

# Draft Maitland Rural Lands Strategy 2041

Maitland City Council  
August 2022

# Acknowledgement to Country

*Maitland City Council acknowledges Aboriginal peoples as the First Peoples of this Country and the Wonnarua People as the Traditional Custodians, Owners and knowledge holders of the land and waterways within the Maitland Local Government Area and pays respect to Elders past, present and future.*

## Draft Maitland Rural Lands Strategy

**GHD Pty Ltd | ABN 39 008 488 373**

Suite C Level 1, 307 Peel Street

Tamworth, New South Wales 2340, Australia

**T** +61 2 49799900 | **F** +61 2 9475 0725 | **E** [tamworthmail@ghd.com](mailto:tamworthmail@ghd.com) | **ghd.com**

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Draft Maitland Rural Lands Strategy 2041

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# Executive summary

Maitland's rural land has been an important part of the city's history, its setting, landscape, and economy. Today, it supports a diverse range of activities on rural land including agriculture, tourism, rural housing, rural and extractive industries, as well as possesses unique environmental and cultural assets. Maitland's scenic rural landscapes are highly valued by the local community and visitors for their significant contribution to the local character.

Strong population growth in the Maitland LGA is resulting in ongoing pressures on rural land to accommodate for new urban development. This development has the potential to have significant impact on high value agricultural land, scenic landscapes, waterways and potentially introduce land use conflicts. Therefore, rural land needs to be identified, protected, and managed for the future as the city grows.

The Maitland Rural Lands Strategy 2041 provides a framework and long-term strategic directions to guide and manage rural land over the next 20 years. The Strategy is consistent with the land use vision established in the Maitland Local Strategic Planning Statement 2040+ for the city and will guide future planning decisions on rural land.

The development of the Strategy has been informed by the findings from the Maitland Rural Lands Review which provides an evidence-based analysis of opportunities and constraints affecting rural land as well as trends driving growth and change and their influence on rural land.

The Review identifies that Maitland rural land is highly fragmented with 70% of rural land holdings having a minimum lot size of 10ha or less, and it limits the future use of rural land for productive agricultural purposes. Therefore, the Strategy emphasises the need to avoid further fragmentation and potential adverse impacts on rural land from non-agricultural activities, reducing the risk of land use conflict.

The Strategy has been structured around a set of planning principles to further define how rural land will be guided and managed into the future. These include:

- Protect productive agricultural land
- Reduce and manage land use conflict
- Build resilient communities
- Support and diversify the rural economy
- Protect and enhance environmental land
- Adapt to changing climate and natural hazards
- Improve linkages with the Greater Newcastle and beyond

Each planning principle translates into a range of overarching strategic directions and corresponding actions to ensure more sustainable use and management of rural land to maximise community benefit and minimise adverse impacts on agriculture.

Council is committed to the planning and management of rural land along with the function including supporting local infrastructure, protection and conservation of environment and rural heritage, and stimulating the local economy. The Strategy will enable Council to continue to facilitate investment and innovation and will open opportunities for local economic growth and diversification.

NSW Government is currently undertaking a series of planning reforms including review of Right to Farm Policy and Hunter Regional Plan, proposed reforms for agritourism and small-scale agriculture. These reforms will have implications on rural land and once finalised, Council will make necessary changes to its Strategy, as required.

Although the Strategy has a 20-year timeframe, a range of prioritised actions have been identified for Council, government agencies, rural landholders and other stakeholders to work together to implement them. The strategy implementation will require consistent monitoring and review over the short term.

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# Glossary

Term	Definition
BC Act	Biodiversity Conservation Act 2016
BSAL	Biophysical Strategic Agricultural Land
Council	Maitland City Council
DCP	Development Control Plan
DPI	NSW Department of Primary Industries
DPE	NSW Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
C-zone	Conservation zones C2, C3 & C4
IAL	Important Agricultural Land
ILA	Intensive Livestock Agriculture
IPA	Intensive Plant Agriculture
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Maitland Local Strategic Planning Statement 2040 <sup>+</sup>
LLS	NSW Local Land Services
MLS	Minimum Lot Size
RLS	Rural Lands Strategy
SEPP	State Environmental Planning Policy
SILEP	Standard Instrument Local Environmental Plan
SSAL	State Significant Agricultural Land
TfNSW	Transport for NSW
URA	Urban Release Area

Land Use Zone	Intent
RU1 Primary Production	RU1 zone covers a broad range of lands utilised primarily for primary production purposes. This includes commercial primary production, including extensive agriculture, intensive livestock and intensive plant agriculture, forestry, mining, and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner and minimise fragmentation and land use conflicts.
RU2 Rural Landscape	This zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture, but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints.
C2 Environmental Conservation	C2 zone protects land that has high conservation values outside the national parks and nature reserve. The use of this zone needs to be justified by appropriate evaluation of the area in terms of meeting the core zone objectives of having high ecological, scientific, cultural or aesthetic values.
C3 Environmental Management	C3 zone includes land within special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards, requiring careful consideration and management to ensure development is compatible with these values.
C4 Environmental Living	This zone is generally intended for land with special environmental or scenic values and accommodates low impact residential development. This zone may be applicable to areas with existing residential development in a rural setting, which still has some special conservation values.
R5 Large Lot Residential	R5 zone provides for very low-density residential housing in a rural setting, often adjacent to towns. Lot sizes can be varied within the zone depending on the servicing availability and other factors such as topography, native vegetation characteristics and surrounding agricultural land uses.

# 1. Introduction

Maitland's rural land is an important part of the city's history, its setting, landscape, and economy. The rural land support a diverse range of activities including agriculture, rural industries, tourism, extractive industries, rural housing, and recreation spaces as well as possessing unique environmental and cultural assets.

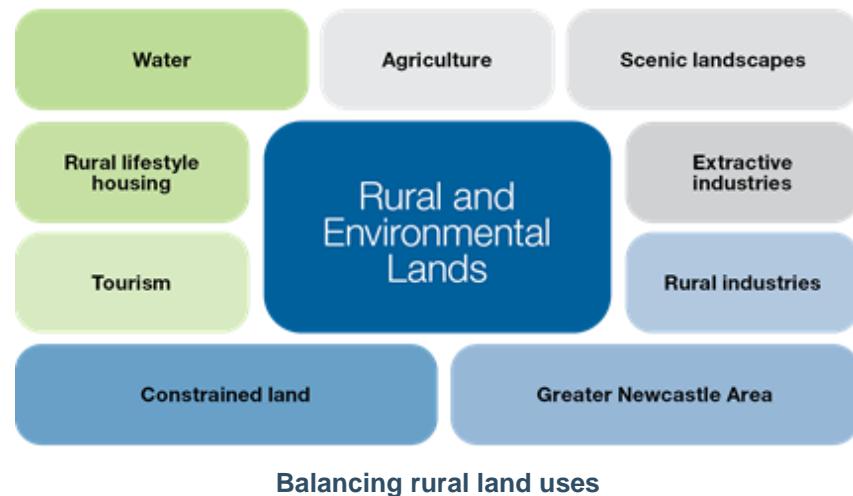
In 2020, Maitland City Council endorsed its first *Local Strategic Planning Statement 2040+ (LSPS)*. A key action of this LSPS is to review the existing Maitland Rural Lands Strategy 2005 and prepare a new Rural Lands Strategy to guide the future planning and management of rural land.

## 1.1 Why do we need a Strategy?

The Rural Lands Strategy 2005 was developed to provide a land use planning and management framework to guide future decisions regarding the use of the Maitland's rural land and maintain the economic viability of agriculture while protecting the natural, ecological, and scenic quality of the rural environment. The Strategy was specifically important in contextualising rural land use and developing appropriate planning controls in the preparation of the Maitland LEP 2011.

Since 2005, there have been significant changes to planning policies, technology and agricultural industry requirements. In addition, Maitland has experienced significant growth in population and housing over the past two decades and is projected to grow along with the rest of the Greater Newcastle metropolitan area.

Strong population growth in the Maitland LGA is resulting in ongoing pressures on rural land to accommodate for new urban development. This development has the potential to have significant impact on high value agricultural land, scenic landscapes, waterways and potentially introduce land use conflicts. Therefore, rural land need to be identified, protected, and managed for the future as the city grows.



The Strategy outlines the best practice planning responses to support rural economy, optimise future economic development opportunities and provide certainty for existing and future rural land uses while considering the many trends driving change locally, regionally and nationally.

## 1.2 How was it developed?

The Strategy has been developed utilising a staged process.

- Stage 1: Maitland Rural Lands Review 2021
- Stage 2: Draft Rural Lands Strategy 2041 (We are here now)
- Stage 3: Final Rural Lands Strategy 2041
- Stage 4: Amendments to LEP and DCP

The Rural Lands Review is the first step in the preparation of Maitland's' Rural Lands Strategy (RLS). It provides a current overview of rural and environmental land, identifies issues and opportunities and drivers influencing change on rural land.



### Rural Lands Review

Social, Economic and Environmental Context  
Planning and Policy Context  
Land Capability and Constraints  
Upfront Stakeholder Engagement  
Findings of the Review



### Rural Lands Strategy

A Framework & Directions for Future Rural Lands  
Draft Strategy  
Public Exhibition  
Endorsement of Final Strategy



### Amendments to LEP and DCP

Planning Proposal  
DCP Amendments  
Inform future plans and strategies at local and regional level

#### Key stages in the process

## 1.3 What is the purpose of the Strategy?

The Maitland Rural Lands Strategy 2021 provides an evidence based framework for planning and managing of rural land over the next 20 years. It aims to support and protect agricultural land in the long term, facilitate investment and innovation, and open opportunities for local economic growth and diversification.

The Strategy is consistent with the land use vision established in the *Maitland Local Strategic Planning Statement 2040+* for the city and will inform future planning decisions and local planning policy for rural land.

The Strategy has been structured around seven (7) planning principles to outline how rural land will be guided and managed into the future. These include to:

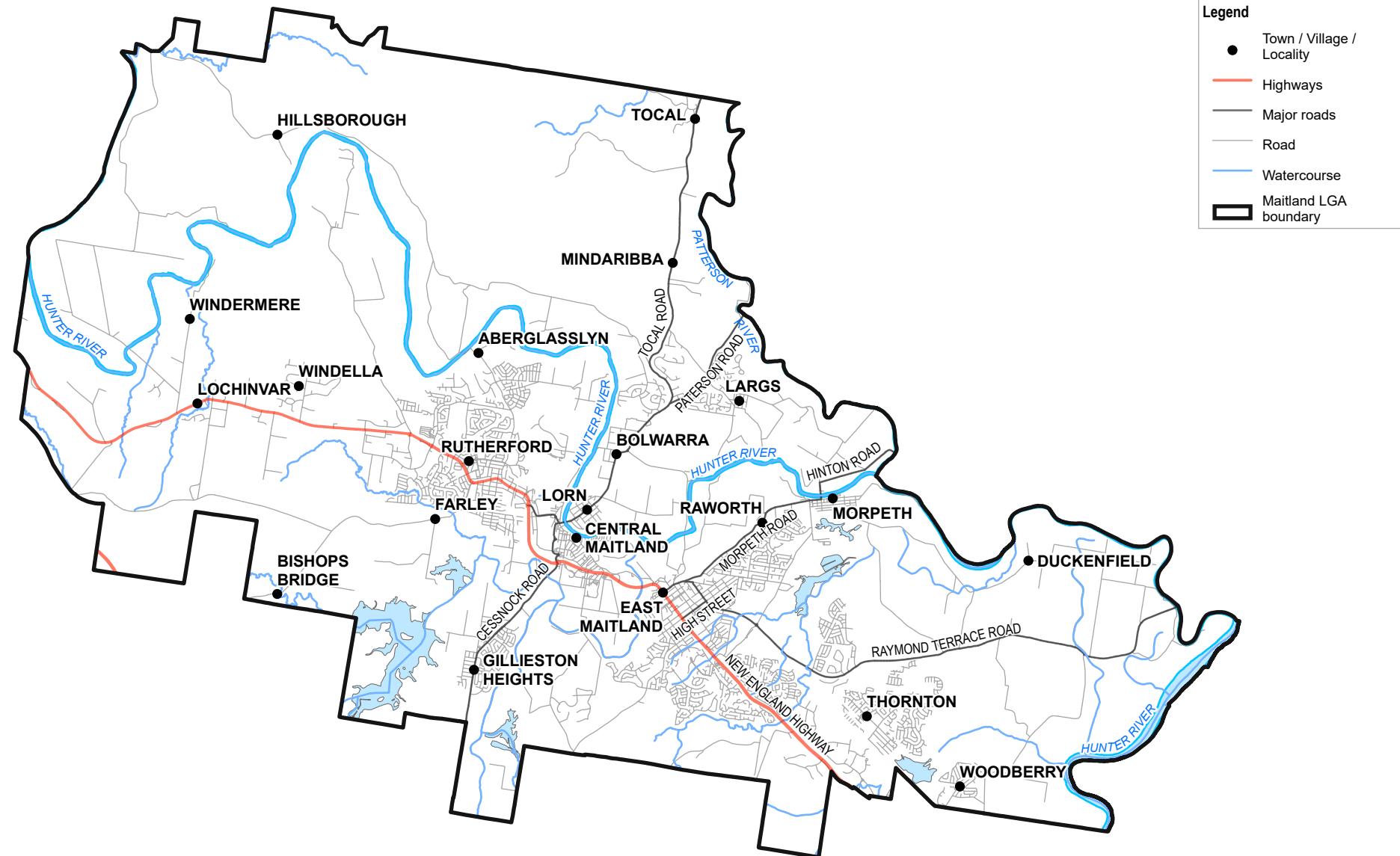
- Protect productive agricultural land
- Reduce and manage land use conflict
- Build resilient communities
- Support and diversify the rural economy
- Protect and enhance environmental land
- Adapt to changing climate and natural hazards
- Improve linkages with Greater Newcastle and beyond

## 1.4 Where is it applicable?

The Strategy defines rural land as rural and environmental zoned land under Maitland Local Environmental Plan (LEP) 2011, both private and public land. Rural and environmental land uses make up 72% of the Maitland LGA.

The Strategy refers to 'rural land' as land currently zoned under Maitland LEP including:

- RU1 Primary Production
- RU2 Rural Landscape
- R5 Large Lot Residential
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living



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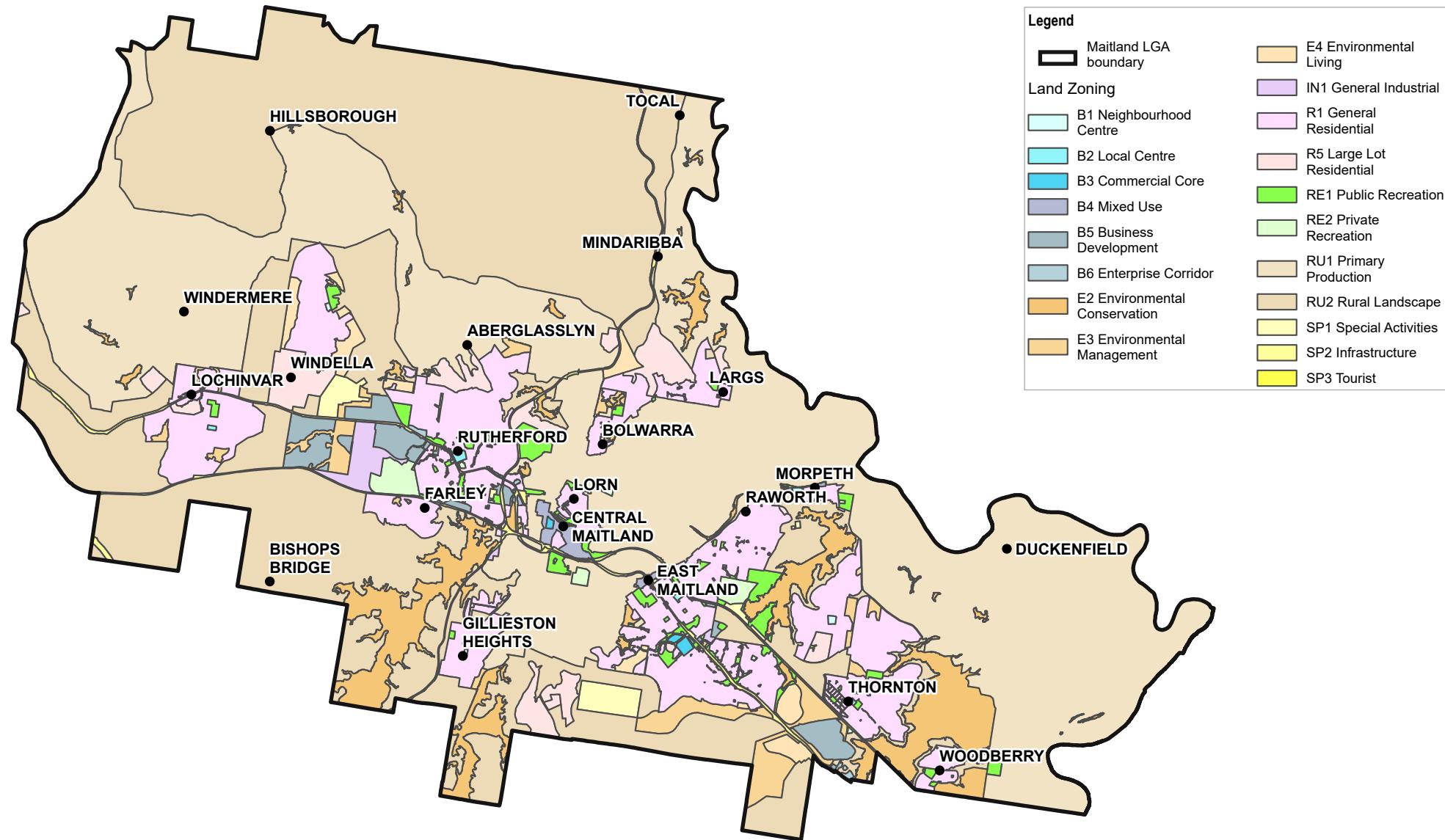
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Maitland City Council

Maitland Local Government Area

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Revision No. 0  
Date 31/08/2021



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Maitland City Council

**Maitland land use zones**

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Revision No. 0  
Date 31/08/2021

## 1.5 How will the Strategy be used?

The Strategy is consistent with the long-term land use vision established in the *Maitland Local Strategic Planning Statement 2040+* for the LGA and will inform future planning decisions and local planning policy for rural land to be able to deliver better planning outcomes for the local community in a timely manner.

The Strategy will align with the broader strategic directions and actions of the *Greater Newcastle Metropolitan Plan 2036* and *Hunter Regional Plan 2036*. These Plans emphasise the importance of protecting productive agricultural land and supporting land use activities, protecting rural landscape and amenities, and growing the rural economy through diversification and tourism.

This Strategy and supporting documents will also be useful in informing future reviews of the *Greater Newcastle Metropolitan Plan 2036* and *Hunter Regional Plan 2036*.



### Applying the Rural Lands Strategy

A range of State, regional and local policy documents have informed the preparation of this Strategy and a detailed analysis of background plans, policies and strategies is included in the Rural Lands Review.

## 1.6 Engagement

Council conducted extensive community and stakeholder engagement between 2019-2020 to inform its first LSPS which had an overwhelming response from the community and other stakeholders. The findings of this engagement have been used to develop the Maitland Rural Lands Strategy 2021.

In addition, targeted stakeholder engagement was undertaken as part of the Stage 1 - Rural Lands Review to identify key issues, values, views, and insights regarding rural land. The findings from the upfront stakeholder engagement process have been integrated into the Strategy and Implementation Plan.

Consultation with the community and other stakeholders will be undertaken in mid-2022. The exhibition of the Strategy will provide the opportunity for residents, landowners, businesses and other interested parties to review and make their comment on the draft Strategy.

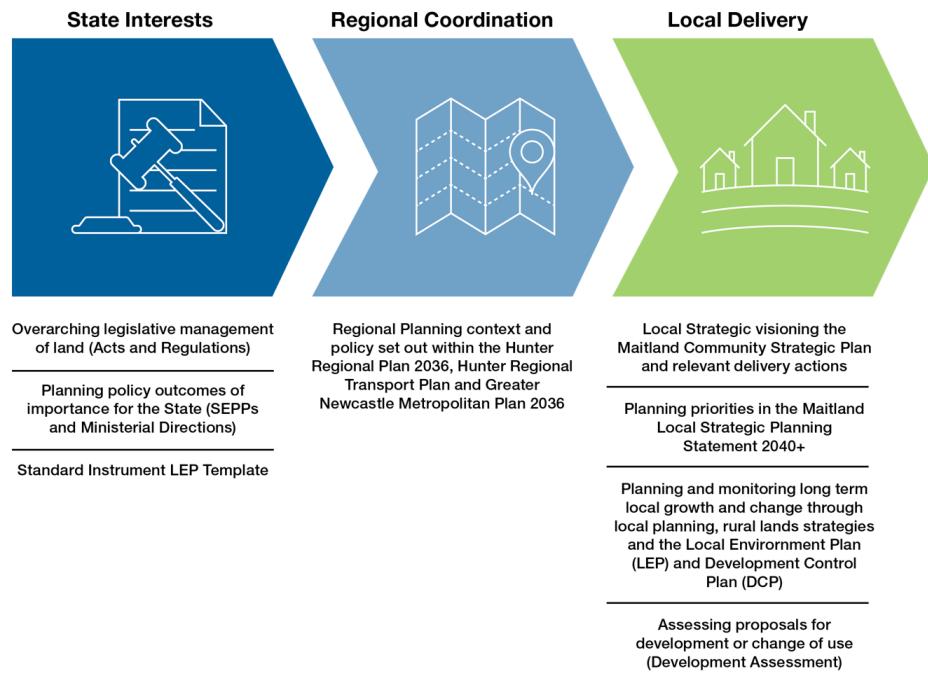
An aerial photograph of a rural landscape. In the foreground, there are several fields of varying colors, some green and some brown, indicating different stages of crop growth or fallow land. A river winds its way through the landscape, with a bridge crossing it. In the middle ground, there is a small cluster of buildings, possibly a town or a industrial complex. The background features a range of mountains under a blue sky with scattered white clouds.

## 2. Strategic Context

## 2. Strategic context

### 2.1 Planning & Policy context

The NSW planning system has initiated a new strategic led planning framework to provide a clear line-of-sight between key strategic priorities identified at the regional, sub regional and local scale.



The linkages between the State, regional and local planning framework is an important consideration in the preparation of the Strategy. It aligns with the *Greater Newcastle Metropolitan Plan 2036* and the *Hunter Regional Plan 2036*, which are guiding the NSW Government's land use planning priorities and infrastructure funding decisions.

A range of State, regional and local planning and policy documents have informed the preparation of this Strategy, outlined in the below table. A detailed analysis of planning and policy context is included in the Rural Lands Review.

Relevance	Policies, Strategies and Plans
State	<p>Environmental Planning and Assessment Act 1979 Biodiversity Conservation Act 2016 Right to Farm Act 2019 &amp; Right to Farm Policy 2015 Water Management Act 2010 Local Land Services Act 2013 Primary Production SEPP 2021 Resource and Energy SEPP 2021 Resilience and Hazards SEPP 2021 Housing SEPP 2021 Exempt and Complying Development Code 2008 Ministerial Directions NSW Agricultural Industry Action Plan 2013 NSW Infrastructure Strategy 2012-2032</p>
Regional	<p>Hunter Regional Plan 2036 Greater Newcastle Metropolitan Plan 2036 Hunter Regional Transport Plan 2013 Hunter Economic Infrastructure Plan 2013 A 20 Year Economic vision for regional NSW 2018 Greater Hunter Regional Water Strategy 2018</p>
Local	<p>Maitland +10 Community Strategic Plan Maitland Local Strategic Planning Statement 2040+ Maitland Local Environmental Plan 2011 Maitland Development Control Plan 2011 Maitland Designation Management Plan 2020-2030</p>

## 2.2 Trends driving change on rural land

The planning and management of Maitland's rural land is not only influenced by NSW Government strategies and initiatives, but also motivated by trends at a local, regional, national and international scale.

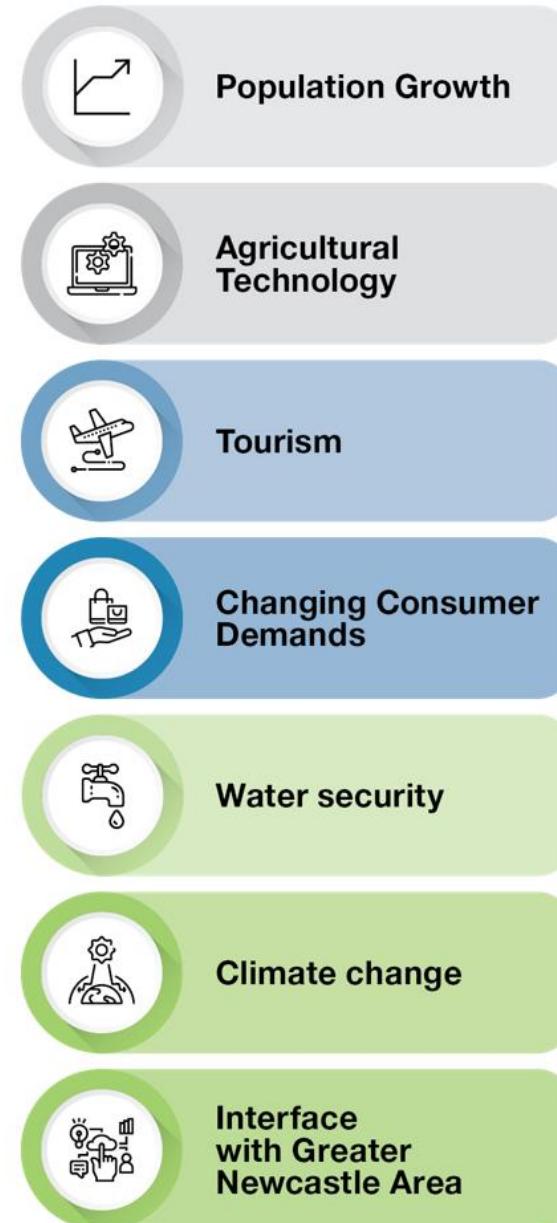
Detailed background analysis of social, economic, environmental conditions along with targeted stakeholder consultation has resulted in the following 'trends driving change on rural land' identified through the Rural Lands Review. These key drivers have helped to identify and define opportunities and constraints associated with rural land in Maitland.

Maitland is experiencing high levels of population growth. Annual population growth is over 2% per annum with the population expected to increase by additional 54,800 people between 2021-2041 (DPE, 2022). Mitigating increasing pressure from population growth within the LGA has become a planning priority as urban development continues to expand into rural land.

Although future development has the potential to cause land use conflict with current farming activities and operations, increased growth within the LGA has the benefit of new and emerging agricultural opportunities for farmers to diversify operations by offering farm experiences, tourist accommodation and direct-to-consumer selling. Strong demand for novel food sources is expected to continue, driven by consumer preferences for sustainable and ethical sourcing of foods.

Coupled with managing growth and potential land use conflict is the need to sustain and protect the natural environment while ensuring water security remains the prime focus. Climate change will continue to create extreme weather events forcing the community to become adaptive and resilient.

Maitland is well located to take advantage of its proximity to Newcastle, its road and rail access to Newcastle and broader Hunter Region and surrounding infrastructure to attract people, business and visitors to the area. New and emerging technologies will assist the agriculture sector with productivity improvements, unlock new value chains and create new communication pathways between farmers and consumers.



## 2.3 Local context

### Population



**90,230**  
ABS Census 2021

**144,550** ↑  
By 2041



### Employment

Other industries: Jobs located in Maitland



Jobs in Agriculture, forestry and fishing  
**452**

Top industries: Residents of Maitland LGA



Residents working in Healthcare and Social Assistance  
**4,689**



Jobs in Accommodation and Food services  
**2,474**



Residents working in Retail Trade  
**3,773**



Jobs in Transport, Postal and Warehousing  
**1,568**



Residents working in Construction  
**3,049**

### Maitland at glance

### Land Use

**39,249ha**

in the Maitland LGA

Rural + Environmental Land uses



~72%  
of the Maitland LGA



### Tourism

**607** tourism businesses



**Maitland attracts**

**800k+** visitors annually

**1,300**

jobs supported by Maitland's tourism industry



Tourism spending injects  
**\$96M+**  
into the local economy

### Economy

Rural economy

**\$23M**

Agricultural production P/A



Poultry Meat  
\$9.42M



Eggs  
\$5.51M



Nurseries, cut flowers, cultivated turf  
\$2.58M



Beef  
\$2.36M

**26,754 jobs** in the LGA  
Economic output **\$9.7B**

A scenic rural landscape featuring a large, mature tree standing prominently in a green field. A wooden fence runs across the foreground. In the background, there are rolling hills, a small body of water, and distant buildings under a clear blue sky.

### 3. Planning Principles

### 3. Planning Principles

Good planning requires a systematic process that clearly defines the steps that lead to optimal solutions. Seven (7) planning principles have been identified which set the strategic directions and desired outcomes for the long-term growth and management of Maitland's rural land.

Planning principles provide a consistent approach to comprehensively evaluate and negotiate solutions for the short, medium and long term. A wide range of planning outcomes articulated in the Strategy can be realistically achieved through the implementation of the planning principles.

The application of planning principles in the Strategy aim to:

- Inform changes to policies, plans and strategies at the regional, metropolitan and local levels
- Provide justification for changes to rural land through the planning proposal process
- Support planning initiatives at all levels of government
- Be integrated where individual, short-term decisions should support strategic, long-term goals
- Assist with determination of suitable locations for development of certain lands uses permitted on rural lands
- Inform the preparation of a development application requirements
- Assist with advocating for changes to rural land use planning and development

**1 Protect productive agricultural lands**

**2 Reduce and manage land use conflict**

**3 Build resilient communities**

**4 Support and diversify the rural economy**

**5 Protect and enhance environmental lands and rural heritage**

**6 Adapt to changing climate and natural hazards**

**7 Improve linkages with Greater Newcastle and beyond**

## 3.1 Agriculture

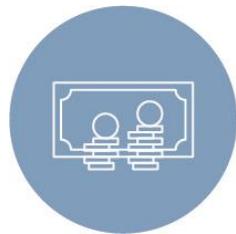
### Important Agricultural Land (IAL)

Retaining important land for agriculture within the LGA to support food and fibre production is an increasingly challenging and highly complex issue for Council, government agencies and agricultural industries.

Important Agricultural Land (IAL) contains a range of natural attributes that are highly suitable for agricultural production and rural industries. The identification of important agricultural land enables the significance of that land to be recognised and planned. Important agricultural land includes the existing agricultural land and areas that have future agricultural potential.



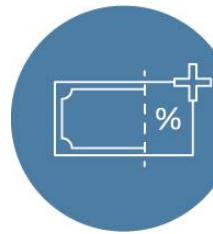
**Gross value of agricultural production: \$24 million per year**



**Agricultural industry output: \$120 million per year**



**Agricultural exports: \$44 million per year**



**Agricultural industry value-added \$57 million per year**

#### Agriculture in Maitland

The sustainable protection and management of agricultural land is critically important. The NSW Department of Primary Industries is undertaking a mapping program across NSW to identify State Significant Agricultural Land (SSAL) and the draft SSAL map was on exhibition in late 2021.

Understanding the significance of IAL, where it is situated and its value and contribution to the LGA will assist in making decisions about current and future agricultural land uses. It will contribute towards:

- Providing certainty for existing agricultural enterprises and agribusiness to remain, invest and grow
- Identifying future opportunities for agricultural industries
- Mitigating and reduce land use conflict and enable compatible development in rural zones
- Supporting essential agricultural assets and the agricultural supply chain

IAL can be further managed through alignment with state and local planning strategies and provision that recognise the importance of retaining high value agricultural land.

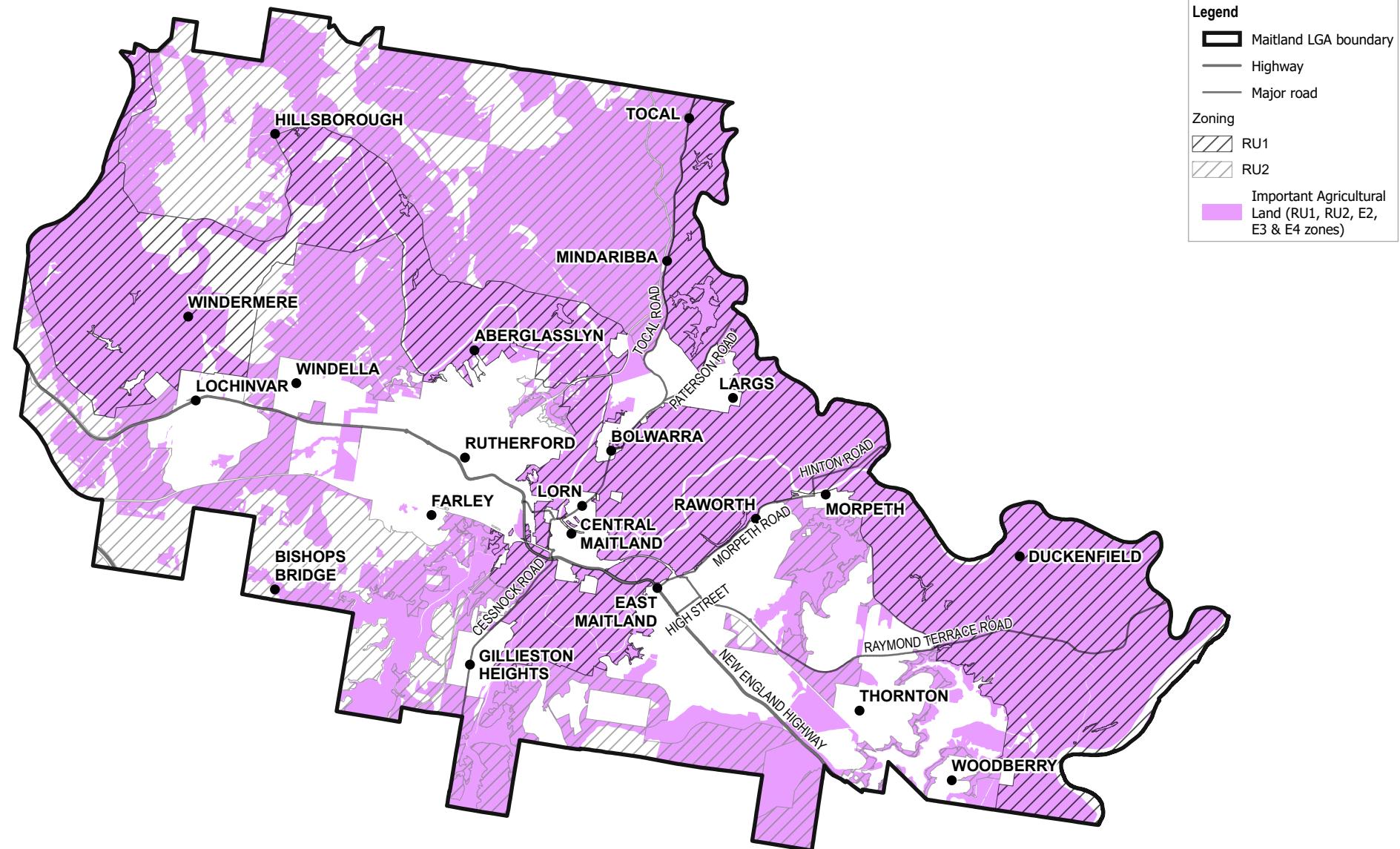
#### Biophysical Strategic Agricultural Land (BSAL)

Biophysical Strategic Agricultural Land (BSAL) is defined as land at the regional scale with high quality soil and water resources capable of sustaining high levels of productivity. The criteria for BSAL relates to levels of soil fertility, land and soil capability classes and access to reliable water and rainfall levels.

BSAL within the Maitland LGA is predominantly associated with the alluvial flood prone land along the Hunter and Paterson Rivers where high-quality soils and water resources are present and can sustain high levels of productivity. This land is also located adjacent to peri-urban areas on the urban fringe.

BSAL plays a critical role in sustaining the regional agricultural industry. Identifying and mapping of BSAL is essential to manage competing land uses on high quality agricultural land and to provide certainty for invest and grow.

The mapping of Maitland's IAL will complement the BSAL mapping and will be integral in the protection of existing productive agricultural land to ensure future planning decisions for non-rural land uses are accountable and rural amenity is retained. The recognition of IAL will protect high value agricultural land and guide the sustainable growth of the rural economy into the future.



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Maitland City Council

Important Agricultural Land

Project No. 12536162  
Revision No. 0  
Date 31/08/2021

## Fragmentation of rural land

There is increasing pressure on Maitland's rural land for further fragmentation due to increasing urban development and rural residential living. This has resulted in development creep onto productive agricultural land and in close proximity to flood prone land.

There is a need to preserve larger scale agricultural land within the LGA to support existing and emerging agricultural activities while preventing further fragmentation of rural land. Large land holdings are an advantage for viable agricultural operations to grow, invest and diversify.

Inappropriate rural subdivision can have significant irreversible and adverse impacts on rural land and therefore, it is important to avoid fragmentation that may result in a loss of sustainable land for primary production.

Maitland LEP 2011 has prescribed a 40ha minimum lot size for the RU1 and RU2 zones. The land holdings analysis demonstrates the historical fragmentation of land and in certain instances, lots are well below the minimum lot size specified under Maitland LEP 2011 (i.e. 70% of rural land holdings having a minimum lot size of 10ha or less). As a result, lot sizes have been applied to protect rural land and avoid any further fragmentation and associated dwelling entitlement.

Although further fragmentation is not supported for urban or rural residential purposes, suitable subdivision outcomes should be encouraged to promote diversity and change in the agricultural sector. Regulating minimum lot size requirements for rural zones, supporting primary production on under sized highly productive lots and limiting dwellings in highly productive IAL's will contribute towards sustaining the rural land and its landscape.

It is also recognised through the findings of the Rural Lands Review, that the current RU1 and RU2 zones maintain a minimum lot size of 40 ha as it is considered to be effective in permitting a range of agricultural uses while managing already fragmented land and associated dwelling entitlements.

Rural and environmental land uses make up 72% of the Maitland LGA. The Maitland LEP will need to support new and emerging land uses while mitigating any future fragmentation. Development controls and the introduction of suitability criteria will assist with determining appropriate land uses while protecting high value agricultural land. Suitability criteria will provide a framework for assessing future rural development potential (rural tourism and rural lifestyle opportunities) based on a range of natural resources management, risk avoidance and social/economic servicing requirements.

## Peri-urban land

Peri urban land has traditionally been utilised for food production. Peri-urban land refers to land at the edge of the urban boundary that is:

- Subject to pressures from urban encroachment
- Provides a valuable agricultural resource
- Consists of a wide range of rural land uses including cropping and grazing
- In a transitional phase
- Sustains important ecological, biodiversity and landscape values
- A distinctive boundary between the urban development and the productive rural land

The Covid 19 pandemic has placed a focus on this land for food production and where it is grown and sourced. It places a spotlight on the risks associated with supply chains and market access highlighting the greater need for local food supply and food security.

One of the challenges facing this land includes urban encroachment and the desire for residential lots adjacent to rural landscapes with scenic amenity. Continued demand for urban development and the higher price for residential land is attractive for rural landowners to rezone land for urban purposes. Although these residential uses operate on various scales around the urban fringe, the significance of rural land has not been formally recognised through local planning provisions.

To encourage the ongoing value of peri urban agricultural land while supporting high value diversified agricultural enterprises such as fresh food products and agritourism, the following principles should be applied:

- Ensure areas are allocated for livestock and machinery refuges during flood events
- Introduce buffers between the urban growth boundary and farming practices on rural land
- Support horticulture and intensive plant agriculture production in proximity to Maitland's urban areas to build upon local food supply chains
- Support agritourism including farm products and activities and promote 'Maitland's Food Bowl'
- Prohibit incompatible land uses such as senior housing and manufactured home estates on rural land due to social, environmental and economic impacts, particularly land use conflicts

Peri-urban agricultural land needs to be identified and safeguarded for their valuable contribution to the local and regional economy. Strategies and controls including the introduction of buffers will assist with the protection of the land from urban encroachment and incompatible uses.

## ***“Support existing and future agricultural production while managing rural land uses”***

## **Planning Principle 1: Protect productive agricultural land**

### **Intent**

Protect high value agricultural land and avoid further fragmentation of rural land.

### **Objectives**

- Protect highly productive agricultural land and apply the mapping of IAL to guide for future planning decisions
- Limit the urban encroachment and sprawl of non-agricultural incompatible land uses on high value agricultural land
- Protect important peri urban land by managing urban encroachment and fragmentation
- Encourage flexibility to accommodate agricultural uses on smaller lots while prohibiting residential development

### **Strategic Directions**

1. Identify the opportunities and constraints of IAL to protect and sustain their value for future rural productivity
2. Maintain the 40ha minimum lot size within the RU1 and RU2 zones and permit a range of agricultural uses while managing already fragmented land and associated dwelling entitlements
3. Encourage the consolidation of lots to support large scale agricultural activities and operations in rural areas
4. Support the subdivision of rural land for the purpose of small scale agricultural production
5. Recognise the value of peri urban land and its contribution to the local economy through local planning framework

## 3.2 Land use conflict

### Rural land use conflicts

Land use conflicts occur when incompatible uses are located in proximity to each other. These conflicts are caused by differences in the expectation and aspirations of landholders, lack of understanding of agricultural practices and poor standards of land management. Conflict can occur where peri-urban development becomes incompatible with neighbouring agricultural practices and can potentially constrain farming operations and reduce the viability of commercial scale agricultural operations.

Small lot rural residential housing on the peri-urban fringe has increased over time and is often located adjacent to intensive farming practices. Land use conflicts can result from rural and rural residential living in close proximity and can impact on agricultural activities including threats to biosecurity, water use, effluent management, chemical use, spray drift and weed management.

Land use conflicts can also result from the introduction of new non-farming activities to the rural land including tourism related uses and development resulting from State legislation and policy. Maitland's rural land is extremely fragmented and concentrated around the urban fringe with 70% of rural land holdings having a minimum lot size of 10ha or less.

The *Right to Farm Act 2019* and the Right to Farm Policy 2015 (this is currently under review) supports farmers undertaking lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. The policy reinforces the rights and responsibilities of farmers and establishes a baseline for ongoing monitoring and evaluation of land use conflicts.

The policy also provides a platform to strengthen land use planning to ensure ongoing review of environmental planning instruments includes consideration of options to ensure best land use outcomes and to minimise conflicts. Education and effective communication between property owners is critical when new land uses and activities are introduced on rural land.

### Land use buffers

Buffers are often considered when trying to manage conflict from a range of sensitive agricultural uses. The NSW Department of Primary Industries (DPI) has developed an interim guideline '*Buffer Zones to Reduce Land Use Conflict with Agriculture 2018*' to ensure buffer zones are built into the design of developments where conflict may occur, in particular residential development, where property owners have relied on adjacent land to act as a natural buffer.

The introduction of 'land suitability criteria' will provide an opportunity to consider whether the proposed development is appropriate prior to approval. Suitability criteria could stipulate requirements to manage the location of new development adjacent to existing sensitive and intensive agricultural operations and other incompatible uses.

### Poultry industry

The poultry sector is the most economically productive rural industry in the Maitland LGA. There is increasing demand for broiler chicken meat and eggs, and Maitland is well-placed in respect to both domestic and international markets to meet this demand. However, the poultry industry has the potential to impact on surrounding land uses in terms of odour, noise and waste. The potential for cumulative impacts of numerous poultry farms near residential uses or other sensitive land uses should be managed closely to ensure the continuity of this industry.

The DPI's Interim Guideline on buffer zones recommends a 60 hectare minimum lot size, and a buffer of 1 km between poultry farms and sensitive receptors such as residential dwellings, or 500 m for farms housing less than 1000 birds to allow for a natural buffer and to mitigate conflict with adjoining land. This buffer is supported in *Clause 5.18 Intensive livestock agriculture* under Maitland LEP 2011.

Future poultry development should consider the potential for land use conflict in close proximity to residential development or other sensitive land uses and the need for buffers around farms and should monitor operations to ensure environmental sustainability.

## Biosecurity

Biosecurity is a shared responsibility to protect the local economy, environment, and local community from biosecurity threats. Practicing good biosecurity will provide for access to premium markets domestically and internationally, deliver better yields and decrease costs of primary production, ensure locally grown, safe food and fibre and reduce stock losses and infrastructure damage by pests.

Along with the poultry industry, equine establishments are an emerging industry in the Maitland LGA and include stables, equestrian arenas, horse training facilities, breeding facilities and training tracks. The emerging equine industry involves the movement of horses in and out of the LGA and as such has the potential to introduce disease to the area. Biosecurity risks can often be minimised through appropriate land use zoning and by applying buffers to separate different land uses, making use of distance, vegetation or topography.

## Manufactured home estates

With the increasing popularity of manufactured home estates, Council is receiving an influx of development applications specifically looking to operate as manufactured home estates on rural land. The Housing SEPP 2021 permits the development of manufactured home estates where caravan parks are permitted. Under Maitland LEP 2011 caravan parks are permitted in the RU2 zone, but prohibited in the RU1, C2, C3 and C4 zones.

Maitland has a significant amount of land that fits the criteria outlined in the SEPP where manufactured home estates could be developed. Due to the intense nature of manufactured homes estates, the development of manufactured home estates on rural land has the potential to cause several problems including the location of older populations away from essential services, infrastructure provision, interrupting local character and land use conflict with adjoining agricultural activities.

In addition, developing manufactured home estates on RU2 zoned land has resulted in encroachment on peri-urban land including IAL/BSAL, compromising the future planned urban growth opportunities outlined in Council's strategic plans, and setting an expectation for the rezoning of rural land for an urban purpose. RU2 zoned land surrounding the urban fringe is also identified as flood prone and acts as a constraint to residential development of this nature.

Prohibiting incompatible land uses such as manufactured home estates on rural land can be achieved by prohibiting caravan parks on RU2 zoned land. It is considered that this approach will protect valuable agricultural land and allow for appropriate development which will not be in conflict with the surrounding land uses.

## Planning Principle 2: Reduce and manage land use conflict

### Intent

Avoid, minimise and mitigate impacts from existing and new land uses on high value agricultural land.

### Objectives

- Provide ongoing protection for productive agricultural land through land use buffers
- Limit the encroachment and urban sprawl of non-agricultural land uses on high value agricultural land
- Avoid land use conflicts and provide land use certainty for rural activities
- Minimise land use conflict between new development and existing sensitive land uses
- Support the rights of farmers to undertake lawful agricultural practices
- Protect Maitland's rural land with increased biosecurity measures

## Strategic Directions

1. Avoid land use conflict and provide for compatible rural uses in defined areas through planning instruments
2. Prevent the location of incompatible land uses in and adjacent to agricultural production areas and where necessary require buffers between incompatible land uses
3. Continue to support the *Right to Farm Act 2019* and the *Right to Farm Policy 2015* supporting farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users
4. Avoid land use conflict by maintaining adequate separation distance between agriculture production area and encroaching incompatible uses
5. Apply the *NSW DPI Land Use Conflict Risk Assessment (LUCRA)* Guidelines when conducting land use conflict risk assessments for future development where there is potential to generate conflict
6. Manage the impacts of the poultry industry including clustering and guiding future growth opportunities on suitable larger sites located away from sensitive receptors
7. Support preventative biosecurity measures and practices in partnership with relevant agencies and stakeholders to protect the rural economy and environment
8. Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone due to social, environmental and economic impacts.

***“Avoiding land use conflict in the first instance is a priority”***

## 3.3 Rural living

### Dwelling entitlements

Rural dwellings are primarily located on rural land where they are generally required to support primary producers undertaking agricultural activities on the land. In most instances, rural dwellings serve as a place of residence for the farmer and family members. They can also be used for rental and tourist accommodation. Rural dwellings associated with rural activities tend to be more sustainable in terms of the objectives of rural land and their environmental impacts.

A dwelling can be developed on land below the minimum lot size if it can meet the provisions of *Clause 4.2A - Erection of dwelling houses on land in certain residential, rural and environmental protection zones* under Maitland LEP 2011. Although this clause provides for a historic dwelling entitlement, it can place pressure on Council to approve dwellings in areas that may not be suitable for housing development.

### Dual occupancy development

Maitland LEP 2011 permits dwellings in the RU1, RU2, R5, C3 and C4 zones. Dual occupancy dwellings (both attached and detached) are prohibited in the C3 and C4 zones, however permissible in all other rural zones. Council supports dual occupancy development to allow for greater flexibility for rural housing associated with farming and non-farming activities. Further, the development of additional on-farm dwellings assists with providing an alternative farm income or succession planning and the transition of family farming arrangements.

Development of rural land for dual occupancy dwellings needs to be carefully designed and implemented to mitigate any potential impacts of the increased density on the local character, rural landscape and environment. New dwellings should be located within the curtilage of the existing dwelling house on the same lot.

The introduction of additional dwellings increases the impact on the function of the floodplain and may impede flood free access and evacuation practices of both new and existing residents.

### Rural residential living

The R5 Large Lot Residential zone is scattered throughout the LGA in isolated areas and also along the peri-urban fringe adjoining existing residential areas. Increased growth has seen demand for large lot residential development, however the provision of large lifestyle lots has been an ongoing issue for Maitland as this typology in some instances better reflects more of an urban rather than rural environment.

Large lot residential development can often be seen as an inefficient form of housing as it has a very low density, that still requires infrastructure including roads, and in some cases reticulated water and sewer services. In many cases, the provision and operational costs of infrastructure to the land can be inefficient where larger lots and lower lot yields are being serviced. Environmental impacts can also occur from the construction of infrastructure required to service the lots.

As this land is normally located adjacent to the urban fringe, large lifestyle lots often encroach onto peri-urban land which in many cases are on the edge of the floodplain. There is major concern that these areas that have been utilised as refuges for livestock and machinery during a flood event in the past will be developed in the future, thereby reducing flood free land to manage flood risk and protect farm assets. This is of major concern and any development within these particular portions of land should be avoided.

The Maitland LSPS determined that the current supply of zoned R5 Large Lot Residential land equated to approximately 16 years' worth of supply, based on a population growth rate of 2% per annum. Should this growth rate be exceeded, alternatives to rural lifestyle living should be explored to avoid rezoning any additional land for large lot residential purposes.

Local development controls are required to manage large lot residential living to mitigate land use conflict, manage infrastructure provision, minimise risk from natural hazard events including floods and bushfire and to consider the cumulative loss of high value agricultural and environmental land.

## Rural housing options

Future planning for large lot residential development should allow for integration with adjoining higher density development that requires less area per lot while yielding above average sized residential allotments. These locations would permit all essential services and reduce wasted area that would otherwise be required for on-site services. The opportunity exists to focus housing choice to reflect identified growth areas rather than expanding into productive rural land with inefficient large lot subdivision.

The Maitland Local Housing Strategy being prepared by Council will address future housing provision in the LGA and identify future growth areas for residential land. The alignment of both strategies will provide Council with an opportunity to forecast and coordinate housing growth and plan for a range of housing typologies in appropriate locations to meet the need of growing and changing communities.

The C4 zone could be considered an alternative zone to limit housing development and act as a buffer adjoining rural areas instead of the R5 zone. The objectives of the C4 zone are designed to accommodate low density residential development while managing land use conflicts and risks including flooding.

Zoned land currently acting as buffers to manage land use include:

- C4 Environmental living zone between the C2 or C3 zones and residential or rural land. This occurs in several places in the Maitland LGA, including at Aberglasslyn and Bolwarra.
- RU2 zone between the C2 or C3 zone and the RU1 zone. This occurs in several places in the Maitland LGA, including at Oakhampton Heights.

Future residential development in Maitland will be limited by the floodplain. Flood free rural land on the fringe of urban boundaries is often utilised as a buffer, and during flood events, as a refuge for stock and machinery. This land is extremely important and should be retained and protected for this purpose.

## Planning Principle 3: Build resilient communities

### Intent

Guide and manage rural housing locations and typologies to minimise land use conflict and avoid further fragmentation of rural land.

### Objectives

- Manage rural dwellings and large lot residential growth to preserve the viability of agriculture
- Minimise natural hazard risks and their impacts on rural living
- Provide infrastructure and services in appropriate locations to facilitate planned housing growth in rural areas

### Strategic Directions

1. Manage the approval and location of historical dwelling entitlement to minimise impact on the rural landscape
2. Manage dual occupancy development and its relationship with the principle dwelling and surrounding landscape to ensure intensification of site is not compromised
3. Manage and monitor the supply of large lot residential land (R5 zone) in rural areas through Local Housing Strategy process
4. Ensure development of existing R5 Large Lot Residential zoned land and planned growth areas are not developed in isolation from existing residential development to ensure efficient provision of infrastructure services
5. Explore housing options to support rural communities outside of the rural setting in alternative urban locations due to close proximity to rural land
6. Explore opportunities to formalise buffers by applying a zone or natural features to restrict housing development encroaching onto valuable rural land

## 3.4 Rural economy

### Agricultural diversification

Agricultural diversification has evolved as a result of the farming sector needing to adapt and innovate in response to climate change, natural hazards, environmental pressures, pests and diseases, and variations in local and overseas markets.

Maitland's rural land has the potential to provide an innovative, resilient and sustainable urban food bowl for the Greater Newcastle and Hunter region. Existing commodities such as fresh vegetables, poultry, and livestock provide the basis for opportunities for long term growth. There is scope to leverage off opportunities in these emerging niche agricultural industries. Growth in the local food movement and increasing consumer demand for ethical and sustainable production techniques from small scale producers, and emerging industries such as equine related development is becoming prominent.

To enhance these opportunities, Maitland needs to grow and protect its already established economy and build on its existing strengths to advance local market and industry diversification. There is a need to support agricultural diversity to ensure the future production of local products while managing land use by prioritising the use of agricultural land for rural and agricultural activities while balancing the need for tourism related development.

### Agribusiness

Maitland can leverage opportunities in emerging niche agricultural industries, including the local food movement which connects food producers and consumers in the area, developing a more resilient food network and supporting the local economy.

Market gardening is becoming increasingly popular within the LGA and is classified as intensive plant agriculture (horticulture) under Maitland LEP 2011. It is defined as a small-scale business of growing fruit, vegetables berries or flowers and other plants on open land or under glass or plastic, on a commercial scale. Key threats include urban encroachment from both residential and large lot residential housing, land use conflict and flooding.

The challenge with market gardens in the Maitland LGA is the availability of small areas of land to farm produce on a relatively small scale where there is high soil fertility. Market gardens are generally located within travelling distance of urban areas as smaller agricultural lots do not permit dwellings for the farmer to reside.

Planning provisions under Maitland LEP 2011 provide an opportunity for small lots of rural land under the minimum lot size in the RU1 and RU2 zone to be subdivided for the purposes of primary production. While there is a provision under Clause 4.2 to support a market garden operation to meet demand for locally grown produce, a dwelling entitlement is not permitted.

### Agritourism

The Maitland LGA is well positioned and favourably located within proximity of Newcastle and Sydney to support agritourism activities. The amenity of the area makes it a highly valued visitor destination.

There is opportunity to expand rural based tourism development to include:

- Increased accommodation in the rural areas to take advantage of the natural settings such as farm stays and self-contained accommodation
- Food and drink establishments
- Farm gate and boutique produce opportunities including paddock to plate experiences, cooking and food growing schools
- Outdoor recreation such as horse riding, cycling, and walking

There is the potential for rural tourism land uses to support and supplement traditional agricultural farming practices to become significant contributors to the rural economy. However, certain tourism uses have the potential to be incompatible with surrounding agricultural land uses. Planning provisions should allow for suitable diversity and flexibility of uses on rural land such as function centres and tourist accommodation in appropriate locations. A review of Council's planning policies and land use tables is required to ensure that appropriate development is managed and facilitated.

Future tourism development should ensure that proposed non-agricultural uses have suitable infrastructure and can be accommodated within the landscape setting, sympathetic to the character of the area.

Protecting Maitland's natural areas will keep them attractive to the visitor economy. Planning for tourism should ensure the rural character and landscape is not compromised.

DPIE is currently addressing the confusion around what is considered an agitourism use and small-scale agriculture development intended to support farm business. DPIE are proposing to address these uses through amendments to LEPs to allow rural property owners to establish new complimentary uses on their land. Changes include further definition of farm stays, farm events, and facilitating farm gate business by introducing a new definition for farm gate activities.

## Equine related development

There is opportunity for equine industry growth due to Maitland's central location within the Hunter region and its proximity to the renowned equine cluster in Upper Hunter. Demand is increasing from the thoroughbred sector for large scale properties as well as the leisure industry that can be accommodated on smaller holdings. Equine industry opportunities range from thoroughbred breeding and training through the leisure and tourism sectors. Horse establishments are an emerging industry for development including stables, equestrian arenas, horse training facilities, breeding facilities, training tracks and viewing pavilions. Fragmentation, land use conflict and biosecurity are significant challenges to further industry development and investment within the Maitland LGA.

## Education and training

Tocal is a 2,200 hectare farm located at the junction of the Paterson River and Webbers Creek, north west of Central Maitland and is surrounded by high value agricultural land with sweeping picturesque views.

Tocal (Paterson campus) is a regional agricultural training and education facility that supports the education of the local and regional agricultural workforce to meet the needs of a changing agricultural sector. Tocal homestead heritage precinct is a popular venue for weddings, events and conferences and offers boutique and other accommodation options to visitors.

Tocal is a valuable asset to the LGA and can assist in supporting Maitland's rural economy through the provision of modern training and education programs and expanding on agitourism opportunities to offer farm gate experiences with various accommodation options.

## Mineral resources

Environmental constraints limit areas available for coal mining with a small portion of the Bloomfield Collieries mining lease located on the southern boundary of the LGA. The open cut mining operation sits within the RU2 Landscape zone and is constrained by slope and vegetation. Council will work in partnership with the NSW State Government regarding the current and future mining operations to better manage rural and environmental impacts.

The operation of existing extractive industries on rural land in a range of locations throughout the LGA will require approval to continue and/or expand operations with consideration of impacts on the environment. Extractive operations on rural land need to be recognised in planning policy to facilitate the continuation of these activities with minimal harm to rural land and the environment.

## Renewable energy sector

The energy sector in NSW is transitioning from non-renewable to renewable energy sources. Efficient and renewable energy technologies can stimulate innovation, improve business and agricultural productivity and build upon long term economic growth. Maitland has the potential to become a source of next generation power production with bioenergy and other natural forms of energy production.

Attention is starting to focus on renewable energy sources including solar, wind, and biofuels in the Maitland LGA. Planning frameworks and education at all levels of government is required to promote renewable energy production in the LGA.

## Planning Principle 4: Support and diversify the rural economy

### Intent

Support diversification of rural economy to respond to changing agriculture and recognise its contribution to local economy.

### Objectives

- Encourage and support innovation, diversification and value-added farming activities and enterprises
- Support sustainable use and management of rural land and industries through land management best practices
- Encourage niche commercial, tourist and recreation activities that complement a stronger agricultural sector and support conservation outcomes
- Ensure the agriculture sector and agritourism is included in broader Economic Development Strategy for Maitland LGA

### Strategic Directions

1. Ensure new diversification opportunities align with existing farming practices and that agriculture remains the focus and primary land use
2. Support opportunities in the local planning framework to improve the capacity for future rural tourism development opportunities that will deliver environmentally enhanced outcomes
3. Increase food tourism opportunities focusing on the 'local food bowl' including market gardening and other types of intensive plant agriculture
4. Continue to support the initiatives, research, training and education provided by Tocal College toward agriculture, agritourism and the rural economy
5. Support opportunities for equine related development and clustering while providing clear planning direction to manage land use conflict and biosecurity
6. Ensure mining and extractive activities are sustainable and do not impact upon the rural landscape and environment
7. Investigate the development of potential of renewable energy initiatives including biofuels in appropriate locations

***“Promote and support rural diversification in appropriate locations”***

## 3.5 Natural environment and rural heritage

### Biodiversity

Biodiversity and the natural environment contribute to the local character of the Maitland LGA and need management and protection. Maitland LEP 2011 applies environmental protection zones, along with a number of provisions to manage the impact of development on or near environmental land.

Maitland LGA is part of the Great Eastern Ranges corridor, a strategic project to connect biodiversity habitats from western Victoria through NSW and the ACT to far north Queensland. There is a responsibility to protect these areas of high biodiversity value through the planning system at all levels of government.

Inappropriate land use, development and management of rural land can lead to environmental degradation causing loss of native biodiversity and reduced land and water quality. Excessive grazing, uncontrolled land clearing, invasive weeds and inappropriate subdivision and development can have detrimental impacts on rural land. There is an increasing imperative for rural land to support and protect important ecological processes and biodiversity offsets.

The management and planning for environmental land, biodiversity and view corridors, consideration needs to be considered across adjoining LGAs to consider landscapes and biodiversity values, and how connections can be supported through a planning framework to ensure effective linkages and transition of flora and fauna.

### Wetlands

The Maitland wetlands help improve water quality, provide habitat for threatened, marine and migratory species, have cultural and recreational values, and support recreational activities. These ecosystems assist with flood control and removal of contaminants from stormwater runoff and therefore, require protection to assist with water quality and flood mitigation purposes.

Wetlands are currently zoned C2 Environmental Conservation under Maitland LEP 2011 to ensure these high value environmental sites are protected.

Development located adjacent to the C2 zone should consider the potential impacts from flood events on wetlands and any conflicts that may affect the fragile wetland ecosystems. Stormwater runoff, drainage, and water quality on terrestrial and aquatic habitat is a concern and may cause considerable damage.

Planning for wetlands should include a separation buffer to mitigate impacts including drainage.

Retention of the C2 Environmental Conservation zone over local wetlands will ensure the protection of these unique environments. Constant monitoring and observations of these wetland environments may determine if an extension of the C2 zone is required to further protect these unique areas that may have grown and increased in size.

### Waterways

Maitland LEP 2011 contains provisions for riparian land and watercourses, however it does not contain any waterway zones, with the Hunter and Paterson Rivers having the same zoning as the surrounding land, primarily RU1 and RU2. The introduction of waterway zones would allow for further protection of riparian areas along the Hunter and Paterson Rivers and provide consistency with adjoining LGAs. The waterway zones are more restrictive in relation to permissible land uses than the RU1 and RU2 zones and will assist with the conservation of riparian areas.

The Maitland wetlands and waterways help to improve water quality, provide habitat for threatened, marine and migratory species, and have cultural and recreational values. Council is committed to regulate residential encroachment to minimise impacts on wetlands and riparian corridors. The introduction of a waterway zone will align with the current riparian land and watercourse provisions and mapping within Maitland LEP 2011.

### Rural heritage

Maitland's rural heritage, including Aboriginal and non-Aboriginal cultural heritage, is an important local asset and requires conservation and protection now and into the future. Council is currently undertaking a Rural and Aboriginal Heritage Study, aiming to identify, survey and assess significant Aboriginal and European heritage places and areas on rural land.

The study will identify landscapes of Aboriginal cultural significance and will provide strategies for identified places for future conservation and management. It also will inform planning processes to ensure that urban growth does not compromise the rural heritage and cultural identity of the LGA.

## Scenic amenity

Scenic rural landscapes are highly valued by the local community and visitors for their significant contribution to the local character. The scenic character is generally dominated by the broad scenic vistas of agricultural areas used for grazing and cropping combined with a vegetated mountain backdrop of rolling hills. River systems, rural outlooks, and topographic features such as forested mountains and ridgelines are also a contributing feature.

There is concern that development is occurring in locations that is impacting upon the landscape and scenic quality. The introduction of a scenic protection overlay within Maitland LEP 2011 and associated clause could be considered to manage scenic protection outcomes. Rural zoned land including both RU1 and RU2 zoned land with scenic landscape would be mapped and the inclusion of an overlay would require further assessment of scenic landscape criteria to ensure future development does not negatively impact upon rural amenity.

In addition, the increasing demand from the tourism industry for natural and rural experiences have the potential to impact and scar the natural environment and heritage. Therefore, tourism development on rural land should be planned, designed and developed in harmony with surrounding rural landscape and scenic amenity.

## Planning Principle 5: Protect and enhance environmental land and rural heritage

### Intent

Protect, retain, and enhance the natural environment and heritage in rural areas of Maitland LGA.

## Objectives

- Protect and enhance Maitland's unique rural character and landscape, scenic amenity and high biodiversity value areas
- Protect the function and value of local wetlands for flood mitigation and ecological habitats
- Protect, restore, and manage waterways and riparian areas within the LGA
- Recognise and protect Aboriginal and non-Aboriginal cultural heritage within the rural areas

## Strategic Directions

1. Protect and conserve biodiversity values and connect and restore habitat and ecosystems in rural areas through developing an evidence-based, local planning framework (i.e. Environmental Strategy)
2. Protect and retain remnant vegetation on rural land and encourage revegetation of riparian and wildlife corridors
3. Monitor and manage wetland footprints to facilitate their natural functions within the rural land
4. Restore and safeguard waterways and riparian zones to sustain rural activities through the application of local planning policy
5. Protect and conserve rural heritage through local and state planning provisions and include new items recognised as making a contribution to Maitland's character
6. Protect scenic values of rural land by avoiding and mitigating development impacts upon the local rural landscape
7. Protect cultural landscape, curtilage of identified heritage items and their settings within rural land
8. Ensure the scale and design of non-agricultural development on rural land is sympathetic to its surround, set into the landscape and respond to local character

## 3.6 Changing climate and natural hazards

### Climate change

Climate change will continue to have a significant impact on rural land. Drier weather along with hotter climates are predicted in the future, with increased frequency and severity of rainfall events and natural hazards. The impacts of climate change and extreme weather events are already having an impact on the rural landscape, with the community increasingly having to react, respond and adapt to fluctuating conditions.

Changing climate will have a significant impact on the productivity of certain agricultural enterprises and may cause a shift in crop selection and changes to the different agricultural practices being implemented.

Fire, floods, irregular rainfall and ranging temperatures has not only placed pressure on rural producers and their assets, it also presents challenges for Council's infrastructure and service provision. Such hazards reinforce the need to mitigate risk associated with land use development to ensure the protection of life and property.

Education will play a key part in understanding climate change impacts and methods of adaptation. Working with relevant agencies including the NSW Local Lands Service will enable rural property owners to mitigate impacts associated with primary production and employ tactical responses to ensure they remain resilient to changing climate.

### Flooding

Maitland's rural land is predominantly located over large areas of flood prone land concentrated around the Hunter and Paterson Rivers. Whilst floodplains support rich alluvial soils providing highly productive agricultural land, the immediate impacts of flooding can cause loss of human life, damage to soil and property, destruction of crops, loss of livestock, and deterioration of health conditions owing to waterborne diseases.

Changing climate is likely to increase the frequency and severity of flooding within the LGA. Flood refuge for livestock is an important part of being prepared for floods and needs to accommodate machinery and other ancillary farm equipment from rising flood waters. Properties bordering floodplains need to retain sufficient higher land (above the 1 in 100 year flood level) to build critical infrastructure (e.g. farm sheds) and to hold livestock during floods.

Land use planning informed by floodplain management plans and development controls can reduce risk and mitigate harm to people, property and livestock. Development on the floodplain often includes the construction of mounds/pads raised above the flood planning level. Such development on the floodplain has the potential to result in significant impacts to flood behaviour and cumulative impacts downstream. If not carefully managed, such development can considerably increase the risk to life and property.

The Hunter Valley Flood Mitigation Scheme is an integrated system of levees, spillways, drains and floodgates on the Hunter, Paterson and Williams Rivers and is operated and maintained by DPIE. The key function of the Scheme is to mitigate or reduce flood damage by controlling the velocity, direction and depth of floodwaters. In Maitland, scheme assets provide minor flood protection for rural land and moderate flood protection for urban areas.

### Water security

Maitland relies on water supply for irrigation from the Hunter and Paterson Rivers and from other catchment sources to sustain the population of the city. Limited and restricted water access will become more prominent into the future and will continue to have implications for agricultural production.

The growing agribusiness sector including irrigated agriculture, irrigated pasture and horticultural practices within the LGA will require a secure water supply to sustain existing and future production. A lack of water supply during drought conditions places pressure on agricultural practices and reduce production of fruit and vegetables for the region. As the climate changes and demand for water increases, water security planning will be critical in order to support the community and to maximise opportunities to use water effectively and to support sustainable growth and development.

Water sensitive design elements for rural and large lot residential land uses are required in order to prevent detrimental impacts on water quality in the catchment, as well as addressing any existing poor management practices.

Attention to water sensitive design and the integration of land management and farming practices will help protect and conserve the rural water cycle to ensure water management is mindful of natural hydrological and ecological processes.

Water sharing plans prescribe how water is managed in NSW. They must first provide for the environment, and also support social and economic outcomes. A review of the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009* is currently being undertaken by the DPE. Water sharing plans are integral for irrigation from Hunter River and Paterson River to sustain agricultural activities in the LGA.

## Bushfire

Bushfires commonly occur in areas of remnant native vegetation or grassland. Large expanses of bushfire prone native vegetation are found in the north-west corner of the LGA near Rosebrook, Anambah and Hillsborough and the north-east corner of the LGA near Tocal College.

The identification of bushfire prone land is required under *Section 10.3 of the Environmental Planning and Assessment Act 1979 (EP&A Act)*. Councils are required to prepare Bush Fire Prone Land Maps, which are certified by the Commissioner of the NSW Rural Fire Service (NSW RFS).

Grasslands were introduced into the *NSW RFS's Guide for Bush Fire Prone Land Mapping 2015*. Maitland's Bushfire Prone Land Map 2006 does not include this grassland category. In early 2022, Council and the NSW RFS have worked together to review and update Maitland Bushfire Prone Land Map. As part of this review, grassland category has included into the revised mapping to consist with the adjoining LGAs.

As a result, the majority of rural land within the Maitland LGA is now categorised as bushfire prone land and additional considerations will be looked at by Council and NSW SES when developing on this rural land.

## Principle 6: Adapt to changing climate and natural hazards

### Intent

Respond to the effects of climate change on rural land, build resilience and adapt to natural hazards.

### Objectives

- Ensure the rural community is prepared and resilient to changing climatic conditions through education and raising awareness
- Consider impacts of climate change in local policy, infrastructure planning and decision making
- Collaborate with relevant agencies to manage impacts resulting from natural hazards

### Strategic Directions

1. Monitor the local impacts of climate change including flooding and bushfire and update planning policy to inform decision making
2. Employ flood management planning initiatives to avoid development in flood prone areas
3. Protect local wetlands to ensure flood control, water quality and protection of natural ecosystems
4. Liaise with key government agencies and stakeholders to plan and manage water security for rural land uses
5. Educate local communities on climate change risks and mitigation measures while working with key agencies and stakeholders to adapt to natural hazard events
6. Ensure protection for the Hunter Valley Flood Mitigation Scheme's assets, structural and operational functions from rural land use activities

## 3.7 Improve linkages

### Supply chains

Maitland has a competitive advantage being well located and accessible to regional and international freight infrastructure. It also has access to the local and regional agricultural supply chain for key output sectors including chicken and poultry, beef, vegetables and horticulture and other local markets. As supply chains grow, so does the need for logistics and freight.

The continued growth of Maitland has been driven by its locational advantages, its road and rail connections and proximity to Newcastle, Sydney and the broader Hunter region. This advantage provides opportunity to increase rural supply chains in existing and diverse markets. Emerging new land uses associated within these supply chains will need to comply with rural local planning provisions.

Freight and supply chains will need to build resilience to meet changing consumer preferences and emerging issues associated with natural disasters, climate risk, threats and increasing community expectations in relation to product safety, security and environmental outcomes. This will require a state and national coordinated approach.

### Productivity

Poultry production is Maitland's largest agricultural industry with farms required to be in proximity to both processing plants and consumers. Further value adding opportunities could be achieved through local processing and packaging infrastructure and integration along the supply chain to include storage and logistics. Improving connections and integrating land use and transport planning to support agricultural supply chains, as highlighted by the *Greater Newcastle Metropolitan Plan 2036*, is integral to the growth of Maitland's economy.

There is an opportunity for Maitland's industrial land to support emerging ag-tech industries and horticultural practices such as hydroponic products. A surplus of industrial zoned land or repurposing underutilised industrial zoned land with access to existing infrastructure, has the potential to improve productivity and contribute to Maitland's 'food bowl'.

### Road and rail logistics

Improving connections and integrating land use and transport planning to support agricultural supply chains is supported by the *Greater Newcastle Metropolitan Plan 2036* as it is integral to the growth of Maitland's economy.

Maitland's location close to the Pacific, New England, Golden Highways and Hunter Expressway means that rural industries and businesses have access to the broader Hunter region, the major metropolitan markets of Newcastle and Sydney and beyond.

Logistics are the largest single cost item in the production of many agricultural industries. Inefficient transport and supply chains can constrain growth and restrict access to products, market and export opportunities. Maitland is well connected to Newcastle, Sydney and the broader Hunter region, having access to freight and passenger rail services.

### Local infrastructure

Diversification of rural productivity will require access to local infrastructure to connect to urban areas including employment, commercial precincts and services. Infrastructure including road networks, bridges require attention from the impacts of increased vehicle movements. The existing agricultural producers rely on satisfactory road standards for heavy vehicles. Heavy vehicles require a particular class of road to support this type of traffic movement.

Certain road infrastructure within the LGA is limited to certain traffic types and may restrict the use of heavy vehicles. The cost of upgrading roads, bridges and causeways may determine the location of diversified rural land uses. Understanding local transport infrastructure will inform planning decisions regarding agricultural diversity and the impacts that may occur from a deviation from existing agricultural activity.

Good access to transport services is critical for new employment and housing opportunities to be realised within the Greater Newcastle, and in achieving the target of 95% of people living within 30 minutes of a strategic centre.

## Economic infrastructure

There are emerging trends for Maitland to capitalise on its rural land with increasing agricultural productivity, increasing global connectivity and proximity to growing Asian economies, where the demand for fresh food is rapidly growing.

The Port of Newcastle and Newcastle Airport are major economic infrastructure located within the Greater Newcastle Metropolitan area, offering a major economic benefit not only to the metropolitan area, but also the region.

There is potential to leverage the development and growth of agricultural industry in Maitland to take advantage of broadening market bases and exporting products. Maitland is well located to take advantage of the surrounding economic infrastructure, including the Port of Newcastle and Newcastle Airport and freight infrastructure to support local and regional economies.

Coordination with state agencies and stakeholders will be key to increase local product output and future export opportunities. Delivery of infrastructure and resources will be required from all levels of government and key stakeholders to improve connections within Greater Newcastle and beyond.

## Principle 7: Improve connections with Greater Newcastle and beyond

### Intent

Capitalise on Maitland's locational advantages to embrace opportunities to connect and expand rural market access.

### Objectives

- Support existing and emerging agribusiness and promote new and expanding markets
- Recognise Maitland's rural land contribution to rural economy and employment opportunities
- Leverage the development and growth of agricultural industry to take advantage of surrounding economic and freight infrastructure
- Build greater resilience into the rural road network and infrastructure
- Maximise inter-regional linkages to increase rural productivity and economic growth

### Strategic Directions

1. Encourage rural supply chains supported by freight infrastructure networks to increase productivity
2. Ensure diversification in rural productivity is supported by quality local road networks and infrastructure
3. Liaise with State and Local Government to build on inter-regional transport initiatives that will enhance rural activities and economic growth
4. Promote regional freight facilities including the Newcastle Airport and Port of Newcastle and associated freight transport network to increase rural export opportunities
5. Encourage clustering of suitable value adding opportunities and local chain suppliers in proximity to transport linkages to enhance productivity

An aerial photograph of a town, likely Albury, showing a dense cluster of buildings along a riverbank. The town is surrounded by green fields and forested hills in the background. The river is a muddy brown color. In the foreground, there is a large, dark, semi-transparent rectangular area where the text is placed.

# 4. Implementation

# 4. Implementation

## 4.1 Implementation Plan

The Strategy establishes future directions for Maitland's rural land and will guide future planning decisions, infrastructure and service provision and a range of other initiatives including educational, promotional and advocacy. The Strategy identifies a range of actions that will be prioritised and guide the sequencing, while other actions will be implemented simultaneously.

Council has identified the following timeframe for the actions outlined in the Strategy:

- Ongoing (as required and as the opportunity arises)
- Short term 0-5 years
- Medium term 5-10 years

Council will lead the majority of actions and will be supported by key government agencies and organisations, including:

- Department of Planning and Environment
- Department of Primary Industries
- Water NSW
- Hunter Water Corporation
- Transport for NSW
- Local Land Services
- Local Aboriginal Land Council
- Adjoining Local Government Areas
- Hunter Joint Organisation
- Tocal Collage

## 4.2 Monitoring and review

The Strategy provides a framework for our rural land over the next 20 years. Council will monitor and review this Strategy to ensure that it responds to changes in planning policies, legislations, industry requirements and community expectations.

A comprehensive review of the Strategy will be undertaken at least every five years to ensure it remains current and relevant to respond to new and emerging opportunities in a timely manner.

An annual review of the actions and priorities will be undertaken to measure progress over the time.

## Planning Principle 1: Protect productive agricultural land

No	Theme	Action	Timing	Lead/Support
1.1	Rural land	Review and monitor permitted land uses with the RU1 and RU2 zones to mitigate and land use conflict.	Ongoing	Council
1.2	Rural land	Encourage consolidation of fragmented land to increase agricultural productivity and viability on land identified as IAL.	Ongoing	Council
1.3	Rural land	Advocate for the protection of Maitland's rural and environmental land in future reviews of <i>Hunter Regional Plan 2036</i> and <i>Greater Newcastle Metropolitan Plan 2036</i> .	Short term	Council/DPIE
1.4	Rural subdivision	Establish guidelines and development controls to support rural subdivision for agricultural practices under <i>Clause 4.2 Rural subdivision</i> of the Maitland LEP 2011, where a dwelling entitlement is prohibited.	Short term	Council
1.5	Important Agricultural Land (IAL)	Work collaboratively with NSW DPI to ensure their mapping of IAL aligns with this Strategy and make amendments where required.	Ongoing	Council/DPI
1.6	IAL	Review rural zone boundaries and adjust where required to reflect the identified IAL.	Ongoing	Council
1.7	IAL and BSAL	Consider BSAL and IAL to inform future planning decisions on rural land.	Ongoing	Council
1.8	Peri-urban land	Amend the Maitland LEP 2011 to include a local provision to protect peri urban agricultural land on the urban fringe to sustain high levels of agricultural production toward the local food bowl.	Short term	Council
1.9	Peri-urban land	Develop a framework to identify key agricultural activities of peri-urban land to assist with reducing residential development on the urban fringe.	Short term – Medium term	Council
1.10	C4 Zone	Review the C4 Environmental Living zone on a place-by-place basis to manage potential conflicts with peri urban agriculture activities are being undertaken.	Short term – Medium term	Council
1.11	C4 Zone	Consider applying the C4 zone where appropriate to act as a buffer to reduce the risk of land use conflict.	Short term – Medium term	Council

## Planning Principle 2: Reduce and manage land use conflict

No	Theme	Action	Timing	Lead/Support
2.1	Fragmentation	Review and monitor future subdivision with current MLS to reduce unnecessary fragmentation on both rural and environmental land.	Ongoing	Council
2.2	Right to Farm Policy	Manage land use conflict by supporting pre-existing, lawfully operating agricultural land uses in the case of nuisance complaints and in a manner consistent with the Right to Farm Policy.	Ongoing	Council/DPI
2.3	Rural land management	Work with the NSW Local Land Services and rural property owners to encourage and implement land management best practices.	Ongoing	Council DPI/LLS
2.4	Biosecurity	Work with relevant NSW agencies to manage biosecurity risk that may result from existing and new and diversified agricultural land uses.	Ongoing	Council DPI/LLS
2.5	Land use suitability criteria	Develop a set of non-statutory land use suitability criteria prior to the approval of non-agricultural based activities including residential development on rural land. The criteria would be applied to planning proposals and development applications for sites adjoining or within 500 metres of certain agricultural operations to determine if the proposed use is suitable.	Short term	Council DPI/DPIE
2.6	Land use buffers	Apply the NSW Department of Primary Industries guideline <i>Buffer Zones to Reduce Land Use Conflict with Agriculture – an Interim Guideline</i> when assessing development applications and planning proposals for development near or on rural land.	Ongoing	Council/DPI
2.7	Land use buffers	Apply natural or zone buffers between agricultural activities and other land uses to reduce the potential for land use conflict.	Ongoing	Council
2.8	Local planning	Prohibit the development of manufactured home estates on rural land by prohibiting caravan parks in the RU2 zone due to social, environmental and economic impacts.	Short term	Council/DPIE
2.9	Education	Educate the community, rural landowners and development industry on rural land use conflict issues and the potential social, economic and environmental impacts.	Ongoing	Council

## Planning Principle 3: Build resilient communities

No	Theme	Action	Timing	Lead/Support
3.1	Rural dwellings	Establish controls to manage the approval of historical dwelling entitlement to ensure housing development does not occur in inappropriate locations of rural land.	Short term	Council
3.2	Rural dwellings	Establish development controls to ensure all new dwellings located on rural land do not compromise IAL, BSAL, scenic amenity and agricultural activities.	Short term	Council
3.3	Dual occupancy	Strengthen development controls to manage dual occupancy development on RU1 and RU2 land that are located within a flood planning area to mitigate risk.	Short term	Council
3.4	Dual occupancy	Introduce development controls to require new dual occupancy on rural land to be located within the curtilage of the existing/principal dwelling house on the same lot.	Short term	Council
3.5	Large lot residential	Investigate housing alternatives for future growth other than R5 large lot residential development as part of the Local Housing Strategy.	Short term	Council
3.6	Large lot residential	Manage and monitor the supply of R5 large lot residential land through Local Housing Strategy process	Short term	Council
3.7	Servicing and infrastructure	Identify services and infrastructure required for already zoned and planned growth areas in rural land to ensure it can be delivered in a cost-effective manner.	Short term – Medium term	Council

## Planning Principle 4: Support and diversify the rural economy

No	Theme	Action	Timing	Lead/Support
4.1	Agricultural diversification	Review the RU2 zone permissible land use and amend the Maitland LEP 2011 to introduce any new opportunities to support agricultural diversity.	Short term	Council
4.2	Agricultural diversification	Review the development and locations of emerging equine industry and clustering trends to identify opportunities for growth.	Medium term	Council/DPI
4.3	Agricultural diversification	Apply the NSW DPI guide to assessing development applications for Intensive Plant Agriculture to ensure alignment with NSW Government best practice.	Ongoing	Council/DPI
4.4	Intensive agriculture	Apply the NSW DPI 'Land Use Conflict Risk Assessment Guide' when assessing development applications for new development for intensive livestock and plant agriculture among other land uses.	Ongoing	Council/DPI
4.5	Agribusiness	Support market gardening (intensive plant agriculture) initiatives by applying Clause 4.2 Rural Subdivision of the Maitland LEP 2011 to support small scale agricultural enterprises.	Ongoing	Council
4.6	Agribusiness	Amend the Maitland DCP to include a definition and controls relating to market gardening activities.	Short term	Council
4.7	Agribusiness	Ensure alignment with DPIE's proposed amendments to the Standard Instrument LEP to support farm businesses and regional economies for small-scale agriculture and agritourism.	Short term	Council/DPIE
4.8	Agritourism	Investigate agribusiness, agritourism and other rural-based tourism opportunities within the LGA as a part of the broader Economic Development Strategy.	Short term	Council
4.9	Agritourism	Investigate amending Clause 5.4 of the Maitland LEP 2011 to increase the permitted size of bed and breakfast accommodation from 3 to 4 bedrooms based on recent demand.	Short term	Council
4.10	Agritourism	Amend LEP 2011 to permit with consent the 'artisan food and drink industry' land use in the RU2 zone.	Short term	Council
4.11	Agritourism	Amend DCP to include objectives and controls to ensure 'tourist and visitor accommodation' and 'events' remains 'ancillary' to the primary agricultural or environmental purpose of the site and surrounds properties.	Short term	Council
4.12	Agritourism	Provide guidance on services, infrastructure, emergency management and location constraints for agritourism to enable consistent assessment outcomes and mitigation measures.	Short term	Council
4.13	Extractive industries	Work in partnership with extractive industry and neighbouring LGA's regarding mining operations affecting Maitland and identify potential future impacts on the environment, society and economy.	Ongoing	Council
4.14	Innovation and training	Continue to support the initiatives, research, innovation, training and education provided by Tocal College toward agriculture industry and agritourism.	Ongoing	Council/Tocal
4.15	Energy sector	Review local planning controls to enable development opportunities for renewable energy industries in rural areas.	Short term	Council

## Planning Principle 5: Protect and enhance environmental land and rural heritage

No	Theme	Action	Timing	Lead/Support
5.1	Biodiversity	Develop an overarching Environmental Strategy including a Strategic Biodiversity Framework and Action Plan for Maitland LGA to protect and conserve ecological values, to connect habitat and restore ecosystems.	Short term	Council
5.2	Biodiversity	Apply updated vegetation and environmental data and modelling to inform local planning decisions.	Ongoing	Council
5.3	Environmental/conservation zones	Review of the high value environmental land within the LGA to determine if they are adequately protected by either the C2 or C3 zone.	Short term	Council
5.4	Environmental/Conservation zones	Amend the Maitland LEP 2011 to ensure the C4 or RU2 zones are utilised as a buffer between the C2 and C3 zones.	Short term	Council
5.5	Environmental/Conservation zones	Identify any additional land which current act as an effective buffer and consider applying an environmental conservation zone.	Short term	Council
5.6	Environmental/Conservation zones	Review permitted uses within the C4 zone to ensure the zone functions as a buffer to reduce land use conflict.	Short term	Council
5.7	Rural landscape and scenic values	Amend Maitland LEP 2011 by introducing a scenic protection clause/mapping layer that applies to rural land.	Short term	Council
5.8	Rural landscape and scenic values	Prepare a scenic protection map for Maitland's rural land.	Short term – Medium term	Council
5.9	Rural landscape and scenic values	Prepare development controls to manage the impact of future land uses in scenic protection areas.	Short term –	Council
5.10	Wetlands	Review the wetland foot prints and their current land use zoning to ensure adequate protections for wetlands.	Short term	Council
5.11	Wetlands	Investigate buffer options to protect wetlands from stormwater runoff generated from existing and proposed development.	Short term	Council
5.12	Waterways	Amend the Maitland LEP 2011 to introduce the W2 Waterway zone to Hunter River and Paterson River.	Short term	Council
5.13	Heritage	Amend the Maitland DCP to protect and conserve cultural landscape, curtilage of identified heritage items and their settings on rural land.	Short term – Medium term	Council

## Planning Principle 6: Adapt to changing climate and natural hazards

No	Theme	Action	Timing	Lead/Support
6.1	Flood planning	Ensure local flood data and modelling are regularly updated to inform planning policy and decision making.	Ongoing	Council
6.2	Flood planning	Update Maitland LEP 2011 flood planning area map and DCP flood maps based on updated flood data and modelling information.	Short term	Council
6.3	Flood planning	Review and update local planning provisions to manage the livestock refuges and mounds within the floodplain.	Short term	Council
6.4	Bushfire	Review and update Bush Fire Prone Land Map to introduce 'grassland' category in partnership with NSW RFS.	Short term	Council/RFS
6.5	Water security	Continue to work with Hunter Water Corporation (HWC) regarding water management and sustainability.	Ongoing	Council/HWC
6.6	Water security	Work with DPIE/NSW Water regarding Water Sharing Plans to provide greater certainty for agribusiness to access to water from Hunter River and Paterson River to sustain agricultural activities in the LGA.	Ongoing	Council/DPIE
6.7	Water sensitive design	Promote water sensitive design and the efficient use/reuse of groundwater for agricultural practices.	Ongoing	Council
6.8	Water sensitive design	Support water reuse schemes for industry and residents to protect and sustain water resources.	Ongoing	Council
6.9	Flooding	Continue to support the Hunter Valley Flood Mitigation Scheme to mitigate or reduce flood damage for urban and rural areas.	Ongoing	Council/DPIE
6.10	Flooding	Continue to work with Port Stephen Council and Newcastle City Council to develop and finalise Lower Hunter floodplain cumulative development impact study and plan.	Short term – Medium term	Council/DPIE

## Planning Principle 7: Improve linkages with Greater Newcastle and beyond

No	Theme	Action	Timing	Lead/Support
7.1	Transport	Engage and work collaboratively with NSW Government to identify and fund road projects to strength regional transport connections to support local agricultural industries.	Ongoing	Council/TfNSW
7.2	Transport	Identify key agricultural attractions on rural land and consider them in prioritising roads upgrade program.	Short term – Medium term	Council/TfNSW
7.3	Transport	Review agricultural heavy vehicle transport zone (as administered by National Heavy Vehicle Regulator) across the public road network in Maitland LGA and consider the heavy vehicle needs for rural landholders.	Short term – Medium term	Council/TfNSW
7.4	Supply chains and markets	Identify suitable land and clustering to encourage value adding opportunities for local processing and packaging infrastructure and integration along the supply chain to include storage and logistics.	Short term – Medium term	Council
7.5	Local Infrastructure	Improve resilience of rural road network and infrastructure to support agricultural activities within the LGA.	Ongoing	Council/TfNSW
7.6	Rail infrastructure	Protect rail corridors on rural land from incompatible development through provisions of the Maitland LEP 2011 and DCP.	Ongoing	Council
7.7	Productivity	Investigate opportunities for ag-tech industries and horticultural practices (hydroponic) in excess industrial zoned land or repurposing underutilised industrial zoned land as a part of Economic Development Strategy.	Medium term	Council
7.8	Williamtown SAP	Identify opportunities for rural industries that may benefit from the Williamtown SAP include the export of local agricultural products.	Short term – Medium term	Council

