

10.4 THORNTON NORTH URBAN RELEASE AREA - MINOR ZONING ANOMALIES - VARIOUS SITES

FILE NO:	RZ 15/004
ATTACHMENTS:	1. Locality Plans 2. Planning Proposal
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
AUTHOR:	Steve Daniels - Strategic Planner
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.1 To encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

EXECUTIVE SUMMARY

The rezoning of land and a subsequent subdivision usually occurs at different times. It is uncommon to have the detailed design of the subdivision and engineering plans at the time of rezoning land. It is also common to employ minor regrading work to achieve a practical development outcome particularly where the periphery of the site is affected by flooding. For these reasons, it is common to have minor variations between the approved zone boundary and the registered cadastral boundaries. It is possible that the extent of these variations can result a lot containing a split zone or, a lot within a non-residential zone. This has implications for the permissibility of land use such as housing.

Differences between land use zones and registered cadastral boundaries have occurred in several locations in the Thornton North Urban Release Area. The attached planning proposal seeks to correct these anomalies through minor amendments to zone boundaries.

OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forwards the attached planning proposal to the Minister for Planning requesting a gateway determination.**
- 2. Council undertakes community consultation in accordance with the gateway determination.**

THORNTON NORTH URBAN RELEASE AREA - MINOR ZONING ANOMALIES - VARIOUS SITES (Cont.)

3. **If no submissions are received during the exhibition period, a request is sent to the Minister for Planning to make the amendment in accordance with s59 of the Environmental Planning and Assessment Act 1979.**
4. **If submissions are received during the exhibition period a report is presented back to Council for consideration.**

REPORT

The attached planning proposal is the result of minor zoning anomalies occurring between the approved Local Environmental Plan (LEP) and the approved subdivisions in the Thornton North Urban Release Area. In this instance an amendment to the Maitland LEP 2011 is required to:

- (i) accommodate the intended land use;
- (ii) reflect changes to the extent of flood planning constraints as a result of regrading works on the subject lands; and
- (iii) reflect the approved subdivision cadastre where appropriate.

The zoning anomalies occur at the periphery of the Thornton North Urban Release Area, where the R1 General Residential zone boundary meets the boundary of the RU2 Rural Landscape zone. Specifically, the zone boundary anomalies have occurred where the registered subdivision design has made a minor encroachment into the existing RU2 Rural Landscape zone, and where associated regrading works have reshaped the subject lands in such a way that site-specific flood planning constraints have been altered. The proposal does not place any of the approved allotments below the adopted flood level for the area. Finished ground levels have been verified by civil engineer design construction diagrams and site surveys.

The anomalies were identified when the approved subdivision plans were overlaid onto the zoning map, and it became apparent that some lots on the periphery of the subdivisions have zone descriptions that include rural zones. This description does not reflect the intended and approved use and it has implications for the permissibility of future land uses.

An amendment to the Maitland LEP is required to address these anomalies.

The attached Planning Proposal identifies (12) separate items across the Thornton North Urban Release Area (URA) where variations to zone boundaries is required. Each item and affected land is separately addressed in detail in the attached Planning Proposal.

CONCLUSION

The proposed LEP amendment will ensure the efficient development of land for urban purposes is fully realized for the Thornton North URA. And further, delays in

THORNTON NORTH URBAN RELEASE AREA - MINOR ZONING ANOMALIES - VARIOUS SITES (Cont.)

the delivery of housing on the subject lots do not occur. This is considered a minor, administrative amendment to the LEP.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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