

**10.5 PLANNING PROPOSAL TO REZONE LAND (IN PART) AT ANAMBAH ROAD, ANAMBAH DESCRIBED AS LOT 74 DP622205
APPLICANT: HARDIE HOLDING PTY LTD
OWNER: HARDIE ANAMBAH PTY LTD**

File No:	RZ11/003
Attachments:	1. Re-exhibited Proposal 2. Alternative Proposal with Indicative Lot Layout 3. Final Planning Proposal
Responsible Officer:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
Author:	Rob Corken - Strategic Town 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

At its 29 October 2014 meeting, Council resolved to re-exhibit the planning proposal to rezone land at Anambah Road, Anambah. The re-exhibition was required because Council's officers recommended a zoning plan that was substantially different from that previously exhibited.

One submission was received during the exhibition period. That submission was from the proponent. The submission proposes a further, alternative zoning layout and lot size plan to address the issues resulting from the proximity of those lots to the Rutherford Aerodrome.

The submission proposes an additional two lots, each with a minimum lot size of 7 hectares and building envelopes outside the flight path.

OFFICER'S RECOMMENDATION

THAT

- 1. Council support the alternative zone plan and minimum lot size plan proposed by the proponent.**
- 2. Council request the Minister to make the local environmental plan in accordance with s59 of the Environmental Planning and Assessment Act 1979.**

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REPORT**BACKGROUND**

In January 2012, Council received a planning proposal to rezone 18Ha of land at Anambah Road, Anambah to R5 Rural Residential. The proposal included an indicative subdivision plan that showed a 31 lot subdivision. Following the preliminary assessment, the proposal was amended and was exhibited in August 2013. That exhibition attracted five submissions, including one from the Royal Newcastle Aero Club (RNAC). The RNAC raised concerns about the impact of the development on existing and future operations of the aerodrome as part of the area nominated for residential development is under the flight path of runway 18/36.

At its 28 October 2014 meeting, Council considered an amended plan that excluded development from under the flight path and reduced the area to approximately 3.5Ha and the lot yield to five lots (attachment 1). At that meeting Council resolved to re-exhibit the proposal and to return to the Council if submissions were received.

A submission was received from the proponent who proposes a further alternative zone layout with an indicative lot layout (attachment 2). The alternative plan seeks to extend the E4 Environmental Management zone to achieve two additional lots. The two lots will have a minimum lot size of 7ha and building envelopes outside the flight path and the area affected by noise. This will be formalised by an 88B instrument at the subdivision stage.

There is merit in the alternative plan as:

- There will be no development under the flight path.
- There will be no requirement for noise attenuation of the additional residential buildings to meet the requirements of AS2021-2000.
- The proposal secures the lots in private ownership and removes any future expectation to subdivide the lots.
- Most exempt and complying development is excluded on an E4 Environmental Living zoned lot. Therefore, any ancillary buildings such as rural sheds will require consent.

CONCLUSION

The revised proposal provided by the proponent addresses the issues that arose from previous proposals. The lots will remain affected by noise but the building envelopes are outside the area that requires attenuation to meet the requirements of AS2021-2000. The building envelopes are outside the flight path. The risk to safety is minimised by the reduced yield, the large lot size and the location of the flight path at the rear of the proposed lots. The OLS will be further protected because any ancillary buildings (i.e. rural sheds) on the lots will require development approval.

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The imposition of the 7ha minimum lot size eliminates the potential for further subdivision.

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.

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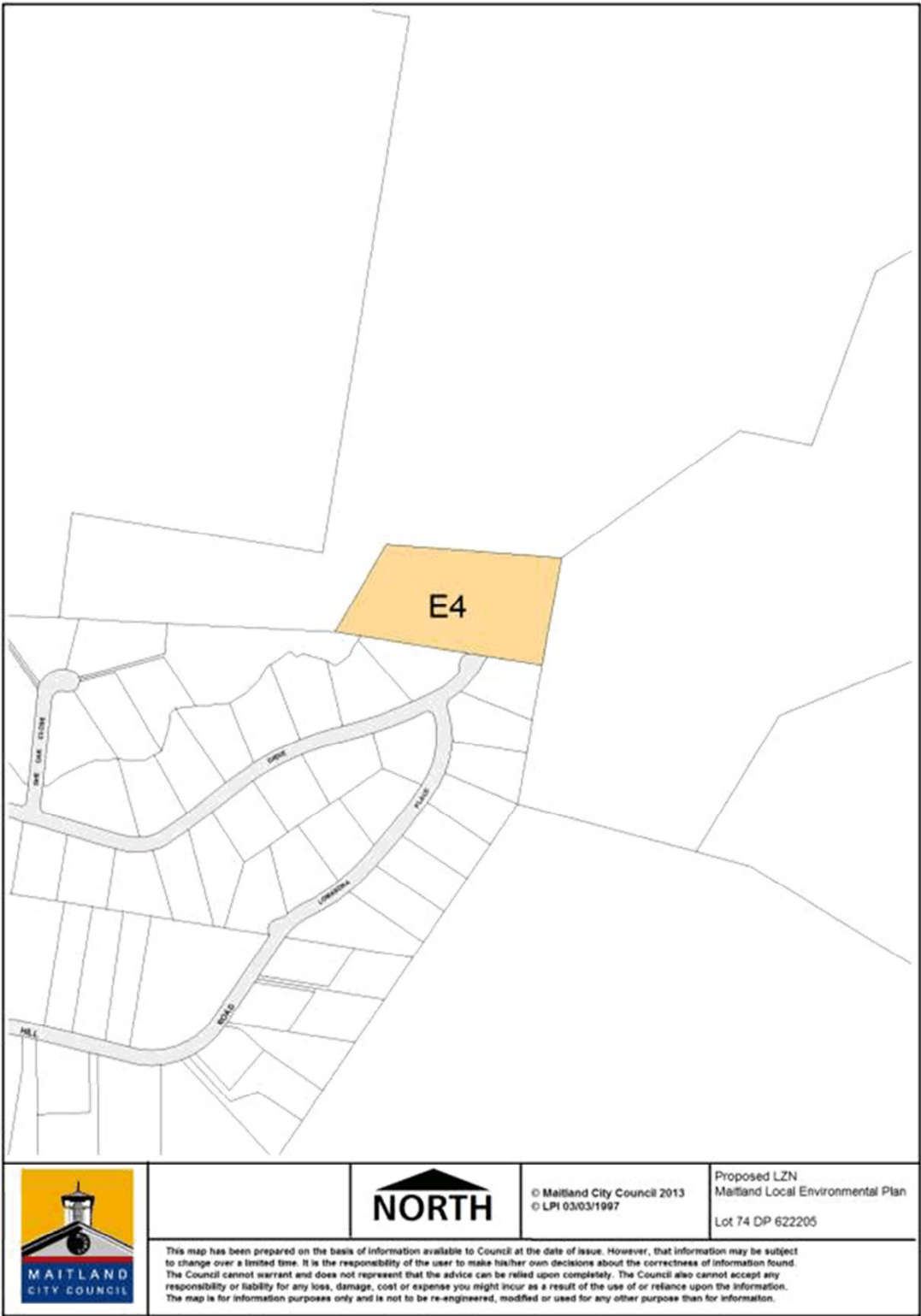
Re-exhibited Proposal

Meeting Date: 10 February 2015

Attachment No: 1

Number of Pages: 1

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Alternative Proposal with Indicative Lot Layout

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"WINDELLA WATERS" - ANAMBAH
PROPOSED ZONE PLAN

OCTOBER 2014

