

10.8 REZONING OF SHARKEY'S LANE EXTENSION SITE, SHARKEY'S LANE, LORN

File No:	RZ13005
Attachments:	1. Locality Plan 2. Planning Proposal
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
Author:	Josh Ford - Strategic Town Planner
Maitland +10	Outcome 7. Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

A draft planning proposal has been prepared for land known as the Sharkey's Lane Extension Site, which comprises Lots 1-9 DP37749 Sharkey's Lane and Glenarvon Road, Lorn. The planning proposal involves rezoning the flood free portions of the subject residual rural allotments from RU1 Primary Production zone to R1 General Residential zone under the Maitland Local Environmental Plan 2011. The planning proposal is annexed to this report as Attachment 1.

Following consideration of a submission received during the exhibition of the recently adopted Maitland Urban Settlement Strategy (MUSS) 2012, the subject land was identified in the MUSS 2012 as an "extension site" under the provisions of "urban extension development" eligibility criteria. That is, (i) the land is a site adjoining an urban area, (ii) is less than 15 hectares and (iii) will not yield greater than 50 residential lots. The subject land can therefore be considered for rezoning to urban purposes.

It should be noted that the current zoning is largely a product of the flood history of the site, however, the 2010 flood study mapping identified revised flood levels for land throughout the Maitland LGA. Part of the site is now mapped as above the 1% AEP flood level for the site (RL7.5AHD), meaning that Council can consider rezoning part of the site for urban residential purposes. Furthermore, Council has recently approved a Development Application (DA 13-38) for Dual Occupancies and associated earthworks over part of the subject land. The approval of this DA effectively signalled that a rezoning for urban purposes could be considered on these residual rural allotments in the future, given that the current shape and size of these allotments fails to adequately meet the zone objectives of the RU1 Primary Production zone.

The purpose of this report is to seek endorsement from Council to request a Gateway Determination from the Department of Planning & Infrastructure, which would enable the planning proposal to be exhibited for public comment.

OFFICER'S RECOMMENDATION**THAT**

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lots 1-9 DP37749 Sharkey's Lane & Glenarvon Road, Lorn be submitted to the Department of Planning & Infrastructure for a Gateway Determination.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.**

PROCEEDINGS IN BRIEF

A motion was moved:

THAT Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lots 1-9 DP37749 Sharkey's Lane & Glenarvon Road, Lorn be deferred to January 2014, pending a site inspection and briefing to councillors.

Moved Clr L Baker, Seconded Clr B Geoghegan

An amendment was moved:

THAT

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lots 1-9 DP37749 Sharkey's Lane & Glenarvon Road, Lorn be submitted to the Department of Planning & Infrastructure for a Gateway Determination.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.**

Moved Clr B Burke, Seconded Clr P Penfold

The amendment when put to the meeting was declared carried.

The amendment became the motion and was then put to the meeting and declared carried.

COUNCIL RESOLUTION**THAT**

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lots 1-9 DP37749 Sharkey's Lane & Glenarvon Road, Lorn be submitted to the Department of Planning & Infrastructure for a Gateway Determination.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and**

to provide details of any submissions received throughout that process.

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

The division resulted in 11 for and 2 against, as follows:

For:	Clr R Aitchison	Against:	Clr L Baker
	Clr P Blackmore		Clr B Geoghegan
	Clr B Burke		
	Clr P Garnham		
	Clr A Humphery		
	Clr H Meskauskas		
	Clr N Penfold		
	Clr P Penfold		
	Clr S Procter		
	Clr K Wethered		
	Clr B Whiting		