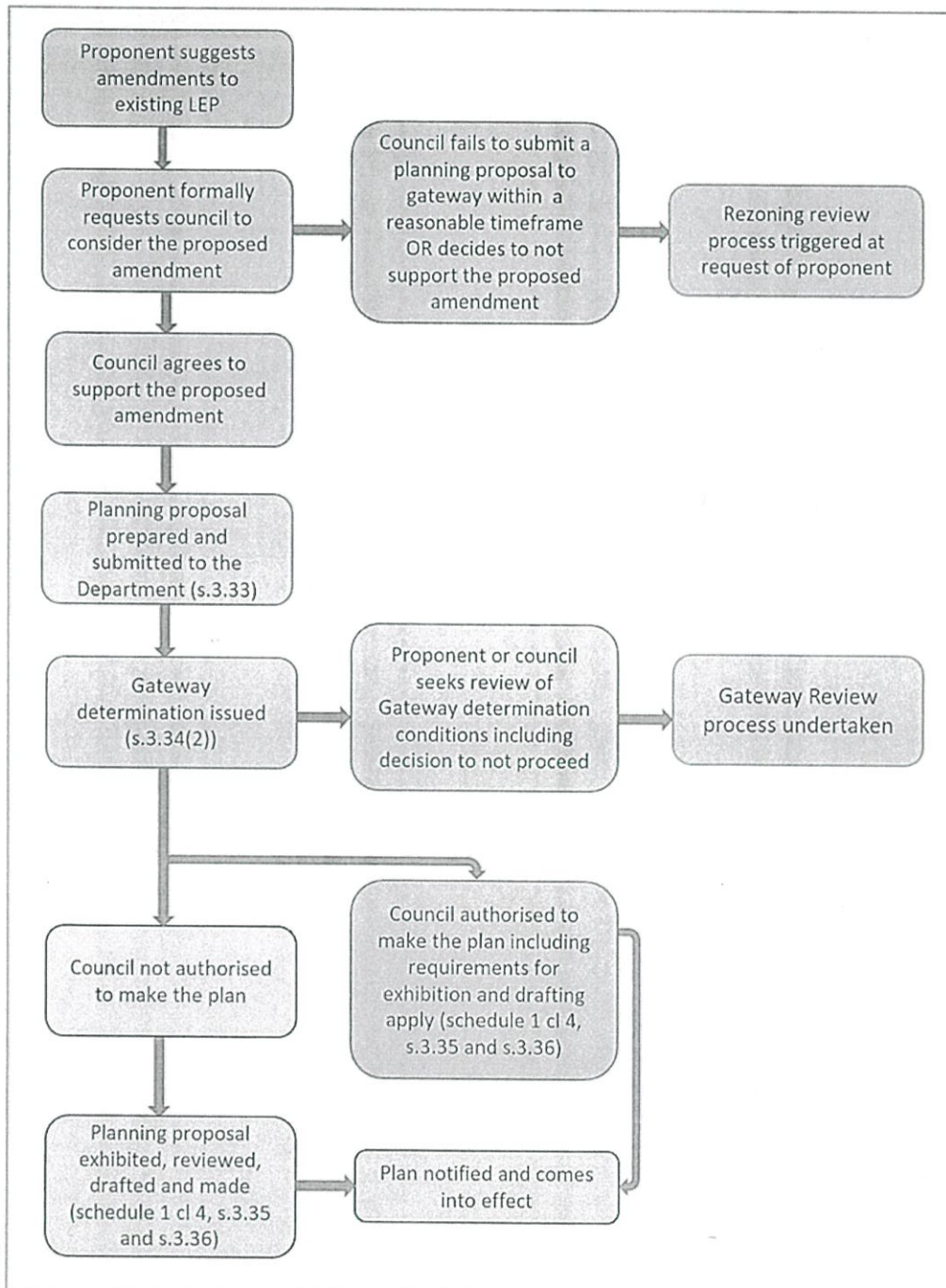
Flow Chart

Meeting Date: 27 August 2019

Attachment No: 1

Number of Pages: 1

Attachment 1 – LEP plan making process



Officers Reports

PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN

Locality Plan

Meeting Date: 27 August 2019

Attachment No: 2



Number of Pages: 1

PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN (Cont.)



Scale 1 : 000
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 Lot 144 DP 1064493
 Subject Land

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.

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Officers Reports

PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN

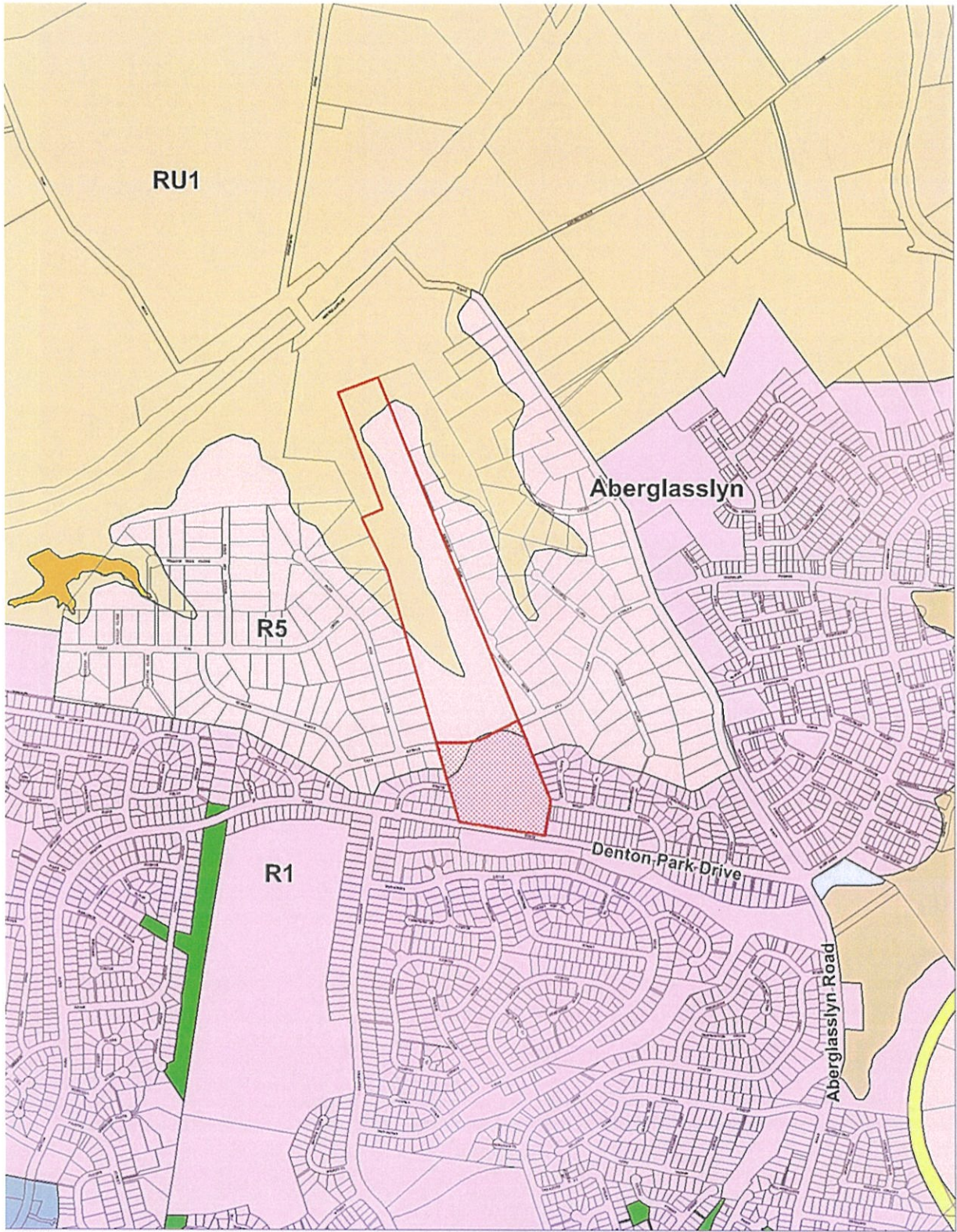
Existing Zoning Map

Meeting Date: 27 August 2019

Attachment No: 3



Number of Pages: 1

PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN (Cont.)



Scale 1 : 000
Printing Date: January 2016
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 Lot 144 DP 1064493
 Subject Land

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Officers Reports

PROPOSED REZONING - PART LOT 144 DP 1064493 DENTON PARK DRIVE, ABERGLASSLYN

Planning Proposal

Meeting Date: 27 August 2019

Attachment No: 4

Number of Pages: 19