

Rezone rural land to residential land at Aberglasslyn Rd, Aberglasslyn

Proposal Title : **Rezone rural land to residential land at Aberglasslyn Rd, Aberglasslyn**

Proposal Summary : **The proposal would rezone part of lot 1 DP 5777474, being 149 Aberglasslyn Road, Aberglasslyn, from RU2 Rural Landscape to R1 General Residential. The minimum lot size of the land to be rezoned would be changed from 40 ha to 450 sq.m.**

The proposal would also introduce a local clause that would allow for the subdivision of lots that are split zoned and do not satisfy the minimum lot size (4.1A of the Maitland LEP 2011), across the LGA.

PP Number : **PP_2013_MAITL_001_00**

Dop File No : **13/08104**

Planning Team Recommendation

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

S.117 directions : **1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

Additional Information : **The following conditions are recommended so that the PP may proceed:**

- Update the 'Explanation of Provisions' section of the PP by nominating the zones that are to be affected by the proposed local clause.
- Amend the locality map so that the 'site' marked on the map corresponds with the land to be rezoned.
- Consult with DPI (Agriculture) regarding Council's intention to rezone the land and the proposed local clause, and update Council's s117 direction assessment for directions 1.2 and 1.5 following receipt of its comments.
- Depending on the zones nominated by Council for inclusion in the proposed local clause, Council may need to consult with other agencies such as OEH for environmental zones. Council should update its s117 direction consistency assessment accordingly taking into account any comments made.
- 6 month completion timeframe.
- 14 day community consultation period.
- No public hearing.

It is recommended that the Gateway delegate plan-making functions to Council for this PP because the matter is of local significance.

It is recommended that the DG's delegate agree that the PP's inconsistency with s117 directions 4.1 Acid Sulfate Soils and 5.1 Implementation of Regional Strategies is of minor significance.

Supporting Reasons : **The Gateway letter could suggest that the Regional Team could assist Council by reviewing the revised PP prior to exhibition if desired by Council.**

Panel Recommendation

Rezone rural land to residential land at Aberglasslyn Rd, Aberglasslyn

Recommendation Date : **31-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to split the planning proposal into two separate amendments. PP_2013_MAITL_001_00, the proposal subject to this Gateway determination, is to reflect the amendment to the zoning and minimum lot size for land at Aberglasslyn. PP_2013_MAITL_002_00 is to reflect the proposed provision to allow the subdivision of split-zoned lots that do not satisfy the minimum lot size.

2. Prior to undertaking public exhibition, Council is to update the 'Location Map' within Appendix 1 of the planning proposal so that land identified as being the 'subject land' corresponds with the land subject to a change in the zoning and minimum lot size.

3. 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 LEPs (Department of Planning & Infrastructure 2013) 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 LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the Department of Primary Industries – Agriculture (DPI) under section 56(2)(d) of the EP&A Act. DPI is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council is to update its consideration of S117 Directions 1.2 Rural Zones and 1.5 Rural Lands following its consultation with DPI.

5. 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).

6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabina Miller

Date:

5.6.13