

ORDINARY MEETING

MINUTES

11 APRIL 2023

11.2 RECLASSIFICATION OF COUNCIL OWNED LAND AT THORNTON AND EAST MAITLAND - OUTCOMES OF PUBLIC EXHIBITION AND HEARING

FILE NO:	RZ22001
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Planning Proposal Post Public Exhibition (Under Separate Cover) 2. Public Hearing Report (Under Separate Cover)
RESPONSIBLE OFFICER:	<p>Matthew Prendergast - Group Manager Planning & Environment</p> <p>Brett Gardiner - Manager Strategic Planning</p> <p>Adam Ovenden - Coordinator City Planning</p>
AUTHOR:	Gary Hamer - Senior Strategic Planner
APPLICANT:	Maitland City Council
OWNER:	Maitland City Council
PROPOSAL:	Reclassification of land from community to operational
LOCATION:	Item 1 – Council Car Park/ Access Lane Lot 21 DP 541629, East Maitland, and Item 2 – Lot 848 DP 703278 (John Arthur Ave), Part Lot 1538 DP 832922 and Part Lot 8884 DP 786883 (Thomas Coke Drive), Thornton.
ZONE:	Item 1 – B2 – Local Centre and Item 2 RE1 – Public Recreation.

EXECUTIVE SUMMARY

At the meeting of 22 February 2022, Council resolved to submit a Planning Proposal seeking a Gateway Determination to reclassify two parcels of Council land at East Maitland, and Thornton. The reclassifications are required to enable legal and practical access to adjacent land that was identified through the development assessment process.

The first item forms part of a Council owned carpark accessed through High Street at East Maitland. The second item forms part of an access handle connecting Thomas Coke Drive to A & D Lawrence Fields, Thornton.

A Gateway Determination was issued on 30 June 2022 with specific conditions requiring referral to Rural Fire Service (RFS), public exhibition of the planning proposal and a public hearing to be conducted by an independent facilitator.

The Planning Proposal was placed on public exhibition from 5 September to 3 October 2022. The public hearing was held on 29 November 2022 conducted by an independent facilitator.

As a consequence of the public hearing, the independent facilitator recommended that a Voluntary Planning Agreement (VPA) between Council and the proponent of item 2 at Thornton should be entered into to ensure that a suitable public benefit results from the reclassification process.

This report seeks to split the two items into separate Planning Proposals. This will allow the reclassification at East Maitland to finalisation in a timely manner. The VPA and Planning Proposal for the Thornton item will be subject to a future Council report.

OFFICER'S RECOMMENDATION

THAT

- 1. Council notes the separation of the two reclassification items into separate Planning Proposals.**
- 2. Council endorses the Planning Proposal over Lot 21 of DP 541629 (East Maitland) in Attachment 1 and requests that the Minister for Planning make the amendments to the Maitland Local Environmental Plan 2011.**
- 3. Council notes the recommendations of the independent facilitators report in Attachment 2**
- 4. Council supports in-principle the Letter of Intent made by Landlink to enter into a Voluntary Planning Agreement with Council in relation to the Thornton reclassification item.**
- 5. Council request a Gateway Extension for the Thornton reclassification item to enable the negotiation and exhibition of the Voluntary Planning Agreement.**
- 6. Council notifies all those who made a submission during the public exhibition and attended the public hearing process.**

COUNCIL RESOLUTION

THAT

- 1. Council notes the separation of the two reclassification items into separate Planning Proposals.**
- 2. Council endorses the Planning Proposal over Lot 21 of DP 541629 (East Maitland) in Attachment 1 and requests that the Minister for Planning make the amendments to the Maitland Local Environmental Plan 2011.**
- 3. Council notes the recommendations of the independent facilitators report in Attachment 2**
- 4. Council supports in-principle the Letter of Intent made by Landlink to enter into a Voluntary Planning Agreement with Council in relation to the Thornton reclassification item.**

5. Council request a Gateway Extension for the Thornton reclassification item to enable the negotiation and exhibition of the Voluntary Planning Agreement.
6. Council notifies all those who made a submission during the public exhibition and attended the public hearing process.

Moved Cr M Yarrington, Seconded Cr P Garnham

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 9 for and 0 against, as follows:

For:	Cr K Flannery	Against:	Cr R Aitchison
	Cr P Garnham		
	Cr M Griffin		
	Cr B Hackney		
	Mayor P Penfold		
	Cr K Ranadive		
	Cr B Whiting		
	Cr M Yarrington		