

Maitland LEP 2011 – Ryans Road Gillieston Heights

Proposal Title : **Maitland LEP 2011 – Ryans Road Gillieston Heights**

Proposal Summary : **The planning proposal seeks to rezone part of the site from RU2 Rural Landscape to R1 General Residential to create 40 – 50 residential lots.**

PP Number : **PP_2013_MAITL_009_00** Dop File No : **13/19618**

Proposal Details

Date Proposal Lodged with DOP : **28-Nov-2013** Date Proposal Uploaded to Public Website : **17-Dec-2013**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **NSW Aboriginal Land Council
Office of Environment and Heritage
NSW Department of Primary Industries
- Minerals and Petroleum
Hunter Water Corporation
Mine Subsidence Board
NSW Rural Fire Service
Transport for NSW - Roads and
Maritime Services
Telstra**

Gateway Determination

Decision Date : **18-Dec-2013** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **25-Dec-2014**

Implementation

Implementation Start Date : **25-Dec-2013** Exhibition Duration : **17**

Agency consultation consistent with recommendation : **Yes**

If No, comment :

Agency Objections : **No**

If Yes, comment :

Documentation consistent with Gateway : **Yes**

If No, comment : **Council resolved not to accept the Minister's plan making delegations for this amendment.**

The amendment will rezone the subject land from RU2 Rural Landscape to R1 General Residential to permit approximately 40-50 dwellings. The associated minimum lot size map will be amended from 40 ha to 450m². The site will also be identified as an Urban Release Area.

Consultation

The Planning Proposal was exhibited in accordance with the Gateway Determination for a total of 14 days, from 22 January 2014 to 7 February 2014. Two community submissions were received which raised three main issues.

Council considered the issues as follows:

1. Visual impact of the development/effect of development on the character of the neighbourhood.

The submissions claim that the development is out of scale and character with the existing housing (assumed lot size is too small).

Council considered that the development is part of the Gillieston Heights Growth Area as identified in the Maitland Urban Settlement Strategy and not semi-rural. Council considered the lot sizes are appropriate as they have been proposed based on site constraints, with the 1500m² minimum lot size reflecting the minimal site constraints and rural residential amenity of the area.

2.Traffic

The submissions are concerned current traffic infrastructure is not adequate.

Council has adequately considered the submissions and determined the traffic issues raised will be assessed during the development assessment stage.

3.Loss of Property Value

The submitters are concerned about the loss of views and property values.

Council has determined that information in relation to the development of the subject land would have been available when the submitters purchased their land. Council considered that the developer of the submitters properties is the same for this proposal and would have been aware of future plans for the subject land.

Council adequately addressed the issues within the planning proposal.

Consultation with Public Authorities

Consultation was required by the Gateway Determination with the following agencies:

Roads and Maritime Service

Mine Subsidence Board

NSW Rural Fire Service

Department of Trade and Investment, Regional Infrastructure & Services Division
of Resources of Energy - Mineral

Office of Environment and Heritage

Energy Australia

Hunter Water

Mindaribba Local Aboriginal Land Council

The above agencies did not raise any objections to the Planning Proposal.

S117 Directions and State Policies

The Gateway Determination dated 18 December 2013 advised that the planning proposal's inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance and no further approval would be required in relation to these directions.

The following s117 Directions remain relevant;

4.2 Mine Subsidence and Unstable land

The Mine Subsidence Board was consulted on the proposal and does not have any objection to the scale, density and type of development that will be permissible.

4.4 Planning for Bushfire Protection

The planning proposal is consistent with Direction 4.4 as consultation occurred with the NSW Rural Fire Service and no objection was raised.

5.1 Implementation of Regional Strategies

The site is not specifically identified within the Lower Hunter Regional Strategy 2006 (LHRS). Within the LHRS Maitland is to provide 1300 new dwellings under the LHRS and this site contributes to the greenfield portion of this allocation. Gillieston Heights is identified as an existing urban area and the subject site immediately adjoins to the west of this area.

The Maitland Urban Settlement Strategy 2008 was endorsed by the Director General. Large areas around Gillieston Heights were identified as Category 1 – Residential. However the subject site was not included in the 2008 edition. The MUSS was updated to include the subject site among other amendments which formed the 2012 edition. The 2012 edition has not been endorsed by the Director General but adopted by Council.

This planning proposal has been considered as minor by the LEP Review Panel.

Make the Plan

A PC Opinion was issued on 17 October 2014. Council was consulted in accordance with s59(1) and accepted the drafting of the instrument.

LEP Assessment

Date Received from RPA : **25-Jun-2014**

LEP Determination

Date Publish Notification

Date sent to Parliamentary Council to Draft LEP : **15-Sep-2014**

Determination Date :

Determination Decision :

Notification Date :