

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

Proposal Title :	Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)		
Proposal Summary :	The planning proposal addresses a number of administrative issues, errors, and other items that are considered minor. The proposed amendments seek to rectify cadastre and LEP development controls, correct incorrect or changed property descriptions, and correct labelling issues across a number of sites within the Maitland LGA.		
PP Number :	PP_2017_MAITL_002_00	Dop File No :	17/03594

Proposal Details

Date Planning Proposal Received :	28-Mar-2017	LGA covered :	Maitland
Region :	Hunter	RPA :	Maitland City Council
State Electorate :	MAITLAND	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Williams Close and Belmore Road		
Suburb :	Lorn	City :	Maitland
Land Parcel :	Lots 12, 13 and 14 on DP1087169		
Postcode :	2320		
Street :	Barr Promenade, Harrop Parade, and Morriway Close		
Suburb :	Thornton	City :	Maitland
Land Parcel :	Refer to the maps in the PP associated with Item 3		
Postcode :	2322		
Street :	Gregory Street		
Suburb :	Lochinvar	City :	Maitland
Land Parcel :	Item 4: Lot 4 and 6 DP871099		
Postcode :	2321		
Street :	New England Highway		
Suburb :	Lochinvar	City :	Maitland
Land Parcel :	Item 5: Lot 2 DP1214402		
Postcode :	2321		
Street :	Weakleys Drive		
Suburb :	Thornton	City :	Maitland
Land Parcel :	Item 6: Lots 110 and 111 DP1214688, Lot 12 DP1201450 and Lot 1031DP1219911		
Postcode :	2322		
Street :	Tank Street		
Suburb :	Morpeth	City :	Maitland
Land Parcel :	Item 7: (part) Lot 63, DP 755205; Lot 631, DP 1137280; Lot 1840, DP 1218855; Lot 200, DP 872144		
Postcode :	2321		

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

DoP Planning Officer Contact Details

Contact Name : **Claire Brooks**
Contact Number : **0247273177**
Contact Email : **claire.brooks@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Rob Corken**
Contact Number : **0249349784**
Contact Email : **rob.corken@maitland.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The regional team has complied with the Code.**

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment : **The regional team is not aware of any meetings or communications.**

Supporting notes

Internal Supporting
Notes : **Additional information requested**
The Department sought additional information from Council regarding details of the heritage items affected by Item 2 of the PP. Also, confirmation was sought regarding Council's justification for including Item 4 (site acquisition) in the PP. The further information regarding Item 4 was received on 28 March 2017.
Further information regarding the lots affected by Item 7 was also sought. This information was received 30 March 2017.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the proposal are;**
- To resolve several minor LEP mapping, labeling, property description, heritage statuses and zoning anomalies.
- To reduce the potential for administrative complications due to LEP mapping, property description and zoning anomalies.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The seven items put forth are as follows:**

Item 1) Remove the local heritage item from lots on Williams Close, Lorn.

Item 2) Amend various map sheets in the Heritage series to correct labelling errors.

- HER_002: I100 should be I102, I182 should be I90
- HER_002A: I64 should be I103, I93 should be I101, I161 should be I106, I182 should be I90
- HER_004A: I190 should be I90
- HER_004B: Item I233 is unlabelled
- HER_004C: The HCA is under a heritage item. It needs to be rearranged so that it is visible.

The above list of heritage items affected by this PP item is not included in the PP currently. It needs to be updated to reflect this so that it is clear what specific changes are proposed.

Item 3) To amend a) the flood map series to reflect changes in regrading of the area that was undertaken as part of the subdivision, and; b) the land zoning, urban release area and lot size maps to reflect the changes to the flood map series.

Item 4) Rezone land at Gregory Street, Lochinvar from R1 General Residential to RE1 Public Recreation, and identify the site on the land acquisition map.

Item 5) Amend Schedule 5 Environmental Heritage of the Maitland LEP to update the Lot and DP of the Holy Trinity Church, Lochinvar.

Item 6) Amend the land zoning and lot size map series to align with the cadastre at Weakleys Drive, Thornton.

Item 7) Amend Schedule 5 Environmental Heritage of the Maitland LEP to list St James Group, Morpeth and the St James Parish Hall, Morpeth as State significant.

St James Parish Hall is identified on the State Heritage Register with the St James Group as State Significant, however it is not included in the PP currently. It needs to be updated to reflect this.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.3 Heritage Conservation**

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The Hunter Regional Plan 2036 was released on 14 October 2016. Consequently, section 117 Direction 5.10 Implementation of Regional Plans applies to the proposal. The planning proposal was completed following the January 2017 changes to the S117 Directions, and therefore needs to be updated to provide justification against Direction 5.10. As the Planning Proposal was submitted following these changes, Direction 5.1 is not required to be considered.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Inconsistencies with S117 Directions are discussed further in the "Consistency with the Strategic Framework" section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided adequately outlines the proposal and proposed changes. Item 2 (various errors with the HER mapped item labels) does not include a series of maps showing how the labels would change in the HER map series. This is not considered necessary because it would not add substantial value. Provided Council includes the list of heritage items that would have their label number changed and the changes proposed are tabled in the PP's Explanation of Provisions, this is sufficient.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has not nominated a period for community consultation, but have stated that they will be engaging with the local community by placing a notice in the Hunter Post newspaper, making exhibition material and relevant consultation documents available at all Council Libraries and Council's Administration Building, and on Council's website. The planning proposal is considered to be low impact proposal and so a minimum of 14 days is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Project completion
Council's project plan identifies completion by September 2017. A six month completion timeframe is therefore recommended.**

**Plan-making delegation
Council has requested delegation for the LEP. Delegation is considered appropriate given the minor nature of the amendments.**

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Maitland LEP 2011 commenced in December 2011.**

Assessment Criteria

Need for planning proposal :

Council has prepared an annual amendment to the Maitland Local Environment Plan 2011 to address administrative issues, errors and other items that are considered by Council to be minor. Council has become aware of these issues through the application of the Maitland LEP, and not as a result of a specific strategy or study.

Council advises that the proposed changes are to ensure that the Maitland LEP 2011 is current and accurate, with this in turn ensuring that development within the Maitland LGA is not compromised by anomalies with LEP zoning, mapping and property descriptions.

The Department agrees with Council that these are minor changes and that it is appropriate that they be corrected in order to ensure that the LEP is up to date and correct. The progression of the PP is supported.

However, item 4 (Council acquisition of land) is not supported. Contrary to the advice contained in the PP, the site is not identified as future recreation land in the Lochinvar Structure Plan, Lochinvar S94 plan or the Lochinvar DCP. While Council has provided additional information which shows the site as future recreation land, this document is from 2012 and in draft form, and does not explain the inconsistency with the Council-endorsed public documents that guide the development of the Lochinvar urban release area. It is recommended that this item be removed from the PP. Council may progress it as part of a future housekeeping PP or as a separate PP once it has resolved this inconsistency.

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

Consistency with strategic planning framework :

Hunter Regional Plan 2036

This is a high level plan which does not contain specific guidance relevant to this housekeeping PP. The changes proposed by the PP broadly align with directions to enable growth (by removing errors which could result in an impediment) (item 3, 6), protect heritage (items 1, 2, 5, 7) and adequately respond to hazards (item 3). The PP is considered to be consistent with the HRP.

Maitland +10 Community Strategic Plan

The proposal is consistent with the following objective of the Maitland 10+ Plan: "Our infrastructure is well-planned, integrated and timely, meeting community needs now and into the future". By ensuring that the Maitland LEP 2011 is both current and correct, the Department agrees with Council that the proposal would assist in meeting the delivery of this objective.

Maitland Urban Settlement Strategy 2012

Maitland Urban Settlement Strategy 2012 was developed to provide the over-arching framework for urban growth in the Maitland LGA, and identifies areas of investigation for both urban and employment development across the region. The proposal would assist in the delivery of these objectives, by ensuring the LEP controls are up-to-date the settlement outcomes of the MUSS should be enabled.

Section 117 Directions

The PP is consistent with the relevant S117 Directions except the following:

1.2 Rural Zones

Item 3 of the planning proposal seeks to rezone land currently zoned RU2 Rural Landscape to R1 General Residential zone. As such, the planning proposal is inconsistent with this Direction. However, as Council has advised that the land is used already for urban purposes, and the area of land is very small, the inconsistency is determined to be of minor significance. The Secretary should agree to the inconsistency.

1.5 Rural Lands

The planning proposal is inconsistent with this Direction because by rezoning land for RU2 to R1, Item 3 would not be consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008. Similar to Direction 1.2, this inconsistency is determined to be of minor significance and the Secretary should agree to the inconsistency accordingly.

2.3 Heritage Conservation

The planning proposal would reduce the land identified as having local heritage significance in the LEP for the Warrane house and grounds heritage item at Lorn. Council proposes this change because the land has since been developed for housing. Its inclusion as part of the heritage item is no longer appropriate. The Secretary should agree that the proposal's inconsistency with this Direction is of minor significance.

6.2 Reserving Land for Public Purposes

Item 4 of the planning proposal would reserve land for public purposes, and so this Direction applies and requires the agreement of the Secretary. However it is proposed that this Item 4 be removed from the proposal so it does not require further consideration.

The planning proposal needs to be updated to consider the following S117 Directions which are relevant but are not discussed in the proposal currently:

5.10 Implementation of Regional Plans

The Hunter Regional Plan 2036 was released on 14 October 2016. Consequently, section 117 Direction 5.10 Implementation of Regional Plans applies to the proposal. The planning proposal was completed following the January 2017 changes to the 117 Directions, and therefore requires to be updated to provide justification against Direction 5.10. Given the planning proposal was submitted following these changes, Direction 5.1 Implementation of Regional Strategies no longer needs to be considered.

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

The proposal is considered to be consistent with the directions of the Hunter Regional Plan 2036. Prior to undertaking public exhibition, Council should update the planning proposal to consider S117 Direction 5.10 Implementation of Regional Plans and remove references to S117 Direction 5.1.

Environmental social
economic impacts :

Council has not identified any likely environmental effects as a result of the planning proposal.

By correcting the anomalies in the Maitland LEP 2011, there is likely to be a positive net community benefit.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal for Council Report.pdf	Proposal	No
Council request letter.pdf	Proposal Covering Letter	Yes
Council report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton, correct labelling errors, update a property description, align zone and lot boundaries)

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information :

1. Prior to undertaking community consultation, update the planning proposal to:
 - (a) remove item 4 (Council acquisition of land) from the planning proposal and reference to its consistency with S117 Direction 6.2 Reserving Land for Public Purposes;
 - (b) amend the Explanation of Provisions to detail the specific heritage items and changes proposed for Item 2 of the planning proposal;
 - (c) refer to S117 Direction 5.10 Implementation of Regional Plans and include Council's assessment of the proposal's consistency with this Direction. Reference to the proposal's consistency with S117 Direction 5.1 Implementation of Regional Strategies should be removed; and
 - (d) amend the Explanation of Provisions for Item 7 to note that both the St James Group and the St James Parish Hall heritage items listed in Schedule 5 of the MLEP 2011 will have their significance changed to State significance and include the correct property description details.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to preparing local environmental plans (Department of Planning & Environment 2016) and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning & Environment 2016).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Other matters:

1. Plan-making delegation should be given to Council.
2. The Secretary should agree that the proposal's inconsistency with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 2.3 Heritage Conservation is of minor significance.

Supporting Reasons : Per this report

**Amendment to Maitland LEP 2011 - Housekeeping (remove flood restrictions in Thornton,
correct labelling errors, update a property description, align zone and lot boundaries)**

Signature:



Printed Name:

BEN HOCMES

Date:

5/4/17

