

- 10.1 PLANNING PROPOSAL TO REZONE PART OF LAND AT 149 ABERGLASSLYN ROAD, ABERGLASSLYN DESCRIBED AS LOT 1 DP577474 FROM RU2 RURAL LANDSCAPE TO R1 GENERAL RESIDENTIAL**
APPLICANT: DE WITT CONSULTING
OWNER: RUTH LIDDELL

File No: RZ12/003

Attachments: 1. Location Plan
2. Planning Proposal

Responsible Officer: Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle
Ian Shillington - Manager Urban Growth

Author: Rob Corken - Strategic Town Planner

Maitland +10 Outcome 9. Our local rivers and floodplains

Council Objective: 9.2.1 To increase activity and utilisation of the floodplain, consistent with the flood risk

EXECUTIVE SUMMARY

At its meeting on the 23 April 2013, Council resolved to endorse a planning proposal to rezone part of land at 149 Aberglasslyn Road, Aberglasslyn and described as Lot 1 DP577474 from RU2 Rural Landscape to R1 General Residential.

The exhibition has been undertaken and minor changes to the proposal have been made. The local environment plan amendment is considered ready to be made. Council has been delegated the authority to exercise the functions of the Minister for Planning under section 59 of the Environmental Planning and Assessment Act 1979.

OFFICER'S RECOMMENDATION

THAT

- 1. Council, pursuant to Section 59 of the Environmental Planning and Assessment Act, make the Draft Local Environmental Plan to rezone part of Lot 1 DP577474 in accordance with the attached planning proposal.**

REPORT

The subject land has a total area of 12.2ha. It fronts Aberglasslyn Rd and the North Coast Railway runs along the site's eastern boundary. A location plan is attached to this report. In June 2007, 4.5ha of the 12.2ha site was rezoned for residential purposes.

The landowner has submitted a planning proposal to rezone an additional area of approximately 4100m² from RU2 Rural Landscape to R1 General Residential and to reduce the minimum lot size of that area to 450m². Approximately 2070m² of the proposed residential area is inundated in a 1% AEP flood event. Usually this would

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preclude the area from being rezoned. However, in this instance there are merits in considering an alternative solution. These are listed below:

- The non-linear nature of the flood level has created a flood free area that, if subdivided would yield lots that were inappropriately dimensioned and inconsistent with the established, surrounding area.
- The area affected by flooding is categorised as flood fringe. The small amount of fill required (1100m³) is unlikely to have a significant impact on flooding.
- A new road is approved along the southern boundary of the site. Filling will be required to construct this road and will significantly alter the landform in this location.
- The western side of this section of Aberglasslyn Road has not been upgraded. The subdivision of these lots will contribute to the upgrading of this section of road.

The initial proposal that was sent to Planning and Infrastructure, sought to introduce a mechanism to the LEP to facilitate this particular development by allowing a small area of rural zoned land to be attached to the proposed residential area. This would result in a split-zoned lot. On receipt of the proposal the Department determined that the split-zone issue was to be treated separately and issued a second gateway determination specifically for that issue. Despite it being originally intended to address the split-zone issue at this location, the split-zone mechanisms now proposed will not enable development in this circumstance.

In this instance it is recommended that the Council and the Department support some minor filling at the rear of the lots and then to rezone the proposed lot footprint to R1 General Residential.

The proponent has provided a proposed subdivision plan that illustrates 6 residential lots and a residual rural lot. The plan illustrates that the area to be filled is approximately 2070m² and the volume of fill required is approximately 1100m³.

The viability of the site for rural purposes has been diminished because of the encroachment of residential development that now surrounds the site. Deriving these few residential lots makes reasonable use of the land and it will contribute to the upgrade of Aberglasslyn Road in this location. Maximising yield in existing urban areas is consistent with the Maitland Urban Settlement Strategy and assists in reducing Maitland's sprawl.

One submission was received during the exhibition period. This submission was in support of the proposal.

All conditions of the gateway determination have been met.

CONCLUSION

The local environment plan amendment is considered ready to be made. Council has been delegated the authority to exercise the functions of the Minister for

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Planning under section 59 of the Environmental Planning and Assessment Act 1979.
The next step is to send a request to the Department of Planning and Environment to
finalise the amendment.

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.

10.3 EXHIBITION OF DRAFT PLAN OF MANAGEMENT AND MASTERPLAN FOR CORONATION OVAL SPORTING COMPLEX

File No:	P34725
Attachments:	1. Draft Coronation Oval Sporting Complex Plan of Management and Masterplan
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Lynn Morton - Manager Community and Recreation Services
Author:	Amanda McMahon - Acting Recreation Planning Coordinator
Maitland +10	Outcome 2. Community and recreation services and facilities
Council Objective:	2.1.1 To provide a broad range of active and passive recreation services and community facilities that meet the needs of the growing community

EXECUTIVE SUMMARY

Council Officers, in partnership with Moir Landscape Architecture, have prepared a draft Plan of Management (PoM) and its accompanying draft Masterplan for Coronation Oval Sporting Complex in accordance with the requirements of the Local Government Act 1993. A copy of the draft PoM and Masterplan is provided as Attachment 1.

The development of the PoM and Masterplan has involved an extensive consultative process with sporting clubs, recreation committees and the general community.

This report recommends exhibition of the draft documents in accordance with the requirements of the Local Government Act 1993. Following a review of public submissions, a further report will be prepared for Council, with a view to adoption.

OFFICER'S RECOMMENDATION**THAT**

- 1. Council authorise public notice of the draft Plan of Management and draft Masterplan for Coronation Oval Sporting Complex (Attachment 1 to this report), in accordance with the requirements of the Local Government Act (1993)**
- 2. A further report be presented to Council detailing any matters raised during the public exhibition period.**

2. The draft Works in Kind Agreement as presented to Council in this report be approved and the Common Seal of the Council of the City of Maitland be affixed to the document.

COUNCIL RESOLUTION

THAT

1. Council accept Insurance Bonds as security for the works included in the draft Works in Kind Agreement.
2. The draft Works in Kind Agreement as presented to Council in this report be approved and the Common Seal of the Council of the City of Maitland be affixed to the document.

Moved Cllr N Penfold, Seconded Cllr A Humphery

CARRIED

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

The division resulted in 13 for and 0 against, as follows:

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